

921

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Columbus Driver. Complainant
VS
Pearlie G Driver. Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on Pearlie G Driver. and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said Columbus Driver/ is forever divorced from the said Pearlie G Driver.

for and on account of Abandonment.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that Columbus Driver. be, and he. hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Columbus Driver. the Complainant. pay the cost herein to be taxed, for which execution may issue.

This 10th day of June, 1943. Judge Circuit Court, in Equity.

I, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the day of 19

Register of Circuit Court, in Equity.

RECORDED

No. .... Page .....

The State Of Alabama  
Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

Is a further decree of divorce granted and decreed that neither party in this case shall again marry  
except in each case with such other the condition of said decree and that a appeal in law  
within sixty days after the date of said decree shall be the only remedy for reversal of said  
decree.  
It is further decreed that the complainant shall pay the costs of this proceeding.  
It is further decreed that the respondent shall pay the costs of this proceeding.  
The Court is satisfied that the parties are separated and that the wife is unable to support  
herself and her children and that the husband is able to support her and her children.  
The Court is satisfied that the husband is able to support the wife and her children.  
The Court is satisfied that the wife is unable to support herself and her children.  
The Court is satisfied that the husband is able to support the wife and her children.  
The Court is satisfied that the wife is unable to support herself and her children.  
The Court is satisfied that the husband is able to support the wife and her children.  
The Court is satisfied that the wife is unable to support herself and her children.  
The Court is satisfied that the husband is able to support the wife and her children.  
The Court is satisfied that the wife is unable to support herself and her children.  
The Court is satisfied that the husband is able to support the wife and her children.

THE STATE OF ALABAMA, }  
Baldwin County }

CIRCUIT COURT

TO E.W. Holt

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine

Walter Driver, L.C. Dennis and D.E. Brown

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

Complainant and Pearlie G Driver.

is Defendant, on oath to be by you administered, upon Them.

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 27th day of May., 19 43.

*R. Bluch*

REGISTER

Commissioner's Fee \$ all waived

Witness' Fees, \$ all waived

Proctor  
I, E. W. Holt the Commissioner under and by virtue of the appointment of the Judge of the Circuit Court of Baldwin county in equity, to take the testimony of the following named witnesses, in the case of Columbus Driver against Driver, have called and caused to come before me, Walter Driver? L.C. Dennis and D.H. Brown who being first duly sworn deposes and says; Brown

The witness Walter Driver says; I know both parties to this suit, they are husband and wife they were married about Oct 1938, and only lived together a short time perhaps one month, not more; Complainant is about twenty five years old and a resident of Baldwin County - Alabama and Defendant is about twenty three or more, Complainant resides in, or is in the service of the United States as a soldier, and now across the Ocean and has until this bill was filed been a resident of The state of Alabama continuously for a period of three years. not before filing of bill

The Complainant and Defendant does not live together at this time and have and have not for the last five years or since about May of 1938; when Defendant voluntarily abandoned Complainant, his bed and board without cause, and returned to her Father's home, and has not since lived Complainant.

Walter Driver

The witness L.C. Dennis being first sworn to speak the truth the whole truth and nothing but the truth, says;

I know each of the parties to this suit, they are husband and wife, Complainant is about twenty-five years old and was a resident of Baldwin County until he was sent of to be a soldier, and has been a bonifide resident of the state of Alabama, continuously for more than three yeaes or up until he enlisted in the Army. Complainant and Defendant do not live together now, and have not for three or four years or more,, Defendant Voluntarily abandoned Complainant, his bed and board, about May of 1938, and has never returned to live with him since and such abandonment was unprovoked on Complainant's part and over his objection.

L. C. Dennis

The witness D.H. Brown being first duly sworn to speak the truth, the whole truth and nothing but the truth, says; I know both parties to this suit, both Complainant and Defendant they are husband and wife, they were married about the month of Oct 1938, but I do not recollect the exact date. Complainant is something like 25 or 26 years old, and was a resident of Baldwin county until lately when he enlisted in the army, and has been a bonafide resident of the state of Alabama, for a period of more than three years next before filing this bill. Defendant is more than 21 years old but I do not, her exact age, and she resied in Baldwin County Alabama when the separation took place.

Complainant and defendant do not live together now and have not for for something like five years, when she voluntarily abandoned Complainant, his bed and board without fault, on the part of Complainant and over his objection and without his consent. and has not lived with him since. I live near them and have during the whole time of the marriage and separation.

D. H. Brown

I, the Commissioner, do hereby certify the the testimony in the above case of the witnesses whose names are signed to this testimony, gave in their testimony before me under oath, that they are known to me, and I further certify that I am not of counsel or of kin to either of the parties to this suit or in any way interested in the result thereof.

Done this 27 day of May 1943.

E. W. Holt  
Commissioner.

Colombus Driver.  
Complainant,  
Vs. Pearlie G Driver.  
Respondent.

In the Circuit Court.  
In Equity No. \_\_\_\_\_.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

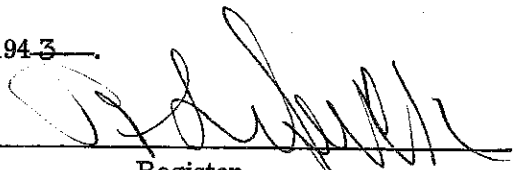
In this cause, it appears to the Register, that service was had on the Respondent  
Pearlie G Driver.

by the Sheriff of Tuscaloosa County, on the 10th day of April,  
194 3.

And it further appears to the Register, that the said Pearlie G Driver.

\_\_\_\_\_, the Respondent, having to the date hereof,  
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,  
on motion of Chas E O Timmerman. Solicitors  
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,  
and it hereby is, in all things taken as confessed against the said Pearlie G Driver,

This 17th day of May, 194 3.

  
Register.

THE BRYCE HOSPITAL  
W. M. FAULK, M. D., ASSISTANT SUP'T  
Tuscaloosa, Alabama

THE PARTLOW STATE SCHOOL  
W. D. PARTLOW, M. D., SUPERINTENDENT  
L. H. WOODRUFF, M. D., ASS'T SUP'T  
Tuscaloosa, Alabama

THE SEARCY HOSPITAL  
E. L. McCAFFERTY, M. D., ASSISTANT SUP'T  
Mt. Vernon, Alabama

Calls by telephone are unsatisfactory and should not be made except in case of serious illness.

## THE ALABAMA STATE HOSPITALS

ADDRESS ALL LETTERS RELATING TO PATIENTS IN THE BRYCE HOSPITAL TO  
DR. W. D. PARTLOW, SUPERINTENDENT

No visitors admitted on Sundays. Relatives can see patients and are able to consult the doctors any day 8:00 A. M. to 6:00 P. M. except on Sundays.

Give the name in full of the Patient about whom you inquire and enclose stamped envelope with name and address plainly written upon it, if you wish a reply. Calls by telephone are unsatisfactory and should not be made except in case of serious illness. Doctors are usually busy among the Patients not convenient to a telephone, so it is often difficult to get the doctor who may know most of the Patients to the telephone. More definite information can be given by letter.

TUSCALOOSA, ALA.

March 31, 1943

Mr. C. E. O. Zimmerman,  
105 $\frac{1}{2}$  South Court Street,  
Montgomery, Alabama.

Dear Sir:

In reply to your recent letter we beg to advise that Mrs. Pearlle Gilliland Driver is at present a patient at The Bryce Hospital. This lady was admitted to The Bryce Hospital the first time July 12, 1938 as Miss Pearlle Gilliland. She remained here until August 23, 1938 when she was released and taken home by her father.

She was admitted to The Bryce Hospital the second time June 13, 1939 as Mrs. Pearlle Gilliland Driver and went home on a furlough July 19, 1939. She was returned to the hospital October 24, 1939, and was taken home again on May 11, 1940, and returned to the hospital November 8, 1940. She then remained here until January 23, 1941, when she was again released to her father. She then remained out of the hospital until October 10, 1941, when she was again placed in the hospital under the name of Mrs. Pearlle Gilliland Driver. She was taken out of the hospital on December 9, 1941 by her father, and was returned January 13, 1942. She has been a patient here continuously since her return on January 13, 1942.

Mrs. Driver was insane on each admission to The Bryce Hospital. After study and observation our Medical Staff diagnosed her mental disorder as being Dementia Praecox. This is an unfavorable type of insanity but a small percent of these cases do recover. Mrs. Driver is insane at the present time and it is probable that she will never be fully restored to her right mind.

Hoping that this is the information that you desire, we beg to remain

Yours truly,

W. M. Faulk, M. D.  
W. M. Faulk, M. D.  
Assistant Superintendent

Sworn to and subscribed before me,

March 31, 1943, a Notary Public  
on this March 31, 1943.

John J. Bradford  
Notary Public

Columbus Driver  
 Complainant,                    |     In the Circuit Court of Baldwin County  
   |                                    Alabama;    In Equity.  
 vs                                    |  
 Pearlie G. Driver  
 Defendant.                        |

To Honorable J. W. Hare Judge of said Court:-

Comes your Orator, and Humbly complaining showeth to the Court:0

First. That he is over twenty one years of age and a resident of Baldwin County Alabama, and has resided continuously for three full years in the state of Alabama next before filing this bill of Complaint, but is now in the services of the United States as a soldier. And that Pearlie G. Driver his wife is at this time an inmate of the insane hospital at Tuscaloosa Alabama.

Second.--That Defendant was admitted to the Brice Hospital on the 18th day of July 1938, and was released and taken home by her Father of the 23rd. of August 1938.

Third.- That Orator intermarried with Defendant Pearlie G. Driver in October 1938, not knowing of her former admittance to the hospital for the insane, or that her mind was or had been affected with insanity. And that he lived with Defendant treating her affectionately and providing <sup>for</sup> her as well as he could, being a farmer and of moderate means, until Defendant voluntarily abandoned Orator, his bed and board, going back to her Father about the 1st of November, 1938, over the protest of Orator and against his wishes, and that Orator tried to prevail on her to remain with him and that if her mind was at the time in any way affected, he could not detect it and had no knowledge of the fact.

Fourth.-- Orator showeth to the Court further, that Defendant was again admitted to the Hospital for the insane, as shown by the records of that institution which he makes an exhibit to this bill, as Exhibit A. with leave of reference; on the 13th day of June 1939, and was allowed ~~240~~ furlough on the 19th day of July of a same year but was returned to the Hospital on 25th day of October, 1939; and was taken Back by her Father on the 11th day of May 1940; and returned to the hospital may 8th 1940; and remained there until the 23d day of January 1941; when she <sup>w</sup> as released to her Father. She then remained out until 1941, October 10th 1941, when she was again returned to the Hospital under the name of Pearlie Gilliland Driver; She was taken out of the hospital on December 9th 1941 by her Father and was returned January 13th 1942 and has been a patient continually ever since that date.

Page 2\*

as is shown by the records, Ex. A.

Premises considered, Orator prays that Defendant Pearl G. Driver be served with the States subpoena with copy of Bill of Complaint attached; under the rules and subject to the penalties of the law, made and provided in such cases; And upon full and final hearing of this cause, may it please the Court to make a decree granting to Orator a full and final decree of divorce from Defendant and allowing him to marry again, <sup>and protect from general relief</sup> and as in duty bound Orator will ever pray  
Etc.

W. E. O. Zimmerman

Solicitor for Complainant.

Note: The Defendant is required to answer each allegation contained in the foregoing Bill of Complaint and each paragraph thereof, but oath is waived.

W. E. O. Zimmerman

Solicitor for Complainant.



COLUMBUS DRIVER,  
COMPLAINANT  
VS  
PEARLIE G. DRIVER,  
RESPONDENT

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

The above stated cause coming on to be heard on motion of Pearlle G. Driver, individually, and by her guardian John Thomas Gilliland and John Thomas Gilliland, as guardian for Pearlle G. Driver to set aside the decree of divorce rendered in this cause on June 10th, 1943 on the ground that the defendant in said cause had not been served with a copy of the summons and bill of complaint in this cause, as provided by law and the rules of this Court. The Court, after inspecting the record of the cause, finds that no legal service in said cause had been had upon the defendant and that the decree rendered in this cause on June 10, 1943 is absolutely null and void.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the undersigned Judge of said Court that the decree of divorce rendered in this cause on June 10, 1943 be and the same is hereby declared null and void and of no effect and the same is hereby set aside and expunged from the records of this case and Court and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court, upon the enrolling of this decree, mail a certified copy of same to C. E. O. Timmerman, whose address appears to be 105 $\frac{1}{2}$  South Court Street, Montgomery, Alabama, so that the plaintiff in this case may take such further and additional action in the case to perfect service on the defendant as he may think proper.

ORDERED, ADJUDGED AND DECREED this the 24<sup>th</sup> day of June, 1944.

  
\_\_\_\_\_  
JUDGE.

COLUMBUS DRIVER,	)	
COMPLAINANT.	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY ALABAMA.
	)	IN EQUITY.
PEARLIE G. DRIVER,	)	
RESPONDANT.	(	

The above stated cause coming on to be heard on motion of Pearlle G Driver individually, and by her gardian JohnThomas Gilliland and John Thomas Gillis as Guardian for Pearlle G Driver to set aside the decree of divorce rendered in this cause on June. 10th 1943 on the ground that the defendant had not been served with a copy of the summons and bill of complaint in this cause as provided by law and the rules of this Court. The Court after inspecting the recoed of the cause, find that no legal service in said cause had been had upon the defendant and that the decree rendered in this cause on June. 10th 1943 is absolutely null and void.

IT IS THEREFORE CONSIDERED ORDERED ADJUDGED AND DECREED ~~XXXXXXXXXXXX~~ by the undersigned Judge of said Court that the decree of divorce rendered in this cause on June 10 1943 be and the same is hereby declared null and viod and of no effect and the same is hereby set aside and expunged from the records of this case and Court and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the register of this court , upon the enrolling of this decree, mail a certified copy of the same to C.E.O TIMMERMAN whose address appears to be 105 1/2 south court street, Montgomery Alabama, so that the plaintiff in this case may rake such further action in the case to perfect service on the defendant as he may think proper.

ORDERED, ADJUDGED AND DECREED this the 24th day of June 1944.

F W Hare.  
Judge,

I; R S Duck Register of the Circuit Court of Baldwin, County Alabama. hereby certify that the foregoing is a true and correct copy of the original decree rendered in this cause by the Judge of Said ~~XXXXX~~ Court as the same appears on record in the office of the register of the Circuit Court of Baldwin, County Alabama.

Given under my hand and seal this the 27th day of June, 1944

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
CASE NO. 921

COLUMBUS DRIVER,

COMPLAINANT

VS.

PEARLIE G. DRIVER,

RESPONDENT

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, SITTING IN EQUITY AT BAY MINETTE, ALABAMA:

individually and

Now comes Pearlle G. Driver, /by her guardian John Thomas Gilliland,  
and John Thomas Gilliland, as guardian for Pearlle G. Driver, separately and  
severally, and move the Court to vacate, annul, set aside or declare null  
and void the decree of this Court rendered in this cause on June 10th, 1943,  
and in support of this motion sets down and assigns the following separate  
and several grounds, viz:

1. For that the respondent, Pearlle G. Driver, was not served with a copy of the summons and bill of complaint in this cause, as required by Equity Rules Nos. 4 and 5c, Title 7 of the 1940 Code of Alabama.
2. For that the summons in this cause and a copy of the bill was not personally served on the defendant Pearlle G. Driver and no guardian ad litem was appointed to represent her on the hearing of said cause, as provided by Equity Rule No. 5 of the 1940 Code of Alabama, Title 7.
3. For that the ground for divorce alleged in the bill of complaint for relief or a decree of divorce was voluntary abandonment and it is not averred or alleged in said bill of complaint that the separation of the parties took place in Baldwin County, Alabama or that the defendant was a resident of Baldwin County, Alabama and the Court was without jurisdiction to entertain said bill of complaint without one of said averments therein.
4. For that the Court was without jurisdiction to render said decree as is shown by the record of all of the proceedings in this case.



ATTORNEY FOR MOVANTS.

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

**THE STATE OF ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

*Opless Driver*

Complainant

VS.

*Philip A Driver*

Defendant

**Commission To Take Deposition**

**COMMISSIONER:**

**Witnesses:**

Deposition of Conroy's  
witness -

---

John J. 91945  
R. Welch  
R

No. 921

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

*Green*

Complainant,

Vs.

*Green*

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE.**

Issued this 17 day of May,  
1943.

*Roduch*

Register.

RECORDED

No 921

Columbus Driver

vs

Peoria G. Driver

---

Original Bill

J B Abbe

Attorney

Walter A. A. A.

RECORDED

92  
4

Dear  
Arthur Asch  
Dear

RECORDED

Dear  
O  
Dear

Dear Mr 34 1944

Robert Asch





921

RECORDED

Drum

Drum

Pultrina \*  
Set aside Decree

Filed June 20 1944  
R. J. [Signature]

*Charles Martin*

THE STATE OF ALABAMA,  
BALDWIN COUNTY

VS.

*Frankie G. Green*

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

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

*Disc. Pro. Sec. 500*  
*and testimony of Walter Green*  
*L. C. Green J. H. Brown*

and in behalf of Defendant upon \_\_\_\_\_

*R. Adams*

Register.

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,  
BALDWIN COUNTY

No. 921.

CIRCUIT COURT BALDWIN COUNTY

April. TERM, 194

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon PEARLIE DRIVER.

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

PEARLIE G DRIVER. Defendant

by COLUMBUS DRIVER. Plaintiff

Witness my hand this 6th day of April. 194 3

  
Clerk.

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 921 June Term, 1942

Calantha Drinn, Complainant

Vs.

Charles H Drinn, Defendant

To R. H. Deuel, Register

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final, decree, and no defense having been interposed, the Complainant, by Chas C O Terminus

\_\_\_\_\_ Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Chas C O Terminus  
Solicitor for Complainant.

**The State of Alabama,**

Baldwin County

CIRCUIT COURT, IN EQUITY

*Drew*

Vs.

*Drew*

**REQUEST FOR DECREE IN  
VACATION**

Filed *J. G. [Signature]*, 1942

*[Signature]*

Register.

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

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

Register.

Received in Sheriff's Office  
this 7 day of Apr 1942  
W. R. STUART, Sheriff

No. 921.

Page

**THE STATE OF ALABAMA**  
BALDWIN COUNTY  
**CIRCUIT COURT**

Defendant lives at

RECEIVED IN OFFICE

194

~~PEARLIE G DRIVER~~

COLUMBUS DRIVER.

Sheriff

Plaintiffs

I have executed this summons

vs.

this 10th day of Apr 1943  
by leaving a copy with

PEARLIE G DRIVER.

Wm. Faulk (m) #1  
Assistant Superintendent

Defendants

**SUMMONS AND COMPLAINT**

Filed April 6th 1943

*R. R. [Signature]* Clerk

Chas E Timmerman.

Plaintiff's Attorney

*R. G. Parker*

Sheriff

Defendant's Attorney

*Ray C. Glass*

Deputy Sheriff

No. 92 **RECORDED**

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

*Columbus Driscoll*

VS.

*Rebecca G. Driscoll*

NOTE OF TESTIMONY

Filed in Open Court this 9<sup>th</sup>

day of June 1943

*Robert M. ...*

Register.