

290

The State of Alabama, Baldwin County.

CIRCUIT COURT, IN EQUITY.

Mary Jane Baggett Complainant  
vs.

Lee Eugene Baggett Defendant

Deposition of Mary Jane Baggett & M H Wilkins  
upon application

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

M. W. Keenerson, Register of said Court of said County, have called and

caused to come before me. Mary Jane Baggett and

Lee Eugene Baggett

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

MARY JANE BAGGETTE, complainant and a witness for the complainant, :-

My name is Mary Jane Baggette and I am the complainant in the above styled cause against Lee Eugene Baggette. I am twenty two years of age and live at Bay Minette, Baldwin County, Alabama, where I have lived all of my life with the exception of a few months when I worked and a few months when I lived in Texas with my husband temporarily in Memphis, Tennessee. /Lee Eugene Baggette is about twenty five or six years of age; was more than twenty one when the bill of complaint was filed in this cause. I do not know where he lives at this time but have been informed that he is at present in Fort Leavneworth, Kansas, where he is imprisoned for desertion from the army. At the time I filed bill of complaint in this cause I did not know where he was and could not, at that time, ascertain his address, althought I made diligent inquiry and could only hear that when last heard from he was in Noma Texas.

I and the defendant were married at Bay Minette, Baldwin County, Alabama, August ~~5th~~<sup>11th</sup>, 1918 (1917). The ceremony was performed by the Probate Judge of this county. We are not living to-gether as man and wife and were not so living to-gether at the time I filed my bill for divorce.



On December 10th., 1918 the defendant, Lee Eugene Baggette, voluntarily left me; he deserted and abandoned me without just cause or legal excuse; he has never returned to live with me since that time but has continued to so desert and abandon me; we were residing temporarily at Nona Texas at the time, as soon as he left me I came back to Bay Minette, my home. I gave him no just cause or legal excuse for so abandoning me.

There was born to us by said marriage one child named Paul who is about three years old now; he is living with me and has lived with me since my husband left me. I am supporting, educating and caring for said child; am earning my own livelihood and can care for said child properly; the defendant is not a proper person to have the custody of the child for he is ~~xxxxxxx~~ now serving a term in the Federal Penitentiary at Fort Leavenworth, Kansas, so I am informed.

The desertion took place and was continuous for more than two years before I filed my bill for divorce. I have never lived with my husband since the desertion took place.

*Mary Jane Baggett*

M.H. Wilkins, a witness for complainant deposes and says as follows:

My name is M.H. Wilkins and I am a resident of Bay Minette, Baldwin County, Alabama, where I have lived all of my life. I know both Mary Jane Baggett and Lee Eugene Baggett the complainant and defendant in this cause. Lee Eugene Baggett is over twenty-one years of age. Mary Jane Baggett is a resident of this place where she has lived continuously all her life, with the exception of a few months she lived in Texas and a few months she worked in Memphis Tenn. I do not know where Lee Eugene Baggett is at this time. I am informed that he is now serving a term in the penitentiary. Mary Jane and Eugene Baggett were married in Bay Minette, Baldwin County, Alabama, in August 1917. They lived together here for a while and then went to Texas where he was working; shortly after they went there Mary Jane returned here without her husband and stated that he had left her while out there. He has never returned to live with her since that time; about December 1918. She has in her custody their boy child, Paul; he is about three years old. They are living with my brother in Bay Minette, Alabama, Ernest Wilkins, and the child is being properly cared for and supported by its mother, and I believe that she is the proper and fit person to have the care, custody and control of the said child, for he is of such age that he should be cared for by its mother; she is of good character and will give to the child proper treatment, I do not think the father is the proper person to have the custody of the child. I have not seen him since he left for Texas in 1917. He has not returned to his wife and has deserted and abandoned her since said time nearly four years ago, and he does not contribute in any way to her or the child's support. I know of no cause for his not living with his wife.

*M H Wilkins*



words at 20 cents per hundred

days at \$1.50 per day

\$

REGISTER'S FEES.

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

days' attendance at \$1.50 per day

days' attendance at \$1.50 per day

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

WITNESS FEES.

Register.

*J. P. Robinson*

Given under my hand and seal this the 21st day of June, 1922

were deposited to, in an envelope properly endorsed and sealed and placed the same on file in my office.

And I enclose the deposition, together with the Interrogatories, Direct and Cross, and the documents which

any manner interested in the result thereof.

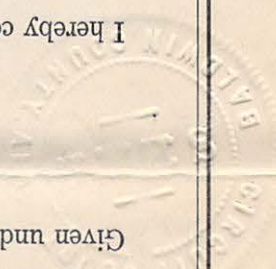
of the identity of the witness, and that I am not of counsel or of kin to any of the parties to said cause, or in

the same in my presence, the *Benjamin*, Alabama; that I have personal knowledge of, or had proof made before me

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

testimony was taken down in writing by *myself*

I, *J. P. Robinson*, the said Register, hereby certify that the foregoing





**The State of Alabama,**

\_\_\_\_\_ COUNTY.

**IN CIRCUIT COURT, IN EQUITY.**

\_\_\_\_\_ vs. Complainant,

\_\_\_\_\_ Defendant.

**Deposition Taken Before Register on Interrogatories.**

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

for \_\_\_\_\_

Filed \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_\_

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

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

\_\_\_\_\_ Register.

**RECORDED**  
MARSHALL & BRUCE CO., NASHVILLE



The State of Alabama, Baldwin County.

CIRCUIT COURT, IN EQUITY.

Mary Jane Baggett Complainant  
vs.

Lee Eugene Baggett Defendant

Deposition of Ernest Wilkins for Complainant

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

T. W. Keenan, Register of said Court of said County, have called and caused to come before me Ernest Wilkins

the witness <sup>Application</sup> 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:

**ERNEST WILKINS, a witness for complainant deposes and says as follows:-**

My name is Ernest Wilkins and I am a resident of Bay Minette, Baldwin County, Alabama, where I have lived continuously for the past eleven years; I am 40 years of age. I know both Mary Jane Baggett and Lee Eugene Baggett, the complainant and respondent in this matter. Lee Eugene Baggett is over twenty one years of age. Mary Jane Baggett is a resident of this place where she has lived continuously all of her life with the exception of a few months when she worked in Memphis, Tennessee, and few months she lived in Texas. I do not know where Eugene Baggett is at this time. Mary Jane and Eugene Baggett were married in Bay Minette in August, 1917. They lived together here for awhile and then went to Texas where he was working; shortly after they went there Mary Jane Baggett returned here without her husband and stated that he had left her while out there. He has never returned to live with her since that time; that has been since the latter part of 1918, about December. She has in her custody their boy child, Paul.; he is about three years old; they are living with us in Bay Minette and the child is being properly cared for and sup-



ported by its mother and I believe that she is a proper and fit person to have the care, custody and control of the said child for he is of such age that he should be cared for by his mother; she is of good character and will give to the child the proper treatment. I do not think the father is a proper person to have the custody of the child; he is, I am, informed, now serving a term in the penitentiary.

I have not seen Eugene Baggette since about the latter part of 1917 when they left for Texas. He has not returned to his wife and has deserted or abandoned her since that time, nearly 4 years ago.

I know of no cause he had for not living with his wife.

He does not contribute in any way to her and the child's support.

*E M Willkins*



I, D. W. Ricerson, 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 him, that he assented, swore to and subscribed the same in my presence, the 21st day of June, 1922, at Bayouette, 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 21st day of June, 1922  
D. W. Ricerson, 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.....	\$.....
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.....	days' attendance at \$1.50 per day.....	\$.....
.....	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.

Mary Jane Boggitt

vs. Complainant,

Lee Eugene Boggitt

Defendant.

Deposition Taken Before Register on Interrogatories.

Deposition of Witness

for Complainant

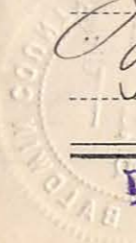
Filed 21 day of June, 1922

Published by order of the Court 21st

June, 1922  
D. M. [Signature]

Register.

**RECORDED**





THE STATE OF ALABAMA,

*Baldwin* County.

CIRCUIT COURT, IN EQUITY.

*Mary Jane Baggett* Complainant.....

vs.

*Lee Eugene Baggett* Defendant.....

No.....

Now comes the *Compit* by *Stones Stone, her*

Solicitors of Record, and makes application to the Register of said Court to issue a Commission to take the testimony in said cause, or oral examination, of the following named witness *es*, who reside within the State of Alabama:

NAME OF WITNESS.

RESIDENCE OF WITNESS.

<i>Mary Jane Baggett Compit</i>	<i>Bay Minette Ala</i>
<i>Ernest Wilkins</i>	" " "
<i>Henry Wilkins</i>	" " "

And *she* suggests the name of *Register of this Court*

~~who resides at~~ a suitable person to be appointed Commissioner to take the testimony of said witness.....

This *12* day of *June* 19 *22*

*Stones Stone*

Solicitor for *Compit*

The Applicant for said Oral Examination is hereby required to give in writing *3* days notice by entry on order book, neither *of*, or *particular* residing in the thereof, before the examination is taken, to the adverse party, or to *his* Solicitor *s* of Record, if either reside in this District, but if neither reside therein, the notice may be given by entry on the Order Book of the Clerk.

Register.

*for papers*



No. ....

THE STATE OF ALABAMA,

*Baldwin* County.

CIRCUIT COURT, IN EQUITY.

APPLICATION FOR ORAL  
EXAMINATION.

*Mary Jane Begett*

vs.

*L. Eugene Begett*

Filed in office this

*12*

day of

*June*

19

*22*

*W. M. Chalmers*

Register.

RECORDED

*[Faint handwritten notes and signatures in the background]*



The State of Alabama, }  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 290 Vacation Term, 1921.

Mary Jane Buggett Complainants

vs.

Lee Eugene Buggett Defendants

Motion is hereby made for a Decree Pro Confesso against

Lee Eugene Buggett Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 28 day of March 1921.

746 Code.

Stuart Stuart  
Solicitor S



No. 290

Page .....

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

*Mary Jane Baggett*

Complainants.

Vs.

*Lee Eugene Baggett*

Defendants.

MOTION FOR DECREE PRO  
CONFESSO ON PUBLICATION.

Filed Mar 28<sup>th</sup> 1921

*J. W. Williams*

Register.

Recorded in ..... Record,

Vol. .... Page .....

Register.

Baldwin Times Print, Bay Minette.

**RECORDED**

*Faint vertical text and markings on the right side of the page, including a large '28' and other illegible characters.*



Mary Jane Baggette,

No. 290

Lee Eagon Baggette,

vs.

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT, IN EQUITY.

This the 19th day of

January, 1921

In this cause it being made to appear to the Clerk of this Court by the affidavit of

Mary Jane Baggette, Complainant,

that the Defendant Lee Eagon Baggette,

is a non-resident of the State of Alabama and when last heard from resided at home in the State of Texas; that his more particular address cannot be ascertained after diligent inquiry on her part.

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said

Lee Eagon Baggette,

to answer or demur to the Bill of Complaint in this cause by the 19th day of February, 1921,

or after thirty days therefrom a decree Pro Confesso may be taken against him.

*J. W. Keenan*

Register.



THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 290 Vacation Term, 1921

Mary Jane Baggett Complainant  
vs. Lee Eugene Baggett Defendant

In this cause it appears to the Register..... that the order of publication here-  
tofore made in this cause, was published for four consecutive weeks, commencing on the 30th day of  
January, 1921, in the Baldwin Times  
a newspaper published in Bayminn Baldwin Co. Alabama, that a copy of said order was posted at the Court  
House door in Baldwin County, on the..... day of  
Jan. 30th 1921, and

And it now further appearing to the Register....., that the said

Lee Eugene Baggett

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, there-  
fore, on motion of Complainant....., ordered and decreed by the Register..... that the  
Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said

Lee Eugene Baggett.

This 28th day of March, 1921

J. W. Riccannon

Register.



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No. 290 Page \_\_\_\_\_

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY

*Mary Jane Baggett*

vs.

*Lee Eugene Baggett*

DECREE PRO CONFESSO ON  
PUBLICATION.

Issued Mar 28 1921  
*J. P. McKeon*  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

RECORDED

*Faint bleed-through text from the reverse side of the page, including words like "COURT" and "REGISTER".*

530 MISSISSIPPI

MISSISSIPPI



----- X  
MARY JANE BAGGETT, *l* )  
Complainant. )  
-vs- )  
LEE EUGEN BAGGETT, *l* )  
Defendant. )  
----- X

IN THE CIRCUIT COURT-EQUITY SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY

AFFIDAVIT OF NON-RESIDENCE.

STATE OF ALABAMA.

BALDWIN COUNTY.

Personally appeared before me, Norborne Stone, A Notary Public in and for said state and county, Mary Jane Baggett, *l* the complainant above named, who, being duly sworn deposes and says;

That she is the complainant in the above styled cause; that the defendant, Lee Eugene Baggett, *l* who is the defendant therein, is over the age of twenty one years; is a non-resident of the State of Alabama, and when last heard from resided at Nona, in the State of Texas; that his more particular address cannot be ascertained after diligent inquiry on her part.

*Mary Jane Baggett*

Sworn to and subscribed before me this  
the 19th day of January, 1921.

*Norborne Stone*  
Notary Public, Baldwin County, Alabama.



Mary Jane Baggett

THE STATE OF ALABAMA,

BALDWIN COUNTY

vs.

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

Lee Eugene Baggett

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

Deceit, Proconfess and testimony of Ernest McKinnis and Mary Jane Baggett

and in behalf of Defendant upon

J. M. McKinnis

Register



4

No. 290

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

*Mary Jane Baggett*

vs.

*Lee Eugene Baggett*

NOTE OF TESTIMONY.

Filed in Open Court this 21<sup>st</sup>

day of June 1922

*J. M. Williams*

Register

RECORDED



CIRCUIT COURT, IN EQUITY.

THE STATE OF ALABAMA,

*Baldwin* County.

No. *290* Full Term, 19*21*

*Mary Jane Baggett* Complainant.....  
vs.

*Les Eugene Baggett* Defendant.....

To *Hon J. W. Richardson*, Register:

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 *Stone & How* 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.

*Stone & How*  
Solicitors for Complainant.



No. 740 Page.....

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Mary Jane Boggs et al

vs.

Jos. Eugene Boggs et al

REQUEST FOR DECREE IN  
VACATION.

Filed June 21 19 22

B. W. Rice  
Register.

Recorded in..... Record

Vol..... Page.....

**RECORDED** Register.



-----X  
MARY JANE BAGGETT, )  
Complainant. )  
-vs- )  
LEE EUGENE BAGGETT, )  
Defendant )  
-----X

IN THE CIRCUIT COURT-EQUITY SIDE.  
STATE OF ALABAMA  
BALDWIN COUNTY

TO THE HONORABLE, THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA, IN EQUITY, AND THE HON. JOHN D. LEIGH, JUDGE THEREOF, SITTING IN EQUITY:-

Comes your complainant, Mary Jane Baggett and exhibits this her original bill of complaint against Lee Eugene Baggett for divorce on the ground of abandonment and respectfully shows unto your honor and unto this honorable court as follows:-

F I R S T .

That both complainant and defendant are over the age of twenty one years; that complainant, altho temporarily residing with her aunt in Memphis, Tennessee, is a bona fide resident of Baldwin County, Alabama, where she has resided all of her life continuously; that defendant is a non-resident of the State of Alabama; when last heard from resided at Nona, Texas, his more particular address cannot now be ascertained after diligent inquiry on the part of the complainant.

S E C O N D .

That complainant and defendant were legally married on to-wit; August 11th., 1917 and they lived together as man and wife until to-wit; December 10th., 1918.

T H I R D .

That on to-wit; December 10th., 1918, the defendant, without just cause or legal excuse, voluntarily deserted and abandoned the complainant; that he has never returned to live with her since that time.

F O U R T H .

That there was born to the complainant and defendant by said marriage one male child named Paul who is now 19 months old and is now in the custody, care and control of your complaint; that the complainant is a fit and proper person to have such care, custody and control of said child but that defendant is not such a proper and fit person.

P R A Y E F O R P R O C E S S .

The Premises Considered, Complainant prays that your Honor will issue or cause to be issued such order, decrees and subpoenas as are necessary to make the said defendant, Lee Eugene Baggett, party re-



spondent to this bill of complaint, requiring him to appear and plead, answer or demur to the same within the time required by laws, under the pains and penalties of this honorable court.

PRAYER FOR RELIEF.

Complainant prays that upon a final hearing of this cause that your honor will render, adjudge and decree that the bonds of matrimony heretofore existing between the complainant, Mary Jane Baggett, and the defendant, Lee Eugene Baggett, be forever dissolved; that your complainant be again permitted to contract the marriage relation; that the custody, care and control of said child, Paul, be in the complainant, And, as in duty bound, she will never pray, etc., etc.,

*Stones & Stone*  
Solicitors for Complainant.

Foot Note:-

The defendant, Lee Eugene Baggett, is required to answer each and every paragraph of the foregoing bill of complaint from "FIRST" to "FOURTH", both inclusive, but not under oath, oath being hereby expressly waived.

*Stones & Stone*  
Solicitors for Complainant.

ncs/

BOND

W. W. MEYER



STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT  
EQUITY SIDE  
NO. 290.

MARY JANE BAGGETTE  
Complainant,

-VS-

LEE EUGENE BAGGETTE  
Defendant.

This cause coming on to be heard at this time was submitted upon the bill of complaint, affidavit of non-residence, certificate of publication, notice by clerk to defendant, motion for decree pro confesso on publication *and decree pro confesso on publication* and the testimony of Mary Jane Baggette, complainant, and Ernest Wilkins and M. H. Wilkins, all witnesses for the complainant, being the testimony as noted by the Register; *and request for decree in vacation* and, upon consideration thereof, the court is of the 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 complainant is forever divorced from the defendant on the ground of voluntary desertion and abandonment for *more than* two years next immediately preceding the finding of the bill.

And upon consideration of the testimony the court is of the opinion that the complainant is a fit and proper person to have the care, custody and control of the male child, Paul, and that the defendant is not a proper and fit person to have such custody, care and control of said child.

IT IS THEREFORE FURTHER adjudged and decreed by the court that the complainant have and she is hereby given the custody, care and control of said child, Paul.

IT IS FURTHER ORDERED, that the said Mary Jane Baggette, the complainant, be and she is hereby permitted to again contract the marriage relation.

IT IS FURTHER ORDERED, that the defendant pay the costs here-



in 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 complainant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said Mary Jane Baggette shall not again marry except to the said Lee Eugene Baggette until sixty days after this date and if an appeal is taken within sixty days she shall not marry again except to the said Lee Eugene Baggette during the pending <sup>and</sup> of ~~this~~ appeal.

This the 2 day of <sup>December</sup> ~~June~~, 1922.

John D. Leigh  
Judge of the Circuit Court,  
Baldwin County, Alabama.  
Sitting in Equity.