

(3781)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELIZABETH PAGE JOYNER

, Complainant

vs.

JOHN E. JOYNER, JR.

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree/Pro/Confesso/et~~ 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 ELIZABETH PAGE JOYNER is forever divorced from the said JOHN E. JOYNER, JR. for and on account of

Habitual Drunkenness

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 ELIZABETH PAGE JOYNER, the Complainant, pay the cost herein to be taxed, for which executed may issue.

This 7 day of August 19 56.

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 the _____ day of _____, 19____

Register of Circuit Court, In Equity.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

ELIZABETH PAGE JOYNER

Complainant

vs.

JOHN E. JOYNER, JR.

Respondent

DIVORCE DECREE

FILED
AUG 2 1886
EMICE L. DUCK, Clerk

ELIZABETH PAGE JOYNER,
COMPLAINANT
VS.
JOHN E. JOYNER, JR.,
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY OF ANN LEE SCHULLER, WITNESS IN BEHALF OF COMPLAINANT:

ANN LEE SCHULLER, being duly sworn, deposes and says as follows:

My name is ANN LEE SCHULLER, and I am the daughter of ELIZABETH PAGE JOYNER, the Complainant filing this suit for divorce against JOHN E. JOYNER, JR.

Mr. JOHN E. JOYNER, JR. is now a resident of Fairhope, Baldwin County, Alabama, and has been for the last five years. My mother married him about four years ago and they lived together in Fairhope until about May of 1954, when my mother left him because of his drunkenness. Although I did not live with them, I lived just outside of Fairhope and would see my mother about every week while they were living together and often I would see him. Although he held a regular job, he spent most of his pay check drinking and whenever I would see him when he was not working, I could tell that he had been drinking heavily. Before they got married I knew him and he showed no evidence of over indulgence in alcohol, but after they got married he showed it by his conduct and you could smell the liquor on him very often and he always kept it in the car or around the house or by his side.

Ann Lee Schuller

Subscribed and sworn to before me by ANN LEE SCHULLER on this the 30th day of July, 1956.

Flora S. Matthews
Commissioner

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
Case No. 1956-10000
FILED

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
Case No. 1956-10000
FILED

ELIZABETH PAGE JOYNER,
Complainant
vs.
JOHN E. JOYNER, JR.,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY

FILED
1956
REGISTER

[Handwritten signature]

[Handwritten signature]
CORRECTOR

1956-10000

I, FLORA S. MATTHEWS, Commissioner acting under stipulation of the parties in the divorce suit of ELIZABETH P. JOYNER vs. JOHN E. JOYNER, JR., pending in the Equity side of the Circuit Court of Baldwin County, Alabama, hereby certify that I have caused the witnesses in this cause, namely, ANN LEE SCHULLER and CURTIS BIRD WILLARD and _____, who were made known to me and known to be the identical witnesses called by the parties, to come to my office in the Bank Building in the City of Fairhope, Baldwin County, Alabama, where said witnesses, after being first duly sworn by me, upon examination of E. G. RICKARBY, JR., Esquire, Solicitor for the Complainant, did testify as shown by the attached testimony, and that their testimony was, by me, reduced to writing as given by them as near as might be in their identical language and, after being so reduced to writing, was read over by the said witnesses who assented to and signed the same in my presence.

I further certify that I am not of counsel or kin to either of the parties to the cause, nor anywise interested in the results thereof.

IN WITNESS WHEREOF, I hereunto set my hand as Commissioner on this the 30th day of July, 1956.



Commissioner

ELIZABETH PAGE JOYNER,

COMPLAINANT

VS.

JOHN E. JOYNER, JR.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TESTIMONY OF CURTIS BAIRD WILLARD, WITNESS IN BEHALF OF COMPLAINANT:

CURTIS BAIRD WILLARD, being duly sworn, deposes and says as follows:

My name is CURTIS BAIRD WILLARD, and I live in Fairhope, Baldwin County, Alabama.

I am married to Joy Page, the daughter of ELIZABETH PAGE JOYNER, who is suing JOHN E. JOYNER, JR., for a divorce.

I know that the Complainant, ELIZABETH PAGE JOYNER is over the age of twenty-one years and she now is a resident of Ayer, Massachusetts. Her husband, JOHN E. JOYNER, JR., is over the age of twenty-one years and lives here in Fairhope and is a resident of Fairhope, Baldwin County, Alabama, and has been living in Fairhope all of his life, and has lived here in Fairhope over three years and is still living here in Fairhope.

ELIZABETH PAGE JOYNER and JOHN E. JOYNER, JR. were married back in the first part of 1952, and they lived here in Baldwin County until 1954, when she left him for the last time. For about eight months of their married life, ELIZABETH PAGE JOYNER and JOHN E. JOYNER, JR., lived with us and, during that time, I had an opportunity to observe him. During the time he and she lived at my house, he was a habitual drunkard. I say this because he was living at my house and whenever I saw him he would either have a bottle, taking intermittent drinks, or ^{be} intoxicated. And, I do not think that I ever saw him while he was staying there at my house without a bottle. While he was staying there, he would go off for three or four days at a time and, because of his condition, he was most irresponsible, made no attempt to buy groceries, or pay any rent, expecting his wife to do this out of her earnings. I knew him prior to their marriage very slightly and his drinking prior to their marriage and just immediately after they got married was not near as bad as it got to be later on.

Mrs. Joyner had to leave her husband because of his drinking and

irresponsibility.

There were no children born to this marriage.

Curtis Baird Willard

Subscribed and sworn to before me by CURTIS BAIRD WILLARD on this the 27th day of July, 1956.

Flora S. Matthews

Commissioner

IN WITNESS WHEREOF

I have hereunto

set my

hand and seal of office

this 27th day of July, 1956.

THINKY

TO BE FORWARDED TO THE

STATE ARCHIVES

RECORDS

ELIZABETH PAGE JOYNER,
Complainant

vs.

JOHN E. JOYNER, JR.,
Respondent

TESTIMONY

FILED
AUG 2 1956

ALICE L. GUCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon JOHN E. JOYNER, JR.

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State.

ELIZABETH P. JOYNER, Complainant

against JOHN E. JOYNER, JR., Defendant

Herein fail not. Due return make of this writ as the law directs.

Witness this 22 day of May, 1956

Alice J. Nuss, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

BOOK 021 PAGE 319

The State of Alabama

BALEWIN COUNTY.

IN CIRCUIT COURT, IN EQUITY

ELIZABETH P. JOYNER

vs.

JOHN E. JOYNER, JR.

SUMMONS

Returned by the Sheriff and filed in office, this
the..... day of....., 19.....
....., Register.

JOHN E. JOYNER, Jr.
Fairhope, Alabama

Received in office, this the..... day of
....., 19.....
....., Sheriff.

I have executed the within by leaving a copy
thereof with.....

John E. Joyner Jr.

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Elliegh Steadman
DEPUTY SHERIFF

defendant named herein, on this the 18
day of June, 1956
Taylor Wilkins, Sheriff.
By Elliegh Steadman, Deputy.
Fairhope, Ala

ELIZABETH PAGE JOYNER,
COMPLAINANT

VS

JOHN E. JOYNER, JR.

DEFENDANT

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, IN EQUITY:

Comes ELIZABETH PAGE JOYNER by this, her Bill of Complaint presented against JOHN E. JOYNER, JR., and respectfully shows:

FIRST: That the complainant is over the age of twenty-one years and is a resident of Ayer, Massachusetts.

SECOND: That the defendant, JOHN E. JOYNER, JR. is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama.

THIRD: Complainant and defendant were married at Pascagoula, Mississippi, on the 19th day of January, 1952, and have lived together as husband and wife in Fairhope, Baldwin County, Alabama, until about May 1st, 1954.

FOURTH: That the defendant has become addicted after marriage to habitual drunkenness, which caused her to leave him.

FIFTH: There are no children born to this marriage.

THE PREMISES CONSIDERED, Complainant prays that the said, JOHN E. JOYNER, JR., be made party defendant to this Bill of Complaint and that notice be given him in the manner and form prescribed by law, requiring him to answer this Bill, or that the same be taken as confessed against him, and that upon final hearing of this cause, Complainant prays that she be given a final decree forever divorcing her from the said Defendant, and permitting her the right to marry should she so desire, and for such other further or different relief as to equity may seem meet.

RICKARBY & RICKARBY

BY



E. G. RICKARBY, JR.
Solicitor for Complainant



Elizabeth P. Joyner
Complainant

BOOK 021 PAGE 300

ELIZABETH PAGE JOYNER,

COMPLAINANT

VS.

JOHN E. JOYNER, JR.,

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

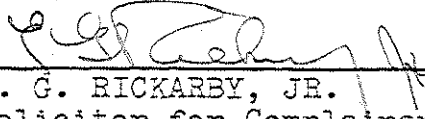
IN EQUITY

NOTE OF EVIDENCE

This cause is submitted for final decree on Complainant's bill, Answer and Waiver filed by Respondent, and depositions of ANN LEE SCHULLER and CURTIS BIRD WILLARD.

RICKARBY & RICKARBY

BY


E. G. RICKARBY, JR.
Solicitor for Complainant

*Deise J. Luck
Register*

RECORDED

ELIZABETH P. JOYNER,

COMPLAINANT

VS.

JOHN E. JOYNER, JR.,

RESPONDENT

NOTE OF EVIDENCE

FILED

AUG 2 1956

ALICE J. BECK, Registrar

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ELIZABETH PAGE JOYNER,
COMPLAINANT
VS
JOHN E. JOYNER, JR.
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Comes the respondent, JOHN E. JOYNER, JR., in the above styled cause and for answer to the Bill of Complaint heretofore filed in said cause, and to each and every paragraph thereof, says:

He denies each and every allegation contained therein and demands strict proof thereof.

Respondent hereby submits himself to the jurisdiction of this Honorable Court and waives notice of the time and place for taking testimony in said cause, waives the issuance of a formal commissioner to take testimony in said cause and consents that testimony may be taken without further notice to him and further waives notice of the time and place of submission of said cause and consents that said cause may be submitted for final decree at any time or place without further notice to him of such submission.

John E. Joyner Jr.
JOHN E. JOYNER, JR., Respondent

STATE OF ALABAMA
BALDWIN COUNTY.

I, FRANK V. RCL, a Notary Public in and for said County in said State, hereby certify that JOHN E. JOYNER, JR., whose name is signed to the foregoing instrument and who is known to me to be the respondent above named, acknowledged before me on this day that he executed the same voluntarily with knowledge of its contents.

Witness my hand and official seal this the 21 day of July, 1956.

Frank V. RCL
Notary Public, Baldwin County, Ala.

ELIZABETH PAGE JOYNER

Complainant

VS

JOHN E. JOYNER, JR.

Respondent

ANSWER AND WAIVER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
AUG 2 1956

E. G. RICKARBY, JR.
~~XXXXXXXXXXXXXXXXXXXX~~
Solicitor for Complainant

WALTER P. EDWARDS
ATTORNEY AT LAW

JOHN E. JOYNER, JR.
BY
WALTER P. EDWARDS
ATTORNEY AT LAW

WALTER P. EDWARDS
ATTORNEY AT LAW

WALTER P. EDWARDS
ATTORNEY AT LAW

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

Elizabeth P. Joyner
Complainant,
Vs. John E. Joyner, Jr
Respondent.

In the Circuit Court.
In Equity No. _____

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent
John E. Joyner Jr

by the Sheriff of Baldwin County, on the 18th day of June, 1956.

And it further appears to the Register, that that the said John E. Joyner

_____ the Respondent, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of E. G. Rickarby Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said John E. Joyner

This 23rd day of July, 1956

W. J. ...
Register.

No. _____

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 23 day of July
1946.

Archie H. ...
Register.

8600 Motion for Decree Pro Confesso on Personal Service.

3107 Code

MPCO.

THE STATE OF ALABAMA,
Baldwin County

No. _____ Circuit Court, In Equity.

ELIZABETH P. JOYNER

Complainant

Vs.

JOHN E. JOYNER, JR.

Defendant

Motion is hereby made for a Decree Pro Confesso against JOHN E. JOYNER, JR.

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 20th day of July 1956



E. G. RICKARBY, JR.,

Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

ELIZABETH P. JOYNER,

Complainant

Vs.

JOHN E. JOYNER, JR.,

Defendant

Motion for Decree Pro Confesso on
Personal Service

Filed _____ 19 _____

Register.

Recorded in 7-23-56 Record

Vol. _____ Page _____

Alice J. ...
Register.

LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA
July 31, 1956

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Elizabeth P. Joyner
vs.
John E. Joyner, Jr.
Our File: 3598

With this we are handing you Answer and Waiver, Note of Evidence, Testimony, and Divorce Decree in the above styled cause.

Please let me have decree as soon as possible and send me a cost bill. Remember, we deposited \$20.00 costs in this matter in May.

Yours very truly,



fm
Encl.
8-6-56

cc: Mrs. Elizabeth P. Joyner

LAW OFFICES
E. G. RICKARBY

BANK BUILDING
FAIRHOPE, ALABAMA
May 6, 1956

Mrs. Alice Duck
Clerk of Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Joyner vs Joyner
Our File: 3598

With this we are handing you \$20.00 deposit for costs,
and original bill, which we are filing against John E.
Joyner, Jr., defendant. Mr. Joyner's address is Fairhope,
Alabama.

Yours very truly,



EGR/ts
Encl.
5-16-56
cc: Taylor Wilkins

LAW OFFICES
E. G. RICKARBY

BANK BUILDING
FAIRHOPE, ALABAMA

July 20, 1956


Mrs. Alice Duck
Clerk of Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Joyner vs Joyner
Our File: 3598

Enclosed find Motion for Decree Pro Confesso in the above mentioned cause. Please issue commission to Mrs. Flora S. Matthews to take testimony.

Yours very truly,



EGR/ts
7-30-56
Encl.

cc: Mrs. Elizabeth P. Joyner