

THE STATE OF ALABAMA,

*Baldwin* County. }

CIRCUIT COURT, IN EQUITY.

No. *278* *Fall* Term, 19*21*

If witness wishes to charge for attendance he must present this Subpoena to the Register in Term time, or he will be barred.

To any Sheriff of the State of Alabama:

You are hereby commanded to summon *W. Corvey, Carl Schindler,*  
*Ellen Jardine,*

personally to be and appear before the Register of said Court at the Court House thereof on  
the *20* day of *Aug* 19*21*, and from day to day until discharged  
by due course of law, to give evidence and the truth to speak in behalf of the  
in a cause now pending in said Court, wherein

*William Jardine* Complainants  
*Ellen Jardine* Defendants

and have you then and there this writ with your endorsement thereon.

Witness my hand, this *15th* day of *Aug* 19*21*

*W. H. Cannon*  
Register.



Original

Beat No. ....

No. 278

Page .....

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

William Jardine

Complainants,

vs.

Ellen Jardine

Defendants.

REGISTER'S SUBPOENA.

Issued Aug 15th 1921

W. K. Street Register.

Received in office 19

Sheriff.

Executed this 17 1921

by serving a copy on

W. K. Street  
Ellen Jardine  
Carl Shudder

Sheriff.

Deputy Sheriff.

COMPLAINANT'S WITNESSES:

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DEFENDANT'S WITNESSES:

W. K. Street  
Carl Shudder  
Ellen Jardine

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WILLIAM JARDINE  
Complainant and  
Cross-respondent

NO. 278

IN EQUITY

VS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

ELLEN JARDINE  
Respondent and  
Cross-complainant

Comes William Jardine, cross-respondent and for answer to the bill of complaint heretofore filed, says:

FIRST: He repeats all of the allegations of the bill as to the age, marriage and residence of the parties.

SECOND: He denies all other allegations of the cross-bill.

For this answer he prays that said cross-bill may be dismissed.

*Rickaby & Beebe*  
Solicitors for Cross-respondent.

It is hereby agreed between the counsel that the foregoing answer ~~to~~ the cross-bill be considered as filed on the 18th day of August, 1921.

*Ray & ...*  
Solicitors for Cross-complainant

*Rickaby & Beebe*  
Solicitors for Cross-respondent

NO. 278

IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

WILLIAM JARDINE,  
Complainant and  
Cross-respondent

VS.

ELLEN JARDINE,  
Respondent and  
Cross-complainant

Answer and Agreement

Filed by agreement as of  
August 18, 1921.

*W. B. Beeson*  
Register

*Rickaby & Beebe*  
Sols for Cross Respondents.



The State of Alabama, Baldwin County.

CIRCUIT COURT, IN EQUITY.

William Jardine Complainant

vs.

Ellen Jardine, Defendant

Deposition of Ellen Jardine, P.J. Cooney, Carl Schindler,

Oral Examination,

By virtue of the appointment to take the Deposition, indorsed in writing, on the Interrogatories by the Solicitor in the above stated cause pending in said Court of said County, I, T.W. Richerson, Register of said Court of said County, have called and caused to come before me Ellen Jardine, P.J. Cooney, and Carl Schindler,

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

Mrs Ellen Jardine, Witness for Defendant testified as follows:

My name is Ellen Jardine, I am the respondent in the above styled cause. William Jardine is over 21 years of age and a resident of Baldwin County, Alabama, for a period of more than 3 years next preceding the filing of my cross bill. The Respondent is over 21 years of age and a resident of Baldwin County, Alabama, for the last 3 years next preceding the filing of this cross bill.

I was forced to leave my husband William Jardine, he was cruel to me, we separated about 10 years ago and have not lived with each other since. William Jardine struck me with his hand about the time we separated, the bruise left the print of his fingers across my face.

Q. Did William Jardine previous to this time strike you.

W.C. Beebe, Solicitor objects to the question on the ground that it calls for irrelevant testimony.

Answer. He did, he did he struck me with his fist. He knocked me over a pile of lumber causing me great pain and bodily harm.

Plaintiff's Solicitor moves to exclude answer of witness on grounds stated above.

Q. Did he make other threats against you. A. he threatened to kill me



and he threatened to throw me out of the upper <sup>window</sup> ~~story~~ of a 2 story house .

shortly before we seperated I was compelled to have a peace ~~warrant~~ issued for him . We appeared for the hearing and he was ordered put under a bond by the Justice of the Peace. I do not know whether the bond was executed or not . , about one week afterwards I complained to the Justice that William Jardine had again threatened me and nothing was done with him.

Complainant moves to exclude that part of witness answer " he threatened to kill me and ending with nothing was done with him," being irrelevant and further ~~objects to~~ moves to exclude that part of witness answer beginning with the word " shortly before we seperated and ending with the words " nothing was done with him because it is irrelevant and not the best evidence. )

I had great fear of Mr. Jardine attempting to carry out his threat and I was afraid that if I staid with him I would loose my health or life , from his conduct my life was in danger.

There was one child born to us a boy named Norman Jardine, he was about ten years old when we seperated .

Q. Has this child lived with you and have you taken care of the child entirely and without the aid and support of William Jardine , its father up until about 2 years ago.

Complainant by his Solicitor , objects to this question because it calls for irrelevant testimony .

Answer I have had custody of this child since ~~we~~ seperated and have educated and supported him witout assistance from Mr. Jardine..

This boy is now taking care of himself and is not in the State of Ala,

That about the time we seperated Mr. Jardine put a notice in a newspaper published at Bay Minette that he would not be responsible for the bills created by Ellen Jardine . I have worked constantly since we seperated to support myself and child .

Complainant moves to exclude witness answer on the ground that it is irrelevant . Complainant further moves to exclude that part of witness answer beginning with the words "that about the time we seperated and ending with the words ~~to support~~ created by Ellen Jardine." on the



ground that notice is the best evidence.

Mr Jardine was an able bodied man, physically capable of carrying out his threats of violence which he had directed against the respondent. Mr Jardine owns in his name 40 acres of land upon which we lived at the time of seperation located in Baldwin County, Alabama, and is reasonably worth Four thousand dollars and Mr. Jardine is able ~~and is able~~ to make a comfortable living. but the respondent is unable to state what income he earns.

I, D. W. Williams, the said Register, hereby certify that the foregoing testimony was taken down in writing by myself

in the words of the witness, and were read over to them, that they assented, swore to and subscribed

the same in my presence, the 20th day of August, 1921, at

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

And I enclose the deposition, together with the Interrogatories, Direct and Cross, and the documents which were deposed to, in an envelope properly endorsed and sealed and placed the same on file in my office.

Given under my hand and seal this the 20th day of Aug, 1921

D. W. Williams, Register.

WITNESS FEES.

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

<u>P. J. Cooney</u>	days' attendance at \$1.50 per day	\$ <u>15.00</u>
<u>Carl Schender</u>	days' attendance at \$1.50 per day	\$ <u>15.00</u>
<u>Eileen Jardine</u>	days' attendance at \$1.50 per day	\$ <u>15.00</u>
	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$
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	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$

REGISTER'S FEES.

..... days at \$1.50 per day ..... \$

..... words at 20 cents per hundred ..... \$



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

Page \_\_\_\_\_

The State of Alabama,

*Baldwin* COUNTY.

IN CIRCUIT COURT, IN EQUITY.

*William Jarline*

vs. Complainant,

*Essex Jarline*

Defendant.

Deposition Taken Before Register on Interrogatories.

Deposition of *Witness*

for *Defendant*

Filed *20<sup>th</sup>* day of *Aug*, 19*21*

Published by order of the Court

*Agreement of Counsel*

*Aug 20<sup>th</sup>*, 19*21*

*W. H. McClure*

Register.



The respondent is a hard working woman and without means to exist and carry out this litigation that the respondent has been put to a great deal of expense and lost considerable time on account of this litigation and that she is unable to take the proper care of herself according to the station in life which she and Mr Jardine occupied.

Cross examination By W.C. Beebe atty for complainant.

At the time of the separation we were living at our home near Fish River when we separated I went to Fairhope and have lived there ever since, I suppose he remained on the farm. When we separated I just told him I was going, we had no fuss the day I left, the last fuss that we had was when he slapped me about a month before I left him. I mean the last time he struck me or attempted to strike me before our separation was when he struck me with his hand across the face about a month before I left him. The time that he pushed me over the pile of lumber was about 8 years before the separation. The time that he threatened to throw me out of the window was about 6 or 8 months before our separation. From the time he struck me across the face about a month before the separation down to the date of the separation we lived in the same house together as husband and wife. I was making up my mind to quit him for years. When he slapped me across the face it turned blue for awhile but didn't stay blue long.

I own the house in Fairhope in which I live, there are 11 bedrooms in it I use it as a hotel I do not know its value, it is on Colony land, I own the building and 99 year lease on the land, it is not mortgaged. I do not know whether or not Mr. Jardine's place is mortgaged. Mr. Jardine is between sixty and sixty five years of age. I do not know the condition of his health, I am thirty five years of age and a hard worker. Since our separation he has made no overtures of reconciliation. I do not remember what cause the fuss was caused from. I fussed back at him but did not attempt to strike him.

Re direct examination by H.D. Moorer atty for respondent and cross-complainant.

The threats mentioned here are only a few of his many threats constantly made during our married life. I lived in the house with him for awhile after he struck me last and this was the cause I had not arranged for a place to go nor did I have work to do, he was constantly fussing at me and making threats after this time and I had to put up with it until I had a place to go.

Q. I lived in the house with him but did not stay in the room which he occupied after he struck me the last time which was not more than a month before we separated.

*W. C. Beebe*

P. J. Cooney witness for defendant being duly sworn testified as follows:

My name is P. J. Cooney, I reside at Foley, Alabama, I know the 40 acres of land owned by William Jardine, upon which he is now living, I consider it reasonably worth when last I saw it between 3 and 4 thousand dollars, I saw it last between 3 and 4 years ago. I am familiar with property values in the community where this property is located. and I consider the reasonable value at between 3 and 4 thousand dollars.

*P. J. Cooney*



WILLIAM JARDINE,  
Complainant

VS

ELLEN JARDINE,  
Defendant.

Y  
Y  
Y  
Y  
Y  
Y  
Y  
Y  
Y  
Y

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

RECORDED

The Complainant requests the oral examination of the following ~~named~~ witnesses on his behalf, Viz; William Jardine, Herman Pearce and Robert A. Moore: all of said witnesses reside in the County of Baldwin, State of Alabama. Miss Clara Matthews who resides at Mobile, Alabama is suggested as suitable person to be appointed Commissioner to take the deposition of said witnesses on such oral examination.

*Quincy & Beebe*  
Solicitors for Complainant.



No.  
IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

WILLIAM JARDINE,  
Complainant,  
VS

ELLEN JARDINE,  
Defendant.

APPLICATION FOR COMMISSION  
TO TAKE TESTIMONY OF  
COMPLAINANT'S WITNESSES.

RECORDED



The State of Alabama, }  
Baldwin County.

No. 278. CIRCUIT COURT, IN EQUITY

William Jardine, Complainant

vs.

Ellen Jardine. Defendant

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

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

It is further ordered, that the said William Jardine, be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said William Jardine pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Ellen Jardine

It is further ordered, adjudged and decreed that said William Jardine, shall not again marry except to said Ellen Jardine, until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Ellen Jardine, during the pendency of said appeal.

This day of 192

Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the day of 192, in the cause of Complainant

vs.

Defendant as appears of record in said Court.

Witness my hand and the seal of said Court, this the day of 192

Register.



No. 278.....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.  
BALDWIN COUNTY, ALA.

William Jardine.....

Vs.

Ellen Jardine.....

DECREE OF DIVORCE.

Filed in office this .....

day of ....., 192.....

Register.

E. O. M. ....

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Carl Schindler, witness for defendant who being duly sworn testified a  
as follows:

My name is Carl Schindler and live at Magnolia, Springs, Baldwin Co, Ala.

familiar

I am ~~acquainted~~ with the 40 acres of upon which Mr. Williams Jardine  
lives and of the values of land in that community, and I consider  
the 40 acres upon which he lives reasonably worth 3 thousand dollars,

Carl Schindler



WILLIAM JARDINE,  
Complainant. )  
vs )  
ELLEN JARDINE,  
Defendant. )

IN THE CIRCUIT COURT, BALDWIN  
COUNTY, ALABAMA,--In Equity.

Comes the respondent, Ellen Jardine, and for answer to the original bill, ~~and~~ files this her answer and cross-bill.

1st. The respondent admits the allegations contained in paragraph numbered, FIRST.

2nd. The respondent admits the allegations to be true as alleged in paragraph numbered SECOND.

3rd. The respondent denies each and every allegation contained in paragraph numbered, THIRD.

Except as herein before specifically admitted, denied or qualified, the respondent denies each and every allegation of the plaintiffs complaint.

#### CROSS BILL OF RESPONDENT.

The respondent, Ellen Jardine, brings this her cross bill and shows unto Your Honor as follows:

1st: That she and the said William Jardine were lawfully married as set fourth in his said bill of complaint and are both over the age of twenty-one one and residents of Baldwin County, Alabama, for a period of more than three years next preceeding the filing of this answer and cross bill.

2. That the said Ellen Jardine was forced to leave the Complainant for and on account of the said complainant being cruel and inhuman toward this respondent; that at one time she was compelled, only a short time before leaving him, to have the said complainant placed under a peace bond and that after this he was so cruel to this respondent until her health and life was endangered; that at one time he struck the respondent causing her great pain and bodily harm and that he was constantly making threats against the respondent and she had great



fear of him attempting to carry out the threats and cause the respondent to lose her health or life; that there was and is now one child about the age of twenty years and at the time the respondent left the complainant she carried this child, a boy, Norman Jardine with her and had the care of said child upon her until about two years ago when he became large enough to support himself and that he is now out of the State of Alabama. That about the time I left the complainant he put notice in the newspaper published at Bay Minette that he would not be responsible for any bills made by respondent or word to this effect. That it was not the wish of the respondent that she had to leave her home but it was for the protection of her life and health; that she has worked constantly since the said separation and has supported herself and child.

3. That the complainant is an able bodied man, physically capable of carrying out his threats of violence which he had directed against the respondent as aforesaid and that his course of conduct toward respondent was uniformly abusive, cruel and inhuman, making it entirely unsafe for her to live with the complainant.

4. That respondent is informed and believes and upon such information and belief alleges that the complainant is possessed of a large amount of real estate and personal property, the value of which is not less than \$6000.00 and that the complainant is able and does make a comfortable living and income but the respondent is unable to state the amount of such income.

5. That the respondent is a hard working woman and without means of her own to exist and carry on this litigation; that it the respondent have been put to a great deal of expense and has lost considerable time attending to this litigation and that she is unable to take the proper care of herself and to do this in the manner in which the complainant and respondent is accustomed to living and according to the station in life of the respondent of the complainant.



PRAYER FOR PROCESS.

The premises considered, Respondent prays that this be taken as her cross bill and answer to the Original Bill of Complaint filed in this cause; that such orders and decrees be made and issued as will make the said William Jardine party to this cross bill; that subpoenas issue in the regular and usual manner of this Honorable Court and that the said William Jardine be required to answer, plead ~~or~~ or demur to this cross bill as provided by law or that the same be forever confessed.

PRAYER FOR RELIEF.

That Your Honor will decree a sufficient sum for this Respondent to exist upon and to carry on this litigation, and that upon the final hearing of this cause Your Honor will grant unto Respondent, *an absolute divorce with* temporary and permanent alimony and attorneys fees. That Your Honor will order a reference to ascertain a reasonable attorneys fee temporary and permanent and temporary and permanent alimony, to be paid to the Respondent out of the estate of the said William Jardine, suitable to his station and condition in life, and such other and further and different relief as she may in justice and equity be entitled--she will ever pray, etc.

Ellen Jardine

Page & Moorer,

Solicitors for Respondent.

FOOT NOTE:

The Complainant, William Jardine, ~~is~~ is required to answer each and every paragraph of this cross bill numbered from 1st to 5th, both inclusive but not under oath, answer under oath being hereby expressly waived.

ELLEN JARDINE

Page & Moorer,

Solicitors for Respondent.



The State of Alabama, Baldwin County.

CIRCUIT COURT, IN EQUITY.

William Jardine Complainant

vs.

Helen Jardine Defendant

Deposition of W.H.Hawkins, On oral examination,

By virtue of the appointment to take the Deposition, indorsed in writings on the Interrogatories by the Solicitor filing the same, in the above stated cause pending in said Court of said County, I,

T.W.Richerson, Register of said Court of said County, have called and caused to come before me W.H.Hawkins,

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

My name is W.H.Hawkins I am a practicing attorney at Law, I have gone through the file of papers of Jardine versus Jardine and consider a fee of One Hundred Dollars reasonable for representing the Respondent and cross complainant.

W.H.Hawkins

Examination by H.D.Moorer for Cross Complainant.

W.C.Beebe appeared for Complainant and cross respondent. did not cross examine.



I, *J. M. Williams*, the said Register, hereby certify that the foregoing testimony was taken down in writing by *Ernest* in the words of the witness, and were read over to *him*, that *he* assented, swore to and subscribed the same in my presence, the *20* day of *Dec*, 19*17*, at *Barboursville*, Alabama; that I have personal knowledge of, or had proof made before me of the identity of the witness, and that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof.

And I enclose the deposition, together with the Interrogatories, Direct and Cross, and the documents which were deposited to, in an envelope properly endorsed and sealed and placed the same on file in my office.

Given under my hand and seal this the *26* day of *Dec*, 19*17*,  
*J. M. Williams*, Register.

WITNESS FEES.

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

days' attendance at \$1.50 per day \$

days' attendance at \$1.50 per day \$

days' attendance at \$1.50 per day \$

days' attendance at \$1.50 per day \$

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days' attendance at \$1.50 per day \$

days' attendance at \$1.50 per day \$

REGISTER'S FEES.

days at \$1.50 per day

words at 20 cents per hundred



The State of Alabama,

*Baldwin* COUNTY.

IN CIRCUIT COURT, IN EQUITY.

*William Jardine*

vs. Complainant,

*Walter Jardine*

Defendant.

Deposition Taken Before Register on Interrogatories.

Deposition of \_\_\_\_\_

for *Complaint*

Filed *26* day of *Dec*, 19*12*

Published by order of the Court \_\_\_\_\_

\_\_\_\_\_, 191

*J. W. Stevenson*

Register.



Aug. 5/1912

Hon J. M. Richardson

Bay Minette Ala

Dear Mr. Richardson: - Jordine vs Jordine

Enclosed papers in  
case which I left out while writing  
you yesterday afternoon.

I dictated the decree and some  
was written hurriedly. I did not  
read over the decree last night,  
but in reading over same this  
morning I find on page 4 about  
half way I named the word "Complaint"  
when it should ~~have~~ been respondent.  
so I wish you will please correct  
this ~~mistake~~ mistake.

I have written this letter  
hurriedly, so I can get it off on  
#5  
Regards etc  
John D Leigh



TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA: SITTING IN EQUITY:

Comes WILLIAM JARDINE and by this, his bill of complaint, presented against ELLEN JARDINE, respectfully shows:

FIRST: That he and the Defendant above named are both over the age of twenty-one years and are now and have been for more than three years prior to this date, bona fide residents of Baldwin County, Alabama.

SECOND: That Complainant and Defendant were married in the City of Chicago in the year 1898, remaining in that City about two years when they came to Baldwin County where they both lived ever since, except for an absence of about seven months in Oklahoma in the year 1907.

THIRD: That about nine years prior to this date the Defendant voluntarily and without legal cause abandoned the bed and board of Complainant and has remained away from him ever since, during which time they have not in any way resumed marriage relations, she now living in Fairhope and he on a farm eight miles east of said town.

THE PREMISES CONSIDERED, Complainant prays that your Honor take jurisdiction of the cause made by this bill, that the said Ellen Jardine by appropriate process be made a party defendant to this bill and required to answer the same within the time prescribed by law and abide by such orders and decrees as may be made in the premises.

Complainant further prays that upon the hearing of this cause a decree be rendered forever dissolving the bonds of matrimony now existing between Complainant and the said Ellen Jardine, that he be permitted to marry again should he so desire, and that he be granted such other, further or different relief as in equity may seem meet.

And the Complainant as in duty bound will ever pray, etc.

*Richard T. Beebe*  
Solicitors for Complainant.



NOTE: The Defendant is required to answer each paragraph of the foregoing bill, but not under oath.

*Richardby & Beebe*  
Solicitors for Complainant.



ELLIOTT G. RICKARBY  
LAWYER  
1008-1010 VAN ANTWERP BUILDING  
MOBILE, ALA.

December 19, 1921.

Thomas W. Richerson, Esq.  
Register in Chancery  
Bay Minette, Ala.

Dear Sir:

JARDINE VS JARDINE: Herewith am sending you Court file in this case together with an answer to the cross-bill which please note is to be filed as of August 18, 1921, agreement to cover this signed by both counsel is inside. This will make the answer to cross-bill antedate the testimony heretofore taken by Mr. Moorer and put the proceedings in regular form.

You will also find in the papers the complainant's deposition, which please mark filed together with complainant's note of evidence, also to be filed. This will put the case ready for submission.

It is possible that I may come to Bay Minette tomorrow to attend a reference which Mr. Moorer insists on holding to ascertain counsel fees. I have tried to get him to agree with me on a fee of \$50.00 which is all that we are charging but so far he has not been willing to agree to this. Whether or not I will come cannot be determined at this writing as it will have to be arranged by telephone late this evening.

Hoping that you and yours will have a pleasant Christmas, leading into a prosperous New Year, I am,

Sincerely,

*Elliott G. Rickarby*

EGR/MB  
4053



TWENTY-FIRST JUDICIAL CIRCUIT  
OF ALABAMA  
JOHN D. LEIGH, JUDGE  
BREWTON, ALA.



John D. Leigh  
Brewton

Baymont Ala



G. W. HUMPHRIES, TAX COLLECTOR, BALDWIN COUNTY

SEND STAMPS FOR REPLY

THE PAYMENT OF TAXES BECOME  
DUE OCT. 1; DELINQUENT JAN. 1.

WHEN REQUESTING INFORMATION  
GIVE DESCRIPTION OF PROPERTY

BAY MINETTE, ALA.,

Thos O'donell 1921 Taxes ~~\$24.00~~ up to  
August 10th \$ 23.90

G.W.H.



NO. 278

William Jardine  
Complainant and  
Cross-respondent

Vs.

Ellen Jardine  
Respondent and  
Cross-complainant

Depositions of William Jardine,  
Robert A. Moore, Herman L.  
Pierce and C. Nielsen, witnesses  
for Complainant.

Thomas W. Richerson, Esq.

Register in Chancery

Bay Minette, Ala.

*Friedberg*  
*1921*  
*T. W. Richerson*  
*Clerk*



Wm Jardine

vs.

Ellen Jardine

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, answer  
to cross bill, depositions of Wm Jardine  
Robert A Moore, Herman L Pierce and C  
Neilson

and in behalf of Defendant upon <sup>cross bill.</sup> Depositions of W H Hawkins, Ellen Jardine,  
J J Conroy, Karl Schneider.

J W Newman

Register



No. ....

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THE STATE OF ALABAMA,  
BALDWIN COUNTY

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IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

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*William Jordan*

---

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vs.

*John Jordan*

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NOTE OF TESTIMONY.

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Filed in Open Court this *20* .....

day of *June* 191*2* .....

*W. J. Jordan*

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Register

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WILLIAM JARDINE,  
Complainant,

VS

ELLEN JARDINE,  
Defendant.

No.

IN EQUITY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes the Complainant and shows by the return of the sheriff ~~that~~ in this cause that thirty days have elapsed since the service of subpoena upon the Defendant, wherefore he moves that a decree pro-confesso be rendered against said Ellen Jardine, defendant.

*Riskinby & Beebe*  
Solicitors for Complainant.



4

No.

IN EQUITY  
IN THE CIRCUITCOURT OF  
BALDWIN COUNTY, ALABAMA

WILLIAM JARDINE,  
Complainant ,

VS

ELLEN JARDINE,  
Defendant.

MOTION FOR DECREE  
PRO-CONFESSO.

**RECORDED**

Rickarby and Beebe,  
Solicitors for Complainant.



WILLIAM JARDINE,  
Complainant,

VS

ELLEN JARDINE,  
Defendant.

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

In this cause Complainant by his Solicitors having moved that a decree pro-confesso be rendered against the Defendant and the return of the sheriff showing that subpoena has been served upon the defendant Ellen Jardine more than thirty days prior to this date and defendant having failed to appear and plead, answer or demur to the allegations of the bill of complaint, it is ordered that the same be taken as confessed against the said Ellen Jardine. Rendered at Bay Minette, Alabama this the day of January, 1921.

J. W. Richardson  
Register.



No. 5  
IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

WILLIAM JARDINE,  
Complainant,

VS

ELLEN JARDINE,  
Defendant.

DECREE PRO-CONFESSO.

Elliott G. Rickerby  
Attorney for Complainant.



WILLIAM JARDINE  
Complainant and  
Cross-respondent

NO. 278

VS.

IN EQUITY

IN THE CIRCUIT COURT OF

ELLEN JARDINE  
Respondent and  
Cross-complainant

BALDWIN COUNTY, ALABAMA

It is hereby agreed between the parties to this cause that Miss Margaret Buck of Mobile may act as commissioner to take the testimony of the witnesses William Jardine, Robert A. Moore, Herman L. Pierce and C. Nielsen, without the issue of commission and further that the testimony of Herman L. Pierce and Robert A. Moore, heretofore taken before Miss Georgine Coley, who has since left Mobile without filing the same, be attached and considered as though taken at the the present time.

Executed by the solicitors of the partiss, this the seventeenth day of December, Nineteen Hundred and Twenty-one.

*Risley & Bube*  
Solicitors for Complainant

Solicitors for Respondent

*Page Moore*



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NO. 278

IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

WILLIAM JARDINE,  
Complainant and  
Cross-respondent

VS.

ELLEN JARDINE,  
Respondent and  
Cross-complainant

Agreement

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WILLIAM JARDINE,  
Complainant and  
Cross-respondent

IN EQUITY

VS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

ELLEN JARDINE,  
Respondent and  
Cross-complainant

DEPOSITIONS OF WILLIAM JARDINE, ROBT. A. MOORE,  
HERMAN L. PIERCE AND C. NIELSEN, WITNESSES FOR COMPLAINANT.

By virtue of an agreement between counsel in the above styled cause, the undersigned acting as commissioner, has caused the above named witnesses to come before her and they having been duly sworn, in answer to the questions propounded to them by Elliott G. Rickarby, Esq., Counsel for Complainant, and Jere Austill, Esq., Counsel for Defendant, testified as follows:

C. N I E L S E N

"I am personally acquainted with Mr. and Mrs. William Jardine and have known them since 1905. I live about one-half mile from where he does and see him very frequently, some times every day, some times once a week. Mrs. Jardine has not been living with him for the past eight years. She went to Oklahoma about 1905 and had been there about a year when the 1906 storm occurred. I remember this because my house was blown down in that storm and I took my family and lived in the house with Mr. Jardine for a number of months after the storm. He was then alone. He then went out to Oklahoma and stayed about seven months and then he came back. She came back once but I don't remember when or how long she stayed. Later on she came back and stayed about a year and then went to Fairhope where she has been living for the past ten years. I do not know the exact time but to my recollection it was about 1911 that she went to Fairhope and has been living there ever since. She operates a big boarding house or hotel called "Kanuk" on the principal street of Fairhope and apparently is doing a good business there.



CROSS-EXAMINATION BY MR. AUSTILL.

"Mr. Nielsen, did you know personally about any difficulty that Mr. and Mrs. Jardine ever had while they were living together?"

"No I do not know".

"Did she ever complain to you about any mistreatment at his hands?"

"She never did."

"Did you ever hear any discussion in the neighborhood about any difficulty that they might have had?"

"No."

"What do you consider his place over there worth in its present condition?"

"That is a hard question to answer. I don't think it would be worth more than \$1200 at a forced sale."

"Now if you wanted the place what would you be willing to pay for it?"

"But I don't want the place. I have one of my own and that is enough."

"You can't tell then what is the real value of this place?"

"No."

"Mr. Nielsen, you don't know whether they have been living together or not?"

"No. To my knowledge they have not been living together."

*W. Nielsen*

W I L L I A M J A R D I N E

My name is William Jardine. I am the complainant in this cause. I am sixty-three years of age and my wife is about forty-five. We have both been living in Baldwin County for the past twenty-two years, except for about three years prior to 1911, when Mrs. Jardine lived in Oklahoma with her sister. She now lives in Fairhope and I live on a farm in the country about eight miles east of Fairhope. We were married in the City of Chicago in 1898 and lived in that City about two years when we came to Baldwin. We lived near Magnolia Springs on a farm until about 1905 when my wife got discontented with the poor living we were making and went to Oklahoma on a visit to her sister. She stayed there about a year



when the 1906 storm came, which did serious injury to our place. Then she came back, stayed a few weeks and we sold out our farming implements, packed our furniture and took it to Oklahoma where her sister lived and where I stayed about seven months, then I came back to Baldwin and lived there alone for between two and three years when she returned. We lived together about a year, during which period she was still discontented. As times were hard and we were making a bare living on the farm, I suppose living there was hard on her and finally she moved to Fairhope where she has been living ever since. She runs a hotel called the Kanuk on Fairhope Avenue, the principal street of Fairhope and does a good business there. We have been apart now nearly ten years and while we have seen each other several times to talk to, she has never come back and we have never resumed married relations in any way. She left me of her own accord and not because of any bad treatment on my part. During our entire married life I did not strike her but once and that is the time she speaks of about a month before we parted, when I struck her with my open hand to keep her from scalding me with a kettle of hot water that she had picked up for the purpose. I have not made threats against her and have never had the least intention of ill treating her. I have tried always to do my duty as a husband. About eight years before we separated we had a quarrel relative to some empty barrels that I had stored up stairs in a vacant room in our home and when she attempted to throw one of these out of a window I grabbed hold of the barrel and held it and being stronger than her, would not let her do it. She became greatly enraged and after I left the house she threw all of barrels out of an up-stairs window but <sup>did</sup> they were not shoved out of her in any way. I own a forty-acre farm in Magnolia Springs with twenty-three acres clear, with a four-room house on it but for the past ten or fifteen years this has served only to yield a bare living. For the last two years, outside of raising what I ate, I have not made a hundred dollars clear on the place, though I have worked hard and steadily. This past year I had hopes of making some money out of melons and other produce but dry weather caused a failure of the crops and the crop of sweet potatoes are bring<sup>ing</sup> practically nothing. I have no money and had to borrow enough to come to Mobile to give this testimony.

My wife has never been contented out on the farm and we have made so little money that it was undoubtedly a hardship to her to stay there.



Where she now is she is doing very well.

CROSS-EXAMINATION BY MR. AUSTILL.

"Did you ever threaten to kill her?"

"No."

"Did you ever threaten to throw her out of the window of your two-story house".

"No."

"Did she ever make complaint against you to the Justice of the Peace of Baldwin County to have you put under a peace bond?"

"My wife complained to the Justice of the Peace and he came to my house and said that he would put me under a peace bond and her also but to the best of my knowledge no bond was ever executed.

"Have you contributed anything to the support of this son since you wife has been living away from you".

"No. Sir, I have not".

"Have you made any contribution to her maintenance at all?"

"Yes, I have. In different ways. She took about three hundred dollars worth of furniture to Oklahoma with her when she went there and for \$110.00 I have got a check in my pocket /now/that I gave her."

"Did Mrs. Jardine have any cause whatever to leave you except being dissatisfied?"

"That was all".

"Has she any property of her own that you know about?"

"Yes she has in Fairhope. But I heard that she wanted to sell it and wanted \$13,000 for it.

"Is that real estate?"

"No, Sir. Hotel."

"Does she own it?"

"Says so. By the advertisements in the paper she was going to sell it."

"As a matter of fact, you don't know whether she owns the property herself or not?"

"Only what I have seen advertised in the paper."

*Wm Jardine*

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WILLIAM JARDINE,  
Complainant,

VS

ELLEN JARDINE,  
Defendant.

EQUITY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

The depositions of Robert A. Moore,  
Herman L. Pierce and William Jardine witnesses for  
Complainant in the above entitled cause.

The said witnesses having been by me  
first duly sworn to tell the truth, the whole truth  
and nothing but the truth upon examination by Elliott  
G. Rickarby, Esq., solicitor for complainant, testified  
as follows:

ROBERT A. MOORE

My name is Robert A. Moore, I am over the age  
of twenty-one years and live about eight miles South  
East of Fairhope. I have known both Mr. William  
Jardine and his wife for the last twelve years. They  
are both over the age of twenty-one years and have  
been living in Baldwin County during all of this time.  
She lives in the town of Fairhope and he lives about  
eight miles out and not more than one-half a mile  
from me. I know him intimately and see him almost  
daily. From this acquaintance I know that he and his  
wife have not lived together for a very long time,  
eight or nine years at least. I do not know why they  
seperated but only know that they have had nothing to do with  
each other during that time except to speak as they met  
on the street. I am not related to either.

Robert A. Moore

HERMAN L. PIERCE.

My name is Herman L. Pierce. I have heard  
the testimony of Mr. Moore just given above. I  
live close to Mr. Moore and Mr. Jardine and am  
intimate with the latter seeing him almost daily  
and I also know that he and his wife have lived  
seperate and apart for the past eight or nine  
years, if not longer. To the best of my recol-  
lection it is six or seven years since I have  
known them to even speak to each other. She  
runs the Kanuck Hotel at Fairhope and he lives  
on his farm eight miles in the country.

Herman L. Pierce

May 16



The testimony of Robert A. Moore and Herman L. Pierce, which had heretofore been taken before Miss Georgine Coley some months ago, is by agreement here attached and considered as if taken by the present commissioner.

I, Margaret Buck, by authority of the foregoing agreement of counsel, do hereby certify that in a certain cause pending in the Circuit Court of Baldwin County wherein William Jardine is complainant and cross-respondent and Ellen Jardine, defendant and cross-complainant, under and by virtue of the power conferred upon me by said agreement, I caused William Jardine and C. Nielsen, who are known to me, and known by me to be the identical witnesses named in the agreement, to come before me at 905 Van Antwerp Bldg., Mobile, Alabama on the 17th day of December where, after they had first been duly sworn by me, they were examined by counsel for complainant and cross-examined by counsel for defendant and their testimony was by me reduced to writing as near as might be in the language of the witnesses, and after being transcribed was read over by me to them who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any parties of the cause or in anywise interested in the result thereof.

Witness my hand this the seventeenth day of December, Nineteen Hundred and Twenty-one.

*Margaret Buck*

Commissioner.



*Handwritten notes:*  
W. J. Moore  
H. L. Pierce

NO. 278  
IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

WILLIAM JARDINE  
Complainant and  
Cross-respondent  
  
Vs.  
  
ELLEN JARDINE  
Respondent and  
Cross-complainant

Depositions of  
William Jardine  
Robert A. Moore  
Herman L. Pierce  
C. Nielsen

Commissioner's fee, \$5.00  
Paid

*Final Dec 20/21*  
*R. W. [Signature]*  
*[Signature]*



STATE OF ALABAMA, }  
BALDWIN COUNTY. } NO. 278. CIRCUIT COURT. IN EQUITY.

William Jardine, Complainant, )  
vs. )  
Ellen Jardine, Respondent. )

This cause, coming on to be heard, was submitted by agreement upon the Bill of Complaint; answer to Cross-bill, depositions of William Jardine, Robert A. Moorer, Herman L. Pierce and C. Neilson and was submitted on behalf of the defendant upon the Cross-bill depositions of W. H. Hawkins, Ellen Jardine, P. J. Cooney and Carl Schindler. While there is evidence both for the complainant and the respondent offered in their respective behalf, still when this evidence is thoroughly analyzed there is but very little of the evidence which applies to the main issue in the case.

The complainant in the case brings his bill of complaint seeking a divorce upon the grounds: "voluntarily and without legal cause abandonment of the bed and board of the complainant. The complainant alleges that he and the defendant were married in the year 1898 in the City of Chicago, where they remained for about two years and then came to Baldwin County, Alabama in about the year 1907 since which time they have resided.

The complainant further alleges that about nine years prior to the date of filing the bill of complaint, the defendant voluntarily and without legal cause abandoned the bed and board of complainant and has remained away from him since that time, during which time they have not in any way resumed marriage relations. That the respondent is living at Fairhope and the complainant living on a small farm some eight miles East of said town.

The respondent, in answering the bill of complaint, admits the allegations to be true as alleged in Paragraph which related to the marriage of the respondent and the defendant and their removing to Baldwin county.

Respondent denies each and every allegation with reference to her having voluntarily and without legal cause



abandoned the bed and board of the complainant and that she has remained away from him since the abandonment which was alleged to have taken ~~place in the year 1907.~~ *some 8 or 9 years ago*

The respondent, in her cross-bill alleges that she and the said William Jardine were lawfully married as set forth in the bill of complaint; are both over the age of twenty-one years and resided in Baldwin county, Alabama for a period of more than three years next preceeding the filing of this answer and cross-bill.

Respondent further alleges that she was forced to leave the complainant for and on account of the said complainant being cruel and inhuman toward her; that shortly before leaving the complainant she was compelled to have the complainant put under a peace bond and that after this was done he was so cruel to the respondent until her health and life were in danger; that at one time he struck the respondent, causing her great pain and bodily harm and that he was constantly making threats against the respondent and she had great fear of him attempting to carry out the threats and causing the respondent to lose her health or life.

The fact set forth with reference to the complainant and the cross-bill filed in this matter seems to the Court to be the real issue involved in the case.

It is further shown by the papers in the case that the complainant made a motion for <sup>and</sup> obtained <sup>ed</sup> a decree pro confesso, but the Court is unable to find the date when the motion for such decree was filed or the date granting such decree other than being January, 1921; so the Court will try the matter as if the parties have joined issue, they having taken the testimony for the respective parties.

The evidence submitted by the complainant upon which he bases his right for a divorce is the evidence of the complainant alone, the same not being corroborated in any manner whatsoever.

In truth and in fact, the complainant in testifying in his own behalf admits that he went to Oklahoma to see his wife and came back to Baldwin county after the storm of 1906; that his wife came back also and they stayed a few weeks, sold out their farming implements, packed their furniture and took it to Oklahoma where the



sister of the respondent lived and where they stayed about seven months. That the complainant came to Baldwin county and lived there alone two or three years when the respondent returned. He gives a further detailed statement of the facts, but the Court is unable to tell from the testimony just when the separation actually took place. The complainant introduces the witnesses, -Robert A. Moorer and Herman L. Pierce and they testify in his behalf, but they do not testify as to whether or not the abandonment was voluntary and without legal cause, but simply that the complainant and respondent were not living together.

The burden of proof is upon the complainant to make out to the reasonable satisfaction of the Court the truthfulness of the allegation in his complaint, and the Court is frank to say that the evidence on behalf of the complainant is so vague, indefinite and uncertain that the Court cannot with any reasonable degree of satisfaction grant the complainant a divorce.

The Court has further carefully considered all of the testimony offered by the respondent and cross-complainant and after carefully considering the same the Court can reach but one conclusion and that is that the testimony in behalf of the respondent and cross-complainant rests practically upon the testimony of the respondent and cross-complainant. It seems from her testimony that he slapped her just before she left and this fact is denied by the complainant. It is true that the respondent and cross-complainant testified that he was cruel to her and that they separated about ten years ago; but the most she testified is that he slapped her with his hand and this is disputed by the complainant.

The Court, after having carefully considered all of the evidence in the case can find only the evidence of the complainant for the respondent bearing directly upon the issue. The complainant insists that the respondent left him, but yet he followed her to Oklahoma and she followed him back to Baldwin county, and the Court cannot gather from the evidence when the separation actually took place and whether or not the complainant abandoned the respondent or



the respondent abandoned the complainant. And as to this fact there is nothing touching on the true issue as to whether or not the abandonment was voluntary or whether involuntary.

It is true there are witnesses who testified to the facts that the two respective parties live separate and apart for some eight or ten years, yet when the evidence is boiled down there is nothing upon which the Court can base a decision that the respondent voluntarily abandoned the complainant and for that reason the Court feels that it would not be proper for it to render a decree in behalf of the complainant.

X  
Upon the other hand, the complainant alleges that the defendant was cruel and unjust to her at one time, having slapped her, yet upon looking at the respondent's testimony, we find that the complainant went to Oklahoma to visit her and that she came back after this time and they sold out their furniture and things of that kind. Also, the fact is to be considered that the defendant denies most emphatically that he ever struck complainant and this being true the Court is of the opinion that the respondent would not be entitled to a decree divorcing her from complainant.

As a matter of law, when the respondent filed her cross bill seeking a divorce on the ground of cruel treatment and asking for attorneys fees and alimony penden lite the burden is then shifted to complainant to make out her case and in view of the fact that the complainant is the only one who has testified to the inhuman and cruel treatment on the part of the complainant, the complainant having stoutly denied the same, the Court would not be authorized to grant complainant a divorce.

It will be noted from the evidence that respondent did not ask for permanent alimony, but merely asked for alimony penden lite and for attorneys fees; that being true, the Court is of the opinion that it should not retain this cross-bill for the purpose of determining whether or not the respondent is entitled to permanent alimony and attorneys fee penden lite.

It follows as a matter of fact that the Court is of the opinion that neither party is entitled to the relief sought either by the complainant or respondent and that being true it will



be necessary that the Court order the cause dismissed.

The Register in Chancery of Baldwin County will enroll the following decree:-

"This cause having been duly heard and considered, the Court is of the opinion that neither the complainant nor cross-respondent in this cause is entitled to the relief prayed for in their respective bills of complaint and cross-bill, the said cause is hereby dismissed without prejudice to either party.

Dated at Brewton, Alabama, this the 4th day of August, 1922.

*John D. Lewis*

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