

ARLANDO LEBEAU LEE,
Complainant,
VS.
EMMA A. LEE,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.
IN EQUITY.
NO. 2965

This cause coming on to be heard is submitted for final decree upon the original bill of complaint, the answer and cross bill and the testimony of the witnesses taken ore tenus in open Court, and after considering the pleadings and the testimony of the witnesses, both for the Complainant and the Respondent, the Court is of the opinion that the Complainant is not entitled to the relief prayed for, but that the Respondent is entitled to relief prayed for in her cross bill.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Respondent, Emma A. Lee and the Complainant, Arlando Lebeau Lee, be, and the same are hereby dissolved, and that the said Emma A. Lee is forever divorced from the said Arlando Lebeau Lee for and on account of abandonment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Arlando Lebeau Lee, deliver into the hands of the Respondent, Emma A. Lee, in lieu of all alimony the sum of ONE THOUSAND (\$1,000.00) DOLLARS cash; Ten (10) promissory waive notes of THIRTEEN HUNDRED (\$1300.00) DOLLARS each, payable in Ten (10) annual payments, the first to be due and payable November 10, 1954, and signed by Charles Soule, and secured by a first mortgage on the lands conveyed by the Complainant to the said Soule, and also convey to the Respondent, by full warranty deed, the following described real property, situated in Baldwin County, Alabama, to-wit:

East half of Northwest Quarter, Section 14, Township 4 South, Range 5 East, and Southeast Quarter of Northwest Quarter, Section 19, Township 4 South, Range 5 East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, Arlando Lebeau Lee, pay into the hands of Telfair J. Mashburn, Jr., the Solicitor of Record for the Respondent, the sum of ONE THOUSAND (\$1,000.00) DOLLARS, as Solicitor's fee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Arlando Lebeau Lee, transfer and convey, by proper conveyance, an undivided one-fourth interest in and to all of the oil, gas and other minerals, in, on and under the following described lands in Baldwin County, Alabama, to-wit:

Southeast Quarter of Northwest Quarter of Section 35, Township 3 South, Range 5 East;
Northwest Quarter of Northwest Quarter of Section 1, Township 4 South, Range 5 East;
North Half of Northeast Quarter; Northeast Quarter of Northwest Quarter of Section 2, Township 4 South, Range 5 East;
West half of Northwest Quarter of Section 2, Township 4 South, Range 5 East;
North half of Southeast Quarter of Section 2, Township 4 South, Range 5 East; Southwest Quarter of Southeast Quarter of Section 2, Township 4 South, Range 5 East;
North Half of Northwest Quarter of Section 11, Township 4 South, Range 5 East;
West half of Northeast Quarter of Section 11, Township 4 South, Range 5 East;
South Half of Northeast Quarter of Southwest Quarter, of Section 11, Township 4 South, Range 5 East;
Southeast Quarter of Southwest Quarter of Section 11, Township 4 South, Range 5 East;
Southwest Quarter of Southwest Quarter of Section 13, Township 4 South, Range 5 East;
East Half of Northwest Quarter of Section 14, Township 4 South, Range 5 East;
Northeast Quarter of Southeast Quarter of Section 24, Township 4 South, Range 5 East;
Northeast Quarter of Section 25, Township 4 South, Range 5 East;
West half of Southwest Quarter of Section 30, Township 4 South, Range 5 East;
East half of Northeast Quarter of Section 31, Township 4 South, Range 5 East;
Northeast Quarter of Southeast Quarter, Section 31, Township 4 South, Range 5 East;
Southeast Quarter of Southeast Quarter, Section 30, Township 4 South, Range 5 East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the original bill of complaint of the Complainant be and the same is hereby dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if an appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said suit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant and the Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

IT IS FURTHER ORDERED that the Complainant pay the cost herein to be taxed, for which execution may issue.

Done this 28 day of August, 1953.

Hubert M. Isaac
Judge of the 28th Judicial
Circuit of Alabama.

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FILED
AUG 18 1953
ALICE L. DUCK, Register

ARLANDO LEBEAU LEE,
Complainant,
VS.
EMMA A. LEE,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.
NO. 2965

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your Respondent, EMMA A. LEE, and for answer to the bill
of complaint heretofore filed in this cause, she says:

1. She admits the allegations of paragraph 1.

2. She admits that part of paragraph 2, alleging that the
Complainant and your Respondent were married in August, 1907, but
denies that they were married on August 12, 1907, in Bay Minette,
Alabama; she says that they were married on August 11, 1907, in
Gateswood Community, Baldwin County, Alabama; She denies that part
of paragraph 2 which alleges that your Respondent abandoned the
Complainant in the Spring of 1949, or at any other time, but that
the Complainant on his part abandoned the bed and board of your
Respondent at that time, and, despite the fact that she has continued
to make a home for him and has often begged him to change his ways
and come back home, he has refused to return and live with her as
her husband until this day.

3. That she denies most emphatically every allegation of para-
graph 3.

And now, having answered the allegations of the bill filed in
this cause by ARLANDO LEBEAU LEE, your Respondent prays that this,
her answer be made and taken as a cross-bill, and she avers:

1. That she is over the age of twenty-one years and is a bona
fide resident citizen of Baldwin County, Alabama, and has been a
bona fide resident citizen of said State and County for more than
fifty years next preceding the filing of this bill.

2. That on, to-wit, August 11, 1907, she intermarried with
ARLANDO LEBEAU LEE, who is over the age of twenty-one years and a
bona fide resident citizen of Baldwin County, Alabama; that they
lived together as husband and wife until, to-wit, the Spring of

1949.

3. That the said ARLANDO LEBEAU LEE voluntarily abandoned her bed and board more than two years next preceding this divorce bill, and has remained separate and apart from her ever since; that said abandonment was without cause, fault or consent on the part of your Respondent.

4. That at the time the cross-respondent and your cross-complainant intermarried, he was a poor country boy with very little of this world's goods; that during their more than forty years of married life, your Respondent and Cross-complainant made a home for the Cross-respondent; that she did the cooking, washing and ironing; that she took in boarders and gave him the money to use in his business and that she helped him to operate a country store, from which he took and used the money;

5. That at this time he owns approximately 1400 acres of valuable land in Baldwin County, Alabama; that within the past year, or two, he has sold more than fifty thousand (\$50,000.00) dollars worth of timber off of the aforesaid lands, and that she has received none of said money; that in January, 1953, he withdrew from their joint account in the Baldwin County Bank some \$1340.00, which had been placed there by the Honolulu Oil Corp for rental on their lands, without her knowledge or consent, and that he gave her no part of this money; that he owns other rental property in and around Bay Minette, Baldwin County, Alabama.

6. That your Respondent and Cross-Complainant has no separate estate of her own; and that she has no money with which to pay her solicitor's fees; that she is without means of support during the pendency of this suit, and that the Complainant and Cross-respondent is well able to provide for her support.

7. That all of the estate owned by the Complainant and cross-respondent was acquired during their married life and was as much attributable to her efforts and assistance, as aforesaid, as to his own; that without her assistance he would not have the estate that he has to-day; that she is entitled to an undivided one-half interest in and to all of his real and personal property.

WHEREFORE, THE PREMISES CONSIDERED, your Respondent and Cross-complainant makes the said ARLANDO LEBEAU LEE respondent to this her

cross-bill, and prays that the process of this Court may be directed to him according to law, commanding him to appear in this cause within the time and in the manner required by law and the rules of this Honorable Court, and plead, answer, or demur to this her bill of complaint.

Your Respondent and Cross-complainant prays further that your Honor will order the Register of this Court to hold a reference and to ascertain and report to this Court what will be a reasonable amount to be allowed to your Petitioner during the pendency of this suit for her support and maintenance, and for her solicitor's fee.

Your Respondent^{and cross-complainant}/further prays that your honor will make and enter an order requiring the Complainant and cross-respondent to give an accounting to this Honorable Court and your Respondent and Cross-Complainant^{of} all property, real or personal, in which he may have or claim an interest, legal or equitable; all moneys, effects or choses in action in which he may have or may claim an interest, legal or equitable, and where such property, real or personal, may be found or is situated, and who has or may claim possession thereof; that your Honor will order that said accounting go back to the time the Complainant and Cross-respondent abandoned her in 1949;

Your Respondent and cross-complainant further prays that on a final hearing of this cause your Honor will make and enter a decree ordering that she is the owner of an undivided one-half interest in and to all real and personal property owned by the Complainant and Cross-Respondent at the time he abandoned her as aforesaid; that your Honor will order the said Complainant and Cross-respondent to pay to your Respondent and Cross-Complainant one-half of the sums of money he obtained from the sale of timber off the lands as aforesaid and from the rental for oil and mineral leases; that your Honor will order him to pay a reasonable fee for her Solicitor in the premises; and that your Honor will make and enter a decree granting to her an absolute divorce from the said ARLANDO LEBEAU LEE, and your Respondent and cross-complainant prays for such other, further or general relief as she may, in equity and good conscience be entitled to receive, and, as in duty bound, she will ever pray.

Jeffrey J. MacLennan
SOLICITOR FOR RESPONDENT AND CROSS-COM-
PLAINANT.

STATE OF ALABAMA
BALDWIN COUNTY

You are hereby commanded to summon Emma A. Lee, 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 Arlando Lebeau Lee, as Complainant.

Witness my hand this 21st day of January, 1953.


Register

ARLANDO LEBEAU LEE ¶ IN THE CIRCUIT COURT OF
 ¶ BALDWIN COUNTY, ALABAMA
 ¶ IN EQUITY.
VS ¶
EMMA A. LEE ¶
 ¶ RESPONDENT

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your Complainant, Arlando Lebeau Lee, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and over twenty-one years of age.

2.

That your Complainant and the Respondent were married in Bay Minette, Alabama, August 12, 1907 and lived together as husband and wife in Baldwin County, Alabama, until Spring of 1949, when the Respondent abandoned the Complainant.

3.

That in the Spring of 1949, while the Complainant and the Respondent were living together the Respondent voluntarily abandoned the bed and board of your Complainant, and has remained away voluntarily and continuously since that time.


4.

The children born as fruits of this marriage are grown.

Wherefore, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Emma A. Lee party Respondent to this bill of complaint 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.

Your Complainant further prays that upon final hearing hereof your Honor will grant to her an absolute divorce forever barring the bonds of

matrimony existing between your Complainant and Respondent, that your Complainant be awarded such other further, different or general relief as she may be in equity and good conscience to receive.


Solicitor for Complainant.

Received in District Office
this 24 day of Feb, 1922
TAYLOR WILKINS, Sheriff

Received _____ day of _____ 19____
and on 24 day of Feb 1922
I served a copy of the within _____
on _____
By service on Emma A. Lee

TAYLOR WILKINS, Sheriff
By Peter Bellera

2965
ORIGINALLY
ORLANDO LEBEAU LEE
Complainant

VS

EMMA A. LEE

BILL OF COMPLAINT

From the law offices of
G. Lenoir Thompson

FILED

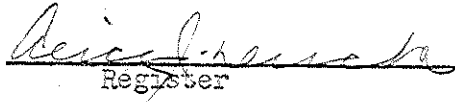
FEB 21 1922

ALICE L. BROWN, RECORDED

STATE OF ALABAMA
BALDWIN COUNTY

You are hereby commanded to summon Emma A. Lee, 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 Arlando Lebeau Lee, as Complainant.

Witness my hand this 21st day of January, 1953.


Register

ARLANDO LEBEAU LEE
COMPLAINANT
VS
EMMA A. LEE
RESPONDENT

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

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your Complainant, Arlando Lebeau Lee, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and over twenty-one years of age.

2.

That your Complainant and the Respondent were married in Bay Minette, Alabama, August 12, 1907 and lived together as husband and wife in Baldwin County, Alabama, until Spring of 1949, when the Respondent abandoned the Complainant.

3.

That in the Spring of 1949, while the Complainant and the Respondent were living together the Respondent voluntarily abandoned the bed and board of your Complainant, and has remained away voluntarily and continuously since that time.

4.

The children born as fruits of this marriage are grown.

Wherefore, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Emma A. Lee party Respondent to this bill of complaint 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.

Your Complainant further prays that upon final hearing hereof your Honor will grant to her an absolute divorce forever barring the bonds of


ARIANDO LEBEAU LEE,
COMPLAINANT,
VS
EMMA A. LEE
RESPONDENT.

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

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your Complainant and Cross-Respondent and moves this Honorable
Court, that said cause being at issue, that your Honor will set same down
for final submission at such time and place as your Honor may determine,
in accordance with Alabama Equity rule 60.


Attorney for Complainant and Cross-Respondent.

Copy served on Counsel for Respondent and Cross-Complainant this
the 24th day of April, 1953.

Attorney for Complainant and Cross-Respondent.

Received _____ day of _____ 19____

and on 30 day of April 1953

I served a copy of the within _____

on _____

By service on D. P. ... Lee

TAYLOR WILKINS, Sheriff

By Peter ... D. S.

Received in Sheriff's Office
this 30 day of April 19 53
TAYLOR WILKINS, Sheriff

4-24-53

FILED

REC'D

ARLANDO LEBEAU LEE,
COMPLAINANT,

VS

EMMA A. LEE,
RESPONDENT.

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

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your Complainant and Cross-Respondent in said cause and for
answer to the cross-bill by the Respondent and Cross-Complainant says:

1.

As to paragraph one of said cross-bill your Complainant and Cross-
Respondent admits the allegations therein.

2.

As to paragraph two your Complainant and Cross-Respondent denies the
allegations therein.

3.

As to paragraph three your Complainant and Cross-Respondent denies
that he abandoned the Respondent and Cross-Complainant, but on the contrary
says that the said Cross-Complainant abandoned your Orator and that your
Orator established a homestead, removed from the Gateswood Community
to the vicinity of Bay Minette and the Cross-Complainant failed or refused
to accompany your Orator, as he had a lawful right to demand and expect
on the contrary. Said Cross-Complainant then and there abandoned your Orator
during to-wit the Spring of 1949.

4.

As to paragraph four your Orator admits that the said cross-Complainant
lived with him, doing his house work as his right, fit and proper for a wife
but denies that she gave him any more help than was customary for a wife to
give and says further that the money alleged in said paragraph as being
from boarders was used in the rearing of their children born as fruits of
their marriage, as was money taken from receipts from the country store; and
that your Orator did use said money for family expenses.

5.

Your Orator shows unto this Honorable Court that he does own approximately
1340 acres of land situated in Baldwin County and does not own 1400 as alleged
in said paragraph. Your Orator however denies that he has sold more than
\$50,000.00 worth of timber on the contrary that the sale of said timber was

begun some 10 years ago and the money therefrom utilized in the purchase of said lands; and further that the title to said lands is exclusively in your Orator. As to the allegations in Paragraph 5 concerning the oil lease money your Orator shows unto this Honorable Court that he did withdraw said monies but that during the past 12 months a considerable portion of said money was spent on the store at Gateswood and at the behest of Cross-Complainant. And further your Orator shows unto this Honorable Court that he does own one parcel of land in the vicinity of Bay Minette.

6.

As to Paragraph 6 to said cross-bill your Orator shows unto this Honorable Court that by common consent between the parties hereto the said Cross-Complainant has during the three years of such abandonment on her part, had access to and utilized to her own benefit the receipts from said country store, which the said Cross-Complainant has been operating and that said receipts have been ample for her support and that she is not without funds as alleged in said count; and further your Orator shows unto this Honorable Court that he was unable to meet his bills during this litigation and in consequent thereof lost his equity in the property known as "Breezy Pine".

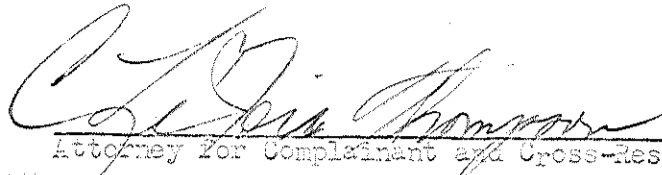
7.

Your Orator avers unto this Honorable Court that said properties accumulated by your Orator and in his name were the results of his industry, application and business, and that he has offered said Cross-Complainant the value of one-third of all his real property, which is more than the law would set apart to said Cross-Complainant upon the death of your Orator inasmuch as four children were born to this union and have reached maturity. Your Orator avers unto this Honorable Court that he has offered said Cross-Complainant 80 acres of land comprising the former homestead together with the residence, store building, and other structures thereon, and further the stock and fixtures of said store building, gas pumps, etc., and the household goods within said residence, said real property being a part of the one-third value of all your Orator's real property.

8.

Your Cross-Respondent denies that the said Cross-Complainant is without funds in, that, she has access to and for her individual use all monies, receipts and incomes from the operation from the filling station and store mentioned above and has had since the separation, together with certain other miscellaneous monies. Your Orator moves the court for an oral hearing

before the court on all matters contained in the prayer of said Cross-
Bill.


Attorney for Complainant and Cross-Respondent.

Received _____ day of _____ 19____
and on 30th day of April 1933
I served a copy of the within writ
on Emma A. Lee

By service on _____

TAYLOR WILKINS, Sheriff
By Paul Harris D.S.

Received in Sheriff's Office
day of April, 1933
TAYLOR WILKINS, Sheriff

2968

Adwards Deems Lee

v.s.

Emma A. Lee

*serve on
vms Lee
Adwards*

FILED

4-24-33

APR 1, 1933, REGISTAR

ARLANDO L. LEE

VS.

EMMA A. LEE.

TESTIMONY TAKEN IN OPEN COURT BEFORE
JUDGE H. M. HALL, ON SATURDAY,
MAY 16th., 1953.

A P P E A R A N C E:

FOR COMPLAINANT: HON. C. L. THOMPSON
BAY MINETTE, ALABAMA.

FOR RESPONDENT HON. TELFAIR J. MASHBURN, JR.,
BAY MINETTE, ALABAMA.

LOUISE DUSENBURY,
COURT REPORTER.

FILED

MAY 21 1953

ALICE J. DUCK, Register

MR. ARLANDO L. LEE, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Thompson.

Q. State your name, please?

A. A. L. Lee.

Q. You are over the age of 21 years and a resident of Baldwin
County, Alabama?

A. Yes, sir.

Q. Mrs. Emma A. Lee is your wife?

A. Yes, sir.

Q. She is over 21 years of age and a resident citizen of Baldwin
County, Alabama?

A. Yes, sir.

Q. You all have lived in Baldwin County, Alabama, more than two
years next preceding the filing of the bill of complaint?

A. Yes, sir.

Q. State to the Court, if you recall, the exact date of your marriage?

A. Date of our marriage?

Q. Yes?

A. I think it was some in August, 1907 - - I don't know--

Q. Where were you married?

A. Gateswood, at her folk's home on the front gallery.

Q. The children born to this marriage are now over the age of 21
and heads of separate households?

A. Yes, sir.

Q. Mr. Lee, will you state to the Court where you live now?

A. 605 Old Daphne road.

Q. Here in Bay Minette?

A. Yes, sir.

Q. Baldwin County, Alabama?

A. Yes, sir.

Q. Where does Mrs. Lee live?

A. At the old home place at Gateswood, I guess.

Q. How long have you all been separated?

A. Practically three years; maybe a little better than three years.

Q. At the time you came to Bay Minette, and the period since then, have you, at any time tried to bring Mrs. Lee here?

A. Yes, sir.

Q. Can you state any particular occasion?

A. On several different occasions I asked her to move to Bay Minette with me.

Q. Did she move?

A. No, sir.

Q. Would you state the approximate time that that abandonment took place?

--When she refused and failed to move with you the first time?

A. Well it was right after I came to Bay Minette --When I quit driving. After my eyes got blinded I had to quit driving and I asked her to come here and live and help me and she wouldn't do it.

Q. When was that?

A. About three years ago.

Q. Now Mr. Lee, you have certain properties down there at Gateswood?

A. Yes, sir.

Q. And in asking for this divorce have you offered any property settlement to Mrs. Lee?

A. Yes, sir.

Q. Would you state to the Court as well as you recollect, the most recent offer?

A. We agreed one time to \$10,500.00 and the home place, when she had this Lawyer over here - Chason.

Q. That home place - Does that include the store?

A. Store and house and everything in the house and 80 acres of land.

Q. Stock of goods too?

A. Yes.

ON CROSS EXAMINATION OF THE COMPLAINANT, HE TESTIFIED:

Cross Examination by Mr. Mashburn.

Q. Mr. Lee, you say you were married back in 1907?

A. Some where along in 1907 or around there.

Q. How old were you when you got married?

A. 20 years old.

Q. Did you own any property at that time?

A. No, sir.

Q. Just getting started?

A. No, sir - I didn't get started for several years after that.

Q. After you married where did you settle? Where did you first set up your home place?

A. Mobile.

- Q. How long did you stay over there?
- A. I think we were there probably a year and a half after we married.
- Q. Then where did you move to?
- A. Pensacola.
- Q. How long did you stay there?
- A. About two years.
- Q. Then where did you go? Did you move back to Gateswood to Live?
- A. We went from Pensacola to Molina, Florida, and stayed there for a while.
- Q. Were you in the turpentine business at Molina?
- A. No, sir, I was working for Sheriff_____.
- Q. After that you moved back to Gateswood?
- A. Yes, sir.
- Q. And went in the turpentine business?
- A. Yes, sir.
- Q. Did you own any property at that time?
- A. No, I had bought some on credit.
- Q. How did you pay for that?
- A. Out of the proceeds from the land.
- Q. Was that farming or turpentineing the timber?
- A. Turpentine and timber; I never made any money farming.
- Q. As you went along did your wife help you to run your business and look after things there?

2965

- A. Sometimes ^{she}/did and sometimes she didn't.
- Q. How many children did you have?
- A. Six. Two dead and four living.
- Q. All of the living children are now grown?
- A. Yes, sir.
- Q. Did she look after the children as a mother should?
- A. Sometimes.
- Q. What do you mean?
- A. When she was there.
- Q. You mean she didn't stay at home?
- A. Not all of the time?
- Q. Where did she go?
- A. I don't know; one time she went to Florida and stayed about eight months.
- Q. When did you first put up this little store down there?
- A. I would say that was 18 - 17 or 18 years ago.
- Q. Who has run that store most of the time?
- A. When she was there she helped and my daughter helped and the boys helped; all of us did.
- Q. Isn't it true that practically all of the time she and the family ran it and you were in the woods looking after your turpentine business?
- A. No, sir.
- Q. Did you ride the woods and look after the business?
- A. Who looked after it the months she was in Florida? -- The eight months she was in Florida, who looked after it?
- Q. Wasn't she looking after the store most of the time?

A. She would probably run out there after noon; I was practically always there at noon and at night.

Q. Isn't it true that at the time you were getting started your wife took in boarders?

A. She taken in boarders at a saw mill--

Q. What about at Gateswood?

A. When she was at home she cooked for some of the hands.

Q. Part of the pay was her boarding them?

A. They were not there all of the time.

Q. She did cook for them? Did the cooking, didn't she?

A. Part of the time.

Q. Wasn't part of their pay - part of the agreement between you and these people that you would furnish them food?

A. Yes, sir.

Q. And she prepared that food?

A. Part of it.

Q. Supervised all of it?

A. I wouldn't know.

Q. She ran your house?

a. When she was there she did.

Q. During the time you have been married to her you have acquired how many acres of land?

A. 1340 acres.

Q. That is not including the 80 acres - the home place?

A. That is all of it.

Q. How many houses are there on that land? Livable houses?

A. Two on it now besides two little turpentine shacks.

- Q. You say you own 1340 acres of land?
- A. Yes, sir.
- Q. That's the land you own in Gateswood, isn't it? The Gateswood area?
- A. Yes, sir.
- Q. What other real property do you own?
- A. I have right close to eight acres here in town.
- Q. How many houses are there on that?
- A. Three.
- Q. When did you purchase that land and those houses?
- A. When did I buy them?
- Q. Yes?
- A. I would have to look on the deeds.
- Q. It has been since the time you were married to her, hasn't it?
- A. It has been between three and four years ago I would say.
- Q. And don't you own some land and building out here on the Highway? - on Highway 31?
- A. No, sir.
- Q. Don't you assess the Breezy Pines?
- A. I assesse it but I lost that this year.
- Q. How?
- A. Because I couldn't make the payments on it.
- Q. What equity did you have in that when you lost it?
- A. \$2500.00 in it when I lost it.
- Q. How much balance did you owe on it?
- A. \$3500.00.

- Q. You lost it because you owed the \$3500.00?
- A. Yes, sir.
- Q. Did they foreclose the mortgage?
- A. No mortgage on it; I bought it under contract.
- Q. You defaulted the contract?
- A. What else could I do when I couldn't pay it?
- Q. I'm asking you for the record. Now getting down to the time that you claim you moved into Bay Mimette and tried to get your wife to come here with you and she wouldn't come. You and your wife have been having trouble over a long period of time, haven't you?
- A. I wouldn't say that.
- Q. Hadn't you, for a long period of time, been staying away from home more than you have stayed at home?
- A. No, sir.
- Q. That is not true?
- A. No.
- Q. At least since '45 isn't that true?
- a. No, sir.
- Q. And when you moved into town where were you living?
- A. Right where I am at now.
- Q. What were you doing?
- A. Running this filling station.
- Q. At the time you asked her to move into town with you?
- A. Yes, sir.
- Q. Were you running the Breezy Pines?

A. Afterwards I taken that.

Q. You told her you wanted her to come here and live?

A. Sure.

Q. And she refused?

A. Sure did.

Q. What did she say?

A. That she didn't want to live here and no where else except there.

Q. How long had you been living there?

A. She was raised in that community

Q. Where were you raised?

A. I was raised in Indiana.

Q. You have been there practically all of your married life?

A. Practically except the time we were off on jobs.

ON RE-DIRECT EXAMINATION OF THE COMPLAINANT BY MR. THOMPSON:

Q. How many of those three houses were put up after this abandonment occurred? After she refused to come to Bay Minette and live?

A. Two of them; one was there and I built two after that.

ON RE-CROSS EXAMINATION OF THE COMPLAINANT BY MR. MASHBURN:

Q. These houses on the land you own on the Daphne road - aren't they houses made from houses off the land at Gateswood?

A. I got the framing off an old barn down there that my father built years ago.

- Q. Didn't you tear down and remove three houses from that land down there and move them up here and use that lumber in these houses?
- A. I tore down one shack that I had close to Tom Baggetts, and that barn and another house on the same land where the barn was at the time I built these two houses here last year; I tore down another house and built the Station at Breezy Pines that I lost.
- Q. Mr. Lee on this 1300 and some odd acres of ~~xi~~ land that you own at Gates wood - Didn't you sell the timber off of that in the past few years?
- A. I sold that over a period of 18 years.
- Q. Didn't you enter into a contract with a firm in Florida in the last seven or eight years?
- A. In 1950. You have the contract there.
- Q. Didn't you sell approximately \$30,000. to \$40,000 worth of timber off of that land?
- A. No.
- Q. How much did you sell?
- A. I don't know but it lacked a lot being that much.
- Q. There is no timber on that land now?
- A. Oh yes.
- Q. Didn't you sell most of that within the last few years?
- A. No.
- Q. You can't tell me approximately how much you got for it?
- A. No, because in the last three years my eye sight has been

so bad I didn't keep up with it; I couldn't keep up with it.

Q. Did you give your wife any of that money?

A. I paid off the notes and mortgage on the property.

Q. From the sale of the timber?

A. Yes, sir. I bought all of this land and stuff on installment plan - on credit and paid for it each year as I could and that is what went with the money that I derived from the timber was paying for the land there and I bought these places in town.

Q. Don't you have an oil lease on this land?

A. Yes, sir.

Q. In January of this year didn't you get approximately \$1340.00 for the rental of that land?

A. Certainly did.

Q. Wasn't that made to you? To you and Mrs. Lee?

A. Sure.

Q. Wasn't it deposited in the bank to your joint account?

A. Certainly was.

Q. Didn't you draw that money out and didn't give her any?

A. She got as much as I did.

Q. Did she even know when you drew it out?

A. Do you want to know what went with that money? Is that what you're beating around? Ask me what went with that money.

Q. Did she get any?

A. She got her part.

Q. You gave her a part of it?

- Q. She got it before the money came in just like I did - before that money came in I went to the Bank and borrowed money to buy license and things for the store.
- Q. How much lincese do you have to pay?
- A. We had license down here and down yonder and we had the taxes to pay - \$360. some odd dollars out of it.
- Q. She didn't have anything to do with the license in town and at Breezy Pines, did she?
- A. She got cigarettes out of that all along and I paid for her light bill and the gas that went in the stove and I paid sales tax for her and done her washing and ironing - I paid for that - and I figured she got more out of it than I did.

THE COMPLAINANT REST.

JUDGE W. D. STAPLETON, A WITNESS FOR THE RESPONDENT, BEING
FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Mashburn.

- Q. Is this W. D. Stapleton?
- A. Yes, sir.
- Q. Judge W. D. Stapleton?
- A. Yes.
- Q. What is your occupation?
- A. Real estate and insurance business.
- Q. How long have you been engaged in that business in this County?
- A. About 50 years.

- Q. Do you know the value of real estate in and around Bay Minette? And also in and around Gateswood?
- A. Yes, sir.
- Q. I will ask you first, are you familiar with the lands down here on the Daphne road that is owned by Mr. Lee?
- A. Yes, I know where it is.
- Q. Do you know the value of land in that part of Bay Minette?
- A. Yes, sir.
- Q. What is the reasonable market value of that land with the three houses on it?
- A. How many acres are there?
- Q. Eight, with three frame houses?
- Q. What size are the houses - How many rooms?
- Q. I believe one has five rooms and two have four rooms and they are frame houses?
- A. Eight acres of land?
- Q. Yes?
- A. That don't take in the dance hall, does it?
- Q. No.
- A. I would say about \$15,000.00.
- Q. Now are you familiar with the lands around in the place known as Breezy Pines? The Dance Hall, or skating rink out there?
- A. Yes.
- Q. Are you familiar with property in that vicinity?
- A. Yes, sir.

Q. What would be the reasonable market value of that building?

A. That building?

Q. Yes, and the lands around it?

A. How many acres?

MR. THOMPSON: Your Honor, the testimony is that the man
doesn't own that land now.

MR. MASHBURN: He's assessing it.

THE COURT: Go ahead.

Q. I believe there is around five acres, but I'm willing to
let him say differently if I am wrong--I believe 2 and
a fraction acres. Say approximately two acres.

A. I've never been in the dance hall and I really don't
know the value of it. How is it fixed up?

q. It isn't fixed up.

COMPLAINANT: It is 74 x 45.

A. I would say around \$6,000.00.

Q. Now what is the value of cut over lands--? First, I will
ask you: Do you know the value of cut over lands in the
Gateswood area?

A. Yes, sir, I own some there.

Q. What is the reasonable market value of cut over lands down
there?

A. About \$30.00 an acre.

Q. Are you familiar with Mr. Lee's home place down there?

--The house and store and 80 acres of land?

A. Well, I have never been on it; I have been by it but it's in a good section.

Q. Have you observed it enough to have an opinion as to the reasonable market value of that place?

A. I have never been over it; I have just passed along the road.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. THOMPSON, HE
TESTIFIED:

Q. Judge Stapleton, on those three houses here in town. Would you say those are \$5,000.00 houses?

A. Well you can't put most any kind of house up for less than \$5,000.00. Of course, I have not been in them and don't know how they are fixed up.

Q. In other words, you feel the cost of any house would be \$5,000.00?

A. Yes, sir.

Q. Are you familiar with the house I live in?

MR. MASHBURN: I object to that.

THE COURT: Confine it to the issues.

MR. THOMPSON: I thought I was - When a man makes a statement as to the value of the house--

WITNESS: (Interrupting) We have built several houses and I know what it cost to build them.

MRS. EMMA A. LEE, THE RESPONDENT, BEING FIRST DULY SWORN,
TESTIFIED:

Direct Examination by Mr. Mashburn.

Q. Is your name Mrs. Emma A. Lee?

A. That's right

Q. You are the respondent in the divorce action which was brought by your husband some two or three months ago?

A. Yes, sir.

Q. You are over the age of 21 years?

A. Yes, sir.

Q. Where do you live?

A. I live at Belfontain.

Q. How long have you lived there?

A. About 32 years.

Q. Are you the wife of Arlando L. Lee?

A. I am.

Q. When and where were you married?

A. I was married August 11, 1907 at my mother's home, and my home, too at that time.

Q. How long did you continue to live with him as husband and wife?

A. Well it must have been - - Well he has been away from home I guess around three years - practically three years.

Q. What happened around three years ago, Mrs. Lee?

A. Well he took a notion after the Cunninghams moved away that he would come up there and start a gas station; he rented a gas station and stayed up there in the day time and came home at night and his eyes did get bad and we had a discussion as to what he would do when his eyes got so bad he couldn't see and he said he would rent a room in the house he had purchased for the Cunninghams and would have to get somebody else to cook for him and it was agreeable with both of us for him to do that, and he started staying there.

Q. After he left did you continue to run the store, Mrs. Lee?

A. I did; I have not missed a day since I can remember being in the store.

Q. Now at the time you were married, Mrs. Lee, did your husband own any property at all?

A. No he did not.

Q. Since you have married has he built up everything that he owns today?

A. Absolutely.

Q. Did you help him to buy and pay for that stuff, Mrs. Lee?

A. I have worked every day since we have been married.

Q. I would like for you, in your own words, to tell the court in what way you have helped your husband to acquire what he owns?

A. Well we moved to Mobile to start with. For the first few months I didn't keep boarders and then I did; my brother and a friend of his started boarding with us and they board-

ed with us for sometime and we were keeping a store to at that time.

Q. In Mobile?

A. Yes, sir.

Q. In Mobile?

A. Yes, sir and I looked after the boarders and kept the store and he worked on Street Cars, and from there we moved to Pensacola.

Q. Let me ask you one thing. The money that you got from the boarders, and the store, who used that money?

A. It was all used together.

Q. Did you usually pay the bills?

A. He always handled the money.

Q. You turned it over to him and he paid the expenses and you never knew what went with the money?

A. That is right and we moved to Pensacola and I took boarders there; two boarded with us there and we moved from there to Molina Florida and my brother boarded with us there and we moved from there out in the country and the house burned and we moved in with his brother for a while and moved from there to Barano Park and I cooked for the mill hands; 13 hands and sometimes when they would bring logs down the river there would be 25. We moved from there to the homestead and at that time we were getting poles out and there were about five hands boarding with us; we lived there about three years on the homestead and during that time I

I made a garden with a hoe and took care of my family.

- Q. Now during all of those years when you were feeding the 13 men at the mill and 25 on occasions, did you ever get any money for the board of those men?
- A. No.
- Q. What became of the money?
- A. It all went in for a living.
- Q. Mr. Lee handled it?
- A. Yes, sir.
- Q. Did he ever give you an accounting?
- A. No, sir, and I never asked him to.
- Q. After you got up to where you are - Gateswood, did you take boarders right on?
- A. Yes, sir, I took in boarders since we moved to the house we are now in; we had turpentine hands that had no place to board and no wife and I cooked for them; cooked for five or six while they were working at the saw mill.
- Q. How about after he opened the store?
- A. Mr. Underwood and Ann Phillips boarded with us a while; They were school teachers and I would run in and out and do the cooking and looking after the store.
- Q. Who ran the store most of the time?
- A. I can't see but what it was me; most of the time he was out with the turpentine.
- Q. Did he always handle the money out of the store?
- a. If I wanted to buy some little something I needed we got it out of the store.
- Q. Did you ever have any money out of that for yourself to save?

A I never did have no savings at all.

Q. All you got out of it all these years was a living?

A. That's all.

Q. When did you first start having trouble with your husband?

A. It has been several years ago; probably 13 years ago.

Q. That trouble was caused by his running away from home?

A. Yes, sir, I asked him not to go away from home; he would carry other women with families to dances and shows.

Q. And that trouble continued down to the present time?

A. Continued to the present time.

Q. At the time he left in 1946 or 1947 - whenever it was, had you been having trouble with him about some particular woman for a long time?

A. Same one. Mrs. Cunningham.

Q. I didn't want to bring anybody's name in. You had been having trouble with him about women?

A. Yes, sir.

Q. Was that one of the reasons he moved out?

A. He didn't - I don't know what else it was; we didn't have any fuss or argument.

Q. Since he has left you, have you ever asked him to come back?

A. I have.

Q. On more than one occasion?

A. I asked him to come back and let's hold the home together.

Q. Have you, at all times, been willing and anxious to keep him there and act as a wife to him?

A. I have.

Q. Have you continued to run the home as you did in the years gone by?

A. Sure have.

Q. Did you ever have any trouble with your husband before he started going with other women?

A. No, sir, he stayed home and respected me.

Q. Even at the present time if he came back would you be willing to go back to him?

A. I couldn't take him back now due to circumstances.

Q. Up to right recently you were ready to take him back?

A. Yes.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. THOMPSON, SHE
TESTIFIED:

Q. Mrs. Lee, did you ever see Mr. Lee in any compromising position with Mrs. Cunningham?

A. I didn't see him; I just had his word for it; he voluntarily told me that he had.

Q. Going back to the matter of money. Didn't you and the children go to the cash register and get money when you needed it?

a. That is the way we got our living and clothing. That is the way he provided for the boys to get their spending money after they got a good size.

Q. Money made at Barano Park was lost when the company went broke, wasn't it?

A. I don't know; we just got a living out of that.

Q. Did the company go broke?

A. The mill burned; I couldn't say whether they went broke or not. The mill burned and that is the way it wound up.

Q. How much money have you made from the store in the past 12 months?

A. I don't keep up with it; it has been very little; it has been tough keeping it going. In otherwords, I've borrowed money to keep it going; there are two houses on the land and fortunately I have been able to keep them rented and with that and what I made in the store, I kept up.

Q. Did he pay the sales tax for you?

A. Yes he paid the sale tax.

Q. For a good while he looked after the laundry for you?

A. He did for a while, but he hasn't for several months now.

Q. That is since this suit has been going on?

A. Yes, sir.

Q. Did he bring you cigarettes there ?

A. For a while and would fill up his gas tank and get his groceries out of the store.

Q. Did he ever ask you to move to Bay Minette?

A. He did asnd I didn't think he would treat me any better up here, so I figured he would still be away from home . At the same time I would like to say he did draw the rent from the farm for these number of years that he has been away.

Q. He paid the taxes on the farm?

A. Yes.

Q. The land is in his name?

A. Yes, sir, it's all in his name.

ON RE-DIRECT EXAMINATION OF THIS WITNESS BY MR. THOMPSON, SHE
TESTIFIED AS FOLLOWS:

Q. Mrs. Lee, did you get any of this money from the oil lease?

A. No I didn't. I went to the bank and called for it and they said he had already drawn it out.

Q. Did you know that he had drawn it out?

A. Not until I got a letter and I carried the statement to them and asked for it and they said he had done drewed it out.

Q. The checks he said he paid - the things that he said he paid for, did they amount to \$670.00?

A. Couldn't have.

Q. How much license did you have at the store?

A. About \$12.00 a year.

Q. One other thing. About his asking you to move up here - at that time he was following around with some other woman and had told you that he was?

A. Yes, sir, he admitted he was and didn't deny it.

Q. You have, on a lot of occasions, tried to get him to come home and live as he should?

A. Yes, sir.

ON RE-CROSS EXAMINATION OF COMPLAINANT BY MR. THOMPSON, SHE TESTIFIED

Q. You would have taken him back down there at the time you refused to come to Bay Minette?

A. Yes, sir.

ON RE-RE-DIRECT EXAMINATION OF THIS WITNESS BY MR. MASHBURN:

Q. You would have taken him down there if he would agree to come and live like he used to before he started running around?

A. Oh yes I would have taken him back and been glad to keep the home together.

MRS. MARTHA ARD, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED:

DIRECT EXAMINATION BY MR. MASHBURN.

Q. Mrs. Ard, you are Mrs. Martha Ard?

A. Yes, sir.

Q. Mrs. Ard, you are a sister to Mrs. Emma Lee, aren't you?

A. Yes, sir.

Q. Do you remember when she and Mr. Lee were married?

A. Yes, sir.

Q. About when was that?

A. I could not say how many years, because I had not thought about it.

Q. You know it has been a long time ago?

A. Yes it sure has.

Q. During the years that they have been married have you visited in their home?

A. Lot of times.

Q. At the time they married did Mr. Lee own any property?

A. I don't think he owned anything.

Q. During the years that you have visited with them and been in their home and observed them, what kind of wife did Mrs. Lee make for Mr. Lee?

A. She always seemed to be as careful as possible; she always helped in any way in the work that she could.

Q. What kind of work did she do? Did she take care of the children?

A. Her children and the house and she never had any help and she always helped with the store and has helped with it ever since they have had the store.

Q. Who actually ran the store most of the time?

A. When he was off at work she was taking care of it and when he came in he would help; sometimes both would be in there and sometimes just him and sometimes just her.

Q. What other ways did she help him?

A. Well she took boarders in most all of the places that they lived.

Q. Do you know anything about how they handled the money when she was taking boarders?

A. No, sir.

- Q. When she was keeping the boarders, who did the work?
- A. She did.
- Q. Did she have a cook?
- A. No. If she ever had any help I didn't know it.
- Q. When you were visiting there she didn't have a cook?
- A. No.
- Q. Did they, up until a few years ago, appear to be a happily married couple?
- A. Yes, sir.
- Q. Do you know when they first started having trouble?
- A. The first I knew of it, a few years back they had a man that moved there that help work at the turpentine business and that is when the first trouble that I know anyting about occurred there.
- Q. W hen was that?
- A. That was when he was running the turpentine business.
- Q. When was that? About how long ago?
- A. Well I don't know how many years it has been.
- Q. Several years back?
- A. Yes, sir, when he was runing the turpentine business there.
- Q. From that time down to now they had had trouble?
- A. Yes, sir.
- Q. During all of the years that you have observed them has she been a good wife to him?

A. Yes, sir.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. THOMPSON.

Q. Mrs. Ard, most of what you know is what you were told, isn't it?

A. Yes, mostly.

ON RE-DIRECT EXAMINATION BY MR. MASHBURN:

Q. The part you testified to as to her working and taking boarders and running the store - you were there and observed that?

A. I would go off and on visiting.

Q. That is not hear-say, you know that?

A. Yes, sir.

Q. The only part that is hear-say is the man that operated the turpentine camp?

A. That is right; that is the first time I knew of any trouble.

ON RE CROSS EXAMINATION OF THIS WITNESS BY MR. THOMPSON:

Q. How often were you there, once or twice a year?

A. Two or three times a year.

MR. V. D. LEE, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Mashburn.

Q. Is this Mr. V. D. Lee?

A. Yes, sir.

Q. Where do you live, Mr. Lee?

A. Bell Fontaine.

Q. Do you know the complainant and the respondent?

A. Yes, sir.

Q. I believe you are a brother of Mr. A. L. Lee, the Complainant?

A. Yes, sir.

Q. Do you recall when they married?

A. Yes, sir.

Q. Mrs. Emma Lee and Arlando Lee?

A. Yes, sir.

Q. Do you recall your brother's financial position? Did he own any property?

A. I don't think so.

Q. Over the years that they have been married have you visited in their home frequently and been in the community where you could observe them?

A. Practically all of the time.

Q. What kind of wife has she made for Mr. Lee?

A. I don't know a thing against her for a wife.

Q. Has she always worked and helped him?

A. Yes, sir.

Q. Helped him ~~ma~~acquire what he has?

A. Yes, sir.

Q. Did she cook for boarders and people that he had working for him?

A. yes, sir.

Q. About the little store; has she helped run it and run it most of the time when he was in the woods?

A. She has helped to run it all the time.

Q. Do you know when they first started having trouble, Mr. Lee?

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

Q. Do you know what first caused the trouble?

A. No.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. THOMPSON:

Q. How busy was that store, Mr. Lee?

A. About like any other country store.

Q. Drive up and call or blow the horn and she would come out and open up the store?

A. Yes, sir.

Q. Might be open several times, or it might not be opened until late in the evening?

A. Yes, sir.

Q. Not regular work; part time work?

A. Part time.

Q. Who looked after the store in the evening?

A. Well he did every evening.

Q. That is when it was usually busy, when folks knocked off from work?

A. I reckon so.

ON RE DIRECT EXAMINATION OF THIS WITNESS: MR. MASHBURN:

Q. Wasn't there a lot of evenings that he couldn't be found?

A. Within the last few years.

Q. In the last 10 or 12 years?

A. Not that long; the last two or three years.

Q. He wasn't there at all for the last three or four years?

A. He was there every evening until four or five years ago.

MR. L. C. WRIGHT, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY
SWORN, TESTIFIED:

Direct examination by Mr. Mashburn.

Q. Your name is Mr. Wright?

A. L. C. Wright.

Q. Where do you live?

A. I live in Bell Fontaine settlement.

Q. How long have you lived there?

A. I believe I came there in 1917.

Q. Do you know the Respondent here-- the parties to this suit, Mr.
and Mrs. Lee?

A. Yes, sir.

Q. How long have you known them?

A. Since I have been there; they were there when I moved there.

Q. Have you had the opportunity over the years to observe Mrs. Lee
and how she handled her duties as a house wife and mother, Mr.
Wright?

A. About like that of any neighbor.

Q. Did she make a good wife for Mr. Lee?

A. So far as I know.

Q. Do you know what she did to help him beyond what the ordinary
house wife does?

Q. Beyond that?

A. The ordinary house wife looks after the house and the children?

A. Let me think - my wife is at home gathering eggs -- Well she done what the regular house wife did and in connection with that they had a little commissary and she worked in that a part of the time.

Q. How about cooking for boarders and people working there?

A. Yes I have known her to have boarders there that worked on the farm - turpentine farm.

Q. In your observation of her, Mr. Wright, was she economical - an economical wife?

A. So far as I know she wasn't an extravagant person - neither of them were.

NO CROSS EXAMINATION OF THIS WITNESS:

MR. W. E. HARE, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Mashburn.

Q. Your name is Mr. Hare?

A. Yes, sir.

Q. What are your initials?

A. W. E.

Q. Where do you live, Mr. Hare?

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- A. Down at Gateswood.
- Q. How long have you lived there?
- A. About 50 years?
- Q. 15 years?
- A. 50 years.
- Q. Do you know the parties to this suit, Mr. and Mrs. Lee?
- A. Yes, sir.
- Q. How long have you known them?
- A. I have been knowing them 35 or 40 years.
- Q. When you first knew them did they own any property, Mr. Hare?
- A. Well they had a homestead there, is all I know anything about.
- Q. Over the years since/^{then}they have acquired considerable property?
- A. Yes, sir.
- Q. Did you observe the way Mrs. Lee helped her husband over the years?
- A. Well she stayed at home and taken care of the home duties around there as far as I know.
- Q. What about the store?
- A. She ran the store there.
- Q. What about boarders and cooking for people that boarded with them or that worked for Mr. Lee?
- A. Well there were some boys that worked for him that stayed there.
- Q. She did the cooking?
- A. Yes, sir.
- Q. Over the years you have been observing them has she been an

economical housewife?

A. Yes, sir.

Q. And mother?

A. Yes, sir.

Q. Would you or not say that what he has today is due a lot to the help she has given him over the years?

A. Yes, sir.

Q. You don't know anything about the trouble that they have had in the last few years?

A. No, sir, I don't.

ON CROSS EXAMINATION OF THIS WITNESS BY MRL THOMPSON:

Q. Mr. Hare, she always stayed at home?

A. Well she was always there when I was there; I traded at the store.

Q. She never did go off and stay gone any length of time?

A. Not as I know of.

Q. When she went to Florida?

A. When she was sick she wasn't home.

Q. How did you know she was sick?

A. That is what they said.

Q. You don't know?

A. I don't know.

Q. You say she ran the store; did you ever see Mr. Lee around the store?

A. Yes, sir.

Q. He had something to do with that?

A. He was there on week-ends.

Q. Never did she him there in the evenings?

A. No.

Q. Did you go there in the evenings?

A. When I passed by there on week ends he would be there.

Q. You say she was economical. Did you check any of the bills?

A. I didn't check any; all I know I traded there.

Q. How do you know she was economical?

A. She minded her business and taken ~~xxx~~ care of things.

Q. You stated that she helped him accumulate what he has. Do you have any idea the value of what she accumulated from her work?

A. No.

MR. DOUGLAS WATERS, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY
SWORN, TESTIFIED:

Direct examination by Mr. Mashburn.

Q. Is this Mr. Douglas Waters?

A. Yes, sir.

Q. Where do you live?

A. Gateswood.

Q. You live close to the homestead, or home place of Mr. Lee, don't you?

A. Yes, sir.

Q. Do you know Mr. and Mrs. Lee?

A. Yes, sir.

Q. How long have you known them?

A. I have known them for -- from 46 down.

Q. Over the years, Mr. Waters, have you observed the way Mrs. Lee has helped her husband and the kind of housewife and mother she has made there?

A. So far as I know she has been all right; she worked in the home and the store there.

Q. She helped him run the store?

A. Sure.

Q. Most of the time within the last 15 or 20 years he has been in the turpentine business?

A. He used to be up until three or four years ago.

Q. Up to that time she ran the store all of the time when he was out woodsriding?

A. I would say probably she did the bulk of the work.

Q. Do you know from time to time she took in boarders and cooked for hands that he had working for him in the turpentine business?

A. I just don't know about that; I wouldn't say.

Q. From Your observation of her has she been an economical house wife?

A. She used to cook some mighty good collard greens.

Q. You don't know anything about the trouble they have had in the last few years?

A. Not a thing.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. THOMPSON:

Q. Did you see anybody else working in the store? -- His daughter or the boys?

A. They have all worked there.

Q. Including him?

A. Sure.

MR. R. E. LEE, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Mashburn.

Q. You are a brother to Mr. Arlando Lee?

A. Yes, sir.

Q. You are Mr. R. E. Lee?

A. Yes, sir.

Q. Brother in law to Mrs. Lee?

A. Yes, sir.

Q. Do you live down there in the Gates wood community, Mr. Lee?

A. Yes.

Q. Do you live close to your brother and his wife?

A. A little over a half mile.

Q. Now do you recall when they got married?

A. Yes I do.

Q. At that time did your brother own any property?

A. No he didn't.

- Q. Over the years he has acquired considerable property - real estate and personal property and so on?
- A. Yes he has.
- Q. Now in your observation of them during their married live has his wife helped him acquire what he has today?
- A. Well I would say she did.
- Q. In what ways did she help him build up his estate?
- A. I should say as a house wife and help mate, as any other woman should be.
- Q. Didn't she go further than the average house wife? What about the people she cooked for?
- A. She didn't go any farther than my wife would go.
- Q. She did take in boarders and she cooked for a few hands?
- A. Yes, sir, she did take in boards and cook for a few hands that he had helping him.
- Q. What about the store. Did she run that?
- A. She worked in it when it was convenient for her to do it.
- Q. And when he wasn't there?
- A. Yes, sir.
- Q. Do you know anything about the trouble they have had in the last few years?
- A. I don't know nothing excepting what I have heard, and I wouldn't tell that.
- Q. I asked you if you knew?
- A. No I know nothing.

Q. You don't know anything?

A. No, I don't.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. THOMPSON:

Q. The children worked in the store too, didn't they?

A. When they were there they did.

Q. And the accumulation of the property there in your opinion came from the use of what they had rather than the hard labors and spent hours?

A. Sure.

ON RE DIRECT EXAMINATION OF THIS WITNESS BY MR. MASHBURN.

Q. Has she always been an economical wife?

A. I could not say that she has ever been extravagant at all.

THE RESPONDENT REST:

ON REBUTQAL, THE COMPLAINANT INTRODUCED MR. MACK PHILLIPS,
WHO BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Thompson.

Q. State your name?

A. Joe Mack Phillips, Jr.

Q. What is your business?

A. Real estate broker.

Q. In your work as a real estate broker, have you had any knowledge of valuations of property in the Gateswood area?

A. Not until I was connected with this transaction, but I would say that the Gateswood property is like any other Baldwin County property.

q. You are familiar with property in and around Gates wood?

A. Yes, sir.

Q. Have you observed the 80 acres on which the home of Mr. and Mrs. Lee is located?

A. I have.

Q. Are you familiar with the reasonable market value of property in that community?

A. I think that any property is what the property earns - an 80 acres I think that joins that house sold for \$45.00 an acre and it is unimproved land and if I am not mistaken some of that 80 acres that the home is on is improved land.

Q. Will you state the value of the 80 acres of land, excluding the house? ~~Fixt~~Also, excluding the furniture, store and stock of good?

MR. MASHBURN: I would like for him to explain the stock?

WITNESS: I wouldn't know what the stock of goods were worth unless you took an inventory, but I would say, from my experience in the grocery business at Point Clear that \$1,000. would cover the groceries in the store very easily; that would be my idea; I don't think any one could tell unless they took an inventory.

Q. What are the value of the fixtures and the building?

A. The fixtures in the store, I would say if you got \$500.00 for them you would get a good price, selling them second hand.

Q. The building?

A. I would say considering that the 80 acres on the corner sold

fpr \$45.00 an acre, I would say \$50.00 an acre would be my appraisal and I would say the house - I have not been inside, but if it is modern like I have been told, with hot and cold running water, I would say the house located where it is in Gateswood would be worth \$5500.00, or \$6,000.00.

Q. Store building?

A. Well it is worth whatever value the store would be worth; I would say \$1500.00.

Q. Have you observed the buildings on Mr. Lee's property here? His three houses?

A. I have been in Mr. Lee's home. When the question was brought up to Mr. Stapleton I said in my mind the exact figures that Mr. Stapleton put on the property; \$15000.00 - the land and buildings and I think that would be top.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. WASHBURN:

Q. How about the other land - the cut over land that he owns? What is the reasonable market value of that, Mr. Phillips?

A. That's a hard question to answer. I would say that you would have a pretty hard time selling it today for \$30.00 an acre.

Q. Well now actually your testimony - you are testifying as to the reasonable market value?

A. It would all depend on what somebody wanted it for.

Q. For - if somebody is willing to pay \$40.00 an acre?

A. I would say \$30.00 an acre would be tops.

Q. 1340 acres of that?

A. No, 1260 acres; you take the 80 acres out.

Q. Are you familiar with this place down here - the Breezy Pines and two acres of land?

A. Yes.

Q. What is the reasonable market value of that?

A. I would say \$6,000. to \$6,500.00.

THE COMPLAINANT REST.

THE RESPONDENT INTRODUCES WITNESSES ON ATTORNEYS FEES:

MR. TOLBERT M. BRANTLEY, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED.

Q. What is your name?

A. Tolbert M. Brantley.

Q. You are a practicing attorney at Bay Minette, Alabam?

A. Yes, sir.

Q. Licensed by the State Bar Association?

A. Yes, sir.

Q. Are you familiar, Mr. Brantley, with the legal fees charged for handling divorce cases and property in connection with divorce cases?

A. I am.

Q. In your opinion, what would be a reasonable Attorney's fee for the solicitor representing a Respondent in a divorce case, who files an answer and cross bill asking for divorce and asking for a property settlement. In connection with property that has been proven to be worth approximately \$82,000.00?

That includes real property almost exclusively?

A. I would say from \$2,000.00 to \$3,000.00 in my opinion would be

reasonable.

ON CROSS EXAMINATION BY MR. THOMPSON:

Q. Mr. Brantley, you heard the testimony on the values?

A. No, sir, just the last part.

Q. On property that adds up, according to the testimony, to a little over \$65,000.00, what would you say?

A. I don't think it would vary very much; a reasonable fee wouldn't vary much; I would say possibly the reasonable value would be from \$1800. to \$2500.00.

Q. On \$65,000?

A. Yes, sir.

Q. The appearance being filing a cross bill in court and about two hours in court?

A. Yes, I would still say that would be reasonable.

MR. JAMES R. OWEN, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED:

Q. Your name is James R. Owen?

A. Yes, sir.

Q. Are you a practicing attorney in Baldwin County, Alabama?

A. Yes, sir.

Q. Licensed by the State Bar Association?

A. Yes, sir.

Q. Are you familiar with the reasonable fees for services of Solicitors in Chancery actions?

A. Yes, sir.

Q. What would be your opinion a reasonable fee for the Solicitor representing a respondent in a divorce case, who files a cross bill setting up grounds for a divorce, and setting up the fact that the respondent has helped to and accumulate what the complainant owns, and is entitled to one half of his estate, and who proved that his estate is worth approximately \$82,000.00?

A. I think at least \$3,000.00.

ON CROSS EXAMINATION BY MR. THOMPSON:

Q. Mr. Owen, have you handled any such cases?

A. Yes, sir, I have.

Q. On the basis of you handling them, that is what you would say would be a reasonable fee?

A. Well I don't take the cases that I have or have been interested in; in reading over the various Bar Association fees and fee bills and etc. and from talking to other Attorneys.

Q. Does this Bar have a fee bill setting out that practice?

A. Not as I know of.

Q. Have you talked with any one about this case?

A. Mr. Mashburn asked me to come and testify for him; he didn't ask me what I thought.

THE RESPONDENT REST:

THE COMPLAINANT REST.

Q. What would be your opinion a reasonable fee for the Solicitor representing a respondent in a divorce case, who files a cross bill setting up grounds for a divorce, and setting up the fact that the respondent has helped to earn and accumulate what the complainant owns, and is entitled to one half of his estate, and who proved that his estate is worth approximately \$82,000.00?

A. I think at least \$3,000.00.

ON CROSS EXAMINATION BY MR. THOMPSON:

Q. Mr. Owen, have you handled any such cases?

A. Yes, sir, I have.

Q. On the basis of you handling them, that is what you would say would be a reasonable fee?

A. Well I don't take the cases that I have or have been interested in; in reading over the various Bar Association fees and fee bills and etc. and from talking to other Attorneys.

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THE RESPONDENT REST:

THE COMPLAINANT REST.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 43 both inclusive, correctly sets forth a true and correct transcript of the evidence in the case of Arlando L. Lee, vs. Emma A. Lee, tried before Judge Hubert M. Hall on May 16th., 1953, in open Court in Bay Minette, Alabama.

This 18th day of May, 1953.

Louise Desobry