

- 70 -

STATE OF ALABAMA, BALDWIN COUNTY.

*Hagen Hagen*  
or *L. V.*  
*S. J. G. W. + Sal. M. Crisp*

(page two)

Q. Have you asked the defendant for any support since he quit you?

Defendant objects to the question on the several and separate grounds that it is immaterial, irrelevant in this, a reference held for the purpose of ascertaining the amount of alimony pendente lite and attorneys fees and for no other purpose.

A. Yes, I have appealed to him for support.

Defendant moves to exclude the answer and assigns the same grounds as were assigned for grounds for the objection.

Q. At the time he abandoned you, did you give him any reason or cause or give him any cause calculated to make him quit you?

Defendant objects to the question and assigns as grounds for the objection that it calls for incompetent, irrelevant and immaterial testimony at this, a reference held to ascertain temporary alimony and attorneys fees and for no other purpose.

A. I did not give him any cause to my knowledge at all to quit me.

Defendant moves to exclude the answer and assigns the same grounds as were assigned for grounds for the objection.

\$10.00 a week, in my opinion, would be a reasonable amount for my support. At this time and ever since the defendant quit me I have been in a destitute condition. I have been dependent upon my father for my support since the defendant refused to support me and also my sisters.

#### CROSS EXAMINATION.

I lived with my mother and father before we were married, while we were married and while living in Bay Minette and I live with them now. I stated that he earns \$15.00 and upwards per week. I know this of my own personal knowledge. He earned that much when we were married. He has the same position now and is bound to earn the same. I will swear that he earns \$15.00 at least a week. I have not seen his salary paid to him since we were separated. He works now on a weekly salary of \$15.00 a week and gets a commission of 10% commission in addition to the \$15.00 per week. All of this I know of my own personal knowledge. I base my answer on the fact that he has the same position and is bound to earn the same and that is all I know about what he gets now. I know of no property that the defendant has. I stated that it would take \$10.00 per week to properly support me but I did not get this much individually myself while we were living together. Before I was married my father took care of me and I expect that I got more than \$10.00 per week personal expenses. This counts my board and room. I mean by a destitute condition that I have no one to take care of me that is able to do it. In a way I was destitute before I married the defendant. I am being supported now the same way and by the same people as I was before being married. My sisters helping now too. My sisters do not give me any cash but when I am with any of them they supply me with my needs when able to do so. That is when I am not living with my father and mother but am living with my sisters. I have taken a course in stenography. I

-page two-

*Handwritten signatures and initials:*  
OK  
J. G. [illegible]  
[illegible]  
[illegible]

(page three)

have done a little practice work for Mr. Jenkins, as a stenographer. I took my shorthand course at Ebeltofts Shorthand School, at Mobile. I went there for about three months. I did not earn anything while working in Mr. Jenkin's office. I have attempted to get a position as a stenographer, secured one but was unable to fill it on account of being ill with asthma. There was no understanding as to the salary I was to get but it was to be agreed upon later according to what I was worth. I do know something of shorthand and stenographic work although I do not know as much about it as I would have known had I finished the course. My father and mother are not able to support me. Their ability to support me has changed since I married Mr. Cain. Their health was better and they were not as old then as now. I arrive at the figure of \$10.00 per week as a reasonable amount because it will at least take that much for my support. I consider that reasonable in view of what my husband makes. I think that if he makes \$60.00 per month \$40.00 of it ought to come to me.

My husband weighs something like 115 pounds. When he was with me he weighed 120 pounds. He is 24 years of age.

-----  
DIRECT EXAMINATION H. P. CAIN, WITNESS FOR THE DEFENDANT.

My name is ~~Harold~~ <sup>Rolland</sup> Cain. I reside at Bay Minette, Alabama. I am the uncle of Randall Cain and am the proprietor of the City Barber Shop and of the Pool Room which we run in connection therewith and where Randall Cain is employed by me. Randall Cain's services are rendered under an arrangement whereby he is to get 20% of the money that is taken in by the pool room with a guarantee by me at \$1.25 per day. That is the arrangement under which he has been working since he has been with me this time. During this time that he has been with me the 20% commission has not amounted to the \$1.25 per day. We average taking in about \$5.00 per day. I do not pay Randall Cain \$15.00 per week or upwards nor have I ever paid nor do I pay now any \$15.00 per week with 10% additional of the monies taken in. During this time that he has been employed the 20% has never run over the \$1.25 guarantee. The pool room is not open on Sunday, six days a week. I do not know of any property that Randall Cain has. Since he has been with me this time his earnings have amounted to \$7.50 per week being the \$1.25 per day guarantee. He does not work anywhere else. He is about 22 years old. I do not know his exact age. I would not call him an able-bodied man who could do hard work. I state that he would not be able to do hard work on account of his size. He is mighty little to do hard work.

CROSS EXAMINATION.

The defendant is in good health as far as I know and works every day at my place. I do not keep any books but keep memorandums and slips and destroy them at the end of each week. I do not own the building in which I am engaged in business. I pay \$25.00 per month rent for the building. I give my entire time to the business. I run a Barber Shop in front and Pool Room in the back. I don't keep any books nor do I pay any income tax and I do not make any income tax return. When Mr. Cain worked for me before I gave him \$12.50. That was when he was living with his wife and before he had deserted her. The reason I cut him down this second time he went to work was because the Plant burned down and I had no good business then. I

-page three-

*Rolland Cain*  
*S. Jenkins +*  
*Or L. N. J.*  
*del by [unclear]*

(page four)

take in about \$5.00 per day at this time.

RE-DIRECT EXAMINATION.

The building occupied by me is used principally for the Barber Shop, which is the main business. The time that I spend with the business is up in the barber shop as a barber. There is no one else interested in this business and I am not called upon to account for the profits to any one else. The \$5.00 per day receipts is limited to the pool room and has nothing to do with the barber shop.

I knew the father of Lois Cain before she married, while she was living with Randall Cain and now and I don't see any difference in his health during these times.

DIRECT EXAMINATION OF THE DEFENDANT RANDALL CAIN.

My name is Randall Cain. I am the husband of Lois Cain, I live at Bay Minette, Alabama and I will be 25 years old next January. I weigh about 120 or 121 pounds, am five feet two inches tall. I work for Hallard Cain in the Pool Room at the City Barber Shop. I am on a percentage basis and get 20% of what is taken in with a guarantee of \$1.25 per day. During this time that I have worked there I have never made more than \$1.25 per day guarantee. I do not work anywhere else but give all of my time to this job. I have no property of any kind anywhere. I do not know any trade or profession. I am not able to do hard manual labor. I am not quite big enough to do that. At the time I married my wife I was working at this same place and earning \$12.50 and never earned more than that and both of us lived on that at that time. We lived with her father and mother. My wife is still living with her father and mother here in Bay Minette. I knew Mr. Hancock, the father of Lois Cain before we were married. We lived in the house with them and I have seen him recently and have not noted any change in his health. He appears just like he always was. During the time that I went to see my wife before we were married she was bothered with asthma.

Q. Was her condition such that if she had been working would this trouble caused her to lose any great amount of time.

Objects to the question on the grounds that it calls for opinion of the witness and on further grounds that witness is no expert and is undertaking to give opinion on personal health and ability of complainant in this case.

A. Not a great deal.

Move to exclude the answer on same grounds.

Since I have been working on my present job I have only earned \$7.50 per week, working 6 days a week at \$1.25 per day. I have no money of my own anywhere.

CROSS EXAMINATION.

My employer is my uncle. I have not given the complainant anything since we have not lived together. It has been about sixteen or seventeen months since complainant and myself have not lived together. I gave her my money when we were married.

*Handwritten signatures and initials:*  
OK  
S. Jenkins  
H. H. H.  
S. H. H.  
S. H. H.

(page five)

living at her peoples home while we were married but how much board she paid I do not know. During the time that my wife and myself lived with her father something like \$1.00 or \$1.25 per day was paid by us for board. I know that of my own personal knowledge.

TESTIMONY OF HENRY D. MOORE, A WITNESS FOR DEFENDANT.

Henry Moore. I am a practicing attorney at Minette, Alabama. I have been practicing law for the past 10 years or more and I am acquainted with the customary fees charged in divorce matters and suits involving alimony at this place. I know Mr. Randall Cain and I know his wife when I see her. I know Mr. Hancock the father of Lois Cain. I would say that in my opinion and basing my answer on my knowledge of such matters and my experience, that in a suit filed by Lois Cain against Randall Cain for divorce and where temporary alimony and attorneys fees are asked and there being no question as to the custody of any children, and the case being litigated, that \$50.00 would be a reasonable fee to be paid by Randall Cain to the Counsel for Lois Cain in such suit. I am not related to the parties to this suit by blood or marriage or to any of the attorneys.

CROSS EXAMINATION.

I consider what would be a reasonable fee in litigated divorce cases upon what a man is earning and so the trouble the lawyers have in regard to the case. I would consider that \$50 or \$60 would be a reasonable attorney fee for complainants solicitors if alimony was not asked for in this case. I think that \$10 or \$15 more than the amount I have mentioned would be a reasonable fee in view that alimony is involved.

The Bay Minette Bar generally charges 15% for collections. I was not basing the \$4 fee that I testified to as being reasonable for services for complainant's solicitors on the collection of alimony in this case. I have never had a case where the lawyers collected the alimony by the week and consequently I cannot testify as to what would be a reasonable fee for the services of complainant's solicitors in such a case.

RE-DIRECT EXAMINATION.

At arriving at a fee to be fixed at a reference to ascertain a reasonable fee it is not to be assumed that alimony will be granted or that it will be collected by the attorneys from week to week but rather that if alimony is granted that the defendant will abide by the decree. I have numbers of cases as a solicitor where I have sought temporary alimony and counsel fees for the lady.

*Henry Moore*  
*Examiner*  
*Sub. Ex. 1*

LOIS CAIN,  
Complainant,

-VS-

RANDALL CAIN,  
Respondent.

CIRCUIT COURT,

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the Respondent, Randall Cain and demurs to the original Bill of Complaint filed in this cause and for ground of Demurrer to the original Complaint and each paragraph thereof separately and severally and for ground of demurrer assigns as follows:-

FIRST: There is no equity in the Bill.

SECOND: That the Complaint has an adequate remedy at ~~common~~ law.

THIRD: That the abandonment in the Bill for which Complainant seeks a divorce is not alleged to have been <sup>for</sup> two years or more immediately preceding the filing of the Bill of Complaint as provided by law. The Respondent having fully answered the Complaint, prays that he may be discharged together with his costs in this behalf expended.

RANDALL CAIN  
By Stone & Stone  
As Solicitors.

*Handwritten signature: Stone & Stone*

*Handwritten initials: JJ*



Lois Cain , Complainant.

Circuit Court, Baldwin

vs

Randall Cain, Defendant.

County ,Alabama ,  
In Equity.

REPORT OF REGISTER.

In this cause the Register reports to the Court that pursuant to a decree entered on the 3rd, day of December 1925, by your Honor to ascertain the proper amount of Attorneys fees and alimony pendente lite . Upon motion of the Complainant that he held said reference on the 23rd day of December, 1925, after proper notice and service on the parties and that said reference ,the testimony of the witnesses for the complainant and Defendant were duly examined and the testimony reduced to writing , it being agreed by the parties that the signatures of the witnesses be waived , which testimony is hereto attached marked Exhibit "A"; that said reference was attended by the solicitors for the Complainant and Defendant and by both the Complainant and the defendant in person.

Upon a careful consideration of the testimony before him, the Register finds and reports as follows :- That the Solicitors for the Complainant are entitled to a fee of \$ 75.00 for their services rendered and to be rendered in this cause and that the amount of alimony pendente lite shall be the sum of \$12.00 per month.

January 13th, 1926.

  
Clerk Circuit Court Baldwin Co, Alabama.

Lois Cain , Complainant.

Circuit Court, Baldwin

vs  
Randall Cain, Defendant.

County , Alabama ,  
In Equity.

REPORT OF REGISTER.

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Upon a careful consideration of the testimony before him, the Register finds and reports as follows :- That the Solicitors for the Complainant are entitled to a fee of \$ 75.00 for their services rendered and to be rendered in this cause and that the amount of alimony pendente lite shall be the sum of \$13.00 per month.

January 13th, 1925.

  
Clerk Circuit Court Baldwin Co, Alabama.



Lois Cain.                    )  
-versus-                    ) IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
Randall Cain.                ) ALABAMA. IN EQUITY.

And now comes the complainant in the above entitled cause and amends her prayer for relief in her bill of complaint by striking out the following: "and grant your oratrix a divorce from bed and board of said Randall Cain."

*J. Jenkins & Jesse F. Hogan*  
*and Foster H. Haley*  
\_\_\_\_\_  
Solicitors for complainant.

Lois Cain , Complainant.

Circuit Court, Baldwin

vs

Randall Cain, Defendant.

County, Alabama ,  
In Equity.

REPORT OF REGISTER.

In this cause the Register reports to the Court that pursuant to a decree entered on the 3rd, day of December 1925, by your Honor to ascertain the proper amount of Attorneys fees and alimony pendente lite . Upon motion of the Complainant that he held said reference on the 23rd day of December, 1925, after proper notice and service on the parties and that said reference , the testimony of the witnesses for the complainant and Defendant were duly examined and the testimony reduced to writing , it being agreed by the parties that the signatures of the witnesses be waived , which testimony is hereto attached marked Exhibit "A"; that said reference was attended by the solicitors for the Complainant and Defendant and by both the Complainant and the Defendant in person.

Upon a careful consideration of the testimony before him, the Register finds and reports as follows :- That the Solicitors for the Complainant are entitled to a fee of \$ 75.00 for their services rendered and to be rendered in this cause and that the amount of alimony pendente lite shall be the sum of \$12.00 per month.

January 13th, 1926.

  
Clerk Circuit Court Baldwin Co, Alabama.

Lois Cain,  
Complainant,

VS.

Randall Cain,  
Defendant,

No.

In Equity

In the Circuit Court Of

Baldwin County, Alabama.

This cause coming on to be heard upon <sup>the</sup>petition of complainant for an order of reference to ascertain a suitable amount to be allowed her as temporary alimony and counsel fees, and, it appearing from the allegations of the petition and inspection of the record, that such order of reference should be made, as asked for by complainant in her petition and bill of complaint, It is hereby ordered and decreed that the Register of this Court hold a reference to ascertain and report suitable alimony and solicitor's compensation to be allowed complainant out of the defendant's estate, pending the final hearing of the cause in this case made by the filing of her bill of the said complaint.

*Dated at Bay Minette, Alabama - This  
December 3 / 1925*

*John D. Lugh*

Judge of the Circuit Court of Baldwin County,  
Alabama.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF  
THE FIRST JUDICIAL DISTRICT, SITTING IN EQUITY AT BAY MINETTE,  
BALDWIN COUNTY, ALABAMA.

The bill of complaint of lois Cain against Randall Cain, respectfully represents and shows unto Your Honor as follows:

FIRST. That oratrix and the defendant were lawfully married in Escambia County, Alabama, on or about twenty-six months next prior to the time of the filing of this bill, that oratrix and the defendant are both over the age of twenty-one years, and that both reside in Baldwin County, Alabama, at this time.

SECOND. That oratrix and the defendant lived together as husband and wife in Baldwin County, Alabama, for several months after they were married until about fourteen months ago next prior to the filing of this bill in this cause, at which time the defendant voluntarily and without any fault on the part of the oratrix abandoned her in Baldwin County, Alabama, and has since said time failed and refused to live with her, and has failed and refused to give her any support or maintenance, or to maintain her in any manner whatsoever since the time he abandoned her, as aforesaid; that because of the desertion of oratrix by said defendant as aforesaid, she has been placed in a destitute condition and also in a dependent position.

THIRD. That your oratrix is not in good health and is unable to work at all in order to maintain and support herself, and she has no income or property of any kind whatsoever upon which to live, and is unable to buy herself clothing or to provide for herself, and she has no other person other than said defendant upon whom to depend for her support.

FOURTH. That said defendant is a strong and able-bodied man; that he has regular employment, and is manager of a Pool Room, and works regularly at his said employment and earns

upwards of fifteen dollars per week at his said employment; that your oratrix has appealed in vain to the defendant for assistance and support, but said defendant has refused repeatedly to assist her or to support her.

FIFTH. That the said Lois Cane further shows that the said Randall Cain is about to leave the State of Alabama, and remove to another State, and that when he does so, it will be impossible to compel the said Randall Cain to pay any alimony for the support of the said Lois Cane.

Wherefore your oratrix shows to Your Honor that she is entitled to a decree requiring the defendant to this cause to provide a reasonable and proper alimony for her support, both pendente lite and permanent.

PRAYER FOR PROCESS.

Premises considered oratrix prays that Your Honor will take jurisdiction of the cause made by this bill, and said defendant by appropriate process to be issued and served on him may be required to answer said bill within the time as is required by law.

PRAYER FOR RELIEF.

Oratrix prays that after having considered the allegations of this bill, and of the evidence introduced in support thereof, that Your Honor will render a decree fixing alimony pendente lite for the support and maintenance of oratrix, upon the hearing of this cause, also permanent alimony, also fixing the amount of her solicitor's fees for his services in these proceedings, and that upon the hearing of this cause Your Honor will decree permanent (and grant your oratrix a divorce from bed and board of said Randall Cain) alimony for the support and maintenance of your oratrix, and oratrix further prays for such other and further and different relief as in justice she may be entitled to receive.

*S. G. Jenkins & James F. Hogan & F. R. Hale*  
Solicitors for Complainant.

FOOT NOTE:

The defendant is required to answer each and every allegation of the foregoing bill of complaint, from paragraph one to paragraph five, inclusive, but not under oath, oath thereto being hereby expressly waived.

*S. G. Jenkins & James F. Hogan & F. R. Hale*  
Solicitors for Complainant.

Reference - Notice of

State of Alabama)  
))  
Baldwin County.

No

Lois Cain, Complainant vs Randall Cain, Defendant.

To Randall Cain and his attorneys Stone & Stone:

~~Pursuant to an order of reference made in the above entitled cause at~~  
the Fall Term, 1925( A.D.) of the Circuit Court in Equity for the county  
aforesaid, I have appointed 23rd day of December, 1925 at two oclock  
P. M. at my office for considering the matters thereby referred to me  
as Master in Equity, at which time and place all parties concerned are to  
attend .

Witness ----- Register of said Circuit Court in Equity this 19th  
day of December, A.D. 1925.

Attest :

J. W. Pearson Register



Original

Excluded Dec 19

Lair Cair  
vs  
Randall Cair

True copy on  
Randall Cair

Excluded Dec 19-1925  
by leaving a copy  
of the written notice  
with the original  
Randall Cair  
to R. R. Stewart  
by Miss Stewart S.

LOIS CAIN,  
Complainant,

-VS-

RANDALL CAIN,  
Respondent.

CIRCUIT COURT,

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the Respondent, Randall Cain and demurs to the original Bill of Complaint filed in this cause and for ground of Demurrer to the original Complaint and each paragraph thereof separately and severally and for ground of demurrer assigns as follows:-

FIRST: There is no equity in the Bill.

SECOND: That the Complaint has an adequate remedy at ~~common~~ law.

THIRD: That the abandonment in the Bill for which Complainant seeks a divorce is not alleged to have been <sup>for</sup> two years or more, immediately preceding the filing of the Bill of Complaint as provided by law. The Respondent having fully answered the Complaint, prays that he may be discharged together with his costs in this behalf expended.

RANDALL CAIN

By Stone & Stone  
As Solicitors.

*Frank Stone*

Louisiana  
Rural Land

Filed Dec 21/92  
J W Richmond  
Register

2025 FOR VITRIFIED EVIDENCE  
-AROSCOA 71. SEVENTH AS TO BE MAIN CIA  
TAKEN TO SWAL REPAIR STATE. MOIT  
STANFORDSINI STATE

Johnnie Hilburn  
Dave Hilburn  
Mrs. Alfred Billy  
Mrs. O. H. Davis

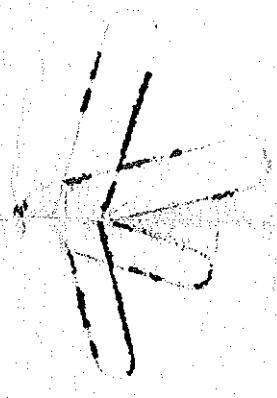
Mobile

W.H. Hancock

Defoliated by stump

to remove above

Dec 21/71 - W.H. Hancock



EMERALD S.C.  
WALTON YARD  
ADA ETHELWIN YAB

The State of Alabama }  
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon ~~Lois Cain~~, Randall Cain,

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

Lois Cain,

against said

Randall Cain.

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 24th day of Nov

1925.

*T. W. Richerson*

Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

*Clopy*

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

Lois Cain

vs.

Randall Cain,

S.C. Jenkins, Joane F. Hogan  
and F.K. Hale.

Solicitor for Complainant.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 192 \_\_\_\_\_

Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_

192 \_\_\_\_\_

by leaving a copy of the within summons with \_\_\_\_\_

Defendant.

Sheriff.

By \_\_\_\_\_

Deputy Sheriff.



# The State of Alabama } BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

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against said

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1925.

*T. W. Richerson*  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

*Original*

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

Lois Cain

vs.

Randell Cain,

S. C. Jenkins, Joane E. Logan  
and F. K. Hale.

Solicitor for Complainant.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this *24<sup>th</sup>*  
day of *Nov.* 192*5*

*W R Stuart*  
Sheriff.

Executed this *24<sup>th</sup>* day of  
*November* 192*5*  
by leaving a copy of the within summons with  
*Randall Cain*

Defendant.

*W R Stuart*  
Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.

LOIS CAIN

-vs-

RANDALL CAIN.

IN THE CIRCUIT COURT-EQUITY SIDE,

STATE OF ALABAMA. BALDWIN COUNTY.

Comes the Respondent Randall Cain and demurs to the amended Bill of Complaint filed in this cause on December 29th., 1925, and to each paragraph thereof, severally and separately, and for grounds of demurrer, assigns as follows:-

- (1). There is no equity in the Bill as amended.
- (2). That the complainant has a full, complete and adequate remedy at law.
- (3). That the amended Bill shows no ground for payment of alimony pendente lite or attorneys fees as no ground for divorce is alleged.

The Respondent having fully answered the amended complaint prays that he may be discharged together with his costs in this behalf expended.

*Stoue & Stoue*  
Solicitors for Respondent.

Filed Jan 27/92  
D W Peckham  
Registrar

Peckham