

MARY P. WIGGINS,
Plaintiff

vs.

CHARLES GORDON WIGGINS,
Defendant

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

Comes the plaintiff and moves for a publica-
tion of the testimony and submission of cause on original bill
and answer and depositions of witnesses for ~~plaintiff~~ ^{complaint}.

Gaillard Matthews & Connel
Solicitors for the Plaintiff.

We the undersigned, solicitors for the de-
fendant, join in the above motion for publication of testi-
mony and submission of cause, and agree that same may be sub-
mitted for decree during vacation.

Margaret J. [Signature]
Solicitors for the Defendant.

Filed 8/28/17
TW Harrison
D.H.

MARY P. WIGGINS, Complainant,
VS
CHARLES GORDON WIGGINS, Respondent.

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


ANSWER OF CHARLES GORDON WIGGINS.

Answering the bill of complaint filed against him in this cause, the respondent, Charles Gordon Wiggins, says:

1st. He admits the allegations contained in the first paragraph of the bill.

2nd. He admits that he is over the age of twenty-one years, and is at the present time a resident of Baldwin County, Alabama, but denies the other allegations contained in the second paragraph of the bill.

And now having fully answered said bill, this respondent prays to be hence dismissed with his costs.


Solicitors for respondent.

No. _____

CIRCUIT COURT OF BALDWIN COUNTY.
BAY MINETTE, ALA.

IN EQUITY.

MARY G. WIGGINS,

VS

CHARLES G. WIGGINS.

ANSWER.

Filed Aug 21 1917
J. W. Rimmer
Register

Yerger & Foster,
Solicitors for Respondent.

The State of Alabama, ^{Baldwin} ~~Mobile~~ County

Mary P. Wiggins,

Complainant

No.

vs.

Charles H. Wiggins

Defendant

^{Baldwin}
Circuit Court of ~~Mobile~~ County

—
IN EQUITY

The Complainant

requests the oral examination of the following named witness

on her behalf, viz:

Frank Guston,
12 Church Street Mobile Ala

J. F. Turner
Gateswood, Baldwin County
Alabama

~~said witnesses reside in the County of~~
~~State of Alabama.~~

who reside at

Robt. H. McCannell, Mobile, Alabama

is suggested as suitable person to be appointed Commissioner to take the deposition of
said witness on such oral examination

Louise McHarvey Arnold

Solicitor for Complainant

No. _____

Baldwin
Circuit Court of Mobile County
By *McCune*
Mobile, Alabama
IN EQUITY

vs.

Demand For Oral Examination

Filed *Aug 21* 191*5*

T W Rice
Register

We hereby accept notice of the within and
waive all further service of notice ^{thereunder} and agree
that consummation may issue of once to Robert H
McCune

Wm. J. Foster
Sols. for Respondent

THE STATE OF ALABAMA,

Baldwin

County.

No. 40

CIRCUIT COURT, IN EQUITY.

Mary P Wiggins

Complainant

vs.

Charles G Wiggins

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and testimony as noted by the Register; and, upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in her said bill.

IT IS, THEREFORE, Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and the said

Mary P Wiggins

is forever divorced from the said

Charles G Wiggins

for and on account of

Illicit Sexual Intercourse

as alleged in said Bill of Complaint;

It is further ordered, that the said Mary P Wiggins be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Mary P Wiggins pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Charles G Wiggins

It is further ordered, adjudged and decreed that said Mary P Wiggins shall not again marry except to said Charles G Wiggins until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Charles G Wiggins during the pendency of said appeal.

This 5th day of September 1917.

[Signature]

Judge of the Circuit Court of

Baldwin County, Ala.

THE STATE OF ALABAMA,

County.

CIRCUIT COURT, IN EQUITY.

I, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the day of 19, in the cause of Complainant vs. Defendant as appears of record in said Court.

Witness my hand and the seal of said Court, this the day of 19

Register.

No. 40

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

COUNTY, ALA.

Mary P Wiggins,

vs.

Charles G Wiggins.

DECREE OF DIVORCE.

Filed in office this *22nd*

day of *Sept* 19*17*

D. W. Richardson
Register.

E. O. M.

LAW OFFICES OF
GAILLARD, MAHORNER & ARNOLD
66 ST. FRANCIS STREET
MOBILE, ALABAMA

S. PALMER GAILLARD
MATTHIAS MAHORNER, JR.
VIRGINIUS L. ARNOLD

August 13, 1917.

Clerk of Circuit Court, Baldwin County,
Bay Minette, Alabama.

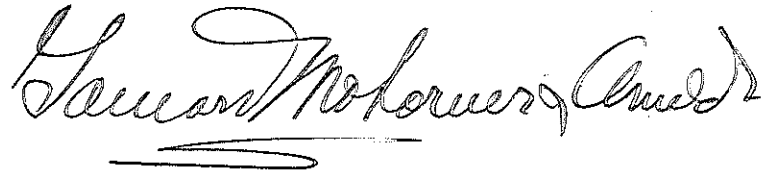
Dear Sir:

We hand you herein original bill and copy in the
divorce proceedings of Mary G. Wiggins vs Chas. G. Wiggins.

Will you please get this suit started as soon as possible and
advise us when service is had upon Mr. Wiggins.

Thanking you, we remain

Yours very truly,



Enclosure

A-M

THE STATE OF ALABAMA,

Mobile

County,

No. 40

CIRCUIT COURT IN EQUITY.

Mary P. Wiggins

vs.

Charles Gordon Wiggins

Defendant.

DEPOSITION OF Frank Gaston

By virtue of the Commission hereto annexed, issued by the Register for said Court of said County, in

the above stated cause pending in said Court of said County,

I, Robert H. McConnell

the Commissioner named in said Commission,

have called and caused to come before me, Frank Gaston,

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the witness named in the Commission, and having first sworn the said witness to speak the truth, the whole truth and nothing but the truth, the said witness deposes and says as follows:

Frank Gaston, ~~my~~ witness for the complainant, having been duly

sworn testifies as follows:

Direct examination by Mr. Mahorner.

My name is Frank Gaston, and I live at No. 12 Church

Street, Mobile, Alabama. I know Mr. Charles Gordon Wiggins,

the defendant in the suit of Mary P. Wiggins against him

for divorce. I have known him about eighteen years. I saw Mr.

Wiggins in Mobile about five or six weeks ago. I saw him down

on Water Street. I saw Mr. Wiggins with a woman at that time.

I saw Mr. Wiggins come in with a woman. They set down a little

bit, and after that they went into a room. I knew this woman.

Her general character and reputation in the neighborhood was to

the effect that she was a woman that would do that kind of tricks

around. I mean by that, that she was an immoral woman. There

was nobody else in the room with this woman and the defendant.

They were in the room probably twenty five or thirty minutes. I

saw inside of the room after they came out. The bed looked

like it had been used: In fact, it had been used. Mr. Wiggins

(3)

(4)

lives in Baldwin County. His wife, Mary P. Wiggins, the complainant, has not lived with him since I saw him in Mobile here with that other woman. The house where I saw him and this woman bears a bad reputation in such matters as I spoke of. It is not known as an assignation house, but it is used for that purpose more or less. They have bed rooms there to rent to men and women for immoral purposes.

Cross examination by Mr. Foster.

I saw the bed these people were supposed to have used. Before they went into the room it was made up nicely and had not been used. I saw Mr. Wiggins there about four, five or six weeks ago. I am sure it was Mr. Wiggins.

It is hereby agreed by and between the solicitors of record in this cause that the witnesses - Frank Gaston and J. F. Turner need not sign their testimony, as it will not be convenient for them to return for that purpose after the testimony has been reduced to writing; and that the commissioner may transcribe, certify and return the testimony to said witnesses without their signature, and without the witnesses having the deposition read to them, and without the witnesses assenting ~~to~~ or swearing to the depositions after they are written, they having been sworn by the Commissioner.

Ballard McKeever Varnell
Solicitor for Complainant.

Morgan Foster
Solicitor for Defendant.

THE STATE OF ALABAMA, }
Mobile, }
County, }

Complainant, Mary P. Wiggins,

vs.

Defendant, Charles Gordon Wiggins,

DEPOSITION OF

J. F. Turner,

By virtue of the Commission hereto annexed, issued by the Register for said Court of said County, in

the above stated cause pending in said Court of said County,

I, Robert H. McConnell, Commissioner named in said Commission,

have called and caused to come before me J. F. Turner

the witness named in the Commission, and having first sworn the said witness to speak the truth, the whole

truth and nothing but the truth, the said witness deposes and says as follows:

Examination by Mr. Mahorner of Galliard & Mahorner.

My name is J. F. Turner and I reside at Gateswood, Baldwin

County, Alabama. I am acquainted with the complainant and

the defendant in the suit of Mary P. Wiggins vs Charles Gordon

Wiggins, in the circuit Court of Baldwin County, Alabama,

equity side. I know both parties. I know where the complain-

ant is at present: She is in New York state, I understand.

I know that she is not at present living with the defendant.

I know that the defendant is more than twenty one years of age.

He resides at Gateswood, Baldwin County, Alabama. I know that

the complainant is over twenty one years of age.

I had occasion to witness improper relations between

the defendant and a woman, not his wife, some time recently.

I do not remember the exact date, but it was some six weeks or

two months ago that I saw him enter a room with a Lewd woman.

That room was located at 101 Water Street, Mobile, Alabama. It

was a bed room. I saw inside of the room and there was a bed

in the room. I am not sure of the name of the woman. When

I said she was a Lewd woman I made the statement from her

(Signature of witness waived as per agreement of the solicitors, herein).

with her husband since this action took place.

reputation of the place. The complainant has not lived

can get a woman to go to bed there it seems. That is the

is an assignation house, but it is run on that order. A fellow

about that time. I do not know that this place on Water Street

six weeks ago: I do not remember the exact date, but it was

The incident that I spoke of happened in Mobile about

Cross examination by Mr. Thomas R. Foster, of Yenger & Foster.

intercourse with her.

something about, and he admitted to me that he had had sexual

into the bed room with the woman, in a joking way, I said

with the defendant since. After seeing the defendant going

here since. She went away before that and has not lived

condoned that offense since it was committed. She has not been

The complainant has not resided with the defendant, or in any way

I saw that the bed had been used while they were in the room.

minutes. I had occasion to see inside of the room afterwards.

The defendant stayed in the room with this woman thirty or forty

general reputation in the neighborhood as to her character.

I, Robert H. McConnell, the said Commissioner, hereby certify that the foregoing testimony was taken down in writing by me in the words of the witness, and were read over to _____, that _____ assented, swore to and subscribed the same in my presence, the 23rd day of August, 1917, at 66 St. Francis Street, Mobile, Alabama; that I have personal knowledge of, or had proof made before me of the identity of the witness, and that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof.

And I enclose the said Deposition, together with the Commission and Interrogatories, Direct and Cross, and documents which were deposed to, in an envelope properly indorsed and sealed and returned to the Register for said Court of said County.

Given under my hand and seal, this 25th day of August, 1917.
Robert H. McConnell (L. S.)
Commissioner.

WITNESS' FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below :

Witness.....	Days attendance at \$1.50 per day, \$.....
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,

COMMISSIONER'S FEES.

Commissioner..... Days at \$1.50 per day, \$ 5.00
..... Words at 20c per 100,

No..... Page.....

THE STATE OF ALABAMA,
County.....

CIRCUIT COURT, IN EQUITY.

vs.

DEPOSITION TAKEN BEFORE
COMMISSIONER

DEPOSITION OF

for.....

Filed..... 19.....

Published by order of Court,
19.....

Register.....

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

To Hon Robert H Mc Connell

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioners, and by these presents do authorize you, or any one or more of you, at such time and place as you may appoint, to call before you and examine Frank Gaston, 12 Church Steet, Mobile, Ala, J.F.Turner, Gateswood Baldwin County, Ala,.

as witnesses in behalf of Complainant. in a cause pending in our Circuit Court of County, of said State, wherein

Mary P Wiggins

is Complainant

and Charles Gordon Wiggins

is Respondent,

on oath to be by you administered, upon interrogatories to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 21st day of August 1915.

D. W. Rice
Register.

THE STATE OF ALABAMA,

Belairin

County.

CIRCUIT COURT, IN EQUITY.

Mary P Wiggins

vs. Complainant

Charles Gordon Wiggins.

Defendant

COMMISSION TO TAKE DEPOSITION ON INTERROGATORIES.

COMMISSIONERS:

Robert H Mc Connell.

WITNESSES:

Frank Gibson

J. F. Turner.

DIRECTIONS FOR EXAMINATION OF WITNESSES UPON INTERROGATORIES.

1. If the time and place of executing the Commission are named therein, or in a notice appended thereto, the testimony must be taken at the time and place designated; if no time and place are designated, the Commissioners will call the witness before them at such time and place as they may appoint, and administer to him an oath to speak the truth, the whole truth, and nothing but the truth, in answer to the interrogatories to be propounded to him. The time and place of examining witnesses should be stated in the caption of the deposition.

2. The caption and deposition should be as follows:

THE STATE OF ALABAMA,

County.

Deposition of Richard Howe, a witness sworn (or affirmed, as the case may be) on the day of 19

at in said State and County, under and by virtue of a commission issued out of the Court of

and Samuel Young, defendant (or respondent). The said Richard Howe, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first interrogatory he saith: (Here write the answer of the witness as nearly as may be in the language of the witness, using the first person where he uses it).

To the second direct interrogatory he saith: (Write the answer to this interrogatory, and all others, as directed above).

If there are cross or rebutting interrogatories, go through with them in the same manner, thus:

To the first cross interrogatory he saith, etc.

To the second cross interrogatory he saith, etc.

To the first rebutting interrogatory he saith, etc.

Neither party should be permitted to put to the witness, during his examination, any verbal question or suggestion, and if anything of the kind is done by either party, the Commissioner should write it down in the deposition just as it occurred.

The testimony may be written down by any one or more of the Commissioners, by the witness himself, or by any disinterested third party in the presence of the Commissioners, and be read over to the witness if he desire it, and must be subscribed by him.

3. The Commissioners must then add their certificate, as follows:

We, (or I, if only one acts), the undersigned, Commissioners in said commission named, hereby certify that we are not of counsel or of kin to any of the parties to this cause, nor in any manner interested in the result thereof; that we are personally acquainted with said witness, J. K., and know him to be the identical person named in said commission (or have had proof made before us of the personal identity of the witness, and that he is the identical person named in said commission); that he was sworn and examined as above stated; and that his evidence was taken down, as near as might be, in his own language, and was subscribed by him in our presence on the day of 19, at the place above stated.

If the Commissioners are not personally acquainted with the witness, they must have proof made before them that he is the identical person named in the commission, and so certify.

If the witness claims for his attendance, the Commissioners should state in their certificate the number of miles traveled, the number of days the witness attended, ferrage paid, if any, etc.

4. If any exhibits, writings, or papers are produced and used as evidence by the witness, they shall be annexed to the deposition to which they relate, and shall be identified by suitable letters or marks.

If the testimony cannot be taken in one day, the Commissioners, noting the same, may continue from day to day until completed.

5. The Commissioners will fold the depositions, commission, interrogatories, and exhibits, in a packet sealed with three seals. They will write their name or names across each seal, and direct thus:

Mailed the day of 19

To (give name and style of Clerk, Register, or Judge of Probate, as the case may be),

County, Alabama.

If sent by private conveyance, should be endorsed: "Forwarded by R. A. the day of 19

The package must be delivered to the officer to whom it is directed. The person bringing the deposition will be required to take an oath that it has not been opened or altered since he received it.

The Commissioner must return the commission.

Mary P. Higgins

W } Bice for
Dworce

Chas. S. Higgins

Given 8/14/1917
J. Wheeler
Bishop

LAW OFFICES OF
GAILLARD, MAHORNER & ARNOLD
66 ST. FRANCIS STREET
MOBILE, ALABAMA

IN THE CIRCUIT COURT OF THE COUNTY OF BALDWIN
STATE OF ALABAMA

Mary P. Wiggins, Plaintiff,

vs.

IN CHANCERY

Charles Gordon Wiggins, Defendant

To the Hon. Judge of said Court:-

Your Oratrix, now residing in the City of Rochester, State of New York, being over the age of Twenty-one, respectfully shows unto your Honor that on the 8th. day of November, 1916, Oratrix intermarried with the said Charles Gordon Wiggins, in the State and County of Mobile; that the said Charles Gordon Wiggins is a bona-fide resident of Baldwin County, State of Alabama:

2. Your Oratrix further alleges that the said Charles Gordon Wiggins has been guilty of illicit sexual intercourse since his marriage with your Oratrix, and that she has not condoned said offence by living with him since. She therefore charges him with adultery; and, that the said defendant is over the age of twenty-one years and is at the present time a resident of Baldwin County, State of Alabama.

3. The premises considered, Oratrix prays for a subpoena directed to the said defendant, directing him to answer the charge herein made against him, under the rules of the Court, and that he, the said Charles Gordon Wiggins, be made a party defendant to the bill; and that upon a final hearing of the evidence, Your Honor will order, adjudge and decree that the bonds of Matrimony heretofore existing between your Oratrix, and the said Charles Gordon Wiggins be forever dissolved, and for such other relief as may in Equity and good conscience be due your Oratrix in the premises.

And your Oratrix will ever pray, etc.

Mary P. Wiggins.
By Harold McHarvey & Arnold
Attorneys for Plaintiff

Foot Note: The defendant is required to answer each section and paragraph of this bill from 1 to 3 inclusive, but oath thereto is hereby waived.

Harold McHarvey & Arnold
Attorneys for Plaintiff