

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

HELEN LOUISE DRISKELL, Complainant

vs.

JOHN EDWARD DRISKELL, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Respondent's answer & 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

HELEN LOUISE DRISKELL is forever divorced from the said JOHN EDWARD DRISKELL

Upon consideration of the written agreement entered into between the complainant and respondent, it is further ORDERED, ADJUDGED AND DECREED by the Court that the said written agreement is hereby ratified and approved and the care, control, and custody of the minor children of the marriage is awarded to the mother, the complainant; that the respondent has the right of visitation with said children at reasonable times and places and the right to have the children visit with him for one day out of the week, twice each month, which will not be accumulative; that the respondent pay over to the complainant on or before the third day of each month the sum of ONE HUNDRED DOLLARS (\$100.00) in advance, for the support and maintenance of the said minor children.

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 futher 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 HELEN LOUISE DRISKELL the COMPLAINANT pay the cost herein to be taxed, for which executed may issue.

This 9th day of November 1957

Hubert M. [Signature] Judge Circuit Court, In Equity.

I, [Signature], 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 [ ], 19 [ ]

Register of Circuit Court, In Equity.

No. 4163 Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

**FILED**  
NOV 9 1957  
ALICE J. DUCK, Register

Exhibit "A"

STATE OF ALABAMA

BALDWIN COUNTY

THIS AGREEMENT made and entered into this the 9th day of July, 1957, by and between HELEN LOUISE DRISKELL, hereinafter referred to as the party of the first part, and JOHN EDWARD DRISKELL, hereinafter referred to as the party of the second part,

WITNESSETH:

WHEREAS, the parties hereto have been husband and wife since September 17, 1943, and of such union have three minor children, Edward Driskell, Dennis Driskell and Dale Driskell,

WHEREAS, the parties have been separated and living apart for over a year and have definitely concluded that it is impractical for them to live together as man and wife; and,

WHEREAS, the party of the first part is contemplating bringing an action for a divorce and it is the desire to settle the matter of the care, control, support and maintenance for the minor children of the marriage without litigation,

NOW, THEREFORE, in consideration thereof, and of the mutual agreements hereinafter made, they have mutually agreed to the following terms and conditions:

1. That the mother, the party of the first part shall have complete control and custody of the said minor children with rights of visitation at reasonable times and places in the party of the second part. The party of the second part shall have the specific right to have the children visit with him for one day out of the week twice each month which will not be accumulative. The children will be returned to the party of the first part at her residence before Eight O'Clock p.m..

2. The party of the Second part shall pay to the party of the First part the sum of One Hundred Dollars (\$100.00) per month on or before the third day of each month for the support and maintenance of the said minor children, beginning immediately.

3. That in the event the party of the first part insists on her express determination to file suit for divorce against the party of the second part, it shall be thoroughly understood that the party of the Second part denies and expects to continue to deny that the party of the first part is in anyway entitled to a divorce, and in the event that the Court, upon hearing should decide that the party of the First part is entitled to a divorce, then it is agreed and understood that this agreement and all of its terms shall be submitted to the Court for its approval and shall not be executed until and unless the Court does approve the same.

This agreement has been made and executed by the parties hereto in good faith on the day and date hereinabove set forth, with full understanding of all its provisions, and with the mutual promise on the part of each to comply therewith faithfully and completely.

Carol A. Emery  
Witness

William H. Emery  
Witness

Helen Driskell  
PARTY OF THE FIRST PART

John E. Driskell  
PARTY OF THE SECOND PART

4163

FILED  
NOV 8 1957

CLIVE J. BUCK, Register

HELEN LOUISE DRISKELL)  
COMPLAINANT )  
 )  
VS. )  
 )  
JOHN EDWARD DRISKELL )  
RESPONDENT )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

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

Your complainant Helen Louise Driskell respectfully represents and shows unto your Honor:

1. That the complainant is over the age of twenty-one years of age and is a bona fide resident of said State and County; that John Edward Driskell is over the age of twenty-one years and is a resident of Baldwin County, Alabama.

2. That your complainant and respondent were lawfully married on or about to-wit: September 17, 1943, in Lucedale, Mississippi, and of this marriage there are three minor children, Edward Driskell, twelve years old, Dennis Driskell, nine years old, and Dale Driskell, three years old, dependents upon the respondent.

3. Your 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.

4. That complainant and respondent have entered into an agreement with reference to the custody, control, support and maintenance of the said minor children, a copy of which is hereto attached as Exhibit "A". and made a part hereof; and by the terms of which agreement the complainant shall have the care, control and custody of said minor children, the respondent will pay to the complainant \$100.00 a month for the support and maintenance of the said minor children.

Complainant avers that this is a reasonable, just and proper agreement and prays the Court that in the event a decree of divorce is given in this cause that the Court will decree that the parties keep and abide by the terms of said agreement.

The premises considered, your complainant makes the said John Edward Driskell a party respondent to this Bill of Complaint and in order that complainant may have the relief herein prayed for may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said John Edward Driskell, commanding him to answer, plead or demur to this Bill of Complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from the said respondent; and that your Honor will grant such further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray.

  
SOLICITOR FOR COMPLAINANT

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FILED

NOV 8 1957

ALICE J. DUCK, Register

HELEN LOUISE DRISKELL )  
COMPLAINANT )  
VS. )  
JOHN EDWARD DRISKELL )  
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 heretofore filed in this cause; waives notice of the filing of interrogatories in this 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 complaint heretofore filed in this cause the respondent says:

1. He admits the allegations in paragraph one of the said bill of complaint.
2. He admits the allegations of paragraph two of the said bill of complaint.
3. He denies each and every material allegation contained in paragraph three of the said bill of complaint and requires strict proof.
4. The respondent for answer to paragraph four avers that said agreement is a just and fair agreement and prays the Court that should the Court grant the complainant a divorce, that said agreement be incorporated into the decree and made a part thereof.

Carol A. Emery  
WITNESS

Dorothy J. Brooks  
WITNESS

John E. Driskell  
RESPONDENT

4163

FILED

NOV 8 1957

ALICE J. BUCK, Register



HELEN LOUISE DRISKELL,	)	
	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	
	)	IN EQUITY.
JOHN EDWARD DRISKELL,	)	
	)	
Respondent.	)	

PETITION FOR RULING TO SHOW CAUSE:

Your Petitioner, Helen Louise Driskell, who is over the age of twenty-one years and a resident of Baldwin County, Alabama respectfully represents and shows unto the Court and your Honor as follows:

1. That on the 9th day of November, 1957, this court rendered a final decree divorcing your Petitioner, the Complainant, from John Edward Driskell, the Respondent; and in said decree the said John Edward Driskell was directed to pay to your Petitioner on or before the 3rd day of each month thereafter, the sum of \$100.00 for the support and maintenance of the minor child of your Complainant and Respondent.

2. That the said Respondent has failed for the past two months to make the said payment of \$100.00 each month as required by said decree, although having the sufficient means to comply with said decree and has willfully and contemptuously refused to obey the said decree.

The premises considered your Petitioner prays that a ruling be issued to the said John Edward Driskell requiring him, at a time and place to be therein stated, to appear before the Court to show cause, if any he have, why he should not be punished as for a contempt. Petitioner prays for such other, further and general relief as may be meet and proper in the premises.

  
Solicitor for Petitioner.

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared James R. Owen, who is known to me and who by me first duly sworn, deposes and says: That he has been informed of the facts alleged.

in the above and foregoing petition and verily believes that the facts therein stated are true.

  
\_\_\_\_\_

Sworn to and subscribed before  
me on this the 11<sup>th</sup> day of  
October, 1958.

Alice L. Miller  
Notary Public, Baldwin County, Ala.

*filed Oct. 13, 1958*  
*Alice J. Clark, register*  
*Ex. dated: Oct. 17, 1958*

RULING TO SHOW CAUSE:

This day came Helen Louise Driskell and filed herein her verified petition praying that John Edward Driskell be required to appear and show cause, if any he have, why he should not be punished as for a contempt in regard to the nature of things set out in the verified petition; and upon the consideration of said petition, it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the said John Edward Driskell appear before the Court at ten o'clock A. M. on the 24 day of October, 1958, in the Courtroom of the Circuit Court of Baldwin County, Alabama, and show cause, if any he have, why he should not be punished as for a contempt.

2. That a copy of said petition and of this ruling to show cause be served forthwith personally upon the said John Edward Driskell, by the Sheriff of Baldwin County, Alabama.

ORDERED, ADJUDGED AND DECREED on this the 13 day of October, 1958.

Hubert M. Steer  
Circuit Judge.

The State of Alabama, }  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

HELEN LOUISE DRISKELL Complainant

VS.

JOHN EDWARD DRISKELL Respondent

I, SONJA F. ORR

as Register and Commissioner

have called and caused to come before me HELEN LOUISE DRISKELL

witness named in the Requirement for Oral Examination, on the 8th day of November

1957, at the office of SONJA F. ORR

in FOLEY, Alabama, and having first sworn said Witness to speak the

truth, the whole truth, and nothing but the truth, the said HELEN LOUISE DRISKELL

doth depose and say as follows:

My name is HELEN LOUISE DRISKELL. I am over the age of 21 years. I am a bona fide resident of Baldwin County, Alabama and have been all of my life. JOHN EDWARD DRISKELL is over the age of 21 years and is a resident of Baldwin County, Alabama. I and JOHN EDWARD DRISKELL were legally married September 17, 1943, in Lucedale, Mississippi, and we have three children. EDWARD DRISKELL, who is 12 years old, DENNIS DRISKELL, who is 9 years old, and DALE DRISKELL, who is 3 years old.

JOHN EDWARD DRISKELL voluntarily abandoned me over a year ago, without fault on my part, since which time we have not lived together or in any way recognized each other as husband and wife.

I and JOHN EDWARD DRISKELL have entered into an agreement, which agreement is marked Exhibit "A", and is made a part of my testimony, wherein JOHN EDWARD DRISKELL agrees that I am to have the complete care, custody, and control of our three children and he has further agreed to pay to me ONE HUNDRED DOLLARS (\$100.00) per month on or before the third day of each month for the support and maintenance of the children. I think this is a just and fair agreement

*Helen Driskell*

RECEIPT

The State of Alabama, Baldwin County  
Equity Division, Circuit Court.

Nº 3303

Case No. 41633

Date 11-8, 1957

RECEIVED OF A. E. Sperson (Christall vs. Christall)

the sum of Thirteen 00

Trial Tax	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$

Asis J. ...  
As Register, Baldwin County, Ala.

Total \$ 13.50

By \_\_\_\_\_

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: SONJA F. ORR, 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 Helen Louise Driskell

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

Helen Louise Driskell

, Complainant

and John Edward Driskell

Respondent

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

Witness 8th day of November, 1957, 195

Register.

Commissioner's Fee, \$

Witness' Fees, \$

HELEN LOUISE DRISKELL

COMPLAINANT

vs.

JOHN EDWARD DRISKELL

THE STATE OF ALABAMA

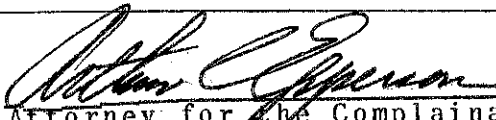
Baldwin County

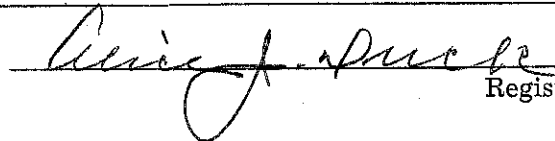
IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_  
~~Respondent's answer & waiver, Agreement of Parties, commission to~~  
~~take deposition, oral deposition of complainant's witness~~

and in behalf of Defendant upon \_\_\_\_\_

  
Attorney for the Complainant

  
Register.

No. ....

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

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

HELEN LOUISE DRISKELL

vs.

JOHN EDWARD DRISKELL

**NOTE OF TESTIMONY**

Filed in Open Court this: .....

day of ..... , 194.....

**FILED**  
NOV 8 1957

Register.

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