

ANSWER AND WAIVER

SARGEEL AMOS HARRELL,  
Complainant,  
VS.  
HETTIE BRADFORD HARRELL,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY  
CASE NO. \_\_\_\_\_

Comes Respondent and for answer to the Bill of Complaint in the above-styled cause denies the allegations thereof.

Respondent accepts service of the notice of filing of the Bill of Complaint; 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 consent that the same may be taken and the cause submitted for final decree.

Hettie Bradford Harrell  
Respondent

WITNESSES:

William R. Crum  
Notary Public  
My Commission Expires  
May 17, 1955

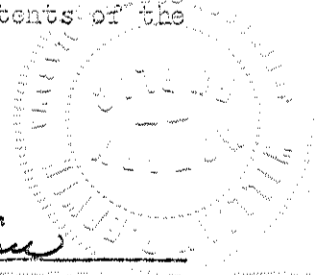
STATE OF ALABAMA

Jefferson  
COUNTY

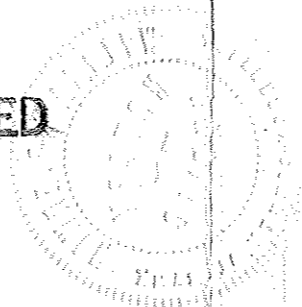
I, the undersigned authority, do hereby certify that Hettie Bradford Harrell whose name is signed to the foregoing answer and waiver, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the answer and waiver she executed the same voluntarily.

Given under my hand, this 3<sup>rd</sup> day of March, 1955.

William R. Crum  
Notary Public  
My Commission Expires  
May 17, 1955



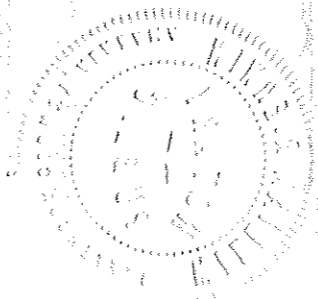
RECORDED



FILED

3-6-53

ALICE J. DUCK, Register



BILL OF COMPLAINT

SAMUEL AMOS HARRELL,		
Complainant,		IN THE CIRCUIT COURT OF
VS.		BALDWIN COUNTY, ALABAMA.
HETTIE BRADFORD HARRELL,		IN EQUITY
Respondent.		CASE NO. _____.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT OF THE STATE OF ALABAMA. IN EQUITY SITTING:

Comes your Complainant, Samuel Amos Harrell, and respectfully represents and shows unto Your Honor as follows:

1.

That both he and the Respondent are over the age of twenty-one years; that he is a resident of Baldwin County, Alabama, and has so resided for more than one year next preceding the date of the filing of this Bill of Complaint. That the Respondent is a resident of Winston County, Alabama.

2.

~~That the Complainant and Respondent were married at Robertsdale, Baldwin County, Alabama, on the 4th day of July, 1952.~~

3.

The Complainant avers that he was induced to enter said marriage by the fraud and misrepresentation of the Respondent in that; Respondent led your Complainant to believe that she was mentally and physically well; that she was free from any disabilities which would prevent her from entering into the marriage contract; that the Respondent at the time of said marriage was mentally deranged and suffering from a physical ailment which prevented her from entering into the act of sexual intercourse with her husband, your Complainant, this this condition still exist. Your Complainant further avers that he and the Respondent have never lived together as man and wife in its true sense in that he has never had sexual intercourse with her.

The premises considered, the Complainant offers to do equity.

PRAYER FOR PROCESS

To the end that equity may be had in the premises, the Complainant prays that Hettie Bradford Harrell be made party Respondent to this Bill of Complaint and that service be perfected on her and that she be required to plead, answer or demur to the within Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

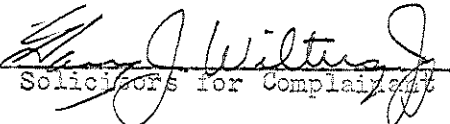
PRAYER FOR RELIEF

The premises considered your Complainant prays that Your Honor will enter an order decreeing that the purported marriage between Complainant and Respondent on the 4th day of July, 1952, at Robertsdale, Baldwin County, Alabama, be null and declared for naught and that it be judicially ascertained that the parties be not legally married to each other but be single persons.

Complainant prays all other, further and different relief to which he may be entitled, premises considered.

WILTERS & BRANTLEY

By:

  
Solicitors for Complainant

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

Samuel Amos Harrell Complainant

vs.

Hettie Bradford Harrell Defendant

Commissioner
Oral examination before the Register of the following witnesses:

Samuel Amos Harrell and J. W. Harrell

who reside in Alabama, said examination being conducted in Bay Minette, Baldwin Co., Alabama,
on this the day of, and there being present
said witnesses and commissioner.

The said witnesses being first sworn to speak the truth, the whole truth and nothing but the
truth, testified as follows:

TESTIMONY OF SAMUEL AMOS HARRELL: My name is Samuel Amos Harrell. I am the Com-
plainant and Hettie Bradford Harrell is the Respondent in the above styled cause.
We are both over the age of twenty-one years. I am a resident of Baldwin County,
Alabama, and the Respondent is a resident of Winston County, Alabama. We were
married at Robertsdale, Baldwin County, Alabama, on the 4th day of July, 1952,
and after said marriage resided in Baldwin County, Alabama. Before my marriage to
the Respondent I did not observe any mental or physical wrong and I had no knowledge
of anything being wrong with her mentally or physically. Prior to our marriage she
did not inform me of anything being wrong with her. Immediately after we were
married she began to say she was sorry she had married me, that she did not care
anything about me. I never slept with her, cohabited or copulated with her. I
maintained a bed separate and apart from her, and she was physically incapable of
copulation. Soon after we were married she began to have fits of some type and I
had to carry her to the Foley Hospital and that was when I found out she was in-
capable of copulation. She stated to me soon after we were married that she was

incapable of entering into sexual relations with any man.

*Samuel A. Harrell*

TESTIMONY OF J. W. HARREL: My name is J. W. Harrell. I am a resident of Baldwin County, Alabama, and am over the age of twenty-one years. I know the Complainant and Respondent in this cause. I knew the Respondent before her marriage to the Complainant. I know that they are both over the age of twenty-one years. I know that the Complainant is a resident of Baldwin County, Alabama, and that the Respondent is a resident of Winston County, Alabama. I know that they were married at Robertsdale, Baldwin County, Alabama, on the 4th day of July, 1952. I observed the Respondent before her marriage and could not see anything wrong with her physically or mentally. After their marriage Samuel Amos Harrell told me that he and the Respondent, his wife, had never entered into marriage relations and that she was physically incapable of doing so. He showed me his bed in the dining room of their home and told me that was where he slept. I know that soon after they were married she was admitted to the Foley Hospital. I know that after her marriage to the Complainant she did not look right.

*J. W. Harrell*

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I, Mary J. Brantley, as Commissioner  
 hereby certify that the foregoing deposition<sup>s</sup> on oral examination were taken down by me in  
 writing in the words of the witness<sup>s</sup> and read over to them and they signed the same in the  
 presence of said commissioner, at the time and place herein mentioned; that I  
 have personal knowledge of the personal identity of the said witness<sup>s</sup>, or had proof made before me  
 of the identity of said witness<sup>s</sup>; that I am not of counsel or of kin to any of the parties to said cause;  
 or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same  
 on file in my office.

Given under my hand and seal this the 6 day of March, 1953.

Mary J. Brantley (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

..... days' attendance at \$1.50 per day..... \$.....

REGISTER'S FEES

..... days at \$1.50 per day..... \$.....

..... words at 20 cents per hundred..... \$.....

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama,**

Baldwin COUNTY

**IN CIRCUIT COURT, IN EQUITY**

Samuel Amos Harrell

vs. Complainant,

Hettie Bardford Harrell

Defendant.

**Deposition Taken Before Register on Oral Examination**

Deposition of \_\_\_\_\_

for \_\_\_\_\_

Filed 9<sup>th</sup> day of March, 1923

Published by order of the Court, \_\_\_\_\_

day of \_\_\_\_\_, 19 \_\_\_\_\_

W. J. [Signature]  
Register.



COMMISSION TO TAKE DEPOSITIONS

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THE STATE OF ALABAMA,  
Baldwin County.

}

CIRCUIT COURT

TO: Mary J. Brantley

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KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Samuel Amos Harrell and J. W. Harrell

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Samuel Amos Harrell

\_\_\_\_\_ , Complainant  
and Hettie Bradford Harrell

\_\_\_\_\_ Respondent

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

Witness 6 day of March, 1953.

David J. Benson  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

Samuel Anos Harrell

Complainant—

**vs.**

Hattie Bradford Harrell

Defendant—

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

Mary J. Brantley

**WITNESSES:**

Samuel Anos Harrell

J. W. Harrell

LAW OFFICES OF  
**WILTERS & BRANTLEY**

PHONE 5151

BAY MINETTE, ALABAMA

HARRY J. WILTERS, JR.  
TOLBERT M. BRANTLEY

March 7, 1953

Hon. Hubert M. Hall,  
Circuit Judge,  
Bay Minette, Alabama.

In Re: Samuel Amos Harrell vs. Hettie B. Harrell  
Annulment


Dear Judge Hall:

I cite you the following cases in the support of the Complaint  
in the above styled case.

If there is fraud which goes to the essence of the marriage and  
affects the free conduct of the parties, and application for  
annulment is made before consummation of the marriage by voluntary  
cohabitation the marriage is voidable. Rais v. Rais, 108 So. 11.

I also cite 2 So. 2d 444, Hyslop v. Hyslop, a marriage, procured  
by fraud of such character as to go to the essence of the marriage  
and affect the free conduct of the injured party, may be annulled,  
provided application for annulment is made before the consummation  
of the marriage by voluntary cohabitation, provided application for  
the annulment is made.

Yours truly,

  
HARRY J. WILTERS, JR.

HJW:mjb

*unhappy and unfortunate marriage  
couple need to be encouraged  
more so 4x1*

SAMUEL AMOS HARRELL

vs.

HETTIE BRADFORDS HARRELL

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, \_\_\_\_\_

~~Testimony of Complainant and Witness~~

and in behalf of Defendant upon ~~Answer and Waiver~~

Wilters and Brantley

*Wilters and Brantley*

Register.

No. ....

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

SAMUEL AMOS HARRELL

vs.

HETTIE BRADFORD HARRELL

**NOTE OF TESTIMONY**

Filed in Open Court this ..... 9th .....

day of ..... March ....., 1953 .....

Register.

FINAL DECREE

SAMUEL AMOS HARRELL,  
Complainant,  
VS.  
HETTIE BRADFORD HARRELL,  
Respondent.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY  
CASE NO. \_\_\_\_\_

This cause coming on to be heard, and being present in Court the Complainant by his Solicitors of Record, Wilters & Brantley, and the Respondent by answer and waiver, and the Court thereupon proceeding to hear the testimony by deposition and this cause now being submitted for final decree upon pleading and proof as noted by the Register, and the Court being satisfied therefrom that the averments of the Bill of Complaint are true and that the Complainant is entitled to the relief therein prayed;

It is, therefore Considered, Ordered, Adjudged and Decreed by the Court that the purported marriage between Samuel Amos Harrell and Hettie Bradford Harrell on the 4th day of July, 1952, at Robertsdale, Alabama, be and the same is hereby annulled and declared for naught, and the said Samuel Amos Harrell and Hettie Bradford Harrell be and they are hereby judicially ascertained to be not legally married to each other but to be single persons.

It is further Considered, Ordered, Adjudged and Decreed by the Court that the Complainant pay the cost in this cause incurred, for which let execution issue.

Done this 10<sup>th</sup> day of March, 1955.

Robert W. J. Jace  
Judge

2974

FINAL DECREE

M

GABRIEL ARON HANBELL,

Complainant,

VS.

METTIE BRADFORD HANBELL,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. \_\_\_\_\_

FILED

3. 11-53

ALICE J. BUCK, Register