(3978)

DIVORCE DECREE

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# THE STATE OF ALABAMA, BALDWIN COUNTY

## CIRCUIT COURT, IN EQUITY

VIRGINIA ALMA REID BREWTON, Complainant

vs.

AUBREY BREWTON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXXXXXX~~ Waiver and Answer 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 VIRGINIA ALMA REID BREWTON is forever divorced from the said AUBREY BREWTON for and on account of "CRUELTY"

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Agreement entered into between the parties be, and it is hereby, ratified and confirmed and made a part of this Decree as fully as though it were rewritten herein, and both parties hereto are hereby 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 the payment of the cost of this suit.

It is further ordered that VIRGINIA ALMA REID BREWTON the Complainant pay the cost herein to be taxed, for which execution may issue.

This 3rd day of July, 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

_____

_____ Complainant

vs.

_____

_____ Respondent

# DIVORCE DECREE

FILED
JUL 3 1956
ALICE J. DUCK, Clerk

ORAL DEPOSITION

Printed by Moore Printing Co.

The State of Alabama, Baldwin County. | Circuit Court of Baldwin County, Alabama (In Equity)

VIRGINIA ALMA REID BREWTON Complainant

VS.

AUBREY BREWTON Respondent

I, MELDA D. COBB

as ~~Register and~~ Commissioner HERETOFORE appointed by the Court

have called and caused to come before me Virginia Alma Reid Brewton

witness ____ named in the Requirement for Oral Examination, on the 2nd day of July

1956, at the office of Ernest M. Bailey, Attorney at Law

in Fairhope, Alabama, and having first sworn said Witness ____ to speak the truth, the whole truth, and nothing but the truth, the said Virginia Alma Reid Brewton

doth depose and say as follows: "My name is VIRGINIA ALMA REID BREWTON. I am the complainant in this cause and I am over the age of twenty-one years. I am a bona fide resident citizen of Baldwin County, Alabama, residing at Fairhope, Alabama. The respondent, @UBREY BREWTON, is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, residing at Fairhope, Alabama. The respondent and I were married at Milton, Florida on the 15th day of February, 1935. Shortly after we married, I found that my husband had an ungovernable temper, and that, when angry, he would not hesitate to strike me. Down through the years, his fits of temper have become worse. On or about the 3rd day of December, 1955, he became angry at me and beat me unmercifully with his fists. His treatment of me was such as to necessarily endanger my life or health. I left him at that time, but after a few weeks, on his promises to do better in the future, I went back to him. His treatment of me was better for only a few weeks, and he gradually started treating me as he had before. I finally became convinced that, should I continue to live with him as his wife, he would again commit actual violence on my person which would be attended with danger to my life or health, and, therefore, I was forced to leave him on the 31st day of May, 1956. We have five children as a result of this marriage, and I am a fit and proper person to have the care, custody and control of said children. My husband and I have entered into a written agreement with regard to the custody of these children and their support and maintenance, a copy of which agreement was attached to the bill of complaint in this cause. I believe it would be to the best interest of these children if the Court adopted and approved this agreement." Further Deponent says not.

Virginia Alma Reid Brewton

ORAL EXAMINATION

I, Melda D. Cobb, as ~~Register and~~ Commissioner 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 Ernest M. Bailey, Attorney at Law at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not of counsel or of 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 2nd day of July, 1956.

Melda D. Cobb (L. S.)

No. _____ Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

vs.

Complainant

Respondent

Oral Deposition

Filed July 2, 1956
Alice J. Duke, Register

Recorded in Record

Vol. _____ Page _____

_____, Register

| | | |
|---|---|---|
| VIRGINIA ALMA REID BREWTON, Complainant, | ) | IN THE CIRCUIT COURT OF |
| VS. | ) | BALDWIN COUNTY, ALABAMA. |
| AUBREY BREWTON, Respondent. | ) | IN EQUITY. NO. _____ |

WAIVER AND ANSWER

Comes the respondent in the above-styled cause and accepts service of a 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.

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 thereof.

4. He admits the allegations contained in paragraph 4 of said bill of complaint.

5. He admits the allegations contained in paragraph 5 of said bill of complaint.

Aubrey Brewton
Respondent

Executed in the presence of:
Earnest M. Bailey
Attorney for Respondent.

Virginia Alma
Reid Brewton
Comp

vs.

Aubrey Brewton

Answer & Waiver

FILED
JUL 2 1956
ALICE J. DUCK, Register

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

VIRGINIA ALMA REID BREWTON

vs.

AUBREY BREWTON

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, Answer and Waiver, Agreement between the Parties and testimony of Virginia Alma Reid Brewton

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

Alice J. Duck
Register.

Sulfair J. Mashburn Jr.
Solicitor for Complainant

RECORDED

No. .....

# THE STATE OF ALABAMA
## Baldwin County

## IN EQUITY
## Circuit Court of Baldwin County

vs.

## NOTE OF TESTIMONY

Filed in Open Court this 2nd

day of July, 1956

Alice J. Duck, Register.

Printed by the Baldwin Times

COMMISSION TO TAKE DEPOSITIONS

B.T.-500-11-54

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

**Circuit Court**

TO: MELDA D. COBB

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 VIRGINIA ALMA REID BREWTON

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein VIRGINIA ALMA REID BREWTON

is the, Complainant

and AUBREY BREWTON

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 2nd day of July, 1956

Alice J. Duck
Register.

Commissioner's Fee, $

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

VIRGINIA ALMA REID BREWTON

Complainant

VS.

AUBREY BREWTON

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

VIRGINIA ALMA REID BREWTON
Complainant

vs.

AUBREY BREWTON
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 Fairhope ~~Bayx Minette~~, in the County of Baldwin Alabama, the place of trial of said cause, to-wit: VIRGINIA ALMA REID BREWTON

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

Julian L. Madsbury, Jr.
Solicitor for Complainant

NOTE:

Complainant suggests the name of MELDA D. COBB as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Julian L. Madsbury, Jr.
Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION

VIRGINIA ALMA REID BREWTON
Complainant

vs.

AUBREY BREWTON
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this 2 day of July

1957

Alice J. Duke Register

Moore Printing Co.

| | | |
|---|---|---|
| VIRGINIA ALMA REID BREWTON, Complainant, | ) | IN THE CIRCUIT COURT OF |
| VS. | ) | BALDWIN COUNTY, ALABAMA. |
| AUBREY BREWTON, Respondent. | ) | IN EQUITY. NO. 3818 |

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

Your complainant, VIRGINIA ALMA REID BREWTON, RESpectfully represents and shows unto your Honor as follows:

1.

That complainant is over the age of twenty-one years and is a resident citizen of said State and County; that AUBREY BREWTON is over the age of twenty-one years and is a resident of said State and County.

2.

That your complainant were lawfully married on or about, to-wit: the 15th day of February, 1935, at Milton, Florida.

3.

Your complainant avers and charges that the said respondent did on or about, to-wit: the 3rd day of December, 1955, assault, hit, strike and beat complainant; that at said time he did threaten to kill complainant; that respondent has committed actual violence on the person of the complainant attended with danger to her life or health; that, because of his cruel treatment of her complainant was forced to leave the respondent at that time, but that, after a few weeks, because of his promises to do better, complainant went back to live with the respondent as his wife; that, for a time, respondent did treat complainant better, but soon he began to abuse, curse and threaten complainant again; and that she has become convinced that should she continue to live with him as his wife, he will again commit actual violence on her person which would necessarily endanger her life or health; that because of his said treatment of her she was forced to leave him on, to-wit: the 31st day of May, 1956, and that she has not since that time lived with him as his wife.

4.

That there was born of this marriage ~~six~~ Five children, whose names

and ages are as follows: VIRGINA ESTELLE, age 20, AUBREY EUGENE, age 18, ROBIN DOUGLAS, age 14, REBECCA JANE, age 7, and SYLVIA DIANE, age 3½; that your complainant is a fit and proper person to have the care, custody and control of said children.

5.

That complainant and the respondent have entered into an agreement with reference to the custody and the said children, support and maintenance for them, a copy of which is hereto attached as Exhibit A and by reference made a part hereof as though fully set out herein. Complainant avers that this is a reasonable, just and proper agreement and prays the Court that in the event a decree of divorce is granted in this cause that the Court will decree that the parties keep and abide by the terms of the said agreement.

WHEREFORE, THE PREMISES CONSIDERED, your complainant makes the said AUBREY BREWTON a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honors to cause the State's writ of subpoena to be issued, directed to the said AUBREY BREWTON, commanding him to answer, plead or demur to the bill of complaint within the time required by law; and that on a final hearing of this cause, that your Honor will make and enter a decree divorcing your complainant from the respondent, giving her custody of the children in accordance with the agreement mentioned in paragraph No. 5 hereof, and ordering both parties to keep and abide by the terms of said agreement; and that your Honor will grant such other, further and different relief as unto your Honors may seem just and proper, and, as in duty bound, your complainant will ever pray, etc.

Tellair A. Mashburn Jr.
SOLICITOR FOR COMPLAINANT.

EXHIBIT "A"

STATE OF ALABAMA, )
)
COUNTY OF BALDWIN. )



This agreement made and entered into on this 2nd day of July, 1956, by and between VIRGINIA ALMA REID BREWTON, hereinafter referred to as the party of the first part, and AUBREY BREWTON, hereinafter referred to as the party of the second part:

WITNESSETH:

WHEREAS, the parties hereto have been husband and wife for a period of 21 years, and, as a result of such union, have five children: VIRGINIA ESTELLE, age 20, AUBREY EUGENE, age 18, ROBIN DOUGLAS, age 14, REBECCA JANE, age 7, and SYLVIA DIANE, age 3½; 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 said 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 first part shall have the care, custody and control of the five children of this union subject to the right of the party of the second part at convenient times of access and visitation of the said children, such access and visitation to be exercised in a proper and reasonable manner and at such times as may be convenient to and consented to by the party who has the custody of the said children. It is understood and agreed that the party of the second part shall have the right to have said children spend at least one week-end per month with him, provided he has a suitable place for them to stay.

It is further understood and agreed that the party of the second part shall have the right to have said children visit him for at least one month during the Summer months, when it will not

interfere with their schooling, provided he has a suitable place for them to stay.

3. The party of the second part agrees to pay to the party of the first part for the support and maintenance of herself and children the sum of TWENTY-FIVE ($25.00) DOLLARS per week; it being understood that in consideration of the prompt payment of said sum, he shall be, and hereby is, released from any further obligation of any kind or character by way of alimony, court decree or otherwise, to contribute towards the support and maintenance of said children, or of the party of the first part, and that he shall not in any way be liable for any debts that may be incurred by the party of the first part, and the party of the first part agrees that she will not in any way use the credit of the party of the second part, or in any way attempt to make charges or credit accounts against him. This agreement is based upon the present income of the party of the second part, which is approximately $400.00 per month, and certain debts owed by the party of the second part, which will require about eight months to pay. It is therefore agreed and understood that when said debts are paid, or if his income is increased, the party of the second part will increase the payments to be made to the party of the first part proportionately.

It is further understood and agreed that the party of the first part shall pay only the ordinary Doctor and Dental bills for the children, and that the party of the second part shall be liable for all unusual and extraordinary Doctor, Dental and Hospital Bills for and on account of the children of this marriage.

4. In the event the party of the first part insists on her express determinated to file a suit for divorce against the party of the second part, it shall be thoroughly understood and agreed that the party of the second part denies and expects to continue to deny that she is in any way entitled to a divorce, and in the event 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 it.

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

5. It is further understood and agreed that the party of first part, until such time as she has a much larger income, shall claim only the youngest child, SYLVIA DIANE, an exemption on her income tax returns; and that the party of the second part shall claim the three next oldest children, REBECCA JANE, ROBIN DOUGLAS, AND AUBREY EUGENE, as exemptions on his income tax returns.

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

Virginia Alma Reid Brewton

Aubrey Brewton

Executed in the presence of:

Lucille M. Bailey

Jeffrey A. Massburg