

372

MYRTLE JEFFCOAT,
Complainant,
vs.
FRED JEFFCOAT,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. _____

This cause coming on to be heard, is submitted for final decree upon the pleadings, proof and agreements as noted by the Register, and the same being considered by the Court, the Court is of the opinion that the complainant is entitled to the relief prayed for.

It is therefore ORDERED, ADJUDGED AND DECREED that the bonds of matrimony now existing between Myrtle Jeffcoat and Fred Jeffcoat be and the same are hereby dissolved.

It is further ORDERED, ADJUDGED AND DECREED that the complainant have and recover of the respondent the sum of Twenty (\$20⁰⁰) Dollars per month for alimony pending this suit, commencing on the 1st day of Oct, 1937, ^{and ending on April 1st, 1938,} and the respondent be and he is hereby ordered and directed to pay the same within 60 days from this date, and upon his failing to do so, let execution issue therefor.

It is further ORDERED, ADJUDGED AND DECREED that the complainant have and recover of the respondent the sum of Twenty (\$20⁰⁰) Twenty Dollars per month, payable on the first day of each calendar month hereafter, and the respondent be and he is hereby ordered and directed to pay the same to the said complainant on said dates, and upon his failing to do so, let execution issue.

It is further ORDERED, ADJUDGED AND DECREED that the complainant have and recover of the respondent the sum of One Hundred Dollars (\$100.00) for attorneys' fees in the premises, and the said respondent is ordered and directed to pay the same on or before the first day of June, 1938, and upon his failing to do so let execution issue.

It appearing to the Court that there are minor children of the said complainant and respondent, this Court is of the opinion that no decree should be made at this time with reference to the care and custody of the said children and jurisdiction is retained of this cause for such other or further order as this Court from time to time may deem proper to be made with reference to the said minor children.

It is further ORDERED, ADJUDGED AND DECREED that the said complainant and respondent shall not again marry, except to each other, until sixty days after this date, and that if an appeal is taken within sixty days, they shall not again marry, except to each other, during the pendency of the appeal.

It is further ORDERED, ADJUDGED AND DECREED that the respondent, Fred Jeffcoat, pay the costs of this proceeding, for which let execution issue.

It is further ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be recorded by the Register in the office of the Judge of Probate of Baldwin County, Alabama, in the Judgment Records of the said County, and that the cost thereof be taxed as a part of the costs in this proceeding.

Done at Monroeville, Alabama, this the 20th day of

April, 1938.

J. W. Hare
Judge.

Vol 3- 353
Page

5-28-38

RECORDED Book
1-365-

MERRIE JEFFCOAT,

Complainant,

vs.

FRED JEFFCOAT,

Respondent.

DECREE.

Filed April 21, 1938

R. S. Owen,

Register

24/10/38
work

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

MYRTLE JEFFCOAT,

COMPLAINANT

VS.

FRED JEFFCOAT,

RESPONDENT

I, IDA M. TURNBULL,

as ~~Register and~~ Commissioner

have called and caused to come before me

Myrtle Jeffcoat, Robert H. Kendrick, Fred Jeffcoat, Stewart
Jeffcoat, Elzie Hankins, M. C. Cooper, R. M. Stanton, Mrs.
Rachel C. Gullledge, Christine Jeffcoat and June Jeffcoat,

witnesses named in the requirement for Oral Examination, on the 17th and 24th
days of January, 1936, at the office of Beebe, Hall & Beebe, Attorneys,

in Bay Minette, Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said

witnesses doth depose and say as follows:

ORAL EXAMINATION

I, _____ as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness _____ and read over to _____ and _____ signed the same in the presence of myself and _____

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ... or had proof made before me of the identity of said witness....; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this _____ day of _____ 19_____.

(L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Maryelle Byrd

COMPLAINANT

vs.

Frank Byrd

RESPONDENT

ORAL DEPOSITION

Filed *March 10,* 193*8*

R. S. Duedl, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

I, IDA M. TURNBULL, Commissioner under agreement of counsel in the above styled cause, hereby certify that the foregoing deposition on oral examination was taken down in shorthand by me in the words of the witnesses in the presence of W. C. Beebe, Solicitor for complainant, and J. B. Blackburn and T. J. Mashburn, Solicitors for respondent, at the time and place therein mentioned; that the same was transcribed and reduced to writing by me and that the foregoing is the testimony of the said witnesses; that I have personal knowledge of personal identity of said witnesses; that I am not of counsel or kin to any of the parties to said cause, or in any manner interested in the result thereof.

I enclose the said oral examination in an envelope to the Register of said court.

Given under my hand this the 28th day of February, 1938.

Ida M. Turnbull

Commissioner's Fee, \$24.00

MYRTLE JEFFCOAT,
Complainant,

vs.

FRED JEFFCOAT,
Respondent.

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

) IN EQUITY.

IT IS AGREED between the parties that the testimony of Myrtle Jeffcoat, Robert H. Kendrick, Fred Jeffcoat, Stewart Jeffcoat, Elzie Hankins, M. C. Cooper, R. M. Stanton, Mrs. Rachel C. Gullledge, Christine Jeffcoat and June Jeffcoat, witnesses in the above styled cause, be taken before IDA M. TURNBULL, as Commissioner under this agreement without the issuance of formal commission by the Court; that the said witnesses be duly sworn and the testimony of the said witnesses be taken down in shorthand in question and answer form and be reduced to writing by the said Commissioner and certified to the said Court, and that the testimony as taken and certified by her may by either party be introduced in evidence as the testimony of the said witnesses in said cause, and all defects in form as to the manner of taking and certifying the testimony of the said witnesses are waived.

Witness our hands this the 17 day of January, 1938.

Beebe Hall Beebe
Solicitors for Complainant.

J. T. Blackburn

J. J. Mashburn, Jr.
Solicitors for Respondent.

MYRTLE JEFFCOAT,)	IN THE CIRCUIT COURT OF
Complainant,)	
)	BALDWIN COUNTY, ALABAMA.
vs.)	
)	IN EQUITY.
FRED JEFFCOAT,)	
Respondent.)	

I, IDA M. TURNBULL, as Commissioner appointed by agreement of counsel in the above styled cause, have called and caused to come before me MYRTLE JEFFCOAT and ROBERT H. KENDRICK, witnesses named in the requirement for Oral Examination, on the 17th day of January, 1938, at the office of Beebe, Hall & Beebe, attorneys, in Bay Minette, Baldwin County, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said MYRTLE JEFFCOAT doth depose and say as follows:

DIRECT EXAMINATION BY MR. W. C. BEEBE,

- Q. What is your name?
A. Myrtle.
- Q. Are you the complainant in the case of Myrtle Jeffcoat vs. Fred Jeffcoat pending in the Circuit Court for divorce?
A. I am.
- Q. Are you the wife of Fred Jeffcoat? A. I am.
- Q. Are you a resident of Baldwin County? A. Yes.
- Q. Over the age of twenty-one? A. Yes.
- Q. Is he a resident of Baldwin County? A. Yes.
- Q. And over the age of twenty-one years? A. Yes.
- Q. When and where were you married?
A. We were married at Bay Minette in 1920.
- Q. Have you lived together with him as husband and wife continuously since then down to October 2nd, 1937?
A. Yes, but there were times when we were separated.
- Q. Is Fred Jeffcoat a man of ungovernable temper?
A. Yes.
- Q. Is he subject to fits of anger? A. Yes.
- Q. Has he ever made threats or assaults against you?
A. More than once.
- Q. More than once? A. He has more than once.
- Q. On or about October 2nd, 1937, did he jump on you and give you a beating? A. He did.
- Q. Just tell the commissioner just what happened there? Where were you?

A. It was after we had gone to bed.

Q. At your home? A. At my home.

Q. Did he get mad at you? A. Yes.

Q. Had you given him any cause to get mad? A. No.

Q. What did he do and say?

A. He grabbed me and began to shake and knock me around on the bed and jerked and slapped me and burst my lip, choked me and pinned me to the bed and threatened me.

Q. Did he hit you in the eye? A. He hit me.

Q. Did he bruise your eye? A. Yes.

Q. Did he threaten to kill you? A. Yes.

Q. Now, that was on October 2nd, 1937? A. Yes.

Q. At night? A. Yes.

Q. At your home? A. Yes.

Q. Did he leave there the next morning?

A. Right after noon.

Q. Right after noon the next day? A. Yes. I left before he did.

Q. Why did you leave?

A. He told me I had to leave, had to get out.

Q. And where did you go?

A. I went to my mother's.

Q. Was his threats and his conduct toward you such as to cause you to reasonably fear that if you should continue to live with him he would do you such bodily harm as would injure your health?

A. It was.

Q. Have you lived with him as husband and wife since October 2nd? A. I have not.

Q. Have you any children? A. Yes, six.

Q. What are their names?

A. Stewart, Christine, June, Billie, Joe and Phylis.

Q. What are their ages?

A. Sixteen, fifteen, thirteen, nine, four and two.

Q. Is Fred Jeffcoat a suitable person to have the care and custody of the children? A. He is not.

Q. Does he abuse those children in any way? A. Yes.

A. What does he do to them?

A. Well, he beats them sometimes.

Q. Beats them unmercifully?

A. He has some, doesn't always do it.

Q. Has Fred Jeffcoat any property? A. Yes.

Q. What property has he?

✓ A. He has 40 acres of land with a dwelling on it, household goods --

Q. Any stock?

✓ A. Three cows, a calf and a few chickens, he sold the hogs.

Q. What is the value of this farm?

A. Taking in stock and everything?

Q. Yes.

✓ A. About \$1500.00.

Q. Does he work? A. Yes.

Q. Regularly? A. Yes.

Q. Where? A. At Creola, Alabama.

Q. Do you know what he makes?

✓ A. He clears near \$25.00 a week.

Q. Does he have regular work there?

A. Yes, he has regular work.

Q. Have you got any property?

A. I have not.

Q. Have you any means of support? A. No.

Q. Have you any funds or property with which you could pay attorneys' fees? A. I have not.

Q. Have you any with which you could support yourself pending this suit?

A. I have not.

CROSS EXAMINATION BY MR. J. B. BLACKBURN.

Q. Mrs. Jeffcoat, the night of October 2nd was immediately after the Silverhill Fair, wasn't it?

A. Yes.

Q. You and Mr. Jeffcoat had been to the Fair? A. Yes.

Q. You came in that night from the Fair? A. Yes.

Q. Now, after you had gone to bed, didn't he ask you how many times, in substance, how many times you had been to Robertsdale the previous week? A. Yes.

Q. And what did you tell him?

A. I told him I had been and what I went for.

Q. Now, what did you tell him you went for?

A. I told him that the first time I went down to get some groceries.

Q. What did you tell him the next time was for?

A. The next time was that I had forgotten part of my groceries, I had to get some more.

Q. O. K.

A. The third time I had to go down to see the doctor.

Q. Isn't it true that you told him "to get groceries" the first time, and that you couldn't give him any reason for the other times?

A. No, I gave him full information as to my trips.

Q. Now, where did these things you just testified to take place -- at your home?

A. Yes; after we had gone to bed.

Q. Who was there? A. Just the children.

Q. Was the oldest boy there? A. Yes.

Q. Now what did you say he did to you?

A. He knocked me around, he shook and jerked me off the bed, then knocked me around, burst my lip and hit me in the eye.

Q. Making a sign or mark on your lip?

A. Yes, my lip was all bruised, blood was on the bed.

Q. Now, about the eye?

A. It was bruised.

Q. And the bruise was blue, shut up? A. Yes.

Q. That could be detected by anybody that saw you?

A. Yes.

Q. Now, did you say this boy, of yours, the oldest boy, heard this?

A. He heard part of it. When he threatened my life I called him in for help.

Q. And the boy went in? A. He came in.

Q. You don't know how much he heard before he came in?

A. No, I don't know what he heard before he came in.

Q. Now, you say Mr. Jeffcoat is a man of ungovernable temper. Just what do you mean by that?

- A. Seems that he can't control it.
- Q. Now, when he can't control it what happens?
- A. He beats me up. This isn't the first time, nor the third.
- Q. Well, now, when did these other things happen?
- A. At different dates.
- Q. Let's start with the first one.
- A. The first one was when he came very nearly killing me, when I escaped with my life, was in 1929.
- Q. All right, what did you do then?
- A. I started to leave, but we compromised.
- Q. Didn't you start divorce proceedings?
- A. I thought it was best to stay with him on account of the children.
- Q. All right, when did the next one take place, that was in 1930?
- A. He gave me such a flogging then, that I had to wear dark shades. I entered divorce then. My eyes were all blue.
- Q. What became of that?
- A. He kept begging me to come back and we compromised.
- Q. When was the next one -- that was in '32 -- what happened then?
- A. Then I called my brother in for protection.
- Q. You started another suit then?
- A. No I didn't.
- Q. Didn't you start suit after that?
- A. No, in '30 I started suit.
- Q. You say in '30 you commenced a suit? Didn't you have a suit pending about 1932?
- A. 1930.
- Q. Was that the last one? You had one in 1932?
- A. I filed suit in 1930.
- Q. And did you dismiss that one and start another one?
- A. I didn't, we compromised.
- Q. But didn't you enter another one, just before 1932?
- A. In 1931.

Q. And that was pending until in 1932 -- and what became of that one?

A. We compromised.

Q. Now, wasn't there some kind of a happening in the school house in Rosinton?

A. No.

Q. Wasn't there?

A. No, there wasn't.

Q. Didn't that have something to do with that one?

A. Not a thing.

Q. Now, did you state that Mr. Jeffcoat drove you from the home on October 2nd or 3rd, the day of the 3rd?

A. Yes.

Q. That Sunday? A. Yes.

Q. Mrs. Jeffcoat, isn't it true that you all had dinner together there that day?

A. Yes.

Q. And didn't you ask Mr. Jeffcoat to leave you some money?

A. I asked him if he would leave some.

Q. And he did?

A. He left one dollar for my weekly expenses.

Q. And later on you pulled out and left him?

A. I left him after dinner.

Q. And you say he drove you away? A. Yes.

Q. Just describe what he said?

A. Well, he threatened me.

Q. And what did he say?

A. He said that I had to leave.

Q. All right, was that a threat?

A. It wasn't the first time he threatened me.

Q. And he told you you had to leave -- that was the threat?

A. Yes.

Q. All right, what else did he do -- talking about driving you away?

A. He had the boy to take the truck and take me to my mother's.

Q. I want to know what he said and done before you left?
What did he say?

A. That was all he said then. He told me the night before and he told me again on Sunday, and I left. Knowing from other times that he had beat me up, what he would do, and I was afraid of him.

Q. It was fear more than his threat made you leave?

A. It was fear.

Q. And not what he said or did?

A. All taken in together.

Q. But all that he said there on Sunday was that you would have to leave?

A. Well, he said, "By God you have got to leave".

Q. Remember anything else that he said?

A. That's all he said that Sunday.

Q. Where did you go then?

A. I went to my mother's.

Q. How many children did you say you all have?

A. Six.

Q. And you say that Mr. Jeffcoat not only abuses you, but mistreats and abuses the children?

A. Yes.

Q. Now, how does he mistreat the children, Mrs. Jeffcoat?

A. He is always picking on them and when he whips them he whips them unmercifully.

Q. Whips them unmercifully?

A. Unmercifully, he does.

Q. He takes care of them? A. Yes.

Q. He supports them? A. Yes.

Q. And he supported you while you were there?

A. All when he was there.

Q. Of course you didn't do anything to cause him to get mad?

A. No, I didn't.

Q. Now, Mrs. Jeffcoat, you say he is not a proper person to have the custody of these children?

A. No.

Q. Why isn't he?

A. Well, if you must know why -- I don't think children should be, -boys and girls should be encouraged to go to beer joints and carried to road-houses, and be encouraged to patronize these. I think if he is setting the right example for them he should take them to the right places and should take them to church and Sunday school.

Q. Now, what else has he done to show that he isn't the proper person to have control of them?

A. That was all.

Q. Now, you say that they should not do that -- has he carried them there?

A. Yes, he has carried them there.

Q. When and where?

A. Since I have left him, on week-ends when he comes home from his work.

Q. Have you seen him at any place like that?

A. I haven't been with him to see them.

Q. Have you seen the children at any place like that?

A. I haven't been with them.

Q. You haven't seen them there?

A. Only what the children told me.

Q. You know of your own personal knowledge that they were there?

A. I haven't seen them there.

Q. Mrs. Jeffcoat, are you a proper person to have the custody of the children?

A. I think I am.

Q. Why?

A. I try to set the right example; I encourage them in church work, in Sunday school work and conduct myself in an honorable way that I think a mother should conduct herself trying to give them the right care.

Q. Do you have that reputation in that community?

A. I have and I can get witnesses for it too.

Q. Now, you say Mr. Jeffcoat's an able-bodied man of some means and owns property valued at at least \$2,000.00, or what did you tell Mr. Beebe it was valued at?

A. I said \$1500.00 I valued the place at; I didn't include the car.

Q. What do you value the place at?

A. I value it at \$1500.00.

Q. You just made a guess at it? A. Yes.

Q. Mrs. Jeffcoat, hadn't you and Mr. Jeffcoat agreed that if you could get as much as \$800.00 for the place, you would sell it?

A. No; he has been holding the place alone for \$1200.00, that's not including the stock.

Q. You say you have been holding the place for \$1200.00?

A. Yes; we hadn't made any agreement.

Q. And you got personal property over and above that?

A. Nothing but the stock, three cows and a calf.

Q. What kind of cattle?

A. Jersey.

Q. Good grade?

A. They are good grade; they are not thoroughbred.

Q. Old cows or young?

A. Mixed -- one old cow, two heifers and a calf.

Q. All right, what other kind of property has he got?

A. A car.

Q. What kind? A. Chevrolet.

Q. What else? A. That's all he has, except the household goods.

Q. All of that is worth \$1500.00?

A. That's just an estimate put on it.

Q. Now, what kind of work does your husband do?

A. General work, between construction and millwright work.

Q. Now in that kind of work is he constantly employed -- is he employed every day in the year?

A. He has been in the last year and a half.

Q. Now, where has he been working during that length of time?

A. Creola, Alabama.

Q. He has to pay his board, of course, when he is away from home?

A. Yes.

Q. And maintain the family down there at Robertsdale?

A. Yes.

Q. You say that he has been employed there for at least a year and a half?

A. Yes, at least I think it is a year and a half, I would have to stop and think.

Q. Suppose you stop and figure it out for us?

A. I can't remember what month he went there, he worked there off and on for the last two years; he was out of work for about two months, worked in Pensacola, and he went back there I don't know just what month.

Q. In your judgment, just about?

A. I know he has been there a year, but I don't remember just when he went there.

Q. Now, do you actually know of your own personal knowledge what he has been earning?

A. Just an estimate of his wages, I haven't figured up the exact amount.

Q. And don't know what it has been for that year?

A. No. I know he has been working regularly since he went back there.

Q. But you don't know exactly?

A. No, I don't know.

Q. Now, you say you have no means of support?

A. Only the work that I can get.

Q. Well, you succeeded in supporting yourself since you left?

A. Yes.

Q. What do you do, Mrs. Jeffcoat?

A. I am nursing.

Q. Where?

A. At Mrs. Olds, near my mother's.

Q. Now, does Mrs. Olds have a family there? A. Yes.

Q. What's her husband's name? A. Ira Olds.

Q. You say you are nursing there? A. Yes.

Q. Paid for your services? A. Yes.

Q. You have been employed ever since you left?

A. Ever since I left.

MR. BLACKBURN: That's all.

RE-DIRECT EXAMINATION BY MR. W. C. BEEBE.

Q. Mrs. Jeffcoat, you said the time you all had this trouble on October 2nd, you told him that you had been to town three times during that week? A. Yes.

- Q. Twice for groceries and once for the doctor?
- A. Yes.
- Q. On each of these trips, who went with you?
- A. Once was my mother, and the second time my boy.
- Q. Who went with you the third time?
- A. Mr. Olds.
- Q. How did you go?
- A. In Mr. Olds' car.
- Q. Is Mr. Olds related to you in any way?
- A. He is my brother's father-in-law.
- Q. What is Mrs. Olds' condition?
- A. She has had a stroke of paralysis.
- Q. And you were nursing Mrs. Olds? A. Yes.
- Q. What does she pay you? A. \$5.00 a week.
- Q. And that's the only work that you have had?
- A. That's all the work I have had.
- Q. With reference to his taking the children to beer joints and road-houses, where did you get your information with reference to that?
- A. From the girls -- from the ones he took.
- Q. They told you about it? A. They told me.
- Q. Did that happen before you separated? A. No.
- Q. You said that he threatened you with a gun, when was that?
- A. That was every time we have had trouble.
- Q. He threatened to shoot you? A. Yes.
- Q. Where have the children been since you separated?
- A. At our place down there.
- Q. They have been with him?
- A. He has had a housekeeper there.
- Q. Who has he had there?
- A. He has had Mrs. Coleman and Mrs. (what's that old lady's name) -- I can't think of her name.
- Q. You don't know the other woman?
- A. I know her name, but I can't think of it.
- Q. Who is Mrs. Coleman?

A. She is a woman he brought from over that way where he works. She gave the job up.

Q. Who did he get then?

A. Then he got an old woman -- an old woman from Mobile.

Q. Who has he got there now?

A. Now he has a young girl there.

Q. Where is she from?

A. She is from Mobile County.

Q. The children have been with him since then? A. Yes.

Q. Have you talked with them?

A. I have been with them.

Q. How often have you been with them?

A. Sometimes they come up to the house. He has forbidden them to come up there.

Q. Have they talked with you about you and your husband's troubles?

A. No; we have talked about it and understand it, but just in a general way.

Q. Have they told you that he told them what to say if they testified? A. No.

Q. Have they told you he tried?

A. They told me he had asked them what they would say, but said that he hadn't told them what to say.

MR. BEEBE: That's all.

RE-CROSS EXAMINATION BY MR. J. B. BLACKBURN.

Q. Mrs. Jeffcoat, on these trips to Robertsdale that I asked you about and Mr. Beebe asked you about, Mr. Olds was along on each one of these?

A. No, he wasn't. We had a habit when we needed a truck we borrowed it when Mr. Jeffcoat had the car.

Q. Didn't you say he and your mother went with you the first time?

A. No, just my mother went with me the first time.

Q. Now, the second time -- the second time he and the boy went with you? How many more trips did Olds make with you? On the third trip he went with you?

A. Only two trips he went, the second and third trip.

Q. Had your husband asked you not to keep company with Mr. Olds?

A. No, he hadn't; he was perfectly satisfied that if we needed the truck I would go with him.

Q. But this same Mr. Olds that you were going to Robertsdale with is the same Mr. Olds that you are now working for?

A. Yes, for a while.

RE-DIRECT EXAMINATION BY MR. W. C. BEEBE.

Q. Mrs. Jeffcoat, when you made your estimate of what pay a month Mr. Jeffcoat earned, was that based on the amount of money he brought home pay-days?

A. What he told me.

Q. What did he tell you that he had made or brought home?

A. Between \$24.00 and \$25.00 a week.

Q. A week?

A. After his board was deducted.

Q. And he told you he made that each week and he brought that home?

A. Yes.

ROBERT H. KENDRICK, having been duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. W. C. BEEBE.

Q. What is your name? A. Robert H. Kendrick.

Q. Are you related in any way to Mrs. Jeffcoat?

A. She is my sister-in-law, my wife's sister.

Q. On or about October 4th, 1937, did you see her?

A. Yes, sir.

Q. Where did you see her? A. At her home.

Q. You went to her home? A. I went over there.

Q. Did you notice anything with reference to her physical condition?

A. I noticed she had a bruise on her lip, her lip was split, swelled and red and maybe a little bloody, and a blue place along here (indicating).

Q. Did she tell you what was the cause of that condition?

A. Yes.

MR. BLACKBURN: We object to that, on the ground that it is hearsay.

A. She said that her husband beat her up; that her husband done it, Jeffcoat; that they had a fight. She was crying.

Q. Did she say anything about him telling her to leave?

A. She was leaving then. I happened to go over with her brother and she got in the car and left. It was in the car at the gate that she told me that.

Q. Do you know whether or not he had ever beat her before?

A. Well, I had seen her previous to that with bruises and she said that it was done by him.

MR. BLACKBURN: We object to the "said" part as hearsay.

Q. They had had trouble before? A. Yes, sir.

Q. Had you ever discussed it with her? A. One time.

Q. Had you ever discussed with him about beating her up?

A. One time he came to me --

Q. Did you ever discuss their troubles with him?

A. Very little. One time he came to me and he said some things that I didn't like.

Q. Do you know anything about the property they have down there?

A. Do you mean everything.

Q. Do you know what is the reasonable market value of it?

A. I know, yes, sir.

Q. What is a reasonable market value?

A. About \$1200.00.

Q. The household goods and stock are worth about how much?

A. Not much, probably \$300.00.

CROSS EXAMINATION BY MR. J. B. BLACKBURN.

Q. What relation are you to this lady?

A. She is my wife's sister.

Q. You have lived down in that community a number of years?

A. A good many years, yes, sir.

Q. And know in a general way about the previous trouble?

A. Just in a general way.

Q. You say you saw her at her home on the 4th day of October?

A. Yes, sir.

Q. What day of the week was it?

A. It was on Tuesday, Tuesday morning.

Q. Where had she been, if you know, between the Sunday prior to that and that day?

A. She had been to her mother's.

Q. But you wasn't there on Sunday when she left?

A. No, sir.

Q. You don't know what happened? A. No, sir.

Q. You have no personal knowledge of that yourself?

A. No, sir.

Q. How long have you known Mrs. Jeffcoat?

A. I have known her all my life.

Q. Do you know her reputation down there?

A. Yes, sir; it is good.

Q. You mentioned that shortly thereafter -- didn't you discuss it with Mr. Jeffcoat at his house?

A. I discussed it with Mr. Jeffcoat one time, and he brought up a lot of things that I didn't like and we terminated the conversation rather unfriendly.

Q. Now, in one conversation at his house, didn't you use the words, in substance, that he had never hit her a lick amiss unless he hit a lick amiss?

A. No, sir, that didn't happen. In fact he never acknowledged that he hit her.

Q. Now, in that same conversation about that time, didn't you tell him that she was a prostitute?

A. Why, no.

Q. Now, where has Mrs. Jeffcoat been working since she left her husband?

A. She has been working at Mr. Olds.

Q. What Olds is that? A. Ira Olds.

Q. Now you said something about the bruises on her face -- were those bruises noticeable? A. Yes, sir.

Q. And what did you see?

A. I seen a cut lip, her lip was swelled up and the color was blue and a bruise right here (indicating), not on her eye, on her cheek.

MR. BLACKBURN: That's all.

RE-DIRECT EXAMINATION BY MR. W. C. BEEBE.

Q. The bruise on her cheek was below the eye? A. Below the eye.

The following witnesses came before me, IDA M. TURNBULL, as Commissioner appointed by agreement of counsel in the above styled cause, on the 24th day of January, 1938, at the office of Beebe, Hall & Beebe, attorneys, in Bay Minette, Baldwin County, Alabama:

FRED JEFFCOAT, defendant, after being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. J. B. BLACKBURN.

Q. How do you sign your name?

A. W. F. Jeffcoat.

Q. Mr. Jeffcoat, where do you live?

A. I live four miles Northeast of Robertsdale.

Q. How long have you lived there?

A. Since 1932 in the present place I am living now, and I lived a short ways from there in 1930, to my best recollection.

Q. What kind of place are you living in now?

A. Now, at the present time?

Q. Yes.

A. I have a farm, 40 acres of land, about 12 acres in cultivation, about 15 acres of cultivatable land on the place; have a four room frame house, not finished.

Q. Is that land -- you say it is not all cultivatable land. Just describe what kind of land it is?

A. Well, it is swampy.

Q. Swampy? A. Yes.

Q. Does that swamp run through it?

A. Yes, splits it wide open.

Q. How does it lie with reference to highways?

A. The house is 50 yards from a country highway.

Q. And how much does it front on that highway?

A. It is a 40 acres.

Q. And one side of it is on the highway?

A. Is on the highway.

Q. What kind of buildings do you have on there?

A. I have a small house, 8 x 10; I have a barn 17 x 24.

Q. Have you bought and sold property in that community?

A. I have not -- only this.

Q. Well, you do know the value of property in the community?

A. Yes, sir.

Q. What do you say is the fair market value at this time of that place and improvements?

A. The place and improvements --

Q. I don't mean your personal property.

A. Well, I have been holding the place for \$800.00. I have been offered \$675.00.

Q. \$675.00? A. Yes.

Q. You haven't been able to get a better offer?

A. I have not.

Q. What do you have in the way of personal property?

A. I have a few household goods and I have three cows and one calf and a few worn out farm implements.

Q. Now, what would you value the household goods, the cattle and farm implements at at this time?

A. I value the cattle at \$25.00, excepting the calf, the calf at \$5.00. I would value the household goods at \$75.00, \$100.00 including the piano, radio and everything, \$100.00.

Q. You have an automobile?

A. I have.

Q. What kind is it?

A. Chevrolet 1935, coach.

Q. Is it paid for?

A. It is not.

Q. How much do you owe on it? A. \$300.00.

Q. Mr. Jeffcoat, you of course heard your wife's testimony here last Monday? You were all living together on the 2nd of October, were you not?

A. 2nd of October --

Q. That's Saturday, that was?

A. That's right.

Q. Just tell us where you all went that night?

A. Well, she and I and the two older girls visited the Fair at Silverhill.

Q. Just tell us what happened after you got back that night?

A. Well, we came home, went to bed, the girls went to their room, she and I went to our room. The boy was awake in his room. We talked to the boy. He asked us how the Fair was; he asked if his sister was crowned queen, and generally talked about the Fair. Then we went to bed. Shortly after we had gone to bed, after the family was asleep, I had a little discussion with the wife that I didn't care the children to hear, and I asked her why she had been going to Robertsdale so much the past week. She said she went down Monday for groceries. "Well, what did you go on Tuesday for?" She said she didn't remember. I asked her what she went on Wednesday for, and she said -- she snapped me up and said "I don't know that I have to tell you every little thing I do -- what I do every little thing for." So I asked her what she went for and she said she went to see the doctor, and I asked if she seen him and she said "no, he was out." I told my wife that I was tired of her running to town and leaving the children at the house -- and she proceeded to kick me out of bed. I got back on the bed and she started to beat me, and I got her by her arm, she tried to bite me on my arm here (indicating) and when I did that she called the boy from his porch room nearby. She said "come here and kill him." I didn't know how excited the boy would get when he came, so I gets her by the wrist and held her by both wrists and pulled her on her feet, and as I did that the boy came in. He says, "Daddy, turn her loose." I says, "Stewart I will turn her loose if you will make her let me alone." I turned her loose and she ran at me again, and the boy stopped her and said, "mother you let him alone." The boy and I walks out of the room into the living room and she came in there fussing and rearing, accusing me of everything that could be thought of, and the boy says, "mother, go on to bed and let daddy alone, he is not bothering you." She went into her room and slammed the door. The boy and I stayed for probably half an hour and talked. I went into my room to go to bed and she informs me that "there's a bed over there that I could sleep on, and I told her, that that was my bed and I would sleep on it, and I got in bed -- the two babies were in the other bed and they were crowded -- so we got back in the bed.

Q. What did she say about the gun?

A. Only asked the boy to go and get the gun.

Q. Now, Mr. Jeffcoat, describe the location of the room that you and your wife were occupying at the time and the location of the room that the boy was occupying at the time?

A. A four room house -- mine and my wife's room is in the Southwest corner; there are two windows in the South, one window in the east and a door in the North entering into the living room. Right opposite the East window is a sleeping porch 7 x 14, screened in. Right at that window sleeps my two boys, they slept in their bed.

Q. And that's where they were sleeping?

A. Yes, they were in there.

Q. How close were the two beds, the boys and the bed that you and Mrs. Jeffcoat were sleeping in?

A. About six feet.

Q. Now, I believe that Mrs. Jeffcoat got into bed with you and you all slept the balance of the night?

A. We did.

Q. What happened the next day?

A. The family got up as usual, everybody in good humor, everybody friendly. She prepared the breakfast, all sat down to breakfast to eat. My wife and the girls cleaned up the house; my wife prepared the dinner. They got ready and went to Sunday school, came back from Sunday school, the boy, his mother, the two smaller children and the boy came back from Sunday school. After dinner she cleaned up the kitchen and about two o'clock I began to make preparation to go back to my work, and she said, "Fred, can you take me up to mama's? Can you leave some money?" I counted her out some, I don't remember how much. She went out, got in the car and he took her to her mother's.

Q. Had she said anything about leaving at that time?

A. Not a word; she left in perfect good humor; I thought there was nothing wrong.

Q. Now, going back to this night there, Saturday night, did you strike her that night?

A. I did not.

Q. Did you bruise her lip? A. I did not.

Q. Did you black her eye? A. I did not.

Q. Did you threaten to, or do her any bodily harm?

A. I did not.

Q. Threaten to injure her? A. I did not.

Q. Now, are you a man of ungovernable temper, or do you succeed in controlling your temper?

A. I think I control it pretty well.

Q. Now, the children, Mr. Jeffcoat -- you have six children, have you not?

A. Yes, sir.

Q. Where have these children been since Mrs. Jeffcoat left?

A. At my home, except the time they were visiting her, but they had their home at my home -- make my home their home.

Q. Have you ever abused and mistreated the children, or any of the children?

A. I have not.

Q. Mr. Jeffcoat, how do you make your living?

A. By farming and picking up what work I can get on the outside.

Q. Now, when you get work on the outside, what kind of work is that?

A. I take carpenter work or I take common labor or anything I can get.

A. Seventy-five cents per day.

Q. Now, what does it cost to go back and forth like you do per week?

A. When I go on the bus, the bus fare from Creola to Mobile is 25 cents and the bus fare from Mobile to Robertsdale is 85 cents.

Q. Do you always use the bus?

A. No; I left the car at home when my wife was there, but since she has been away I have been using my car.

Q. What does that cost?

A. This costs about \$2.50 a trip.

Q. That is per week? A. Per week.

Q. Now, Mr. Jeffcoat, when your wife testified last Monday, she said something about your carrying the girls to beer parlors and dance halls. Have you ever carried them to these road houses and beer parlors?

A. I have not.

Q. Have you ever on any occasion bought any beer for any of them?

A. I have.

Q. Just explain that?

A. Well, it was shortly after -- it must have been in October, shortly after my wife left home, my two daughters and I were going to Robertsdale to do the week-end shopping and the oldest girl had been sick with a fever - I just recall - we got to the Latchstring, which is a tourist camp - she said, "daddy, I want a bottle of beer", and I says, "Christine, hadn't you rather have a coca-cola?" and she said, "no daddy, I think a bottle of beer would do me good." I stopped at the Latchstring, got out, went and got her a bottle of beer, and the other girl a coca-cola or something like that, and brought it to the car and they drank it.

Q. Did they ever get out of the car?

A. They did not.

Q. Did you describe her condition -- I wasn't listening?

A. I did.

Q. Did you, when your wife left your home, did you tell her she had to leave?

A. I did not.

Q. And you still have the place there for her?

A. I have, just like she left it.

Q. Mr. Jeffcoat, does your wife, since she has been away has she been making a living somewhere?

A. I understand she has. Has been working at the home of Mr. Olds, I understand.

Q. During the last -- where have you been working recently?

A. Creola, Alabama.

Q. What kind of work is that over there?

A. Lumber.

Q. For whom? A. T. A. Hatter & Son.

Q. What kind of business is that? A. Lumber business.

Q. Is that a steady job? A. It is not.

Q. Do you know when it is finished?

A. To my best knowledge, three days' work more.

Q. Why do you say three days?

A. I talked to the man, the man who owns the mill, Friday noon, and I said, well, Mr. Hatter, I will be out of a job to-day. Is there anything else, as I had just finished repairing a house? I asked him if he had anything else on his mind? He studied a while and said, "no, I guess not." Then he named over five or six little odds and ends about the saw mill. Said it will take about three days to do, and he said, before we call it done and finished, get those little jobs done.

Q. Did he tell you why your job was coming to a close?

A. Finished.

Q. And is the mill going to continue to operate?

A. It is very doubtful.

Q. Now, when you don't get carpenter work, what means do you have of making a living?

A. My farm.

Q. And that's the 40 acres?

A. The 40 acres I am on now, that's all I own.

Q. All you own? A. All I own.

Q. That property is not worth \$2,000.00?

A. I should say not.

Q. And what would you say your income has been during the time you have been working over there?

A. Well, we would have to figure; I get 50 cents an hour, 9 hours a day, 5½ days a week. I pay my board, my laundry, pay my expense to and from the job home, not including the loss of time in bad weather, as the work is practically all outside.

Q. You said 50 cents an hour?

A. 50 cents an hour, 9 hour day, 5½ days a week.

Q. What do you have to pay over there to live?

- Q. That's where she is staying?
- A. Supposed to be.
- Q. Do you have any idea what she is making there?
- A. I understand she is making \$5.00 a week.
- MR. BLACKBURN: I think that's all.

CROSS EXAMINATION BY MR. W. C. BEEBE.

- Q. Mr. Jeffcoat, is this the first time you all have had any trouble?
- A. It is not.
- Q. When was the first time you all had trouble?
- A. I don't remember.
- Q. You had trouble in 1929?
- A. 1929 -- I think so.
- Q. Did you have trouble in 1930?
- A. Sometime in 1932 -- I don't remember any in 1930.
- Q. Did you have any in 1930?
- A. Might have been '30. I don't know.
- Q. Did you beat her up at that time?
- A. I did not.
- Q. Tell her she had to get out? A. Did not.
- Q. Didn't one of her brother's at some subsequent time, or around about that time, come and talk to you about how you had beat her up?
- A. Did not, no, sir.
- Q. You say on or about October 2nd of this last year, when you had this trouble, she tried to bite you?
- A. She did.
- Q. Was that the way she got that bruise on her lip?
- A. I don't know; I suppose it is.
- Q. Where did she try to bite you?
- A. Right here on the wrist (indicating).
- Q. Did she bite you? A. No.
- Q. Did she bruise your arm? A. No.
- Q. How did she get that black eye?

A. Never seen any black eye; wasn't any black eye on her that night.

Q. You didn't see any? A. No, sir.

Q. Nor any the next day? A. No, sir.

Q. Didn't have any the next day when you left?

A. She did not.

Q. She did have a bruise on her face?

A. I don't know.

Q. Seen simply no sign or mark on her face?

A. No, sir.

Q. You seen her lip the next morning?

A. I seen no sign or bruise on her face whatever.

Q. And neither that night nor the next day when she left there was no bruise on her?

A. No, sir.

Q. Not any that you seen? A. No.

Q. Well, you saw her? A. Yes.

Q. Slept with her? A. Yes.

Q. You took dinner with her? A. Yes.

Q. You talked with her? A. Yes.

Q. When you offered to take her to her mother's --

A. She asked me to let the boy take her up there.

Q. Your son? A. Yes.

Q. It was light enough to see her face? A. It was.

Q. The lip wasn't bruised? A. No.

Q. No bruise on her eye? A. Not noticeable to me.

Q. You didn't attempt to choke her then? A. I did not.

Q. You didn't tell her to get out? A. No.

Q. You never hit her in your life? A. No.

Q. Never threatened her? A. No.

Q. Not mad? A. Not so as to hit her.

Q. Did you ever hit her accidentally or playfully?

A. Why sure.

Q. Never bruised her? A. No.

Q. At any time? A. No.

Q. You say the boy came in there?

A. The boy, he did.

Q. Where were the other children?

A. The two older girls were in the adjoining room asleep; the nine year old boy was asleep on the porch; the two younger children were asleep in the other bed in our room.

Q. Did the babies wake up? A. They did.

Q. Did they cry? A. I was busy -- I don't know.

Q. Did the nine year old boy wake up? A. No.

Q. There wasn't enough racket made to wake him up?

A. No.

Q. Did it wake up the other two girls in the adjoining room?

A. Apparently not.

Q. In 1931, did you ever have any trouble then?

A. 1931?

Q. Yes.

A. You mean trouble between me and my wife?

Q. Yes.

A. I don't recall any.

Q. As a matter of fact didn't you beat her up at that time, bruise her eye so bad that she had to wear dark glasses?

A. I did not.

Q. She filed suit for divorce, didn't she? A. She did.

Q. Had you all had any trouble before she filed that suit?

A. About like it is now.

Q. Did she have any black eyes? A. I didn't see any.

Q. Do you know whether anybody else saw them?

A. I don't know.

Q. If there was any on her, you didn't put them there?

A. I did not.

Q. You hadn't done anything to her?

A. Nothing only a little family squabble like this. If there had been, the lawyer told her she didn't have any evidence and she dropped it.

Q. What lawyer told her that?

A. Lawyer Gordon in Mobile.

Q. Did you hear him tell her? A. No, I didn't.

Q. How do you know it? (No answer)

Q. How do you know it?

THE WITNESS: Do I have to answer that question (addressing Mr. Blackburn)?

MR. BLACKBURN: Yes.

A. He didn't tell me, but a friend of mine did; that was the only reason why she recalled her divorce.

Q. Did you go to her brother and get him to come to see her and try to get her to come back to you?

A. I did.

Q. Didn't you also go to her uncle? A. I did.

Q. Get him to talk to her? A. I did.

MR. BEEBE: That's all.

RE-DIRECT EXAMINATION BY MR. J. B. BLACKBURN.

Q. Mr. Jeffcoat, your wife wasn't bruised up so bad on the 2nd of October that she couldn't go to Sunday school?

A. She was not.

Q. She left to go to Sunday school?

A. She and the children went for that purpose.

Q. Stayed about the length of time it would take to go and come back?

A. I think about an hour and a half.

Q. You said you didn't strike her? A. I did not strike her.

Q. Now, in this difficulty on the night of October 2nd, did you say your boy had to take hold of her? What did you say?

A. He did take hold of her and pushed her back and said, "mother, let dad alone."

Q. Now, then, this other time that he referred to here in 1929, who represented her at that time, that is, what attorney? Do you know of your own personal knowledge?

A. Robert Gordon and you was appointed by Mr. Gordon to take testimony at Robertsdale, and she turned it down. That was the information that my attorney gave me, and I learned later and she told me that the reason she had it put off was because Mr. Gordon didn't come over and represent her, that she was afraid for Mr. Blackburn to handle it.

Q. And she never did go ahead with it?

A. Oh, yes, she went ahead with it, but it just automatically died; I don't know why.

Q. Did she ever give you any other reason why she didn't go ahead?

A. No.

Q. Did she tell you Mr. Gordon didn't have any evidence?

A. No.

MR. BLACKBURN: That's all.

STEWART JEFFCOAT, a witness for the defendant, after being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. J. B. BLACKBURN.

Q. Your name is Stewart Jeffcoat? A. Yes, sir.

Q. Is Mr. Fred Jeffcoat here your father and Mrs. Myrtle Jeffcoat your mother?

A. Yes, sir.

Q. Stewart, were you at home there on the night of October 2nd just past?

A. Yes, sir.

Q. Had you been anywhere with your mother and father, or did they go off anywhere without you?

A. They went off without me that night.

Q. And were you awake that night when they came in?

A. Yes, sir.

Q. Did you later then go to sleep?

A. Afterwards I went to sleep; I was listening to the radio when they came in.

Q. After you went to sleep were you disturbed in any way? Just tell us what you heard and saw when you woke up?

A. Well, I was lying in the bed; I heard them talking, and so after while mother called me and asked me to come in there - -

Q. Just a minute, before your mother called you to go in there, just tell us what you heard?

A. Dad asked her how many times she had been to Robertsdale, and she said three or four times, and he asked her what did she go for the first time and she said groceries; then the next time what for, and she didn't know, and the next time she didn't know, and the next

time she went to see the doctor, and so he told her that if she didn't stop he was going to slap the hell out of her. So one word led to another. After while she called me in and told me to get the gun and shoot him.

Q. Now, just a minute -- just before you went in did you hear any licks passed, or anything of that kind?

A. No.

Q. All right --

A. Then I went in there and when I went in he was holding her, and I told both of them to stop right there, and when he turned her loose she came at him like she wanted to kill him, beat him up, and I told her to stop and go on back to bed, so he and I walked in the living room and she came in there and I told her to go back and get in bed, and she turned around and shut the door and went to bed. After while he went back to bed and I went back to bed.

Q. Now, you said he went to bed -- where did he go?

A. He went back in their room and when he went back she told him his bed was there, opposite the one they had been sleeping in, and he said that that was his bed and he was going to sleep on it and so he lay down on the bed -- I don't know where.

Q. All right, did you hear anything else that night?

A. That's all, I believe.

Q. Did you notice your mother's eye being black that night?

A. No, sir.

Q. Was it black? A. No, sir.

Q. How about any other bruises on her?

A. I never noticed any.

Q. How was your father holding her when you went in the room?

A. By the arms.

Q. That is, he had her by the arm? A. Yes, sir.

Q. By what part of her arm was he holding her?

A. By the wrist, I think that's the way.

Q. Was she standing perfectly still?

A. She was trying to get loose.

Q. Did you ever have to hold your father or anything to keep him from doing anything to her?

A. The only thing I did I got hold of his arm and told him to stop.

Q. And did he? A. Yes, sir.

Q. Did he threaten to kill her or do anything else other than you have testified to?

A. No, sir.

Q. And did he seem to have control of himself, or did he let his temper get away from him?

A. No, sir, he seemed to have control of himself pretty well.

Q. When he talked with you afterward, did he seem to be perfectly all right?

A. Yes, sir.

Q. The next day was Sunday, was it not? What did your mother do that morning?

A. She got breakfast, cleaned up the house and got dinner, and we went to Sunday school and came back after Sunday school. After he ate dinner he began to get ready to go to work, and she asked him could I take her up to her mother's, and he said, yes, and she asked him was he going to leave any money there and he said yes.

Q. And she hadn't said anything about leaving at that time?

A. No, sir.

Q. Did he run her away and tell her she had to leave?

A. No, sir, I didn't hear him.

Q. You were around there? A. Yes, sir.

Q. Now, were you there the balance of the week, or did you go with your dad?

A. I believe I was there that week. It was either that week I went to work or the following week.

Q. Do you know if your mother came back to your place there?

A. That week?

Q. Yes.

A. Well --

Q. If you don't know, just say so.

A. I don't know for sure that she did.

Q. You were not there? A. No, sir.

Q. How does your father treat you and your brothers and sisters?

A. Well, he treats us all right.

Q. Does he abuse you? A. No, sir.

Q. Mistreat you? A. No, sir.

Q. Does he provide for you in a way that a man of his means would provide?

A. Yes, sir.

Q. You have the necessities of life?

A. Yes, sir.

Q. Plenty to eat? A. Yes, sir.

Q. Clothes? A. Yes, sir.

Q. You go to Sunday school and church? A. Yes, sir.

Q. Your sisters and brothers go? A. Yes, sir.

Q. Now, you of course know your father and of course know your mother?

A. Yes, sir.

Q. Which of the two of them, if you were called on to make a choice, would you prefer to live with?

A. I would rather live with my dad.

Q. With your father? A. Yes, sir.

Q. Is your father a man that can control himself, or is he a man that has an ungovernable temper?

A. Well, he controls himself all right.

Q. Is he subject to fits of anger?

A. No, sir, I hadn't ever known of.

Q. And you are how old? A. Sixteen.

Q. Did you ever hear him threaten your mother? A. No, sir.

Q. And did you ever see him beat her? A. No, sir.

Q. Ever see him strike her? A. No, sir.

Q. As far as you know, they never had any trouble other than what happened that night -- do you know of anything else?

A. Well, yes, sir, that's all I can remember. I have heard --

Q. Not what you heard --

A. That's what I started to say.

CROSS EXAMINATION BY MR. W. C. BEEBE.

Q. You say, Stewart, you were lying there awake when your mother and father came in, probably how long?

A. I hadn't been in bed long.

Q. You heard all of the conversation?

A. I didn't hear all of it.

Q. You heard some of it? A. Yes, sir.

Q. Did they raise their voices so you couldn't?

A. No, sir.

A. No, sir.

Q. Why didn't you hear all of it?

A. Because I wasn't paying much attention.

Q. You heard your father ask your mother how many times she had been to town?

A. Yes, sir.

Q. He wasn't mad with her? A. He didn't talk like it.

Q. And never during the whole affair he apparently didn't get mad?

A. Well, he apparently did sometime..

Q. Just when did he get mad?

A. When he told her to stop going to Robertsdale, stop running around.

Q. Told her to stop going to Robertsdale -- and what did he say he was going to do if she didn't stop?

A. He said he was going to slap the hell out of her.

Q. He talked like he was mad then?

A. He talked like he was.

Q. Did you hear her say anything in reply to that?

A. I don't just remember.

Q. She said something?

A. She may have.

Q. Did he say anything else? A. They talked on.

Q. When they were talking on, what did they say? Just to the best of your recollection?

A. He said that he wanted it stopped, and one word led to another, and then is when she called me in there.

Q. Now, how long was it before he said he was going to slap the hell out of her that she called you in there?

A. About five or ten minutes.

Q. And they lay there five or ten minutes and didn't say anything?

A. I wouldn't say that.

Q. You never heard anything?

A. I never paid any attention.

Q. Was there any scuffling in there in that five or ten minutes?

A. I didn't hear any.

Q. Was the bed making any noise like somebody being thrown around?

A. Only just a little before she called me in.

Q. What did you hear then?

A. Sounded like they were getting up and doing something.

Q. And there was some scuffling in there then?

A. They were up on the floor; I don't know what they were doing.

Q. You didn't see your mother when he held her on the bed?

A. No, sir.

Q. You didn't see him when he choked her? A. No, sir.

Q. When you could hear noises in there, were they talking?

A. I don't think they were.

Q. And the only thing you know is that you heard your father tell her he would slap the hell out of her, and heard your mother call and you went in there and separated them?

A. Yes, sir.

Q. And you say your mother's lip wasn't bruised?

A. I never noticed.

Q. Did you testify at Robertsdale?

A. I did.

Q. That testimony was in what case?

A. Some trouble they had.

Q. In an assault and battery case -- of your mother against your father?

A. Yes, sir.

Q. Now, did you testify down there? A., Yes sir, I did.

Q. What did you tell at that hearing?

A. I told about the same thing as here.

Q. Did you tell there that your mother's lip was bruised -- did you testify to that?

A. I don't remember.

Q. Did you or did you not? A. I can't say for sure. I don't think I did.

Q. If you said it down there, you weren't telling the truth, were you? If you said in that hearing down at Robertsdale, before

Mr. Vonashek, that your mother's lip was bruised, you weren't telling the truth?

A. No, sir.

Q. And as a matter of fact, her lip wasn't bruised at all?

A. Not that you could tell it.

Q. And if you told there that her lip was bruised, you weren't testifying to the truth?

A. No, sir.

Q. And if you said her eye was bruised, you weren't testifying to the truth either?

A. No, sir.

Q. Now, as a matter of fact when did you get your gun?

A. I didn't get a gun -- I haven't got a gun.

Q. You didn't get a gun? A. No, sir.

Q. Did your mother tell you to get your gun and shoot him?

A. And shoot him.

Q. Where have you been during the last two or three months, with your father or with your mother?

A. I have been with my father.

Q. And you and he haven't discussed this case at all?

A. No, sir.

Q. And you all didn't discuss it this morning?

A. No, sir.

Q. It hasn't been discussed by him in your presence by anybody else?

A. No, sir.

Q. And he didn't know what you were going to testify to?

A. The only thing he told me was to tell the truth.

Q. And that's what you have done -- on oath?

A. On oath, yes, sir.

Q. And what you testified to in Robertsdale wasn't true?

A. It was so.

Q. What was so?

A. What I testified to.

Q. Now, Stewart, was your mother's lip bruised? Remember now you are on oath to tell the truth. Was your mother's lip bruised?

- A. You couldn't tell it was bruised.
- Q. Was there any blood on the bed?
- A. I believe there was.
- Q. Where did that blood come from?
- A. I don't know.
- Q. Was your mother's eye bruised? A. Not at all.
- Q. She wasn't bruised up anywhere, but there was blood on the bed?
- A. Just a little spot there.
- Q. And you don't know where that blood came from?
- A. No, sir.
- Q. And the only thing you saw your father do was to hold her by the arm and say he would slap the hell out of her?
- A. Yes, sir.
- Q. How close were you two?
- A. When I was in the bed? I slept right on the screened porch, and there was a partition between my room and theirs, and there was a window between theirs and mine.
- Q. And the window was up?
- A. Well, it may have been up, I don't know whether it was, I think it was.
- Q. Unless they were talking mighty mighty low you could have heard it?
- A. I could have heard it.
- Q. And they had to be talking almost in a whisper?
- A. Yes, sir.
- Q. Could you have heard them in an ordinary conversation at all?
- A. Yes, sir.
- Q. And your mother didn't fuss at him any? You didn't hear that?
- A. All I heard was -- I didn't hear her fuss.
- Q. And your father hasn't told you what to testify to?
- A. No, sir.
- Q. Just told you to tell the truth?
- A. That's what I done.
- Q. Stewart, your father ever whip you? A. Yes, sir.

Q. How long has it been?

A. It has been a pretty good while.

Q. When you were about eight or nine years old, did he get mad at you one time and give you a whipping, and threw you to the ground and get on you with his knees?

A. No, sir.

Q. Didn't do that?

A. No, sir.

Q. At Robertsdale, did you or did you not testify there that your mother did not call you to get a gun to your dad?

A. I didn't testify to that; I told them that I didn't remember.

Q. You told there that you didn't remember?

A. Yes, sir.

RE-DIRECT EXAMINATION BY MR. J. B. BLACKBURN.

Q. That remark you made a while ago about your father telling your mother that he was going to slap the hell out of her, was that the exact statement, or was something else said?

A. That's the exact statement; there was nothing else said with it.

Q. By him I am talking about? A. No, sir.

Q. You don't recall anything else said? A. No, sir.

MR. BLACKBURN: That's all.

ELZIE HANKINS, a witness for the defendant, after being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. J. B. BLACKBURN.

Q. Mr. Hankins, you know Mr. Jeffcoat here?

A. Yes, sir, I think I do.

Q. How long have you known him?

A. Oh, I guess six or eight or ten years.

Q. Do you know the place he lives on down there?

A. Yes, sir.

Q. How many acres of land does he have where he lives?

A. I imagine 40 acres.

Q. You know the place pretty well?

A. Yes, sir.

Q. Describe its general location -- how much is or can be cultivated, and the character of the place?

A. Well, from its location from the road there is about two acres on one side of it can be cultivated, and there is an acre on the other side -- a swamp splits it right wide open -- and then I imagine from the looks of the hill on the other side there is about eight or ten acres cultivatable land, maybe twelve acres.

Q. On the side adjoining the road, say how many acres can be cultivated?

A. About two acres on the North side.

Q. The road is on the North of it?

A. No, the road runs North and South and the swamp goes East and West; on the North side I imagine there is two acres, then the swamp goes through it, then on the other side is a hill -- I imagine there is ten acres, just guessing.

Q. You know in a general way what kind of a house and other improvements there are there?

A. Just from the road, it looks like a livable house.

Q. You have bought and sold land down there and know its value?

A. Well, I buy quite a bit of land -- I don't know much about it.

Q. What, in your opinion, is the value of that place there?

A. That would be hard to say, I imagine; it would depend on the kind of a man who would want it.

Q. Just in your estimation, what's it worth in your opinion?

A. He couldn't possibly get more than \$500.00 or \$600.00.

Q. It has more value for farming?

A. It would be better for a chicken farm, hillside and swamp.

Q. Now, do you know this man's reputation down in there?

A. Well, I don't know anything about him bad; I never heard anything too outstanding that he has done, just above the average citizen down there.

Q. You have heard people discuss his reputation prior to the time he and Mrs. Jeffcoat separated?

A. Well, yes.

Q. Was that discussion good or bad?

A. Well, it was neither good nor bad; it was just an average man. I couldn't say anything harmful against him, and they wouldn't say anything good the way everything happened.

Q. Do you know anything about his personal property; that is, what he has?

A. No, sir, I don't.

MR. BEEBE: No cross examination.

M. C. COOPER, a witness for the defendant, after being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. T. J. MASHBURN.

Q. What is your name, please?

A. M. C. Cooper.

Q. And where do you live, Mr. Cooper?

A. Robertsdale.

Q. Do you know Mr. Jeffcoat here?

A. I do.

Q. Are you related either to Mr. Jeffcoat or Mrs. Jeffcoat?

A. Mrs. Jeffcoat.

Q. What is that relation?

A. Her uncle.

Q. How long have you known Mr. Jeffcoat?

A. About seventeen or eighteen years.

Q. Do you know his reputation in the community in which he resides?

A. I suppose I do.

Q. What is his reputation for peace and quietude -- is it good or bad?

A. Well, I don't think -- this is up to the time that Mr. and Mrs. Jeffcoat separated --

Q. Was he known in the community as a peaceable and quiet man or as a vicious person?

A. Before this time?

Q. Yes.

A. I think so -- I can't say anything about his home life.

Q. Well, his reputation for peace and quietude was good then?

A. As far as I know.

Q. You know the value of land down in that community? You own land down there?

A. Yes, sir.

Q. You know Mr. Jeffcoat's property or farm that he owns there, do you, and know roughly how many acres are in this farm?

A. It is a 40 acres.

Q. About how much of that is cultivatable land?

A. About eight acres of it.

Q. You say about eight acres -- what is a reasonable value of this farm?

A. Including everything, or just the land?

Q. The land, the house and the improvements on it?

A. Not over \$1,000.00, between \$800.00 and \$1,000.00.

Q. Does that include the personal property, the furniture? Does he own any livestock? Say \$800.00 to \$1,000.00 would cover all his possessions, his farm, the house, improvements and livestock?

A. Yes.

Q. Mr. Cooper, do you remember seeing Mrs. Jeffcoat here right after the trouble she had with her husband?

A. Yes, I remember.

Q. Where did you see her?

A. I saw her at church.

Q. Well, did she have any bruises on her face or lips or eye?

A. I never noticed any.

Q. Would you have noticed any, if she had any?

A. I don't know about that -- I don't remember observing her very close.

CROSS EXAMINATION BY MR. W. C. BEEBE.

Q. Mr. Cooper, do you know whether or not they ever had any trouble before?

A. I think they have.

MR. MASHBURN: I object to that as not being relevant.

Q. When did they have it before -- 1931 -- about that time?

A. About that time.

Q. Do you remember what that trouble was?

A. No; they had so much trouble, I don't know.

Q. He beat her up and bruised her up then, didn't he?

A. I don't think so -- I won't say.

Q. You don't know?

A. I don't know much about it.

R. M. STANTON, a witness for the defendant, after being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. J. B. BLACKBURN.

Q. How do you sign your name?

A. R. M. Stanton.

Q. Where do you live, Mr. Stanton?

A. I live about six miles Northeast of Robertsdale.

Q. Is that where Mr. Jeffcoat lives?

A. About a mile and a quarter.

Q. How long have you known him?

A. I have known him about fifteen or sixteen years, I don't remember just how long.

Q. Lived near him for how long?

A. I don't remember when he moved over there; it seems like it has been about ten years.

Q. Have you had occasion during that time to be around with him and his children?

A. I have been around with him quite a bit on account of him and me working together in Pensacola in the Navy Yard.

Q. Have you seen him around with his children during that time?

A. Yes, sir.

Q. Did he seem to provide for them in keeping with his means?

A. Yes, sir.

Q. Did you have occasion to observe how he treated his children?

A. I always figured he treated them good.

Q. They seemed to be well dressed? A. Yes.

Q. Now, you know Mr. Jeffcoat's reputation down there for being a quiet, peaceable citizen?

A. All I know about him is that he is quiet and peaceable; that's all I know; haven't heard anything to the contrary.

Q. Do you know where his place down there is -- do you know where it is located?

A. Yes, sir.

Q. Do you know how many acres he has there?

A. Yes, 20 acres; that's what I figure it is; my brother said he would like to have his place; the only reason he wanted it was to square up his place.

Q. Have you ever been up there with your brother looking at it?

A. No, we have never been over there.

Q. Do you know in a general way what this place is worth?

A. He would give about \$500.00 for it.

Q. Do you know what personal property he has?

A. He has a few cows, I don't think he has over four.

Q. Anything else?

A. He did have a mule; I don't know whether he still has the mule or not.

Q. Do you know of any other personal property?

A. That's all I know of.

Q. What would you say it is worth?

A. Personal property?

Q. Yes, sir.

A. I imagine -- I don't know if he has got the mule or not. I expect \$100.00 would cover it.

CROSS EXAMINATION BY MR. W. C. BEEBE.

Q. When did you and Mr. Jeffcoat work in Pensacola?

A. We worked there, I believe, last October a year ago, I think it was somewhere about a year; we quit, I mean we were laid off.

Q. How long did you work down there -- how long did he work down there?

A. He went to work there before I did. I don't remember just how long he worked there. I worked there about six or seven or eight months?

Q. Do you know what kind of work he did?

A. He said he was working in the joiners shop where they were building airplanes, some parts of airplanes.

Q. Do you know what wages he made?

A. It seems to me -- I won't just say -- I think they were paying 80 cents an hour.

- Q. Did he work pretty regular?
- A. We worked pretty regular.
- Q. You say he was there before you were?
- A. He was there a while before I was.
- Q. And you stayed? A. Yes.
- Q. And you were there seven or eight months?
- A. Yes, sir.
- Q. How many days a week did you work? A. Five and a half.
- Q. How many hours a day?
- A. We worked eight hours; on Saturday we worked four.
- Q. After he left there, do you know where he went to work?
- A. He went to work over in Creola.
- Q. About how long was it between the time he left Pensacola and went to Creola?
- A. About a month.
- Q. He has been working at Creola ever since? A. Yes.
- Q. He is a good carpenter? A. Yes.
- Q. Gets regular work? A. Yes.
- Q. Works pretty regular all the time? A. Yes, sir.
- Q. And when he is at home he has always got something to do there?
- A. He don't stay idle.
- Q. And makes pretty good money?
- A. I don't know what he is getting now. I heard he was getting \$5.00 a day.
- Q. And wears good clothes? And takes good care of his family?
- A. Why, he is a good provider.
- Q. And necessarily would have to make good wages to take care of his family?
- A. Yes.
- Q. You don't know about his family difficulties?
- A. No.
- MR. BEBEE: That's all.

MR. BEEBE: As a part of original testimony of Mrs. Jeffcoat I want to ask her a few questions, and after being duly sworn, she testified as follows:

Q. Mrs. Jeffcoat, how long will your employment at Mrs. Olds last?

A. It will be up in a few days.

Q. Be up in a few days? A. Yes.

Q. You are employed there as a nurse? A. Yes.

Q. And she is getting better? A. Yes.

Q. In fact she is up here to-day? A. Yes.

Q. And your employment ceases when she gets well enough, as a nurse?

A. Yes.

Q. What work have you in mind after that? A. None.

CROSS EXAMINATION BY MR. J. B. BLACKBURN.

Q. Mrs. Jeffcoat, where do you say you have been nursing?

A. Mrs. Olds.

Q. What was wrong with Mrs. Olds?

A. A stroke.

Q. A stroke of paralysis, and you say she is recovering from that?

A. She is.

Q. And you went to work there almost immediately after you left Mr. Jeffcoat?

A. About two weeks.

Q. And been there up to now? A. Yes.

Q. And still there -- but she is improving?

A. Yes.

Q. Can she walk?

A. Yes, she can walk.

Q. Didn't you teach school?

A. No, sir.

MR. BLACKBURN: That's all.

MRS. RACHEL C. GULLEDGE, a witness for the complainant, after being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. W. C. BEEBE.

- Q. What is your name?
- A. You want my name? Rachel C. Gullledge is the way I sign.
- Q. Are you the mother of Mrs. Jeffcoat? A. Yes.
- Q. Mrs. Gullledge, did you see Mrs. Jeffcoat the Sunday after October 2nd, 1937?
- A. Yes.
- Q. Where did you see her?
- A. I saw her at home.
- Q. At home? A. Yes, sir.
- Q. At your home? A. At my home.
- Q. Did she come there that day? A. Yes, sir.
- Q. Who did she come with? A. Stewart brought her there, her son.
- Q. Did Stewart say anything why he was bringing her?
- A. No, he didn't tell me.
- Q. But did Mrs. Jeffcoat tell you why she came down there?
- A. Yes.
- Q. What did she tell you?
- MR. BLACKBURN: We object to that as purely hearsay.
- Q. What did she tell you?
- A. She was telling me about their fuss that night.
- Q. What did she say had happened?
- A. Well, he got mad about something -- because she had been to Robertsdale three times that week and he wanted to know what she went for and she couldn't think right away -- she told him what she went for, but she couldn't right at that minute. He brought it up that night after they came back from Silverhill, where they carried their daughter down there for being in the program.
- Q. Did she have any marks on her anywhere?
- A. She had her lip bruised and her eye.
- Q. Had a bruise on her eye? A. Yes, sir.
- Q. Did she tell you how those bruises got there?
- A. She certainly did.
- Q. What did she say?
- A. Well, she said he jumped on her and -- why you know how a fight is, I guess.

Q. Did she tell you that in the presence of Fred?

A. No, not in the presence of him.

Q. I mean Stewart?

A. No, Stewart wasn't in there -- Stewart just brought her
in.

Q. But was Stewart there?

A. I don't remember that exactly.

Q. Have they had trouble heretofore?

A. Oh, my goodness! I couldn't remember to tell you.

Q. Has he beat her?

A. So many times I couldn't tell you how many.

Q. You have seen the bruises on her before?

A. I certainly have.

Q. Bad bruises? A. Bad bruises.

MR. BEEBE: That's all.

CROSS EXAMINATION BY MR. J. B. BLACKBURN.

Q. Mrs. Gullledge, I believe you said you are Mrs. Jeffcoat's
mother?

A. Yes, sir.

Q. And you were not there at their home that night?

A. No, I wasn't.

Q. You don't know except what your daughter told you?

A. No, I don't know what happened -- only what the children
said.

RE-DIRECT EXAMINATION BY MR. W. C. BEEBE.

Q. Stewart was there?

MR. BLACKBURN: We object to that, as no predicate has been
laid for it.

Q. What did Stewart tell you, Mrs. Gullledge?

A. Well, he was called in by his mother to stop his dad
from jumping on her.

MR. BEEBE: That's all.

CHRISTINE JEFFCOAT, a witness for the complainant, after being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. W. C. BEEBE.

- Q. What is your name?
A. Christine Jeffcoat.
Q. How old are you, Christine?
A. Fifteen years old.
Q. Fifteen?
A. Yes, sir.
Q. Mr. Fred Jeffcoat is your father?
A. Yes, sir.
Q. And Mrs. Myrtle Jeffcoat is your mother?
A. Yes, sir.
Q. Christine, did you hear a fuss between your mother and father -- where were you sleeping on the Saturday night of October 2nd?
A. In the opposite room from them.
Q. And a door between the two rooms?
A. Yes, sir.
Q. Did you hear any scuffling or any fuss between them that night?
A. No, sir.
Q. You were asleep?
A. I was asleep.
Q. The next morning did you see any scars on your mother?
A. Her lip was cut.
Q. Did you see a bruise on her eye?
A. It was dark blue.
Q. Was there any blood on the bed the next morning?
A. There was three spots of blood.
Q. About how big?
A. About as big as a dollar or half a dollar?
A. About as big as half a dollar.
MR. BEEBE: Take the witness.

CROSS EXAMINATION BY MR. J. B. BLACKBURN.

- Q. Christine, what did your mother do that Sunday morning after this difficulty happened?
A. I wasn't home.
Q. Wasn't you home Sunday morning? That happened Saturday night, didn't it?
A. Yes, sir.
Q. And didn't you spend that night at home?
A. Yes, sir.
~~Q. He provides well for you, doesn't he?
A. No, sir.~~
Q. He provides well for you?
A. Yes, sir.
Q. Now, Christine, have you and your mother discussed this case?
A. No, sir.
Q. You haven't?
A. No, sir.
Q. Is your father an ordinary sort of a man or is he the type of man that has an ungovernable temper? (No answer)
Q. Did you understand? (No answer)
Q. Is he an ordinary, or is he a man that has such a high temper that he can't control himself, which, please ma'am? (No answer)

A. Yes, sir.

Q. June, on Saturday night, October 2nd, last year, did your mother and father have a fuss?

A. Yes, sir.

Q. Where were you when that happened?

A. I was in the other room asleep.

Q. Did you wake up while it was going on? A. Yes, sir.

Q. Did you hear any part of it?

A. Yes, sir, I heard whenever she called brother.

Q. What did she say when she called brother?

A. She just said, come here and help me.

Q. Did she tell Stewart to get a gun and kill your father?

A. I don't remember; I didn't hear that.

Q. Did she, in her call to him, did she include to get a gun?

A. No, sir.

Q. You didn't hear any words about a gun? A. No, sir.

Q. Did you hear anything else? A. No, sir.

Q. Did you see your mother the next morning? A. Yes, sir.

Q. Was your mother bruised in any way?

A. She had a little place on her lip like it had been bumped and under her eyes kind of blue.

Q. Did you see any blood on the bed? A. No, sir.

CROSS EXAMINATION BY MR. J. B. BLACKBURN.

Q. June, this thing that you are talking about happened Saturday night, didn't it?

A. Yes, sir.

Q. Now, you were home Sunday morning? A. Yes, sir.

Q. What did you and your mother do Sunday?

A. We got ready and went to Sunday school.

Q. Her lip wasn't cut so bad that she couldn't go to Sunday school?

A. No, sir.

Q. You didn't see your father strike her? A. No, sir.

Q. Your father has never mistreated you, has he?

A. No, sir.

Q. Has he mistreated the other children?

A. Well, no, sir.

Q. You know what an ungovernable temper is, don't you?

A. Well, it is one that you can't control.

Q. Does your father have that kind of a temper, or has he that kind of a temper that he can control?

A. I reckon he can control it all right.

Q. Now, then, June, were you home the entire day Sunday?

A. I wasn't at home any in the evening.

Q. Wasn't home in the afternoon? A. No, sir.

Q. Before you left, did your father tell your mother that she had to leave, or anything of that kind?

A. No, sir.

Q. Now, have you ever heard your father threaten to kill your mother or severely hurt her?

A. No, sir.

Q. The proper place for both of them is to be with you all?

A. Yes, sir.

Q. June, you have been there with your father since your mother and father separated?

A. Yes, sir.

Q. You say your father can control his temper?

A. Yes, sir.

Q. Does he do it? A. Yes, sir.

MR. BLACKBURN: That's all.

MYRTLE JEFFCOAT,
Complainant,
vs.
FRED JEFFCOAT,
Respondent.

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

TO THE HON. F. W. HARE, JUDGE OF SAID COURT:

Comes your petitioner, MYRTLE JEFFCOAT, and respectfully shows unto your Honor that on, to-wit, the 30th day of April, 1938, this Honorable Court made and entered an order and decree in a suit therein pending, wherein your petitioner was complainant and Fred Jeffcoat was defendant, dissolving the bonds of matrimony existing between this petitioner and the said Fred Jeffcoat, and further ordering and decreeing that the said Fred Jeffcoat pay to this petitioner as permanent alimony the sum of \$20.00 on the 1st day of May, 1938, and the sum of \$20.00 on the 1st day of each calendar month thereafter; that the said Fred Jeffcoat has failed and refused to pay the same; that the said Fred Jeffcoat is an able-bodied man, has employment and is making at such employment approximately \$100.00 a month, and has sufficient funds and property with which to pay the said alimony; that he has failed and refused to do so, and the said Fred Jeffcoat is in contempt of this Court in failing and refusing to pay the said alimony as directed by this Court.

WHEREFORE, your petitioner prays that this Honorable Court will cause the said Fred Jeffcoat to be brought before this Honorable Court at such time and place as this Honorable Court shall direct, then and there to show cause why he should not abide by and comply with the order of this Court and pay the said alimony to this petitioner and be adjudged in contempt of this Court and punished therefor.

Myrtle Jeffcoat
Petitioner.

GOBY

NOTARY PUBLIC
IDA M. TURNBULL
BALDWIN COUNTY, ALABAMA

IN WITNESS WHEREOF
I HAVE HEREunto
SET my hand and
the seal of my
office at
Birmingham,
Alabama, this
2nd day of June,
1933.

NOTATION

507

STATE OF ALABAMA.
BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared MYRTLE JEFFCOAT, who being by me duly sworn, deposes and says that she has read the foregoing petition and that the facts alleged therein are true; that the said Court did on the date alleged in said petition, namely, the 20th day of April, 1933, make and enter an order and decree dissolving the bonds of matrimony existing between said affiant (petitioner) and the said Fred Jeffcoat and did make and enter an order and decree ordering and directing the said Fred Jeffcoat to pay to this affiant the sum of \$20.00 on the 1st day of May, 1933, and \$20.00 on the 1st day of each calendar month thereafter; that the said Fred Jeffcoat has failed and refused to pay any part thereof; that the said Fred Jeffcoat has funds and property with which he could pay the same; and having failed and refused to do so, is in contempt of this Court.

Myrtle Jeffcoat

Sworn to and subscribed before me
on this the 2nd day of June, 1933.

Ida M. Turnbull
Notary Public, Baldwin County,
Alabama.

MYRTLE JEFFCOAT,
Complainant

IN THE CIRCUIT COURT OF

VS

BALDWIN COUNTY, ALABAMA

FRED JEFFCOAT,
Respondent

IN EQUITY NO.

k This cause coming on to be heard, is submitted for final decree upon the pleadings, proof and agreements as noted by the Register, and the same being considered by the Court, the Court is of the opinion that the complainant is entitled to the relief prayed for.

It is therefore ORDERED, ADJUDGED AND DECREED that the bonds of matrimony now existing between Myrtle Jeffcoat and Fred Jeffcoat be and the same are hereby dissolved.

It is further ORDERED, ADJUDGED AND DECREED that the complainant have and recover of the respondent the sum of twenty (\$20.00) Dollars per month for alimony pending this suit, commencing on the 1st day of Oct., 1937, and ending on April 1st 1938, and the respondent be and he is hereby ordered and directed to pay the same within 60 days from this date, and upon his failing to do so, let execution issue therefor.

It is further ORDERED, ADJUDGED AND DECREED that the complainant have and recover of the respondent the sum of (\$20.00) Twenty and no/100 Dollars per month, payable on the first day of each calendar month hereafter, and the respondent be and he is hereby ordered and directed to pay the same to the said complainant on said dates, and upon his failing to do so, let execution issue.

It is further ORDERED, ADJUDGED AND DECREED that the complainant have and recover of the respondent the sum of one Hundred Dollars (\$100.00) for attorneys' fees in the premises, and the said respondent is ordered and directed to pay the same on or before the first day of June, 1938, and upon his failing to do so let execution issue.

It appearing to the court that there are minor children of the said complainant and respondent, this Court is of the opinion that no decree should be made at this time with reference to the care and custody of the said children and jurisdiction is retained of this cause for such other further order as this Court from time to time may deem proper to be made with reference to the said minor children.

It is further ORDERED, ADJUDGED AND DECREED that the said complainant and respondent shall not again marry, except to each other, until sixty days after this date, and that if an appeal is taken within sixty days, they shall not again marry, except to each other, during the pendency of the appeal.

It is further ORDERED, ADJUDGED AND DECREED that the respondent, Fred Jaffcoat, pay the costs of this proceeding, for which let execution issue.

It is further ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be recorded by the Register in the office of the Judge of Probate of Baldwin County, Alabama, in the Judgment Records of the said County, and that the cost thereof be taxed as a part of the costs in this proceeding.

Done at Monroeville, Alabama, this the 20th day of April, 1938.

F.W. Hare
Judge.

MYRTLE JEFFCOAT,
Complainant,
vs.
FRED JEFFCOAT,
Respondent.

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

AGREEMENT OF COUNSEL.

IT IS AGREED between the parties to this cause that said cause be submitted to the Judge for decree as to divorce, attorneys' fees to be allowed complainant's solicitors, alimony pendente lite and permanent alimony without holding of a reference.

It is further agreed between counsel that One Hundred Dollars (\$100.00) is a reasonable attorneys' fee in the premises for complainant's solicitors.

Witness our hands this the 10 day of March 1938.

Beebe Hall Beebe
Solicitors for Complainant.

J. T. Blackburn
J. J. Mashburn, Jr.
Solicitors for Respondent.

MYRTLE JEFFCOAT,
Complainant,

vs.

FRED JEFFCOAT,
Respondent.

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

) IN EQUITY.

NOTE OF TESTIMONY.

This cause is submitted for decree on the question of alimony pendente lite, for absolute divorce, permanent alimony and attorneys' fee, on behalf of the complainant, on the following: (1) Original bill of complaint; (2) service on the defendant; (3) agreement of counsel as of March 10, 1938; (4) agreement of counsel as of January 17, 1938; (5) depositions of complainant's witnesses, Myrtle Jeffcoat, Robert H. Kendrick, Rachel C. Gullledge, Christine Jeffcoat and June Jeffcoat.

This cause is submitted for final decree on the question of alimony pending suit, permanent alimony and absolute divorce, on behalf of the respondent, on the following: (1) Respondent's answer; (2) agreement of counsel as of March 10, 1938; (3) agreement of counsel as of January 17, 1938; (4) depositions of respondent's witnesses, Fred Jeffcoat, Stewart Jeffcoat, Elzie Hankins, M. C. Cooper, R. M. Stanton.

This the 10th day of March, 1938.



Register.

CHANCERY EXECUTION

BILL OF COSTS

No. 372, **Myrtle Jeffcoat.**

VS. **Fred Jeffcoat.**

PLAINTIFF

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$10 30.
Filing each bill and other papers	\$	10	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof		40	Each notice sent by mail to creditor ...	15
Entering each return thereof		15	Filing receipting for and docketing each claim, etc.	25
For each order of publication	1	00	For all entries on subpoena docket, etc.	50
Issuing Writ of injunction	1	50	For all entries on commission docket, etc.	50
For each copy thereof		50	Making final record. per 100 words	15
Entering each return thereof		15	Certified copy of decree	1 00
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof		15	TOTAL FEES OF REGISTER..	17 30
Docketing each case	1	00	FEES OF SHERIFF	
Entering each appearance		25	Serving and returning subpoena on deft. \$1 50	1 50
Issuing each decree pro confesso on per ser. 1 00		75	Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica 1 00		75	Levying attachment	3 00
Each order appointing guardian	1	00	Entering and returning same	25
Any other order by Register		50	Selling property attached	75
Issuing Commission to take testimony		50	Impaneling Jury	2 50
Receiving and filing		10	Executing Writ of possession	1 50
Endorsing each package		10	Collecting execution for costs	65
Entering order submitting cause		50	Serving and returning sci. fa., each	65
Entering any other order of court		25	Serving and returning notice	1 50
Noting all testimony		50	Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1	00	Taking and approving writ of exeat	75
Entering each decree		75	Collecting money on execution	2 50
For every 100 words over 500		15	Making Deed	1 00
Taking account, etc.	3	00	Serving and returning application, etc. ...	1 50
Taking testimony, etc		15	Serving attachment, contempt of court ..	1 50
Each report, 500 words or less	2	50	TOTAL FEES OF SHERIFF..	11 25.
For every 100 words over 500		15	RECAPITULATION	
Amount claimed less than \$500, etc 15 2 00		3 75	Register's Fees	17 80
Issuing each subpoena		25	Sheriff's Fees	11 25.
Witness certificate, each		25	Commissioner's Fees	24 00
Issuing execution, each		75	Solicitor's Fees	100 00
Entering each return		15	Witness Fees	8 00
Taking and approving bond, each	1	00	Guardian Ad Litem	
Making copy of bill, etc		15	Printer's Fees	
Each notice not otherwise provided for ..	50		Trial Tax	3 00.
Each certificate or affidavit, with seal ...	50		Recording Decree in Probate Court	1 50.
Each certificate or affidavit, no seal		25	TOTAL.....	165 55
Hearing and passing on application, etc. ...	3	00		
Each settlement with Receiver, etc.	3	00		
Examining each voucher of Receiver, etc ..	10			
Examining each answer, etc.	3	00		
Recording resignation, etc.		75		
Entering each certificate to Supreme Court ..	50			
Taking questions and answers, etc		25		
For all other ser relating to such proceedings	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent				
Sub Total Carried Forward		10 30		

The State of Alabama, { **No. 372.**
Baldwin County } Circuit Court, In Equity _____ Term, 193__

To any Sheriff of the State of Alabama—GREETING:
 You are hereby commanded, That of the goods and chattels, lands and tenements of _____
Fred Jeff Coat. Defendant

you cause to be made the sum of **Two Hundred. and No /100.** Dollars,
 which **Myrtle Jeffcoat.** Plaintiff

recovered of **Min.** on the **20th** day of **April.** 193**8.**

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____
One Hundred. Sixty Five, and 55/100..... Dollars,

costs o' suit, and have the same to render to the said **Myrtle Jeffcoat. R S Duck,**
 and make return of this Writ and the execution thereof, according to law.

Interest from _____ 193__ to date of collection.
 Witness my hand, this **7th** day of **July.** 193 **8.**
 Register

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

FRED JEFFCOAT

of Mobile 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

MYRTLE JEFFCOAT

against said FRED JEFFCOAT

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, Robert S. Duck, Register of said Circuit Court, this 11th day of October 1937

 Register

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

MYRTLE JEFFCOAT,

Complainant,

VS.

FRED JEFFCOAT,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

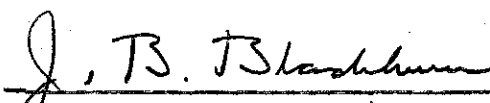
IN EQUITY. NO. 372

ANSWER.

Now comes the Respondent in the above entitled cause and for answer to the Bill of Complaint says:

1. Respondent admits the allegations of paragraph numbered First of the Bill of Complaint.
2. Respondent admits that the Complainant and the Respondent are husband and wife, having married on or about September 30, 1920, but denies each and all of the other allegations of paragraph numbered Second of the Bill of Complaint.
3. Respondent admits that he is the father and that the Complainant is the mother of the children named in paragraph numbered Third of the Bill of Complaint but denies all of the other allegations thereof.
4. Respondent denies the allegations of paragraph numbered Fourth of the Bill of Complaint.
5. Each and all of the other allegations of the Bill of Complaint which have not been answered herein are hereby emphatically denied.

Respondent having fully answered the Bill of Complaint in this cause, prays that he be discharged with his reasonable costs in this behalf expended.



Attorney for Respondent.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes MYRTLE JEFFCOAT, and humbly complaining unto FRED
JEFFCOAT, respectfully shows unto your Honor as follows:

FIRST:

That your complainant, Myrtle Jeffcoat, is over the age of
twenty-one years and a resident of Baldwin County, Alabama; that the
said Fred Jeffcoat is over the age of twenty-one years and a resident
of Baldwin County, Alabama; that your complainant and the said Fred
Jeffcoat have lived in Baldwin County, Alabama, continuously for
more than three years next preceding the filing of this bill of
complaint.

SECOND:

That your complainant and the said Fred Jeffcoat are hus-
band and wife, having intermarried more than eighteen years ago.
That the said Fred Jeffcoat is a man of ungovernable temper and for
a long time has been subject to fits of anger and made assaults and
threats against your complainant, and that on October 2nd, 1937,
without provocation or cause, the said Fred Jeffcoat flew into a
fit of anger against your complainant and assaulted and beat her
and threatened to and attempted to do her bodily harm, and did
strike and beat her and seriously injure her, and drove your com-
plainant from their home at Robertsdale, in Baldwin County, Alabama,
and threatened to do her bodily injury should she return; that the
conduct and threats of the said Fred Jeffcoat have caused your com-
plainant to reasonably fear that if she should continue to live
with him, he would kill her or do her such bodily harm as would
injure her health or body; that your complainant has not lived
with the said Fred Jeffcoat since October 2nd, 1937.

THIRD:

That there was born to your complainant and the said Fred

Jeffcoat the following named children:

Stewart Jeffcoat,	Age 16 years;
Christine Jeffcoat,	Age 14 years;
June Jeffcoat,	Age 13 years;
Billie Jeffcoat,	Age 9 years;
Joe Jeffcoat,	Age 3 years;
Phylis Jeffcoat,	Age 2 years;

that the said Fred Jeffcoat not only abuses and mistreats your complainant, but also abuses and mistreats the said children, and he is not a proper person to have the custody and control of the said children.

FOURTH:

That the said Fred Jeffcoat is an able-bodied man and of some means; that he owns property in Baldwin County, Alabama, of the value of at least Two Thousand Dollars (\$2,000.00); that he has steady employment and his net earnings over and above his expenses, your complainant is informed and believes, is approximately One Hundred Dollars (\$100.00) per month.

Your complainant further shows unto your Honor that she is without means of support and has no employment, and has no funds or moneys to pay her counsel in the prosecution of this suit.

WHEREFORE, your complainant prays this Honorable Court will take jurisdiction of the cause made by this bill of complaint, and that the said Fred Jeffcoat be made party defendant hereto, and by proper process be made to plead, answer or demur to this bill of complaint within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that all proper orders and decrees be made and entered allowing to your complainant and requiring the said defendant to pay a reasonable attorneys' fee for the complainant in the prosecution of this cause and for alimony pending this proceeding.

Your complainant further prays that upon a final hearing of this cause this Honorable Court will make and enter a decree for-

ever dissolving the bonds of matrimony existing between your complainant and the said Fred Jeffcoat, and that she be given the care and custody of the said minor children, and that proper alimony be allowed to her for the support of herself and the said minor children out of the estate of said Fred Jeffcoat; and your complainant prays for such other, further or different relief as in equity and good conscience she is entitled to receive.


Attorneys for Complainant.

FOOT NOTE:

Defendant is required to answer every allegation of the foregoing bill of complaint, Paragraphs FIRST to FOURTH inclusive, but not under oath; oath is hereby expressly waived.


Attorneys for Complainant.

MYRTLE JEFFCOAT,
Complainant,
vs.
FRED JEFFCOAT,
Respondent.

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

TO THE HON. F. W. HARE, JUDGE OF SAID COURT:

Comes your petitioner, MYRTLE JEFFCOAT, and respectfully shows unto your Honor that on, to-wit, the 20th day of April, 1938, this Honorable Court made and entered an order and decree in a suit therein pending, wherein your petitioner was complainant and Fred Jeffcoat was defendant, dissolving the bonds of matrimony existing between this petitioner and the said Fred Jeffcoat, and further ordering and decreeing that the said Fred Jeffcoat pay to this petitioner as permanent alimony the sum of \$20.00 on the 1st day of May, 1938, and the sum of \$20.00 on the 1st day of each calendar month thereafter; that the said Fred Jeffcoat has failed and refused to pay the same; that the said Fred Jeffcoat is an able-bodied man, has employment and is making at such employment approximately \$100.00 a month, and has sufficient funds and property with which to pay the said alimony; that he has failed and refused to do so, and the said Fred Jeffcoat is in contempt of this Court in failing and refusing to pay the said alimony as directed by this Court.

WHEREFORE, your petitioner prays that this Honorable Court will cause the said Fred Jeffcoat to be brought before this Honorable Court at such time and place as this Honorable Court shall direct, then and there to show cause why he should not abide by and comply with the order of this Court and pay the said alimony to this petitioner and be adjudged in contempt of this Court and punished therefor.

Myrtle Jeffcoat
Petitioner.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared MYRTLE JEFFCOAT, who being by me duly sworn, deposes and says that she has read the foregoing petition and that the facts alleged therein are true; that the said Court did on the date alleged in said petition, namely, the 20th day of April, 1938, make and enter an order and decree dissolving the bonds of matrimony existing between said affiant (petitioner) and the said Fred Jeffcoat and did make and enter an order and decree ordering and directing the said Fred Jeffcoat to pay to this affiant the sum of \$20.00 on the 1st day of May, 1938, and \$20.00 on the 1st day of each calendar month thereafter; that the said Fred Jeffcoat has failed and refused to pay any part thereof; that the said Fred Jeffcoat has funds and property with which he could pay the same; and having failed and refused to do so, is in contempt of this Court.

Myrtle Jeffcoat

Sworn to and subscribed before me
on this the 2nd day of June, 1938.

Ida M. Turbull
Notary Public, Baldwin County,
Alabama.

W. L. ...
ORIGINAL
7-23/3

Serve on _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 372

S U M M O N S

MYRTLE JEFFCOAT,

Complainant,

vs.

FRED JEFFCOAT,

Respondent.

BEER, HALL & BEER,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this 22nd day of

Oct 1927

by leaving a copy of the within Summons with

Fred Jeffcoat

Defendant

A. W. ...

Sheriff

W. H. ...

Deputy Sheriff

RECORDED *Over*
2-365-

MIRRIE JEFFCOAT,
Complainant,

vs.

FRED JEFFCOAT,
Respondent.

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

NOTE OF TESTIMONY.

*Filed March 10, 1935
R. S. Duck, Register*

RECORDED *Docket*
7-448

MYRTLE JEFFCOAT,
Complainant,

vs.

FRED JEFFCOAT,
Respondent.

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

AGREEMENT OF COUNSEL.

*Filed 10 day March, 1935.
R. S. Duck, Register*

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 372 March Term, 1938

MYRTLE JEFFCOAT,

, Complainant

Vs.

FRED JEFFCOAT,

, Defendant

To R. S. DUCK, Register :

Answer having been filed by

In the above stated cause a ~~Decree pro Confesso~~ ~~having been taken against~~ the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by

BEEBE, HALL & BEEBE,

Solicitors of record, now files with the Register of this Court

this written request to deliver the papers in this cause to the Judge for final decree in vacation.

BEEBE, HALL & BEEBE,

Solicitor for Complainant.

RECORDED

Duch
7-448

No. 372 Page _____

The State of Alabama,
Baldwin County.
CIRCUIT COURT, IN EQUITY

MYRTLE JEFFCOAT,
Complainant,

Vs.

FRED JEFFCOAT,
Respondent.

**REQUEST FOR DECREE IN
VACATION**

Filed March 10, 1938

R. S. Duch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.