

3557

BALDWIN
THE STATE OF ALABAMA, ESCAMBA COUNTY

CIRCUIT COURT IN EQUITY

No. _____

HARDING G. FILLMORE

Complainant

vs.

MARION EDITH FILLMORE

Respondent

IN THIS CAUSE comes the Complainant
by his Solicitor and submits the same for Final
decree upon the Original Bill and exhibits thereto the answer of the guardian ad litem
and upon the following testimony, to wit:

Deposition of the complainant, Harding G. Fillmore
Certificate of J.S. Tarwater, Superintendent of
Bryce Hospital, Tuscaloosa, that the respondent
is hopelessly and permanently insane.

W. H. Hester
Guardian Ad Litem
For Respondent

Howard L. Kessler
Solicitor for Complainant.
Grenada, Ala.

I Hereby certify that the above note of testimony is correct:

This 24th day of January, 1956

W. H. Hester
Register

RECORDED

No. _____ Page _____

The State of Alabama
ESCAMBIA COUNTY

CIRCUIT COURT, IN EQUITY

Complainant

vs.

Respondent

NOTE OF TESTIMONY

Filed 1-24, 19 57

W. J. French, Register

Recorded in _____ Record

Vol. _____ Page _____

_____, Register

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

HARDING G. FILLMORE

Complainant

VS.

MARION EDITH FILLMORE

Defendant

Oral examination before the Register of the following witnesses:

Harding G. Fillmore

who reside in Alabama, said examination being conducted in Bay Minette Alabama,
on this the 24th day of January, 1956, and there being present

Howard J. Kearley, attorney for complainant, and Wilson Hayes,
Guardian ad Litem for the respondent Marion Edith Fillmore.

The said witness being first sworn to speak the truth, the whole truth and nothing but the
truth, testified as follows:

My name is Harding G. Fillmore. I am the complainant in this
case. I am a citizen of the state of Alabama, and Marion
Edith Fillmore is also. She is now confined as an insane
patient in Bryce Hospital, Tuscaloosa, Alabama. Before she
became insane, we lived together in Baldwin County, Alabama.
She was committed to Bryce Hospital under committment by the
Probate Judge of Baldwin County.

The respondent Marion Edith Fillmore and I were
married to each other in the year 1937, and lived together,
as husband and wife, principally in Baldwin County, Alabama, until
the year 1949, when she bacame insane. After several short
previous committments, she was finally committed to Bryce Hospital
as insane, on June 7, 1950, and has been continuously confined
there since. She has been confined to said insane asylum as
an insane patient for more than five years before this suit was
filed.

Through my attorney, I have obtained a statement of Dr. J.S. Tarwater, superintendent of the said Bryce Hospital where my wife, Marion Edith Fillmore is confined, made under his oath, in which he certifies that after long observation and full and complete study, it is his opinion that Marion Edith Fillmore is hopelessly and incurably insane. His certificate bears jurat dated June 13, 1955, and I file it herewith as an exhibit to my testimony. On the basis of my own knowledge of her condition, and on the basis of Dr. Tarwater's certificate, I state that Marion Edith Fillmore is confined in Bryce Hospital, and is hopelessly and incurably insane, and that she has been confined there as insane for more than five years prior to the commencement of this suit, and has been insane all that time.

Harold G. Fillmore

No. _____ Page _____

The State of Alabama,

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

_____ vs. Complainant,

_____ Defendant.

Deposition Taken Before Register on Oral Examination

Deposition of _____

for _____

Filed 24 day of Jan., 1956

Published by order of the Court, _____

day _____, 19 _____

Archie H. Smith
Register.

I, Wright-Smuck, as Register
hereby certify that the foregoing deposition on oral examination was taken down by me in
writing in the words of the witness and read over to him and he signed the same in the
presence of the attorneys and I, at the time and place herein mentioned; that I
have personal knowledge of the personal identity of the said witness, or had proof made before me
of the identity of said witness; 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.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the
same on file in my office.

Given under my hand and seal this the 24 day of January, 19 56.

Wright-Smuck (L. S.)

WITNESS FEES.

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

_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$
_____	_____ days' attendance at \$1.50 per day	_____ \$

REGISTER'S FEES

_____	_____ days at \$1.50 per day	_____ \$
_____	_____ words at 20 cents per hundred	_____ \$

THE BRYCE HOSPITAL
TUSCALOOSA, ALA.

THE SEARCY HOSPITAL
MT. VERNON, ALA.

THE PARTLOW STATE SCHOOL
TUSCALOOSA, ALA.

THE ALABAMA STATE HOSPITALS
AND

OFFICE OF THE SUPERINTENDENT
J. S. TARWATER, M. D.

THE PARTLOW STATE SCHOOLS

TUSCALOOSA, ALA.

June 13, 1955

STATE OF ALABAMA
BALDWIN COUNTY

Appeared before me, Beatrice Franklin, a Notary Public in and for said State and County, Doctor J. S. Tarwater, who after being duly sworn by me under oath states as follows:

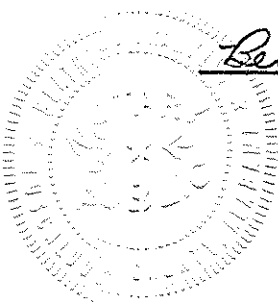
Mrs. Marion Edith Fillmore was readmitted in Bryce Hospital June 7, 1950 and has been continuously present in the Institution since the date of admission. She was admitted on the commitment of Hon. W. R. Stuart, Judge of Probate Baldwin County, Alabama. After this long period of observation and after complete and full study and examination of the said Mrs. Marion Edith Fillmore, it is my opinion and belief that she is hopelessly and incurably insane. This certificate is given in compliance with the provisions of Paragraph 7 of Section 20, Title 34, Code of Alabama of 1940.

Signed:

J. S. Tarwater
J. S. Tarwater, M. D.
Superintendent

Sworn to and subscribed before me
this the 13 day of June, 1955.

Beatrice Franklin
Notary Public



HOWARD J. KEARLEY

ATTORNEY AT LAW
BREWTON, ALABAMA

January 13, 1956

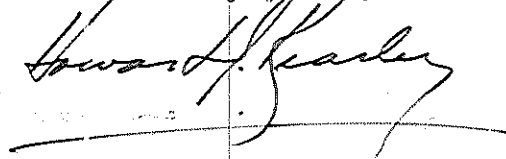
Mrs. Alice Duck
Register, Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

I have a notice from Judge Hall that all equity cases will be called and dismissed unless tried or definite arrangements are made for definite trial, on the regular call of the trial docket on January 17th. I have a case on your equity docket: HARDING G. FILLMORE V. MARION EDITH FILLMORE, a divorce case, which I filed last June. My client is a pilot on a river boat on the Mississippi, and gets back here only about once every two or three months. I cannot get in touch with him at once, and cannot arrange a definite trial date.

It will not be possible for me to be present at the call of your docket on January 17th, for the reason that commencing at 10:00 o'clock on that date I shall be engaged in the trial of a child custody hearing here in Brewton before Judge Elliott. Will you please bring this letter to the attention of Judge Hall, as my request the case of Fillmore v. Fillmore be passed to the next call of your docket. By that time I will have tried it or be willing for it to be dismissed.

Sincerely yours,

A handwritten signature in cursive script, reading "Howard J. Kearley", with a horizontal line drawn underneath it.

ANSWER

HARDING G. FILLMORE,

COMPLAINANT,

VS

MARION EDITH FILLMORE,

RESPONDENT,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO: 5557

I, as gardian ad litem for Marion Edith Fillmore, deny all the material allegations of the Bill of Complaint and demand strict proof of same.


WILSON HAYES
GARDIAN AD LITEM

3557

Harding G. Fillmore,
Complainant

v.

Mary Edith Fillmore,
Respondent

Answer

RECORDED

FILED
SEP 19 1955
Register

THE BRYCE HOSPITAL
TUSCALOOSA, ALA.

THE SEARCY HOSPITAL
MT. VERNON, ALA.

THE PARTLOW STATE SCHOOL
TUSCALOOSA, ALA.

THE ALABAMA STATE HOSPITALS
AND
THE PARTLOW STATE SCHOOLS
TUSCALOOSA, ALA.

OFFICE OF THE SUPERINTENDENT
J. S. TARWATER, M. D.

July 12, 1955

Hon. Alice J. Duck,
Register,
Circuit Court, In Equity
Baldwin County, Alabama,
Bay Minette, Alabama

Re: Case No. 3557
Harding G. Fillmore
vs.
Marion Edith Fillmore

NOTICE TO: Marion Edith Fillmore, a patient in
Bryce Hospital, Tuscaloosa, Alabama.

Dear Miss Duck:

Mrs. Marion Edith Fillmore has received summons, together
with a copy of the original bill of complaint, in the above
captioned case.

Mrs. Marion Edith Fillmore was readmitted in the Bryce
Hospital, Tuscaloosa, Alabama, on June 7, 1950, and has been
continuously a patient since that date. It is my opinion that
Mrs. Marion Edith Fillmore is presently mentally incompetent
and mentally incapable of responding to process of law.

Yours very truly,

JST/ecw

J. S. Tarwater
J. S. Tarwater, M. D.
Superintendent

THE STATE OF ALABAMA, BALDWIN COUNTY

BOOK 019 PAGE 187

IN THE CIRCUIT COURT, IN EQUITY

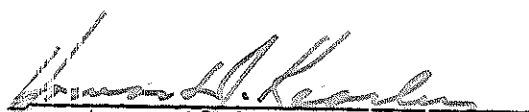
TO THE HONORABLE HUBERT HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

The bill of complaint of Harding G. Fillmore, exhibited in
the Circuit Court, in Equity, against Marion Edith Fillmore.

Humbly complaining, your orator shows unto your Honor as follows:

1. Your orator is over the age of twenty-one years and is a
citizen of the State of Alabama; the respondent Marion Edith
Fillmore is a resident of the State of Alabama, and she is of
unsound mind.
2. Your orator and the respondent Marion Edith Fillmore were
married to each other in the year 1937 and thereafter lived to-
gether as husband and wife, principally in Baldwin County, Alabama.
In the year 1949, while your orator and respondent were living to-
gether in Baldwin County, Alabama, the respondent became insane, and
after several previous short committments, was on June 7, 1950,
committed to Bryce Hospital for the insane, and she has been con-
tinuously confined in said insane asylum for a period of more than
five years next preceding the filing of this bill of complaint
and is hopelessly and incurably insane at the time of the filing
of this bill, and your orator avers that Dr. J.S. Tarwater,
superintendent of said insane asylum has made a certified statement
under oath that it is his opinion after long observation and full
and complete study that the said Marion Edith Fillmore is hope-
lessly and incurably insane. The separation of your orator and
the respondent on account of respondent's insanity occurred in
Baldwin County, Alabama.

Wherefore, your orator prays that the said Marion
Edith Fillmore may be made a party respondent hereto, and that
summons may be issued and served upon her requiring an answer under
the rules of this Court, and that a guardian ad litem may be
appointed to represent and defend her in this proceeding; and upon
a final hearing, your orator prays that by the decree of this Court
he may be granted an absolute divorce.


Brewton, Alabama, Solicitor
for Complainant.


Complainant.

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon ~~HARDING G. FILIMORE~~

Marion Edith Filimore

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State by

HARDING G. FILIMORE

against MARION EDITH FILIMORE

Herein fail not. Due return make of this writ as the law directs.

Witness this 28th. day of June, 1955.

W. J. Moore, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

No. 5551 Page 1
The State of Alabama
BALDWIN COUNTY.

IN CIRCUIT COURT, IN EQUITY

HARDING G. FILLMORE

vs.

MARION EDITH FILLMORE

SUMMONS

Returned by the Sheriff and filed in office, this
the 28 day of June, 1955

ALICE J. DUCK, Register
Register.

RECEIVED

JUL 1 1955

NATHAN CHISM, Sheriff
TUSCALOOSA COUNTY, ALABAMA

Received in office, this the 28 day of

June, 1955
Taylor & Miller Sheriff.

I have executed the within by leaving a copy
thereof with Mrs. Marion Edith
Fillmore, a patient in Bryce
Hospital, Tuscaloosa, Alabama;
and I attach hereto statement of
Dr. J. S. Tarwater, Superintendent,
relative to the present mental
condition of the said Mrs. Marion
Edith Fillmore.

defendant named herein, on this the 12th

day of July, 1955

Nathan Chism Sheriff
Tuscaloosa County, Alabama

By J. R. Winters Deputy
J. R. Winters

The State of Alabama, BAEDWIN County

CIRCUIT COURT, IN EQUITY

HARDING G. FILLMORE

Complainant

vs.

MARION EDITH FILLMORE

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer of Guardian Ad Litem 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 Harding G. Fillmore is forever divorced from the said

Marion Edith Fillmore

for and on account of Insanity

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 Both complainant and respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that the complainant, Harding G. Fillmore the pay the cost herein to be taxed, for which execution may issue.

This 26 day of January, 1956

Hubert M. Hall

Judge Circuit Court, in Equity.

I, , Register of the Circuit Court for 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, and the cost has been paid.

Witness my hand and seal this the day of

 , 19

 Register of Circuit Court, in Equity.

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No. **RECORDED** Page

The State of Alabama

COUNTY

**IN CIRCUIT COURT,
IN EQUITY**

vs. Complainant,

Respondent.

DIVORCE DECREE

FILED

JAN 30 1956

ALICE L. DUCK, Register