

4171

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

C. ELEANOR JOHNS, Complainant

vs.

DEWEY EDWARD JOHNS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conspensack~~ Written Agreement, Waiver and Answer of the Respondent 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

C. ELEANOR JOHNS is forever divorced from the

said DEWEY EDWARD JOHNS for and on account of

"CRUELTY"

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Written Agreement, signed by the parties and presented to the Court as Exhibit "A" to the Bill of Complaint, be, and it is hereby, adopted, ratified and confirmed by the Court and both parties are ordered to keep and abide by the terms of said agreement.

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 DEWEY EDWARD JOHNS the Respondent pay the cost herein to be taxed, for which executed may issue.

This 20 day of November 19 57

Hubert W. 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 the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Register of Circuit Court, In Equity.

No. 4171 Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

NOV 20 1957

ALICE A. DUCK, Clerk

C. ELEANOR JOHNS

THE STATE OF ALABAMA  
Baldwin County

vs.

DEWEY EDWARD JOHNS

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,  
Written Agreement between the Parties, Waiver and Answer of the  
Respondent, and the Testimony of C. ELEANOR JOHNS

and in behalf of Defendant upon Written Agreement between the Parties, and  
Waiver and Answer.

*Jasper J. ...*

*Wing ...*

Register.



C. ELEANOR JOHNS  
Complainant,  
VS.  
DEWEY EDWARD JOHNS  
Respondent.

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

NO. ....

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from

Bay Minette, in the County of Baldwin

Alabama, the place of trial of said cause, to-wit: E. ELEANOR JOHNS

.....  
.....  
.....  
.....

2. That said complainant requires an oral examination of said witnesses before a com-

missioner appointed by the Register of this Court.

*Jelaine M. Massey Jr.*  
Solicitor for Complainant.

NOTE:

Complainant suggests the name of DORIS BROWN,

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

*Jelaine M. Massey Jr.*  
Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION.

.....  
Complainant,

Vs.

.....  
Respondent.

---

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

Filed this ..... day of .....

194.....

**FILED**  
NOV 20 1957

.....  
Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County



Circuit Court

TO: DORIS BROWN

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

C. ELEANOR JOHNS

a witness in behalf of C. ELEANOR JOHNS in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein

and C. ELEANOR JOHNS is the , Complainant  
DEWEY EDWARD JOHNS

is the 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 20th day of November

, 195 7 .

*Archie J. Drape*  
\_\_\_\_\_  
Registrar

Commissioner's Fee, \$

Witness' Fees, \$

No.

---

THE STATE OF ALABAMA  
Baldwin County

---

CIRCUIT COURT

---

C. ELEANOR JOHNS

Complainant

VS.

DEWEY EDWARD JOHNS

Defendant

---

COMMISSION TO TAKE DEPOSITION

---

COMMISSIONER:

DORIS BROWN

FILED  
WITNESSES:

NOV 20 1957

ALICE I. BUCK, Register



THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

C. ELEANOR JOHNS

Complainant

VS.

DEWEY EDWARD JOHNS

Respondent

I, DORIS BROWN

as Register and Commissioner ~~XXXXXXXXXX~~

have called and caused to come before me C. ELEANOR JOHNS

witness named in the Requirement for Oral Examination, on the 20th day of November 1957, at the office of

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

doth depose and say as follows: "My name is Charlotte Eleanor Johns. I am the complainant in this cause and I am over the age of twenty-one years and I am a resident of Baldwin County, Alabama. The respondent, DEWEY EDWARD JOHNS, is over the age of twenty-one years and is a resident of Baldwin County, Alabama. I was married to the respondent in March 1953, on the 11 day of June, 1953. We lived together as husband and wife until the 15th day of December, 1956. For a long time prior to that date, my husband had been cursing, abusing and threatening me with physical violence, and, because of his treatment of me and his threatening manner and conduct, I finally became convinced that if I continued to live with him as his wife, he would commit an actual violence on my person which would necessarily endanger my life or health. I separated from him on the aforesaid 15th day of December, and have not since that time returned to live with him as his wife. We have one little girl, CHARLOTTE MARIE JOHNS, who is four years of age. I feel that I am the proper person to have the care, custody and control of said child. We have entered into a written agreement, a copy of which is submitted as Exhibit "A" to the Bill of Complaint in this cause, with regard to the care, custody and control, and maintenance and support, for said child. In my opinion this agreement is fair to both parties. I am sure that I shall never again be able to live with the respondent as his wife." Further deponent says not.

C. Eleanor Johns

ORAL EXAMINATION.

I, DORIS BROWN, as ~~Register and Commissioner~~ <sup>Commissioner</sup> 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 Telfair J. Mashburn, Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness \_\_\_\_\_ or had proof 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 20th day of November, 1957

Doris Brown (L. S.)

NO. 4171 PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

C. ELEANOR JOHNS

vs. Complainant

DEWEY EDWARD JOHNS

Respondent.

Oral Deposition

Filed \_\_\_\_\_, 195\_\_\_\_\_

**FILED**, Register.

Noted in \_\_\_\_\_  
20 1957

Record

Vol. \_\_\_\_\_

Register

*Attest I. Beck, Register*

C. ELEANOR JOHNS,  
Complainant,  
VS.  
DEWEY EDWARD JOHNS,  
Respondent.

0  
0  
0  
0  
0  
0  
0  
0

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

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

Your Complainant, C. ELEANOR JOHNS, respectfully represents  
and show unto your Honor and this Honorable Court:

1. That complainant is over the age of twenty-one years and  
is a resident of said State and County; that DEWEY EDWARD JOHNS is  
over the age of twenty-one years and is a resident of said State  
and County;

2. That your Complainant and the respondent were lawfully  
married on, or about, to-wit: the 11<sup>th</sup> day of January, 1953,  
in Washington, D.C.

3. Your complainant avers and charges that the said respon-  
dent did, on, to-wit: the 15th day of December, 1956, assault, beat,  
hit and strike complainant; that respondent has committed actual  
violence on her person attended with danger to her life or health;  
that respondent has made numerous threats of doing her physical harm,  
and from his manner and conduct toward, she is reasonably convinced  
that he will commit an actual violence on her person attended with  
danger to her life or health; that because of respondent's treatment  
of her, complainant was forced to separate from the respondent on, to-  
with the 15th day of December, 1956, and that she has not, since that  
time, returned to live with him as his wife.

4. That there was one child born of this marriage, a little  
girl, CHARLOTTE MARIE JOHNS, age four years; that your complainant  
is a fit and proper person to have the care, custody and control of  
said child; and that the parties have entered into a agreement with  
regard to the care and custody and support and maintenance of said  
child, a copy of which is hereto attached as Exhibit "A", and, by  
reference, made a part hereof as though fully set out herein.

WHEREFORE, THE PREMISES CONSIDERED, Your complainant makes  
the said DEWEY EDWARD JOHNS a party respondent to this bill of com-



EXHIBIT "A"

AGREEMENT

THIS AGREEMENT, made and entered into on this the 16th day of November, 1957, by and between DEWEY JOHNS, hereinafter referred to as the party of the first part, and C. ELEANOR JOHNS, hereinafter referred to as the party of the second part;

WITNESSETH:

WHEREAS, the parties hereto have been husband and wife for a period of more than four years, and as a result of said union have one child, CHARLOTTE MARIE JOHNS, who is more than three years of age; and,

WHEREAS, said parties have definitely concluded that under conditions now existing it is impracticable for them to live together as man and wife;

NOW, THEREFORE, IN CONSIDERATION THEREOF, and of the mutual agreements hereinafter made, they have mutually agreed to a complete separation under the following express terms and conditions:

1. The parties shall entirely and completely separate as man and wife, live separate and apart, and neither party hereafter shall in any way harass, threaten, intimidate, or otherwise act in any way so as to embarrass or humiliate the other party.

2. The party of the second part shall have the custody and control of the said child, CHARLOTTE MARIE JOHNS, except for the rights of visitation at reasonable times, and to have said child visit him at reasonable times, in the party of the first part.

3. The party of the first part agrees to make an allotment, as provided by Navy Rules and Regulations, to the party of the second part, for the support and maintenance of said minor child, which payment shall be continued until such time as said child is married, is self-supporting, or is of legal age; and, in the event of the discharge of the party of the first part from active duty, finances permitting, he agrees to pay not less than \$75.00 per month to the said party of the second part for the support and maintenance of said minor child.

4. The party of the first part agrees to turn over to the party of the second part the life insurance policy on the life of said minor child; to sign such papers as may be necessary to make

the said party of the second part the beneficiary of said life insurance policy.

5. The party of the first part agrees to make proper conveyance of his title and interest in and to the House Trailer owned by the parties to the party of the second part; and to deliver to her the birth certificate, and other papers in connection with the birth, of their said minor child.

6. The party of the first part agrees to pay the sum of One Hundred Twenty-five (\$125.00) Dollars on the fee of the party of the second part's Solicitor, Telfair J. Mashburn, Jr., Esq.

7. In the event the party of the second part should file suit for a divorce against the party of the first part, it shall be thoroughly understood and agreed that the party of the first part denies, and expects to continue to deny, that the said party of the second part has grounds for a divorce; but, in the event the Court, upon a hearing, should decide the party of the second 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 be binding only if the Court approves it.

8. It is further agreed and understood that under such conditions the Court thereafter shall reserve and maintain its right in the interest and welfare of the child to make such changes in reference to the custody, control and support of the child as the Court may determine, after proper hearing with due notice, is in the best interest of the child.

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 of its provisions, and with the mutual promise on the part of each to comply therewith faithfully and completely.

EXECUTED IN THE PRESENCE OF:

Telfair J. Mashburn, Jr.  
Telfair J. Mashburn, Jr.

Lewey E. Johns. (SEAL)  
J. Eleanor Johns (SEAL)

C. ELEANOR JOHNS,  
Complainant,  
VS.  
DEWEY EDWARD JOHNS,  
Respondent.

0  
0  
0  
0  
0  
0  
0  
0  
0

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

WAIVER AND ANSWER

Comes the respondent in the above styled cause and accepts service of a copy of the bill of complaint heretofore filed 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 at any time without further notice to him.

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

1. He admits the allegations contained in paragraph 1 of said bill of complaint.
2. He admits the allegations contained in paragraph 2 of said bill of complaint.
3. He denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof of the same.
4. He admits the allegations contained in paragraph 4 of said bill of complaint.

*Presented in the presence of;  
Jefair J. Marshall*

*Dewey E. Johns.*  
RESPONDENT

4171

FILED  
NOV 20 1957  
ALICE I. DUCK, Register