

John Wingender,  
Complainant and Cross  
Respondent.  
vs.  
Lilly Wingender,  
Respondent and Cross  
Complainant.

In the Circuit Court of Baldwin  
County, Alabama. In Equity.

This cause, coming on to be heard in vacation, was submitted by agreement between the attorneys representing the respective parties. On behalf of Complainant upon the Bill of Complaint, as amended, Answer and Cross Bill of Complaint and testimony as noted by the Register, and for Respondent and Cross Complainant upon the Answer and Cross Bill of Respondent, *and testimony as noted by Register.*

The Complainant seeks a divorce on the ground that the Respondent voluntarily abandoned him on the 5th day of August 1915, which abandonment was without just cause or legal excuse, and amends ~~his~~ <sup>his</sup> Bill of Complaint by alleging that there were born unto the Complainant and Respondent three <sup>minor</sup> children, viz:- Wilburn, Wilbur and Edna, all of whom are under the ages of fourteen years, and further asks that, the bond of matrimony existing between the Complainant and Respondent, <sup>that</sup> upon being dissolved, the custody and control of the above named children be given to him.

The Respondent and Cross Complainant, Lilly Wingender, admit that they were married February 1, 1893, at Bon Secour, in Baldwin County, Alabama, and lived together until August 4th, 1915, and have not since said last named date lived together as man and wife. Respondent and Cross Complainant admit there were born unto them three <sup>minor</sup> children who are of the respective ages of twelve, twelve and ten years, that their correct names are Wilbert, Wilburn and Ethel, and that said children have been under her custody and control and have been supported <sup>and maintained</sup> by her since the separation occurred. The Respondent and Cross Complainant further alleges in her answer that Complainant is a man of violent and ungovernable temper and that during their married life and prior to the separation he, at various times and places without any provocation on the part of Respondent, became angered at her, cursed her and threatened to strike her and blow her brains out. So that Respondent became afraid that if she continued to live with Complainant he would carry into execution his threats of violence and do her bodily harm or impair her health, and that on account of such threats and believing that Complainant would put unto execution his violent threats and would actually do her bodily harm which would endanger her life and limb <sup>and that</sup> on account of such threats, as above set forth, that Respondent left the home of Complainant and carried with her the three minor children, which said children have been with her since the date of the separation, and that she has, without assistance on the part of the Complainant, supported and maintained the said children.

The Complainant admits in his Answer that he is sixty five years of age, that he is in bad health and that the only property he owns is twenty acres of land in Baldwin County, Alabama, which does not exceed in value Five hundred (\$500.00) dollars and that he owns no other real estate, but does own personal property to the extent of Two hundred (\$200.00) dollars. Complainant further charges that Respondent is being helped by their son Hubert, who contributes substantially toward supporting Respondent and Cross Complainant.

The Court has carefully considered the testimony in



the case and while there is evidence to sustain the charge brought by the Respondent and Cross Complainant that the Complainant and Cross Respondent was so cross and his conduct was such as to raise in the mind of the Respondent and Cross Complainant the reasonable apprehension that she could not live with him without danger of great bodily harm to her life and limb, but yet, upon consideration of all the evidence, the greater weight of the proof is to the effect that this condition existed for some length of time and Complainant did not carry into execution any of the threatened violence toward Respondent. The proof shows further that the separation took place on August 4th or 5th, 1915, at which time Respondent left Complainant and carried with her three minor children, Wilbert, Wilburn and Ethel, and that the children at this time are of the ages, respectively, of twelve, twelve and ten years, and hence were of the ages at the time of the separation, respectively, of four, four and two years; that since such separation the Respondent and Cross Complainant has assumed the burden of caring for said children, and the proof shows that she is receiving help from her son Hubert, and is able to earn a sufficient amount to care for, maintain and educate said minor children. The testimony further discloses that the Complainant is at this time sixty five years of age, is in exceedingly bad health, which has been growing worse, and ~~has~~ but little property and no income.

The Court is of the opinion that under all of the circumstances as disclosed by the witnesses who have testified in the case and the respective charges and counter-charges that the Complainant is entitled to the relief prayed for in his *original* Bill of Complaint.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said John Wingender and the said Lilly Wingender be, and the same are hereby, dissolved; and the said John Wingender is forever divorced from the said Lilly Wingender.

It is further ordered that the said John Wingender pay all of the cost herein, for which let execution issue.

It is further ordered, adjudged and decreed by the Court that the said Lilly Wingender shall have the custody and control of the said Wilbert, Wilburn and Ethel Wingender, ~~which~~ having been shown to the satisfaction of the Court that she is better equipped to raise, support, maintain and educate the children than the said John Wingender, and that it is the Court's duty, in construing this matter, to look only to the welfare of the said minor children.

It is further ordered, adjudged and decreed that the said John Wingender and the said Lilly Wingender are hereby permitted to again contract marriage. It is further ordered and decreed that the said John Wingender or the said Lilly Wingender shall not again marry, except to each other, until sixty days after this date, and that if an appeal be taken within sixty days they shall not marry again, except to each other, during the pendency of such appeal.

Dated at Chambers at Brewton, Alabama, this the 2nd day of March, 1923.

*John D. Leigh*  
Judge of the 21st Judicial Circuit.  
In Equity.



John Wingender,	)	In the Circuit Court of Baldwin
Complainant	)	
vs.	)	County. In Equity.
Lilly Wingender,	)	
Respondent.	)	

This cause, coming on to be heard, was submitted by agreement between the Attorneys representing the Complainant and those representing the Respondent, and by said agreement the respective parties agreed that Hon. T. W. Richardson, Register in Chancery, would hold a reference to determine the amount of attorneys' fee to be allowed counsel for Lilly Wingender, Respondent and Cross Complainant. Waiving all formal orders by the Court that the finding of the Register of such reference should have the same force and effect as if said matter had been referred to the Register of the Court with direction to hold said reference.

The Register having reported to this Court on December 10, 1922, as fully as if he had been instructed by the Court that he held a reference in said cause on the 10th day of December, 1922, in accordance with the agreement between counsel for the respective parties and determining the amount that Respondent is entitled to as attorney's fee, the said Register fixing the fee of Messrs. Rickarby & Beebe, attorneys for Respondent and Cross Complainant, at the sum of one hundred and thirty seven dollars and fifty cents (\$137.50).

Upon consideration by the Court of the finding of the Register the Court is of the opinion that the fee fixed by the said Register is a reasonable attorneys' fee to defend the cause in this case and that the Complainant should pay the same to the Respondent and Cross Complainant.

It is therefore ordered, adjudged and decreed by the Court that the report of the Register be, and the same hereby is, in all things ratified and confirmed.

Done in Chambers at Brewton, Alabama, this the first day of March, 1923.

*John D. Leigh*  
 \_\_\_\_\_  
 Judge of the 21st Judicial Circuit  
 Court of the State of Alabama.



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John Wiggins  
Complainant Circuit Court  
vs  
Lilly Wiggins  
Defendant Baldwin County  
Ala In Equity

Comes the defendant in the  
above styled cause and  
demurs to Complainants  
Complaint and for grounds  
of demurrer says:  
There is no equity in  
the bill

Respectfully  
Declarators for  
Defendant



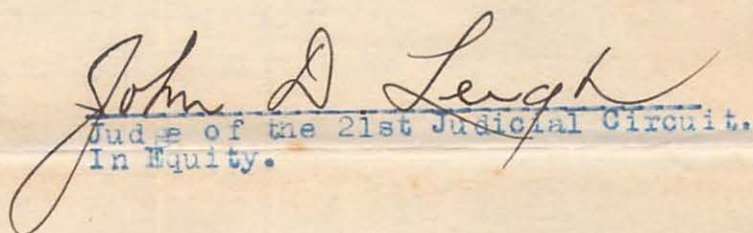
John Wingender, )  
Complainant, )  
vs. )  
Lilly Wingender, )  
Respondent. )

In the Circuit Court of Baldwin  
County, Alabama. In Equity.

This cause, coming on to be heard, was submitted upon the demurrer to the original Bill of Complaint.

Upon consideration of the said demurrer the Court is of the opinion that same was not well taken and should be over-ruled.

It is therefore ordered, adjudged and decreed that the demurrer to Plaintiff's complaint be, and the same hereby is, over-ruled.

  
Judge of the 21st Judicial Circuit.  
In Equity.



OFFICE OF  
H. HALL, TAX ASSESSOR  
OF BALDWIN COUNTY

SEND STAMPS FOR REPLY

*Robert B*

BAY MINETTE, ALA. Dec 14<sup>th</sup> - 1922

I, Howell Hall Tax assessor,  
of Baldwin County Ala., do  
hereby Certify that Lillie -  
Wingender did on Oct. 11<sup>th</sup>  
1921 assess 32 acres of land  
valued at \$180. with improve-  
ments thereon valued at \$40.<sup>00</sup>  
and also 1 Horse valued at \$30.<sup>00</sup>

Howell Hall  
Tax assessor

admitted by agreement  
of council.

Richard B. Beck  
for Lillie Wingender  
John Wingender



OFFICE OF  
H. HALL, TAX ASSESSOR  
OF BALDWIN COUNTY

SEND STAMPS FOR REPLY

BAY MINETTE, ALA.

Dec 14<sup>th</sup> - 1922

I Horrell Hall Tax Assessor  
of Baldwin County do hereby  
Certify that John Wingerder  
did on Oct. 14<sup>th</sup> 1921 assess  
20 acres of land valued at  
\$250, with Improvements thereon  
assessed at \$100- and Personal  
consisting of 10 head cattle, 1 horse & one gun  
property, to the amount of \$135<sup>00</sup>

Horrell Hall  
Tax Assessor

Admitted by agreement  
of counsel

Richard Beebe  
for Filly Wingerder  
S. Jenkins  
atty for Plaintiff  
John Wingerder



Foley, May the 25<sup>th</sup> 1923

Mr. Thomas Richardson

Dear Sir

Please send me a Copy of my divorce, here is one Dollar to cover expenses.

Let me know also if I can get marriage License now as I sixty days since case was decided by Judge Leigh.

Respectfully yours

Jno Wingender  
c/o Harry Smoke

Foley - Ala



After 5 days, return to

John Wiegander  
Ga. Harry Smoke

FOLEY, ALA.

REGISTERED

905



Mr. J. Richardson

Clerk of Circuit Court

Bayminette Ala

Wiegander & Smoke





To the Honorable John D. Leigh, Judge of the Circuit Court of Baldwin County, Alabama, and of the ---- Judicial Circuit of the state of Alabama, sitting in Equity .

The Bill of Complaint of John Wingender against Lilly Wingender for divorce respectfully shows your Honor:

- 1st. That your orator, the said John Wingender, and the said Lilly Wingender are each of the full age of twenty one years and over, and your orator resides at Bonsecour in Baldwin County, Alabama and the said Lilly Wingender, <sup>resides</sup> in Baldwin County, Alabama <sup>Bonsecour, Ala</sup> at ~~near~~ near Foley, Ala.
- 2nd. That your orator and the said Lilly Wingender intermarried, to wit, February 1st, 1893 at Bonsecour, Baldwin County, Alabama and lived at or near there as husband and wife for the period of, to wit, twelve years and your orator has been a bona fide resident of Alabama for more than three years next before the filing of this bill in this cause.
- 3rd. That your orator and the said Lilly Wingender lived together as husband and wife up to six years ago, when the said Lilly Wingender, without lawful excuse or just cause, voluntarily abandoned your orator at or near Bonsecour, Alabama, more than two years next before the filing of this bill, to wit, on the 5th day of August, 1915 and since said abandonment they have not lived together. That at said time, to wit, the 5th day of August, 1915, the said Lilly Wingender abandoned the bed and board of your orator and has remained away ever since and has failed and refused to resume marital relations with your orator and without any fault on his part.

Wherefore your orator prays that your Honor will take jurisdiction of the cause made by this bill and that the said Lilly Wingender be made a party defendant to the same and that the said Lilly Wingender by appropriate process to be issued and served upon her be required to answer said Bill. And that it may please your Honor on the hearing of said cause to decree that the bond of matrimony existing between your orator and the said Lilly Wingender be dissolved and that he may be permitted to marry again and that your Honor will grant unto your orator all such other and further or different relief in the premises as unto equity and good conscience shall appear to be legal and proper and as in duty bound.

*J. C. Jenkins*  
Solicitors for Complainant .

Foot - Note.

The defendant Lilly Wingender is required to answer all the averments of the foregoing Bill of Complaint contained in sections from one to three inclusive, but not under oath; her oath to the answer is hereby expressly waived.

*J. C. Jenkins*  
Solicitor for Complainant



*Original*

JOHN WINGENDER,

COMPLAINANT,

Vs.

LILLY A. WINGENDER,

DEFENDANT.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA.

IN EQUITY.

NO. \_\_\_\_\_

AMENDMENT OF COMPLAINT.

Comes now the complainant and amends his complaint by adding the following additional count, viz:

FOURTH. Your orator further shows that there were born of their said marriage the following minor children, each of whom is <sup>under</sup> ~~over~~ the age of fourteen years, viz. Wilburn, Wilber and Edna.

Complainant amends his prayer for relief so that it shall read as follows:

"That it may please your Honor, on the hearing of said cause to decree that the bond of matrimony existing between your orator and the said Lilly A. Wingender, ~~is~~ be dissolved, and that he may be permitted to marry again, and that he may be given the custody of said minor children; and that your Honor will grant unto your Orator all such other and further or additional relief in the premises as in equity and good conscience he may be entitled to."

*S. Jenkins & J.F. Hogan*  
Attorneys for Complainant.

Foot Note:

The defendant is required to answer the foregoing bill of complaint from paragraph one to paragraph four, inclusive, but not under oath, oath to the answer being hereby expressly waived.

*S. Jenkins & J.F. Hogan*  
Attorneys for Complainant.



Received copy of this amendment  
and waiver notice of Fidelity  
Oct 27, 1921

Richard W. Beebe  
Attorneys for Defendant

Bill for Divorce  
Amendment thereto

Filed Oct 27/21  
D. W. Beebe  
Register

RECORDED

101

Complaint which has been returned to me in  
shall read as follows:  
"That it may please your Honor, on the hearing of this  
cause to decree that the annulment of matrimony existing between your  
Petitioner and the said Miss [Name] be dissolved, and  
that he may be permitted to marry again, and that he may be given  
the custody of said minor children; and that your Honor will  
grant unto your Petitioner all such other and further or additional  
relief in the premises as in equity and good conscience he may  
be entitled to.

Attorney for Plaintiff  
Your Honor  
The defendant is requested to answer the foregoing  
bill of complaint from paragraph four, inclusive,  
and not answer said bill to the annexed party expressly  
waiver.



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 *Lilly Wingender*

of *Baldwin* 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

*John Wingender*

against said *Lilly Wingender*

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 *6th* day of *August*

192*1*

*T. W. Richerson*

Register.

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



Original

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

Circuit Court of Baldwin County  
In Equity

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

SUMMONS

*John Wingender*

vs.

*Lilly Wingender*

*H. C. Jenkins*  
Solicitor for Complainant

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

*Send copy on Lilly Wingender  
at Bon Cour  
Ala.*

THE STATE OF ALABAMA  
BALDWIN COUNTY

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

Sheriff

Executed this *23<sup>rd</sup>* day of  
*August* 1921

by leaving a copy of the within summons with

*Mrs. Lilly Wingender*

Defendant

*W. R. Stuart*

Sheriff

By *Chas. Lenoir*  
*Special* Deputy Sheriff



JOHN WINGENDER, ( IN THE CIRCUIT COURT OF BALDWIN  
Complainant, )  
-VS- ( COUNTY, ALABAMA.  
LILLY WINGENDER, )  
Defendant, ( IN EQUITY.

Comes the Defendant in the above styled cause and answering Complainant's bill of Complaint, says:

FIRST: She admits the names, ages and places of residence, as alleged in bill of complaint, of the said Complainant and Defendant.

SECOND: She admits that she and said Complainant intermarried February 1st, 1893, at Bon Secour, Baldwin County, Alabama, and that they lived together as husband and wife for the period of to-wit, twelve years, and that they separated on, to-wit, August 4th, 1915, and have not lived together as husband and wife since said date; that they were living at or near Bon Secour, Baldwin County, Alabama, at the time of their separation.

THIRD: She admits that there were born to Defendant and Complainant of said marriage WILBERT WINGENDER, WILBURN WINGENDER and ETHEL WINGENDER, whose ages respectfully are 12, 12 and 10; that the name of WILBERT is erroneously given in said Complaint as WILBER; that ETHEL'S name is erroneously given as EDNA.

FOURTH: Further answering said complaint Defendant denies each material allegation therein contained and not expressly hereby admitted and says that said Complainant is a man of violent and ungovernable temper; that during their married life and prior to their separation at various times and places without any provocation on her part Complainant became angered at her, cursed her and threatened to beat or strike her and threatened to blow her brains out; so that Defendant became afraid that if she continued to live with him, Complainant would carry into execution his threats of violence and do her bodily harm or impair her health and she, on to-wit, August 4th, 1915, because of such reasonable apprehension of the execution of the aforesaid violence left said Complainant and has not resided with him as his wife since said date.

FIFTH: That Defendant without the support of said Complainant has lived separate and apart from the bed and board of



said Complainant for more than five years next preceeding the filing of the bill of complaint in this cause and she has bona fide resided in this State and County during the whole of said period.

SIXTH: That Defendant is a ~~widow~~<sup>woman</sup> with very little property and no means of support other than by her own labor; that she has dependent upon her, the aforesaid children of this marriage, each of whom is under the age of fourteen years and unable to contribute to the support of the family; that Defendant is an able bodied man and owns real and personal property in this state and county, the exact value of which Defendant does not know but which she is informed and believes ~~and~~ upon such information and belief says is in excess of Two Thousand Dollars; that she has not the funds with which to defend this suit and particularly to employ counsel.

SEVENTH: That said Complainant when Defendant and the minors resided with him, cursed and abused said children as well as your Defendant and unmercifully beat them without cause or provocation; that because of his violent temper and cruelty to them he is not a suitable person to have custody and control of them.

WHEREFORE Defendant prays, this her answer be taken as her cross-bill; that said Complainant be made a party Defendant hereto and required to plead, answer or demur to this cross-bill within the time and under the usual penalties prescribed by law and the practice of this Honorable Court; that your Honor will direct the Register of this Court to hold a reference to determine the alimony which said Complainant and cross-defendant shall pay to defendant and cross-complainant for her support and the support of said minors during the pendency of this cause and that upon such reference a reasonable attorney's fee be allowed her for her counsel in this defense; that upon the final hearing of this cause alimony be allowed the Defendant and cross-complainant; that said Complainant and cross-Defendant be required to support and maintain said minors in a manner suitable to their station and that a decree of divorce from bed and board be granted Defendant and cross-Complainant against <sup>that she be given the custody of said minor children,</sup> said Complainant and cross-defendant/ and such other, further and



different orders and decrees be made and entered as in equity  
this Defendant and Cross-Complainant shall be entitled to.

*Rickaby & Beck*

Solicitors for Defendant and  
Cross-Complainant.

Complainant and Cross-Defendant is required to answer the al-  
legations of this cross-bill, paragraphs one to seven, inclusive,  
but not under oath, oath is hereby expressly waived.

*Rickaby & Beck*

Solicitors for Defendant and  
Cross-Complainant.

Received copy of this answer and Cross-  
bill, and hereby waive service thereon  
This Nov 9, 1971

*S. C. Jenkins +  
Jesse F. Hizer  
Solicitors for Complainant*



JOHN WINGENDER, )  
Complainant )  
vs )  
Lilly WINGENDER, )  
Respondent )

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.  
IN EQUITY

Respondent and cross-complainant's note of evidence:

This cause is submitted on the part of Lilly Wingender, respondent and cross-complainant, on answer and cross-bill, depositions of Lilly Wingender and Beatrice Wingender, and agreements of counsel, deposition of Chas. Ienoir, and report of Register on reference as to attorney's fee, Exhibits A & B being ~~copies of assignments~~ depositions of H. L. Moore and W. H. Hawkins,

D. W. Rice  
Register



JOHN WINGENDER, .....

Plaintiff, .....

vs. ....

LILLIAN WINGENDER, .....

Defendant. ....

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, deposition of John Wingender, deposition of Sarah Campbell,  
deposition of Charles Hecht, deposition of R.V. Coesens, deposition of  
Will Campbell, deposition of John L. Wenzel, and the Amendment to the  
original bill

and in behalf of Defendant upon

*J. M. Wilkinson*

Register



4 ~~5~~  
No. ....

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

John Wingener,

Plaintiff,

vs.

Lillian Wingender,

Defendant.

NOTE OF TESTIMONY.

Filed in Open Court this 14<sup>th</sup>

day of Dec 1922

*D. Williams*  
Register

RECORDED







It is also true that she has the custody and control of the aforesaid minor children, but each of them is able to, and does work ~~on the farm of~~ <sup>for</sup> the said respondent, and well earns their living and the cost of their schooling. Cross respondent also avers that their said son, Hubert, contributes substantially towards the support of the said cross complainant. The cross respondent also says that he is sixty-five years of age; that he is in feeble health, and that he only owns twenty acres of land situated in Baldwin County, Alabama, which does not exceed in value Five Hundred Dollars; that he owns no other real estate, and that the entire value of the personal estate of cross respondent does not exceed Two Hundred Dollars. Cross respondent also denies that the cross complainant is without funds with which to defend this suit and to employ counsel therein, but on the contrary she is amply able to defend this suit, and her real and personal estate exceeds in value that of the cross respondent. Cross respondent further says that the real estate belonging to the cross complainant as hereinabove stated, was given to her by him.

FOURTH. The cross respondent denies that he cursed and abused said minor children or said cross complainant; he also denies that he unmercifully beat them, and without cause or provocation. He also denies that because of his violent temper or cruelty to said children he is not a suitable person to have their custody and control.

Having fully answered said cross bill, the cross respondent prays that he may be hence dismissed with his costs.

J. C. Jenkins  
&  
John F. Hogan  
Solicitors for Complainant and  
Cross Respondent.

*Copy this answer received, further  
notice waived, this Dec 8, 1921*

*Rigbally & Beebe  
Solicitors for Deft.*



The State of Alabama, }  
Baldwin, County

CIRCUIT COURT.

To Hon. P. J. Cooney,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commission-  
er, and by these presents do authorize you, at such time and place as you may appoint, to call before you and  
examine <sup>Bon Secour,</sup> Charles Heck, John Wingender, / R. V. Coehsen, Mrs. R. V. Coehsen,  
Will Campbell, Mrs. Will Campbell,

as witnesses in behalf of Complainant, in a cause pending in our Circuit  
Court of Baldwin County, of said State, wherein

Hohn Wingender

Complainant

and Lillie Wingender,

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ Oral testimony  
to take and certify the deposition of the witness and return the same to our Court, with all convenient  
speed, under your hand.

Witness 2nd day of February, 1922

*J. W. Pileman*  
Register.

Commissioners Fee \$

Witness Fee's \$



No. ....

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

John Wingender

Complainant.....

vs.

Lillie Wingender

Defendant.....

COMMISSION TO TAKE DEPOSITION  
ON INTERROGATORIES.

COMMISSIONER:

P. J. Cooney,

WITNESSES:

*Charles Hecht*  
*John Wenzel*

*Witness*











This is all I own. Respondent owns 32 acres of land, her separate estate, with a house on it 28 by 28. She has a few head of cattle. She has more property than I have. Q. In addition to this separate property has she any other support from her children. Respondent objects to the question as ~~being~~ irrelevant, immaterial and insufficient, and incompetent testimony. A. Hubert supports her and looks out for her. He is working on ocean steamer as Engineer and makes good money, I mean he has his papers as engineer, now he is working as fireman or as water tender and makes good money. Respondent moves to exclude the answer on the same grounds. About two months after she left I gave her a house standing on my land and she took it down and rebuilt it on her land and I assisted her in getting her a good house to live in. And she got what cattle that belonged to her, about five or six, out of my herd. This is all I know of giving her, ~~she took all the stuff in the house,~~ that she bought and I paid for.

Cross-examination by Mr. Beebe.

I cant tell what was the cause of her leaving, from her stand point, that is what I would like to know. She didnt talk with me about her leaving. She didnt tell me she was going to leave, she never opened her mouth. I was at home when she left. She left and sent back after the furniture. We had had no quarrel or words that day. She left in the evening and went to Mrs Campbell's that night. We did not have a quarrel the day before or any other time that I can remember, Oh, some times we got in to quarrels, like a man will with his wife but I never used any coarse or abusive words to her. She has been living in and around Bon Secour or Foley continuously since our separation, from one and a half to seven or eight miles of where I lived. I have been to see the children from time to time but I have never been to see her. And I would call the children out and never spoke to her. I have never asked her to come back to me. She has never asked me for any money to support herself and I have never given her any. The minor children have always stayed with her. I have never contributed anything to the children's support. I bought the twenty acres I now own in October or November 1899, I paid \$80.00 for house and land. The house that is on there now I built. The house I gave her when she left me and which she moved on her land was the ~~house~~ house on the land when I bought it. It was a four room house. It was an old but good house. My wife and I lived in the house a pretty good while after we married. We built the present house before my wife left me, a long time before. We built new house in 1907. The old house was in good condition but was too small for our family. The present house cost me about \$500 dollars to build. The kitchen of present house blew down in 1913. There is a barn on place now, twenty eight by thirty. it needs a new roof and new post, it would be cheaper to tear it down and rebuild it. It is no good. The barn was built about 1908 or 1910. There was really none of it cleared when I bought it. It had a rail fence around part of it when I bought it. I have fenced it with wire. One mile is the closest neighbor. The place is worth \$200 to \$250. Q. Question: what will you take for the place? Complainant objects to question on the grounds that it is irrelevant, immaterial and illegal as having no bearing whatever on the value of place vel non. Answer: I dont want to sell it. I havent set any price on it.

John. Wingender

Mrs. Sarah Campbell testified as follows.

My name is Sarah Campbell. I live two and one half west of Foley. I use to live near Bon Secour near Mr. Wingenders, about one and one half miles from him. I know that they lived together as man wife at the time I lived at Bon Secour. I left Bon Secour in 1916. I remember when they were married. I was living at Bon Secour when Lillie Wingender left Mr. Wingender. I remember at the time she left him, she came to my place that night and spent the night there. It was in 1915, some where about the middle of the year. I stayed there about a year after that. I know where she lived after she left him. I could see the house



she went in after ~~her~~ she left him. I do not remeber about her getting a house or lumber from him. I remember her getting sme bricks from him for her house. I know that she did not go back to him ~~after she~~ left him. She has remained away continuously ever since ~~she~~ as far as I know. I ~~had~~ Have known him for about ~~30~~ 30 years. He has been a good worker and faithful to his family, sofar as I know. During the time I lived there I never saw him beat or abuse his wife. If she had any cause I dont know it. She came to my house and told me ~~told me~~ she was not going back to him. Question. Did she voluntarily abandon him, Respondent ojects to question as calling for a conclusion or opinion of witness. Yes, so far as I know, if she had any cause I dont know it and she has not lived with him since said abandonment. Respondent moves to exclude on the same grounds. She told me ~~some~~ there had been some dispute between her husband & her son, but she didnt say what it ws about so far as I remember.

So far ~~ixxx~~ as I know it was without any fault on Mr. Wingenders part that she abandoned him. This was between five and six years ago. They are both residents of this state and County. She has lived here all her life time, and he has been a bona fide resident of this County and State some thirty years. I know there are three minor children, who are ~~xx~~ now living with Mrs. Wingender. I know she has a grown son Hubbert He makes his home with his mother and comes home from time to time. I know she has other grown children. I know a grown daughter Mrs. Smoke. She has five grown ones altogether. I do not know any thing about whether he ever threatened to strike her or abused her and I never heard of it. I never heard of any bad conduct towards his wife on his part. I have been knowing him to hae sick spells and not able to do much work the last four or five years. I know he is not strong, and couldnt earn much and dont thin' he & ~~xxxx-xxxxxxx~~

~~xxxx-xxxxxxx~~  
~~xxxx-xxxxxxx~~  
xxxx

does. I dont see anything he makes. When I lived by him he didnt have regular work and after they parted he didnt work much, but before then he worked pretty regular. I would call him a poor man.

Cross-examination by Mr. Beebe

I was at her house just before they ~~parted~~ <sup>parted</sup> pretty often and they had quarrels just like all married persons do. I have heard them fussing with each other but nothing unreasonable. I dont know what happned when I wasnt there. I have not lived near Wingender since 1916 and have not known much about him during this time. I now live about 5 or 6 miles of him. During this period I have seen <sup>him</sup> about every four or five months, sometimes longer than that and ~~xxx~~ times I see him pretty often. I dont know how much work he has done for last five years. I dont know when he is sick. I cant say that I have ever seen him sick in the bed more than once or twice, but he comes to my house very often complaining of being sick, from time to time of course I dont know whether ~~xxxx~~ is sick or not, but he was complaining and not at work. I dont know what property he has now. I know he lives on a small place about 20 acres that he calls his ~~own~~ <sup>own</sup>. A bout four rooms, a small house. He has no one living with him that I know of. I never saw any work going on around the place and never saw any hired men there. I havent seen the place in over a year. I dont remember seeing the place but one time in the last five years.

*witness*  
J. Corney

*Mr*  
Sarah Campbell  
*man*

Examination by Mr. Campbell:

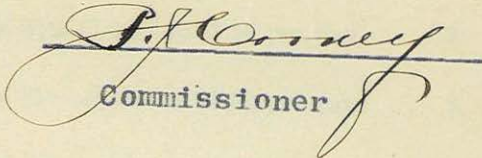
I live two and a half west of Foley. I use to live ~~xxxxxx~~ near Wingender at Bon Secour. I remember when he ~~and~~ <sup>and</sup> Little Wingender married. They lived together as ~~man and wife~~ <sup>man and wife</sup>. I remember when she abandoned him. I lived about a mile and a half from him at that time. ~~xx~~ I dont <sup>know</sup> that she came to my place when she left, I was not at home. I remember her living in a house off to herself on her own land, in a four room house. She claims to own the land. She got it from her father Lewis Cook. I know where he lives he claims about twenty acres. He has a four room house. I have passed the place from time to time without stopping. I know Mr. Wingender. I dont know whether he has a job or employment or not, I dont know of ~~any~~ <sup>any</sup> he has. I have know him about ~~2~~ <sup>30</sup> 30 years, when I first knew him he had a family. I have seen her grown son named Hubert in the neighborhood from time to time and ~~knows~~ <sup>knows</sup> he works off. She has four other grown children. I know three minor children who live with their mother. ~~xxxxxx~~ <sup>xxxxxx</sup> beat, curse or abuse her while I lived neighbor to them, ~~half off~~ <sup>half off</sup>. Before he built his last house his property







The examination of other witnesses in the case was continued  
to March 11th 1922 at Nine O'Clock. A. M..  
with the consent of Counsel for Complainant and Counsel for  
Defendant

  
Commissioner



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

**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, \_\_\_\_\_ day

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

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



Foley Alabama March 11th 1922.

On examination by S. C. Jenkins  
Counsel for the Plaintiff

Testimony of Chas Heckt as follows:-

I know John Wingender and Lillie Wingender I know them abt 16 Years, They lived near Bonsecour Baldwin County Alabama, Mr Wingender lives now at the same place, I know that Lillie Wingender lives about two miles from where John Wingender lives, She lives separate and apart now from John Wingender, I know that they have lived a part for about four years, to the best of my recollection, I do not know when she abandoned him or left him,

I know John Wingenders general reputation in the neighborhood in which he lives, and I know that it is good,

I know that Lillie Wingenders reputation is good as far as I know,

I know the place that John Wingender is living on he has about 20 acres with a house on it, The house is worth about \$250.00, and the land about \$300.00, He does not own any other property that I know of,

I live at Foley Alabama, I am in the Taxi business, I see Mr Wingender from time to time, I pass by his place often,

Question by Solicitor for the Complainant ? What is Mr Wingenders physical condition as to his capacity to work

Respondent ~~maxxxxxxxx~~ objects to the question as calling for a conclusion or opinion of the witness,

Witness answers:- I do not know what his physical condition is or his capacity to work but I do not see him working and I see him often, he is a poor man,

I was at there house from time to time when they lived together as man and wife, his conduct towards his wife was kind

I at no time saw Mr Wingender curse abuse or beat Lillie Wingender, or any way mistreat her,

Lillie Wingender has grown children , I know she has a son named Hubbert, who comes here at times and I see him going to her place, He works on ships out of Mobile, so he has told me,

Cross Examination by Attorney for Respondent:-

I do not know why Lillie Wingender left John Wingender,

I boarded at their house for four months about 15 years ago and since that time I have been there on an average of once every three months,

I know they have been separated for at least five years,

They have three minor children, Wilbart, Wingender, Wilborn Wingender and Ethel Wingender, whose ages are respectfully 12. 12. & 10 years old, who lives with their mother Lillie Wingender, and none of the have employment,

I do not know whether sh not Lillie Wingender own any property,

As far as I know Jon Wingender is an able bodied, man but he is too old to work, I think:

To the best of my knowledge ~~has~~ Mr Wingender has 20 acres of land all cleared and in cultivation, and enclosed with a wire fence, He has a five room house or dwelling on it, small rooms, has a small barn on the place, in good condition,

I do not know whether Lillie Wingender receives support from any of her children or not,

Witness  
S. C. Jenkins

Chas Heckt



Testimony of R. V. Coesens

On examination by Attorney for Plaintiff,  
R. V. Coesens testified as follows:-

My name is R. V. Coesens, I live near Foley Alabama, I live about Six miles from John Wingender, I know John Wingender about 8 years, I knew him before his wife left him, but I never was at their house before they separated, but since then I seen him often, he comes to my house very often, He is a man of sixty of Sixty five years old, I know his physical condition, He is in poor health, He is not able to do hard work, in fact he does not work much,

I hear him complaining lots of times about headache and stomach trouble,

I know his general reputation in the community in which he lives, it is good and all right,

He is a man as kind disposition as far as I know, and I know him pretty well, he is not fussy or contentious,

In fact he is of a kind of humorist disposition and full of good nature and fun,

I know his financial condition, all he has is 20 acres of land with a dwelling on it, small dwelling, and a small barn, the land including improvements worth about \$400.00.

Cross Examination by Attorney for Respondent,

I do not know why Lillie Wingender left John Wingender, I have known Lillie Wingender about Five years,

I know that they have three small children living with Lillie Wingender now, I do not know whether Lillie Wingender own any property or not,

I do not know whether Lillie Wingender receives any support from her older children but I know that she has a boy named Hubbert who comes home from his work in Mobile and makes his home with his mother,

I know John Wingender has 20 acres of land with about 12 acres of it cleared and in cultivation, and enclosed with a good fence, he has a 5 or 6 room dwelling a barn, and other outhouses The houses are not worth very much, never has been painted,

Cross Re-direct Examination by attorney for Plaintiff:

I know the value of lands around John Wingender it is worth five or six dollars per acre,, the Dwelling has not any paint on it and it looks bad and rotten,

I do not know the age of Lillie Wingender but she looks about 50 or 60 years of age, I know that she has several grown children,

R V Coesens

~~Subscribed and sworn to before me this 1st day of June 1914~~



Testimony of John L. Wenzel

John L. Wenzel testifies as follows:-

I know John Wingender the plaintiff in this case about 20 years, I lived about three miles from him, his general reputation in the community is good, I knew him when he lived with Lillie wingender as man and wife,

Question by attorney for plaintiff,  
Did John Wingender treat Lillie Wingender as a kind and considerate husband,  
Counsel for defendant objects to the question for the reason that it calls for the conclusion of opinion of the witness,  
Answer: From all appearances he did,  
Counsel for defendant moves to exclude the answer on the same grounds,

I saw him and his wife very often and saw him every day when they lived together as man and wife,

He is a man of about sixty two years of age,  
His physical condition is bad, I don't think he can do hard work,  
He is known as a poor man,  
I do not know how much land he owns,  
I know he has five grown children, I know that Hubbert Wingender, her oldest son comes here from time to time and stays with his mother while here,

Cross Examination by Counsel for Respondent:

I do not know whether Lillie Wingender receives any support from her grown children, I do not know whether or not she owns any real or personal property,

I know that there are two or three small children living with Lillie Wingender,

I think Lillie Wingender is able to support herself, by labor but as far as I know has no other means of support, other than her labor,

John Wingender has a small farm partly in cultivation enclosed with a fairly good fence, has a about a five room house and barn on it,

I do not know of John Wingender being sick,  
From appearance Lillie Wingender seems to be a woman about 45 years of age and of good health,

---

*John L. Wenzel*

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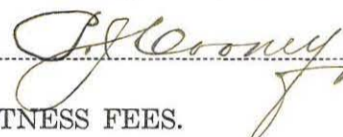


I, P. J. Cooney the said ~~Commissioner~~ ~~the said Register~~, hereby certify that the foregoing testimony was taken down in writing by me

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 25th day of Febry 1922 and March 11th 1922, at

Foley, 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 <sup>testimony</sup> ~~deposition~~, together with the Interrogatories, Direct and Cross, and the documents which testified were ~~deposited~~ to, in an envelope properly endorsed and sealed and placed the same ~~in my office~~ in the Foley Ala Post Office, and directed to the Hon T. W. Richers on Register, Bay Minette Ala, Given under my hand and seal this the 11th day of March 1922, 1922

 Commissioner 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	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$

REGISTER'S FEES.

.....	<u>2</u> days at <u>\$5.00</u> per day	.....	\$ <u>10.00</u>
.....	words at 20 cents per hundred	.....	\$



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

**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, \_\_\_\_\_ day

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

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



JOHN WINGENDER,  
Complainant,

-vs-

LILLIAN WINGENDER,  
Defendant.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

IN EQUITY. NO. \_\_\_\_\_

Come now Samuel C. Jenkins, solicitor for the  
plaintiff and cross respondent, and Rickarby & Bebee, solicitors  
for the defendant and cross complainant, and agree that  
the cause may be submitted on the testimony, as noted in the  
note of evidence.

*Samuel C. Jenkins*  
*Samuel C. Jenkins*  
Solicitors for Complainant,

*Rickarby & Bebee*  
Solicitors for Defendant.



JOHN WINGENDER,  
Complainat and cross-  
respondent.

vs

LILLY WINGENDER,  
Respondent and cross-  
complainant.

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.

IN EQUITY.

It is agreed between the parties to the foregoing cause, by their solicitors of record, that the depositions of Lilly Wingender, and Beatrice Wingender, witnesses for respondent and cross-complainant be taken before Margaret Buck, commissioner by agreement, that the evidence given by said witnesses at this hearing may be submitted on any reference held in this cause as well as upon the hearing upon the merits, <sup>signatures of witness and reading of testimony over to witness is not done</sup>

Entered into this the 14th day of October, 1922.

E. C. Jenkins & J. F. Arzon  
Solicitors for Complainant

Richard & Beche  
Solicitors for Respondent.



to put us all out. My mother left the next day. He beat the little children. He never beat me. He whipped unmercifully and has no reason when he whips. He used anything he happened to come to, sticks about two and a half feet long, about like a broom handle or anything he came to. He threatened to hit my mother but I never saw him hit her with a stick. He called her all kinds of dirty names, dirty bitch, said she was not decent, was not fit to care for children. He has not contributed to my mother's support or the children since the separation. They have not lived together as husband and wife since the separation.

#### CROSS-EXAMINATION

I was there all day in the house where the quarrel took place. The house had four rooms and a kitchen and dining room. My father threatened to slap my mother. That was all he did I remember of. I never saw him strike her. He didn't do it that I know of. He threatened to kill her, just ordinarily. He just takes spells of. All during their married life since I have been able to remember he would just threaten. He never had a gun. He actually meant those threats but never carried them out so far as I know. On this last day he threatened to slap her. I do not know whether he threatened to kill. I didn't hear it. My mother and I left the next day and went to Willie Camel's and stayed there that night and next day went to Foley to Mrs. Lay's Frank Lay's wife. We stayed at Lays about three days and then rented and stayed at Foley a month. This was the only time we have ever lived at Foley. We live now at Bon Secour. My father beat the little children. No one else beside them. He hasn't beat any of the older children so far as I know. The older children were at home since I have been big enough to remember.

#### RE-EXAMINATION

The morning this fuss occurred my father wanted mother to put out his own son. The next morning he was fussing with her son and wanted to put him out.

#### RE-CROSS-EXAMINATION



On the first day that they had the fuss ~~when~~ he wanted to put out his own son, named Henry Wingender, who is thirty years old now, I think. He is not the son of my mother. The next day he tried to put out my own brother, Herbert Wingender. He tried to hit him with a brick. Herbert is my father's son by my mother. He wanted Herbert to help pick sweet potatoes and Herbert could not because he was doing public wrk . Working in turpentine, supporting the family at the time. Herbert is twenty-seven I think. He was over twenty-one at the time. Herbert is the one that is at Sea. Henry was over twenty-one, too. I really don't know what the trouble with him was but I think he wanted him to stop going to someone's house. He would just take spells and get mad.

*Beatrice Wingender*

#### CERTIFICATE

I, Margaret Buck, the commissioner named in the foregoing agreement of counsel in this cause, pending in the Circuit Court of Baldwin County, Alabama, in Equity, wherein John Wingender is complainant and Lilly Wingender is Respondent, and by virtue of the power conferred upon me by said agreement, I caused the said Lily Wingender and Beatrice Wingender, who were made known to me and who were made known to me to be the identical witnesses named in the said agreement, to come before me at the time and place hereinafter named, that is to say I caused the said Lily Wingender and Beatrice Wingender to come before me at the office of E. G. Rickarby at Mobile, Alabama, on the 14th day of October, A. D. 1922; that said witnesses were first duly sworn by me as stated; that they were then examined by W. C. Beebe, Esq. for Respondent and cross-examined by S. C. Jenkins and J. F. Hogan, Esq. for Complainant, and testified in response thereto as it is herein above written; that their testimony was by me reduced to writing as given by them and as near as might be in the identical language of the said witnesses and that after their testimony had been so reduced to writing, it was by me read over to the said witnesses who assented to and signed the same in my presence, and in the presence of the solicitors of the parties.

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

Witness my hand this the *16<sup>th</sup>* day of October, 1922.

*Margaret Buck*

*Commissioner's fee \$10.00*

*Not paid*



JOHN WINGENDER,  
Complainant and  
Cross-Respondent.

VS.

LILY WINGENDER,  
Respondent and Cross-  
Complainant.

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

THE DEPOSITIONS OF LILY WINGENDER AND BEATRICE WINGENDER witnesses examined on behalf of the Respondent and Cross-complainant in the above entitled cause which is pending in the Honorable the Circuit Court of Baldwin County, Alabama, In Equity, S. C. Jenkins and J. F. Hogan appearing as solicitors for the Complainant and Cross-Respondent, and W. C. Beebe appearing as solicitor for Respondent and Cross-Complainant.

The said witnesses appeared before me at the time and place hereinafter named, and after having been first duly sworn by me to speak the truth, the whole truth, and nothing but the truth, did testify and say as follows. That is to say Lily Wingender, being duly sworn testified as follows:

"My name is Lily Wingender. I am the defendant in the cause of John Wingender vs. Lily Wingender in the Circuit Court of Baldwin County, Alabama, In Equity. We were married in Baldwin County. We separated eight years ago."

Q. State the cause of your separation.

Complainant objects to the question on the ground that it calls for the conclusion of the witness.

A. He was cruel to me.

Complainant moves to exclude the answer upon the ground that it is the conclusion of the witness and upon the further and separate grounds that it states merely the opinion of the witness and third, upon the ground that it does not state any facts in support of the opinion of the witness.

Q. While you and Mr. Wingender were living together did he ever curse and abuse you?

Complainant objects to the question on the ground that it is leading.

A. Yes.



Complainant moves to exclude the answer upon the same ground as the ground for the objection.

The day I left home he abused me using bad language. He called me a dirty woman. He wanted me to make his child get away from the house and the next day he raised a fuss with the boy and abandoned the boy away from home and then I left home. The day before I left he said if I didn't make his boy leave from there he would kill me with a gun. He called me a dirty woman. This was not the first time he had ever abused me.

Q. State his conduct generally.

Complainant objects to the question on the ground that it calls for the conclusion of the witness.

Q. State the facts of his treatment of you prior to this time.

Complainant objects to this question on the ground that there is no time fixed in the question.

A. He was mean all the time, very disagreeable all the time.

Complainant moves to exclude the answer on the ground that it is the opinion and conclusion of the witness.

He was disagreeable and always fussing. He would swear and always want me to get those children away from the place. He threatened me, threatened to hit me and threatened to kill me.

Q. State whether or not you had cause to believe and did believe from his conduct that your life or health was in danger.

Complainant objects to the question on the following separate and several grounds; 1st. That it calls for the opinion of the witness. 2nd. it calls for the conclusion of the witness. 3rd. It is illegal, irrelevant and immaterial.

A. Yes, Sir.

Complainant moves to exclude the answer upon the same grounds of objection assigned to the question itself.

Q. State whether or not you left him because of his treatment to you.

Complainant objects to the question on the ground that it calls for the conclusion of the witness. 2nd. It calls for the secret operation of the witness' mind. 3rd. It calls for the self-serving declaration. 4th It is leading.

A. Yes.

Complainant moves to exclude the answer upon the same separate and several grounds as assigned by way of objection to the question.



Q. State what his treatment of the children was.

Complainant objects to the question on the ground that it calls for the conclusion of the witness.

A. He was cruel to the children and beat them. Was always disagreeable to them and cursed them.

John Wingender and I have not lived together since August 4th, 1915. He has not contributed any to my support nor to the support of the children. I have the following personal property: One horse, three head of cattle; and I own 32 acres of land. Mr. Wingender has twenty acres of land, one horse, between 20 and 25 head of cattle, to the best of my knowledge. My house is worth about six hundred dollars, the land is worth about, thirty, thirty-five or forty dollars an acre and the horse worth about a hundred and fifty, the cattle, about fifteen dollars a head. I have no means of support other than my labor. I have three of my own children. Two of them are thirteen and one is eleven. The lumber in the house I live in was not furnished by Mr. Wingender. I bought the lumber from Mr. Steins. I bought the horse from George Francis. When I left Mr. Wingender he gave me no money or property and has given me none since.

Cross-examination by Solicitors for Complainant.

I own thirty-two acres of land in Baldwin County. It was worth about ten dollars when I bought it, raw land, not cleared. I bought one piece last year of sixteen acres. The other sixteen acres my father gave me about thirty years ago. My father's name is Louis Cooke. My land is about a mile and a half from Mr. Wingender's. Part of it is cleared, about ten acres and under fence. The land I bought last year, at ten dollars an acre, is not under fence. I bought it from Mr. John Carver. I have paid for it or my son did but it is in my name. His name is Herbert Wingender. He is twenty-six years old and is the son of the Complainant. He is not living on the place with me. He is an engineer on a ship and is not married. He sends me money from time to time and is my support. He sends me from seventy-five to eighty dollars a month.



My house is on the piece of land that my father gave me. It was built eight years ago during the time I quit Mr. Wingender's. It is just a small house. It was built after I left Mr. Wingender. Mr. Wingender didn't perform any labor in the construction of this house. He did not furnish any of the material that went into the house. I believe, though that he did give the brick to my little boy. These brick were used in the construction of the chimney and were enough to build the chimney. He gave the little boy a wagon load of lumber from the old place. Just a small amount. I don't know how many thousand feet there were in this load of lumber.

This boy was Charley. He was drowned in last June a year ago. Mr. Wingender didn't furnish any other material for this house. He didn't do any work upon the house at all. I am positive of this. I have one cow and two calves. I have no hogs. I have one horse. I have neither a wagon nor a buggy. I have no implements or tools. I haven't a plow or cultivator, nothing of that kind whatever. I farm a little on my land, I make a garden and things like that. I bought the sixteen acres last year for pasture. I intend to get some cattle. I haven't got any cattle. I don't know whether I shall or not this winter. I haven't any money. I use the money I get from my son for the support of myself and my children. My husband has twenty acres of land. It is all cleared, except about an acre <sup>not cleared</sup> or fenced. The rest is cleared and fenced. Mr. Wingender cultivates this every year. He had it planted this last year. His land is worth about forty or fifty dollars, something like thirty-five or forty dollars an acre, along in there. I haven't bought any land except what I bought last year at any time during the last fifteen or twenty years. Mr. Clarke sold a piece of land in the neighborhood that was cleared and fenced and I think he got thirty-five dollars an acre. I heard that was what he got but I am not positive.. That is the only piece of land I know of having been sold in the last four or five years. Mr. Clarke's land is about three miles from Mr. Wingender's land. I do not know of any land in Mr. Wingender's neighborhood having been



sold in the last four or five years. I do not know exactly what Mr. Wingender's land is worth. I know that land down there sold for twenty-five and thirty dollars an acre. The land situated in those low bottoms doesn't sell very good. Mr. Wingender's land is up on a hill, just one small piece, an acre or something like that, a couple of acres, is down low. His place is not sandy.

Mr. Wingender is sixty-five years old. I do not know anything about his health. I know that Mr. Wingender had twenty or twenty-five head of cattle this Spring. I don't know whether or not he has sold them since. I know because my son-in-law told me that Mr. Wingender had that many cattle and he takes care of them

Complainant moves to exclude the witness' statement that Mr. Wingender has twenty- or twenty-five head of cattle, or did have last Spring on the following separate and several grounds: 1st. It appears that witness has no personal knowledge of the number of cattle owned by Mr. Wingender. 2nd. Her testimony is heresay. 3rd. Her testimony is illegal and incompetent.

I passed by his place and saw corn growing there. I am living in Bon Secour. I am here temporarily on account of my child's health. This the girl I have with me that is going to testify. I have lived in Foley only for a month about eight years ago. Have never lived there since. I do not know anything about Mr. Wingender's health. My children are none of them working besides this older son that is at sea. The younger children are going to school. Their names are Wilbert and Wilbourne. The girl I have with me is not going to school. She is sick all the time. She has been sick since she was eleven years old, is now twenty-three years old. Mr. Wingender and I have been married about thirty-one or thirty-two years. I am forty-eight years old. I have three married children, one lives in Cleveland, Ohio, one in Bon Secour and one in New Orleans. I have been living by myself in Bon Secour. I have no Doctor in Mobile, who is treating my child. I send her over every week to Dr. Holmes at Foley. Dr. Holmes thought it would be good for her to live in Mobile on account of her nerves. She is all broke down in her nerves. She has a weak heart and female troubles and has been sick since she



was eleven years old and all broke down in her nerves. The name of my daughter with me in Mobile is Beatrice. My daughter Edna is in school. Edna, Wilbert and Wilbourne all are in school in Mobile attending Tucker School, part of the public schools. Mr; Wingender used to beat the children with sticks or anything he could get hold of. He done it because he was made, not for the purpose of correcting them. They had done nothing to cause him to get angry. He would just up and beat them because he was made about things in general. He bear any of them when they were around. He didn't beat Beatrice. He beat the married children when they were at home. He beat Wilbourne, Wilbert and Edna. I do not know what size stick he beat them with. Mr. Wingender never beat me. He threatened to kill me with a gun if I didn't send the children away the day before I left. He didnot have a gun in his hand when he made this threat. He never tried to get a gun when he made any of his threats. He has threatened to hit me with a ctick and had a stick in his hand at the time but he never hit or even struck at me with it. That went on during all of my married life. I have never left him until in 1915. He grew worse all the time.

Re-direct examination.

It has been three weeks since I heard from my son away. He sent me a hundred dollars about three weeks ago. It had been nearly two months since I had heard before then. He had sent nearly two hundred dollars then, near \$165 of \$170 before I left home. I do not have to pass Mr. Wingender's house going to Foley. He passed it last year and saw about ten or fifteen head of cattle.

BEATRICE WINGENDER *Lily's Wingender*

My name is Beatrice Wingender. I am the daughter of Lily and John Wingender. I was living with them at the time of their separation in 1915 at Bon Secour. I heard a fuss between them the day before their separation. My father wanted mother to put the boy out, his own son out of the house. She refused to do it and he threatened to slap her. He called her a dirty bitch, threatened



( Report of Register of Reference.)

To The Honorable John D Leigh, Judge of the 21st Judicial  
Circuit :

Whereas by an agreement of Counsel made and entered  
into in the Cause of John Wingender, Complainant and Lilly Wingender  
Respondent and Cross Complainant, on the 14th, day of December  
*which agreement is hereto attached*  
1922, a reference was requested, directing the Register to ascertain  
*and*<sup>^</sup> determine the attorney's fee <sup>for</sup> respondent and cross-complainant,.

Now, therefore, I beg leave to report that I have held said  
reference in strict pursuance to said decree, and that I have  
ascertained as follows: That Messrs Rickarby and Beebe, the  
attorneys for Respondent and Cross Complainant are entitled to  
the sum of One Hundred Thirty Seven and 50/100.

All of which is respectfully submitted, this the 16th, day of  
December, 1922.

*J. W. Peterson* Register.

*Complainant  
Counsel reserves an  
exception to the foregoing  
report.*

*J. W. Peterson  
Register*



John Ruggles  
Mrs  
Missy Ruggles

Circuit Court  
Dorchester  
County Ala.

It is agreed that the depo-  
sition of Charles J. ~~Smith~~ be  
taken before the Register  
Michael Commiskey

Subscribed Dec 14, 1922

Richard A. Smith

for Lull Ruggles

S. J. <sup>Smith</sup> ~~Smith~~ <sup>Smith</sup> ~~Smith~~  
attorney for Ruggles



JOHN WINGENDER, )  
                  )  
          VS       )  
                  )  
LILLY WINGENDER. )

CIRCUIT COURT BALDWIN COUNTY, ALABAMA.  
IN EQUITY.

It is agreed in this cause that the Honorable T.W. Richerson, Register, hold a reference to determine the attorney's fee to be allowed counsel for Lilly Wingender, respondent and cross-complainant, without formal order by the Court and that his finding on such reference shall have the same force and effect, and no more <sup>that</sup> ~~xx~~ a reference held under formal order of the Court would have.

Witness our hands this the 14th day of December, 1922.

*S. C. Jenkins* <sup>+ Jesse F. Logan</sup>  
Solicitor for John Wingender  
*Richard & Beebe*  
Solicitors for Lilly Wingender



THE STATE OF ALABAMA,

No. 315

Baldwin County.

CIRCUIT COURT IN EQUITY.

John Wingender Complainant

vs.

Lilly Wingender, Defendant

DEPOSITION OF H.D.Moorer and W.H.Hawkins,

By virtue of the appointment to take the Deposition, indorsed in writing on the Reference 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 H.D.Moorer, and 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 H.D.Moorer, I am a practicing attorney at the Bay Minette Bar, In the instant case a reasonable attorneys to be allowed would Respondents Solicitors where Solicitors were required to make 2 trips to Foley a distance of 40 miles and one trip to Mobile a distance of 25 miles to take depositions and where the Complainant attempts to prove that the property is worth \$500.00 and Respondent attempts to show that it is worth over \$1500.00 and where the Issues are for divorce from bed and board and custody of the children, Alimony and support of 3 minor Children, would be at least \$150.00.

I have examined the file of papers in this cause and this opinion is based upon the work shown to have been done by the papers in the file.

Cross by S.C.Jenkins Attorney for the Complainant.

That often Attorneys in litigation try to minimize and reduce the cost of litigation and of fee's of themselves by recognizing the impoverished condition of their Clients and their ability to pay or not pay such matters and it is their duty to always do so, If the custody of the Children were not in question, and r alimony or property involved a reasonable fee would be \$50

*Henry Moore*



W.H.Hawkins witness for complainant testified as I

follows:  
My name is W.H.Hawkins ,I am a practicing attorney.at the Bay Minette Bar.I have read the file in this case, and glanced over the evidence from the work done by the Solicitor for respondent and the expenses in takin testimony making 2 trips to Foley and one trip to Mobile,I think \$125.00 is a reasonable Solicitors fee for respondents Solicitor,

It is often true and as a rule it is true that attorneys try to minimize the cost of litigation to their Clients and fees to themselves by reducing the same owing to the impoverished condition of their clients . ~~The minimum fee in a non-contested case would be \$50.00~~ In the instatnt case \$50.00 would be a reasonable fee leaving out <sup>the</sup> question of alimony,custody ot the children and no property being involved and the issue being reduced to the simple question of divorce

*W.H.Hawkins*

*Wip fees  
\$1.50-*

It agreed by Counsel that the certificate of Howell Hall ,Tax Assessor as to tax assesements of John Wingender and Lilly Wingender be intrduced in evidence.



I, T.W. Richerson, 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 14th day of December, 19 22, at Bay Minette, Alabama, 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 said Deposition, together with the Interrogatories, Direct and Cross, and documents which were deposited to, in an envelope properly indorsed and sealed and placed the same on file in my office.

Given under my hand and seal, this 14th day of December, 19 22.

T.W. Richerson (L. S.)  
Register.

WITNESS' FEES.

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

Witness <u>H. D. Moore</u>	Days attendance at \$1.50 per day, \$	<u>1.50</u>
	Miles traveled at 5 cts. per mile,	<u>1.50</u>
<u>J. H. Hawkins</u>	Days attendance at \$1.50 per day,	
	Miles traveled at 5 cts. per mile,	
	Days attendance at \$1.50 per day,	
	Miles traveled at 5 cts. per mile,	
	Days attendance at \$1.50 per day,	
	Miles traveled at 5 cts. per mile,	

REGISTER'S FEES.

Register ..... Days at \$1.50 per day, \$ .....  
 ..... Words at 20c per 100, .....

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 No. 315 Page .....  
 THE STATE OF ALABAMA,  
 County, .....  
 CIRCUIT COURT, IN EQUITY.  
John Mangunder  
 vs.  
Lacey Mangunder  
 DEPOSITION TAKEN BEFORE  
 REGISTER  
 DEPOSITION OF  
M. Mangunder  
 for Complainant and Respondent  
 Filed Dec 14 1922  
 Published by order of Court,  
 19  
T.W. Richerson Register.



THE STATE OF ALABAMA, } No. ....  
Baldwin County. } CIRCUIT COURT IN EQUITY.

John Wingender ..... Complainant.....  
vs.

Lilly Wingender ..... Defendant.....

DEPOSITION OF Chas Lenoir

agreement

By virtue of the ~~appointment~~ <sup>agreement</sup> 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. Richerson ..... Register of said Court of said County,

have called and caused to come before me Chas Lenoir

the witness named in the ~~interrogatories~~ <sup>agreement</sup>, 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 Chas Lenoir. I live at Magnolia Springs, Alabama.

I know the parties to this cause

I know Mr Wingenders place , lands are worth from \$25.00 to \$30.00 per acre in this locality, I have passed it several times recently , his place is worth \$1500.00 .

At present prices I don't believe he could build the house for less tahn \$1000.00 . I know Mrs. Wingenders place her place is worth 8 Or 9 hundred dollars , the house is a very cheap affair, ~~and~~ there is <sup>but</sup> little improvement<sup>ts</sup> on the place.

Cross by Hon. S.C. Jenkins for Complainant.

I live at Magnolia Springs and live within 3 miles of Mr. Wingender, I have been on the place once I have never sold or bought any lands near this place .or in th e immediate vicinity .

About 2 years ago I was in the house. my reccollection there was 4 rooms to the house . I do not remember about it being ceiled on the inside but know that it was weatherboarded on the outside .

I am not in the Real Estate business. I know that different people have different ideas about the <sup>value of</sup> land in different neighborhoods.

Chas. Lenoir



I, J. M. Picurron, 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 14th day of December, 1922, at Bayminola 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 said Deposition, together with the Interrogatories, Direct and Cross, and documents which were deposited to, in an envelope properly indorsed and sealed and placed the same on file in my office.

Given under my hand and seal, this 14th day of Dec, 1922

J. M. Picurron (L. S.)  
Register.

WITNESS' FEES.

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

Witness Leas Lewis Days attendance at \$1.50 per day, \$ 15.00  
 Miles traveled at 5 cts. per mile, \_\_\_\_\_  
 Days attendance at \$1.50 per day, \_\_\_\_\_  
 Miles traveled at 5 cts. per mile, \_\_\_\_\_  
 Days attendance at \$1.50 per day, \_\_\_\_\_  
 Miles traveled at 5 cts. per mile, \_\_\_\_\_  
 Days attendance at \$1.50 per day, \_\_\_\_\_  
 Miles traveled at 5 cts. per mile, \_\_\_\_\_

REGISTER'S FEES.

Register \_\_\_\_\_ Days at \$1.50 per day, \$ \_\_\_\_\_  
 Words at 20c per 100, \_\_\_\_\_

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

THE STATE OF ALABAMA,  
Barlow County.

CIRCUIT COURT, IN EQUITY.

John Kingender

vs.  
Lilly Kingender

DEPOSITION TAKEN BEFORE  
 REGISTER

DEPOSITION OF

for \_\_\_\_\_  
 Filed \_\_\_\_\_ 19 \_\_\_\_\_

Published by order of Court,  
 \_\_\_\_\_ 19 \_\_\_\_\_  
J. M. Picurron Register.