

XENIA SOSENKO

Complainant,

-VS-

SIMON D. SOSENKO,

Respondent.

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

Comes Xenia Sosenko, the Complainant in the above styled cause, and moves the Court to compel by proper order Simon D. Sosenko, the above named Respondent, to produce at the hearing to be held in said cause before the Register on the _____ day of _____ 1939, at _____ o'clock A. M., the following papers, documents, and other instruments in writing, viz:-

1. All Notes or other negotiable instruments held or owned by said Respondent, or in which the said Respondent is named as payee;
2. All books of accounts showing or in any way dealing with the transaction of the business by the respondent Simon D. Sosenko, for the past three years;
3. All bank statements, deposit books, check books, and any and all other papers showing, or in any way dealing with, the accounts which said Respondent, Simon D. Sosenko, may have in any bank;
4. All papers, receipts or evidence of any account with, deposit in or stock in the Baldwin County Building & Loan Association;
5. Copies of Income Tax Reports for 1936, 1937 and 1938, filed with the United States Government and with the State of Alabama by said Respondent;
6. Any and all insurance policies on the life of Simon D. Sosenko, whether the same be payable to a particular beneficiary or to his Estate, together with all receipts, showing premiums which have been paid on the same;
7. The original of all deeds of conveyance to Simon D. Sosenko, the title to which property has not been conveyed by the said Respondent prior to the filing of the suit in this cause;
8. Copies of all Tax Assessments by the said Simon D. Sosenko for the years 1937, 1938 and 1939, on property owned by him in Baldwin County, Alabama, or elsewhere;
9. Copies of Tax Assessments made by Simon D. Sosenko on any other property in which he may be interested.
10. Any and all Life Insurance Policies in the possession of Respondent on the life of Xenia Sosenko
11. Inventories showing stock of goods and equipment on hand at the close of the years 1936, 1937 and 1938;
12. Any and all papers, deeds, documents or other instruments in writing in any way dealing with the

business now being run or which has heretofore been operated by the said Simon D. Sosenko showing all business transactions had by him and showing all accounts carried by him in any Bank or Building & Loan Association, and list of any and all property owned by Simon D. Sosenko, or in which he has an interest, and all records showing amount of net earnings for the past three years;

and shows unto this Court as follows:-

1st. That such books, documents or writings contain evidence pertinent to the issue and will be material evidence for the Complainant in said cause.

2nd. That the said Respondent has the possession, custody, control or power over such books, documents and writings.

3rd. That said Complainant has this day given notice to said Respondent of the filing of this Motion by mailing a copy of the same to Simon D. Sosenko, the Respondent in this cause, and by filing the original Notice of the filing of such Motion, together with a copy of the same in this Honorable Court, said original to be served upon the said Respondent by the proper authorities.

Xenia Sosenko
As Complainant

State of Alabama.

Baldwin County.

Before me, the undersigned authority in and for said State and County, personally appeared Xenia Sosenko, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:-

That her name is Xenia Sosenko, and that she is the Complainant in that certain cause of action for divorce now pending in the Circuit Court of Baldwin County, Alabama, in Equity, against Simon D. Sosenko; that she executed the foregoing Motion, after having read the same, and that all the matters and facts stated therein are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on February 23rd, 1939.

Sworn to and subscribed to before me, a Notary Public whose seal is hereto affixed, this 10th day of October 1939.

Xenia Sosenko

Virginia E. Crossland
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

XENIA SOSENKO,

Complainant,

-vs-

SIMON D. SOSENKO,

Respondent.

IN THE CIRCUIT COURT-- IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Virginia E. Crenshaw, a Notary Public in and for said State and County, personally appeared ~~Now~~ XENIA SOSENKO, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:-

That she has filed her Bill of Complaint for Divorce against Simon D. Sosenko in the Circuit Court of Baldwin County, Alabama, in Equity, on the grounds of cruelty; that she has a good cause of action, but she does not own any separate estate and has no means of support nor means to pay her Attorneys for the prosecution of said suit.

Xenia Sosenko

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 4th day of October 1939.

Virginia E. Crenshaw
Notary Public, Baldwin County,
State of Alabama.
My commission expires Aug. 1, 1943.

XENIA SOSENKO,)	
)	
Complainant,)	IN THE CIRCUIT COURT--IN EQUITY
)	
-vs-)	STATE OF ALABAMA
)	
SIMON D. SOSENKO,)	BALDWIN COUNTY.
)	
Respondent)	

It is hereby stipulated by and between the parties hereto by their respective Solicitors that Miss Virginia Crenshaw may serve as commissioner for the purpose of taking testimony in this matter without formal commission; that the signature of the witnesses to the depositions be and they hereby are waived; the witnesses for the Complainant are:

- Mrs. Xenia Sosenko
- Mr. Benjamin Griffiths
- Mrs. Benjamin Griffiths
- Mr. Earl Griffiths
- Mr. Emory Gullette
- Mr. Charles Davidson
- Dr. R. A. Hail
- Mr. E. F. Sanders

W. H. H. H.

 Solicitor for Complainant
W. H. H. H.

 Solicitor for Respondent

TESTIMONY OF MRS. XENIA SOSENKO, WITNESS FOR COMPLAINANT. DIRECT EXAMINATION
BY HON. LLOYD A. MAGNEY, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: What is your name.

A: My name is Xenia Sosenko.

Q: You are the plaintiff in this divorce action.

A: Yes.

Q: How old are you, Mrs. Sosenko.

A: I think I past sixty last February.

Q: Where and when were you married to Mr. S. D. Sosenko.

A: New York State. Yonkers, New York.

Q: And when.

A: I cannot tell you that year. I know it was in February about forty years ago. I had a little booklet and had it written in it but I forgot it and left it at home.

Q: You were about twenty years old when you got married.

A: Yes, about.

Q: What had you been doing before you got married.

A: Working in carpet factory.

Q: What was Mr. Sosenko doing.

A: He was working in a store, clerking as much as I know it. I did not know much about him, just I know he was working there.

Q: You knew how old he is.

A: I sure do not know. He says he was twenty one when we married.

Q: When you got married to him did you have any money.

A: Yes, I did.

Q: How much money did you have.

A: I had Three Hundred Dollars. This was moneys owing to me from some of my people, and my cousins, and other people and I got that.

Q: Did Mr. Sosenko have any money.

A: I do not know of it if he had any. I did not see any.

Q: Did he have any in the Bank.

A: Not that I know.

Q: After you got married to him where did you live.

A: In Yonkers

Q: Yonkers, New York.

A: Yes

Q: How long did you continue to live in Yonkers, New York.

A: Six or seven years, I think it was.

Q: How long did you continue to work.

- A: Over a year after we married and then I had to stop for a little while.
- Q: What was the occasion for your stopping.
- A: Just married life.
- Q: Did you ever work again after that.
- A: Yes.
- Q: How long did you stop work.
- A: One year I work and then I stopped because of the baby. When I went back to work baby was only eleven months old. My husband told me that we did not have enough money and he told me to go back to work. The boss did not want to take me back because I was married and had the baby.
- Q: Did you then go back to work.
- A: He took me back to work and I worked over a year.
- Q: Did that baby live.
- A: Only until he was four years old.
- Q: Did you have any other children.
- A: No.
- Q: Mrs. Sosenko, when was your baby born.
- A: I could not tell you. I had everything in little book but when I hunted for it I could not find it.
- Q: If you were married in 1900, how long were you married when the baby was born.
- A: About thirty-eight years ago.
- Q: How long had you been married when the baby was born.
- A: A little over two years.
- Q: Did you ever have any more children.
- A: No.
- Q: How long did you continue to live in New York.
- A: After the baby died we lived there a while and then he sold shop and he come here first and I followed him. I come here in 1906.
- Q: What kind of shop did he have back there.
- A: Grocery and meat market. With other partner we had grocery and started meat market.
- Q: Did he use your money.
- A: Yes, everything I had.
- Q: As far as you know he had no money of his own and it was your money that started the business.
- A: Yes.

Q: And he continued to operate the shop until 1906.

A: Yes.

Q: Then he sold the shop and came down here and you stayed up there.

A: Sure, for while, couple months.

Q: And you came down here.

A: Yes. He bought the farm and wanted me to come here.

Q: Where was your farm located.

A: Just about two miles southwest of Summerdale.

Q: And you moved with Mr. Sosenko on the farm.

A: Yes.

Q: Was it sometime in 1906.

A: Yes, I got to farm in 1906.

Q: How long did you stay there on the farm.

A: About eight years or something like that.

Q: How much land did you have there.

A: Forty acres, there was.

Q: You and Mr. Sosenko farmed that forty acres for the eight years.

A: We only farmed twenty acres.

Q: You two farmed for eight years until you moved to town.

A: Yes.

Q: Did you work on the farm too.

A: Yes I did everything but plowing.

Q: Did you have any cows to take care of.

A: First we had only one or two but after we started dairy we had eight.

Q: Who milked the cows.

A: When we had two I milked and after starting dairy I told him to help and I milked four and he milked four too.

Q: Did you work in the field.

A: You bet I did if able or not I got to work, carry fertilizer, and do everything.

Q: Did you have any help on the farm.

A: Once in a while when shipping come and potatoes had to be dug, he hired somebody.

Q: But the other time you two along did the work.

A: Yes.

Q: Did you have any help with your house work.

A: Why, no, I had no help, just myself.

Q: You did your Cooking and the other work, too.

A: Yes, cooking, washing, and everything what should be done. Chopped wood, bring water, feeding chickens, pigs and everything.

Q: You did your work on the farm just the same as he did.

A: Yes.

Q: After you were on the farm the eight years what did you do.

A: He bought store in Summerdale.

Q: What did he do with the farm.

A: Rented it for few years but the last years just anybody lived there.

Q: It was about 1914 or 1915 when you opened the store in Summerdale.

A: It was before the World War.

Q: Where was the store located.

A: We changed three times. First time we started there where we had a little shack and he ran feed store and after that he opened other place and we had feed store and groceries. The other time we moved where the store is now, owned by Jurkiewicz and was there four years.

Q: Then what did you do.

A: He sold store to Mr. Jurkiewicz.

Q: After he sold the store what did you do.

A: When he sold business to Jurkiewicz then I took a trip to New York for few months and he was taking treatments in Mobile; then I came back.

Q: Then what did you do.

A: We come back and went to farm for while.

Q: And you were there about a year and afterward he opened a store on the other side of the street from where it is now.

A: YES.

Q: When was that, what year.

A: I cannot remember just what year.

Q: How long have you been in the store where you are now.

A: Sixteen or Seventeen years.

Q: And during the last sixteen or seventeen years you have been running the store where you are now.

A: Yes.

Q: During the time you were running the stores, after leaving the farm, did you work at the store.

A: Yes. I worked in the store and at home kept house and worked just like he did.

Q: You stayed in the store all the time just like he did.

A: Certainly

Q: And how long did that continue.

A: Until last Fall, I left.

Q: During the years when you were running the store did you work along with him.

A: Yes, and by myself when he was not there. I was always in the store taking care of the business just like he did.

Q: During all these years that you lived with Mr. Sosenko in New York and on the farm and in the stores, how did he treat you.

A: He did not treat me good up north either. Sometime he speak to me so mean and sometime he get mad with me and not speak to me for three or four weeks for any little thing and he got sore when I said anything to him. Before I married him he dropped his job and did not work before we married. I tell him when we married that he does not work at all. I pay all his debts which he owe to other people. He was owing and asked money from me and I give it to him as he was not able to pay and one time when I was sick when I was at home I could hardly get up from bed, so I went back to bed after breakfast and I asked him to get up and told him he had better get up and go and look for something to do. I always left him in bed in the morning and I went to work and when I come home that night and he was not home any more. And his cousins said he had not come home all day. When he come home I asked him question and he would not answer. He would not speak to me for three weeks just because I asked him to work. He would not eat with me, taking my money and going to eat somewhere else then. Then when he seen me cry he said that please him. He says he was not hungry and that I was not feeling bad and not hungry. So then his cousin we are boarding with had room with him and his wife, said why I live with him when he treat me so. Then on farm same way I have to work so hard and when I say cannot lift and cannot push wagon he says I am strong as mule and says I am just as strong as he is. And one time I was helping him lift long piece wood and I was helping him to put it on wagon and it had long limb. I grabbed bottom but could not lift it over wheel and I told him I could not do it and he got mad because I could not lift it and that limb hit me on the head and nearly knocked me down.

Q: What did he do then.

A: Nothing. I do not know if I find way to lift it or not. I was so sick. And then one day he cursed me, kicked me and threw me on the ground.

Q: You mean to say he hit you and threw you on the ground while you were on the farm.

A: Yes.

Q: Then what.

A: One year just before Xmas we were digging sweet-potatoes all day and we came home to have supper and he was pretty good and after supper a dog came into the house.

Q: Your dog.

A: Sure, and I told the dog to get out and my husband grabbed me by my coat and threw me against wall and that was all I know. When I woke up I was on floor. I do not know how long I stay on floor. He was in bed already then.

- Q: You mean to say that he threw you on the floor so hard it knocked you unconscious and you fell on kitchen floor and you lay there and he went to bed.
- A: Yes.
- Q: Was that kind of thing happening every once in a while or what this just an isolated case.
- A: That was just one time. The next morning he cried and say he not hit me any more, that he sell farm and give half of the money to me and I go where I want and he go where he want.
- Q: But he never sold the farm.
- A: No.
- Q: Did he hit you any more.
- A: Fer about three months he was pretty good to me then started again. Then I figured to leave him then he says will move to city with me to Summerdale. Then he opened store and I changed my mind and thought I stay because would be among the people.
- Q: After he opened the store in Summerdale, how did he treat you.
- A: He do not hit me once while a year in the store but fussed with me and was mean. He do not hit me once while we in that store on other side. Not until later.
- Q: When did he last hit you.
- A: Last August.
- Q: What was the occasion for his hitting you.
- A: He hit me on accounty he come home and opened refrigerator and he had beer in there and he pulled beer out and I had half bottle of Soda water thereto and when found it there he put it on top of refrigerator and took his bottle and took half glass of beer and put his bottle back and I had my bottle of soda water back and when he saw my bottle he threw it away. So I grab at his half bottle beer and threw his bottle same place as he throw mine. I know I would get beaten but I threw it.
- Q: When was this.
- A: August. He jump on me and hit me on shoulder and push me through kitchen and push me through hall and threw me outside and push me out and shut door and he went back inside the house and picked up my clothes and threw my clothes on the ground. It was raining and he say that is all you got here. Get out.
- Q: That was in August 1939.
- A: Yes.
- Q: Have you lived with him since.
- A: Yes.
- Q: After he pushed you way did you go back.
- A: Yes. That evening I took my clothes and did not come home that night but stayed in little house. Next morning came to store and cooked my breakfast.

Q: How long did you stay with him.

A: I stay on in little house and go to store in day time. One day I cook dinner and he would not eat with me. He say he not want nothing. I put dinner on the table but he got canned goods from refrigerator and he started eat there and he had loaf of bread and I did not want another loaf of bread opened because it dried up and molded and I went to him and told him that I wanted a couple slices of bread and I take couple of slices of the bread and he hit my arm and took loaf of bread and I wanted to get away but he grabbed chair and was beating me on my back and I could not get away. And he pushed me out from the house and threw me out.

Q: And this last beating you tell us about, did you have to go to the Doctor.

A: Yes. That happen Tuesday. I know my back hurt and I went to little house I put towels wet in hot water on my shoulder. It was hurting me so bad and I did not know nothing to do. I went to a woman there nearby and says I want her to look at my back. She looked at it and said I had a swelling on left shoulder. Next day I went to Doctor. Doctor told me it look like I had two ribs broken.

Q: What Doctor did you go to see.

A: I went to Dr. Hail. He called Dr. Cummings and he says he does not see anything wrong with my back and Doctor says I have ribs broken and they worked on me and put paste on my back and put tape on me and I paid him two dollars.

Q: Did your ribs get all right.

A: They got all right but they still hurt. Both Doctor's told me they never be all right because they stayed too long and started growing crooked. But all my back still hurts.

Q: Your back still hurts you.

A: Yes. I been in Doctor's office later. Specially when bad weather come it hurt. I cannot do anything.

Q: After that last beating that you tell us about, you decided to get a divorce

A: Yes.

Q: That was sometime in September 1939.

A: Yes.

Q: During all these years that you worked with Mr. Sosenko first in New York then on farm and later in the stores did he ever give you any money.

A: Little bit for me and little for clothes but I had trouble then to get it and had tough time to get it.

Q: Did he give you any part of the money you earned during all those years.

A: No. I only had little bit along and had bad time getting that.

Q: Do you have any money now.

A: I have little saved from that I get.

Q: How much.

A: About a Hundred Dollars but I still owe to Griffiths yet. I do not know what they going to charge me.

Q: Is that where you have been living since you left him.

- A: Yes. I lived at Sharretts and at Pressleys some too.
- Q: That few dollars you have saved is that all you have for your forty years hard work.
- A: Yes, and I still owe some of that, for board.
- Q: The money that was earned on the farm, who kept that.
- A: He did.
- Q: The money earned in the stores, who kept that.
- A: He did.
- Q: Did you ever get any money from any of your relatives and friends.
- A: Certainly, my sister was sending me things even clothes, and money.
- Q: What became of the money that you received in this way.
- A: I put it in house and it disappeared.
- Q: Who got it.
- A: He did, I guess.
- Q: Mr. Sosenko,
- A: Yes.
- Q: Mrs. Sosenko, what property does your husband own now.
- A: Farm, that store, that house what burned up, just a lot now, that is all.
- Q: That is all the real estate you know about.
- A: Yes.
- Q: Did he have any stocks or bonds.
- A: I could not tell you.
- Q: Do you know whether he has stock in Alabama Power Company.
- A: He is supposed to have. He did have.
- Q: How long ago.
- A: I could not tell you as he kept it secret and I could not find out anything.
- Q: Do you know how much money he had in the bank.
- A: I know that he had \$10,000.
- Q: You heard Mr. Sanders say that, did you not.
- A: I knew that before.
- Q: You already knew about that money in the Bank.
- A: Yes.
- Q: Do you know what he values the farm at.
- A: When neighbors ask him he says \$2500, but nobody wants to buy and says it is too much.

- Q: Do you know whether he has any money owing to him at the store by different people.
- A: Plenty. Thousands of dollars have bills owing to him and people died and did not pay him. Some pay and some do not pay and I know he collected last shipping from the Powers family \$300.00. I believe it was after people sold potatoes. He keeps collection from some of them all the time.
- Q: Do you think he has good collections on bills.
- A: Yes.
- Q: Do you know how much is owing him by the books, of the store.
- A: No, some of the bills have even been throw away and some put away as no good.
- Q: Do have any idea how much money is due him from these bills.
- A: Several thousand dollars.
- Q: And you have not anything.
- A: No, Sir.
- Q: Do you recall after you came down here you collected \$100 from some one you loaned to in New York.
- A: Yes. I had that much since I was girl. When I went there seventeen years ago it was paid to me. Most of it was from my sister and from different cousins of mine. Different ones gave me back \$20 some \$30 and it was way over \$100. That was owing me so they pay me.
- Q: What did you do with the \$100. That was owing me so they pay me.
- A: I brought it here with me and tried to keep it in house there in big house where burned up and he found it and took it.
- Q: In other words, when you got money it was his.
- A: Yes.
- Q: Is there anything else that you want to tell that I forgot to ask you.
- A: Yes.
- Q: What.
- A: Well, He was going off one Sunday morning so I sat in car and going with him. And he was going on Orange Beach road and I wanted him to stop the car one place and he did not want to stop. And I cried and wanted him to stop right now. He drove on and no would stop, and I said I wanted him to stop so he stopped and when I started going from car he backed car from front different ways and that way and this. All I remember was this, and I know not anything about it until I found myself on gulf road and I woke up and I looked up and around, to see where I was.
- Q: Do you mean to say that when you were getting out of the car it threw you down and when you came to you were back to Gulf highway headed home.
- A: No, he went to Gulf to go bathing and when he stop car I woke up and said I do not know where I am. He was standing with glass of water and said there was me some water but if I drink or not I do not remember and then he says there is back of car and I got up to go and I vomitted and I came to the car and got on the back seat and lay down and he talked to me and said go in the water and the water will draw it out of your face. I could not walk but he did go and for two hours he go in water.

and for two hours he stay in water and I stay in car and suffer. I was on the back seat.

Q: When you were getting out of the car, it started up and that threw you down and made you unconscious.

A: Yes. My face was all black.

Q: You say the whole side of your face was black.

A: Yes.

Q: How long ago was that.

A: One year ago on July 11th.

Q: One year last July.

A: Yes. I think that is what it is.

Q: Do you think he backed his car purposely.

A: I could not tell you.

Q: What kind of car was this.

A: I think, a Ford, same kind as he has now.

CROSS EXAMINATION BY HON. W. C. BEEBE, SOLICITOR FOR RESPONDENT,

- Q: Mrs. Sosenko, your sister you say sent you \$100.00.
- A: No. I collect from her and other people, some cousins and some friends.
- Q: When did you collect it.
- A: I think it was sometime after the World War.
- Q: How long after the world war.
- A: I could not tell you just how long but it was after he sold store to Jurkiewicz. I know it was after the war.
- Q: That was before you went back to the farm the last time.
- A: Yes
- Q: Did your sister ever give you any money.
- A: Yes, and others pay me how much they owe. And they give me clothes.
- Q: How much did they give you.
- A: I not know how much, they just give me some different times.
- Q: What did you do when you came back from your trip North.
- A: When I came back from North and he ask me to go to clean farm and says he will sell farm and give me part of the money so we went there and one time he went to Summerdale and when he come home he brought envelope, registered letter. He says "Here's letter from your sister. I opened and found \$10.
- Q: Was that the last time they sent you any money.
- A: Yes, I think it was.
- Q: Did she give you money before then.
- A: Yes Sir, She sends me clothes and stamps and sometime \$10 and \$5.00 in letter.
- Q: The last time she sent you any money was while you were living on the farm.
- A: Yes, while we was living on farm.
- Q: At the time you went to Yonkers, New York how much money did you have.
- A: He says \$250 but I found only \$150 but he probably took the other \$100. He might found it and had it in his hands. I do not know.
- Q: Mrs. Sosenko, in 1931 did you and Mr. Sosenko have any trouble then.
- A: Sure.
- Q: Did the sheriff come down there and did he take a gun away from you.
- A: No, Sir.
- Q: The Sheriff did not take a gun from you.
- A: No. Sir, not from me.
- Q: Where was the gun then.

- A: There was some papers and bills on a desk-like and one time I find a gun there. He kept some kind of gun under his pillow where he slept, and I was afraid of it.
- Q: Who put the gun where you found it.
- A: I guess he did.
- Q: Who came and got the gun.
- A: Mr. Davidson.
- Q: Who told him where it was.
- A: I showed it to him.
- Q: When did you first see it was there.
- A: That day when he was going to Bay Minette. Before he left he was going to get sheriff he told me and I did not know about. When he left the house I started to look and he had all kinds of magazines and old bills and I hunt and shook papers and moved papers every where and then when I did not find it then I go to the store and looked every where there and I went to front and looking there and pushed all those things where slips are and I found it there.
- Q: And then when the sheriff came you told Mr. Davidson where it was and he took the gun.
- A: Yes.
- Q: Whose gun was that.
- A: I guess it was his.
- Q: How long had he had it.
- A: For long time. He used to keep it under pillow and I was afraid.
- Q: Did you and he ever fuss any.
- A: Plenty.
- Q: Did he ever hit you, before.
- A: I think he did.
- Q: How long had he been beating you up.
- A: On Farm.
- Q: Did he beat you while you were in New York.
- A: No, not so much. One time he kicked me though. We had dinner ready and I started pull him by the hand and he kicked me and his cousin says, "Are you going to put up with him. I would push him down the steps."
- Q: At the time you separated from him where did he spend the nights.
- A: Back of store.
- Q: Where were you sleeping.
- A: Some time in same bed and some time in back in little house. Especially in summer it was so warm where he was sleeping and I told him why he sleep there and I slept there lots of times and sometime he by himself. And in Winter I sleep with him.

Q: Did you cook for him.

A: When he eat I cook and when he would not eat I would not cook. So much time he would not eat and it waste to cook.

Q: When did he quit eating.

A: Last time I think he did not eat with me for almost year. Last time I had chicken, potatoes, gravy and other things and he would not eat with me.

Q: You prepared meals in the little addition behind the store and he prepared his in the store from canned goods.

A: Yes.

Q: And you slept in the little house and he slept at the store.

A: No, he sleep in little room back of the store.

Q: Where did you get the money to buy groceries.

A: I got them in the store.

Q: You took groceries from the store and cooked your meals and he ate from canned goods from the store.

A: Sometime he ate in the kitchen and sometime in the store.

Q: But before that for about a year you did not cook for him.

A: I could not swear how long because sometime he would not eat for months with me and then started again. If he was not in good humor and not speak to me he would quit eating.

Q: You got what canned goods you wanted from the store.

A: Yes, but when I took dress or clothes had to hide them from him because he got mad.

Q: You took what clothes you wanted though from the store.

A: Just cheap goods.

Q: You sold goods over the counter.

A: Yes, sure.

Q: And you handled money and when you wanted money you went to the drawer and got it.

A: I not use much money that way.

Q: If you needed money though the drawer was open.

A: Sometimes I take twenty five cents or something like that.

Q: This time when you say he broke your ribs how did it happen.

A: That was the time he ate in little house and I in kitchen. I did not want to open another loaf of bread because it get hard and molded and I do not want to eat too much because I was fat. I went there and was going to take couple slices of bread from his loaf and when I reached for it he hit my hand and knock the bread on the floor and I want to get away but he jump from chair and beat me all on my back and I could not holler because he was beating so fast, and people would not hear as the radio was going. Then he grabbed me by shoulder and pushed me through kitchen and threw me out.

Q: Was he in the kitchen that is part of the store.

A: In little room that he called office that is a part of the store.

Q: Then you ate in the little house back of the store.

A: In kitchen.

Q: You had prepared your meal in the kitchen.

A: I was eating in kitchen.

Q: Where was he eating.

A: Sometime in kitchen and sometime in office.

Q: And you went from the kitchen into the office to get slices of bread.

A: Just couple pieces.

Q: What did you say.

A: Nothing, I went close and he knocked my bread from my hand.

Q: Was the bread already sliced.

A: Yes, it was sliced and was rye or whole wheat bread I do not remember which.

Q: Did you have a knife in your hand.

A: No, Sir.

Q: When he knocked your hand away what did he do.

A: He jumped and beat me before I had time to turn and then he just started to bed.

Q: Was he seated when you came into the room.

A: Yes

Q: Was the bread in front of him.

A: Yes, on one side was big table.

Q: Did you come in back of him or facing him.

A: I come through this way

Q: On the side.

A: Yes.

Q: The bread was on the little table and you reached over his shoulder.

A: No it was on side.

Q: And he knocked your hand away.

A: Yes

Q: What did you do then.

A: I started to run away and before I had a chance to turn he jump up and beat me.

Q: Where did he hit you.

A: All over back.

- Q: In the face.
- A: No.
- Q: Where did he injure your back.
- A: On my shoulder and on Back.
- Q: What did he hit you with.
- A: His fist.
- Q: Did you hit him.
- A: No, I like to hit him in nose.
- Q: Did he knock any blood out of you.
- A: No.
- Q: Then what did you do.
- A: When he was through beating he grab me by shoulder and push me through kitchen and threw me out on ground.
- Q: How far were you from the little house.
- A: Just little ways.
- Q: Did you go on in the house.
- A: Yes.
- Q: Did you have any blood on you from the beating.
- A: No.
- Q: Were there any marks on your body.
- A: Yes, it must have but I could not see my back but it hurt so bad and I not know what the trouble. I take hot towels and put alcohol on my back and thought just sore but was sure something was broke.
- Q: Did you hear any ribs crack.
- A: Yes, I did, but did not think about it could be broken.
- Q: That was on Tuesday.
- A: Yes.
- Q: Where did you stay on Tuesday.
- A: In the little house.
- Q: Where were you Wednesday.
- A: In Store. I had breakfast and then stayed in store.
- Q: Where were you on Thursday.
- A: I stayed in store every day.
- Q: What did you do on Friday.
- A: I stay in store until way late in evening then I went to one woman and took alcohol bottle to rub my back and I says I want her to see my back.

It is hurt me so bad. She said it was swelling on left side.

Q: What happened then.

A: She say I better go to see the doctor, so she rub me with alcohol and put turpentine on my back.

Q: What day was that.

A: Friday.

Q: What did you do Friday night.

A: I sleep in little house.

Q: What did you do Saturday.

A: In store until train time then I go to see Dr. Hail.

Q: What time was it then.

A: I not know the time, it was just train time and I go from train to the doctor office.

Q: What time did you get back from Dr. Hail's office.

A: I think I wait until train come but sometime somebody from Summerdale pick me up and give me rids. I am not sure if I return on train or with somebody.

Q: Where did you spend Saturday night.

A: At home. I stay in store as long as customers come and then went to house and slept.

Q: What did you do Sunday.

A: I had breakfast.

Q: Did you fix breakfast for your husband.

A: I did fix breakfast and he would not eat, I put it on table. I stayed home all day Sunday.

Q: Where did you spend Sunday night.

A: I did not go any place, just stay home.

Q: Where were you on Monday.

A: I could not tell you but I think I stay in store waiting on customers.

Q: How long was it before you left him.

A: I could not tell you. Quite a few days.

Q: When did you come to see the lawyer.

A: I could not tell you but I think I stay in store waiting on customers.

Q: How long was it before you left him.

A: I could not tell you.

Q: What day was it you come to see the Doctor.

- A: I do not know just what day, if that same day I went to Doctor or not. Doctor tole me to go and say am I going to live with my companion who treat me that way. When he saw me he say my ribs are broken, and that my shoulder hurt and the other Doctor that was there with him and Dr. Hail ask me I goin g to live with my companion until he kill me. He says you better seesa lawyer.
- Q: Did you stay with him a week or two weeks after that.
- A: I could not tell you.
- Q: Were there any bruises on your back.
- A: I could not tell you. I could not see my back.
- Q: Were there any bruises on your side.
- A: I could not see but I take treatments with hot towels.
- Q: As a matter of fact did he not hit you on the side.
- A: He hit me on my shoulder and on back.
- Q: Did he hit you on the side.
- A: Yes.
- Q: Was your back turned to him.
- A: Certainly
- Q: Were you facing him at any time.
- A: Not that time. I was facing him first time but then when he jump I try to get away, after he hit my arm.
- Q: Then he hit you in the back and pushed you out the door.
- A: Yes.
- Q: Mrs. Sosenko, as a matter of fact did you not fall on the steps two or three days later and hurt your side.
- A: Not, I'll swear at any time that I did not.
- Q: Are you sure of that.
- A: Yes, certainly I am sure of that.
- Q: Did you complain to Mr. Sosenko on Tuesday or Thursday about your back being sore.
- A: I could not remember but I do not think I speak to him after last beating. I ask about business and otherwise I did not speak to him any more or him to me. I might say to him that he break my ribs and crippled me up, that is what I told him and cried.
- Q: To whom did you complain on Tuesday or Wednesday.
- A: I do not remember. I remember talking with Hatfields one day down at the store. And she say something about having to have something tied on her back and I say I guess I have to have something, either tin or iron, on my shoulder to protect me from being hurt so much.
- Q: What day was that.
- A: I do not remember what day but it was after he beat me.

Q: Were the Hatfields the only ones you talked to about this.

A: Yes, then the second time she was at store she notice something wrong with me so she asked what was trouble and did Mr. Sosenko beat me. I say yes, you can see that. She said she thought from the look on his face something was wrong because his face jump like he was nervous.

Q: Who else did you complain to.

A: I could not tell you. Just this woman I remember.

Q: And on that trip you made to Orange Beach in the car on Sunday in July of 1938 were you riding where.

A: Where he was going I was going. I did not speak to him at all, just go ahead and get in the car.

Q: You went in the car and said nothing.

A: Yes.

Q: Did you ask him to carry you any where.

A: No.

Q: Did he object to your going.

A: He did not speak to me.

Q: Did you speak to him then.

A: I think I did. He stop in Foley and got dinner and I waited in car.

Q: Did you want any dinner.

A: He not ask me.

Q: Did you get anything to eat.

A: I had some cakes and ate them.

Q: Were you on the front seat or back seat.

A: I was in back seat first and he stop to fish in creek and was going fishing and leave me in the car and after he come back, I sat with him in front.

Q: When you fell were you in the back or the front.

A: I was in front with him.

Q: Had the car fully stopped when you started to get out.

A: He started to stop the car as usual. He looked under his feet while I was getting on running board and while I was on running board of car he started the car going front and back.

Q: That was before you got out.

A: Yes.

Q: Did the car stop still before you tried to get out.

A: Sure, until I step on running board.

Q: Then he started the car again.

A: Yes, made car go front and back, first one way and then another.

- Q: You fell out of the car and on the road and bruised your face.
- A: I could not tell how I fell. I do not know if door hit me or I hit the ground and I did not know anything.
- Q: He left you there like that.
- A: I do not know but he must have lifted me up and put me in the car unless somebody help him.
- Q: Were you not riding on the back seat.
- A: Just when started from house.
- Q: Were you not in back seat while riding and you fell.
- A: I was in the back seat before from the house to Foley and from Foley to the creek, then he stopped to fish and he left me in the car so when he come back I sat with him in the front and he turned around and started to go to Orange Beach and in bushy place I beg him to stop the car.
- Q: And after he stopped he opened the door.
- A: I opened it.
- Q: You opened the door and started to get out and fell.
- A: I do not know how I fell but when I start to get out he move car front and back and that is all I remember and I do not know if door hit me or I fell on ground.
- Q: When the car ran back you were on running board.
- A: When it ran to back and front and how I fell I do not know. If I hit the ground I do not know.
- Q: How long have you been at Mr. Griffiths.
- A: Over four months. I come there on Thursday to Griffiths.
- Q: Are you paying them board.
- A: Yes.
- Q: How much
- A: I have not got everything paid yet. I just give the few dollars.
- Q: How much.
- A: I could not tell you just give them two or three dollars once in a while. I ask them how much I pay and they say we have plenty time to pay. Just wait as I have not got much money.

TESTIMONY OF DR. R. A. HAIL, WITNESS FOR COMPLAINANT, DIRECT EXAMINATION BY
HON. ORVIS M. BROWN, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: You are Dr. R. A. Hail.

A: Yes.

Q: You are a licensed physician.

A: Yes.

Q: How long have you been practicing medicine.

A: 40 years.

Q: Do you know Mrs. Sosenko.

A: Yes, and I know Mr. Sosenko too.

Q: Doctor, about September 1939 did Mrs. Sosenko come to your office for medical treatment.

A: I do not know what time Mrs. Sosenko came to the office but she was there several times, but I could not say definitely on what date.

Q: Was it during the Fall of 1939.

A: I think it was.

Q: At the time Mrs. Sosenko called at your office what was the nature of her complaint.

A: She had broken ribs but I do not know side it was on.

Q: Do you know how many were broken.

A: I guess so but I do not know just what her statement was. She claimed Mr. Sosenko hurt her but I do not know how. All I know was that she had two sore ribs, one broken and the other had a knot on it and I thought it was cracked.

Q: The dates could be definitely established by your records, could they not.

A: I reckon they could. I think I have a record of it but I would have to hunt a half year to find it. Mrs. Sosenko paid cash but I guess there was a record made of it.

Q: At that time that you treated her just what did the treatment consist, of.

A: I strapped up the ribs for her.

Q: How did it turn out.

A: She is well.

Q: Did it improve according to your expectations.

A: Yes. I did all I could to straighten it up.

Q: How long did it take the ribs to heal, or how long does it usually take in a case like that.

A: About 3 weeks.

TESTIMONY OF MR. E. F. SANDER, WITNESS FOR COMPLAINANT, DIRECT EXAMINATION
BY HON. ORVIS M. BROWN, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: You are Mr. E. F. Sanders.

A: Yes.

Q: What is your business.

A: I am Cashier of the Farmers & Merchants Bank of Foley, Alabama.

Q: How long have you been with the Farmers & Merchants Bank of Foley.

A: Since 1926.

Q: And you have been Cashier since 1932.

A: Yes.

Q: Has Mr. S. D. Sosenko been a customer of your bank during recent years.

A: Yes.

Q: How long have you known him in the Bank.

A: Since 1926.

Q: Ever since you came.

A: Yes.

Q: Is he still a customer of the Bank.

A: Yes, Sir.

Q: During the month of September 1939 did Mr. Sosenko make a substantial withdrawal of his account in the Farmers & Merchants Bank.

A: Yes, Sir.

Q: What was the amount.

A: \$10,000.

Q: Was that all the money Mr. Sosenko had in the Bank at that time.

A: No, Sir.

Q: How much was left.

A: \$96.40 on one account and less than \$20 on checking account.

Q: So he with-drew \$10,000 and left apporximately \$115.00 in the bank.

A: Yes, Sir.

Q: Did you have any conversation with Mr. Sosenko when he with-drew this \$10,000.

A: Yes.

Q: Did you ask him what he wanted to withdraw all that money for.

A: I ask him if he would not leave it in the bank and he said he would rather have it and I told him I could give it to him any way he wanted to have it and I told him I could give it to him any way he wanted.

Q: Did he tell you why.

A: No.

Q: Did he say something to you to this effect that he thought his wife was going to sue him for divorce and came to Foley to see a lawyer and wished to take it.

A: I do not recall.

Q: You had an idea that was it because of the conversation you and he had sometime prior to that.

A: Yes, Sir,

Q: What did Mr. Sosenko do with that \$10,000, if you know.

A: He purchased a Cashier's check with it and it was later returned through another Bank. It appears from the endorsement that it was transferred to another Bank.

Q: Has he ever redeposited any substantial part of that money with your Bank.

A: Yes, Sir:

Q: How much money does he have on deposit at this time.

A: \$7997.59 and \$24.32.

Q: When did he redeposit the large sum.

A: He deposited a large sum on March 6th of this year.

Q: Has Mr. Sosenko been in the habit of depositing any dividend checks with you, in recent years.

A: Well, he has been in the habit of making deposits. On February 13th and on April 24th he made a deposit.

Q: This year.

A: Yes.

Q: Have you noticed any dividend checks in his deposits.

A: I do not know as I do not pay any particular notice to checks and then sometime I do not take deposits because some of the deposits are received by some other Clerk in the Bank and unless I took them myself I do not know.

Q: Have you ever seen any dividend checks from the Alabama Power Company for Mr. Sosenko.

A: I have seen one or two from Alabama Power Company for Mr. Sosenko, and one or two from Building & Loan.

Q: Dividend checks.

A: The Alabama Power Company was but the Building & Loan I do not know and I do not recall the amount.

Q: Do you recall the amount of the Alabama Power Company checks.

A: No.

CROSS EXAMINATION BY HON. W. C. BEEBE, SOLICITOR FOR RESPONDENT.

Q: Any of these checks, you do not know whether they are dividend checks or what.

A: I know the Alabama Power Company but not the other.

Q: How do you know.

A: Because I know that he would not be redeeming any stock.

Q: Do you know whether or not he has any other relations with the Company.

A: No.

Q: So as a matter of fact you do not know whether they are dividend checks or not.

A: They must have been.

Q: Do you know how much they were.

A: No.

RE-DIRECT EXAMINATION BY HON. LLOYD A. MAGNEY, SOLICITOR FOR COMPLAINANT.

Q: Mr. Sanders, at the time the Old Farmers & Merchants Bank closed, which I believe was on January 7th, 1932 how much money approximately did Mr. Sosenko have that time in that Bank.

A: About \$3,000.

Q: Has any part of that been repaid.

A: Fifty per cent has been repaid in dividends.

Q: So that this \$10,000 which he had in September 1939, the most he could have deposited to the to that \$10,000 account from the old Bank would have been approximately \$1500.

A: Approximately that, but I could not say how it could have been transferred at different intervals. He was paid in small dividends of five per cent if I recall.

Q: Assuming that the \$1500 which he has realized since 1932 out of his frozen dividends has gone into the account from which he with-drew this \$10,000 that would indicate that between 1932 and 1939 he deposited some \$8,500.00 in that account which was in addition to the money received from the old Bank. That right.

A: Yes.

Q: And he built that account up you might say/nothing to \$10,000 in seven years with the addition of this \$1500 he got from the old Bank.

A: According to the records, Yes, Sir.

RE-CROSS EXAMINATION BY HON. W. C. BEEBE, SOLICITOR FOR RESPONDENT.

Q: Do you know how the several credits, deposits shown on this account from August 22, 1933 to March 6, 1940 were made, whether in cashier's checks or what.

A: It would be hard to say how they were made as I sad before , lots of times I do not take the deposits.

Q: Do you record show whether these are deposits or checks.

A: Yes.

Q: Would your record show whose check.

A: I doubt it. They are bunched together with a list as check and cash and sometimes all are separated. I would not remember.

Q: So far as you know this money may or may not have been earnings of his.

A: They may not have been.

Q: Your records do not show what the checks represent or who from.

A: I could not say. It is listed \$200 and maybe \$75.00 but just lists them.

Q: Well, I note on August 22, 1933 he deposited \$1316.30. Do you know what that was from.

A: No.

Q: January 9, 1935, \$584.56 do you know what that was from.

A: No.

Q: Again on July 1st, 1935, \$1537.50 do you know where that was from.

A: No.

Q: On July 8th, \$768.48, do you know where that was from.

A: No.

Q: On June 11, \$411.54.

A: No.

Q: In July \$417.51 do you know where that was from.

A: No.

Q: On June 10th, 1937, he deposited \$412.28. Do you know where that came from.

A: No.

Q: On June 8th, 1937 he deposited \$500. Do you know where that came from.

A: No.

Q: On May 26, 1939, \$745.96. Do you know where that came from.

A: No.

Q: In June 12, 1939, \$381.69. Do you know where that came from.

A: No.

Q: On June 19, \$322.51. Do you know where that came from.

A: No.

Q: Do you know about Mr. Sosenko operations in Summerdale.

A: I have been in his store.

Q: Does he have a good stock or small one.

A: The shelves were full and different places on the floor.

Q: Do you know about what his turn over would be a month.

A: No Sir.

Q: Do you know about what size the store was.

A: I imagine 30 wide by 60 or 70 or maybe 80 feet long.

RE-RE-DIRECT EXAMINATION BY HON. LLOYD A. MAGNEY, ONE OF THE SOLICITORS FOR
COMPLAINANT

Q: This account of Mr. Sosenko's from which Mr. Sosenko with-drew that money, was it a savings account.

A: Yes.

Q: He had also a checking account.

A: Yes.

Q: This savings account shows that from the time the bank reopened in November 1932 at which time Mr. Sosenko had no money in the savings account up to September 6, 1939 he built the account up to \$10096.47.

A: Yes.

Q: Approximately how much of that was put in 1939.

A: About \$2300.00

Q: And each year the account had been added to from 1932 to the time he drew out.

A: From 1933, that is June 1933.

Q: That is when the savings account was opened.

A: Yes, June 12, 1933 in the amount of \$500.

Q: Then from June 1933 to September 1939 the account was built up to over \$10,000.

A: Yes.

Q: Do you know whether Mr. Sosenko had any business beside the store.

A: No.

Q: Was he selling any property during that time.

A: No, Sir, I do not know that he sold any.

TESTIMONY OF MR. BEN GRIFFITHS, WITNESS FOR COMPLAINANT, DIRECT EXAMINATION
BY HON. LLOYD A. MAGNEY, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: You are Mr. Griffiths.

A: Yes, Ben Griffiths.

Q: Where do you live.

A: Summerdale.

Q: Do you know Mrs. Sosenko, the Plaintiff in this case.

A: Yes.

Q: Do you know Mr. Sosenko.

A: Yes.

Q: How long have you known them.

A: Ever since they have been in this county.

Q: Something over thirty years.

A: I think it is pretty close to that.

Q: Do you know where their farm is.

A: Yes.

Q: When they came down here they started farming.

A: Yes.

Q: Do you have a place nearby.

A: One or one and a half miles west of them.

Q: That made you pretty close neighbors, in that day, did it or not.

A: Yes.

Q: How long did they stay on that farm and farm it. Do you know

A: Well, I do not know just exactly how long but a few years.

Q: During that time when you lived in the neighborhood with them you have any occasion to observe how they conducted the farm.

A: They both worked on it. They had cows and they worked together. Mrs. Sosenko was helping on the farm just as much as he was as far as I could see.

Q: She worked in the field.

A: Yes.

Q: Milked cows.

A: Yes.

Q: Did that continue as long as they continued on the farm.

A: Yes, as far as I know.

Q: Were you ever in their home.

A: Yes, several times.

Q: Was Mrs. Sosenko a good housekeeper.

A: Yes, she kept it very neat and everything as far as I could see.

Q: Did you every eat meals there.

A: Yes, I have.

Q: Mrs. Sosenko a good cook.

A: Yes, Mrs. Sosenko is a good cook.

Q: When they moved from the farm where did they go.

A: To Summerdale as far as I know to the store.

Q: And they have been in Summerdale in store business practically ever since.

A: Yes.

Q: Have you traded with them.

A: Yes.

Q: Seen them often during those years.

A: Yes, quite often during these years.

Q: In conducting the store did they both work.

A: Yes, I bought goods from them.

Q: Mrs. Sosenko there always just as much as he was.

A: Well, as far as I know. When she was not in the store she was in the house working.

Q: During the 30 years you have known them she has worked right along with him upon the farm and in the store.

A: Yes.

Q: Do you know anything about the way he treated her during these years.

A: Well, he kinda snapped her up and got mad once ina while but I never paid much attention to that .

Q: Mrs. Sosenko been living with you for last several months.

A: Yes.

Q: And you and your wife have been friends with both Mr. and Mrs. Sosenko for thirty odd years.

A: Yes.

Q: Every hear anything against Mrs. Sosenko's character.

A: No, I have never in my life.

Q: Always a good hard working woman.

A: Yes.

CROSS EXAMINATION BY HON. W. C. BEEBE, SOLICITOR FOR RESPONDENT.

Q: You have anything against Mr. Sosenko's character.

A: No, not personally against Mr. Sosenko I do not think I have.

TESTIMONY OF MRS. BEN GRIFFITHS, WITNESS FOR COMPLAINANT, DIRECT EXAMINATION
BY HON. LLOYD A. MAGNEY, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: You are Mrs. Ben Griffiths.

A: Yes.

Q: And you live in Summerdale, Mrs Griffiths.

A: Yes.

Q: How long in Baldwin County.

A: Something around 35 years or something like that.

Q: Do you know Mrs. Sosenko.

A: Yes.

Q: Were you living here when they came to Baldwin County.

A: Yes.

Q: Did they have a farm near you.

A: Yes, near ours.

Q: And you were neighbors when they first came down here.

A: Yes.

Q: Tell us what you can about the farm and the work and how they both worked and what they did then.

A: They did not raise crops the first, I think they planted fruit trees first and a little feed and I think they failed on them and after that I think they planted crops.

Q: How about the work, who did the work.

A: Mrs. Sosenko worked all right, I am sure of that. Mr. Sosenko was in the field.

Q: Did she work in the field.

A: Yes, right along with him.

Q: Did they at that time keep any cows.

A: Yes, they kept cows .

Q: Who took care of the cows and the milking.

A: She did. I do not know if Mr. Sosenko did any.

Q: Were you in their home during these year.

A: Yes.

Q: Mrs. Sosenko good housekeeper and keep good place.

A: Yes.

Q: Was Mrs. Sosenko a good cook.

A: Yes, I have eaten there and she is good cook, very good.

Q: During all the time they stayed there on the farm she worked right along with him did she not.

A: Yes.

- Q: How long were they on the farm.
- A: They were there several years, six or eight years.
- Q: And when they left the farm where did they go.
- A: To Summerdale.
- Q: Have they been in the store business in Summerdale ever since.
- A: Yes, in one store for a while and then they moved to another location.
- Q: Did you trade with them.
- A: Yes.
- Q: Were you in the store many times.
- A: Yes.
- Q: Who was always in the store.
- A: Both of them worked in the store.
- Q: Both of them worked in there together.
- A: Yes, but he used to go fishing all day and she would be in the store alone.
- Q: Would you say he was there as much as he was.
- A: Why, yes.
- Q: Do you know anything about the way Mr. Sosenko treated her.
- A: No, only what she told me in confidence.
- Q: Have you every heard anything against Mrs. Sosenko.
- A: No, her character is good.
- Q: She always worked hard and tended to her own business.
- A: Yes.
- Q: She has been staying with you and Mr. Griffiths for several months, ever since she left him.
- A: Yes, she has.

TESTIMONY OF EARL GRIFFITHS, WITNESS FOR COMPLAINANT, DIRECT EXAMINATION
BY HON. LLOYD A. MACNEY, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: You are Earl Griffiths.

A: Yes, that is right.

Q: Your father and mother are Mr. and Mrs. Ben Griffiths who just testified.

A: Yes.

Q: Do you know Mr. and Mrs. Sosenko.

A: Yes.

Q: How long have you known them.

A: Well, let's see. Ever since they have been down in this county. I was just a small boy when they came.

Q: They lived neighbors to you.

A: About that, they lived one and a half miles.

Q: That was pretty close back in those days.

A: Yes.

Q: When they came down here what did they do.

A: They farmed.

Q: Their farm was about a mile and a half from you.

A: Yes.

Q: Did you have occasion to see them often.

A: Yes, ever once in a while.

Q: Did you ever notice who did the work around the place.

A: I notice both worked.

Q: Did Mrs. Sosenko get out and do outside work.

A: Yes.

Q: In those days women all worked in the field as same as the men.

A: Yes.

Q: And took care of the house.

A: Yes.

Q: Did you ever have dinner in their home.

A: Yes.

Q: Was Mrs. Sosenko a good housekeeper.

A: Yes. When I was there the house was always in good order.

Q: What kind of a cook was Mrs. Sosenko.

A: A good one.

Q: Did you ever work for them on the place.

A: Yes, I helped make hay.

Q: And the times you have been there working Mrs. Sosenko was working right along with the rest of the folks.

A: Yes.

Q: Do you know anything about the way he treated her.

A: No, nothing at all.

Q: After they left the farm what did they do.

A: Moved to Summerdale and started a store business.

Q: Did you trade with them.

A: Yes.

Q: Did you have occasion to be in the store ever once in a while.

A: Yes.

Q: Who waited on trade and worked in store.

A: Both.

Q: Both worked in store.

A: Yes.

Q: Mrs. Sosenko was there just as much as he was.

A: She was there most of the time I was in the store.

Q: And they continued in the store business fifteen odd years.

A: Yes.

Q: What is Mrs. Sosenko's reputation in the community.

A: Very good.

Q: Did you ever hear anything against her.

A: Nothing against her.

Q: She always worked hard.

A: Yes.

Q: And ever since you have known them always worked right along with him.

A: Yes.

CROSS EXAMINATION BY HON. W. C. BEEBE, SOLICITOR FOR RESPONDENT.

Q: Is Mr. Sosenko's reputation good too.

A: Yes, it is.

TESTIMONY OF MR. EMORY GULLEDGE, WITNESS FOR COMPLAINANT, DIRECT EXAMINATION
BY HON. LLOYD A. MAGNEY, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: You are Mr. Emory Gullledge.

A: Yes.

Q: How long have you been in Baldwin County.

A: 60 years.

Q: Born and bred here.

A: Yes, born and bred here.

Q: Do you know Mr. and Mrs. Sosenko.

A: Yes, have known them about 18 years.

Q: When did you become acquainted with them and how did you happen to become acquainted.

A: Just like people will, just struck up with them. I traded with Mr. Sosenko quite a bit.

Q: You become acquainted at the time with Mr. Sosenko when you traded in the store. He sold out to Jurkiewicz later.

A: He sold out to Jurkiewicz about the time I came to Summerdale and I think moved to the farm and later bought the place where they are now.

Q: And that is when you got acquainted with them.

A: Yes, I have known them for 15 or 18 years.

Q: During that fifteen years they have operated the store in Summerdale and you traded with them.

A: Yes.

Q: Who worked at the store.

A: Both of them.

Q: Mrs. Sosenko as much as him.

A: Yes, sir.

Q: Do you know anything about the way he has treated her during these years.

A: Well, no, not particular, Mr. Magney. I could not say about that to be positive about it.

Q: What you know is that she has always been hard working woman about the store and on the farm.

A: Yes, she was a hard working woman.

Q: Do you know anything against either of them.

A: Yes, both hard working and had good reputation as far as I know.

TESTIMONY OF MR. C. F. DAVIDSON, WITNESS FOR COMPLAINANT, DIRECT EXAMINATION
BY HON. LLOYD A. MAGNEY, ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: What is your name.

A: C. F. Davidson.

Q: Where do you live.

A: In Summerdale.

Q: How long there.

A: 21 years.

Q: You know Mr. and Mrs. Sosenko.

A: Yes.

Q: How long have you known them.

A: Twenty one years.

Q: About that long ago when they came to Summerdale.

A: They were ther in when I came.

Q: What kind of business were they in.

A: Running a store.

Q: Whoddid the work in the store.

A: Both worked, Mr. and Mrs. Sosenko.

Q: Did they both put in full time.

A: Yes.

Q: Did one do any more than the other.

A: Not that I know of. Both waited on customers when I was around.

Q: That has been true since you have known them.

A: Yes.

Q: They are both good frugal, saving, hard working people.

A: Yes.

Q: Did you ever hear anything bad about any of them.

A: No.

Q: They have worked along together and conducted the business in the store.

A: Yes.

Q: I do not suppose you know how Mr. Sosenko treated his wife.

A: I do not know. If he abused her I do not know anything about that.

I, Virginia E. Crenshaw, as Commissioner, hereby certify that the foregoing deposition of Mrs. Xenia Sosenko, Mr. Benjamin Griffiths, Mrs. Benjamin Griffiths, Mr. Earl Griffiths, Mr. Emory Gullledge, Mr. Charles Davidson, Dr. R. A. Hail and Mr. E. F. Sanders on Oral Examination, was taken down in writing by me in the words of the witnesses, said witnesses having been duly sworn, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses; 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.

Given under my hand and seal this 3rd day of May, 1940.

Virginia E. Crenshaw
Commissioner

Compliments, Dettmeyer

Filed September 13, 1940
R.S. Lusk, Reporter

[Faint, illegible handwritten text]

[Faint, illegible typed text]

XENIA SOSENKO,

Complainant,

vs.

SIMON D. SOSENKO,

Respondent.

CIRCUIT COURT OF

BALDWIN COUNTY,

IN EQUITY.

To SIMON D. SOSENKO;

~~XXX~~

~~XXX~~

TAKE NOTICE, That the undersigned, Register of our said Circuit Court of BALDWIN
 County, will execute the Decree of Reference in this cause, rendered on the 18th day of November,
1939, at his office in Bay Minette, Alabama on 23rd day of November 19 39
 at 10 A. M.
 at which time and place you will attend if you choose so to do.

WITNESS, ROBERT S. DUCK Register of said Circuit Court, at office in
Bay Minette, Alabama, this the 20th day of November 19 39.

ROBERT S. DUCK
 BY [Signature] Register.
 Deputy.

Subpoena Decus Tecum

THE STATE OF ALABAMA,
BALDWIN COUNTY.

To Any Sheriff of the State of Alabama,- Greeting:

You are hereby commanded to summon E. F. Sanders, Cashier of the Farmers & Merchants Bank, Foley, Alabama, at the instance of the Complainant, Xenia Sosenko, if he should be found in your County, personally to be and appear before the Register of the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, Alabama, to wit: on November 23rd, 1939 at 10:00 o'clock, and to bring with him and produce at the time and place aforesaid, to be used as evidence all records, ledgers, statements and accounts of any papers evidencing any property or moneys or certificates of indebtedness due to or to the credit of S. D. Sosenko, and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning, and concerning a certain suit now pending and undetermined in said Court, wherein Xenia Sosenko, Plaintiff, and Simon D. Sosenko, Defendant. And this he shall in nowise, omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 20th day of November, 1939.

Robert S. Duch
Register in Chancery
By J. E. Smith
Deputy -

Subpoena Ducus Tecum

THE STATE OF ALABAMA,
BALDWIN COUNTY.

To Any Sheriff of the State of Alabama, - Greeting:

You are hereby commanded to summon SIMON D. SOSENKO of Summerdale, Alabama, at the instance of the Complainant, Xenia Sosenko, if he should be found in your County, personally to be and appear before the Register of the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, Alabama, to wit: On November 23rd, 1939 at 10:00 o'clock, and to bring with him and produce at the time and place aforesaid, to be used as evidence all records, ledgers, statements and accounts or any papers evidencing any property or moneys or certificates of indebtedness due to or to the credit of Simon D. Sosenko, and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning and concerning a certain suit now pending and undetermined in said Court, wherein Xenia Sosenko, Plaintiff, and Simon D. Sosenko, Defendant. And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have the executed the same.

Witness my hand, this 20th day of November, 1939.

Robert S. Duck.
Register in Chancery
By D. E. Smith
Deputy

Subpoena Decus Tecum

THE STATE OF ALABAMA,
BALDWIN COUNTY.

To Any Sheriff of the State of Alabama, - Greeting:

You are hereby commanded to summon O. K. Cummings, President of the Baldwin County Building & Loan Association, Robertsdale, Alabama, at the instance of the Complainant, Xenia Sosenko, if he should be found in your County, personally to be and appear before the Register of the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, Alabama, to wit: on November 23rd, 1939 at 10:00 o'clock, and to bring with him and produce at the time and place aforesaid, to be used as evidence all records, ledgers, statements and accounts or any papers evidencing any property or moneys or certificates of indebtedness due to or to the credit of S. D. Sosenko, and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning, and concerning a certain suit now pending and undetermined in said Court, wherein Xenia Sosenko, Plaintiff, and Simon D. Sosenko, Defendant. And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed the same.

Witness my hand, this 20th day of November, 1939.

Robert S. Duck.
Register in Chancery.

By H. E. Smith
Deputy

named Simon D. Sosenko be made party defendant to this cause by the usual process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that this Honorable Court order a reference to be held for the purpose of fixing a suitable amount to be allowed your Complainant as alimony pendente lite as provided for in Section 7417, 1923 Code of Alabama; at said reference there shall also be determined a suitable attorney's fee pendente lite; that upon a final hearing of this cause that your Complainant be granted a divorce from said Respondent, and that in the decree granting said divorce that this Court will make an allowance to your Complainant out of said Respondent's estate for the support of your Complainant, as provided for in Section 7419, Code of Alabama, 1923, and also a reasonable Solicitor's fee for the prosecution of this cause. Should your Complainant be mistaken in the relief prayed for that it be granted to her such other, further and different relief to which she may be entitled; and as in duty bound she will ever pray.

Xenia Sosenko
Complainant

FOOT NOTE:

Respondent is required to answer each and every paragraph of the foregoing bill of complaint from first to third inclusive, but answer under oath is hereby expressly waived.

Stuart Magnay
Solicitor for Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Virginia E. Crenshaw, a Notary Public in and for said State and County, personally appeared Xenia Sosenko who is known to me, and who after being by me first duly and legally sworn doth depose and say under oath as follows: That she is the Complainant in the above styled cause; that all the matters and facts therein alleged are true; that she does not own any separate estate and has no means of support nor moneys to pay her attorney for the prosecution of this suit for divorce.

Xenia Sosenko

Sworn to and subscribed to before me, a Notary whose seal is hereto affixed, this 4th day of October, 1939.

Virginia E. Crenshaw
NOTARY PUBLIC, BALDWIN COUNTY,
STATE OF ALABAMA.
My commission expires Aug. 1, 1943

Seal.

Deverese in copies
not. 2011 19 39-0100000

Executed 11-21 1987

by serving subpoena

on Ed. Cummings

W. H. Stewart Sheriff

John Dennis Deputy Sheriff

RECORDED

Recd. in Office
Nov-20-1939
W. H. [unclear]

Executed 11-21 1939

by serving subpoena

on William D. [unclear]

W. H. [unclear] Sheriff

By John [unclear] Deputy Sheriff

of the State of Michigan - [unclear]

You are hereby commanded to appear before the undersigned at the instance of the undersigned, to testify and to produce such evidence as you may have in your possession, custody or control, in the case of [unclear] in the County of [unclear] State of Michigan. The date of your appearance shall be on the [unclear] day of [unclear] 1939. The time of your appearance shall be at [unclear] o'clock [unclear] of the day. If you fail to appear and to produce such evidence as you may have in your possession, custody or control, as hereinabove commanded, you shall be held in contempt of court and may be punished accordingly. This subpoena is issued under the authority of the undersigned, who is a duly qualified and acting Sheriff of the County of [unclear] State of Michigan.

[Signature]
[unclear]
[unclear]

Executed November 20 1937

by serving Subpoena

on E. J. Sanders

Cashier of The Farmers

and Merchants Bank of

Foley A. C. W. P. Street

by Deputy Sheriff

RECORDED

NOTICE.

No. 574

IN EQUITY,
CIRCUIT COURT OF
BALDWIN COUNTY

XENIA SOSENKO

vs.

SIMON D. SOSENKO

Issued November 20 1939

INSTANTER.

Received in office this
day of _____ 19____

Sheriff.

Executed on this 21st
day of Nov 1939

by leaving a copy of the within notice
with S.D. Sosenko
Solicitors of Record for

W.R. Stuart
Sheriff.

By John R. Davis

65
3
6.19.39

3' date

RECORDED

Bill of Complaint

Filed Oct. 5, 1939
R.S. Duch, Register
By Sandice Hampton, Deputy