

EDWINA LANGLEY,

Complainant,

VS.

CAROL E. LANGLEY,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2518.

TESTIMONY TAKEN ON FEBRUARY 7, 1951

APPEARED: For Complainant,

Hon. H. M. Hall

For Respondent,

Hon. Wm. R. Lauten

Edwina Langley, having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This is Mrs. Edwina Langley?

A. That's right.

Q. Mrs. Langley, where do you live?

A. Fairhope, Alabama.

Q. How long have you lived there?

A. I'm twenty-nine, lived in Mobile after marrying for thirteen months,  
otherwise I have lived there the rest of my life.

Q. The rest of your life you lived in Fairhope?

A. Right.

Q. You are over twenty-one?

A. I am.

Q. The respondent, Carol<sup>E.</sup>/Langley, is over the age of twenty-one?

A. He is.

Q. Were you and the respondent married sometime ago?

A. That's right.

Q. Whereabouts?

A. Married in my people's home in the front room.

Q. In Fairhope?

A. Right.

Q. When? September 27, 1941?

A. Right.

Q. On or about July 23, 1949, did the respondent leave you?

A. That's right.

- Q. Where were you living at that time?
- A. I was living with my people.
- Q. In Fairhope?
- A. Well, in Fairhope, sure.
- Q. At that time did you give the respondent any reason for leaving you?
- A. Not that I know of except that I had been sick.
- Q. Since that time have you been living in Fairhope continually?
- A. Right.
- Q. Have a home down there?
- A. I do.
- Q. Been living in that home for the past months?
- A. Little over three months.
- Q. Prior to that time did you live in Fairhope?
- A. Right.
- Q. Has the respondent come back to live with you?
- A. No, he hasn't.
- Q. Have you told him he couldn't come back?
- A. I didn't say that. It was understood he didn't intend to come back.
- Q. He tell you that?
- A. He told me that.
- Q. Do you and the respondent have any children?
- A. I have one boy eight years old.
- Q. What is his name?
- A. Michael Edwyn Langley.
- Q. You know where the boy has been for the last months?
- A. In Arkansas, Malvern.
- Q. Will you tell the Court the occasion for the boy leaving?
- A. All I know is I was in the hospital when he was taken to Arkansas.
- Q. Have you since that time talked with the respondent about bringing him back?
- A. I have.
- Q. Did he bring him back?
- A. He did not.
- Q. Do you have a place for the boy?
- A. I certainly do.
- Q. Do you have a home?
- A. I do.

- Q. What size home, what kind?
- A. Tile, part tile house, five rooms.
- Q. Do you have heat?
- A. I do..
- Q. Do you have water?
- A. I do.
- Q. Inside accommodations?
- A. Right.
- Q. In other words, it is a modern home?
- A. Yes.
- Q. How far from the school?
- A. From the school, exactly three and a half or four blocks.
- Q. In what part of Fairhope is your home?
- A. It's in the -
- Q. Know what addition is your home in, Central Park Addition?
- A. I don't understand.
- Q. Know where Central Park is, south of the Organic School?
- A. It's not south, to the east.
- Q. It's within three and a half blocks of the school?
- A. Right.
- Q. How far from the Church?
- A. From the Church about five blocks.
- Q. Do you have, whom does that home belong to?
- A. It says on the papers Mr. and Mrs. Carol E. Langley.
- Q. In your joint names?
- A. Right.
- Q. Know who paid the money for it, either one of you, both of you or how?
- A. He did.
- Q. At that time you were there, it was when you were living together?
- A. Right.
- Q. At that time was the boy, had the boy been born?
- A. Yes, sure.
- Q. Know where the respondent lives at this time or stays?
- A. I don't know. All I know is he lives in Mobile.
- Q. Does he have a home there?
- A. I don't know.

Q. Is it your information he lives in a boarding house?

A. Possible. Where he is I don't know.

Q. At the <sup>time the</sup> respondent left you did you have any money?

A. I did not.

Q. Did you have any personal property you could sell?

A. I did not.

Q. Did you have any means of making a living?

A. I did not.

Q. During that time you say your health was bad?

A. It was.

Q. Did you accumulate doctor bills?

A. I did.

Q. How did you manage to pay those?

A. With the help of my people.

Q. Borrow money from your people?

A. I would say yes.

Q. Did you keep account of it?

MR. LAUTEN: I object to his leading the witness.

A. Record for those bills you mean, yes.

Q. Do you have that account?

A. It's written down there somewhere.

Q. Look at that please ma'am (handing witness paper), that Dr. ~~Kneip~~ \$32.00, is that a statement?

A. Yes it is.

Q. Who prepared that statement?

A. He did. He passed away.

Q. Who prepared that statement, whose writing?

A. I don't know whose writing this is.

Q. Did you check that over at the time it was made?

A. Yes, it was checked over.

Q. Did you check it?

A. I have seen this.

Q. Was that statement correct up until the time suit was filed?

A. Right.

MR. LAUTEN: I object. She doesn't know about the statement, looked over it but she doesn't know about it.

THE COURT: Overrule the objection.

MR. LAUTEN: Except.

Q. You say that statement is correct up until the time suit was filed?

A. Right.

Q. You have checked it?

A. I, myself saw the doctor write the statements out before he died.

Q. That in Mr. Lowell's handwriting?

A. Looks sort of like my Dad's writing.

Q. You have checked the statement?

A. Yes.

Q. Those moneys were expended by you?

A. Right.

Q. What's the total amount?

A. Comes to \$685.04.

Q. That was the amount paid up until the time suit was filed?

A. That's right.

Q. Now at the time you say the respondent took the child away did he say anything as to bringing him back?

A. When he took it away?

Q. Yes? Or since that time?

A. I was in the hospital when he took him away. I was ill a good long time. I thought it was understood he would be returned to me when I got my health back.

Q. Do you know what Mr. Langley is doing, what kind of work?

A. As far as I know he works for a hearing aid business.

Q. He is an ablebodied man?

A. I would say that.

Q. During the time you were living together as husband and wife do you know about what salary he was drawing?

A. Different average, general average, sometimes it was raised.

Q. What would you say his general average was?

A. As well as I remember, been a good while, it averaged from \$48.00 to \$50.00 a week.

Q. Did you have any money with which to employ counsel to prosecute this suit for you?

A. Did I?

Q. Yes?

A. No, I didn't.

Q. Do you have any means of raising money, any property from which you could raise money to employ counsel?

A. No.

Q. Now, at the time you were living with the respondent there in Fairhope, what was his conduct toward this boy? How did he treat him?

A. Well, I would say that he was corrected many times in a pretty rough manner, in which I was never corrected, cursing, I wasn't allowed such as that.

Q. You say he did curse him?

A. Yes.

Q. Remember some of the things he called him?

A. I don't like to say things like that.

Q. Go ahead and say it. Tell the Court just what -

A. Several times he ran to meet him and he would get hold of him in the back yard and tell him he would break his dirty neck.

Q. Did he use curse words?

A. He did. That is just mild.

Q. Did he ever treat the boy as a father should treat a son of that age?

A. I wouldn't think so. I thought he would be a little more love shown instead of the rough treatment.

#### ON CROSS EXAMINATION

By Mr. Lauten

Q. Mrs. Langley, you stated that Carol left you on or around July 23, 1949, is that right?

A. That's right.

Q. Where were you living before he left you, on what street in Fairhope?

A. I was living with him.

Q. Where?

A. Etta Street.

Q. Is that the tile house you described to Mr. Hall?

A. Right.

Q. Now, did your brother back a truck up into the house and take some furniture out of that house?

A. He did not.

Q. Did you take some furniture out of the house?

A. I did not.

Q. Do you have any furniture that was in the house where you are staying now?

A. In there, yes.

Q. Where?

A. In the same house.

Q. On Etta Street?

A. Yes.

Q. Do you have any furniture or clothing, did you take some clothing out of the house?

A. I naturally had to have some to use when I was in my people's home.

Q. Did you take any bedding?

A. No, I didn't.

Q. Where are you living now?

A. Living in that tile house now.

Q. You are living in the tile house now?

A. Yes sir.

Q. How long have you been living there?

A. Been living there about three and a half months, since about the 19th of October.

Q. The 19th of October of this past year, 1950?

A. Right.

Q. Where did you live prior to that time?

A. In my people's place.

Q. When did you go over to your people's place?

A. When he decided he wasn't able to stay there. He couldn't stay around the house and look after me, stayed at my house two nights and three days and at mother's the rest of the time.

Q. Let's go back a bit. Have you been in the hospital in Tuscaloosa?

A. I have.

Q. How many times were you up there?

A. I was up there one time while he was in the Navy, six weeks and I was up there fifteen months.

Q. When was the first time?

A. Right after he was inducted in the Navy. I hadn't heard from him in about three months. I don't remember exactly the year.

Q. When was the first time?

A. First time I was in there six weeks.

Q. You don't remember what year?

A. No. Michael was real young. I do remember that.

Q. Know when Carol went into the Navy, what year it was?

A. Michael is eight years old and I think Michael was about nine or ten months old, maybe a little older than that.

Q. Around 1943 or 1944?

A. Yes, when he was inducted in the Navy that was the year during the time I had the breakdown and stayed there just six weeks.

Q. While he was in the service that when you went up to Tuscaloosa the first time?

A. The first time.

Q. What was the reason?

A. I worried about not hearing from him for three months.

Q. Where were you?

A. In a room wherever they put you.

Q. In what kind of room?

A. For nervous people in nervous condition.

Q. Wasn't it true you were in Bryce's Hospital?

A. Yes.

Q. Isn't that a hospital for demented people?

A. It is for different - some mental condition.

Q. How long did you stay up there at that time?

A. Six weeks.

Q. Who brought you back?

A. My people.

Q. Isn't it true Carol brought you back?

A. You speaking about the last time?

Q. No, the first time. Isn't it true he came home -

A. If he did I don't remember that part.

Q. You don't remember?

A. No.

Q. After you came back from the hospital, how long was it before

Carol was discharged from the Navy?

A. After I got back from the hospital.

Q. You were all right then?

A. Sure.

Q. How long was it when Carol was discharged?

A. I think about six months. I'm not positive. I'm not sure.

Q. That's all right. Where did you live after you came back from the hospital the first time?

A. The first time?

Q. Yes ma'am?

A. I believe my people helped take care of me until I got strong.

Q. You and Carol living together?

A. Yes.

Q. Where were you living?

A. In the trailer home.

Q. Where was the trailer?

A. In my people's back yard.

Q. What was Carol doing at that time?

A. He was in the service, in the Navy.

Q. I mean after he was discharged?

A. Working at the Grand Hotel, carpenter work.

Q. Did he ever work on your father's farm?

A. I don't remember whether he did or not.

Q. Your father does have a farm out Greeno Road in Fairhope?

A. He does.

Q. When did you purchase this house you mentioned awhile ago that you were talking about to Mr. Hall; the one in your joint names, when was it purchased?

A. I don't remember exactly when it was purchased but it was shortly after he got out of the Navy because we moved into that home, lived in several homes.

Q. You lived in a trailer and moved -

A. Lived in several homes, purchased that shortly after he had been out of the Navy, decided to get a place.

Q. After you moved into that new home on Etta Street Carol went to work as a carpenter at the Grand Hotel?

A. Yes. Around that time. He was doing that kind of work when he

left to go to the Navy and he got his job back.

Q. While living at this place you ever mention to Carol you wanted another baby?

A. When we were living there we already had a baby.

Q. Did you ever tell Carol you wanted a baby?

A. He wouldn't agree right away.

Q. What do you mean "right away"? Did he agree later on? Did he ever agree to let you have another baby?

A. No. Not that I know of.

Q. Did you keep asking for another baby?

A. No I didn't.

Q. Now, Mrs. Langley, in 1943 did you undergo an operation?

A. I did.

Q. What for?

A. Acute attack of appendicitis and female trouble.

Q. Was that operation for laceration of the womb?

A. It was.

Q. Who took care of you, what doctor?

A. I know it taken place in Mobile hospital. I don't remember the doctor.

Q. Remember the doctor, Doctor Oswald?

A. I don't remember.

Q. I'm trying to refresh your memory?

A. I'm afraid you couldn't. I don't remember, been too long ago.

Q. Did Carol ever tell you when you asked for a baby you couldn't have one, that the doctor had advised him it would be to your detriment, the child might<sup>not</sup>/be born alive?

A. He did not. If he did, I don't remember.

Q. Did he ever tell you it would be, it might hurt you if you had another baby?

A. Not that I know of.

Q. Did he ever tell you the doctor advised him you should not have another baby?

A. Not that I know of.

Q. He ever tell you the Superintendent at Bryce Hospital said you should not have a baby?

A. I haven't heard those words.

Q. He ever tell you in substance that, when you asked him? You wanted a baby pretty bad didn't you?

A. Well, after I had been back from the hospital I hadn't thought of another child. I was thinking of getting my health. Hadn't asked that question at all.

Q. Isn't it true that you have already contemplated the institution of a divorce action against your husband before this time?

A. Before he asked for it.

Q. I didn't ask that. Isn't it true you contemplated filing a divorce action before this time?

A. Before my breakdown?

Q. Did you ever employ an attorney to handle a divorce action for you?

A. I did not.

Q. Ever see an attorney?

A. I did not.

Q. Relative to that matter?

A. No.

Q. Did any attorney ever draw up any bill of complaint against your husband for divorce?

A. No.

Q. Seeking a divorce?

A. Not until this time.

Q. Not until Mr. Hall?

A. Right.

Q. Prior to Carol's allegedly leaving you, Mrs. Langley, did you ever leave the house and tell <sup>him</sup>/you weren't coming back, in substance that?

A. Before my breakdown or when?

Q. Before your breakdown, the second breakdown?

A. I would say yes.

Q. Did you actually leave the house?

A. Left the house but did come back.

Q. One time didn't your brother come out there and take some furniture and clothing backed his truck up and move you over to your mother's place?

A. Didn't take no furniture.

Q. Take anything?

A. I took clothes I needed for myself.

Q. Your brother help you?

A. He did not.

Q. Did you go over to your mother's at that time?

A. I did.

Q. How long did you stay there?

A. Stayed there until October. Moved back out to the house this past October.

Q. Of what year?

A. Nineteen-forty-nine I mean fifty.

Q. You said you left before and then returned to the house. How many times did you leave?

A. Left one time and returned one time.

Q. How long did you stay away?

A. Stayed away after three days got home two nights spent out there. Stayed at my people's until October 19, 1950, then moved out there and have been out there since.

Q. Prior to the time, trying to get this, prior to the time you went to Tuscaloosa, that is, prior to the time you went the second time, did you leave the house and tell Carol you weren't coming back?

A. Before the breakdown?

Q. Yes ma'am?

A. A few days before the breakdown I don't remember a few things that took place. I was sick.

Q. Tell me this. Remember when Carol's brothers Albert and Robert came to Fairhope for a visit?

A. No I don't. One came to Fairhope for a visit when we were first married is all I remember, for a few days. It was Fairhope, it was Mobile when we lived over there when we were first married before the child was even born.

Q. Did you ever go to Mr. Taylor for consultations, Mr. C. William Taylor?

A. Is he a doctor?

Q. Yes?

A. I don't remember him at all.

Q. You don't remember going to him?

A. No, I don't.

Q. Did you ever telephone the police to come out to your house, yours and Carol's house, at night time stating to the police that Carol was beating you and mistreating you?

A. I don't remember that if I did.

Q. How long were you in Tuscaloosa at Bryce's Hospital the second time?

A. Fifteen months.

Q. Remember where you stayed prior to going in there, remember who took care of you?

A. Yes, a lady nurse.

Q. How long before you went up there they take care of you?

A. I don't remember who took care of me before I left.

Q. You don't remember the ones in Fairhope?

A. No, I don't remember.

Q. You came out about the 19th of July, 1949, from Bryce's Hospital?

A. It was the twentieth, on my birthday.

Q. The 20th of July, 1949?

A. Right.

Q. Where did you stay the first night, at home?

A. In my own house with Carol.

Q. With Carol?

A. That's right.

Q. You remember that?

A. I remember it.

Q. How long did you stay there?

A. Stayed there two nights and three days.

Q. Did you ask Carol or tell Carol you would like to live with him again?

A. I did.

Q. Did you tell Carol you wanted another baby at that time?

A. I did not.

Q. What was the occasion of Carol leaving? Did he tell you he was coming back?

A. He didn't. He told me it was suggested to him by the doctor in

Tuscaloosa that we not live together again.

Q. He did tell you that?

A. He told me that.

Q. He ever tell you Mr. Taylor told him that?

A. I don't remember Mr. Taylor.

Q. You know who we are talking about, Mr. C. William Taylor?

A. No, I don't.

Q. What did Carol tell you when you told him you wanted to live with him?

A. He didn't tell me right away. Later on he told me that it was suggested at the hospital by the doctor that it would be best that we didn't live together under my conditions is all I know about that.

Q. This doctor you are referring to, was that the Superintendent of the hospital?

A. I don't know which doctor. He <sup>just</sup> said doctor.

Q. The doctor in Tuscaloosa is what he said?

A. That's right.

Come down.

Mrs. Elsie Lowell having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This Mrs. Elsie Lowell?

A. Yes.

Q. You are the mother of Edwina Lowell Langley?

A. Yes sir.

Q. You know the respondent, Carol Langley?

A. Yes sir.

Q. Prior to 1949 did Carol and Edwina live together in Fairhope and Mobile as husband and wife?

A. Yes sir.

Q. You remember when Carol left your daughter, about when?

A. You mean when he went into the service?

Q. No, no, when he left her the last time, when he left your house?

A. I'm trying to think of the exact date.

- Q. How long after she came back from Tuscaloosa, I will ask you that?
- A. You mean since she had her breakdown?
- Q. Yes?
- A. Edwina left for the hospital-
- Q. No, when did Carol - remember when Edwina was brought home?
- A. Oh, yes, July, 1949, the 20th is when she came home.
- Q. How long did Carol live with her?
- A. She stayed at his home that night, the 20th, 21st, 22nd and the 23rd at night and into that day he brought her to our house.
- Q. He brought her to your house?
- A. Yes.
- Q. Those three days, two or three days she just remained there, has he lived with her since that time?
- A. Not a bit.
- Q. Has she been in Fairhope continually?
- A. She lived with us until October.
- Q. Then where did she go?
- A. Went to her little home.
- Q. During that time while she was at your home did Carol come to visit her?
- A. I don't personally know.
- Q. Do you know?
- A. No.
- Q. Was the child in the home at that time?
- A. No sir.
- Q. Where was he?
- A. In Arkansas.
- Q. He had been carried to Arkansas prior to that time?
- A. Yes.
- Q. Since Carol left her so far as you know has he ever spent anything toward her support?
- A. Not one cent.
- Q. You know that?
- A. Yes.
- Q. During that time has your daughter been called upon to pay certain bills?
- A. We have taken care of all that.

Q. Who?

A. My husband and I.

Q. You furnished the money?

A. Absolutely.

Q. Carol come over and inquire as to her condition from you or show any interest in her welfare?

A. Not a bit. Not that I know of.

Q. Haven't lived together since July 23, 1949?

A. No sir.

Q. You say Edwina, Mrs. Langley, has a home in Fairhope?

A. Yes sir.

Q. Is it a modern home?

A. She has modern conveniences, that what you mean?

Q. Yes? Is your daughter in such physical condition she can care for the boy?

A. Absolutely.

Q. Does she have means for a livelihood except menial labor, have any property producing an income?

A. No, not any.

Q. Does she have any money?

A. Not any.

Q. Is Carol an able bodied man?

A. Absolutely.

Q. Know what he does?

A. He's a carpenter, a very fine carpenter.

Q. Would you have occasion to know how he treated the child during the time he was there in Fairhope?

A. Not affectionately, not like a father, not like I would like for a father to treat a child.

Q. Were you around there a good bit?

A. Right in the home.

Q. Did he treat the child like a father should?

A. My husband would pick a child up and caress it and greeted it fondly. I can't say that for Carol.

Q. You know about when Carol took the boy to Arkansas?

A. I think it was September.

Q. With whom was the boy living?

A. With me.

Q. Was that September before July, 1949?

A. Oh, yes, he was just five years old.

Q. Did Carol say anything to you at the time he was asking for the boy?

A. Wanted to put him in school. He couldn't attend Fairhope school, can go to Arkansas school when he was five, that was the idea.

Q. Say anything about how long he would be gone?

A. He would bring the boy back when his mother came out of the hospital.

Q. Did he bring him back?

A. No sir.

Q. You say your daughter is capable of caring for the boy?

A. Absolutely.

#### ON CROSS EXAMINATION

By Mr. Lauten

Q. Mrs. Lowell, you agreed for Carol to take Michael to Arkansas?

A. Nothing I could do, he was the child's father, not more than the right of his parents should learn to love him. The child lived in Fairhope and learned to love her parents. What could I say. It hurt me very much - -

Q. You did agree to let him take him?

A. I didn't fight him.

Q. He would be better off going to school??

A. Well, I figure another year wouldn't matter. Our children didn't go until they were six or seven. I have got nothing to say about that.

Q. He was five at that time?

A. Five.

#### ON RE DIRECT EXAMINATION

By Mr. Hall

Q. Does Edwina attend Church?

A. Yes sir.

Q. What Church?

A. Christian.

Mr. Hugh Lowell, having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This is Mr. Hugh E. Lowell?

A. Yes sir.

Q. Are you the father of Edwina Langley?

A. Yes sir.

Q. Carol Langley your son-in-law?

A. Yes sir.

Q. You remember when they married?

A. Yes.

Q. You remember when Carol left your daughter, about when it was?

A. Three days after she came home.

Q. About July 23rd?

A. Yes sir.

Q. Since that time has he come back to live with her?

A. No sir.

Q. Since then she has been in Fairhope?

A. Yes.

Q. Lived in the home with you and her mother up until October and  
since then lived in her own home?

A. Yes.

Q. During that time, Mr. Lowell, has he contributed anything toward  
her support?

A. Not a penny.

Q. During the time after she came back was her health bad? Just  
answer yes or no?

A. Yes.

Q. Subsequent to that time did she accumulate doctor and medical and  
drug store bills?

A. Yes sir.

Q. Did she have any money with which to pay for those?

A. No sir.

Q. Carol furnish her any money?

A. No.

Q. Where did she get the money with which to pay these bills?

A. From my pocket.

Q. You advanced it?

A. Yes sir.

Q. Did you keep a record of what you advanced for medicine?

A. Yes sir.

Q. Doctor bills?

A. Yes.

Q. Up until the time suit was filed do you remember how much it was?

A. Six Hundred Eighty-five Dollars and Four cents.

Q. You had advanced that to her for the bare necessities of life?

A. Yes sir, to nurse her back to health.

Q. Since the filing of this suit and before she was able to go to work did you still contribute to her?

A. Contributed two and a half more months.

Q. About how much did she get from you?

A. Around a hundred dollars.

Q. Is she at this time working?

A. Yes.

Q. Where?

A. At my place.

Q. You had to take her in and give her a job?

A. Made a job for her.

Q. You had no opening for her?

A. Made a job there as part time employee.

Q. She has been maintaining a home?

A. Yes sir.

Q. While they were living at your home, the respondent and Edwina, what was his demeanor or attitude toward the child as a father?

A. It wasn't -

Q. How did he treat the child, Mr. Lowell?

A. I hate to answer it.

Q. Just answer in general terms?

A. Not with father love, not the way I treated my children (witness crying).

Q. Restrain your emotions. Is Edwina a suitable person to have the rearing of that child?

A. Yes sir.

Q. Does she go to Church?

A. Yes sir.

Q. Is the Church available to her?

A. Yes.

Q. Is school available to the child?

A. Half a block.

Q. The home modern, modern conveniences inside conveniences?

A. Yes sir, her home. I want to retract one thing. I said half a block, half a block from my place, she has three blocks.

Q. From the attitude and demeanor of Langley toward the child during the time he was there under your observation would you say he was a suitable person to have the child?

A. No sir.

Q. Know where Carol has been living?

A. Somewhere in Mobile.

Q. Has he had the child with him?

A. No sir.

Q. Know where the child has been?

A. He's been writing from Arkansas.

Q. The child brought down to Fairhope sometime ago?

A. Yes sir, during Christmas.

Q. What was the attitude of the child toward his folks when he came in?

A. About the happiest little person I have ever seen.

Q. Show to have been properly clothed and fed during the time he was away?

A. Yes sir, with maybe a small exception. He had some clothes we sent up there to him.

Q. You say Edwina has the facilities and the necessities to take care of the child properly?

A. Yes sir.

#### ON CROSS EXAMINATION

By Mr. Lauten

Q. Mr. Lowell, you have down here fifty-two weeks of board and lodging at Ten Dollars?

A. Yes sir.

Q. That on the memorandum, where was Edwina staying at that time?

A. At my house.

Q. Who was staying at the other house?

A. Nobody, maybe Carol -

Q. She could have very well stayed over there?

A. No sir, she wasn't able. We had to care for her.

Q. What was wrong with her after she returned?

A. She weighed eighty-two pounds and she weighs about a hundred and twenty-eight today. You can figure the difference.

Q. Had to care for her in the house?

A. Certainly did, put her under the doctor's care.

Q. You charged her board and lodging?

A. It was agreed upon by that fellow sitting right there.

Q. Out of the Ten Dollars you purchased - - - tablets?

A. Paid out of this, yes sir.

Q. Got this down here?

A. Yes sir, agreed upon that.

Q. Who is Dr. Kniep?

A. He's dead.

Q. Who was he?

A. Doctor.

Q. Where?

A. Down at Oyster Bay.

Q. Licensed?

A. Yes sir, I read the license, chiropractor.

Q. What did you take her down there for?

A. Treatments.

Q. What kind of treatments?

A. Body treatments.

Q. What kind, was it necessary he work on her?

A. Yes sir. He worked on me too and cured me. I am as well a man as you are.

Q. It was necessary?

A. Sixteen treatments at \$2.00 is all he charged me.

Q. Sixteen trips at \$4.00 a trip?

A. Yes sir, seventy-five mile trips.

Q. Did you have to go seventy-five miles?

A. Yes sir, one we wanted.

Q. Will you say it wasn't necessary, you just went?

A. It was necessary.

Q. Because he was a chiropractor?

A. Because he cured me when the ones in Fairhope failed if that will answer the question. I went down there for seven treatments and I am well, well as anyone in Fairhope today.

Q. When Edwina, Mrs. Langley, your daughter was in the hospital, did you write up there and ask how she was getting along?

A. Yes sir.

Q. Did Carol?

A. I think he did on several occasions. I don't know.

Q. Did the Superintendent or agent or some doctor respond to those letters you wrote?

A. Yes sir.

Q. Respond to Carol's?

A. I read one or two he showed me.

Q. Did you ever read any you weren't supposed to, ever take any letters out of his mail box and open them, unseal and seal it back?

A. No sir, didn't take-

Q. Did anybody?

A. Yes, Florence.

Q. Who is Florence?

A. <sup>Her</sup> ~~My~~ sister.

Q. You tell her to.

A. It was in my mail box.

Q. Open it and read it?

A. Yes opened that letter.

Q. Carol there?

A. No, it was from her doctor, he came to me didn't like it and I told him would never do it again if he didn't like it. It was my daughter and we hadn't heard from her in -

Q. It was addressed to Carol?

A. I didn't know at the time he planned on deserting her.

Q. What did the letter say?

A. I couldn't tell you exactly.

Q. Did it say something like this in substance, say that Carol and his wife should not live together, they would be better off if they separated?

A. No sir, I don't remember.

Q. That the boy would be better off?

A. No, didn't say that.

Q. You don't remember that?

A. No, didn't say that.

Q. Where was Carol working when you say he left Edwina the last time?

A. I am not sure, he was working for the - on construction job of Hollingsworth-Whitney Paper Company in Mobile.

Q. Know how much he was making?

A. No sir, don't know. Know what the union scale was about that time. He was a carpenter.

Q. He ever tell you before Edwina returned from the hospital he wasn't going to live with Edwina again?

A. Yes sir.

Q. When was the first time he told you that?

A. The date you mean? I think he told me about three months-

Q. He ever tell you Dr. Taylor advised him not to live with her?

A. No sir.

Q. Do you know Dr. Taylor, in Fairhope?

A. Yes sir.

Q. He ever tell you that the people at the hospital, the doctors at the hospital had advised him it was better off for the boy and for him and Edwina's welfare that they should not be living together?

A. No sir, never mentioned the boy.

Q. Ever mention it would be better off for Edwina and for Carol if they were living separate and apart?

A. If he was going to continue treating them, God knows -

Q. I asked you did he ever mention to you that he had been advised that it would be better for he and Edwina to live separate?

A. Yes but he didn't tell me what doctor, just mentioned it in the course of a conversation, didn't tell what doctor.

Q. Let's go back a little bit. Did Edwina come to stay with you at any intervals, other words did she come to stay at your house before she went off to the hospital?

A. Yes sir.

- Q. How long did she stay?
- A. I think about two days.
- Q. How long before she went to the hospital the second time, the long time?
- A. I think it was about six or eight months.
- Q. Six or eight months before?
- A. Yes sir.
- Q. Was she all right then mentally?
- A. Yes sir, she was but she wasn't being treated right.
- Q. What did she tell you wasn't being treated right?
- A. You want me to tell you?
- Q. I asked?
- A. He accused his brother of teasing her and of improper relations during the day his brother was working in the yard, his own brother.
- Q. And she left and came over to your place?
- A. She was over to my place.
- Q. Brought her clothes over there?
- A. Right.
- Q. She ever go down and start a divorce action?
- A. Yes sir.
- Q. Before this one?
- A. Yes sir.
- Q. What became of that divorce action?
- A. It was withdrawn because he said he wouldn't give it to her.
- Q. What did she charge him with?
- A. Mental cruelty to her and the boy, abusive language.
- Q. Did she actually file suit?
- A. No.
- Q. Who drew up the papers for Mrs. Langley to go to Tuscaloosa the second time?
- A. The Judge up here I guess furnished the papers.
- Q. Who instigated the proceedings?
- A. What do you mean?
- Q. Who started it, who wanted her to go up there?
- A. He, as much as anybody else.

Q. Where did she stay just prior to going up there?

A. At my daughter's.

Q. Who is your daughter?

A. Florence Kellogg.

Q. Is she back in the witness room?

A. Yes sir.

Q. How long did she stay at Mrs. Kellogg's?

A. Approximately eight days before the papers could come through.

Q. Anybody else stay with her?

A. Two nurses, Mrs. Lechner and Clara Anderson.

Q. Whom employed them?

A. Carol.

Q. What was Edwina's condition at that time?

A. Her condition at that time, what she had was what you call a nervous breakdown.

Q. Was she violent?

A. No, did a lot of crying and praying.

Q. What did she act like?

A. She was just mentally unbalanced from a newvous breakdown from brutality, what she was talking about all the time the brutal treatment and mental brutality was whay she was talking about.

Q. From her husband?

A. Yes sir.

Q. How long had she been talking like that, about how long, two months, three months?

A. Come over telling about walking off Sunday afternoon.

Q. Go to the hospital?

A. Yes sir.

Q. How long before?

A. Never said nothing about beating, brutally -

Q. How long before?

A. Mr. Lauten I wasn't putting dates down.

Q. About how long, three months?

A. Might say three -

Q. Complained after the first -

A. Didn't have to complain, we knew, in the house with him, mistreated.

Q. What did he do?

A. Never spoke a good word, nothing she did was right, everything she did was wrong.

Q. Wasn't it true that everything he did was wrong?

A. No sir, she never started no fuss with him, that's not the truth.

Q. You say Carol never did act like a father should act like?

A. To his son, yes sir.

Q. Ever take the boy out for outings?

A. I don't remember ever seeing him do it.

Q. Out to play golf?

A. If he did it was after they moved away from our place.

Q. While he was staying there with you?

A. Not that I know of. He usually got out of the car pulling his belt off to give him a thrashing, he would be out in the yard playing.

MR. LAUTEN: I will ask Your Honor to ignore that. I didn't ask him that question.

THE COURT: I wish you would just answer the question, Mr. Lowell.

Q. You ever meet Mr. and Mrs. Langley, Carol's father and mother?

A. Yes.

Q. What do you think of them?

A. I think he's got a good father and mother.

Q. You mentioned on your direct examination by Mr. Hall that the boy seemed to be in good spirits when he came down Christmas?

A. Yes, he wasn't sad.

Q. Seemed like he was well taken care of, polite?

A. Yes sir.

Q. Like he had a good home life?

A. He was polite. Michael has always been a good boy.

Q. Looked like he had been well taken care of while he was away?

A. Yes, as far as I know except he didn't have his mother.

Mr. Carl Bloxham, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This Mr. Carl Bloxham?

A. Yes, that's me.

Q. Mr. Bloxham, do you live in Fairhope?

A. Yes sir.

Q. You know Edwina Langley here?

A. Yes sir.

Q. How long have you known her?

A. Possibly twenty-five years.

Q. Know her parents?

A. Yes sir.

Q. Know the environment in Fairhope where Edwina lives?

A. Yes, I think so.

Q. Knowing her as you do, do you believe she is a suitable and proper person to have the care of rearing a seven or eight year old boy?

A. Yes sir.

Q. Is her home amenable to the proper raising of a child?

A. Yes sir.

ON CROSS EXAMINATION

By Mr. Lauten

Q. How well do you know Mr. Lowell, Mr. Bloxham?

A. Lived down there with them about twenty-five years.

Q. Know Elwood Lowell?

A. Yes sir.

Q. What relation is he to Mr. Hugh Lowell?

A. Son, isn't it?

Q. Is he a brother to Edwina?

A. Yes sir.

Q. How old is he?

A. I judge him to be eighteen or nineteen, something like that.

Q. He ever been in Tuscaloosa?

A. I don't know.

Q. Know whether he has ever been in Bryce's Hospital?

A. I don't know.

Q. Ever told you?

A. No sir.

Q. Know Mrs. Stratus, Mr. Hugh Lowell's sister?

A. That was Leo's wife?

Q. Yes? Know where she is?

A. No sir, I don't, haven't seen any of that family in several years except the son.

Q. He been in Fairhope recently?

A. He's in the post office now.

Q. When did he come back?

A. From where?

Q. I'm talking about Mr. Lowell's son, Elwood?

A. I don't know where he is, haven't seen him for sometime.

That's all.

Mrs. Dennis having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. Is this Mrs. Dennis?

A. Yes.

Q. Where do you live?

A. Fairhope.

Q. Do you know Edwina Langley?

A. Yes sir.

Q. Know her family?

A. Yes.

Q. How long have you known her family and Edwina, of course?

A. I've known the family about twenty-five years I guess.

Q. Knowing the family and knowing her as you do, would you say she is a suitable and fit and proper person to have the care and control of the child who is seven or eight years old?

A. Certainly.

Q. Know whether or not Edwina attends Church?

A. Yes.

Q. What church?

A. First Christian.

Q. That your Church?

A. Yes.

Q. You are associated with her there very intimately?

A. I see her there.

Q. Based upon that you say she is a suitable person to have the care and control of the child?

A. Yes.

ON CROSS EXAMINATION

By Mr. Lauten

Q. Mrs. Dennis, how long you say you have known the Lowells?

A. About twenty-five years I guess.

Q. Know Mr. Lowell's sister, Mrs. Stratus?

A. No.

Q. Never did know her, Mrs. Leo Stratus?

A. No.

Q. Know Elwood Lowell?

A. The one in the shop now I have seen him since he was a boy in school, little fellow.

Q. Isn't it a fact he just returned from Bryce's Hospital?

A. I don't know. I have been away eight months and I just came back the other day.

No further question.

Mrs. Mable Gray having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This is Mrs. Mable Gray?

A. Yes.

Q. You live in Fairhope?

A. Part of the year.

Q. How long have you known Edwina Langley and her parents?

A. Couldn't tell you just how long. I have known of the parents ever since I came to Fairhope in 1945.

Q. Good many years?

A. Yes.

Q. What Church do you attend?

A. Christian Church.

Q. Edwina attend that Church?

A. Yes.

Q. You have occasion to observe her very closely?

A. Yes.

Q. Based upon what you know about her, your association and otherwise, would you say she is a fit and suitable person to have the care and control of rearing of a seven or eight year old boy?

A. Yes.

Q. Her home environment suitable to that, her Church?

A. Yes.

ON CROSS EXAMINATION

By Mr. Lauten

Q. Where do you live?

A. In Fairhope.

Q. I mean what part.

A. Five North Summit.

Q. How far from the Lowell's?

A. I don't know in blocks. I've been past their home a good many times.

Q. What does the place look like?

A. You mean - ?

Q. You testified you knew Mr. Hugh Lowell?

A. Yes. It's a small place.

Q. How many people live in that house?

A. I don't know.

Q. Ever been in the house?

A. No.

Q. You don't really know how the home life would be?

A. No, except from knowing the parents.

Q. You have just seen them on the outside, you don't know anything about their home life?

A. I have every reason to believe it's a fine home.

Q. Ever been in Edwina's and Carol's home?

A. No. They been to my home.

Q. Know Carol?

A. No.

Q. You don't? Not knowing Carol you wouldn't know whether Edwina -

A. In as far as I know them I have every reason -

THE COURT: Hasn't she testified she knows her father.

That's all

Mrs. Susie E. Riall, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This is Mrs. Riall?

A. Yes.

Q. You live in Fairhope?

A. I do.

Q. Mrs. Riall, do you know Edwina Langley?

A. I do.

Q. Do you know the Lowell family, her folks?

A. Yes, I do.

Q. How long have you known Edwina and her folks?

A. Twenty-five years and a few months.

Q. What Church do you attend?

A. The Christian Church.

Q. Does she attend the Christian Church?

A. Yes.

Q. Is she a regular attendant?

A. Yes.

Q. Knowing her as you do, your close association in Church work and otherwise, would you say she is a suitable and fit and proper person to have the care and control of her seven year old son?

A. Yes, I would.

Q. Do you believe she is capable of rearing a child as he should be?

A. Yes, I do.

ON CROSS EXAMINATION

By Mr. Lauten

Q. Mrs. Riall, do you know Elwood Lowell?

A. Yes, I do.

Q. Where has he been for about eight months?

A. I don't know.

Q. Is he in Fairhope now?

A. I think he is.

Q. Isn't it true he has been in Bryce's Hospital?

A. I don't know.

Q. You said you knew the Lowell's, you meant Mr. and Mrs. Hugh Lowell?

A. Yes.

Q. You don't know the family?

A. Yes, I know the family. I don't know where the boy has been.

Q. Do you know Mrs. Stratus, Mr. Lowell's sister?

A. Yes.

Q. Where is she now?

A. I don't know.

Q. You do know her?

A. I knew Mrs. Stratus.

Q. Isn't it a fact she is away in Bryce's Hospital?

A. I don't know. She isn't in Fairhope. I don't know where she is.

Q. You did know when Edwina went to Bryce's?

A. Yes, I knew she went away for treatment. I didn't know she went to Bryce's Hospital.

Thank you ma'am.

Mrs. Benik having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This is Mrs. Benik?

A. Correct.

Q. Mrs. Benik you are a sister to Edwina?

A. Yes.

Q. You, of course, are acquainted with Carol?

A. Yes sir.

Q. Remember when they married?

A. Yes.

Q. Remember about when Carol left your sister?

A. Yes.

Q. When was it?

A. Well, when he took her to my mother's.

Q. When was that?

A. About July 23, 1949, over two years.

Q. Over, you mean - ?

A. Right after her birthday, two or three days I believe.

Q. Know whether or not Carol has been living with her since that time?

A. No he hasn't.

Q. Where has the boy been, Mrs. Benik?

A. In Arkansas.

Q. Do you attend Church or what denomination are you?

A. Christian.

Q. Your sister attend?

A. Yes.

Q. Regularly?

A. Yes.

Q. She have a home down there?

A. Yes.

Q. Is it in a nice part of town?

A. Yes.

Q. A desirable part?

A. Yes.

Q. Modern home?

A. She has conveniences, yes.

ON CROSS EXAMINATION

By Mr. Lauten

Q. It's not very modern?

A. She has gas heat, she has a stove, a bathroom and what goes in a bathroom, she has windows that her home, you can always add to a home.

Q. You are Mrs. Langley's sister?

A. Yes.

Q. Know Eldwood, your brother?

A. Oh, yes.

Q. Where has he been for the past year?

A. How long?

Q. About the past year?

A. Elwood has been in a hospital, mental hospital.

Q. Where?

A. Tuscaloosa.

Q. Bryce?

A. Yes.

Q. How long was he up there?

A. Is this case pertaining to Elwood?

Q. I'm asking you, how long has he been up there, I believe it's quite relevant.

THE COURT: Just answer the question.

A. As to that, I don't know. He has been up there some months.

Q. Just returned, hasn't he?

A. That was Christmas.

Q. About the past couple of months?

A. Returned for Christmas.

Q. As to your Aunt, Mrs. Stratus?

A. No.

Q. She related to you?

A. Oh, my Aunt, yes.

Q. Where is she?

A. She is in the same. She is there too.

Q. In Bryce Hospital right now?

A. Correct, yes.

Q. She is a mental case?

A. Yes. A number of others are there too.

Mrs. Bernhardt having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This is Mrs. Bernhardt?

A. Yes sir.

Q. You live in Fairhope?

A. Yes sir.

Q. Do you know Edwina Langley?

A. Yes sir.

Q. How long have you known her?

A. About twenty-five years.

Q. Have you been, during that time, associated with her around  
Fairhope?

A. I have.

Q. Attend Church with her?

A. No sir, I don't attend Church with her.

Q. Knowing her as you do, from your observation, do you believe she  
is a suitable and capable person to care for and rear her child?

A. I certainly do think she would make a loving mother.

ON CROSS EXAMINATION

BY Mr. Lauten

Q. Do you know Carol?

A. Yes sir.

Q. You think, knowing Carol, you think he would make a satisfactory father?

A. As far as I know.

That's all.

Mrs. Charlie Lowell, having been first duly and legally sworn, testified as follows:

Q. This Mrs. Charlie Lowell?

A. Yes sir.

Q. You live in Fairhope?

A. Yes.

Q. You know Carol Langley?

A. Yes.

Q. Know him when he was living in Fairhope?

A. Sure.

Q. How far from where you live?

A. Lives just three -in lots between my house and him.

Q. Did you have occasion to see him about the place and his child?

A. I certainly did.

Q. What was his conduct toward Michael Edwin Langley?

A. It was very bad.

Q. What do you mean by that?

A. Well, every evening when he would come home the little boy would be playing out in front of the door and he would take off his belt as he come in the front - and work on the little boy until he got in the house, not only that, I heard him curse way in many nights I would call my husband to the door and tell him to listen.

Q. You heard him cursing the family?

A. Yes.

Q. Did he curse the child?

A. He certainly did.

Q. Do you mind repeating some of the words?

A. Cussing a little bastard, some of the words.

Q. You knew he was curing little Michael?

A. Yes, yes, yes, that's right.

Q. From your observation and seeing Carol from day to day, would you say he is a suitable and fit and proper person to have the care of rearing the child, Michael Edwin?

A. I would not by no means.

ON CROSS EXAMINATION

By Mr. Lauten

Q. You are Mrs. Lowell?

A. Yes, Mrs. Charlie Lowell.

Q. Who is Charlie Lowell, Mr. Hugh Lowell's brother?

A. No, cousin.

Q. You ever see Mr. Langley mistreat Michael?

A. I certainly have seen him whip the child.

Q. Do you believe in spare the rod?

A. No never spare the rod and spoil the child if a big man will take a belt, no reason for that.

Q. Where do you work Mrs. Lowell?

A. Work at the hospital.

Q. What time do you go to work?

A. Eight o'clock.

Q. Isn't it true you leave at seven?

A. I used to leave at seven.

Q. While Carol was living there you left at seven?

A. Yes.

Q. What time did you get home?

A. Four.

Q. Wasn't it true you got home about seven?

A. I didn't get home at seven I go to work at seven.

Q. When did you see all this?

A. See it in the afternoon when Carol would come home after I did. That's all.

Mrs. Morris Nichols, being first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Q. This Mrs. Morris Nichols?

A. Yes.

Q. Do you live at Fairhope?

A. Yes sir.

Q. Do you know Edwina Langley?

A. Yes.

Q. How long have you known her?

A. Known her more than five or six years.

Q. Have you been, during that time, associated with her in any kind of work or business?

A. No. I know her as a neighbor.

Q. Knowing her as you do as a neighbor for five or six years do you believe she is capable of caring for and rearing her child?

A. I do.

Q. Do you believe she is a suitable and proper person?

A. I do.

Q. During the time you have lived there have you known Carol Langley?

A. No, I haven't.

Q. Have you seen him from time to time?

A. Only occasionally.

Q. Ever see him on any occasion mistreat the little fellow?

A. No, I can't say that I have.

Q. Hear him curse him?

A. No, I haven't.

ON CROSS EXAMINATION

By Mr. Lauten

Mrs. Nichols, Edwina ever come over to your house and spend the night?

A. No, never spent the night.

Q. She ever come over there?

A. Yes, many times.

Q. Did she ever come prior to her leaving for the hospital to stay the long time?

A. Yes.

Q. What was that occasion?

A. On the occasion when she was taken ill.

Q. What did she tell you that morning, what did she look like?

A. She looked like a sick woman.

- Q. Did she tell you Carol had been mistreating her?
- A. Yes, she did.
- Q. Did she tell you she called the police that night?
- A. I think she did, as I recall. I may be wrong.
- Q. Did she tell you Dr. Jordan had been out to see her?
- A. Yes, I think so.
- Q. In your opinion, from your observation, you would say she wasn't in her right mind?
- A. I didn't say that.
- Q. I'm just asking. Would you say she is in her right mind?
- A. I thought she knew what she was saying. X
- Q. You say she knew what she was saying?
- A. I figure she knew what she was saying when she came to my place. I put her to bed and kept her warm. I knew she was ill.
- Q. How soon after that did they take her to the hospital?
- A. A matter of a couple of weeks I guess.
- Q. Who took her from your house?
- A. Her father.
- Q. Her father came out to your place?
- A. Yes.
- Q. Tell you he was going to see Dr. Kneip?
- A. I went with them.
- Q. Who is Dr. Kneip? Who was he?
- A. He was a doctor living down near Bon Secour.
- Q. Didn't he have a pretty bad reputation?
- A. Not to my knowledge.
- Q. Was he licensed to practice medicine?
- A. Yes, he was a foreigner as I recall the story, had a great deal of trouble getting license in this country, had to take more education.
- Q. Licensed to practice chiropractics?
- A. I think that was his title.

Marvin Nichols, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

- Q. Are you Marvin Nichols?
- A. Yes.

Q. Do you reside at Fairhope?

A. Yes.

Q. Know Mrs. Langley?

A. I do.

Q. How long have you known her?

A. Known her since she was a little girl.

Q. Have you been associated with her, around about her and seen her from day to day and time to time?

A. Have seen her from time to time, yes.

Q. Knowing her as you do, seeing her in town, do you believe she is a suitable, fit and capable and proper person to have the care and control of their child?

A. I do.

Q. Do you know Carol Langley over there?

A. I have met him, yes.

Q. At one time did you live near them?

A. My front yard adjoins their back yard.

Q. Did you ever have occasion to see him mistreat the small child?

A. Yes.

Q. Tell the Court what he did.

A. Well, he used some very profane language.

Q. What was it?

A. Used the term for illegitimacy.

Q. You mean bastard?

A. I do. Shall I tell you what actually took place?

Q. Yes.

A. His daddy was working on an automobile and the child came and asked some question, something was said anyway, and the father wheeled on him and said, "You little bastard, didn't I tell you to get in the house" and he took out his knife and said he would cut the ears off the child went screaming and his mother came out the back door and she and Langley had some very cross words, she defending the child as best she could.

Q. You hear any other occasions?

A. No, frankly yes on other occasions.

Q. Know exactly how many other occasions?

A. I couldn't say.

Q. A good many?

A. No, I wouldn't say a good many. I didn't happen to be in the yard on other occasions.

Q. Bearing in mind what you heard, knowing the respondent here, his conduct toward the small child, would you say he is a suitable and proper person to have the care of that small child?

A. I felt so strongly he wasn't I went to Mr. Lowell and said something should be done to get him out from under the influence. I felt so strongly I felt like going over and doing something myself.

Q. Would you say he was a fit and proper person?

A. I would say he is not, with that in view.

#### ON CROSS EXAMINATION

By Mr. Lauten

Q. Did you ever call anybody a bastard?

A. No sir.

Q. Ever?

A. No.

Q. Ever call them anything in jest?

A. Have on occasion in jest, yes.

Q. Ever seen Carol getting with the child and playing with him?

A. I believe on occasion I have, yes.

Q. Did the child always seem nervous around his father?

A. The child seemed afraid of his father.

Q. You got quite an interest in this case, any kin to Mr. Lowell whatsoever?

A. No sir, none, no kin whatsoever.

Mr. Frank Horne, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Hall

Mr. Lauten: Your Honor I object to this witness.

Mr. Hall: He is testifying as to attorney's fee.

Q. Mr. Horn, are you a practicing attorney in Alabama?

A. I am.

Q. Do you practice in the Baldwin County Bar?

A. Quite a bit yes.

Q. You heard the nature of this proceeding, know the general nature of it, what would you consider a reasonable attorney's fee for the solicitor for the Complainant in a case of this nature?

A. I understand the property involved is worth six or seven thousand dollars, the salary of the man is problematical, something around three thousand dollars a year been testified to. I would say Two Hundred Fifty Dollars.

All right.

ON CROSS EXAMINATION

By Mr. Lauten

No question.

Mr. Carol E. Langley, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Lauten

Q. This is Mr. Carol E. Langley?

A. Yes sir, it is.

Q. Mr. Langley, are you the respondent in this case?

A. Yes sir.

Q. Are you married to Edwina Langley?

A. I am.

Q. When were you married, Mr. Langley?

A. September, 1941.

Q. While you were in the service did you receive a telegram saying your wife was ill?

A. It was thirty-one days old when I received it.

Q. Had you been traveling?

A. Been under way. I come home as soon as I could. As soon as I got it I tried to fly from the Hawaiian Islands but due to the number of men had to stay on until reached the States.

Q. When you arrived did you go to Tuscaloosa?

A. Yes sir.

Q. Pick up your wife?

A. Yes sir.

Q. Did you have a chance to talk to the doctor?

A.. Yes sir.

Q. At that time?

A. I did.

Q. Did that doctor advise you anything?

MR. HALL: Object to what the doctor advised him.

MR. LAUTEN: Wouldn't tend to be hearsay, the conversation was between Mr. Langley and the doctor.

THE COURT: Overrule the objection.

MR. HALL: Except.

A. I was interested in what her condition had been and what her welfare would be afterwards and I asked him and also told him what the doctor who had operated on her previously said and he verified the other doctor's statement and told me to be very careful that she did not become pregnant again, that it would be detrimental to her health.

Q. After you arrived home what did you do in the way of employment?

A. After I came out of the service, well I went to work for Mr. Hugh Lowell on the farm, stayed with him from March until the latter part of August or about the first of September went to work at the Grand Hotel as a carpenter.

Q. This was in 1946?

A. Right.

Q. Did you purchase a new home after you had been living with your wife?

A. Yes sir, we purchased a home.

Q. When did you purchase the home?

A. Purchased it about the same time, September, when I went to work at the Grand Hotel.

Q. You use your own funds to pay for it?

A. Paid part of it, borrowed from Al Benik.

Q. Did you pay that back?

A. Yes sir, I did.

Q. Is that house fully paid for?

A. The house is fully paid for. The only thing against it is the taxes for this year and the paving assessment.

Q. Did your wife, Mrs. Langley ever have occasion to ask or tell you she wanted another child?

MR. HALL: I object. I don't see the purpose.

THE COURT: I will give a little latitude.

MR. LAUTEN: I'm trying to show by this had no reason to leave when she knew her condition and knew she could not have a child and she kept egging him on.

THE COURT: Go ahead.

A. At the time when I came out of the service she expressed a desire wouldn't like to raise one alone and knowing her condition from Dr. Oswald and also the doctor in Tuscaloosa told her wouldn't and she said, and after quite a few times told her the doctor said it would be detrimental to her health.

Q. She keep egging on?

A. At numerous times.

Q. Kept begging for another child notwithstanding your statements?

A. Yes.

Q. Notwithstanding her condition?

A. Yes.

Q. Was that the cause of her leaving to come over -?

A. One of the causes she left at one time and then she - she was gone about a week.

Q. Gone where?

A. To her parents. During that time she did employ an attorney and they asked me to come up to his office and when I went up to the office he had the complaint wrote out but never filed it, told them I had to see about the case -- had an appointment in Mobile and when I got back I advised them I wouldn't sign the papers and he asked me to sign later. That was on Saturday night. She left word for me to come around to see her and I went and she told me then she was going to go back home with me. If I hadn't come around to see her she wouldn't have come back.

Q. When she found out you wouldn't sign the papers she agree to come back?

A. Yes.

Q. You help her move?

A. At that time came in Hugh Edward Lowell's truck backed it up to the door. She was moving her clothes, box of clothes, the boy's toys and some furnishings.

Q. Seemed to you like it was because you wouldn't let her have another baby?

A. That seemed to be the reason.

Q. Do you know Dr. Oswald?

A. Yes sir, I do.

Q. He operate on your wife?

A. Yes sir.

Q. Before that operation or after the operation did he advise you in substance she should not have another baby?

A. In February of that year taken her over and Dr. Oswald recommended -- after the examination and before the operation he told me after the operation to be very careful that she didn't have any more children, that nine times out of ten the child wouldn't live and it would be very detrimental to her health and in March she had an acute attack of appendicitis and had to operate.

Q. Did Edwina, your wife, ever consult Dr. C. William Taylor, of Fairhope?

- A. Yes sir, taken frequent treatments from Dr. Taylor, a month and a half or two months.
- Q. Did you ever have occasion to talk with Dr. Taylor regarding her condition?
- A. Yes sir.
- Q. What did he advise you?
- A. Just before the wife went up the second time the doctor called me off my job and he advised me to take the boy and to leave. If we didn't she would be back in Tuscaloosa.
- Q. This was about how long before she did go?
- A. About a couple of months.
- Q. Did Dr. Jordan ever treat Edwina?
- A. He was called to the house. She called him -
- Q. In reference to the time she went the second time about how soon was that before that time?
- A. About a week or ten days before she went to the hospital. She Asked me to call the doctor. Dr. Godard had been out to see her a couple of times and she asked me to call the doctor and I told her the doctor said she would be all right and she said she would and he got up out of bed and came to the house in pajamas and a bath robe and she was sitting in a chair and she said she couldn't see and couldn't swallow and her legs had gone to sleep and he used the eye test and tested for reflex and also gave her a glass of water and she responded to all of it and the doctor told her wasn't anything wrong -
- Q. Did you sleep with her that night?
- A. No sir, I didn't.
- Q. Was she raving or ranting that night?
- A. Yes, she would want a drink and when I would give her water she wouldn't drink it.
- Q. Did she call the police that night?
- A. Yes sir, that night she called the police.
- Q. Did they come?
- A. Yes.
- Q. Who?
- A. Ellis Newell, police.
- Q. He a police?
- A. In Fairhope, Alabama.

Q. What was the result of his coming out there?

A. She told him she wanted me arrested and he said he couldn't arrest me without a warrant and she said she didn't want to have to sign a warrant.

Q. Did she tell the police why <sup>she</sup> wanted you arrested?

A. Well, she told him I wouldn't sleep with her, wouldn't give her water when she asked for something and I wouldn't call the doctor which I didn't. The doctor had been there previously twice that day.

Q. You did give her some water?

A. Yes.

Q. When you brought the water to her bed did she drink it?

A. Taken a swallow, taken a swallow and then hit me with the glass.

Q. Where?

A. On my left arm, while she had the glass in her hand.

Q. Did the glass fall to the floor?

A. Yes sir, the glass fell to the floor and broke and I went in the kitchen to get the mop and throw the glass away and when I was gone she went into the bed room, this was in the living room, bed in the living room at the time, and she went into the bed room and when I came back she came out of the bed room and had my gun in her hand, it's a pistol, a thirty-eight pistol and she had the gun her her hand and I asked her what she was going to do, to put it down, and she told me she was going to make me behave -

Q. Point the gun toward you?

A. In a general direction and I reached over with my left hand and taken the gun from her and taken the chamber out.

Q. Was the gun loaded?

A. The gun was loaded at the time.

Q. How many bullets did it have in it?

A. Had three, holds three.

Q. Where did you keep it?

A. Generally kept it between the mattresses of my bed and when she took sick moved the gun into my dresser drawer - -

Q. After you took the gun out of her hand and took the chamber out what did she do?

A. Went into the kitchen and got a ten quart bucket with approximately a gallon of water and when I came back in the living room she said she was going to cool me off and threw the water on me and I went to the kitchen to get the mop again and when I stopped in the kitchen she threw the bucket at me.

Q. About what time was this?

A. About two-thirty.

Q. She threw the bucket at you?

A. Yes.

Q. Where was Michael at that time?

A. Michael was in the bed at the time, still sleeping.

Q. Anybody else see this?

A. About the time, while I was mopping up the water, her sister, Mrs. Smith came in, had seen the lights and came in the front door. I was mopping up the water and Mrs. Smith was trying to talk to Edwina and at the time the boy woke and she gave him a belt and told him to whip me and she got a small baseball bat and they proceeded to give me a whipping.

Q. How long did that continue?

A. The boy hit me a couple of times and she hit me a few times with the bat.

Q. Did she tell the boy to hit you?

A. Yes sir.

MR. HALL: This is all prior to the time, this is narrative leading and I don't see any materiality, I don't see that it affects this one way or the other.

THE COURT: I don't know what it refers to, go ahead.

Q. What did Edwina do then, if anything, after all this was over?

A. She taken the boy and dressed him and put some toys in a wagon he had, taken the radio and some clothes and put them in the wagon and left.

Q. About what time was this?

A. About four o'clock in the morning.

Q. Where did she go?

A. Went up the road, finally wound up over at Mrs. Nichols.

Q. Went over to Mrs. Nichols'?

A. Yes sir.

Q. What did you do the next day?

A. Went to work. Sometime during the morning Mr. Lowell came down and said Mrs. Nichols called and said take her to doctor down at Oyster Bay, Dr. Kneip and I said all right with me, couldn't lose work but I was willing that they carry her down there and told him allright and take her down there. When she returned she went to Mrs. Kellogg's to stay.

Q. Who is she?

A. Edwina's sister. Mrs. Kellogg told me she couldn't possibly take care of her by herself and hired two practical nurses to come one day and night to help take care of her.

Q. How soon after that did she leave for the hospital?

A. That was on Saturday and it was Thursday of the next week.

Q. While she was gone to the hospital or in the hospital did you tell Mr. Hugh Lowell you couldn't, she and you couldn't stay together?

A. Yes sir. I advised him due to the doctor's advice that we not live together any more.

Q. Did you advise anyone else?

A. Yes sir, I told her sister and her husband, Mr. and Mrs. Smith, I believe I told Mrs. Kellogg, I'm not positive but I believe I told Mrs. Kellogg.

Q. What did they think about it?

A. I don't know as they gave any opinion on it. Mr. Lowell said he didn't know what would be right. Of course I taken the advice refused to take advise second time then did take advise and didn't live with her.

Q. How long was Edwina in the hospital?

A. Fourteen months.

Q. Who went up to pick her up?

A. I did. Bob, Robert Martin drove his car and went up there.

Q. Did she come back with you?

A. Yes, she did.

- Q. Where did she spend the first night?
- A. Spent the first night at the house with me.
- Q. Did you tell her you weren't going to live with her any more?
- A. Not that night. The next day I went to a V. F. W. meeting in Bayou LaBatre and she wouldn't stay by herself, taken her around to her mother's and told her would come back for her when I felt like she was able to come back.
- Q. Where did you live?
- A. Stayed at the house on Etta Street.
- Q. How long did you stay there?
- A. About a year at least.
- Q. While you were there did Edwina come over to the house?
- A. A few times to pick up some clothes.
- Q. Did you ever tell her you were going back with her?
- A. No sir, I didn't.
- Q. When was it Michael went to Arkansas?
- A. Taken to Arkansas about September 15, 1948.
- Q. Was Edwina at home?
- A. No, in the hospital.
- Q. Who was Michael staying with?
- A. Mr. and Mrs. Lowell, her parents.
- Q. Mr. and Mrs. Lowell object to your taking the boy?
- A. No sir, they didn't.
- Q. Did you promise to bring him back?
- A. I don't think I promised.
- Q. Where did you take him to?
- A. To my mother's and father's, Malvern, Arkansas. He lacked four months of being six years old and it's an Alabama law a child couldn't start to school and I taken him up there and he started to school.
- Q. Been going to school ever since?
- A. Right.
- Q. Who did he stay with?
- A. My mother and father.
- Q. Where you been living?

A. Part of the time in Fairhope and in Mobile.

Q. What is your trade?

A. Carpenter.

Q. Got any prospects of a job in Arkansas?

A. Yes, I have, building a big bomber plant in Camden, Arkansas, forty-two miles from my father's and mother's, I'm planning to go up there.

Q. Where would you live?

A. In Malvern.

Q. Did you bring Michael down this past Christmas to Fairhope?

A. Yes sir, I did.

Q. How long did he stay?

A. About eight days.

Q. For the Christmas holidays?

A. Yes sir.

Q. Is he here now?

A. Yes sir, he is.

Q. Prior to this today was he attending school in Malvern?

A. Yes sir.

Q. Getting along all right?

A. Yes.

Q. You intend to live with the boy, do you?

A. I do.

Q. In Arkansas?

A. I do.

Q. In Malvern?

A. Yes.

Q. If you don't go to Malvern?

A. I always live in a fit place to keep any child.

Q. Did you ever mistreat that boy?

A. Not that I can say.

Q. Ever whip him?

A. I believe twice in my lifetime.

Q. Do you want that boy?

A. Yes, I do.

ON CROSS EXAMINATION

By Mr. Hall

Q. What is your vocation, or profession?

A. Carpenter.

Q. How much do you make there?

A. Two ten an hour.

Q. How many days do you average a week? Forty hours?

A. No sir.

Q. -- guarantees union wage, provides \$2.10 an hour?

A. Yes sir.

Q. What's this place in Fairhope worth?

A. Three thousand dollars.

Q. You mean the house and lot in Central Park.

A. Exactly what we give for it.

Q. That's what you give for it?

A. Three thousand dollars.

Q. For the lot and all?

A. Right.

Mr. Ellis Newell, having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Lauten

Q. What do you do?

A. Policeman.

Q. Where are you?

A. Fairhope.

Q. Did you ever have occasion to go out to Carol Langley's house?

A. I did.

Q. Who called you?

A. I think it was Mrs. Langley.

Q. She call you over the phone to go out there?

A. Yes sir.

Q. What did she tell you over the phone?

A. Said her husband was mistreating her.

Q. Did you go out there?

A. I did.

Q. Did you see Carol?

A. I did.

Q. Did you see Edwina, Mrs. Langley?

A. Yes, I did.

- Q. Where was Carol sitting?
- A. Sitting in a chair in the room.
- Q. Where was Edwina?
- A. Walking around in the room.
- Q. She have any visible marks on her?
- A. Not that I saw.
- Q. Did she hand you a set of papers?
- A. Handed me a sheaf of papers, several.
- Q. What did they say?
- A. She said that was the mean things Mr. Langley said about her.
- Q. Did you read them?
- A. No, it wasn't readable.
- Q. What did it look like.
- A. From what I saw it was similar to shorthand.
- Q. Scribbling?
- A. Yes.
- Q. You actually didn't see any marks on her?
- A. No marks.
- Q. No evidence of a struggle?
- A. Not at all.
- Q. How long did you stay there?
- A. I don't think over fifteen minutes.
- Q. About what time of night did she call you?
- A. I think around ten o'clock, best of my memory.
- Q. In other words she was being mistreated but possibly didn't have any gripe so far as you could see?
- A. So far as I could see.

ON CROSS EXAMINATION

By Mr. Hall

- Q. When was that?
- A. Wasn't any record made?
- Q. Some two years ago?
- A. I think in 1948.

ON RE DIRECT EXAMINATION

By Mr. Lauten

- Q. You remember when Edwina went to Tuscaloosa?
- A. Remember hearing of it. I don't know about the dates.

Q. Was that prior to that time?

A. Seems like it was.

Q. About how long before as well as you remember?

A. I think around a year.

ON RE CROSS EXAMINATION

By Mr. Hall

No question.

Mr. C. W. Taylor, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Lauten

Q. State your name, please.

A. C. William Taylor.

Q. Where do you live, Mr. Taylor?

A. Fairhope.

Q. Do you practice chiropractics?

A. Not at the present time. I did up until a year ago.

Q. Ever have occasion to treat Mrs. Langley?

A. Yes sir.

Q. When she was being treated did she ever bring her son, Michael?

A. Several times.

Q. You ever have occasion to notice Michael Langley?

A. I did.

Q. What did he look like?

A. Well, he didn't look like I would say a child living under normal circumstances should look.

Q. Was he nervous?

A. Seemed quite nervous at times.

Q. Carol see you?

A. Yes, Carol has been in the office several times.

Q. Did you ever advise him he would be better off for him and his wife to separate?

A. I told him I thought it would be best at the time.

Q. Did you advise him in that manner more for the good of the child?

A. Of the effect it was having on the child.

- Q. You know the Lowells in Fairhope, the family?
- A. I know quite a few of them, yes.
- Q. Know Edwina Langley, Carol's wife?
- A. Yes.
- Q. Know her general surroundings?
- A. I know where she lives.
- Q. How far from you?
- A. I would say less than a block.
- Q. Knowing Edwina Langley would you say she would be a fit person to have the care of that child?
- A. I haven't seen Edwina except to pass her on the street in the past two years.
- Q. You couldn't say whether or not?
- A. No.
- Q. Do you know Carol Langley?
- A. I do.
- Q. Knowing Carol would you say he would be a fit person to care for the child?
- A. I don't see why not.

Mr. Herbert Starkey, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Lauten

- Q. Is this Herbert Starkey?
- A. Yes sir.
- Q. Mr. Starkey, do you know Carol Langley?
- A. Yes.
- Q. Ever worked with Carol Langley?
- A. Yes sir, about three and a half years.
- Q. What job was that?
- A. At the Grand Hotel - - and in the Southern Kraft Paper Mill.
- Q. He ever ride to work with you?
- A. All the time.
- Q. You think he is a good worker?
- A. I know he is.

Q. You know his general reputation for honesty and integrity?

A. As far as I am concerned he has always been strictly honest with me.

ON CROSS EXAMINATION

By Mr. Hall

Q. You say he's a good worker?

A. Yes.

Q. Capable?

A. Yes.

Q. First class carpenter?

A. Yes sir.

Q. Carpenter rates Two Dollars and Ten Cents an hour?

A. I couldn't tell you.

Q. But he is a good carpenter?

A. Yes sir.

ON RE DIRECT EXAMINATION

By Mr. Lauten

Q. Do you think he would be a fit person to take care of a child eight years old?

A. I don't see any reason why he shouldn't.

Mr. Ed Niemier having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Lauten

Q. You are Mr. Ed Niemier?

A. Right.

Q. You live at Fairhope?

A. Right

Q. Do you know Carol Langley?

A. Yes sir.

Q. Do you know his general reputation in Fairhope?

A. Yes.

Q. Is it good or bad?

A. I would say good.

Q. Do you think he is a fit person to take care of an eight year old child?

A. I do.

ON CROSS EXAMINATION

By Mr. Hall

No question.

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I, Ora S. Nelson, Court Reporter for the Twenty-eighth Judicial Circuit of Alabama, hereby certify that the above and foregoing constitutes a true and correct transcript of the evidence taken at the hearing of the above styled cause on February 7th, 1951, and transcribed and filed herewith.

This 17th day of February, 1951.

Ora S. Nelson  
Court Reporter

STATE OF ALABAMA  
BALDWIN COUNTY

2578

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons CAROL E. LANGLEY, to appear, and plead, answer or demur within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Edwina Langley, as Complainant and against Carol E. Langley, as Respondent.

WITNESS, my hand this the 5<sup>th</sup> day of Aug, 1950.

David J. Wessche  
Register

EDWINA LANGLEY

COMPLAINANT

VS

CAROL E. LANGLEY

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY

TO HONORABLE TELFAIR J. WASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA:

Your Complainant, Edwina Langley, respectfully represents and shows  
unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County, Alabama, and has been for more than three years next preceding the filing of the bill of complaint, and is over twenty-one years of age; that the Respondent, Carol E. Langley, is over twenty-one years of age and presently residing at 8 Broad Street, Mobile, Alabama.

2.

That your Complainant and the Respondent married at Fairhope, Alabama, on September 27, 1941; that they lived together as husband and wife in Baldwin County, Alabama, until July 23, 1949;

3.

That on to-wit, July 23, 1949, and while your Complainant and the Respondent were living together as husband and wife in Fairhope, in Baldwin County, Alabama, the Respondent voluntarily abandoned her bed and board, and has remained away voluntarily and continuously since that time.

4.

That your Complainant and the Respondent were living at, and residing

in Fairhope, in Baldwin County, Alabama at the time the Respondent voluntarily abandoned the bed and board of your Complainant.

5.

That there was born to the marriage between your Complainant and the Respondent one child, Michael Edwin Langley, now seven years old.

6.

That your Complainant and the Respondent own, jointly, a parcel of property, with the improvements thereon, in Fairhope, Baldwin County, Alabama, and described as follows:

Lot 8, Block 3 of Central Park Addition to the Town of Fairhope, Alabama, being a division of Etzel Subdivision of a part of the Southwest quarter of Southwest quarter of Section 17, Township 6, South, Range 2 East, as recorded in Map Book 1 Page 8 of the Probate Records of Baldwin County, Alabama;

That said property was acquired by and through the mutual efforts of your Complainant and the Respondent.

7.

That the Respondent has no place, within the State of Alabama, insofar as your Complainant knows in which to keep and maintain the said minor child; that your Complainant is the suitable, fit and proper person to have the care, and control of said child.

8.

That since on to-wit, July 23, 1949, the Respondent has contributed nothing toward the maintenance and support of your Complainant; that your Complainant has no money or means of making a living other than by her manual labor; that since the Respondent voluntarily abandoned the bed and board of your Complainant she has been forced to borrow and expend the sum of SIX HUNDRED EIGHTY FIVE DOLLARS and 04/100 (\$685.04), as board, lodging, doctor and doctor bills, and medical treatment; that the Respondent has failed and/or refused to contribute anything toward her support.

9.

That the Respondent, upon a promise that he would return the minor child, Michael Edwin Langley, at the close of the school term secured the promise of your Complainant to take the said minor from their home; that the Respondent against the wishes of your Complainant took the child to Malvern, Arkansas, and keeps the child away so that your Complainant does not have the privilege of seeing him;

That the Respondent is an able bodied man fully capable of supporting the Complainant and the minor child and of paying the bills necessarily accumulating against the Complainant; during the time that the Respondent has failed to support her;

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said, Carol E. Langley, party Respondent to this bill of Complainant requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law, and the practice of this Honorable Court.

That your Honor will order a reference to determine a reasonable amount to be paid by the Respondent to the Complainant as alimony pendente lite, and attorney's fees; that your Honor will enter an order and decree requiring the said Carol E. Langley to bring the minor child, Michael Edwin Langley, into court, to await such other, further or different orders as the Court may determine.

Your Complainant further prays that upon a final hearing hereof your Honor will give and grant to her a decree of absolute divorce forever barring the bonds of matrimony between your Complainant and the Respondent;

That a decree be made awarding to your Complainant such amounts as to your Honor may seem just and proper as money expended by her since the Respondent voluntarily abandoned her, and such other amounts as permanent alimony as to your Honor shall seem just and proper;

That a decree be made and entered awarding to her the custody of the minor child, Michael Edwin Langley, subject to such orders and decrees that may be made by the Court.

That a decree be made and entered establishing a lien in favor of the Complainant, for the money that she has been made to pay, against the interest of the Respondent in and to the real property standing in the names of your Complainant and the Respondent, and hers in above described; and that upon a failure to pay such amount as may be awarded to your Complainant and against the Respondent, that a decree be made and entered authorizing a sale of the interest of the Respondent in said property, upon such terms and conditions as to the Court may seem proper.

That a decree be made and entered awarding to your Complainant such,  
other further, different or general relief as she may be in equity and  
good conscience entitled to receive.

James S. Lee  
Solicitor for the Complainant

Received in Sheriff's Office  
this 12 day of Aug 1950  
TAYLOR WILKINS, Sheriff

801/ Q m 7518 58  
8'15

RECORDED

EDWINA LANGLEY

COMPLAINANT

VS

CAROL E. LANGLEY

X17C

RESPONDENT

BILL OF COMPLAINT

FILED  
AUG 3 - 1950  
AUG 1 BOOK Register

8 Broad St

Received 16 Day of August 1950  
and on 17 Day of August 1950  
I served a copy of the within Bill of Complaint  
on Carol E. Langley  
by service on \_\_\_\_\_

W. H. HOLCOMBE, Sheriff

By W. E. Conant D.S.  
Mobile County

EDWINA LANGLEY,  
Complainant

-Versus-

CAROL E. LANGLEY,  
Respondent

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY,

ALABAMA,

IN EQUITY.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID COURT,  
SITTING IN EQUITY:

Comes now the respondent, Carol E. Langley, in the above-styled cause, and in answer to the Bill of Complaint heretofore filed against him, says as follows:

1. Respondent admits the allegations of Paragraph 1 of Complainant's complaint.
2. Respondent admits the allegations of Paragraph 2 of complainant's complaint.
3. Respondent denies he has ever voluntarily abandoned the bed and board of the complainant, and respondent denies that he has remained away from the complainant's bed and board voluntarily and continuously, as the complainant alleges in Paragraph 3 of complainant's complaint.
4. Respondent denies the allegations of Paragraph 4 of complainant's complaint, as respondent denies that he has voluntarily abandoned the bed and board of the complainant.
5. Respondent admits the allegations of Paragraph 5 of complainant's complaint.
6. Resppndent admits the allegations of Paragraph 6 of complainant's complaint.
7. Respondent denies that he has no place within the State of Alabama in which to keep the child referred to in Paragraph 5 of complainant's complaint; respondent also denies that the complainant is the suitable, fit and proper person to have the care and control of the said child; but respondent says that he, the respondent, is the suitable, fit and proper person to have the care, custody and control.of said child.

8. Respondent denies the allegations of Paragraph 8 of complainant's complaint that he has contributed nothing toward the maintenance and support of the complainant since on, to-wit, July 23, 1949; respondent also denies that the complainant has no money or means of making a living other than by her manual labor, as she has alleged in Paragraph 8 of her complaint, and respondent demands that complainant strictly prove that she has no money or means of making a living other than by her manual labor. As to the allegation in Paragraph 8 of complainant's complaint "that since the respondent voluntarily abandoned the bed and board of your complainant, she has been forced to borrow and expend the sum of Six Hundred Eighty-Five Dollars and 04/100 (\$685.04), as bed, lodging, doctor and doctor bills, and medical treatment", respondent denies, inasmuch as he has already denied that he has voluntarily abandoned the complainant at any time. If complainant means by said allegation that she has expended the said sum of Six Hundred Eighty-Five Dollars and 04/100 (\$685.04), since the date of, to-wit, the 23rd day of July, 1949, the date that complainant alleges that respondent voluntarily abandoned her, for the purposes stated in paragraph 8 of complainant's complaint, then the respondent alleges that such allegation is peculiarly within the knowledge of the complainant and not within the knowledge of the respondent; therefore, the respondent neither admits nor denies said allegation, and the respondent demands strict proof of said allegation; respondent also denies that he has failed or that he has refused or that he has ever refused to contribute anything toward the support of the complainant.

9. Respondent denies the allegations of paragraph 9 of complainant's complaint and demands that she strictly prove the same.

10. Respondent denies the allegations of Paragraph 10 of complainant's complaint, and demands strict proof of the same. Furthermore, respondent demands that complainant strictly prove that the "bills" which complainant alleges to have accumulated against her were strictly for necessities.

Having answered the complaint of the said Edwina Langley, complainant in the foregoing, respondent prays that this, his answer, be made and taken as a cross-bill; and the cross-complainant, Carol E. Langley, makes as party respondent to this cross-bill of complaint the said Edwina Langley, and shows as follows:

1. That cross-complainant, Carol E. Langley, is a resident of the County of Mobile, Alabama, and is over the age of twenty-one years; that cross-respondent, Edwina Langley, is over the age of twenty-one years, and is presently residing in the City of Fairhope, Baldwin County, Alabama.

2. That cross-complainant and the cross-respondent were married at Fairhope, Alabama, on the 27th day of September, 1941.

3. That there was born to the marriage between the cross-complainant and the cross-respondent one child, Michael Edwin Langley, now seven years old.

4. That the cross-complainant is the fit, suitable and proper person to be entrusted with the care, control, maintenance and education of said child.

5. That the cross-respondent is not the fit, suitable and proper person to have the care and control of said child.

6. That it will be to the best interests of the child and to the child's welfare and education, if the care, custody and control of the said child is granted to the cross-complainant.

7. That the cross-complainant has at all times performed his duties as a father to the said child, and that he is still ready, able and willing to make a home for the said child and is now making a proper home for said child, and is ready, able and willing to properly educate and rear the said child in proper and fit surroundings and circumstances.

8. That the cross-complainant knows of no place where the child could be kept and properly brought-up, if the care and custody of the said child were granted to the cross-respondent.

Wherefore, the premises considered, the cross-complainant prays that this Honorable Court will entrust the care, custody, control, maintenance and education of the said child born of the marriage between the cross-complainant and the cross-respondent, Michael Edwin

Langley, to the cross-complainant, and if the cross complainant is mistaken in any relief sought specifically herein, he prays for such other different and general relief to which he, in the circumstances of the case, may be entitled.

William R. Fauten  
SOLICITOR FOR RESPONDENT AND CROSS-  
COMPLAINANT.

James

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

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

Now comes the respondent in the above entitled cause and propounds interrogatories to Quinn Z. Langley, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to Quinn Z. Langley, witness:

1. State your name, age, and place of residence.
2. What relationship, if any, are you to the respondent in the above entitled cause?
3. What relationship, if any, are you to A. C. Langley?
4. If you are the wife of A. C. Langley, are you residing with him in his house?
5. Where is Michael Edwin Langley, the son of the respondent, living at present?
6. To whose care is the said Michael Edwin Langley entrusted?
7. In your opinion, is the said Michael Edwin Langley being properly cared for?
8. How far is the house where you are residing from the town of Walvern, Arkansas; that is, from the main district of the said town?
9. Does the said Michael Edwin Langley attend school in the State of Arkansas at present?
10. If your answer to question No. 9 is yes, how far is the school house which Michael Edwin Langley attends from your home?
11. What is your occupation?
12. How much time during the day do you have to devote to taking care of the said Michael Edwin Langley?
13. Approximately, how much time do you actually give to taking care of him?

14. Describe in your own words what sort of home life and environment, describing particularly the section of town in which you live, and the type of children with whom the said Michael Edwin Langley associates in his daily activities in and around your home.

William R. Lauten  
SOLICITOR FOR RESPONDENT  
STATE OF ALABAMA, BALDWIN COUNTY

Before me, Cecil Pittman, a Notary Public in and for said County in said state, personally appeared William R. Lauten, who being by me first duly sworn, deposes and says: That he is agent and attorney for the respondent, Carol E. Langley; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing in Malvern, Arkansas; that the witness, Quinn E. Langley, is a material witness for the respondent and her evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

William R. Lauten  
SOLICITOR FOR RESPONDENT

Sworn to and subscribed before me this 31<sup>st</sup> day of October,

1930.

Cecil Pittman  
NOTARY PUBLIC

The name of Tom Ross Young, P. O. Box 60, Malvern, Arkansas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission be issued to him for that purpose.

William R. Lauten  
SOLICITOR FOR RESPONDENT

FILED  
OCT 31 1930  
NOTARY PUBLIC

WILLIAM R. LAUTEN

ATTORNEY AT LAW

PITMAN BUILDING

FAIRHOPE, ALABAMA

March 12, 1951

Mrs. Alice J. Duck, Register,  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: Edwina Langley  
Vs: Carol E. Langley

Dear Mrs. Duck:

Please find herewith enclosed the interrogatories filed by the respondent in the above case, propounded to the respondent's witnesses by Mr. T. R. Young, Commissioner. I would appreciate your ascertaining what the costs in this cause are, including the fee for Commissioner Young, and advising me of the same. I have mailed a decree to Judge Mashburn, and you should have it shortly.

Thanking you, I am

Yours very truly,

*William R. Lauten*

L/n

Enc.

WILLIAM R. LAUTEN

ATTORNEY AT LAW

PITMAN BUILDING

FAIRHOPE, ALABAMA

October 31, 1950

Mrs. Alice J. Duck, Register,  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: Edwina Langley  
Vs: Carol E. Langley

Dear Mrs. Duck:

Please find enclosed herewith the interrogatories and the commission to T. R. Young, P. O. Box 60, Malvern, Arkansas, which are to be propounded in the above matter, and it is requested that you distribute them in accordance with my letter of October 24, 1950.

Yours very truly,

*William R. Lauten*

L/n

Enc.

# J. ELMO YOUNG

131-133 MAIN STREET

MALVERN, ARK.

PHONE: 281

February 6, 1951.

Alice J. Duck, Registrar,  
Circuit Clerk of Baldwin County, Alabama,  
Fairhope, Alabama,

Dear Madam:

Edwina Langley, Complainant,

Vs.

Carol E. Langley, Respondent

I enclose herewith interrogatories taken  
by myself in connection with the above numbered case.

I am wondering if I am entitled to any compensation  
for these services?

Yours very truly,

Tom Ross Young,

St. Paul Fire and Marine Insurance Company  
ST. PAUL, MINN.



Saint Paul-Mercury Indemnity Company  
ST. PAUL, MINN.

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

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

TO T. R. YOUNG, P. O. BOX 60, MALVERN, ARKANSAS:

Know Ye, that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Robert Langley, Quinn Z. Langley, A. C. Langley, Henry Givens, and Mrs. E. H. Palmer, and Mrs. C. H. Goodman, witnesses in behalf of the respondent in a cause pending in Equity in our Circuit Court of Baldwin County, Alabama, wherein Edwina Langley is complainant and Carol E. Langley is respondent, on oath, to be by you administered, upon direct and cross-interrogatories, if any, annexed to this commission to take and certify the deposition of the witnesses and return the same to our said Court with all convenient speed over your hand and seal.

WITNESS: Register of said Court at office this 3<sup>rd</sup> day of

November, 1950.

Reice A. Leach  
REGISTER

EDWINA LANGLEY,  
Complainant

IN THE CIRCUIT COURT OF

Versus

BALDWIN COUNTY,

CAROL E. LANGLEY,  
Respondent

ALABAMA,  
IN EQUITY.

C A P T I O N

The depositions of A. G. Langley, Quinn Z. Langley, Robert Langley, Mrs. C. H. Goodman, taken at the office of Tom Ross Young, in the City of Malvern, State of Arkansas, on behalf of the respondent in the above styled cause pending in the Circuit Court of Baldwin County, Alabama, in Equity.

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA,

IN EQUITY.

Now comes the respondent in the above entitled cause and propounds interrogatories to A. C. Langley, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to A. C. Langley, witness:

1. State your name, age, place of residence, and relationship to the respondent in the above cause.
2. Where is the respondent's son, Michael Edwin Langley, now living?
3. If he is living with you, how long has he been living with you?
4. How old is Michael Edwin Langley?
5. How many people reside in the same house with you?
6. Where are you presently employed, and how long have you been working there?
7. If you are employed, while you are at work, who takes care of the said Michael Edwin Langley?
8. Do you furnish the said Michael Edwin Langley with any money for clothing, food, school supplies, or other essentials?
9. If your answer to question No. 8 is "yes", approximately how much do you furnish per month?
10. Does the said Michael Edwin Langley attend a public school?
11. If your answer to question No. 10 is "yes", what school is he attending, and where is that school located?
12. How many rooms does your house have?
13. Do you have a separate room set apart for the said Michael

Edwin Langley?

William R. Lauten

SOLICITOR FOR RESPONDENT  
STATE OF ALABAMA, BALDWIN COUNTY

Before me, Cecil Pitman, a Notary Public in and for said County in said State, personally appeared William R. Lauten, who being by me first duly sworn, deposes and says: That he is agent and attorney for the respondent, Carol E. Langley; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing in Malvern, Arkansas; that the witness, A. C. Langley, is a material witness for the respondent and his evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

William R. Lauten

SOLICITOR FOR RESPONDENT

Sworn to and subscribed before me this 31<sup>st</sup> day of Oct-  
ober, 1950.

Cecil Pitman

NOTARY PUBLIC

The name of Tom Ross Young, P. O. Box 60, Malvern, Arkansas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission be issued to him for that purpose.

William R. Lauten

SOLICITOR FOR RESPONDENT

1. "A. C. Langley" "76" "206 Dyer Street" "father"
2. "My house"
3. "little better than two years"
4. "eight years old as well as I know, now"
5. "me and my baby boy and my wife and the little boy--four of us"
6. "unemployed"
7. "I am not working"
8. "I furnish him with everything. Well, the boy sends him money every once in a while. Robert, that's my baby boy, and Carol and me furnish him with everything."
9. "Oh, I don't know."
10. "Yes, sir, every day--Sunday school on Sunday."
11. "I don't know which school he goes to, 'cause there is two or three of them there."
12. "Five rooms"
13. "No, he lives in the room with his grandmother."

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

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

Now comes the respondent in the above entitled cause and propounds interrogatories to Quinn Z. Langley, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to Quinn Z. Langley, witness:

- 1.. State your name, age, and place of residence.
2. What relationship, if any, are you to the respondent in the above entitled cause?
- 3.. What relationship, if any, are you to A. C. Langley?
- 4.. If you are the wife of A. C. Langley, are you residing with him in his house?
- 5.. Where is Michael Edwin Langley, the son of the respondent, living at present?
6. To whose care is the said Michael Edwin Langley entrusted?
7. In your opinion, is the said Michael Edwin Langley being properly cared for?
- 8.. How far is the house where you are residing from the Town of Malvern, Arkansas; that is, from the main district of the said town?
- 9.. Does the said Michael Edwin Langley attend school in the State of Arkansas at present?
- 10.. If your answer to question No. 9 is yes, how far is the school house which Michael Edwin Langley attends from your home?
11. What is your occupation?
- 12.. How much time during the day do you have to devote to taking care of the said Michael Edwin Langley?
- 13.. Approximately how much time do you actually give to taking care of him?

14.. Describe in your own words what sort of home life and environment, describing particularly the section of town in which you live, and the type of children with whom the said Michael Edwin Langley associates in his daily activities in and around your home.

William R. Lauten  
SOLICITOR FOR RESPONDENT  
STATE OF ALABAMA, BALDWIN COUNTY

Before me, Cecil Pitman, a Notary Public in and for said County in said State, personally appeared William R. Lauten, who being by me first duly sworn, deposes and says: That he is agent and attorney for the respondent, Carol E. Langley; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing in Malvern, Arkansas; that the witness, Quinn Z. Langley, is a material witness for the respondent and her evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

William R. Lauten  
SOLICITOR FOR RESPONDENT

Sworn to and subscribed before me this 31<sup>st</sup> day of October, 1950..

Cecil Pitman  
NOTARY PUBLIC

The name of Tom Ross Young, P. O. Box 60, Malvern, Arkansas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission be issued to him for that purpose.

William R. Lauten  
SOLICITOR FOR RESPONDENT

FILED  
OCT 31 1950  
BALDWIN COUNTY, ALA.

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

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

Now comes the respondent in the above entitled cause and propounds interrogatories to Robert Langley, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to Robert Langley, witness:

- 1.. State your name, age, residence, and relationship, if any, to the respondent in the above entitled cause.
2. What relationship, if any, is Michael Edwin Langley to you?
- 3.. What relationship, if any, are you to A. C. Langley and Quinn Z. Langley?
- 4.. Are you living with the said A. C. Langley and Quinn Z. Langley?
- 5.. Where, if anywhere, are you employed, and for what concern, if any?
- 6.. What is your weekly salary?
7. Of this amount, how much, if any, do you contribute to the maintenance, welfare, and support of Michael Edwin Langley?
- 8.. Does the respondent, Carol E. Langley, furnish anything for the support, maintenance, education, and welfare of the said Michael Edwin Langley?
- 9.. If your answer to question No. 8 is yes, approximately what amount does the said Carol E. Langley furnish said Michael Edwin Langley weekly for the purposes set out in the last question?
- 10.. In your opinion, do you believe that the said Michael Edwin Langley is living in proper surroundings and has been living in proper surroundings, while he has been living with A. C. Langley and


1. "Quinn Z. Langley" "53" "206 Dyer Street, Malvern, Arkansas"
2. "I am his mother."
3. "Wife"
4. "Yes"
5. "With us at our home."
6. "Both of us; in other words, all three of us--the boy, too."
7. "I do not know how he could be cared for any better. I am sure he is being cared for better than if he were with his mother or his other grandparents, because they did not when they had him."
8. "Two blocks"
9. "Yes"
10. "I would say about four blocks."
11. "Just staying home, keeping house, caring for the family."
12. "I do not just have to quit anything to take care of him, if he is not sick or anything like that--just spend time on general affairs."
13. "I just do not know how to answer that. Just about the usual things anyone would do for their family, cook his meals, take care of all his clothes."
14. "I do not let him go too far away from home to play..just keep him at home and let him play with the Gibbs and Lashlee children, who come in once in awhile. We do not live among small children, other than those. I just could not described it in any other way other than just the best place to live. They are all "swell" neighbors, respectable folks."

Quinn Z. Langley, taking into consideration his age, education, and welfare?



SOLICITOR FOR RESPONDENT  
STATE OF ALABAMA, BALDWIN COUNTY

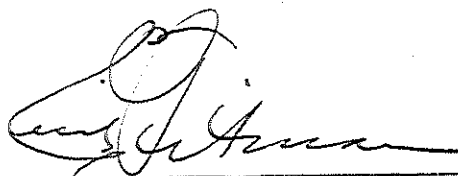
Before me, Cecil Pitman, a Notary Public in and for said County in said State, personally appeared William R. Lauten, who being by me first duly sworn, deposes and says; that he is agent and attorney for the respondent, Carol E. Langley; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing in Malvern, Arkansas; that the witness, Robert Langley, is a material witness for the respondent and his evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.



SOLICITOR FOR RESPONDENT

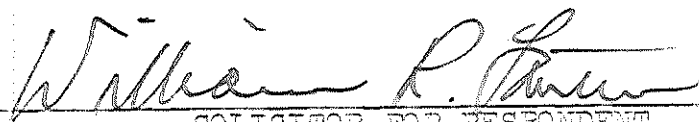
Sworn to and subscribed before me this 31<sup>st</sup> day of October,

1950.



NOTARY PUBLIC

The name of Tom Ross Young, P. O. Box 60, Malvern, Arkansas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission be issued to him for that purpose.



SOLICITOR FOR RESPONDENT

31 OCT 1950

ROBERT LANGLEY

1. "Robert Langley" "22" "206 Dyer Street, Malvern, Arkansas"  
"Brother"
2. "Nephew"
3. "Son"
4. "Yes"
5. "Magnet Cove Barium Corporation, Malvern, Arkansas"
6. "\$53.00 weekly"
7. "Groceries"
8. "Yes"
9. "From \$10 to \$15 a week"
10. "Yes"

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

{ IN THE CIRCUIT COURT OF  
{ BALDWIN COUNTY,  
{ ALABAMA,  
{ IN EQUITY.  
{

TO THE HONORABLE TELFAIR J. MASHEURN, JR., JUDGE OF SAID COURT, SITTING  
IN EQUITY:

Now comes the respondent and propounds interrogatories to Mrs.  
E. H. Palmer, a witness whose testimony, when taken, will be material  
evidence for the respondent on the trial of the above cause.

Interrogatories to Mrs. E. H. Palmer, witness:

1. Please state your full name and your address.
2. How many doors do you live from Quinn Z. Langley and A. C.  
Langley?
3. For what length of time have you been living near them?
4. Do you know the respondent, Carol E. Langley?
5. If your answer to interrogatory 4 is "yes", how long have  
you known him?
6. Do you know his general reputation in Malvern, Arkansas?
7. If your answer to the preceding interrogatory is "yes",  
is that general reputation good or bad?
8. Are you acquainted with the parents of the respondent,  
A. C. Langley and Quinn Z. Langley?
9. If your answer to the preceding interrogatory is "yes",  
how long have you known them?
10. Do you know their grandchild, Michael Edwin Langley?
11. If your answer to the preceding interrogatory is "yes",  
have you visited the home of the said A. C. Langley and Quinn Z. Langley  
while Michael Edwin Langley has been living there?
12. If your answer to the preceding interrogatory is "yes",  
do you consider it to be a proper and fit place for the upbringing of  
the said Michael Edwin Langley?
13. Do you know the general reputation of Quinn Z. Langley in  
the community in which she lives?
14. If your answer to the preceding interrogatory is "yes",  
is that reputation good or bad?

15. Do you know the general reputation of A. C. Langley in the community in which he lives?

16. If your answer to the preceding interrogatory is "yes", is that reputation good or bad?

17. Do you know Robert Langley, the son of the said Quinn Z. Langley and A. C. Langley?

18. If your answer to the preceding interrogatory is "yes", for what length of time have you known him?

19. Do you know his general reputation in the community in which he lives?

20. If your answer to the preceding interrogatory is "yes", is that reputation good or bad?

21. Do you consider Michael Edwin Langley, the grandchild of the said Quinn Z. Langley and A. C. Langley, to be well cared for while he has been living in the Langley home in Malvern, Arkansas?

William R. Lauten  
SOLICITOR FOR RESPONDENT

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, Cecil Pittman, a Notary Public in and for the said County in said State, personally appeared William R. Lauten, who, being by me first duly sworn, deposes and says: That he is agent and attorney for the respondent, Carol E. Langley; that the witness, Mrs. E. H. Palmer, whose testimony is to be taken, is a non-resident of the State of Alabama, residing at 202 Dyer Street, Malvern, Arkansas; that the witness, Mrs. E. H. Palmer, is a material witness for the respondent and her evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

William R. Lauten  
SOLICITOR FOR RESPONDENT

Sworn to and subscribed before me this 31 day of October,

1950.

Cecil Pittman  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

The name of Tom Ross Young, P. O. Box 60, Malvern, Arkansas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission be issued to him for that purpose.

William R. Lauten  
SOLICITOR FOR RESPONDENT

MRS. E. H. PALMER

1. "Mrs. E. H. Palmer" "202 Dyer Street, Malvern, Arkansas"
2. "Two doors"
3. "About three years"
4. "Well, I have just seen him around. I don't know him personally."
5. ---
6. "No"
7. "I have heard people say that he is a mighty nice person."
8. "Oh, yes. Well acquainted."
9. "About three years."
10. "Yes, quite well."
11. "Yes, I have been there a number of times."
12. "It is. I don't know of a place where he could be treated any better."
13. "Yes"
14. "She has the name of being a mighty good, honest, hard working woman."
15. "Yes."
16. "He also has the name of being a good, honest person."
17. "Yes."
18. "About three years."
19. "Yesd!"
20. "Good."
21. "He really is."

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY,

ALABAMA,  
IN EQUITY.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID COURT, SITTING  
IN EQUITY:

Now comes the respondent and propounds interrogatories to  
Henry Givens, a witness whose testimony, when taken, will be material  
evidence for the respondent on the trial of the above cause.

Interrogatories to Henry Givens, witness:

1. State your full name, your age, and your occupation.
2. If you reside in Malvern, Arkansas, for what length of  
time have you been there residing?
3. Do you know the respondent, Carol E. Langley?
4. If your answer to interrogatory 3 is "yes", how long have  
you known him?
5. Do you know his general reputation in Malvern, Arkansas?
6. If your answer to the preceding interrogatory is "yes",  
is that general reputation good or bad?
7. Are you acquainted with the parents of the respondent,  
A. C. Langley and Quinn M. Langley?
8. If your answer to the preceding interrogatory is "yes",  
how long have you known them?
9. Do you know their grandchild, Michael Edwin Langley?
10. If your answer to the preceding interrogatory is "yes",  
have you visited the home of the said A. C. Langley and Quinn M. Langley  
while Michael Edwin Langley has been living there?
11. If your answer to the preceding interrogatory is "yes",  
do you consider it to be a proper and fit place for the upbringing of  
the said Michael Edwin Langley?
12. Do you know the general reputation of Quinn M. Langley  
in the community in which she lives?
13. If your answer to the preceding interrogatory is "yes",  
is that reputation good or bad?
14. Do you know the general reputation of A. C. Langley in

the community in which he lives?

15. If your answer to the preceding is "yes", is that reputation good or bad?

16. Do you know Robert Langley, the son of the said Quinn M. Langley and A. C. Langley?

17. If your answer to the preceding interrogatory is "yes", for what length of time have you known him?

18. Do you know his general reputation in the community in which he lives?

19. If your answer to the preceding interrogatory is "yes", is that reputation good or bad?

William R. Lauten  
SOLICITOR FOR RESPONDENT

STATE OF ALABAMA,     |  
BALDWIN COUNTY.     |

Before me, Cecil Pitman, a Notary Public in and for said County in said State, personally appeared William R. Lauten, who, being by me first duly sworn, deposes and says: That he is agent and attorney for the respondent, Carol E. Langley; that the witness, Henry Givens, whose testimony is to be taken, is a non-resident of the State of Alabama, residing at The City Hall, Malvern, Arkansas; that the witness, Henry Givens, is a material witness for the respondent and his evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

William R. Lauten  
SOLICITOR FOR RESPONDENT

Sworn to and subscribed before me this 31 day of October,

1950.

Cecil Pitman  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

The name of Tom Ross Young, P. O. Box 60, Malvern, Arkansas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission be issued to him for that purpose.

William R. Lauten  
SOLICITOR FOR RESPONDENT

HENRY GIVENS

1. "Henry Givens, Mayor of Malvern, Arkansas." "69 years old."
2. "
3. "Don't know him...no."
4. "---
5. "No"
6. ---
7. "Yes, I know them."
8. "About three years."
9. "I've seen him there in their yard. I don't know what his name is." "They told me he was their grandchild."
10. "I've visited the home next door."
11. "I certainly do."
12. "Yes."
13. "Good."
14. "Yes."
15. "Good."
16. "I don't know him."
17. ---
18. "No."
19. ---

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

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

TO THE HONORABLE TELFAIR J. MASBURN, JR., JUDGE OF SAID COURT, SITTING  
IN EQUITY:

Now comes the respondent and propounds interrogatories to Mrs.  
C. H. Goodman, a witness whose testimony, when taken, will be material  
evidence for the respondent on the trial of the above cause.

Interrogatories to Mrs. C. H. Goodman, witness:

1. Please state your full name and your address.
2. How many doors do you live from Quinn Z. Langley and A. C.  
Langley?
3. For what length of time have you been living near them?
4. Do you know the respondent, Carol E. Langley?
5. If your answer to interrogatory 4 is "yes", how long have  
you known him?
6. Do you know his general reputation in Malvern, Arkansas?
7. If your answer to the preceding interrogatory is "yes",  
is that general reputation good or bad?
8. Are you acquainted with the parents of the respondent,  
A. C. Langley and Quinn Z. Langley?
9. If your answer to the preceding interrogatory is "yes",  
how long have you known them?
10. Do you know their grandchild, Michael Edwin Langley?
11. If your answer to the preceding interrogatory is "yes",  
have you visited the home of the said A. C. Langley and Quinn Z. Langley  
while Michael Edwin Langley has been living there?
12. If your answer to the preceding interrogatory is "yes",  
do you consider it to be a proper and fit place for the upbringing of  
the said Michael Edwin Langley?
13. Do you know the general reputation of Quinn Z. Langley in  
the community in which she lives?
14. If your answer to the preceding interrogatory is "yes",  
is that reputation good or bad?

15. Do you know the general reputation of A. C. Langley in the community in which he lives?

16. If your answer to the preceding interrogatory is "yes", is that reputation good or bad?

17. Do you know Robert Langley, the son of the said Quinn Z. Langley and A. C. Langley?

18. If your answer to the preceding interrogatory is "yes", for what length of time have you known him?

19. Do you know his general reputation in the community in which he lives?

20. If your answer to the preceding interrogatory is "yes", is that reputation good or bad?

21. Do you consider Michael Edwin Langley, the grandchild of the said Quinn Z. Langley and A. C. Langley, to be well cared for while he has been living in the Langley home in Malvern, Arkansas?

William R. Lauten  
SOLICITOR FOR RESPONDENT

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, Cecil P. Young, a Notary Public in and for said County in said State, personally appeared William R. Lauten, who, being by me first duly sworn, deposes and says: That he is agent and attorney for the respondent, Carol E. Langley; that the witness Mrs. C. H. Goodman, whose testimony is to be taken, is a non-resident of the State of Alabama, residing at 218 Dyer Street, Malvern, Arkansas; that the witness, Mrs. C. H. Goodman, is a material witness for the respondent and her evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

William R. Lauten  
SOLICITOR FOR RESPONDENT

Sworn to and subscribed before me this 31 day of October, 1950.

Cecil P. Young  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

The name of Tom Ross Young, P. O. Box 60, Malvern, Arkansas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission be issued to him for that purpose.

William R. Lauten  
SOLICITOR FOR RESPONDENT

EDWINA LANGLEY,  
Complainant

I IN THE CIRCUIT COURT OF

VERSUS

I BALDWIN COUNTY,

I ALABAMA,

CAROL E. LANGLEY,  
Respondent

I IN EQUITY.

C E R T I F I C A T E

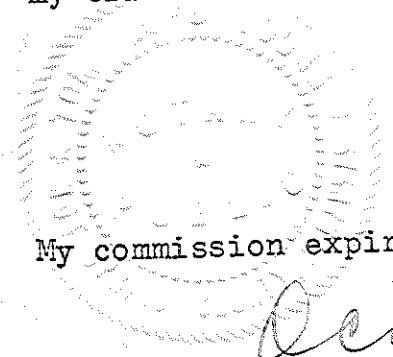
STATE OF ARKANSAS  
COUNTY OF HOT SPRING

I, Tom Ross Young, a Notary Public, within and for the county and state aforesaid, duly commissioned and acting, hereby certify that the foregoing depositions of Robert Langley, Quinn Z. Langley, A. C. Langley, Henry Givens, Mrs. E. H. Palmer and Mrs. C. H. Goodman, were taken before me at the time and in the place mentioned in the caption hereof; the said witnesses being first duly sworn by me that the testimony they should give in said cause should be the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true, perfect and complete transcription of their testimony which was given before me.

In testimony whereof, I have hereunto set my hand and affixed my official seal this 6th day of February, 1951.

My commission expires:

October 23, 1953

  
Tom Ross Young  
Notary Public

MRS. C. H. GOODMAN

1. "Mrs. C. H. Goodman"
2. "Well, they live next door."
3. "About three years."
4. "Well, I have seen him. I am not personally acquainted with him but I have seen him around the house often."
5. "I do not know him personally."
6. "No, since I am not personally acquainted with him."
7. "--"
8. "Yes."
9. "Three years."
10. "Yes."
11. "Yes."
12. "Yes."
13. "It is good, so far as I know."
14. "Good."
15. "Yes!" good
16. "It is good."
17. "Yes."
18. "About three years."
19. "Yes!" good,
20. "Good," so far as I know."
21. "Yes."

EDWINA LANGLEY,  
Complainant

VERSUS

CAROL E. LANGLEY,  
Respondent

§ IN THE CIRCUIT COURT OF  
§ BALDWIN COUNTY,  
§ ALABAMA.  
§ IN EQUITY.

DECREE

This cause coming on to be heard was submitted for final decree on the original bill of the complainant, the answer thereto of the respondent, the respondent's cross bill, testimony taken by deposition of witnesses for the respondent, testimony taken orally in open court, with both parties and their counsel being present in court, and arguments of counsel, and the same being considered by the Court, it is

ORDERED, ADJUDGED AND DECREED

1. That the bonds of matrimony heretofore existing between the complainant and respondent are dissolved, and the complainant is forever divorced from the respondent, and the respondent is forever divorced from the complainant.

2. That the complainant and the respondent are hereby permitted to again contract marriage, subject to the provisions of paragraph 4 hereof.

3. That the costs of Court accrued herein be and the same hereby are taxed against the respondent, for the collection of which execution may issue, and if such execution be returned "no property found", then execution for costs may issue against the complainant.

4. That neither the complainant nor the respondent shall marry again except to each other until Sixty (60) days after this date, and if an appeal from this decree is taken within Sixty (60) days from the date hereof, neither party shall marry again except to the other during the pendency of said appeal.

5. That the care, custody and control of the minor child of the marriage, namely, Michael Edwin Langley, is awarded to the

complainant, the mother of said child, subject, however, to the exceptions hereinafter noted. The respondent, the father of said child, shall have the right to have the care, custody and control of the said child during the summer months of each year; that is, during the months when the child is not attending school and when school is not in session. While the child is in the care, custody and control of the respondent, as above, the respondent shall be authorized, and he is hereby authorized, to remove the said child from the State of Alabama, provided, however, that he shall return the said child to the complainant in time for the start of the school term of each year. During the school term of each year the care, custody and control of the said child is awarded to the complainant, but on the first and third week-ends of each month during each such school term, and on the fifth week-end of each month during each such school term in months having five week-ends, the respondent shall have the care, custody and control of said child, provided, however, that the said child shall attend a house of worship on each Sunday of each such week-end that the child is in the care, custody and control of the respondent, for worship of the Divine Lord, such as Sunday School, Church School, or Church Services. For the purposes of this paragraph, a week-end shall commence on Friday afternoon after the child is out of school for the week-end, and shall end at a reasonable hour on Sunday night of such week-end.

6. The following property, with the improvements thereon, in the City of Fairhope, Baldwin County, Alabama, is owned jointly by the complainant and the respondent, said property being described as follows, to-wit:

Lot Eight (8), Block Three (3), of Central Park Addition to the Town of Fairhope, Alabama, being a division of Ettel Subdivision of a part of the Southwest (SW $\frac{1}{4}$ ) Quarter of Southwest (SW $\frac{1}{4}$ ) Quarter of Section 17, Township 6 South, Range 2 East, as recorded in Map Book 1, Page 8, of the records in the Office of the Judge of Probate, Baldwin County, Alabama.

And the said property, during the minority of the said child, or until the complainant shall re-marry, whichever is earlier, is hereby set apart for the use of the complainant and the said child, and the complainant shall be entitled to the rents and profits of the said property during the minority of such child, or until the

complainant shall re-marry, whichever is earlier. The said property shall not be sold during the minority of said child without an order of the Court, and if such an order be obtained and the house be sold, the complainant and respondent shall each receive an equal part of the proceeds from such sale.

7. The rents and profits received from said property, during the time set forth in paragraph 6 hereof, shall be and are hereby in lieu of any or all alimony payments for the support and maintenance of the complainant by the respondent. The taxes, bills for utilities, assessments, and costs of repairs, while the property is set apart to the complainant, as provided herein, shall be borne by the complainant.

8. During the period, as hereinabove provided, that the complainant shall have the care, custody and control of the said child, the respondent shall pay over to the complainant the sum of Ten and No/100 (\$10.00) Dollars per calendar week, for the support and maintenance of the said child. This paragraph is not to be construed as providing for payments for the support and maintenance of the said complainant, but said payments in such amounts, as provided herein, shall be and are hereby solely for the support and maintenance of said child, and when said child is in the care, custody and control of the respondent, during the period when the child is not attending school, as above provided, the respondent shall not be required to pay any stipulated amount to the complainant.

9. That the respondent shall pay to Hubert M. Hall, Esq., solicitor for the complainant, the sum of One Hundred and No/100 (\$100.00) Dollars, for legal services rendered in this cause on behalf of the complainant.

10. The Court retains jurisdiction of this cause for the purposes of determining what is for the best interests and welfare of the said minor child, and the said parties are subject to such other further orders of this Court in order to effectuate the premises herein and to make modifications hereof as the circumstances present themselves.

Done and ordered this 7th day of March, 1951.

Jeffrey A. Mathews, Jr.  
CIRCUIT JUDGE.

EDWINA LANGLEY,

Complainant

-vs-

CAROL E. LANGLEY,

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

PETITION

Comes EDWINA LANGLEY HENDERSON, the Complainant in the above styled cause, and CAROL E. LANGLEY, Respondent in the above described cause, and petition the Court to obtain an order for the sale of the house and lot in accordance with the requirements of the decree in this cause dated 7 March, 1951, the parties agree that the sum of EIGHT HUNDRED DOLLARS (\$800.00) is a just and reasonable amount for the Complainant to pay the Respondent for the purchase of his interest in said premises and pray that an order be made allowing the Respondent to sell his interest in said property hereinafter described to the Complainant for the sum of Eight Hundred Dollars (\$800.00). The property to be sold is described as follows:

Lot Eight (8), Block Three (3), of Central Park Addition to the Town of Fairhope, Alabama, being a division of Ettell Subdivision of a part of the Southwest (SW $\frac{1}{4}$ ) Quarter of Southwest (SW $\frac{1}{4}$ ) Quarter of Section Seventeen (17) Township Six (6) South Range Two (2) East, as recorded in Map Book 1, Page Eight (8), of the records in the Office of the Judge of Probate, Baldwin County, Alabama.

Out of the sale of this property there is to be deducted any sums owed by the Respondent as costs of Court or Solicitors fees owed by the Respondent to Complainant's Solicitor, Hubert M. Hall, Esquire, and the costs of bringing the abstract up to date.

The above mentioned parties hereto fix their hands and seals to this on the 19 day of August, Nineteen Hundred Fifty-two, as evidence of their approval of the sale under these terms.

*Edwina Langley Henderson*

*Carol E. Langley* (SEAL)

Costs of Court	\$ 96.00
Solicitors fee	100.00
TOTAL	\$196.00

STATE OF ALABAMA:

COUNTY OF Baldwin

I, Jno. S. Huffman, a Notary Public in and for said State and County, hereby certify that Edwina Langley Henderson, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 19 day of August, 1952.

Notary Public, Baldwin County, Alabama.

Jno. S. Huffman, Notary Public  
State of Alabama  
My Commission Expires Nov. 4, 1953

STATE OF ALABAMA:

COUNTY OF Baldwin

I, Edwina Langley Henderson, a Notary Public in and for said State and County, hereby certify that Carol E. Langley whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the day of August, 1952.

Notary Public, Baldwin County, Alabama.

EDWINA LANGLEY,  
Complainant

-vs-

CAROL E. LANGLEY,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ORDER

This cause coming on to be heard on the petition filed by both Complainant and Respondent, the Court is of the opinion that said Petition be granted.

It is therefore ORDERED, ADJUDGED and DECREED that the Respondent be allowed to sell to the Complainant his interest in the property described in said petition for the sum of EIGHT HUNDRED DOLLARS (\$800.00) on his payment of all unpaid costs in this cause and the Solicitors fee owed by him to the Complainant's Solicitor, Hubert M. Hall, Esquire, if same be unpaid.

Done this the 22 day of August, 1952.

Jeffrey P. Marshall  
Circuit Judge

The costs of Court are \$96.00.  
The Solicitors fee is \$100.00.  
TOTAL \$196.00

Alice J. Duck,  
Register

