

4799

FILED

FEB 24 1960

ALICE I. DUCK, CLERK  
REGISTER

520

KAY OWEN GANEY,  
Complainant,  
VS.  
HOWARD GANEY,  
Respondent.

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

4799

KAY OWEN GANEY, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Hayes.

Q. Are you Kay Owen Ganey?

A. I am.

Q. You are the complainant in this case?

A. I am.

Q. How old are you, Mrs. Ganey?

A. 25.

Q. How old is the respondent, Howard Ganey?

A. 31.

Q. Where does he reside?

A. His last known address was Baldwin County.

Q. He is a resident of Baldwin County, Alabama?

A. Yes sir.

Q. Where do you live?

A. Fairhope.

Q. You live with your mother?

A. I have an apartment now.

Q. When were you and the Respondent married?

A. October 31, 1954.

Q. You lived with him until when?

A. November 5, 1959.

Q. During the marriage, and before November 5, 1959, did you ever have occasion -- did he ever make any threats to you?

A. He did.

Q. Did he ever commit any bodily harm to you?

A. He slapped me around and tried to choke me one time.

Q. Describe the events that happened up to, but before

before November 5, 1959?

A. He always quarreled, but a few weeks before that he threatened me and tried to choke me.

Q. How?

A. With his hands.

Q. Put his hands on your throat?

A. Yes sir and tried to choke me.

Q. What happened on November 5, 1959?

A. He again threatened to kill me and threatened to fix the car where it would kill me.

Q. Do you own an automobile?

A. Yes sir.

Q. What is his occupation?

A. He is a mechanic.

Q. Skilled mechanic?

A. Yes sir.

Q. Would it be possible for him to fix your automobile where it would be dangerous for you to drive?

A. Yes sir.

Q. He also threatened to choke you on November 5th?

A. Yes sir.

Q. Has he, since November 5th, threatened to do you harm?

A. Yes, in the presence of my mother.

Q. Did he threaten to do bodily injury to you?

A. Yes sir, or tamper with the car.

Q. What did he say?

A. "I'll kill you or fix the car where it will kill you at the expense of the baby."

Q. Have you worked since you have been married to him?

A. Yes sir.

Q. Has he worked since you have been married to him?

A. Off and on; never more than six months at any job.

Q. He works irregularly?

A. That is right.

Q. Has he support you and the child?

A. No.

Q. Have any children been born to you since you were married to him?

A. One.

Q. What is his name?

A. Stephen Howard Ganey.

Q. How old is he?

A. He will be three the 25th day of this month.

Q. Now have you had to go to work since you married?

A. I did.

Q. Where do you work?

A. Kemstrand.

Q. Since you have been married have you incurred any medical or hospital expenses and bills?

A. Yes sir.

Q. What is the approximate amount now due?

A. \$430.00.

Q. That is for Hospital and Doctor bills?

A. Yes sir.

Q. What hospitals?

A. Mobile Infirmary and Jordan's Clinic in Fairhope and Doctor Agee in Mobile.

Q. How much is the Mobile Infirmary bill?

A. \$77.00.

Q. How much is due the Jordan Clinic?

A. Approximately \$100.00.

Q. How much is due Doctor Agee?

A. \$235.00.

Q. Now did you say any other Doctor or Hospital?

A. No.

Q. For what were these medical bills?

A. Jordan Clinic was for a mis-carriage and Doctor Agee and Mobile Infirmary was for a section -

Q. Those occurred while you were married to the Respondent?

A. Yes sir.

- Q. Are you able to pay those bills now?
- A. No and support the children.
- Q. Is Mr. Gainey able to work and pay the bills?
- A. Yes sir.
- Q. Is he able to pay support for the baby?
- A. I would believe he would be.
- Q. Based on your knowledge of his earning capacity and the amount he has earned since you have been married, what would you say would be a reasonable amount of support for one child?
- A. \$10.00 a week would be what he should and could pay.
- Q. Is he able to pay the cost of Court?
- A. He is more able than I am.
- Q. Is he able to pay a reasonable Attorney's fee?
- A. Yes sir.
- MR. HAYS: I would like for the record to show that Mr. Thompson waived the right to appear at this hearing.
- Q. Are you a fit and proper person to have the custody and control of your child?
- A. I am.
- Q. Do you think your husband is a fit and proper person to have the custody of the child?
- A. No.
- Q. Does he have any way to take care of the child?
- A. He doesn't have a decent way to take care of him.
- Q. Where is Stephen Howard Gainey now?
- A. At my home with a house-keeper.
- Q. You have a house-keeper that helps you care for the child?
- A. Yes sir.
- Q. Who is the housekeeper?
- A. Mrs. Frances Bearden.
- Q. Is she a responsible person?
- A. Yes sir.
- Q. How old is she?

A. She is 32 years old.

Q. How long has she cared for this child?

A. She has been with me for over a year.

Q. Do you believe if you continue to live with the respondent that he will commit bodily harm to you, attended with danger to your life or health?

A. I do.

-----  
C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 5 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open Court in the above styled cause.

This 23rd day of February, 1960.

Laura A. [Signature]  
Court Reporter

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, } Circuit Court, Baldwin County  
Baldwin County. } No 4797-----

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

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Howard Ganey

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 -----

-----Howard Ganey-----, Defendant-----

by Kay Owen Ganey-----

-----, Plaintiff-----

Witness my hand this 18 day of Dec 1959

Alice J. Albrecht, Clerk

**STATE of ALABAMA**  
Baldwin County

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**Summons and Complaint**

Filed \_\_\_\_\_ 19\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

\_\_\_\_\_, 19\_\_\_\_\_

Sheriff.

I have executed this summons

this \_\_\_\_\_ 19\_\_\_\_\_

by leaving a copy with

Sheriff.

Deputy Sheriff.

KAY OWEN GANEY

COMPLAINANT

VS

HOWARD GANEY

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NUMBER: \_\_\_\_\_

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

Comes now your Complainant Kay Owen Ganey and shows to Your  
Honor as follows:

I

That she is over the age of 21 years and is a bona fide  
citizen of Baldwin County, Alabama now residing in Pensacola,  
Florida; that Respondent Howard Ganey is over the age of 21 years  
and is a resident of Bay Minette, Alabama.

II

That Complainant and Respondent are married and that they  
lived together as husband and wife from about October 31, 1954  
until November 5, 1959.

There is one child born during this marriage, Stephen  
Howard Ganey, born February 25, 1957.

III

That on to-wit: November 5, 1959 and on many occasions  
prior thereto and since the said marriage that Respondent committed  
actual violence to her person by striking her and choking her with  
his hands and that on many occasions since the said marriage and  
since their separation and on to-wit: November 5, 1959 Respondent  
threatened to kill her and do great bodily harm to her in that he  
would tamper with her automobile so that it would cause her to have  
an automobile accident and injure her and her family; that he has  
not worked regularly during said marriage and that he has not  
supported her and the said child and that she has been compeled to  
seek employment and has supported herself, Respondent and the said  
child since the said marriage; that he has harassed and threatened  
her so that her life with him is intolerable, that he has falsely  
and without cause accused her of acts of adultery with other men  
and that he has claimed that the said child is the result of such



That during said marriage Complainant has been compelled to have hospital treatment thereby incurring numerous doctor, hospital and medical bills which Respondent acknowledged but which he now refuses to pay, and that Respondent's creditors are now pressing Complainant for payment and threatening suit, that Respondent is able to pay said bills.

That Respondent is presently employed and is able to pay a reasonable solicitor's fee and that Complainant is unable to pay a solicitor's fee and that she has employed Wilson Hayes, a solicitor, to presecute this, her cause.

Now therefore, the premises considered, Complainant prays that this Honorable Court will cause process to issue to the said Respondent, Howard Ganey, requiring him to plead, answer or demur to same within the time allowed by law.

And Complainant further prays that upon final hearing of this cause Your Honor will grant to her an absolute divorce forever barring the bonds of matrimony existing between Complainant and Respondent, allowing her alimony, support for the said child, giving her custody of the said child Stephen Howard Ganey, allowing her monies to pay the said bills, allowing her a reasonable solicitor's fee and that Your Honor will grant such other, further, different or general relief to which Complainant may be in equity and good conscience entitled.

**FILED**

DEC 18 1958

ALICE J. DUCK, CLERK  
REGISTER

*Wilson Hayes*  
Solicitor for Complainant

ALICE J. DUCK, CLERK  
REGISTER

DEC 18 1959

FILED

NUMBER: 4797

KAY OWEN GANEY

COMPLAINANT

VS.

HOWARD GANEY

RESPONDENT

IN THE CIRCUIT COURT  
BALDWIN COUNTY, ALABAMA

IN EQUITY

Received 21 day of Dec 1959

and on 28 day of Dec 1959

I served a copy of the within Compt

on Howard Ganev

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. R. Talbert  
om

FILED

DEC 18 1959

ALICE J. DUCK, CLERK  
REGISTER

DIVORCE COMPLAINT

KAY OWEN GANEY	X	IN THE CIRCUIT COURT OF
COMPLAINANT	X	BALDWIN COUNTY, ALABAMA
VS	X	IN EQUITY.
HOWARD GANEY	X	CASE NO. _____
RESPONDENT	X	

Comes the Respondent in the above styled cause and for demurrer to said complaint filed therein and to each phase thereof separately and severally shows unto this Honorable Court as follows:

-1-

That said complaint fails to state a cause of action.

-2-

That the allegations of said complaint are indefinite.

-3-

That the allegations of said complaint fail to allege with expressed precision the time and place said cause of action took place.

THOMPSON & WHITE

FILED

JAN 26 1960

ALICE J. DUCK, Register

By:

*C. D. Thompson*  
Solicitors for Respondent

KAY OWEN GANEY	X	IN THE CIRCUIT COURT OF
COMPLAINANT	X	BALDWIN COUNTY, ALABAMA
VS	X	IN EQUITY.
HOWARD GANEY	X	CASE NO. 4765 47
RESPONDENT	X	

Comes the Respondent in the above styled cause and for answer to said complaint filed therein denies the allegations thereof.

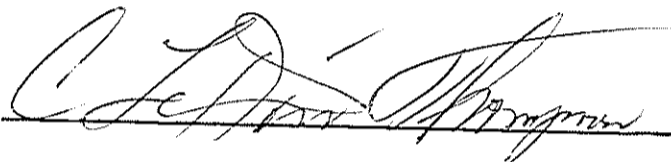
THOMPSON & WHITE

**FILED**

FEB 17 1960

ALICE J. DUCK, Register

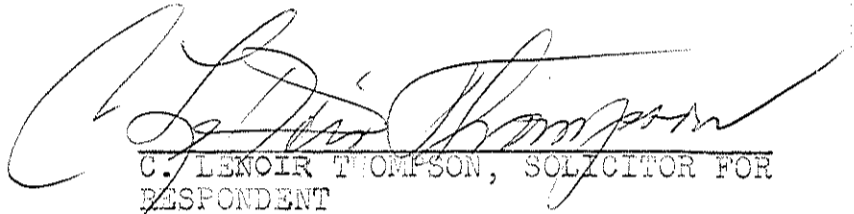
BY:



KAY OWEN GANEY  
COMPLAINANT  
VS  
HOWARD GANEY  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NUMBER: \_\_\_\_\_

Comes now the Defendant, Howard Ganey, by his attorney C. Lenoir Thompson, and accepts notice of taking testimony in this cause on March 1, 1960 at 10:00 A.M. before H. M. Hall, Judge in the Court House of Baldwin County, Alabama and consents to the taking of testimony and submission for final decree without further notice.

  
C. LENOIR THOMPSON, SOLICITOR FOR  
RESPONDENT

KAY OWEN GANEY  
COMPLAINANT  
VS  
HOWARD GANEY  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NUMBER: 4797

This cause coming on to be heard and the same having been submitted upon the bill of complaint, answer of Respondent, waiver and testimony ore tenus of Complainant, Kay Owen Ganey, and upon consideration the court is of the opinion that Complainant is entitled to the release prayed for in the said bill. It is therefore Ordered, Adjudged and Decreed by the court that the bonds of matrimony heretofore existing between Respondent and Complainant be and the same are hereby dissolved, and that the said Kay Owen Ganey is forever divorced from the said Howard Ganey for and on the account of cruelty.

It is further Ordered, Adjudged and Decreed that the Complainant, Kay Owen Ganey be and, she is hereby is awarded custody of the said minor child, Stephen Howard Ganey, Respondent to have reasonable privilege of visitation with the said child.

It is further Ordered, Adjudged and Decreed that Respondent pay to the Mobile Infirmary \$77.00, to Jordon Clinic ~~400.00~~ and to Dr. Ernest B. Agee \$235.00.

It is further Ordered, Adjudged and Decreed that Respondent pay the Complainant the sum of \$10.00 per week for the support and maintenance of the said minor child Stephen Howard Ganey.

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 Howard Ganey the Respondent pay the cost herein to be taxed, for which execution may issue.

This 8 day of March, 1960.

  
H. M. HALL, JUDGE OF THE CIRCUIT COURT