

3504

BOOK 017 PAGE 108

The State of Alabama, _____ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Isaac E. Garrett

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

Gertrude Conrow Garrett

against Isaac E. Garrett

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

Witness this 8th day of April, 1955

Register.

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

Code 1923-6528-6529

No.

Page

The State of Alabama

..... COUNTY.

IN CIRCUIT COURT, IN EQUITY

VS.

SUMMONS

Returned by the Sheriff and filed in office, this

the day of, 19.....

....., Register.

Received in office, this the day of

....., 19.....

....., Sheriff.

I have executed the within by leaving a copy
thereof with.....

defendant named herein, on this the.....

day of, 19.....

....., Sheriff.

By....., Deputy.

GERTRUDE CONROW GARRETT, : IN THE CIRCUIT COURT OF
Complainant : BALDWIN COUNTY, ALABAMA
-vs- : IN EQUITY
ISAAC E. GARRETT, : NO. _____
Respondent :

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Your Complainant, Gertrude Conrow Garrett, respectfully represents and shows unto your Honor as follows:

ONE

That she is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, and has been such for more than one year next preceding the filing of her bill of complaint; that the Respondent is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama.

TWO

That your Complainant is the lawful wife of the Respondent having married him on, to-wit, the 5th day of July, 1941, in Forest, Mississippi.

THREE

Your Complainant avers and charges that the said Respondent has committed actual violence on her person attended with danger to her life or health, or that from his conduct towards her there is reasonable apprehension of such violence.

FOUR

Complainant avers that since her marriage to Respondent he has become addicted to the use of alcoholic liquors and has become an habitual drunkard, that he is now such and that she has separated from his bed and board for this reason and remains so separated.

PRAYER FOR PROCESS

Complainant prays that upon the filing of this bill of complaint that proper process issue to Isaac E. Garrett

making him a party respondent to this bill of complaint and requiring him to appear and plead, answer or demur to the allegations thereof within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that upon the final hearing of this cause that your Honor will grant to her an absolute divorce from the Respondent, Isaac E. Garrett, and grant to her permission to remarry should she desire.

Complainant prays for such other, further or different relief as in equity she is entitled, the premises considered.

Gertrude Courrow Garrett
Complainant

Newton J. J. J.
Solicitor for Complainant

Defendant's Address:
202 Summit Street
Fairhope, Alabama

FILED

Apr. 8, 1955

ALICE L. J. J.

BOOK 017 PAGE 110

GERTRUDE CONROW GARRETT, : IN THE CIRCUIT COURT OF
 Complainant : BALDWIN COUNTY, ALABAMA
 -vs- : IN EQUITY
 ISAAC E. GARRETT, : NO. 3504
 Respondent :

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

This agreement made and entered into by and between
 Gertrude Conrow Garrett, the Complainant, and Isaac E. Garrett,
 the Respondent, in the above styled cause on this the _____
 day of May, 1955, WITNESSETH:

WHEREAS, the within named parties were legally married
 on the 5th day of July, 1941, in Forest, Mississippi, and

WHEREAS, a bill for divorce has been filed by the
 Complainant seeking an absolute divorce from the Respondent,
 and

WHEREAS, the within named parties have acquired
 certain property rights during their marriage and said parties
 desire to make a settlement between themselves with regard to
 said property.

IT IS THEREFORE AGREED AS FOLLOWS:

1. That Complainant shall pay Respondent the sum of One Thousand and No/100 (\$1,000.00) Dollars cash, the receipt whereof is hereby acknowledged, for all of the right, title, and interest of Respondent in any real property acquired by Complainant, and Respondent hereby relinquishes any equity or claim he may have in said real property.
2. Complainant agrees to give to Respondent the diamond ring given her by Respondent and release all claim thereto.
3. Complainant agrees to pay the costs of court in this proceeding.
4. Complainant hereby waives all claim of alimony both temporary and permanent from Respondent.

5. Respondent agrees to replace the fan and other articles of property removed by him from their home and to pay any and all bills now owing by said parties in Baldwin County, Alabama.

6. It is further agreed between the parties hereto that this agreement shall be and become a part of the final decree of the Court in this cause and is made subject to the approval of said Court.

7. It is further agreed between the parties that Miss Nellie Lane of Mobile, Alabama, may take the testimony in this cause without the issuance of a commission.

Gertude Connor Garrett
Complainant

W. S. Garrett
Respondent

Reuben Ingram
Solicitor for Complainant

Paul F. McFaily
Solicitor for Respondent

FILED

May 28, 1955

CLERK OF DISTRICT COURT

Gertrude Conrow Garrett
Complainant

Vs

Isaac E. Garrett
Respondent

Agreement

FILED

MAY 28 1955

ALICE L. DUCK, Register

GERTRUDE CONROW GARRETT, : IN THE CIRCUIT COURT OF
 Complainant : BALDWIN COUNTY, ALABAMA
 -vs- : IN EQUITY
 ISAAC E. GARRETT, : NO. 3504
 Respondent :

ANSWER AND WAIVER

Comes now Issac E. Garrett, the Respondent in the above styled cause and for answer to the bill of complaint heretofore filed admits the allegations set forth in Paragraphs One and Two, but denies each and every other material allegation set forth in Paragraphs Three and Four of the bill of complaint and demands strict proof thereof. Respondent agrees that the testimony in this cause may be taken by deposition on oral examination and waives notice of the time and place of the taking of such testimony and the appointment of a commissioner and further agrees that this cause may be submitted for final decree at any time.

FILED

May 28, 1955

USE - BOX 100

Isaac E. Garrett
 Isaac E. Garrett, Respondent

Robert F. Bailey
 Solicitor for Respondent

Gertrude Conrow Garrett
Complainant

Vs
Isaac E. Garrett
Respondent

Answer and Waiver

FILED

MAY 28 1955

ALICE L. DUCK, Register

HERNDON INGE, JR.

ATTORNEY AT LAW

FIRST NATIONAL BANK BUILDING

POST OFFICE BOX 636

MOBILE, ALABAMA

April 7, 1955

Register In Chancery
Circuit Court
Court House
Baldwin County, Alabama

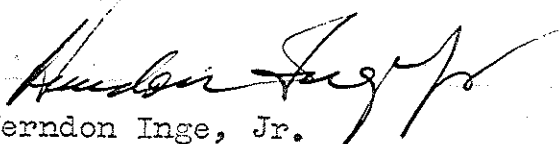
Dear Sir:

I am enclosing a Bill of Complaint and copy to be filed which is styled, Gertrude Conrow Garrett, Complainant vs. Isaac E. Garrett, Respondent. I will appreciate it if you will accept the filing of the Bill of Complaint and will enter me on the docket as Solicitor for Complainant.

Please notify me if there are any charges at this time.

Thanking you and with kindest regards, I am

Yours very truly,


Herndon Inge, Jr.

HI:nl
Enc.

Gertrude Conrow Garrett
Complainant

Vs

Issac E. Garrett
Respondent

##

In the Circuit Court of
Baldwin County, Alabama
In Equity, No. 3504

Now comes the Respondent by his Attorney and demurs to the Bill of Complaint and to each count thereof both seperately and severally and for grounds thereof assigns the following;

1.
There is no Equity in said bill.

2.
The averment that Complainant is the lawful wife of Respondent is but a conclusion of the pleader.

3.
No facts are alleged in count three which constitutes Cruelty, such as would be a ground of divorce under Alabama law.

4.
No facts are alleged in count four to support the allegations of Habitual Drunkenness, to show to the court how often the Respondent becomes drunk and the allegations in said count, are but conclusions of the pleader.

5.
The bill does not offer to do Equity.


Solicitor for the Respondent

3504

Gertrude Conrow Garrett
Complainant

Vs

Issac E. Garrett
Respondent

*5/24/55
Specially Withdrawn
These Demurrers
of Plaintiff
A. J. Duck
Solicitor for Respondent*

Demurrer

FILED

MAY 9 1955

ALICE J. DUCK, Clerk

20 June 1955
Amended, 20 June 1955
4000 100 1000000000

theoretical

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theoretical

GERTRUDE CONROW GARRETT,
Complainant
No. 3504 VS.
ISAAC E. GARRETT,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

1. Bill of Complaint.
2. Answer and Waiver.
3. Agreement between the parties.
4. Testimony of Gertrude Conrow Garrett and Alfred E. Conrow.

FILED,

6-4-55

Deice J. Duck Register

Herndon E. J. J.
Solicitor-for Complainant

FOR RESPONDENT

Solicitor-for Respondent

No. 3504

GERTRUDE CONROW GARRETT,
Complainant

Vs.

ISAAC E. GARRETT,
Respondent

ORDER OF SUBMISSION
NOTE OF EVIDENCE

FILED

JUN

4 1955

Terms, 19

, 19

Ent. Min. Notice, Register, Page


COMMISSIONER CERTIFICATE

I, Nellie Lane, heretofore appointed commissioner by consent of the parties in an action in the Circuit Court of Baldwin County, Alabama, Equity Division, whereby Gertrude Conrow Garrett is the Complainant and Isaac E. Garrett, is the Respondent, caused Gertrude Conrow Garrett and Alfred E. Conrow who are known to me, to come before me to testify in the office of Herndon Inge, Jr. Esq., in the First National Bank Building in Mobile, Alabama, on the 31st day of May, 1955, and 2:00 P.M. that the said witnesses were duly sworn by me to testify to the whole truth as stated hereinbefore; that the said witnesses were then and there examined by Herndon Inge, Jr., Esq., the solicitor for the Complainant, No Solicitor appearing for the Defendant; that the said witnesses testified in response to to the said examination as it is hereinabove and before written; that the testimony of the said witnesses was by me reduced to writing by typewriter in narrative form and as near as might be in the identical language of said witnesses.

I further certify that each of the said witnesses read the respective depositions and they signed the same in my presence. The depositions are true and correct as given by the witnesses.

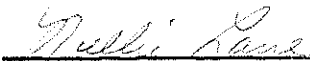
I further certify that I am not of counsel or kin to any of the parties to the cause and am not in anywise interested in the result thereof.

Witness my hand this 2nd day of June, 1955.



Commissioner

Commissioner's fee of \$5.00
has not been paid.



Commissioner

TESTIMONY OF GERTRUDE CONROW GARRETT

My name is Gertrude Conrow Garrett and I am over the age of twenty-one years and am a bona fide resident citizen of Baldwin County, Alabama, and have been such for more than one year next before the filing of my bill of complaint. My husband, Isaac E. Garrett, the Respondent in my bill for divorce, is over the age of twenty-one years and is also a resident of Baldwin County, Alabama. My husband, Isaac E. Garrett, and I were married on the 5th day of July, 1941 in Forest, Mississippi and lived together as husband and wife continually until a few days before the filing of this bill of complaint. My husband and I lived at 202 Summit Street in Fairhope, Alabama for several years prior my leaving home about the 5th of April, 1955. Immediately before leaving and for many months prior thereto my husband, Isaac E. Garrett, became addicted to using alcoholic liquors and became an habitual drunkard. He has for the past several years been a heavy drinker but for the past six or eight months prior to leaving him, he was drunk most of the time. He drank every day, bought liquor and was continually under the influence of alcohol. He would very often get drunk and pass out in our house and it was necessary for me to minister to his every need due to the fact that in the drunken condition he was violent and hard to control. I told him many times prior to leaving that it would be necessary for me to separate from him because of his drunkenness and I separated from him shortly before the 7th of April, 1955. I left his bed and board for the reason of his habitual drunkenness and remain so separated and do not intend to return to him. During his drunken period he is violent and has made many threats on my life and I am afraid to continue living with him further. It is common knowledge in the community in which both of us live that my husband is a drunkard and I have many people who will testify to that fact. I have tried

for many years to make my husband give up drinking but he has gotten continually worse until now it is absolutely impossible for me to continue to live with him because I am afraid for my life in one of his drunken periods.

There are no children born to our marriage and we have entered into an agreement through our respective attorneys as to the disposition of our property.

Gertrude Conrow Garrett
Gertrude Conrow Garrett

Commissioner's Certification:

I hereby certify that the foregoing deposition is true and correct as given by the foregoing witness.

Nellie Lane
Commissioner

TESTIMONY OF ALFRED E. CONROW

My name is Alfred E. Conrow and I am over the age of twenty-one years and reside in Fairhope, Alabama. I know Gertrude Conrow Garrett and Isaac E. Garrett and know that they were married on the 5th day of July, 1941 in Forest, Mississippi and lived together as husband and wife until shortly before the 5th of April, 1955, when Gertrude Conrow Garrett left her husband and moved away from their house. Gertrude Conrow Garrett is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama and has been such for more than one year next before the filing of her bill of complaint and the Respondent Isaac E. Garrett, is also over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama. I have known Isaac E. Garrett for several years and I know that during the past year he has become addicted to the habitual use of alcohol. I also know from my own personal knowledge that he is a heavy drinker and has not been sober for several months. Since their marriage, Isaac E. Garrett has become addicted to the use of alcoholic liquors and has become an habitual drunkard and is now such and his wife, Gertrude Conrow Garrett has separated from his bed and board and remains so separated. I have seen Isaac E. Garrett on many occasions prior to the time his wife left him in April, 1955, and have seen him in a drunken condition many times. I know from my own personal knowledge that he is a drunkard and I have talked to him on the telephone personally and have observed his actions for the past several months. I also know that during his drunken condition he has threatened the life of his wife, Gertrude Conrow Garrett and she is afraid to live with him. When she was forced to leave him because of his drunkenness and because she was afraid to stay with him she had to seek protection in another town due to the fact that many threats were made against her by him. I know Gertrude Conrow Garrett is afraid to return to her husband and has separated from him because of his drunkenness.

Alfred E. Conrow
Alfred E. Conrow

Commissioner's Certification:
I hereby certify that the foregoing
deposition is true and correct as given
by the foregoing witness.

Nellie Lane
Commissioner

GERTRUDE CONROW GARRETT, : CIRCUIT COURT OF BALDWIN
Complainant : COUNTY, ALABAMA
-vs- : IN EQUITY
ISAAC E. GARRETT, : NO. 3504
Respondent :

DECREE OF DIVORCE

This cause is submitted for decree on the pleadings and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Respondent be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that the Complainant and Respondent be, and hereby are permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, and in no event before the expiration of sixty days after the rendition of this decree.

It is further ordered, adjudged and decreed by the Court that the agreement entered into between the Complainant and the Respondent on file in this cause be and it hereby is approved.

It is further ordered that Complainant pay the cost of this suit, for which execution may issue.

Dated, this 4 day of June, 1955.

Hubert M. Hall

JUDGE