

The State of Alabama, }  
Baldwin County.

No. 295

CIRCUIT COURT, IN EQUITY

BERTHA WHEELER

Complainant.....

vs.

LYNDON WHEELER

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.

on the ground of Abandonment

It is further ordered, that the said Bertha Wheeler be, and she 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 Bertha Wheeler 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 Lyndon Wheeler

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

This 4 day of March

1921

John S. Leigh  
Judge of the Circuit Court of Baldwin County

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, T.W. Richerson, 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 3rd day of March, 1921, in the cause of

Bertha Wheeler,

Complainant.....

vs.

Lyndon Wheeler,

Defendant.....

as appears of record in said Court.

Witness my hand and the seal of said Court, this the 5th day of March, 1921

T.W. Richerson

Register.



No. 295

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.  
BALDWIN COUNTY, ALA.

Bertha Wheeler,

Vs.

Lyndon Wheeler,

DECREE OF DIVORCE.

Filed in office this 5th,

day of March, 1921

J. W. Richardson,

Register.

E. O. M.

RECORDED

RECORDED

RECORDED

Bertha Wheeler

Lyndon Wheeler

REGISTERED FOR

Lyndon Wheeler

Bertha Wheeler



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

Comes BERTHA WHEELER, and by this, her bill of complaint,  
exhibited against LYNDON WHEELER respectfully shows:

FIRST: That she and the Defendant 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  
the County of Baldwin, State of Alabama.

SECOND: That she and Lyndon Wheeler were lawfully married  
in Mobile, Alabama, on October 3rd, 1912, and lived together as  
man and wife for about ten months, when he abandoned her without  
just cause, and has ever since refused to live with her nor to  
contribute anything to her maintenance and support.

THIRD: Complainant specifically charges Defendant with  
willful abandonment for a period of more than two years prior  
to the filing of this bill, which abandonment was without cause,  
and during which time, namely from the year 1913 to the present  
time, they have at no time resumed marital relations.

The premises considered, Complainant prays that your  
Honor take jurisdiction of the cause here made; that Lyndon  
Wheeler be made party defendant and by appropriate process  
required to answer this bill, that upon hearing of this cause  
a decree be rendered dissolving the bonds of matrimony now  
existing between Complainant and Lyndon Wheeler, granting her  
leave to marry again should she so desire and such other  
or different relief as to equity may seem meet.

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

*E. J. Clark with Elliott, J. Dickarby & Barber*  
Solicitors for Complainant

The Defendant is required to answer all allegations of  
the foregoing bill, but oath to such answer is hereby waived.

*E. J. Clark with Elliott, J. Dickarby & Barber*  
Solicitors for Complainant.



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

*Lyndon Wheeler*

of *Barbour* 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

*Bertie Wheeler*

against said

*Lyndon Wheeler*

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this

*2nd Feb* day of

192/

*T. W. Richerson*

Register.

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



*2nd Original*

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

Circuit Court of Baldwin County  
In Equity

No. *295*

SUMMONS

*Bertie Wheeler*

vs.

*Lyndon Wheeler  
Plaintiff  
vs.  
See*

*Richard A. Tuttle*  
Solicitor for Complainant

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this \_\_\_\_\_  
day of \_\_\_\_\_ 1921

Sheriff

Executed this *9* day of  
*July* 1921

by leaving a copy of the within summons with  
*Lyndon Wheeler*

Defendant

*H. R. Stewart*  
Sheriff

By *James W. McMillan*  
Deputy Sheriff



BALDWIN

# The State of Alabama, ~~Mobile~~ County

BERTHA WHEELER

Complainant

BALDWIN

Circuit Court of ~~Mobile~~ County

No.

vs.

IN EQUITY

LYNDON WHEELER

Defendant

The Complainant

requests the oral examination of the following named witnesses  
on her behalf, viz.:

- Mrs. Bertha Wheeler
- Mrs. Evelyn Capehart
- Mr. E.B. Gaston

said witnesses reside in the County of Baldwin  
State of Alabama.

George W. Wood

who reside at Fairhope, Alabama.

is suggested as suitable person to be appointed Commissioner to take the deposition of said  
witness on such oral examination

*C. E. Clarke*  
*Rickaby Beke*

Solicitor for Complainant



Circuit Court of Baldwin

*Handwritten notes:*  
100-100  
100-100  
100-100

Circuit Court of Baldwin

Circuit Court of Baldwin

Circuit Court of Baldwin

George W. Moore

Circuit Court of Baldwin

Circuit Court of Baldwin

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No. ....

**Circuit Court of Baldwin**  
BAY MINETTE  
**Mobile, Alabama**

**IN EQUITY**

.....  
BERTHA WHEELER

.....  
Complainant

.....  
VS.

.....  
LYNDON WHEELER

.....  
Defendant

**Demand for Oral Examination**

Filed *Filed Feb 14<sup>th</sup>* 1921

.....  
*J. W. Keenan*

.....  
Register

POWERS PRINTING CO.

Circuit Court of Baldwin

Circuit Court of Baldwin

Circuit Court of Baldwin

Circuit Court of Baldwin

The State of Alabama, Baldwin County



BERTHA WHEELER, COMPLAINANT )  
VS. )  
LYNDON WHEELER, RESPONDENT )

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

DEPOSITIONS OF BERTHA WHEELER, EVELYN CAPEHART AND  
E. B. GASTON, WITNESSES FOR COMPLAINANT IN THE ABOVE STYLED CAUSE.

The foregoing witnesses, having been first duly sworn to tell the truth, the whole truth and nothing but the truth, appeared before the undersigned commissioner at the time and place hereinafter stated, and upon examination by E. C. Clark, Esq. of council for Complainant, testify as is hereinafter set forth. The Respondent having waived notice did not appear.

BERTHA WHEELER.

I am the Complainant in this cause. Lyndon Wheeler and I 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 Fairhope, <sup>Baldwin County</sup> Alabama.

We were lawfully married in Mobile on October 3, 1912, and lived together as man and wife for about ten months, when he left me, and has since that time refused to live with me or to contribute anything to my maintenance and support, so that we have been totally separated with no fault on my part, for more than three years before this bill was filed. We live in the same town, but have had nothing to do with each other since the separation.

EVELYN CAPEHART.

*Bertha Wheeler.*

I am a resident of Fairhope, Alabama, and the daughter of Mrs. Bertha Wheeler by a former marriage. I know of my own personal knowledge that my mother and Mr. Wheeler have been separated since 1913, and that he has done nothing for her in that time. He left her without means of support other than by her own efforts, and they have lived separate and apart for much more than three years past, the abandonment having been on his part. If they had returned to live together I would have known it.

E. B. GASTON.

*Evelyn Capehart.*

I am a resident of Fairhope, and have lived here since the colony was founded. I am personally acquainted with Mr. and



Mrs. Wheeler, the parties to this cause, and have known them since they have been in Fairhope. They were married about eight or nine years ago, but did not live together as man and wife very long. While I have no clear recollection of the date when they separated I know that he left her a number of years ago, certainly more than three, and more nearly seven or eight years, during which time they have lived separate and apart. I do not know of my own knowledge the cause of the separation, but know that it existed, and that they have not lived together for a number of years, though they both live in the same community.

E. B. Gaston

I, <sup>George</sup> W. Wood, the commissioner named in the foregoing commission, which issued out of the Circuit Court of Baldwin County Alabama, in a certain cause therein pending, on the equity side, wherein Bertha Wheeler as Complainant, and Lyndon Wheeler, Respondent do hereby ~~that~~ <sup>certify</sup> under and by virtue of the power conferred upon me by said commission, I caused the said Bertha Wheeler, Evelyn Capehart and E. B. Gaston, who are known to me, and whom I know to be the identical witnesses named in the commission, to come before me at my place of business in the town of Fairhope, Alabama, on the ~~25th~~ day of February, 1921, when they having been by me first duly sworn, and upon examination by counsel for Complainant, have testified as is herein above written; that their testimony was reduced to writing as well as may be in the language of the witnesses, and after being read through by them, they signed same in my presence.

I further certify that I am not of counsel or of kin to either party to the cause, or in anywise interested in the result thereof.

In witness whereof I here by set my hand and seal as commissioner this the ~~25th~~ day of February, 1921.

George W. Wood, (SEAL)  
Commissioner.





The State of Alabama,

CIRCUIT COURT.

Baldwin

COUNTY.

Equity

Division.

To George W Wood, Fairhope, Alabama,

or such of you as may act herein, of Baldwin County, State of Alabama, Greeting:

KNOW YE, That we, reposing confidence in your integrity, skill, and ability have appointed you Commissioners to take the testimony of

Mrs. Bertha Wheeler, Mrs. Evelyn Capehart, Mr. E.B. Gaston,

material witnesses in a suit now pending in our Circuit Court of Baldwin County, wherein

Bertha Wheeler,

Plaintiff, and Lyndon Wheeler, Defendant,

Defendant, and we hereby authorize and empower you to call and cause to come before you Mrs. Bertha Wheeler, Mrs. Evelyn Capehart, Mr. E.B. Gaston,

the said witnesses and their depositions on the Holy Evangelists to take, as well for the Complainant, as for the Respondent touching their knowledge of the matters and things in controversy in said suit, which deposition, when so taken, shall be signed by said witnesses and certified by such of you Commissioners as may act herein; and you are further commanded, the deposition, when so taken, with this commission, to return under your hands and seals to the Clerk of said Court, with all convenient speed, and any one or more of you Commissioners, are authorized to act alone in the premises.

Witness my hand, this 14th day of February, 1921.

Witness' Fees, - - - \$

Commissioners' Fees, \$5.00

Paid by Complainant

J. M. Richardson Clerk.



No. ....  
The State of Alabama,  
Baldwin County.

CIRCUIT COURT,  
Equity DIVISION.

Bertha Wheeler  
vs. Plaintiff,  
Lyndon Wheeler. Defendant.

COMMISSION TO TAKE DEPOSITION ON SET INTERROGATORIES.

Issued this 14th day of February, 1921. 191  
M. R. ... Clerk.

WITNESSES:  
Mrs. Bertha Wheeler  
Mrs. Evelyn Capehart  
Mr. E. B. Gaston

MARSHALL & BRUCE CO., NASHVILLE

# DIRECTIONS:

## TO THE COMMISSIONERS IN EXECUTING AND RETURNING THE COMMISSION.

1. If the time and place of executing the commission are not named therein, the Commissioners will subpoena the witness to appear before them at such time and place as they may appoint, and administer the oath to witness.
2. Either the Commissioners, witness, or some impartial persons, must reduce the answer of witness to writing, as near as may be in the language of the witness.
3. State the caption of the cause at the beginning, and then the following heading or title:

By virtue of the Commission hereto annexed, issued from the office of the Clerk of the Circuit Court of Baldwin County, State of Alabama, we, the Commissioners therein named, have called and caused to come before us the said A B, the witness named in said commission, on this \_\_\_\_ day of \_\_\_\_\_ 191\_\_, at the \_\_\_\_\_; and having duly cautioned and sworn the said witness to speak the truth, the whole truth, and nothing but the truth, A B, the said witness, deposeseth and saith as follows:

First.—To first interrogatory he saith:  
Second.—To second interrogatory he saith:  
First.—To first cross-interrogatory he saith:

4. When the deposition is finished, it must be subscribed by the witness and certified as follows:

We, C D and E F, the Commissioners in said commission named, do hereby certify that the foregoing testimony and answers, taken down and written by us in the words of the witness, A B, were read over to him; that he assented, swore to, and subscribed the same in our presence, at the time and place herein mentioned; that we have personal knowledge of the personal identity of said witness [or, if unacquainted with the witness, that proof hath been made before us of the identity of the said witness]; that we are not of counsel or kin to either of the parties to said cause, nor interested in the event thereof. And we inclose the said testimony, together with said commission and the interrogatories, direct and cross, to the said Clerk of the Circuit Court whence the same emanated, as our full execution of said commission.

Given under our hands and seals, this \_\_\_\_ day of \_\_\_\_\_ 191\_\_

-----[L. S.]  
-----[L. S.]

Next unite the commissions, interrogatories, and answers together, with wafers or tape; second, envelope all, sealed with three seals; third, write each Commissioner's name across each seal; and, fourth, write on the envelope the names of the parties and witnesses, and direct it thus:

C D v. E F	
_____	To ..... Esq., CLERK OF THE CIRCUIT COURT.
DEPOSITION OF	.....
A B	..... County, Ala.



THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. .... Term, 191.....

*Bertha Wheeler*

Complainant.....

vs.

*Lynnan Wheeler*

Defendant.....

To ....., Register:

In the above stated cause a ~~Decree Pro Confesso~~ *Defendant having answered* 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 *Richardly & Burke*

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.

*Richardly & Burke*

Solicitor for Complainant.



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No. ....

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

vs.

REQUEST FOR DECREE IN  
VACATION.

Filed *Feb 27* 19*21*

*J W Register*  
Register

Recorded in ..... Record

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Register



*Bertha Wheeler*

vs.

*Sydney Wheeler*

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,

*testimony of complainant Evelyn  
Asphatt and Lee B Gaston*

and in behalf of Defendant upon

*answer*

*T W Heinerson*

Register



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No.....

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

vs.

NOTE OF TESTIMONY.

Filed in Open Court this

*Sept 27*

day of

191

*J. W. Richardson*

Register