

971

Herman Overstreet,
Complainant,

vs

Pearlie Donald Overstreet,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. No. 971.

STIPULATION

It is agreed by and between H. E. Smith and Frank Horne, Solicitors for Complainant, and Beebe and Hall, Solicitors for Respondent, that a reference to the Register of this Court to determine what is or would be a reasonable solicitor's fee to be allowed respondent for services rendered for her herein be and the same is hereby waived and that the sum of fifty dollars (\$50.00) is or would be a reasonable fee to be allowed respondent's solicitors for services herein should the Court see fit or proper to make such allowance to her.

It is further agreed that this cause be submitted for final decree forthwith.

DATED this the 11th day of July, 1944.

H. E. Smith
Frank Horne
Solicitors for Complainant
BEEBE AND HALL
By W. L. Lee
Solicitors for Respondent.

Herman Overstreet,
Complainant,

vs

Pearlie Donald Overstreet,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. No.971.

STIPULATION

It is agreed by and between solicitors for the complainant, - H. E. Smith and Frank Horne, - and solicitors for the respondent, - Beebe and Hall, - that oral depositions of the witnesses, Herman Overstreet, W. B. Overstreet and Brady Powell, on behalf of complainant and Pearlie Donald Overstreet, on behalf of respondent, be taken before Miss Helen A. McGowan, of Bay Minette, Alabama, as commissioner without the issuance to her by the Court of a commission, but that in acting as such commissioner she is vested with all powers and authority of a commissioner herein as if such commission had been regularly issued to her by the Court to take the oral deposition of said witnesses; and the said parties by and through their said solicitors respectively waive the signing by said witnesses of their testimony.

DATED this the 11th day of July, 1944.

H. E. Smith

Frank Horne

Solicitors for Complainant

BEEBE AND HALL

By H. S. Lee
Solicitors for Respondent.

Herman Overstreet
Complainant,

vs

Pearlie Donald Overstreet
Respondent,

In The Circuit Court Of
Baldwin County, Alabama.
In Equity. No. 971.

DECREE OF DIVORCE

This cause coming on to be heard was submitted upon the bill of complaint, answer of respondent, agreements of counsel 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 of complaint.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony now existing between complainant and respondent be, and the same are hereby, dissolved, and the said Herman Overstreet is forever divorced from the said Pearlie Donald Overstreet for and on account of desertion as alleged in said bill of complaint.

It is further ordered that the said Herman Overstreet and the said Pearlie Donald Overstreet be, and they are hereby, permitted to again contract marriage upon the payment of the costs in this cause.

It appearing to the Court that the complainant is a disabled soldier and as such is being paid compensation or pension by the United States Veterans Administration and further that said compensation or pension has been, by said Veterans Administration, apportioned between complainant, respondent and Edwina Overstreet, minor child of complainant and respondent, it is ordered, adjudged and decreed that such apportionment continue in full force and effect as if this decree had not been granted.

It is further ordered, adjudged and decreed that complainant and respondent shall not again marry except to each other until sixty days after this date, and that if an appeal is taken within sixty days, they shall not again marry except to each other during the pendency of said appeal.

It is further ordered, adjudged and decreed that respondent have and recover of complainant the sum of fifty dollars (\$50.00) for the services of her solicitors herein, and that complainant pay the costs of court in this cause, for which execution may issue.

It is further ordered that this cause be retained on the docket of this court for such other or further orders and decrees as may be necessary or proper in the premises.

Done this the 18th day of July 1944.



Judge.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

IN THE CIRCUIT COURT. IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby com-
manded to summon Pearlle Donald Overstreet to appear and plead,
answer or demur, within thirty days from the service hereof, to
the bill of complaint filed in this Court against her by Herman
Overstreet. A copy of said bill of complaint is hereto annexed.
HEREIN FAIL NOT, and make due return as the law directs.

WITNESS my hand this the 21 day of July, 1943.


as Register.

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

Now comes Herman Overstreet, as Complainant, and brings
this his bill of complaint against Pearlle Donald Overstreet,
as Respondent, and respectfully alleges and represents unto
your Honor and the Court as follows:

1. Complainant is over the age of twenty-one years and
is now, and has been for more than one year next preceding the
filing of this bill of complaint, a bona fide resident citizen
of Baldwin County, Alabama. The respondent is over the age of
twenty-one years and resides in Bay Minette, Baldwin County,
Alabama.

2. Complainant and respondent were lawfully married to
each other on the 11th day of February, 1930, at Bay Minette,
Baldwin County, Alabama, by the Probate Judge of said County
in said State.

3. On, to-wit: the 15th day of September, 1940, the
Respondent voluntarily abandoned the bed and board of Complain-
ant, and complainant and respondent have not lived together as
man and wife or otherwise since said last date. The said
abandonment was without cause on the part of complainant as he
always treated respondent as a dutiful husband should. Com-
plainant therefore charges respondent with voluntary abandon-
ment from his bed and board more than two years next preceding
the filing of the bill of complaint in this cause.

WHEREFORE, Complainant prays that the said Pearlle Donald
Overstreet be made a party respondent to this his bill of com-
plaint and that due process issued from this Court for service
upon her.

And Complainant further prays that upon the final hearing
of this cause, your Honor and the Court will be please to give
and grant to Complainant a decree of absolute divorce from the
Respondent, Pearlle Donald Overstreet, and will grant to com-
plainant permission to again marry should he see fit to do so.
And complainant prays for all such other orders or decrees as
may be necessary or proper, the premises considered.


Solicitor for the Complainant.

THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

IN RE: [Illegible]

Case No. [Illegible]

EXHIBIT

[Illegible typed text, likely a list of items or descriptions]

[Handwritten signature]
Date: 1/19/44

[Handwritten signature]

[Handwritten signature]

971

EXHIBIT [Illegible]
[Illegible]
[Illegible]

IN THE DISTRICT COURT OF
THE STATE OF ALABAMA,
SOUTHERN DISTRICT.

State of Alabama,
Plaintiff,

vs.
James H. [Name],
Defendant.

James H. [Name]
1919

James H. [Name]

James H. [Name]

497

WITNESSETH
my hand and seal of office this 19th day of [Month] 1919.

CLERK OF DISTRICT COURT

BY _____

971

RECORDED

Filed Aug 30 1943
O. J. ...
G. ...

971

RECORDED

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

Herman Overstreet,
Complainant,

vs

Pearlie Donald Overstreet,
Respondent.

Bay Minette
Ala

BILL OF COMPLAINT

Executed *July 23* 19*43*
by serving copy of within *Bill of*

Complaint on
Pearlie Donald Overstreet

W R Smart Sheriff
Deputy Sheriff

Filed July 31, 1943
J. J. [Signature]

THE STATE OF ALABAMA
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

HERMAN OVERSTREET

COMPLAINANT

VS.

PEARLIE DONALD OVERSTREET

RESPONDENT

I, Helen A. McGowan

as Register and Commissioner

have called and caused to come before me Herman Overstreet, W. B. Overstreet,

Grady Powell and Pearlle Donald Overstreet

witnesses named in the Requirement for Oral Examination, on the 12 day of July

1944, at the office of BEEBE & HALL

in Bay Minette, Alabama, and having first sworn said witnesses to speak the truth,

the whole truth, and nothing but the truth, the said Herman Overstreet

doth depose and say as follows:

My name is Herman Overstreet. I am the Complainant in the above styled cause. Both the Respondent and myself are over the age of 21 years of age, and are both bona fide residents of Baldwin County, Alabama. I have been a bona fide resident of Baldwin County, Alabama, for more than one year next preceeding the date of filing my Bill of Complaint in this cause. The Respondent and I were married February 11, 1930 at Bay Minette, Baldwin County, Alabama. On the 15th day of September, 1940, the Respondent voluntarily and without any just cause or good excuse abandoned my bed and board, and has not since lived with me as my wife. This abandonment has been continuous and absolute.

Cross Examination:

My wife and I were living at the home of my father at the time she left. At the time my wife left me she went into the home of her mother. I went to visit my wife at the home of her mother, but did not ask her to come back and live with me. During the time my wife was living at her mother's, at her request, I sent the doctor over several times to see her, and paid the bills. I remember at least one time my wife asked me when I was coming over to see her. I told her that I did not know. My wife told me that she was not coming back to live with me.

The Respondent and I have one child, Edwina Overstreet, now 14 years old and who is living with her mother, the Respondent in this cause. I have contributed to from time to time toward the support of my child. I gave the money to the child some times and at other times to my wife. I have contributed nothing in groceries or clothing toward the support of my wife since she went away other than toward the doctor's bill.

My wife gave me no reason why she left me.

I am not employed but am a disabled War Veteran being ill from a disease I contracted in the Army in New Guinea. The Army doctors told me I would not be able to work again, and the only amounts I ever expect to get is the pension to be paid by the United States Government. At the present time this amount is \$30.00, and \$12.00 of that is paid to my child or for her benefit, and I am willing for that

ORAL EXAMINATION

I, Helen A. McGowan, as Register and Commissioner hereby certify that the foregoing deposition S on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself Helen A. McGowan

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 12 day of July, 19 44.

Helen A. McGowan (L. S.)

No. 471 Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

Quartrick
Complainant

Vs. Quartrick

Respondent

ORAL DEPOSITION

Filed July 12, 1944
[Signature] Register

RECORDED IN

Record _____

Vol. _____ Page 4

Register _____

that amount to be paid to her and for her benefit.

My name is W. B. Overstreet. I am the father of the Complainant in this cause. They are both over the age of 21 years, and both bona fide residents of Baldwin County, Alabama, and both so resided for more than a year prior to the time the Complainant filed his Bill of Complaint in this cause. They were married to each other in Baldwin County, Alabama in 1930. After they were married they never lived together, until the child was 10 years old they came to my house and lived for three months approximately, and in September, 1940, the Respondent voluntarily and with no excuse or cause as far as I knew left my home and the home of the Complainant and has never since returned to live with him as his wife. She left walking, so far as I know, and her father came to our place a week later and got her furnishings and carried them away from our house. The Complainant maintained his home with us from that time forward until he went into the Armed Forces, and the Respondent never returned to live with him. He is now returned from the War a casualty, and is not able to work or to earn a livelihood, and the only money which he has is the pension paid to him by the Government on account of his disabilities, and I know that he contributes approximately \$12.00 per month out of his \$30.00 pension for the support of his child born to the union of the Respondent and himself.

Cross Examination:

I do not know why the Respondent left the home of my son; I know of no trouble between them or a cross word between them. The Respondent at the time she left was complaining about being sick. After leaving, I know that Respondent had to go to bed where she remained for how long I do not know. I do know that the doctors attended her while she was sick. She has been back to my place on two occasions as I remember.

I do not know what my son contributed to the support of the Respondent before he went into service, however, he did contribute some to the support of the child; I do not know how much.

My name is Grady Powell. I know the Complainant and Respondent. They are both bona fide residents of Baldwin County, Alabama, and both resided in Baldwin County, Alabama for more than one year next preceeding the date the Complainant filed the Bill of Complaint in this cause. I know that the parties were living together in Sept. of 1940, and that the Respondent returned to her father's home and from the home of the Complainant about that time, and has never since lived with the Complainant. I know that he has been a soldier, and is now discharged; I do not know the state of his health, but I do know that he is not employed any where at the present time.

My name is Pearlie Donald Overstreet. I live at Bay Minette in Baldwin County, Alabama, and am over 21 years of age. The Complainant, Herman Overstreet, and I married at Bay Minette, Alabama, on February 11, 1930. My husband and I lived with his father, W. B. Overstreet, about three miles from Bay Minette. I left our home on the 23rd day of August 1940 to visit my mother and father in Bay Minette. I came in a taxi with Mr. and Mrs. W. B. Overstreet. I was feeling badly at the time I came in to town, and next morning was sick and went to see the doctor; and then went back to my mother's home where it was necessary for me to go to bed. I stayed in bed continuously for a week, and then was up about a week and a half and again had to go to bed where I remained for three weeks more. I told his Aunt to tell him to come by there, and he said he wasn't about to come. I wrote a letter and sent it to him, by my daughter, at the plant. About a week after I was at home, he came to see me, and stayed about 15 minutes. He did not say anything about coming back at that time. He came back a day or two afterward and told me that I could stay at home with my parents. I did at this time ask him when he was coming to get me, and he told me to stay until his mother came back from visiting, and he would come for me.

I have never refused to live with the Complainant as his wife. I did not voluntarily abandon the bed and board of the Complainant. The Complainant has contributed a little along from time to time toward my support but not enough for my support.

We have one child, a daughter, now 14 years old who is living with me. I have had the care, custody and control of the child all of her life, and have had the responsibility of supporting her except for the little amount given to her from time to time. I have no property nor any means of supporting myself and daughter except

the small amount I get as librarian in the Bay Minette Public Library. It is only \$9.60 per week. I live with my mother, and my daughter lives with me.

My husband told me that there was only one thing that stood between him and me, and that was another woman. He did not tell me who she was.

Cross Examination

I am physically able to work, and I am employed as librarian and earn \$9.60 per week. I live in the house with my mother and the house belongs to my brother, and her income is \$50.00 per month. We share the expenses of the house, part of this, \$12.00 per month, is given us out of the pension of the Complainant.

I did have a conversation with Claudia Mobley, the Aunt of the Complainant, in which I told her I did not know when I would return to the home of the Complainant. She told me that if she was me, she would not return to live with him. I had a conversation with Mrs. W. B. Overstreet in which I told her that our child had to stay part of the time with my mother as she had practically reared her, and I did not intend to see her do without the company of the child.

Except for the better of three months in 1940, my husband and I never lived together from the time we were married to the present.

Herman Overstreet.

VS.

Pearlie Donald. Overstreet.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

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

Stipulation and testimony of Complainants. Witnesses.

and in behalf of Defendant upon and Testimony of Respondant



Register.

RECORDED

No. 971.

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Herman Overstreet.

VS.

Pearlie D Overstreet.

NOTE OF TESTIMONY

Filed in Open Court this 17th.

day of July. 194 4

R. J. Keel

Register.