

ALICE CAROLINE BRADY, : IN THE CIRCUIT COURT OF
Complainant, : BALDWIN COUNTY, ALABAMA
Vs. : IN EQUITY
PHILLIP A. BRADY, :
Respondent. : No. _____

Comes the respondent, Phillip A. Brady, in the above styled cause and moves this Honorable Court to set aside the order entered therein on the 19th day of December, 1958 requiring the respondent to vacate the home wherein he is residing in Fairhope, Alabama, and for grounds therefore shows unto this Honorable Court as follows:

1. That said order was entered without the respondent being granted a hearing in the matter.
2. That said property was purchased with the funds of the respondent and that a mortgage existed thereon; that the complainant's mother, Mrs. Henry Miller, paid approximately \$1,200.00, and the respondent allowed said property to be changed from his name to the name of his wife, the complainant, and her mother, Mrs. Henry Miller, and the respondent further shows that the value of said property is approximately \$7,000.00; that to require the respondent to remove from said premises would be to deprive the respondent of his property without due process of law.
3. That it is untrue that the respondent has failed to support the complainant, but on the contrary, the respondent shows unto this Honorable Court that he contributes to the support of the complainant, as he has done for twenty-two years; that he has paid for his son, Phillip, to enter and continue to stay at Mississippi Southern University; that he has paid the doctor bills and medicine bills of the complainant, and that no longer than six hours prior to the time that he received the Summons and Complaint in the above styled cause, he personally took his wife, the complainant, to Dr. Mullins, paid the bill and the bill for medicine prescribed; that he does from time to time deposit money to the complainant's account in the Merchants

National Bank of Mobile, Alabama, and gave her money personally for her support.

4. Your respondent denies that he uses any language towards the complainant that would induce a nervous breakdown.

Phillip A. Brady

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority in and for said State and County, appeared Phillip A. Brady, who being duly sworn, did depose and say that the above set out facts are true and correct.

Phillip A. Brady
Affiant

Sunscribed and sworn to before me on this, the 30 day of December, 1958.

Marvin M. Newman
Notary Public, Mobile County, Alabama

Service accepted 12/30/58
CHASOW & STONE

By: Marlene S. Stone, Jr.

ALICE CAROLINE BRADY,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
PHILLIP A. BRADY,	X	
Respondent.	X	IN EQUITY
	X	

ORDER

This day came Alice Caroline Brady and filed her verified Bill of Complaint in this Court for separate maintenance and praying that upon the filing thereof that this Court enter an order or decree requiring the Respondent to vacate the home where he is now residing, which home is alleged to be the property of the Complainant, and the Court having considered the same is of the opinion that the temporary relief therein prayed for should be granted; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the Respondent Phillip A. Brady be, and he hereby is, required to vacate the home wherein he is now residing in Fairhope, Baldwin County, Alabama and that he has no right to require the Complainant to permit him to remain in said home.

It is further ORDERED, ADJUDGED and DECREED by the Court that a copy of this order be served upon the Respondent Phillip A. Brady at the time of the service of a copy upon him of the Bill of Complaint hereinabove referred.

Done this 19 day of December, 1958.


CIRCUIT JUDGE

ALICE CAROLINE BRADY,	:	IN THE CIRCUIT COURT OF
	:	
Complainant,	:	BALDWIN COUNTY, ALABAMA
	:	
Vs.	:	IN EQUITY
	:	
PHILLIP A. BRADY,	:	
	:	
Respondent.	:	No. _____

This day came Phillip A. Brady and filed a verified motion to set aside the order entered on the 19th day of December, 1958 in the above styled cause, and it appearing to the Court in said verified motion and the grounds therefore, that a hearing on the facts should be had in this cause, it is therefore

~~ORDERED, ADJUDGED AND DECREED by this Court of Baldwin County, Alabama, in Equity, that said order entered on the 19th day of December, 1958 requiring the respondent to vacate the home place where he was at that time residing, be set aside.~~

It is further ORDERED, ADJUDGED AND DECREED by this Court that a hearing on this matter be set for 9:00 o'clock ^{AM} on the 14th day of Jan, 1959.

DONE this the 30 day of December 1959.

Julius M. Stue

 Judge of the Circuit Court of
 Baldwin County, Alabama, In Equity.

FILED

DEC 30 1958

ALICE J. DUCK, CLERK
 REGISTER

2:50 o'clock

4462

FILED

DEC 30 1958

ALICE J. DUCK, CLERK
REGISTER

ALICE CAROLINE BRADY,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
	X	BALDWIN COUNTY, ALABAMA
vs.	X	IN EQUITY
PHILLIP A. BRADY,	X	NO. _____
Respondent.	X	

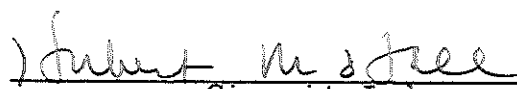
DECREE OVERRULING DEMURRER

This cause coming to be heard was submitted upon the original Bill of Complaint and the demurrer thereto filed by the Respondent and the Court having considered the same is of the opinion that the demurrer is not well taken and should be overruled; it is, therefore

ORDERED, ADJUDGED and DECREED that the demurrer of the Respondent to the Complaint be, and the same is hereby, overruled.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Respondent is given thirty (30) days in which to file his answer to the Complaint.

Done this 21st day of April, 1959.

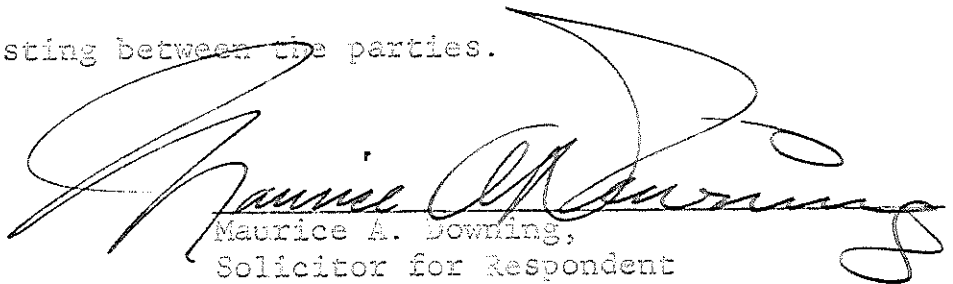

 Circuit Judge

ALICE CAROLINE BRADY,	:	IN THE CIRCUIT COURT OF
	:	
Complainant,	:	BALDWIN COUNTY, ALABAMA
	:	
Vs.	:	IN EQUITY
	:	
PHILLIP A. BRADY,	:	
	:	
Respondent.	:	No. _____

DEMURRER

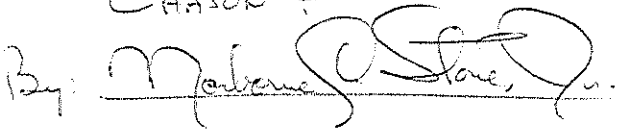
Comes the respondent, Phillip A. Brady, and demurs to the Bill of Complaint heretofore filed in the above styled cause, and to each paragraph thereof separately and severally, and assigns the following separate and several grounds:

1. Said complaint fails to allege any grounds to require the respondent, who is alleged to be the legal husband of the complainant, to remove from their home place.
2. From aught appearing from said Bill of Complaint the respondent has paid all of the money for the purchase of said home place.
3. Said complaint fails to set out any grounds for a divorce or a legal separation a mensa et thoro.
4. The Prayer for Relief in said complaint fails to set out any prayer for a divorce a mensa et thoro, or a divorce entirely severing the bonds of matrimony existing between the parties.


 Maurice A. Downing,
 Solicitor for Respondent

Service accepted:

CHASON E. STONE

By: 

FILED

DEC 30 1958

ALICE J. DUCK, CLERK
REGISTER

2:45 o'clock

4462

dated
12-30-58
Anne Innes
Rd 1

STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Phillip A. Brady to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Alice Caroline Brady, as Complainant, against Phillip A. Brady, as Respondent.

Witness my hand this 19 day of December, 1958.

Alice J. Luck
Register

ALICE CAROLINE BRADY,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
	X	IN EQUITY
PHILLIP A. BRADY,	X	
Respondent.	X	

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

Comes your Complainant, Alice Caroline Brady, and respectfully represents and shows unto Your Honor and to this Honorable Court as follows:

FIRST:

That she is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, residing in Fairhope, Alabama; that the Respondent Phillip A. Brady is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama, also residing in Fairhope, Alabama.

SECOND:

That the Complainant and the Respondent were married on

to-wit: April 24, 1936, in Mobile, Alabama, and there have been born to such marriage two children; Phillip A. Brady, Jr. who is now twenty-one years of age, and Henry Miller Brady, who is now nineteen years of age.

THIRD:

The complainant further shows unto Your Honor that although she and the Respondent are occupying the same home that the Respondent has voluntarily abandoned your Complainant through a constant failure to support her, constant abuse of your Complainant through the use of vile and abusive language and in general his actions have been such that your Complainant has become highly nervous and distraught to the extent that if she is required to continue to live with the Respondent in the same home that she believes that she will suffer a nervous breakdown.

FOURTH:

That the home in which your Complainant and the Respondent are now living is situated on property belonging to the Fairhope Single Tax Corporation but the lease to said property is in the name of your Complainant and her mother, Mrs. Alice F. Miller, as joint tenants with right of survivorship.

FIFTH:

Your Complainant further alleges that the Respondent is a well educated man and fully capable of earning a sufficient amount of money with which to properly support your Complainant but because of his failure and inability to do so your Complainant has been required to engage in the business of selling encyclopedias for the purpose of making what little money she is able to make in that line of endeavor. The Respondent refuses and has continually refused for the past several years to be gainfully employed and, although he is fully capable of earning more, his average monthly income has not been more than One Hundred Dollars (\$100.00) per month for the past several years. That your Complainant has no other means of support other than the sale of encyclopedias and what little money she has received from her husband. Your Complainant further alleges that

it has been necessary that she employ Solicitors to represent her in this matter and to that end she has employed the firm of Chason & Stone, Attorneys at Law, Bay Minette, Alabama, and she has no funds or means with which to pay her Solicitors for their services rendered and to be rendered in this proceeding.

PRAYER FOR PROCESS

The premises considered the Complainant respectfully prays that this Honorable Court will cause its usual Writ of Process to issue requiring the Respondent to plead, answer or demur to this complaint within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The Complainant further prays that upon the filing of this Bill of Complaint that this Honorable Court will enter an order or decree requiring the Respondent to vacate the home wherein he is now residing, and which is the property of the Complainant, and your Complainant further prays that upon a final hearing of this cause that this Honorable Court will fix and determine an amount which the Respondent should be required to pay to the Complainant for her support and maintenance and will further determine a reasonable amount to be allowed to your Complainants Solicitors for their services herein and will require the Respondent to pay said amount; and your Complainant prays for such other, further and different relief to which, in equity, she might be entitled.

Alice Caroline Brady
Alice Caroline Brady

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally Alice Caroline Brady who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That her name is Alice Caroline Brady and that she signed the foregoing Bill of Complaint and the facts alleged therein are true and correct.

Alice Caroline Brady
Alice Caroline Brady

Sworn to and subscribed before me
this 17th day of December,
1958.

M. P. Stone
Notary Public, Baldwin County, Ala.