

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY,  
AT BAY MINETTE.

TO THE HONORABLE ARTHUR E. GAMBLE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY:

The Bill of Complaint of TILLIE P. HERDRICH against  
FREDERICK H. HERDRICH shows unto your Honor as follows:

1st That both parties are residents of the County  
of Baldwin, State of Alabama, and are over the age of twenty-  
one years.

2nd. That the parties hereto were married in the City  
of Mobile, Alabama on February 7th, 1917 and have since that time  
and up to April 20th, 1917 resided together as husband and  
wife at or near the Town of Fairhope, Alabama.

3rd. That on the 20th day of April, the defendant, Fred-  
erick H. Herdrich, committed violence on the person of your  
oratrix by striking her in the face with his fist, blackening  
both of her eyes, one after the other, and threatened her with  
even greater violence and in such manner as to endanger her  
life and health. That defendant had on a previous occasion  
struck her with his fist but not in as violent a manner as just  
above stated. That, from his conduct, and threats, oratrix believes  
that to live with him longer would be to run the risk of greater  
violence and endanger her life.

4th. That oratrix is without means of her own wherewith  
to provide for her support and maintenance during the pendency  
of this suit or with which to pay counsel, while defendant is a  
man of ample means, owning property in this and in other states.

WHEREFORE, oratrix prays that a writ of subpoena may issue  
to the said Frederick H. Herdrich, making him a party defendant  
hereto, and commanding him to appear and answer this bill of  
complaint within the time required by law, and that, upon the  
hearing of this cause, your Honor will make a decree annulling  
said marriage, permitting oratrix to re-marry should she see

TILLIE P. HERDRICH :  
VS : IN THE CIRCUIT COURT OF BALDWIN COUNTY  
FREDERICK H. HERDRICH : IN EQUITY

Depositions of witnesses on behalf of respondent, said witnesses having first been duly sworn to speak the truth, the whole truth and nothing but the truth, do testify and depose as follows:

AMY WILSON

Q. What is your name ?

A. My name is Amy Wilson.

Q. Were you working at the Herdrichs at the time that Mr. and Mrs. Herdrich had the difficulty ?

A. Yes sir.

Q. Do you remember about when that was ?

A. It was on a Tuesday.

Q. About how long ago has it been ?

A. About a month ago

Q. Where did it happen?

A. It was in the dining room.

Q. Who was there at the time?

A. There wasn't anybody but me and Margaret and Mrs. Herdrich's mamma and Mr. and Mrs. Herdrich.

Q. Who is Margaret ?

A. Mr. Herdrich's little girl.

Q. Just tell how it happened.

A. The way it was Margaret came in and wanted a rubber sewed on her hat, and Mrs. Herdrich told her to wait a few minutes until she finished her breakfast, and she would put it on, and Margaret went to crying. Mrs. Herdrich's mamma said that Tillie never did get to eat a hot breakfast in the morning. Mr. Herdrich walked in and asked what was the matter that Margaret was crying. He said that it was time that old hag was getting out of his house, and Mrs. Herdrich hauled off and hit him right over the eye, and then her mamma come in and taken a chair and drawed the chair back at him. Mr. Herdrich then hit Mrs. Herdrich twice right quick.

Mr. Herdrich took the chair away from Mrs. Herdrich's mamma and set it back.

Q. Did Mr. Herdrich hit Mrs. Herdrich any more after that.

A. No sir. He didn't hit her but twice.

Q. Did you see him hit the old lady, or not ?

A. I did not see him hit the old lady.

Q. Did you see him get the broom then.

A. He got the broom, and Mrs. Herdrich grabbed his arm and was going to bite his arm.

Q. What did he do with the broom ?

A. He put the broom back upside the house where it was.

Q. Before that how long had you been working there ?

A. I had been working there about three weeks.

Q. During that three weeks, and before that day, how did Mr. Herdrich treat Mrs. Herdrich ?

A. He treated her nice.

Q. How did they get along together ?

A. They got along fine.

Q. You say that this old lady said something about Mrs. Herdrich not getting a hot breakfast in the house. Was that so ?

A. No sir. We fixed breakfast every morning.

Q. Who cooked the breakfast ?

A. I helped Mrs. Herdrich cook the breakfast ?

Q. Did Mrs. Herdrich have hot breakfast, or not ?

A. Yes, she had it. She would get around until it got cold.

Q. How many children did Mr. Herdrich have ?

A. He had five.

Q. Are they all little or big children.

A. Some big and some little.

Q. About how old is the largest one ?

A. About eight years old.

Q. Is it a boy or girl ?

A. Girl.

Q. Are the other four children smaller than she is ?

A. Yes sir.

Q. How did Mrs. Herdrich treat those children ?

A. She treated them pretty bad.

Q. What did she do to them ?

A. She would take and tie their hands and feet and whip them and put them in a closet.

Q. Was it a light closet or a dark one ?

A. It was a dark one ?

Q. Which one of the children did she tie their hands and feet and put them in the closet ?

A. Margaret and Alan.

Q. How old is Alan ?

A. About six years old.

Q. When she tied their hands and feet and put them in the closet, was Mr. Herdrich at home ?

A. No sir.

Q. Where was he ?

A. He was gone to town.

Q. What were the children doing when she tied their hands and feet and put them in the closet ?

A. They were out in the yard playing.

Q. Were they making a noise out there ? What made her do that ?

A. They had some tools or something, and were fixing a hand plough with them.

Q. What did she say to them ?

A. She told them to put them up, and they did not put them up, but told her they would put them up when they got through with them, and they put them up, and she called them and whipped them.

Q. How did Mr. Herdrich act towards his children ?

A. He acted fine towards his children. He said he was not going to let anybody run over his children. He was good to his children.

Q. How did Mrs. Herdrich's mother act around the house ?

Complainant objects to the question as calling for irrelevant and immaterial evidence.

A. She acted fussy all of the time.

Q. Amy, during that trouble between Mr. Herdrich and his wife, did you hear him threaten to kill her ?

A. I did not.

Cross-Examination by Mr. Rickarby, Solicitor for Complainant.

Q. Amy, you are still working for Mr. Herdrich, are you not ?

A. Yes, sir.

Q. How old are you ?

A. Sixteen.

Q. Are those good children, or are they pretty bad and spoiled ?

A. They are good children. They are good to me. I don't ever have to have a cross word with them.

Q. Does not when Mr. Herdrich whips them use a buggy whip on them ?

A. No sir, I never saw him do that.

Q. The time that you say Mrs. Herdrich whipped these two little ones and put them in a closet, how long did she keep them there ?

A. She kept them there about a half an hour or something like that.

Q. She had told them to leave something belonging to Mr. Herdrich alone, and they gave her some slack talk, and said they would put them up when they got ready, didn't they ?

A. They said they would put them up as soon as they got through with them.

Q. What did she whip them with ?

A. With a switch. She tied their feet and hands and whipped them.

Q. Well, now, coming back to that fight, when Mr. Herdrich came in, what was it he said about getting rid of that old hag ?

A. He said it was about time that old hag was getting out of his house.

Q. Did he start to hit Mrs. Herdrich ?

A. No, Mrs. Herdrich hit him first.

Q. Did he knock her down ?

A. No sir.

Q. Did he knock her reeling ?

A. No sir.

Q. Were Mrs. Herdrich's eyes blackened, and were there not big bumps over Mrs. Herdrich's eyes after he hit her ?

A. There was just a little spot. I did not see any black eyes.

Q. Never did see any black eyes ?

A. No sir.

Q. Did you ever hear him swear at Mrs. Herdrich ?

A. I never did hear him swear at her.

Q. Did he not swear at her that morning ?

A. No sir, I never heard him.

Q. Was not she fixing to get the needle and thread to sew that rubber on the little girl's hat when he commenced fussing with the old lady ?

A. She was sitting down, and told him to wait a few minutes until she finished her breakfast. Margaret was crying because she was afraid Mr. Herdrich was going to town and leave her. Mrs. Herdrich slapped Margaret because she was crying.

Q. Did you see him get the broom.

A. I saw him get the broom.

Q. When did he get the broom, after he hit her with his fist or before ?

A. After he hit her.

Q. What did Mr. Herdrich tell you about coming here to testify in this case ?

A. He just told me to come as a witness.

Re-Direct Examination by Mr. Mitchell

Q. Amy, did Mrs. Herdrich sew that rubber band on Margaret's hat ?

A. No sir, I sewed it on.

MARGARET HERDRICH

Q. Margaret, how old are you ?

A. Six years old.

Q. Do you know about God, or not ?

A. Yes sir.

Q. Do you know what happens to little girls when they tell stories ?

A. Yes. They go down to the bad place.

Q. Do you know what happens to little girls when they tell the truth.

A. They go up in Heaven.

Q. Margaret, was you there when your Papa and Mamma had a fuss at Fairhope ?

A. Yes.

Q. What was that about, Margaret ? How did it happen ?

A. I wanted a band sewed on my hat, and I began to cry because I wanted a rubber sewed on my hat.

Q. Who did you ask to sew it on ?

A. Mamma.

Q. Did she sew it on ?

A. No.

Q. What did she tell you when you asked her to sew the band on your hat ?

A. She said she didn't have time.

Q. Did your Papa come in then, or not ?

A. Yes, he come in then.

Q. What did he say, if anything ?

A. He said, 'Get out of here you old hag.'

Q. Who was he talking to ?

A. My Mamma's mamma.

Q. When he told her that, what happened then ?

A. She hit him.

Q. Who hit him.

A. Mamma.

Q. Was that over the eye ?

A. Yes.

Q. Did the old lady do anything then ? If so, what did she do ?

A. She took a chair.

Q. What chair was that ?

A. Ralph's chair.

Q. Is that the baby's chair ?

A. Yes.

Q. What did she do when she took the chair.

A. She was going to throw it at Papa?

Q. What did your Papa do then ?

A. He hit the old one

Q. What else did he do ?

A. He hit the other one.

Q. Is that your Mamma ?

A. Yes.

Q. Margaret, before that how did your Mamma treat you and the other children ?

A. She treated us bad.

Q. What did she do to you and the other children ?

A. She tied our hands and feet and put us in a closet.

Q. Who did she put in the closet ?

A. All of us.

Q. Which ones ?

A. Harold and Alan and Ralph and Ruth and me.

Q. Did she do that once or more than once ?

A. Just once.

Q. How did your Papa treat you all ?

A. Alright.

Cross-Examination by Mr. Rickarby, Solicitor for Complainant

Q. Did your Mamma's face all swell up after your father hit her, and her eyes get black ?

A. No sir.

Q. That morning when you came in and asked your Mamma to fix the rubber on your hat, did she not say 'Wait until I get through with my breakfast'?

A. Yes.



Q. Q. You cried because you thought your Papa was going off to town and leave you, did you not ?

A. Yes sir.

Q. And then your Papa came into the room and called the old lady names, didn't he ?

A. Yes.

Q. And then didn't your Mamma tell him to stop and that was when he hit her ?

A. Yes

Q. He hit her in the face two or three times with his fist, didn't he ?

A. No.

Q. Didn't he hit her with his fist ?

A. Yes.

Q. What did she do ? Did she cry ?

A. No.

Q. Did your Papa pick up a broom then, and look like he was going to hit your Mamma with it ?

A. Yes.

Q. Did she grab the broom ?

A. No.

Q. What did he do with the broom ?

A. He hit her with it.

Q. Which one did he hit ?

A. Mamma.

Q. And did she grab his hand and try to take it away from him ?

A. No.

Q. He just kept on hitting her with it.

A. Yes.

Q. The old lady picked up the chair and your Papa took the chair away from her, didn't he ?

A. No.

Q. What happened to the chair ?

A. She put it down again.

Q. Didn't you hear your Papa say something about he was

going to kill her ?

A. Yes.

Q. What did he say ?

A. He says, 'I'll kill you'.

Q. Was that after he hit her or before ?

A. After he hit her.

Respondent offers in evidence the letter from complainant to respondent, together with the envelope enclosing the letter, dated May 10th, 1917, said letter and envelope being marked Exhibit "A".

F. H. HERDRICH

Q. Mr. Herdrich, when did you first meet your present wife ?

A. On the 11th day of December, 1916.

Q. In Chicago, wasn't it ?

A. Yes.

Q. When were you married ?

A. On February 7th, 1917.

Q. In Mobile ?

A. Yes.

Q. Mr. Herdrich, when did Mrs. Herdrich's mother come to your home ?

A. She came down there about six weeks ago, or more.

Q. About how long had she been there when you and Mrs. Herdrich had this difficulty ?

A. About three or four weeks.

Q. Prior to the time that her mother came to your home, how did you and Mrs. Herdrich get along together ?

A. Fine.

Q. Did or not Mrs. Herdrich's mother interfere in any manner with the relationship between you and Mrs. Herdrich ?

Complainant objects to the question as calling for testimony irrelevant and immaterial.

A. She interfered with everything.

Q. Do you remember the day of the difficulty between you and Mrs. Herdrich ?

A. Not exactly; I think it was about the 20th of April.

Q. Prior to that time, Mr. Herdrich, had you or not mistreated her in any manner ?

A. No sir.

Q. Had you not on a previous occasion struck her with your fist in the chest ?

A. No.

Q. You and Mrs. Herdrich occupied the same room, didn't you ?

A. Yes.

Q. Only one bed in the room ?

A. Yes.

Q. Do you or not recall going to the bed one morning when she was in bed and saying something to her ?

A. How do you mean ? I don't understand your question.

Q. I asked if you remember going to her bed one morning and saying something to her.

A. I went there every morning and told her to get up and get breakfast.

Q. What time did you call her ?

A. I called her about half past five.

Q. Did you ever go to her bed and have an argument with her about two o'clock in the morning ?

A. Never.

Q. Whose place was it to cook the breakfast, Mr. Herdrich ?

A. Mrs. Herdrich's.

Q. At the particular time that she was speaking about you going in and calling her, did you strike her on the chest? If so, state the circumstances.

A. No. In feeding the hogs and cattle, I generally carry a stick with me, and when it was time to call her I would just tap her with the stick to wake her.

Q. Did you ever strike her with that stick or your fist while she was in bed.

A. No, never.

Q. Was that done in anger or good humor ?

A. Good humor. I used to call it a love tap.

Q. Did she ever take offense at that ?

A. No. Sometimes when it was a little too hard, she would say 'not so hard'.

Q. Did she say that pleasantly ?

A. Oh, yes.

Q. On or about April 20th, Mr. Herdrich, state as briefly as you can what took place between you and your wife.

A. I have to run to town most every day on account of my business, and the children generally like to accompany me. That particular morning it was windy and Margaret had her hat. I know she had a rubber band on it before, so I sent her in the house to have a rubber band put on it. After waiting for quite a while, I came to the house. Margaret stood on one side of the table. Her mother and herself were eating breakfast. I says to Margaret 'Why don't you come' ? Well, the rubber band is not sewed on. Saying that the old woman got up and mumbled 'Never had a warm meal in the house since I am down here.' That kind of provoked me, and I said to the old woman 'That is enough. You get out of my house you old hag.' While saying that, I received a blow from my wife on the left side of my face over the eye, and while she struck me the old lady grabbed a chair, and both run for me, and after they rushed for me, I struck my wife twice, and while doing that I landed onto the old one, and during that struggle my wife tried to grab my arms and bite me, and then I was about to go out and the broom happened to stand there, and I took hold of the broom to keep them off of me, and the old lady put the chair down. After I went out I heard my wife say "Let's pack up". I paid no attention to it, and went to town and attended to my business. I set the broom down and went about my business.

Q. Did you say you struck your wife twice ?

A. Yes.

Q. Was that right in succession ?

A. Yes.

Q. Where did you strike her ?

A. In the face somewhere. I had to defend myself.

Q. What were they doing when you struck them?

A. They were coming towards me. The minute my wife struck me, the old lady rushed onto me with a chair.

Q. Did your wife also rush towards you ?

A. Sure; certainly. She grabbed my hands and wanted to bite me.

Q. Did you strike or attempt to strike her before she struck you ?

A. No, sir, I had never struck her. I would have never struck her if it had not been necessary. I never struck a lady in my life.

Q. Did you knock her down or her mother either ?

A. No sir.

Q. Did they both leave your home that same day.

A. Yes; but not together.

Q. Did you receive that letter from her that was introduced in evidence just now ?

A. Yes sir.

Q. You received it about the time it was dated ?

A. Yes, about that time.

Q. Did you receive it through the mail, or not ?

A. Yes, through the mail.

Cross-Examination by Mr. Rickarby, Solicitor for Complainant

Q. Mr. Herdrich, on the morning that you were to take Margaret to town, had she had her breakfast ?

A. I don't know that.

Q. Had you had yours ?

A. Yes sir.

Q. The two blows that you struck Mrs. Herdrich in the eye, did you strike them both with a right hand swing, or was it a right and left hand swing ?

A. I think it was a right hand swing.

Q. And then the third blow you struck you missed her and hit the old lady in the face ?

A. I don't know exactly, but I struck her somewhere in the face.

Q. Are you a good strong and healthy man, or played out ?

A. Well, I will tell you. When my wife died I was sick three years. I wasn't worth two cents to the world and the world was not worth two cents to me, and I went to an institution in Chicago and was

there for three months, and they fixed me up, and when I married this woman I really was not physically in proper shape, because the doctor told me that I was not cured, but would be in a short time. That it would be about a year.

Q. Do you do work on your farm ?

A. Yes, I do now. I could not last year.

Q. How long since you were in that institution ?

A. I went there in September and came out sometime the latter part of December. At the time I met my wife I was still in the institution.

Q. You are able to chop wood on your place, are you not ?

A. Now I am. Yes.

Q. Well, now, what you did to Mrs. Herdrich was only what was right and proper in your opinion under circumstances ?

Question objected to by respondent, on the ground that it calls for the opinion of the witness, and not for facts.

A. I had to defend my body.

Q. Had she ever at any time shown any disposition to be savage before ?

A. Oh, yes.

Q. Had she ever attacked you on any previous occasion ?

A. No; not that I can remember.

Q. That letter you offer in evidence. What did you do in response to that ? Did you send any answer ?

A. Nothing.

Q. Was not Mrs. Herdrich's face swelled and her eyes blackened because of the blows you gave her ?

A. I never saw her after that.

Q. Mr. Herdrich, how long have you lived in this country ?

Respondent objects to this question as being immaterial and irrelevant.

A. Since 1869.

Q. You were born in Germany, were you not ?

Respondent objects to this question because it calls for immaterial and irrelevant evidence.

A. This is my country. It is immaterial where I was born. Germany is nothing to me. This is my country right here.

Q. Where were you born ?

Respondent objects to this question, on the ground that it calls for immaterial and irrelevant evidence.

A. I was born in Germany.

Q. Are you an American citizen ?

Respondent objects to this, on the ground that it calls for immaterial and irrelevant evidence.

A. Of course I am.

Q. Was your father ever naturalized, Mr. Herdrich ?

Respondent objects to this question, on the ground that it calls for immaterial and irrelevant evidence.

A. Of course he was. Certainly.

Re-Direct Examination by Mr. Mitchell

Without waiving any objection hereinabove interposed, respondent propounds to the witness the following questions:

Q. Mr. Herdrich, what year did you become a naturalized American citizen ?

A. In 1880.

Q. Did you take out your naturalization papers ?

A. Yes sir.

Q. In what court ?

A. Superior Court of Chicago.

Q. Who was the Judge of that court at that time ?

A. Judge Moran.

Q. Do you remember what year your father became a naturalized citizen ?

A. In 1876.

Q. Have you seen his naturalization papers, or not ?

A. I have not.

Gross-Examination by Mr. Rickarby Continued.

Q. How long have you been in the South, Mr. Herdrich ?

A. Off and on for three years. I came here the first time about fourteen years ago.

Q. Were you formerly in the saloon business in Chicago ?

Respondent objects to that question, on the ground that it calls for immaterial and irrelevant evidence.

A. Never was in the saloon business.

Q. What business were you in ?

Respondent objects to this question because it calls for immaterial and irrelevant evidence.

A. Wholesale, retail and mail order business in wines and liquors, but no saloon.

Respondent moves to strike separately and severally each of the answers to the questions severally above objected to, on the same ground of objection as interposed to the several questions.

ADAM SIEBEN

Q. What is your name ?

A. My name is Adam Sieben.

Q. Where did you formerly live ?

A. In Chicago.

Q. When did you leave Chicago ?

A. I left Chicago in 1903.

Q. Do you know Mr. F. H. Herdrich ?

A. Yes, I know him.

Q. How long have you been knowing him ?

A. To the best of my recollection, since 1879.

Q. Have you known him since he was living in Fairhope ?

A. Yes sir.

Q. What is your profession or vocation ?

A. I am a Civil Engineer. I have farmed for about five years. I have retired in the last few years.

Q. During the time that you have known Mr. Herdrich, have you known what his general reputation has been for being a peaceable, quiet and law abiding citizen ?

A. I have.

Q. What was that ?

A. His reputation was good.

Q. How many times has he been married ?

A. Three times, so far as I know.

Q. Did you know his first and second wives ?

A. I did.

Q. How often did you see Mr. Herdrich when you lived in Chicago ?



A. When he married the first time it was in the eighties, eighty four or five. I knew his first wife. I saw them on two occasions.

Q. Which one ?

A. His first wife.

Q. Did you see him and his second wife often, or not ?

A. Two or three times.

Q. What was the relationship between him and his first and second wives so far as you know ?

A. The relations were good. I am sure the relations were good with his first wife. I can't tell so much about the second wife, because I was in California at that time.

Q. When you said that you have seen Mr. Herdrich and his second wife together, that was in Mobile, was it not ?

A. Yes sir.

Q. From what you could see, what was the relations between him and his second wife ?

A. I should call it pleasant.

Q. When you were in Chicago, did you see Mr. Herdrich often or not at his place of business ?

A. In former years.

Q. About how many times a week or month or year?

A. About two or three times a week; sometimes oftener, but I know I saw him often.

Q/ What kind of a disposition has he, Mr. Sieben ?

A. I should say he has a good disposition, because I never saw him engaged in a quarrel with anyone. He was pleasant and easy to get along with.

Cross Examination by Mr. Rickaby, Solicitor for Complainant

Q. Mr. Sieben, then you have known Mr. Herdrich about twenty years ?

A. Longer than that. Nearly thirty six years.

Q. And in that time you have seen him with his first wife on two occasions and with his second wife on two occasions ?

A. That is correct.

Q. He was in business in Chicago for a number of years, was he not ?

A. Yes sir.

Q. Is he a hard working, industrious man ?

A. He was an industrious man. He worked hard. He was a man that never let grass grow under his feet.

Q. He is a man that is quick and likes to be doing things, does he not ?

A. He is a man rather impulsive sometimes, but I would not say he is a quick tempered man in his desire to do something. He was always ready to complete his task. He went right after it with the intention to finish that thing. As a young man he was good to go ahead.

Q. You have only seen him about six or eight or ten times in the last four or five years.

A. About. Yes sir. About ten times.

Q. And generally that would be to stop and shake hands with him?

A. No. One times he was a guest overnight at my house.

Q. He was your guest one night at your house ?

A. Yes sir.

Q. Have you ever visited him at his place at Fairhope ?

A. One time, but he was not there.

Q. Your relations with him have always been very pleasant and friendly, have they not.

A. Yes sir. Always.

NO. \_\_\_\_.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY.

TILLIE P. HERDRICH,

VS.

FREDERICK H. HERDRICH.

AGREEMENT BETWEEN  
SOLICITORS.

*Filed May 21/1917*

*F. W. Herdrich vs. Tillie P. Herdrich*

*Register*

RICKARBY & AUSTILL

LAWYERS

909-10-11 VAN ANTWERP BLDG.  
MOBILE, ALA.

Willie P. Herdrich

vs

Frederick H. Herdrich

JOHN E. MITCHELL  
MOBILE, ALA.

Depositions of

Amy Wilson,  
Margaret Herdrich  
F. H. Herdrich  
Adam Sieben

Witnesses for Respondent

In Equity

T. W. Richerson, Esq.,

Clerk Circuit Court,

Bay Minette, Ala.

No. \_\_\_\_\_  
In the Circuit Court of  
Baldwin County.  
Willie P. Herdrich  
vs.  
Frederick H. Herdrich.  
Deposition of Willie P.  
Herdrich, Complainant, and  
statement of E. G. Rickarby,  
Solicitor for Complainant.

Mr. T. W. Richerson,

Register of the Circuit Court,  
Bay Minette, Ala.

*Published by order of  
Court May 11, 1917  
J. W. Richerson*

Grace  
Noel  
Commissioner

Grace  
Noel  
Commissioner

Grace  
Noel  
Commissioner

Blanche P. Vestal  
COMMISSIONER.

Blanche P. Vestal  
COMMISSIONER.

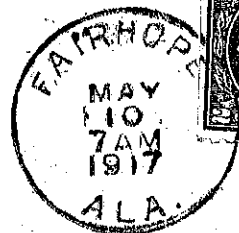
Blanche P. Vestal  
COMMISSIONER.

*J. H. Warner*  
COMMISSIONER.

*J. H. Warner*  
COMMISSIONER.

*J. H. Warner*  
COMMISSIONER.

Exhibit A



J. H. Kendrick

Fairhope  
Ala

Route 1 Box 74

IN THE COUNTY OF BALDWIN COUNTY.

TILLIE P. HERDRICH

VS.

F. H. HERDRICH.

Deposition of Mrs. G. W. Griffith, witness for Complainant.



T. W. Richardson, Esq.,  
Clerk Circuit Court,  
Bay Minette, Ala.

*Subscribed by Order  
of Court 5/21/17  
T. W. Richardson  
Clerk*



*Charles F. West*  
COMMISSIONER.

*Charles F. West*  
COMMISSIONER.

*Charles F. West*  
COMMISSIONER.

In the Circuit Court of  
Baldwin County.

Millie P. Herdrich

vs.

Frederick H. Herdrich.

Deposition of Millie P.  
Herdrich, Complainant, and  
statement of E. G. Rickarby,  
Solicitor for Complainant.

T. W. Richerson, Esq.,

Clerk Circuit Court,

Bay Minette, Ala.

RICKARBY & AUSTILL  
LAWYERS  
909-10-11 VAN ANTWERP BLDG.  
MOBILE, ALA.

*Published by order  
of court May 21, 1917*

*J. H. Garrison*  
COMMISSIONER.

*J. H. Garrison*  
COMMISSIONER.

*J. H. Garrison*  
COMMISSIONER.

IN THE  
BALDWIN COUNTY.

TILLIE P. HERDRICH

VS.  
F. H. HERDRICH.

Deposition of Mrs. G. W. Griffith, witness for complainant.



T. W. Richerson, Esq.,  
Clerk Circuit Court,  
Bay Minette, Ala.

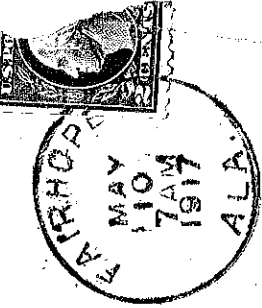
*Subscribing Order  
of Court 5/21/17  
Prothonotary  
Dean*

IN THE  
BALDWIN COUNTY  
TILLIE P. HERDRICH  
VS.  
F. H. HERDRICH.  
Deposition of Mrs. G. W. Griffith,  
witness for Complainant.



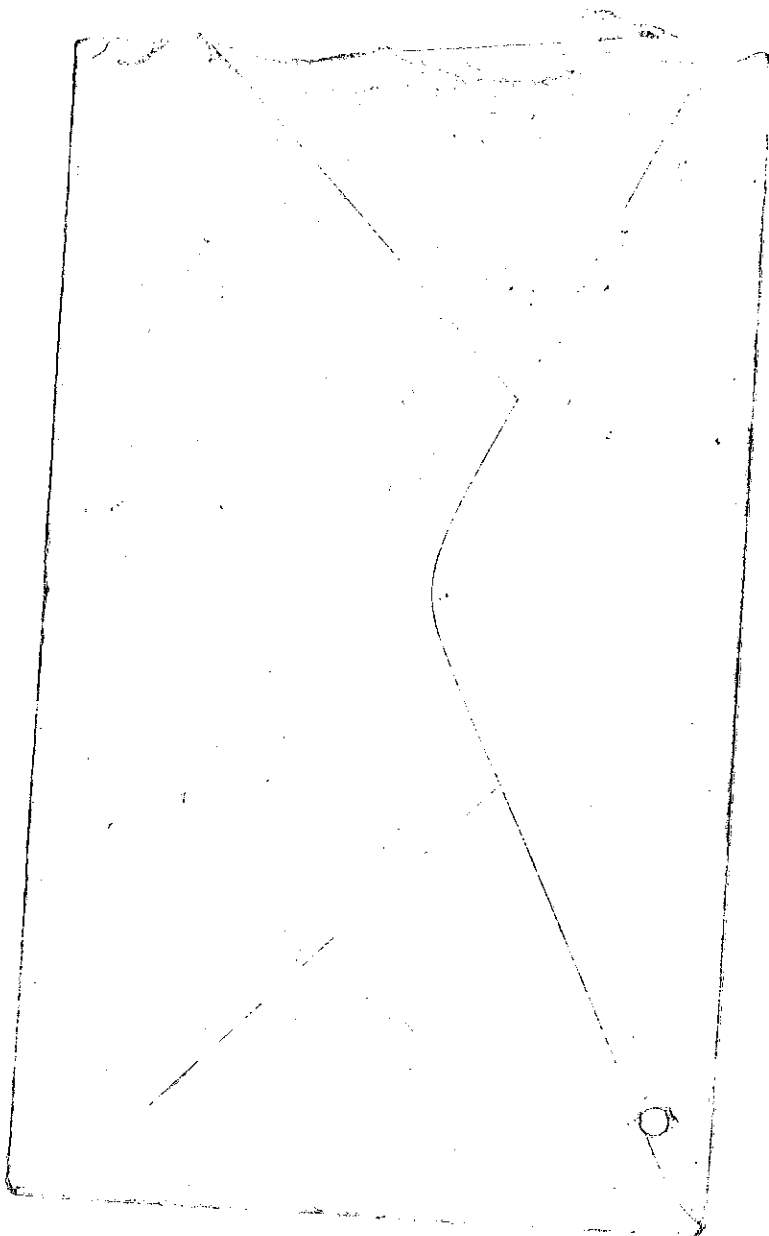
T. W. Richerson, Esq.,  
Clerk Circuit Court,  
Bay Minette, Ala.

*Subpoena Order*  
*at Court 5/2/17*  
*at Birmingham Ala*



*F. H. Herdrich*  
*Fairhope*  
*Ala*  
*Box 113*

*Advised*  
*A*



*J. F. Gorman*  
COMMISSIONER.

*J. F. Gorman*  
COMMISSIONER.

*J. F. Gorman*  
COMMISSIONER.

Cross Int. No. 3:

*I was not the cause of trouble between Mr. & Mrs. Herdrich*

Cross Int. No. 4: I am now living at Sheffield,

Alabama. I left Fairhope May 27. Mr. and Mrs. Herdrich were living in Fairhope when I left but he was living on his place and she at a hotel. They were not living together when I left.

Cross Int. No. 5:

*She was very kind to the children and did not scold or fuss with them only when necessary for correction. She put one Boy Harold in closet to reprimand him for some misbehavior. Ralph Ellen Margaret Do not know*

(Signature of witness)

*Mrs G. W. Griffith*

I, Joseph Gorman, the commissioner named by agreement between solicitors in the above entitled cause pending in the Circuit Court of Baldwin County, Alabama, wherein Tillie P. Herdrich is Complainant and F. H. Herdrich is respondent, do hereby certify that under and by virtue of the power conferred upon me by said agreement, I caused Mrs. G. W. Griffith to come before me at Sheffield, Alabama, on May 27, 1917, she being witness for the Complainant, and who, being by me first duly sworn, testified in response to the interrogatories propounded to her as is hereinabove written; that her testimony was by me reduced to writing and as nearly as may be in the identical language of said witness, and that after her testimony had been reduced to writing, it was read over by said witness who assented to and signed the same in my presence.

I further certify that I am not of counsel nor of kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS MY HAND and seal as Commissioner, this the \_\_\_\_\_ day of May, 1917.

*Joseph F. Gorman* (SEAL)  
COMMISSIONER.

Dr. J. L. Security

Walter C. Hancock

Dr. J. L. Hancock

Deputy of  
from Fred English

Witness for Hancock

Commissioners for Fred

Cross Inc. No. 41 I am now living at Sheffield, Alabama. I left Lathrop Way, No. 41, and Mrs. W. J. Lathrop when I left but he was living in Lathrop when I left but he was living in a hotel. They were not living together.

(Signature of witness)

I, Joseph J. Hancock, the Commissioner named by agreement between solicitors in the above entitled cause pending in the Circuit Court of Baldwin County, Alabama, wherein Willie P. Hancock is Complainant and T. M. Lathrop is Respondent, do hereby certify that under and by virtue of the power conferred upon me by said agreement, I caused Fred E. English to come before me at Sheffield, Alabama, on May 1, 1917, who being duly sworn, testified in response to the interrogatories propounded to him as he heretofore written; that her testimony was by me reduced to writing and as nearly as may be in the original language of said witness, and that after her testimony had been reduced to writing, it was read over by said witness who assented to and signed the same in my presence. I further certify that I am not of counsel nor of kin to any of the parties to the cause and am not in anywise interested in the result thereof. WITNESS MY HAND and seal as Commissioner, this 1st day of May, 1917.

JOSEPH J. HANCOCK  
(Seal)  
COMMISSIONER



TILLIE P. HERDRICH,  
COMPLAINANT,

VS.

F. H. HERDRICH,  
RESPONDENT.

NO. \_\_\_\_\_.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, IN EQUITY.

MRS. G.W. GRIFFITH, witness for Complainant in the above entitled cause, having first been duly sworn to tell the truth, the whole truth and nothing but the truth, in answer to the foregoing interrogatories, testified as follows:

To Interrogatory No. 1, she says: I know both parties. They were married in the City of Mobile on February 7th, 1917. They are both over twenty-one years of age and live in the town of Fairhope.

Int. 2: I was present when, on April 20th, Mr. and Mrs. Herdrich had a personal difficulty at their home east of Fairhope.

Int. 3: *She did not strike him. no she did not attempt to strike him. With doubled fist I was not the cause of trouble between them*

Int. 4: They have not been living together since the trouble I have just spoken about.

CROSS-EXAMINATION.

To Cross Interrogatory No. 1, she says: I am the mother of Complainant. She is 37 years of age. She is about 5 feet, 6 inches high and weighs about 220 pounds. She is a large woman but is not in particularly good health.

Cross Int. No. 2: I was not present when Mr. and Mrs. Herdrich were married, but know that she went to Mobile to meet him and be married and have since seen them living together as man and wife. Both of them have spoken to me about the marriage.

Tillie P. Herdrich :  
vs :  
F. H. Herdrich :  
In the Circuit Court of Baldwin County  
In Equity

Cross Interrogatories to be propounded to Mrs. M. E. Griffith, a witness for complainant:

FIRST

What relation, if any, are you to the complainant ? What is complainant's age ? About what is complainant's height, and how much does she weigh ? Is not the complainant strong, muscular and in good health ?

SECOND

Were you present at the marriage of complainant and respondent ? If not, then how do you know that they were married, except from what you have been told ?

THIRD

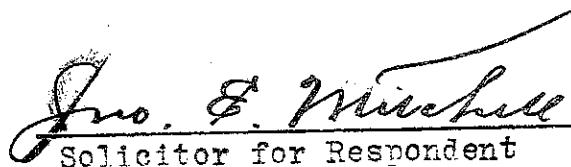
Is it not a fact that, on the occasion when you say Mr. Herdrich struck Mrs. Herdrich, she also struck him ? Did she not attempt to strike him, and did he not then strike her ? He struck her with his hand, did he not ? You were the cause of the difficulty between Mr. and Mrs. Herdrich, were you not ?

FOURTH

Where are you now living ? On what date did you leave Fairhope ? Mr. and Mrs. Herdrich were living in Fairhope when you left there, were they not ? How do you know that they are not now living together ?

FIFTH

Mr. Herdrich has five small children by a former wife, has he not ? Give their names, and their approximate ages. Your daughter was not kind to them, was she ? Did she not scold and fuss with them for little or no cause ? Did she not tie their hands and lock them up in a dark closet ?

  
Solicitor for Respondent

TILLIE P. HERDRICH,  
Complainant.

vs

F. H. HERDRICH,  
Respondent.

No.

IN EQUITY. CIRCUIT COURT  
OF BALDWIN COUNTY.

INTERROGATORIES TO BE PROPOUNDED TO MRS M.E.GRIFFETH , A WITNESS  
FOR COMPLAINANT.

INTERROGATORY FIRST: Do you know the parties to this cause?  
When and where were they married? Are they both over the age of  
twentyone years and where do they live?

INTY 2nd. Do you know of your personal knowledge of any personal  
difficulty between them? If so, when and where did this occur?

INTY 3rd. If you ever saw Mr Herdrich use any violence toward  
his wife, state if it was on this occasion and just what such act was.

INTY 4th. Have they continued to live together since this occur-  
rence? Are they living together now?

*Rickaby Austell Beebe*  
Solicitors for Complainant.

Complainant suggests the name of Jeseeph Gorman as a suitable com-  
missioner to take the above testimony. The Commissioner and the wit-  
ness both live in the city of Sheffield Ala.

*Rickaby Austell Beebe*  
Solicitors for Complainant.

I, Grace Nielsen, hereby certify that I have taken the depositions of the above named witnesses, under and by virtue of the agreement of solicitors, on file in this case; that the depositions were taken by me at my office on this date, and the testimony of each witness was taken down as nearly as might be in his or her own language; that at the taking of the depositions solicitors for complainant and respondent were present. I further certify that I am not of counsel nor of kin to either party to this cause, nor am I in any manner interested in the result thereof.

Given under my hand this 18th day of May, 1917.

Grace Nielsen  
Commissioner.



Tillie P. Herdrich

vs

F. H. Herdrich

In the Circuit Court of Baldwin County.

In Equity.

It is agreed between the parties to this cause that the deposition of Mrs. M. E. Griffith, a witness for complainant, may be taken forthwith by Joseph Gorman, as commissioner, without the issuance to him of a commission, and that said deposition shall be considered in all respects as if duly taken by a commissioner appointed by the Register; subject, however, to all other legal objections and exceptions.

Richard Austin & Burr  
Solicitors for Complainant

Jno. F. Mitchell  
Solicitor for Respondent

"THE KANUCK"

FAMILY HOTEL

MRS. E. JARDINE, Mgr. & OWNER  
FAIRHOPE, ALABAMA

3

if you love me which I know you do we can live happy <sup>together</sup> again.

O those dear little unfortunate innocent babies how I love their dear souls. Thank God Stella is not on earth to know what they may suffer or how their little hearts ache for the love of a mama.

Lovingly Your wife  
Mrs F. H. Herdrich.

"THE KANUCK"

FAMILY HOTEL

MRS. E. JARDINE, Mgr. & OWNER  
FAIRHOPE, ALABAMA

Exhibit A

My dear husband Fred  
The Sunday you sent for me to come out & see you I wanted to tell you something but could not on account of the children. Now I will tell you here.

My present condition indicates towards another Herdrich in the family now lets protect the name

Lets forget the past and start again. We need no

"THE KANUCK"

FAMILY HOTEL

MRS. E. JARDINE, Mgr. & OWNER  
FAIRHOPE, ALABAMA

2

one but you and I to settle this affair agreeably

We needed no one when we were "sparking" why should we <sup>need anyone</sup> now?

All you need to do is say "come" and all will be over <sup>that will release us of all</sup> in less time than it started, never to be mentioned again.

Now think it over. Don't be so stubborn you told me you were only a little stubborn

This is last and only time I shall mention it to you

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LIBRARY

THE UNIVERSITY OF ALABAMA  
LIBRARY

THE UNIVERSITY OF ALABAMA  
LIBRARY



fit so to do, and affording her such other, further or different relief as to equity may seem meet. Oratrix further prays that, in view of her present penniless condition, an order of reference be made forthwith commanding the Register of this Court on proper notice to the parties to ascertain and report to this Court a suitable amount to be allowed Oratrix as alimony pendente lite and counsel fees, and that, upon such report, an order be made requiring the payment of such amount amount by defendant forthwith, with such other interlocutory orders and decrees as may seem proper in the premises.

And, as in duty bound, your oratrix will ever pray, &c.

*Oliver Kirby Austell & Beebe,*  
Solicitors for Complainant.

The defendant is required, but not under oath, to answer every allegation of the foregoing bill.

*Oliver Kirby Austell & Beebe,*  
Solicitors for Complainant.

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, W Percy Hall a  
Notary Public in and for said County and  
State, personally appeared, A. W. Sibley, who, being by me  
first duly sworn, doth depose and say: That he knows Andy  
J. Searight, a citizen residing at Loxley, Baldwin County,  
Alabama. He is over the age of Twenty-one years and of  
good moral character, sober and industrious habits and a  
good citizen in every respect.

Dated this 12 day of May, 1917.

A. W. Sibley

Sworn and subscribed to before me this

12 day of May, 1917.

W Percy Hall  
Notary Public

Filed 5/13/1917  
Thos McInerney  
Burgess



STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, W. Percy Hall a  
A Notary public in and for said County and  
State, personally appeared, M. C. Dolive, who, being by me  
first duly sworn, doth depose and say: That he knows Andy  
J. Searight, a citizen residing at Loxley, Baldwin County,  
Alabama. He is over the age of Twenty-one years and of  
good moral character, sober and industrious habits and a  
good citizen in every respect.

Dated this 12 day of May, 1917.

M. C. Dolive

Sworn and subscribed to before me this

12 day of May, 1917.

W. Percy Hall  
Notary public

Filed 5/15/97  
Proclamation  
Register

STATE OF ALABAMA, :  
:  
BALDWIN COUNTY. :

IN THE CIRCUIT COURT,  
  
IN EQUITY.

TO THE HONORABLE, THE CIRCUIT COURT OF BALDWIN COUNTY, ALA-  
BAMA, AND TO THE HONORABLE A. E. GAMBLE, JUDGE THEREOF:-

Your Orator, Andy J. Searight, respectfully rep-  
resents and shows unto your Honor and unto the Court:

That he is over the age of twenty-one years  
old, and is a resident citizen of the County of Baldwin and  
State of Alabama, residing at Loxley, Alabama.

That on to-wit: February 9th, 1917, Minnie  
Searight, his wife up to the aforementioned date, obtained  
a divorce from your said Orator, and that the said decree  
of divorce was granted by the Circuit Court of Mobile County,  
Alabama; that said decree did not grant your Orator the  
right to again contract marriage.

Your Orator prays that upon the hearing of  
this petition your Honor will grant to him the right to  
again contract marriage.

PAGE & MOORE,

Solicitors for Complainant.

STATE OF ALABAMA, :  
 BALDWIN COUNTY. :  
 IN EQUITY. :  
 IN THE CIRCUIT COURT,

TO THE HONORABLE, THE CIRCUIT COURT OF BALDWIN COUNTY, ALA-  
 BAMA, AND TO THE HONORABLE A. E. GAMBLE, JUDGE THEREOF:-

Your Orestor, Andy J. Seeright, respectfully re-  
 presents and shows unto Your Honor and unto the Court:  
 That he is over the age of twenty-one years  
 old, and is a resident citizen of the County of Baldwin and  
 State of Alabama, residing at Foley, Alabama.  
 That on or about February 2nd, 1917, Minnie  
 Seeright, his wife up to the aforementioned date, obtained  
 a divorce from Your said Orestor, and that the said decree  
 of divorce was granted by the Circuit Court of Mobile County,  
 Alabama; that said decree did not grant Your Orestor the  
 right to again contract marriage.  
 Your Orestor prays that upon the hearing of  
 this petition Your Honor will grant to him the right to  
 again contract marriage.

Tillie P Herdreich  
Compr.

THE STATE OF ALABAMA,

Baldwin County.

vs.

IN EQUITY,

CIRCUIT COURT OF

Fredrick H Herdreich  
Respondent.

Baldwin COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, agreements  
as to waiver of commissions, depositions of Tillie P Herdreich,  
M. C. Gifford, E. G. Rinkley and H. J. Wove

and in behalf of Defendant upon

Answer to Bill of Complaint  
Agreement of Parties as to taking of depositions  
Deposition of Amy Wilson  
" Margaret Herdreich  
" F. H. Herdreich  
" Adam Sieben

Objections to portions of testimony  
of F. H. Herdreich, as per statements of  
objections filed May 21, 1917



No. 14

THE STATE OF ALABAMA,

County.

IN EQUITY,

CIRCUIT COURT OF

Barlow County,

Lee P. Hardwick

vs.

J. H. Hardwick

NOTE OF TESTIMONY.

Filed in Open Court this

21<sup>st</sup>

day of

May

1919

Wm. D. Hardwick

Register.

TILLIE P. HERDRICH, COMPLAINANT,

VS.

FREDERICK H. HERDRICH, RESPONDENT.

NO. \_\_\_\_\_

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, IN EQUITY.

It is hereby agreed between the parties to this cause, by their respective solicitors, that the testimony for both Complainant and Respondent may be taken by Misses Blanche P. Vestal and Grace Nielsen, as commissioners for Complainant and Respondent, respectively, without the issue of a commission; that the testimony so taken down may be transcribed by the respective commissioners and filed by them without the signature of the witnesses, same being hereby waived.

Signed at Mobile, Alabama, this the 18th day of May, 1917.

*Richards & Austin*  
Solicitors for Complainant.

*Jno. E. Murches*  
Solicitor for Respondent.

Tillie P. Herdrich )  
vs )  
Fredrick H. Herdrich )

Circuit Court, Baldwin County.  
In Equity

RESPONDENT'S OBJECTIONS TO TESTIMONY

1. Respondent objects to the following questions by complainant to F. H. Herdrich, on page 13 of the evidence of respondent's witnesses:

"You were born in Germany, were you not ?"

Respondent objects to said question because it calls for immaterial and irrelevant evidence.

2. To the following question, on page 14, to said witness, on the ground that it calls for immaterial and irrelevant evidence:

"Where were you born ?"

3. Respondent objects to the question to said witness, on page 14, on the ground that it calls for immaterial and irrelevant evidence, as follows:

"Are you an American citizen ?"

4. Respondent objects to the question propounded to said witness, on page 14, on the ground that the question calls for immaterial and irrelevant evidence, as follows:

"Was Your father ever naturalized, Mr. Herdrich?"

Respondent moves to strike, separately and severally, each of the answers to the questions severally above objected to, on the same ground of objection as interposed to the several questions.

5. Respondent also objects to the question propounded to said witness, on page 14, on the ground that it calls for immaterial and irrelevant evidence, as follows:

"What business were you in ?"

Respondent moves to strike the answer to said question, on the same ground of objection as interposed to said question.

  
Solicitor for Respondent.

In Reply,

Lillian P. Hurdwick

to H. H. Hurdwick

Respondents ob-  
jections to testimony

Filed May 21, 1917

of Hurdwick

Requies

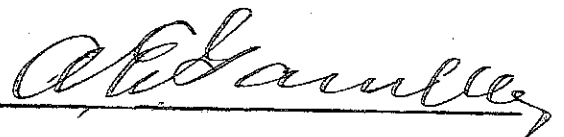
Tillie P. Herdrich, )  
vs. )  
Fredrick H. Herdrich. )

In the Circuit Court of Baldwin County,  
In Equity.

This cause is submitted for decree on the Bill and the motion of Complainant for an order of reference to ascertain alimony pendente lite and Counsel fees for Complainant, and, on consideration, it is ordered, adjudged and decreed that the Register of this Court proceed to hold a reference and ascertain what will be a reasonable and proper sum to be awarded to Complainant for alimony pendente lite and also a reasonable fee for her Solicitors. The Register will give due notice of the time, place and purpose of the holding of such reference to the Respondent or his Solicitor, and he will ascertain and report to this Court the financial as well as the physical condition of the Respondent and also the Complainant, their occupation, earning capacity and income, as well as what amount will be a suitable sum for the support and maintenance of Complainant ~~during~~ pending this litigation and also a reasonable sum to be allowed to her Solicitors for the prosecution of this Suit.

The Register will make report hereof to this Court after said report has been held over in his office for ten days for objections and exceptions. All other matters are reserved.

This April 30th 1917.



Judge.

Willie O. Woodruff

no.

Frederick M. Woodruff

Deere

Paid 57/1917

W. W. Woodruff  
Register.

TILLIE P. HERDRICH,  
COMPLAINANT,

VS.

FREDERICK H. HERDRICH,  
RESPONDENT.

NO. \_\_\_\_.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

It is agreed between the parties to this cause  
by their respective solicitors, as follows:

1st That the submission heretofore taken be  
set aside.

2nd. That the testimony filed by both parties  
be withdrawn and returned to their respective counsel.

3rd. That the cause be dismissed <sup>and that the</sup> ~~upon payment of~~  
~~respondent be taxed with costs of court.~~  
~~costs by respondent.~~

Executed this 28th day of May, 1917.

*Rickard A. Fustell*  
Solicitors for Complainant.

*J. E. Minkus*  
Solicitor for Respondent.

-----

This cause coming on to be heard upon the foregoing  
agreement, it is hereby ordered that the submission be set  
aside, the parties permitted to withdraw their respective  
depositions, and that this cause be dismissed at the cost  
of respondent, for the payment of which costs execution may  
issue.

IN TERM TIME, at Bay Minette, Alabama, May 28th, 1917.

*A. L. Gable*  
JUDGE.

NO. \_\_\_\_\_  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY.

TILLIE P. HERDRICH,

VS.

FREDERICK H. HERDRICH.

Agreement that cause  
be dismissed.

*Filed 5/30/1917  
by W. H. Harrison  
Register*

Rickaby, Austill & Beebe,

*Account on Minutes  
Page 14.*



THE STATE OF ALABAMA,

Baldwin, County.

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Frederick H. Herdrich,

of Baldwin County, to be and appear before the Judge of the Circuit Court  
of Baldwin County, exercising Chancery jurisdiction, within thirty days after  
the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited  
by Tillie P Herdrich.

against said Frederick H. Herdrich

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T.W. Richerson Register of said Circuit Court, this

24th day of April 1917.



Register.

Serve on... Frederick H. Herdrieh,

CIRCUIT COURT OF

Baldwin COUNTY,  
IN EQUITY.

No. 15.

SUMMONS.

Willie P Herdrieh,

vs.

Frederick H. Herdrieh.

Rickarby Austill and

Beebe..

Solicitor for Complainant.

Recorded in Vol. Page

THE STATE OF ALABAMA,

Baldwin County.

Received in office this

day of 19

Sheriff.

Executed this 23 day of

April 1912

by leaving a copy of the within Summons

with H. H. Harbuck

Defendant

C. E. Culbertson

Sheriff.

By A. I. Harbuck  
Deputy Sheriff.

Tillie P. Herdrich :  
vs :  
Frederick H. Herdrich :  
In the Circuit Court of Baldwin County  
In Equity

Now comes respondent, and for answer to the bill of complaint exhibited against him in this cause respectfully alleges as follows:

1st. The allegations of the first paragraph of the bill of complaint are true.

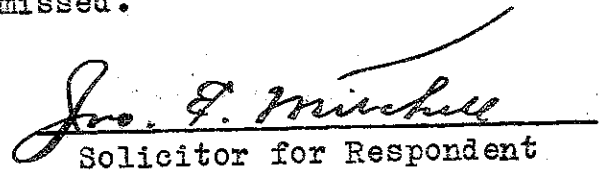
2nd. The allegations of the second paragraph of the bill of complaint are true.

3rd. The allegations of the third paragraph of the bill of complaint are untrue. Respondent admits that he struck complainant, but respectfully alleges that it was necessary to strike complainant in order to protect himself from serious bodily injury. Complainant assaulted respondent, and was about to inflict serious bodily harm upon him at the time that respondent struck complainant, and respondent alleges that the battery committed by respondent upon complainant was not disproportionate to the necessities of the case. Respondent is a large, muscular woman, in the prime of life, while respondent is approaching old age, and the assault by complainant upon respondent was wholly unjustified.

Respondent denies that he had on a previous occasion struck complainant, and also denies that complainant has any just ground for believing that the continuance of the marital relationship between complainant and respondent would be attended with danger either to her life or person.

4th. Respondent does not know what, if any, means of livelihood complainant has. It is true that respondent owns some property, but the income therefrom is small, and he has five little children, by a former wife, to provide for.

Wherefore, the premises considered, respondent prays that the bill of complaint be dismissed.

  
Solicitor for Respondent

Wm. A. Bond - Washington 1886  
for Deering

Jos. P. Henshaw  
- to -  
J. W. Henshaw

Answer

Dated 3/14/1917

Providence  
Rhode Island

Geo. S. Henshaw,  
Sec. for Henshaw

TILLIE P. HERDRICH,  
COMPLAINANT,

VS.

FREDERICK H. HERDRICH,  
DEFENDANT.

NO. \_\_\_\_\_.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, IN EQUITY.

Comes the Complainant and moves the Court for an order of reference in accordance with the prayer contained in the bill requiring the Register of this Court, after notice to both parties as by law provided, to ascertain and report what amounts should be allowed to complainant as alimony pendente lite, and for counsel fees, giving due notice to the respective parties of the filing of such report.

*Richards Austill & Bush*  
Solicitors for Complainant.

*copy of the bill* I hereby certify that a copy of the foregoing motion *together with* was handed John E. Mitchell, Esq., Solicitor for Defendant, this the 24th day of April, 1917.

*Elliot B. Richards*  
Of Counsel for Complainant.

NO.             
IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, IN EQUITY.

TILLIE P. HERDRICH

VS.

FREDERICK H. HERDRICH.

Motion for Order of  
Reference.

*Filed 4/28/97*

*J W Richmond*

*Register*

Rickarby, Austill & Beebe,  
Solicitors for Complainant.

I, Blanche P. Vestal, one of the commissioners named in the agreement between counsel heretofore filed in the above cause, do hereby certify that under and by virtue of the power conferred upon me by said agreement, I caused the said Tillie P. Herdrich, the Complainant, to come before me at 910 Van Antwerp Building, Mobile, Alabama, on the 18th day of May, 1917, and who, being first duly sworn, upon examination, testified in response thereto as is hereinabove written; that her testimony was by me reduced to writing as given by her and as near as might be in the identical language of said witness; also that Elliott G. Rickarby, Esq., one of the Solicitors for the Complainant in the above cause, at the same time and place, having been by me first duly sworn, testified as is hereinabove written, which testimony was by me reduced to writing and as nearly as possible in the identical language as given by him.

~~to any of the parties to this cause or of counsel nor of kin interested in the result thereof.~~

WITNESS MY HAND and seal as Commissioner this the 19th day of May, 1917.

*Blanche P. Vestal* (SEAL)  
COMMISSIONER.

Commissioner's Fee \$2.50, not paid.

contradicted him. Mr. Griffith, my step-father was employed there, Mr. Herdrich's biggest boy was helping him to grease the wagons. Mr. Herdrich found the washers all over the store and he claimed that Mr. Griffith did not know enough to know what a washer was---that he had lost them. I said "Harold lost some because he was there with him." He said "He was not". I said he was "he was because his hands were black with the axle grease". He said, "I said he was not", and then he struck me--- it surprised me so to have him hit me that I didn't know what to do. That was the substance of what was said and done, he said "you must not contradict me I am the one to be listened to around here, I am the boss, not you, everybody must do as I say".

RE-DIRECT EXAMINATION BY MR. RICKARBY:

Mr. Herdrich is an active, able-bodied man, very young for his age.

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ELLIOTT G. RICKARBY, ESQ., being duly sworn, testified as follows:

I am one of the Solicitors for Mrs. Tillie P. Herdrich in this case. She called to see me on April 21st last and I first saw her about noon of that day in my office. At that time, she showed bruises on her forehead and the upper eyelids of both eyes were almost black with the blue-black appearance of what is commonly known as "a black eye".

It is agreed between Solicitors in this cause that W. J. Wood, of Mobile, Alabama, if present, would testify substantially as Mr. Rickarby has hereinabove set out.

Rickarby, Austell & Reese  
Solicitors for Complainant.  
Jno. E. Murcher  
Solicitor for Respondent.



chair away and said to my mother: "You cause all the hell in this house---we were happy until you came," and with that he hit mother, and then I turned---it made me so angry to see him hit my mother---I said "Fred, what are you doing" and with that, he hit me, that is he hit me with his fists just above the eyes. Mama picked up the baby's high chair to ward off the next lick he was aiming at her, and, of course I got it because I was there to protect her. I ran into him, you might say, and then he hit me again above the eyes. He stunned me so I did not know what I was doing---couldn't see anything for a moment---then he picked a broom up and drew it back with all of the force that he could and said "I'll kill you, I'll kill you". I ran into him and tried to grab the broom out of his hand. I stood the broom down on the back porch or the kitchen, I forget which, and backed out the door. Marguerite did not cry, she just sat and waited. Mr. Herdrich came in the room at the time mother made the remark that I had not had a hot breakfast since she had been there. When she made that remark, he said "you get out of here, you have been here long enough". I did not start towards him first--he started at mother first---I did not strike him at all---I did not hit him in the face before he struck me. My mother and I were not both coming toward him when he struck me---he did not strike me and then grab the chair away from my mother. He raised the broom but put the broom down --he threatened to kill me with it and made an attempt to do so, and, if I had not grabbed his hand to take hold of the broom, I believe he would have brained me---I grabbed his hand in self defense. I left the house that day as I was afraid my life was in danger. I wrote that letter (letter handed witness by Mr. Mitchell) enclosed in an envelope dated May 10th, 1917. I was born in 1879 and am about thirty-seven years old. Mr. Herdrich was fifty years old the 18th of October, 1916. I weigh from 230 to 235 pounds; he weighs about 185 pounds. While I am in good health, I would not say I was muscular---I am no prize fighter, and, compared with Mr. Herdrich, he is a whole lot stronger than I am. About a week before April 20th, Mr. Herdrich hit me with his fist in the chest. I was in bed about two o'clock in the morning--he got mad because he said I

When he hit me in the eyes it caused whelps to rise at least a half inch, and then for three or four days, both eyes turned black, remaining so for at least ten or twelve days and my side was so sore I could not lie on it but had to lie on my back. He was very angry at the time he hit me and threatened to kill me. After this, I moved away immediately. He left the house to go down to get some freight and while he was gone I thought it best to leave before his return because I was afraid of my life---was afraid to trust myself with him any longer. He wants you to do just as he says do, and wants to boss everything about the house, even to the kitchen. I have not returned to live with him but am still living at Fairhope.

CROSS-EXAMINATION BY J. E. MITCHELL, ESQ., SOLICITOR FOR RESPONDENT.

Q. The relationship between you and Mr. Herdrich I believe you said was pleasant up to April 20th?

It was not what you would call pleasant all the time--- there was up and downs all along, and the night I got to Fairhope I cried because he appeared to be a different man after he got to his own home to what I had known him to be previous to that. I had known him in Chicago, to the best of my knowledge, about seventeen days from the time I met him to the time I left Chicago, and during that time he appeared perfectly agreeable and there was no indication of temper.

At the time he struck the three times, there were present Amy, a little negro girl; Marguerite, one of his children; and my mother. My mother was not the cause of the trouble; the trouble originated over my refusal to sew a rubber band on Marguerite's hat---that is, I wanted to eat my breakfast---he always had hot breakfasts and I thought I might eat my breakfast first,---I had about half eaten it---I said "wait until I eat my breakfast---My mother was there and said "Tillie, you have never had a warm breakfast since I have been here and if I were you I would eat my breakfast". Mr. Herdrich was coming through and he jerked my chair away from my place. I had gotten up to go get the needle and thread and while I was gone he jerked the

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TILLIE P. HERDRICH,  
COMPLAINANT,

VS.

FREDERICK H. HERDRICH,  
RESPONDENT.

NO. \_\_\_\_\_.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, IN EQUITY.

Deposition of Complainant Tillie P. Herdrich,  
taken pursuant to agreement on file in this case. The said  
witness, after being first duly sworn to tell the truth, the  
whole truth and nothing but the truth, testified as follows:

TILLIE P. HERDRICH.

DIRECT EXAMINATION BY E. G. RICKARBY, ESQ., SOLICITOR  
FOR COMPLAINANT.

Q. Where do you live?

A. At Fairhope.

Q. Where does Mr. Herdrich live?

A. At Fairhope, on the Rural Route.

Q. Are you both over the age of twenty-one years?

A. Yes.

Q. When were you and Mr. Herdrich married?

A. On the 7th of February in the City of Mobile.

Q. Since your marriage and up to April 20th, where did  
you live together as husband and wife?

A. For five or six days in the Cawthon Hotel and then  
we went to his home in Fairhope, and lived there  
up to April 20th.

Q. Did you ever have any personal difficulty with Mr.  
Herdrich?

A. About a week---I can't say exactly but to the best I  
can remember---it was a week before the 20th of  
April, he hit me in the chest when I was in bed,  
because he said I argued or contradicted him.

Q. What did he strike you with?

A. With his fist.

Q. After that time, did you have any further trouble?

A. No, but until the 20th of April.

Q. What happened then?

A. He hit me with his fist three times on the forehead  
just as hard as he could---hit me in the eye, too, in  
both eyes.