(4284)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EDWARD H. BROWN, Complainant

vs.

ETHA PEARL BROWN, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Waiver 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 EDWARD H. BROWN is forever divorced from the said ETHA PEARL BROWN for and on account of Habitual Drunkenness - and the Complainant hereby given the custody of the minor children born to this marriage.

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 futher ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that EDWARD H. BROWN the Complainant pay the cost herein to be taxed, for which executed may issue.

This 15 day of May 19 58.

Hubert M Hall

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.

No._____ Page_____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

EDWARD H. BROWN

Complainant

vs.

ETHA PEARL BROWN

Respondent

DIVORCE DECREE

FILED
MAY 15 1958
ALICE J. DUCK, Register

EDWARD H. BROWN,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA,
-VS-	)	IN EQUITY.
ETHA PEARL BROWN,	)	
Respondent.	)	

TESTIMONY OF EDWARD H. BROWN, COMPLAINANT:

EDWARD H. BROWN, being first duly sworn, deposes and says, as follows, to-wit:

My name is EDWARD H. BROWN, and I am bringing this bill of complaint in a suit for divorce against my wife, ETHA PEARL BROWN. Both my wife and I are over the age of twenty-one years, and I have a home down at Point Clear, in Baldwin County, Alabama, and have been living there for three years and I am still living there with my wife.

My wife and I were married on the 3rd day of January, 1937, over in Richton, Mississippi. At that time we were living in Mississippi and lived there until about 1940. We came to Alabama then and she and I lived over in Mobile, Alabama.

At the time we were married, she was not drinking heavily, but she started drinking heavily over in Richton, Mississippi, and I thought that changing the location would get her away from drinking, but it did not. She would drink during the day time, I would come home and find her intoxicated and it generally got worse although at times things would get better. Her drinking had gotten so bad that on numerous occasions she would get drunk and the neighbors would phone me on the job and I would have to come home and look after her. She has been picked up by the police for drinking, numerous times, and one time she was arrested and convicted in the Fairhope City Court for driving while intoxicated--that was about one year ago.

She habitually gets drunk and neglects the children and matters have gotten from bad to worse. On or about the 6th of May, 1958, while she was partially intoxicated, she talked about leaving me, getting a divorce and going off with a man she knew in Fairhope. Both he and she left town on, or about, the 7th of May, 1958, and I made inquiries of her sister in Pascagoula,

Mississippi, who told me that she was with this man and had been drinking.

The next night I went over to Pascagoula on the bus, saw her, got the car and took it home. She has since come back to Fairhope, has signed over her interest in the property to me, and signed the waiver for this divorce case.

To this marriage we have had four children, namely; EDGAR HARRY BROWN IS twenty years old and is in the Armed Services; The three younger children, JERRY DALE BROWN, WANDA ELAINE BROWN and DONNIE RAY BROWN are living with us. I have been taking care of the children and for two or three times a week, for the last year or so, have had to not only take care of my job but cook the meals for them and look after them.

I am making good wages, have a good home, and can take can take care of these children, and the reason why I say it is for the best interest of these children to be under my care and custody is because when my wife was living there at the home with me, two or three days a week she would be under the influence of alcoholic beverages and, in short, drunk and too drunk to take care of the children. She would also leave the house, go off with other men and make no preparation of meals for the children and take no responsibility whatsoever. She often left the children just like she left them on the last time--when she would get two or three bottles of beer she would go off and leave the children, and on several occasions, she was picked up by the police or picked up by our oldest son, who was phoned that she was under the weather.

Often I would come home, find that she had taken the car and gone, and I would have to go around and hunt her up. I have found her drunk several times in the car; one time she was passed out, the baby was with her and the car was in the ditch. The baby was also with her when she was picked up for driving while intoxicated.

I can make arrangements to get somebody to stay with the two younger children while they are at the house and I am

off at work. I feel that the only way to bring these children up right is to raise them myself because it does not work, my trying to save this home by keeping my wife there.

Edward H. Brown
EDWARD H. BROWN

Subscribed and sworn to before me this the 14th day of May, 1958.

Lillie H. Stokes
COMMISSIONER

EDWARD H. BROWN,

Complainant,

-VS-

ETHA PEARL BROWN,

Respondent.

T E S T I M O N Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

EDWARD H. BROWN, Complainant,	)	IN THE CIRCUIT COURT OF
-VS-	)	BALDWIN COUNTY, ALABAMA,
ETHA PEARL BROWN, Respondent.	)	IN EQUITY.

TESTIMONY OF ELLIS E. NEWELL, A WITNESS ON BEHALF OF COMPLAINANT.

ELLIS E. NEWELL, being duly sworn, testified as follows:

My name is ELLIS E. NEWELL and I live in Fairhope, Baldwin County, Alabama on 451 Pamelo Street. I am employed by the City of Fairhope as a police officer.

I have been knowing Edward H. Brown all of his life and have known his wife, Etha Pearl Brown prior to the time they were married. They are both bona fide residents of Point Clear, Baldwin County, Alabama.

I heard that she left Fairhope on, or about, the 7th day of May, 1958, but I do not know this of my own personal knowledge; neither do I know of my own personal knowledge whether or not she has come back, but they were living in their home at Point Clear.

I do know positively that she is an alcoholic and has given him no end of trouble. I am a friend of Edward H. Brown and on several occasions when he was looking for her I have helped him hunt for her, and on one occasion I found her down on the beach at Fairhope, drunk, well after midnight, by herself, and she was in her car but was not driving it at the time we found her. She was in no condition to drive the car home, and so Mr. Brown took the car and drove her home, and she ran away again that night and he did not see her until the next morning.

On another occasion I was called out on White Avenue on the complaint of a resident there and found her in a pick-up truck with the motor running and her little boy in the car with her. She was drunk--strictly in no condition to drive. I did not want to put her and the baby in jail so I tried to get a taxi to take her home but she resisted and we were afraid that she would jump out of the taxi, so I had to bodily pick her up and take her to jail, and left the child in the custody of Mrs. Frye, an elderly lady, and

called Mr. Brown to come up and check on the conditions, which he did and he then took her home. She stood trial in the Recorder's Court in the City of Fairhope, on the 19th of January, 1957, and was convicted of driving while intoxicated. At that time E. G. Rickarby was not the Recorder.

I know that Mr. Brown has had a world of trouble with her and has done all he could to help her break this habit. I feel that it is to the best interest of the children to be under his care and custody because I know of my own personal knowledge that he has been looking after them and he has relatives and can make arrangements to have somebody help him.

He has a good job as a superintendent or foreman with Pinkie Davis and has a good work record with him and is making good wages, and the children are his life.

Ellis E. Newell
ELLIS E. NEWELL

Subscribed and sworn to before me this 15th day of May, 1958.

Lillie K. Stephens
COMMISSIONER

EDWARD H. BROWN,

Complainant,

-VS-

ETHA PEARL BROWN,

Respondent.

T E S T I M O N Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

I, TILLIE K. STEPHENS, Commissioner, acting under stipulation of the parties in the divorce suit of EDWARD H. BROWN versus ETHA PEARL BROWN, pending in the Equity side of the Circuit Court of Baldwin County, Alabama, hereby certify that I have caused the witnesses in this cause, namely, EDWARD H. BROWN and ELLIS E. NEWELL, who were made known to me and known to be the identical witnesses called by the parties, to come to my office in the Bank Building in the City of Fairhope, Baldwin County, Alabama, where said witnesses, after being first duly sworn by me, upon examination of E. G. Rickarby, Esquire, Solicitor for the Complainant, did testify as shown by the attached testimony, and that their testimony was, by me, reduced to writing as given by them as near as might be in their identical language and, after being so reduced to writing, was read over by the said witnesses who assented to and signed the same in my presence.

I further certify that I am not of counsel or kin to either of the parties to the cause, nor anywise interested in the results thereof.

IN WITNESS, I hereunto set my hand as Commissioner on this the 15th day of May, 1958.

Tillie K. Stephens
COMMISSIONER

EDWARD H. BROWN, Complainant, -VS- ETHA PEARL BROWN, Respondent.	I I I I I	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:-

Comes EDWARD H. BROWN by this his Bill of Complaint presented against ETHA PEARL BROWN, and respectfully shows:

FIRST: That the Complainant and Respondent are both over the age of twenty-one years and both are now, and have been for three years next preceding the filing of this Bill of Complaint bona fide residents of Baldwin County, Alabama, both residing in the town of Point Clear, Baldwin County, Alabama.

SECOND: Complainant and Respondent were married on, or about, the 3rd day of January, 1937, in Richton, Mississippi, and have lived together until about the 7th day of May, 1958.

THIRD: That the Respondent, ETHA PEARL BROWN, has become addicted after marriage to habitual drunkenness.

FOURTH: That there is born to this marriage four children, namely, EDGAR HARRY BROWN, twenty years of age; JERRY DALE BROWN, fourteen years of age; WANDA ELAINE BROWN, ten years of age; and DONNIE RAY BROWN, three years of age. That the three younger children are under the care and protection of this Complainant who is a fit and suitable person to have the care, custody and control of said minor children above named, and that it is to the best interest of the said minor children to be under the care, custody and control of this Complainant; and that on, or about, the 7th day of May, 1958, the Respondent left her home, children and this Complainant.

FIFTH: That the Complainant and Respondent hold title, subject to a mortgage in favor of the Baldwin County Savings and Loan Association, to the home place, in their joint names with right of survivorship, and which home place is described as follows, to-wit:

> From the center of Section 5, Township 7 South, Range 2 East, run thence West TWENTY-TWO (22) feet and North THREE HUNDRED AND FIFTY-EIGHT AND FIVE TENTHS (358.5) feet to point of beginning; run thence in a Northeasterly direction

(Contd on next Page).

> ONE THOUSAND AND THIRTY-TWO (1032) feet to pipe corner on the Half Section Line of said Section 5; run thence West THIRTEEN HUNDRED AND SIX (1306) feet to a pipe corner; run thence South TWO HUNDRED AND FORTY-FIVE (245) feet to a pipe corner; run thence East THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE ONE HUNDREDTH (323.75) feet to a fence corner; run thence South along a fence line SEVEN HUNDRED AND EIGHTY-SEVEN (787) feet to a corner; run thence in an easterly direction NINE HUNDRED AND SEVENTY-FIVE (975) feet, more or less, to the point or place of beginning; said property being according to a survey made by H. W. Graham, 10 May, 1953, and containing 26 acres, more or less.

And, that said home place has been purchased by this Complainant with his own funds and that none of the Respondent's funds have been expended for said property, and that said property is needed by this Complainant to provide for the care and custody of said minor children.

WHEREFORE, THE PREMISES CONSIDERED, Complainant prays that ETHA PEARL BROWN be made party defendant to this cause, and by proper process required to plead, answer or demur within the time prescribed by law.

Complainant further prays that on a final hearing of this cause, a decree of divorce from the bonds of matrimony be rendered, forever divorcing him from the said ETHA PEARL BROWN.

Complainant further prays that the Court will determine that the Respondent has no right in said property and hold that title to said property be vested in the Complainant; or, if Complainant is incorrect in asking for this relief, the Court will ascertain and determine the right, title and interest as to the property mentioned in accordance with Section 188 of Title 47, 1950 Code of Alabama, and that the Court will order said property sold for division to pay Respondent's interest in said property, after deducting the costs and expenses of said sale, including a reasonable fee for Complainant's solicitor.

Complainant further prays that the Court will award him the care, custody and control of the three minor children

(Contd on next Page).

born to this marriage, namely, JERRY DALE BROWN, WANDA ELAINE BROWN and DONNIE RAY BROWN, (Edgar Harry Brown being in the Armed Forces, in the United States Marine Corps), and that the Respondent be allowed the right to visit with said minor children at reasonable times and places, and that the Court will grant to the Complainant such other different or further relief as to Equity may seem meet.

E. G. Rickarby

E. G. RICKARBY,
Solicitor for Complainant.

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Edward A. Brown
vs.
Ethel Pearl Brown

FILED
MAY 15 1958
ALICE J. BUCK, Registrar

EDWARD H. BROWN Complainant, -VS- ETHA PEARL BROWN, Respondent.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

W A I V E R

Comes ETHA PEARL BROWN, Respondent in the above styled cause, and for answer to the Bill of Complaint says she denies each allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same; and of the right to introduce evidence in his own behalf.

Respondent further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Etha Pearl Brown
ETHA PEARL BROWN, Respondent

STATE OF ALABAMA

BALDWIN COUNTY

I, Lillie K. Stephens, a Notary Public in and for said State and County hereby certify that ETHA PEARL BROWN whose name is signed to the foregoing instrument, is known to me, acknowledged before me on this date, that being informed of the contents of said instrument, she signed the same voluntarily on the day same bears date.

Witness my hand and seal this 14th day of May, 1958.

Lillie K. Stephens
Notary Public, Baldwin County, Ala.

4284

EDWARD H. BROWN,

Complainant,

-VS-

ETHA PEARL BROWN,

Respondent

W A I V E R

FILED
MAY 15 1958
ALICE J. BUCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

EDWARD H. BROWN,	)	
		IN THE CIRCUIT COURT OF
Complainant,	)	
-VS-	)	BALDWIN COUNTY, ALABAMA,
ETHA PEARL BROWN,	)	IN EQUITY.
Respondent.	)	

NOTE OF EVIDENCE

This cause is submitted for final decree on Complainant's bill, answer and waiver filed by Respondent, and depositions of Complainant and ELLIS E. NEWELL.

E. G. RICKARBY,
Solicitor for Complainant.

Alice J. Deck
Clerk

Motion of Evidence

4084

FILED
MAY 15 1958
ALICE J. BUCK, Registe