

3908

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Lee G. Jernigan, Complainant

vs.

Edna J. Jernigan, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer and 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 Lee G. Jernigan is forever divorced from the said Edna J. Jernigan for and on account of Abandonment

It is further ordered, adjudged and decreed that the Respondent may resume the use of her maiden name.

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 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 Lee G. Jernigan the Complainant pay the cost herein to be taxed, for which executed may issue.

This 25 day of October 1956

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 _____ day of _____, 19____

Register of Circuit Court, In Equity.

No. 3908 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Lee G. Jernigan

Complainant

vs.

Edna J. Jernigan

Respondent

DIVORCE DECREE

FILED
OCT 25 1956
ALICE J. GORR, Register

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Maurine Montgomery Brice

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

Lee G. Jernigan and Mamie S. Burdeaux

a witnesses in behalf of in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Lee G. Jernigan, Complainant and

Edna J. Jernigan Respondent

on oath, to be by you administered, upon to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 22 day of Oct, 1956

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

**THE STATE OF ALABAMA
Baldwin County**

CIRCUIT COURT

Lee G. Jernigan

Complainant

VS.

Edna J. Jernigan

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

FILED

OCT 25 1956

WITNESSES:

ALICE J. DUCK, Register

[Faint, mostly illegible text, likely a deposition transcript or legal notes, covering the majority of the page.]

WAIVER AND ANSWER

Lee G. Jernigan
Complainant

Vs

Edna J. Jernigan
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the respondent in the above styled cause and accepts service of a bill of complaint filed heretofore in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

1. She admits the allegations contained in paragraph 1 of said bill of complaint.
2. She admits the allegations contained in paragraph 2 of said bill of complaint.
3. She denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof thereof.

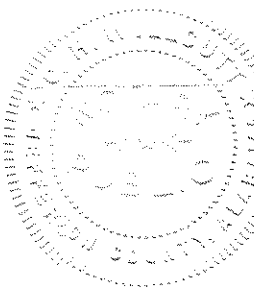
Edna J. Jernigan
Respondent

THE STATE OF ALABAMA)
JEFFERSON COUNTY)

I, C.H. Willett, a Notary Public in and for said County and State, do hereby certify that Edna J. Jernigan, whose name is signed to the foregoing waiver, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, on this the 24 day of August, 1956.

C.H. Willett
Notary Public



BILL OF COMPLAINT

LEE G. JERNIGAN, Complainant)
V.)
EDNA J. JERNIGAN Respondent)

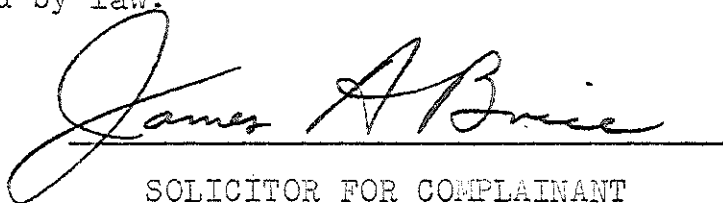
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

To the Honorable H.M. HALL, Judge of the Circuit Court of Baldwin County, Alabama, sitting in Equity:

Your Complainant, LEE G. JERNIGAN, would respectfully represent and show unto this Honorable Court as follows:

1. That he is over the age of twenty-one years, and is a bona fide resident citizen of Baldwin County, Alabama, and has been such for a period of more than one year next before the filing of this complaint; that the Respondent is over the age of twenty-one years, and is a resident of Jefferson County, Alabama.
2. That your Complainant and the Respondent intermarried in St. Clair County, Alabama, on to-wit, October 9, 1955, and ever since have been and are now husband and wife.
3. Complainant further avers that said Respondent voluntarily abandoned the bed and board of Complainant for more than one year next preceding the filing of this Bill of Complaint, since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

WHEREFORE, the Premises considered, your Complainant makes the said EDNA J. JERNIGAN party respondent to this his Bill of Complaint, and prays that the process of this Court may issue to her commanding her within the time and in the manner required by law and the rules of this Honorable Court to appear in this cause and plead, answer, or demur to this his Bill of Complaint; and that upon a final hearing of this cause. your Honor will make and enter a decree granting unto your Complainant an absolute divorce from the said EDNA J. JERNIGAN upon the grounds hereinabove set out, with leave for your Complainant to remarry within the time prescribed by law.


SOLICITOR FOR COMPLAINANT

Lee G. Jernigan

vs.

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, _____
 and depositions

and in behalf of Defendant upon Answer and Waiver

James A. Druie
 Solicitor for Complainant

Wesley Druie
 Register.

3904

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Lee G. Jernigan

vs.

Edna J. Jernigan

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194

OCT 25 1956

ALICE J. OWEN, Registrar Register.

Printed by the Baldwin Times

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

LEE G. JERNIGAN

Complainant

VS.

EDNA J. JERNIGAN

Respondent

I, Maurine M. Brice

as Register and Commissioner

have called and caused to come before me Lee G. Jernigan

witness named in the Requirement for Oral Examination, on the 22 day of October 1956, at the office of James A. Brice, Attorney, Foley, Alabama

in Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Lee G. Jernigan

doth depose and say as follows:

My name is Lee G. Jernigan, and I am the Complainant in this cause of action. I am eighty years old, and I have been a resident of Baldwin County, Alabama since 1946 and up to the present time. The Respondent, Edna J. Jernigan, and I were lawfully married on the 8th day of October, 1955, at Ashville, Alabama. We came to Foley immediately thereafter, and took up living in my house here. We had no quarrels or differences, but on the 19th day of October, 1955, Edna J. Jernigan told me she was leaving me, and on the 21st day of October, 1955, she did leave me, and we have not lived together as man and wife since that date, nor have I seen her since the 21st day of October, 1955.

Further deponent sayth not.

Handwritten signature of Lee G. Jernigan

Lee G. Jernigan

ORAL EXAMINATION.

I, Maurine Montgomery Brice, as Register and Commissioner 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 myself and James A. Brice, Attorney at Law, Foley, Alabama at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not of counsel or 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 22 day of October, 1956.

Maurine Montgomery Brice (L. S.)

NO. 3908 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Lee G. Jernigan

vs. Complainant

Edna J. Jernigan

Respondent.

Oral Deposition

Filed FILED, 1956

OCT 25 1956 Register.

ALB. RECORDED IN
100A, Register

Record

Vol. _____ Page _____

Register

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

Lee G. Jernigan

Complainant

VS.

Edna J. Jernigan

Respondent

I, Maurine Montgomery Brice

as Register and Commissioner

have called and caused to come before me

Mamie S. Burdeaux

witness named in the Requirement for Oral Examination, on the 22 day of October 1956, at the office of James A. Brice, Attorney, Foley, Alabama

in Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Mamie S. Burdeaux

doth depose and say as follows:

My name is Mamie S. Burdeaux, and I am fifty-three years old, and a resident of Foley, Alabama; Lee G. Jernigan and Edna J. Jernigan first became known to me as man and wife on either the 10th or the 11th of October, 1955, when they came to the house where I was living, in Foley. I had full opportunity to observe them every day thereafter, being and living in the same house with them; they had no arguments to my knowledge, but on the 19th of October, 1955, I was present and heard Edna J. Jernigan tell Lee G. Jernigan that she didn't want to stay with him, did not love him, and was leaving him; I asked her to stay, but she said she didn't love him, and on the 21st day of October, 1955, she left and abandoned him, and they have not lived together since as man and wife. I have had daily opportunity to observe Lee G. Jernigan, and I know that he has not seen her since October 21, 1955.

Further deponent sayth not.

Mamie S. Burdeaux

Mamie S. Burdeaux

ORAL EXAMINATION.

I, Maurine Montgomery Brice, as Register and Commissioner 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 her and she signed the same in the presence of myself and James A. Brice, Attorney at Law, Foley, Alabama at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not of counsel or 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 22 day of October, 1956

Maurine Montgomery Brice (L. S.)

NO. 3908 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Lee G. Jernigan

vs. Complainant

Edna J. Jernigan

Respondent.

Oral Deposition

Filed FILED, 1956

OCT 25 1956, Register.

Recorded in
ALICE J. DECK, Register Record

Vol. _____ Page _____

_____, Register

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

October 24, 1956

Mrs. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed find check for costs and all necessary papers in divorce proceeding of Lee G. Jernigan v. Edna J. Jernigan. I will appreciate two copies of the divorce decree. I will be in Bay Minette Friday so I will pick up the decrees then if the Judge has signed same.

Many thanks.

Sincerely,


James A. Brice

encl-as noted

JAB/MM

(3901)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

----- JERRY EDDINS -----, Complainant

vs.

----- SALLY MAE EDDINS -----, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conesso on~~ ^{Respondent's answer} by 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 Respondent and the same are hereby dissolved and that the said~~ ----- ~~is hereby divorced from the~~ ~~said~~ ----- for and on account of

the purported marriage between Jerry Eddins and Sally Mae Eddins on the Twenty-first day of April, 1953, performed in Greenville, Alabama, he and the same is hereby ANULLED and held for NAUGHT, and that the said Jerry Eddins and Sally Mae Eddins be and they are hereby judicially ascertained to be not legally married to each other but to be single persons.

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 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 ----- Jerry Eddins ----- the ----- Complainant ----- pay the cost herein to be taxed, for which executed may issue.

This ----- day of ----- May ----- 19-57

Judge Circuit Court, In Equity.

I, ----- Alice J. Duck -----, 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 ----- May -----, 1957.

Register of Circuit Court, In Equity.

No. ----- Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Jerry Eddins

Complainant

vs.

Sally Mae Eddins

Respondent

~~INTERIM~~ DECREE

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

----- JERRY EDDINS -----, Complainant

vs.

----- SALLY MAE EDDINS -----, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ ^{Respondent's answer} on by 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 bond of matrimony heretofore existing between the Complainant and Respondent be and the same are hereby dissolved and that the said~~ ----- ~~is forever divorced from the~~ ~~said~~ ----- for and on account of

the purported marriage between Jerry Eddins and Sally Mae Eddins on the Twenty-first day of April, 1953, performed in Greenville, Alabama, be and the same is hereby ANNULLED and held for NAUGHT, and that the said Jerry Eddins and Sally Mae Eddins be and they are hereby judicially ascertained to be not legally married to each other but to be single persons.

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 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 ----- Jerry Eddins ----- the Complainant ----- pay the cost herein to be taxed, for which executed may issue.

This ----- day of May ----- 19 57

Judge Circuit Court, In Equity.

I, Alice J. Duck ----- 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 May -----, 19 57

Register of Circuit Court, In Equity.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Jerry Eddins

Complainant

vs.

Sally Mae Eddins

Respondent

DIVORCE DECREE

No. ----- Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Jerry Eddins

Complainant

vs.

Sally Mae Eddins

Respondent

DIVORCE DECREE

Jerry Eddins

COMPLAINANT

vs.

Sally Mae Eddins

RESPONDENT

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Personal Service on the Respondent, Appointment of Guardian Ad
Litem. Acceptance of Guardian Ad Litem, Commission to take
Depositions. Oath Depositions of complainant's Witnesses
Respondent's Answer by Guardian Ad Litem.

and in behalf of Defendant upon _____

James A. Brin
Guardian Ad Litem

Arthur Epperson
Attorney for the Complainant

Wesley J. French
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Jerry Eddins
Comp.

vs.

Sally Mae Eddins
Resp

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

FILED

MAY 17 1957

ALICE L. [unclear]

Register.

Printed by *[unclear]* Baldwin Times

JERRY EDINS
Complainant

VS
SALLY MAE EDINS


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, SITTING IN EQUITY:

Your complainant, Jerry Edins, respectfully represents and shows
unto your Honor:

1. That the complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona-fide resident for more than one year next preceding the filing of this bill of complaint; that Sally Mae Edins is over the age of twenty-one years, who is now confined in Bryce Hospital in Tuscaloosa.
2. That your complainant and respondent were married on the twenty-first day of April, 1953, at Greenville, Alabama.
3. Your complainant avers and charges that the said respondent did before the filing of this bill of complaint and many times subsequent thereto assault, beat, hit and strike complainant; that said respondent has committed actual violence on his person attended with danger to his health or life; complainant avers and charges that respondent has made numerous threats of doing him physical harm and from her manner and conduct toward him, he is reasonably convinced that she will commit an actual violence upon his person, attended with danger to his life or health.
4. That the said respondent at the time said marriage was contracted was mentally deficient and suffering from such mental derangement as to prevent her from comprehending the nature of the contract of marriage and from giving to it her free and intelligent consent and that said mental incapacity of respondent was then and there unknown to your complainant.

The premises considered, your complainant makes party defendant to this bill of complaint the said Sally Mae Edins, and prays that service may be had upon her in the manner required by law, and that a guardian ad litem may be appointed by this Honorable Court to defend this bill in her behalf, and upon a hearing hereof your complainant prays that this Honorable Court may annul and declare for naught the said purported marriage and may adjudge, and decree that the said Jerry Edins and Sally Mae Edins are not legally married but are single persons, and your complainant prays that he may have such other, further or different relief as in equity he may be entitled.


Solicitor for Complainant

State of Alabama
Baldwin County

Before me, Alice J. Duck, Clerk of Circuit Court in and for said state and county, personally appeared Arthur C. Epperson, who is known to me, and who being first duly sworn, deposes and says:

That he is the attorney for complainant in the bill of complaint this day filed in the Circuit Court of Baldwin County, Alabama, in Equity, under the style of Jerry Edins VS. Sally Mae Edins; that Sally Mae Edins, one of the respondents, is, in the belief of the affiant, over the age of twenty-one years; that the said Sally Mae Edins is a person mentally deficient, and that she is at present confined in the Alabama Bryce Hospital at Tuscaloosa, Alabama, all of which facts are alleged upon information and belief, and according to the best of affiant's information and belief are true.

Arthur L. Epperson

Sworn to and subscribed before me this thirty first day of
October, 1956.

NOTARY PUBLIC
STATE OF MISSISSIPPI

2092 AM

JERRY EDINS
Complainant

vs

SALLY MAE EDINS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3909

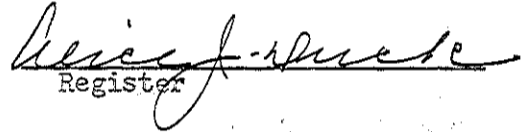
APPOINTMENT OF GUARDIAN AD LITEM

In this cause, it appearing to the Register, Alice J. Duck, that SALLY MAE EDINS, a non compos mentis, and,

In the said proceeding it being made to appear to the Register, Alice J. Duck, that the said SALLY MAE EDINS, a non compos mentis, is interested in the result of said divorce proceedings,

It is therefore Ordered, by the Register that James A. Brice be and he is hereby appointed Guardian Ad Litem to represent the said SALLY MAE EDINS, non compos mentis, upon hearing of the said cause.

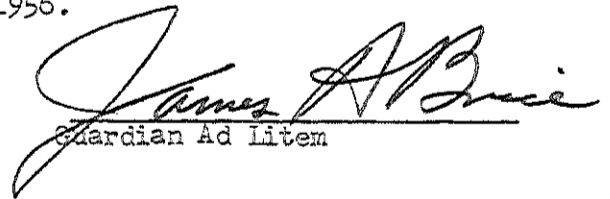
Done the 31st day of October, 1956.


Register

CONSENT TO ACT

I, James A. Brice, hereby consent to act as guardian ad litem for SALLY MAE EDINS, a non compos mentis, upon hearing of the above cause.

Witness my hand this 31st day of October, 1956.


Guardian Ad Litem

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Jerry Eddins Complainant

VS.

Sally Mae Eddins Respondent

I, Hazel Spiller

as Register and Commissioner

have called and caused to come before me Jerry Eddins, Dr. A. A. Meeks and B. D. Cobb

witness es named in the Requirement for Oral Examination, on the 16 day of xxxxxx May 19457, at the office of myself, Foley, Ala in _____, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said Jerry Eddins, A.A. Meeks and B. D. Cobb doth depose and say as follows: in the presence of the Honorable James H. Brice, Attorney and Guardian Ad Litem for the Respondent, Sally Mae Eddins:

- Q. What is your Name? A. Jerry Eddins.
- Q. How Old are you? A. 49 years of age.
- Q. Where do you live? A. Baldwin County, Foley, Alabama.
- Q. How long have you resided in Baldwin County, Alabama. A. Over sixteen years ~~ix~~ in Baldwin County, Ala.
- Q. Continuously? A. Every since I first came to Baldwin County.
- Q. How old is Sally Mae Eddins? A. About thirty-three years old.
- Q. Where is Sally Mae Eddins residing now? A. She is confined in the mental hospital in Tuscaloosa, Alabama.
- Q. How long has Sally Mae Eddins been in the mental hospital in Tuscaloosa? A. About three and a half years.
- Q. Where and when were you and Sally Mae Eddins Married? A. Greenville, Alabama April 21, 1953.
- Q. How long had you known Sally Mae Eddins before you married her? A. I had seen her four or five times maybe in the last four or five years before I met her. I didn't know her until about a week before we got married. That was the first time I ever talked to her or was introduced to her. That was also when we decided to get married.
- Q. On the occasion when you met Sally Mae, how long did you actually talk to her? A. I just talked to her a few minutes and asked her to marry me.
- Q. Where did you meet Sally Mae? I was visiting my brother in Greenville, Alabama and met her there.
- Q. Did you make arrangements right away to get married? A. Yes, the next morning after I met her, we got a blood test and and three days later was married.
- Q. When did you first notice that there was something mentally wrong with Sally Mae? A. A week or ten days.
- Q. What did you first notice about her that led you to think that that there was something wrong with her mentally? A. She didn't act like a grown person should. She acted more like a kid, maybe a ten or twelve year old kid.
- Q. What were some of her actions to indicate this? A. She jumped up and down and played small childrens games. She would play in mud puddles like a pig.
- Q. How long did you live with her before she was committed to the mental hospital in Tuscaloosa? About seven months.
- Q. Did she get worse before she was sent to the Hospital in Tuscaloosa? A. I don't know if she got worse mentally but she got violent and mean just before I had to send her off.
- Q. Did you ever talk to the docotrs at the hospital about what was wrong with her? A. Yes.
- Q. Who did you talk to and what did he say? A. I talked with Doctor Tarwater, the Superintendent of Bryce Hospital where she is confined and he told me that she was not insane but was mentally deficient

ORAL EXAMINATION.

I, _____, as Register and Commissioner 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 _____ and _____ signed the same in the presence of myself _____

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proom 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 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 _____ day of _____, 194 _____

(L. S.)

NO. _____ PAGE _____

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

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 194 _____

Register.

Recorded in

Record

Vol. _____ Page _____

Register.

and had the mind of a small child.

Q. Was Sally Mae Eddins at the time of your marriage mentally capable of understanding the marriage contract and the duties that marriage carries with it?

A. No. She was not capable of understanding what it was all about.

Q. When you say what it was all about, do you mean your Marriage contract?

A. That is what I mean.

ON CROSS EXAMINATION BY Mr. Brice, Guardian Ad Litem, testimony as follows:

Q. You testified in your opinion that she was mentally defected at the time of your marriage, though you did not realize it till a week or ten days after your marriage, what was your opinion of her mental condition at the time of your marriage, Mr. Eddins?

A. I thought she was alright.

Q. You said you talked to her about fifteen minutes before you asked her to marry you, did you ever talk to her before that time?

A. No.

Q. Did your brother know her. A. Not much more than I did.

Q. How did you meet her? A. I mentioned to my brother about wanting to get married and he told me he heard this woman was wanting a husband. I met her at my bothers.

Q. Was her family away when you got married? A. No.

Q. As a wife was she alright, to sleep with? A. Yes.

Q. How was she at managing money? A. I had to look after getting things myself. She would spend all the money without getting groceries to last.

Q. Did she ever threaten to kill you? A. Yes I got up from the breakfast table one morning to go to work and she threw a piece of wood at me and hit above the door and said God damm your soul I am going to Kill you. She got a buthcher knife once and said she was going to cut my damn head off.

Q. Do you go to Church? A. Sometimes to the Holiness Church.

Q. How did she dress? A. Allright.

Q. Was she clean? She was when we married but then she wasn't.

Q. How did she talk to other people? A. She didn't talk much. When we would go to town she would try to have the cops lock me up. She said I beat her up at home.

Q. Did you ever hit or threaten her? A. No.

Q. What made you have her put away? A. She got so bad bothering the law in Foley that they said something would have to be done with her and I did what they told me.

Q. Does she drink? A. No.

Q. Do you Drink? A. Sometimes but not much.

Q. When she got worse did you still have sexual relations with her?

A. No. I just quit paying any attention to her. She would go into a field that had high weeds in it and stay all day.

Q. Did she know you when you left her at Tuscaloosa? ~~XX~~ A. No.

Q. How many times did she try to kill you? A. Three times with the butcherknife.

Q. How long has it been since you been to see her?

A. A year or more.

Q. If she is still that way she was when you took her to Tuscaloosa and she came back to live with you, would you have to be more like a father to her?

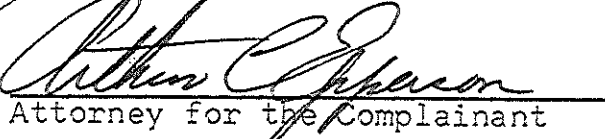
A. Yes I would have to feed her, clothe her and everything else.

Q. Did she hid objects fromm you.

A. Yes.

his
Jerry (S) Eddins
mark


Guardian Ad Litem


Attorney for the Complainant

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

JERRY EDDINS Complainant

VS.

SALLY MAE EDDINS Respondent

I, Hazel Spiller

as Register and Commissioner

have called and caused to come before me Jerry Eddins, Dr. A. A. Meeks,
and B. D. Cobb

witnesses named in the Requirement for Oral Examination, on the 15 day of May
19457, at the office of Hazel Spiller

in Foley, Alabama, and having first sworn said Witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Jerry Eddins, A. A. Meeks and
B. D. Cobb doth depose and say as follows:

My name is A. A. Meeks. I am a medical doctor and have been practising in Alabama for over forty years. I have been practising in Foley, Alabama for over ten years. I am personally acquainted with Jerry Eddins and Sally Mae Eddins. I have been his family doctor for a number of years.

I first met Sally Mae Eddins when she came to my office in Foley Alabama as a patient shortly after her marriage to Jerry Eddins. I did not know her but knew Jerry Eddins and she told me that she was married to Jerry Edins. This was in May of 1953. I noticed right away that there was something peculiar about Mrs. Eddins and after examining her and talking to her I came to the conclusion that she was mentally deficient and in my judgment only had the mentality of a ten year old child. I verified this opinion by later talks, examinations and observation of her. I fully believe that she never reached a mental age of a ten year old child and never will. She certainly in my opinion was not of sufficient mentality to enter into marriage. She is not capable of understanding or carrying out the duties necessary of a wife.

A. A. Meeks M.D.

My name is B. D. Cobb. I am Chief of Police of Foley Alabama. I am acquainted with Sally Mae Eddins and knew her before her marriage to Jerry Eddins. Sally Mae Eddins is in my opinion mentally deficient and was before her marriage to Jerry Eddins. In her appearance, talk, mannerisms and actions she was like a child of about ten or eleven years of age. She worried the police here in Foley so much by her complaints and disturbances that we were forced to tell Jerry Eddins that he would have to have her put in a mental insitution of some kind. The mental age of Sally Mae Eddins before her marriage to Jerry Eddins and after her marriage when she was sent off to Tuscaloosa was certainly never above that of a ten or eleven year old child.

B. D. Cobb Chief of Police

ORAL EXAMINATION.

I, Hazel Spiller, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself Hazel Spiller at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom 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 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 17th day of May, 194 57

Hazel Spiller (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 194

FILED

MAY 17 1957, Register.

ALICE REED, Register

Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Hazel Spiller

Foley, Ala.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Jerry Eddins. D. B. Cobb and Dr. A. A. Meeks

a witnesses in behalf of Jerry Eddins in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Jerry Eddins

Complainant

and Sally Mae Eddins

Respondent

on oath, to be by you administered, upon them to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 16 day of May, 1957

Alicia J. Duke
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

28152

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Jerry Eddins

Complainant

VS.

Sally Mae Eddins

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Hazel Spiller

WITNESSES:

Jerry Eddins

D. B. Cobb

Dr. A. A. Meeks

any depositions were taken and the same were filed in the office of the clerk of the court in Baldwin County, Alabama, on this 15th day of August, 1954.

Witness my hand and seal of office at the City of Montgomery, Alabama, this 15th day of August, 1954.

Hazel Spiller

Subscribed and sworn to before me this 15th day of August, 1954, at the City of Montgomery, Alabama.

Notary Public

My commission expires _____

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.

November 8, 1956

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

Hon. Alice J. Duck
Clerk
Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

Dear Miss Duck:

Re: Case No. 3909

Jerry Eddins,
Plaintiff

vs.

Sally Mae Eddins,
Defendant

Notice to Mrs. Sally Mae Eddins
Bryce Hospital
Tuscaloosa, Alabama

Mrs. Sally Mae Eddins has received summons, together with a copy of the Bill of Complaint, in the above captioned case.

Mrs. Sally Mae Eddins was admitted in the Bryce Hospital, Tuscaloosa, Alabama, on November 29, 1953; and has been continuously a patient since that date. It is my opinion that Mrs. Sally Mae Eddins is presently mentally incompetent and mentally incapable of responding to process of law.

Yours very truly,

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

(ecw)

JERRY EDINS
Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS
SALLY MAE EDINS

IN EQUITY

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

Your complainant, Jerry Edins, respectfully represents and shows
unto your Honor:

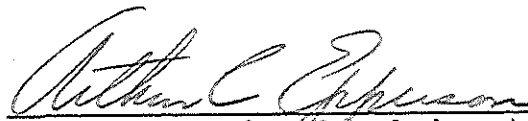
1. That the complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona-fide resident for more than one year next preceding the filing of this bill of complaint; that Sally Mae Edins is over the age of twenty-one years, who is now confined in Bryce Hospital in Tuscaloosa.

2. That your complainant and respondent were married on the twenty-first day of April, 1953, at Greenville, Alabama.

3. Your complainant avers and charges that the said respondent did before the filing of this bill of complaint and many times subsequent thereto assault, beat, hit and strike complainant; that said respondent has committed actual violence on his person attended with danger to his health or life; complainant avers and charges that respondent has made numerous threats of doing him physical harm and from her manner and conduct toward him, he is reasonably convinced that she will commit an actual violence upon his person, attended with danger to his life or health.

4. That the said respondent at the time said marriage was contracted was mentally deficient and suffering from such mental derangement as to prevent her from comprehending the nature of the contract of marriage and from giving to it her free and intelligent consent and that said mental incapacity of respondent was then and there unknown to your complainant.

The premises considered, your complainant makes party defendant to this bill of complaint the said Sally Mae Edins, and prays that service may be had upon her in the manner required by law, and that a guardian ad litem may be appointed by this Honorable Court to defend this bill in her behalf, and upon a hearing hereof your complainant prays that this Honorable Court may annul and declare for naught the said purported marriage and may adjudge, and decree that the said Jerry Edins and Sally Mae Edins are not legally married but are single persons, and your complainant prays that he may have such other, further or different relief as in equity he may be entitled.


Solicitor for Complainant

State of Alabama
Baldwin County

Before me, Alice J. Duck, Clerk of Circuit Court in and for said state and county, personally appeared Arthur C. Epperson, who is known to me, and who being first duly sworn, deposes and says:

That he is the attorney for complainant in the bill of complaint this day filed in the Circuit Court of Baldwin County, Alabama, in Equity, under the style of Jerry Edins VS. Sally Mae Edins; that Sally Mae Edins, one of the respondents, is, in the belief of the affiant, over the age of twenty-one years; that the said Sally Mae Edins is a person mentally deficient, and that she is at present confined in the Alabama Bryce Hospital at Tuscaloosa, Alabama, all of which facts are alleged upon information and belief, and according to the best of affiant's information and belief are true.

Arthur C. Epperson

Sworn to and subscribed before me this thirty first day of
October, 1956.

Leice J. Duck

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 3909

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sally Mae Eddins

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Sally Mae Eddins -----, Defendant

by Jerry Eddins -----

-----, Plaintiff

Witness my hand this 31st day of October 19 56

Alice J. [Signature] -----, Clerk

No. 3909

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

JERRY EDDINS

Plaintiffs

vs.

SALLY MAE EDDINS

Defendants

Summons and Complaint

Filed 10-31-56 19

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

10-31 19-56

Sheriff

I have executed this summons this November 8, 1956 by leaving a copy with

Mrs. Sally Mae Eddins, 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. Sally Mae Eddins.

Nathan Chism Sheriff Tuscaloosa County, Alabama

By T. L. Winters Deputy Sheriff T. L. Winters