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The State of Alabama, }
Baldwin County.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING :

WE COMMAND YOU, That you summon Emil John

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Martha Schaper John

against said

Emil John

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 20th day of

July, 1926

T. W. Richerson Register.

N. B.— Any party defendant is entitled to a copy of the bill upon application to the Register.

Original

SERVE ON
Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Martha Schaper John

vs.

Emil John.

*Esperanza
Deer*

Mabry & Cravatt.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this *July 20th*,

day of _____ 192*6*

W. R. Stuart
Sheriff.

Executed this *29th* day of

July 192*6*

by leaving a copy of the within Summons with

Emil John
Defendant.

W. R. Stuart
Sheriff

By *J. T. White*
Deputy Sheriff

RECORDED

Martha Schaper John,
Complainant.

vs.

Emil John, Defendant.

In the Circuit Court,
Baldwin County, Alabama.
In Equity.

The bill of complainant has this day been presented to me, as Judge of the Circuit Court for the Twenty-first Judicial Circuit of Alabama, in which complainant seeks to obtain a divorce from the defendant on the grounds of cruelty. Complainant also seeks to obtain the custody and control of Myrtle John, a girl about thirteen years of age, and Augusta John, a girl about ten months old, alleging in said bill of complainant that the defendant is not a proper person to have the custody and control of said children, and that she is able to take ~~and~~ care of them. Among other things, the complainant seeks to recover attorneys' fee and alimony pendente lite for herself and children, alleging that the defendant has two mules, wagon and harness, innumerable farming implements, five milk cows, two heifers and a one-ton Ford truck, and is an able bodied man and able to work.

The Register in Chancery of Baldwin County, Alabama is hereby directed to hold a reference and determine, among other things, the amount of property owned by the respondent, and its value and state on his earning capacity, and fix what would be a reasonable attorneys' fee and alimony pendente lite, and report to this court his findings. Pending this proceeding, the defendant is hereby enjoined from selling or otherwise disposing of any of his property, but shall allow the same to remain intact until after the final disposition of this cause, a copy of the order shall be immediately served on respondent.

Witness my hand at Brewton, Alabama, this the 28th day
of July, 1926.

John D. Leigh,

Judge of the Twenty First Judicial Circuit
of Alabama, In Equity.

State of Alabama,
Baldwin County.

Circuit Court-In Equity.

I. T. W. Richerson, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 28th day of July, 1926, in the cause of Martha Schaper John, Complainant, vs Emil John Defendant, as appears of record in said Court.

Witness my hand and the seal of said Court, this the
29th, day of July, 1926.

I. T. W. Richerson
Register.

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Original

Martha Schaper John,
Complainant.
vs,
Emil John, Defendant.

Executed this the
29th day of July 1926.
by serving a copy
of the within on
Emil John personally.

W.R. Stuart Sheriff
By J.T. White D.S.

Filed July 29th, 1926.
T.W. Richerson, Register.

Serve copy of Emil John.

Martha Schaper John,
Complainant,
vs.
Emil John,
Defendant.

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

The bill of complainant has this day been presented to me, as Judge of the Circuit Court for the Twenty-first Judicial Circuit of Alabama, in which complainant seeks to obtain a divorce from the defendant on the grounds of cruelty. Complainant also seeks to obtain the custody and control of Myrtle John, a girl about thirteen years of age, and Augusta John, a girl about ten months old, alleging in said bill of complaint that the defendant is not a proper person to have the custody and control of said children, and that she is able to take care of them. Among other things, the complainant seeks to recover attorneys' fee and alimony pendente lite for herself and for the children, alleging that the defendant has two mules, wagon and harness, innumerable farming implements, five milk cows, two heifers and a one-ton Ford truck. *And is an able bodied man and an able to work.*

The Register in Chancery of Baldwin County, Alabama is hereby directed to hold a reference and determine, among other things, the amount of property owned by the respondent, and its *on his earning capacity* value and state, and fix what would be a reasonable attorneys' fee and alimony pendente lite, and report to this Court his finding. Pending this proceeding, the defendant is hereby enjoined from selling or otherwise disposing of any of his property, but shall allow the same to remain intact until after the final disposition of this cause. *A copy of the order shall be immediately served on respondent*
Witness my hand at Brewton, Alabama, this the

28th day of July, 1926.

John S. Leigh
Judge of the Twenty-First Judicial
Circuit of Alabama, In Equity.

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Filed July 29th 1926.
T. A. Williams
Register

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

Martha Schaper Jehn,) Bill for Diverce, Alimony,
Vs.) Injunction etc.
Emil Jehn.)

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA. IN EQUITY SITTING.

Comes Martha Schaper Jehn and humbly complaining against Emil Jehn and respectfully shews unto Your Honor as follows:

First: That your complainant and defendant herein, Emil Jehn are both over the age of twenty one years and both are residents of Baldwin County, Alabama, where both have continuously resided for more than a period of two years next preceding the filing of this bill. That defendant resides at Elberta in Baldwin County, Alabama.

Second: That your complainant and said Emil Jehn, defendant herein, are husband and wife, having intermarried on November 27th., 1922, since which time they have lived together as husband and wife until on or about the 15th., day of June your Complainant by reason of intentional acts of insult, wrong, abuse and cruel treatment heaped upon her as hereinafter set forth was compelled to cease her married relations with defendant and on the third day of July 1926 was compelled by reason of intentional acts of insult, wrong abuse and cruel treatment to leave the home of defendant herein, since which time, she has continued to live separate and apart from her said husband Emil Jehn, defendant herein.

Third: That defendant herein on divers occasions has been guilty of cruel and inhuman treatment towards complainant, in that he would repeatedly come home in an intoxicated and crazed condition and use harsh, vulgar and obscene language towards complainant because she would not work as a farm hand when unfit physically to do so and at the same time care for her two infant children. Your Complainant further alleges that on a number of occasions defendant so far forget his marriage vow that he did actually strike and beat your Complainant with his fists. The last cruel and inhuman beating having been administered on or about the 15th., day of June 1926 while there was a child in *Ventre Sa Mere*. By reason of said above set forth acts of cruelty, defendant has so embittered the life of your Complainant that it is impossible for the marriage relation to continue with an degree of happiness or satisfaction.

Fourth: Complainant further avers that she was at all times a good, true, affectionate wife.

Fifth: Complainant further avers that she has not condoned or forgiven any of the above set forth acts of cruelty.

Sixth: Complainant further avers that as a result of said marriage with defendant herein there has been born two minor children, to wit: Myrtle, a girl about three years of age and Augusta about ten months of age, both living. That defendant herein is not a fit and proper person to have the custody of said children.

Seventh: Complainant further avers that defendant herein is an able bodied man fully able to furnish means for the support of Complainant and the two minor children above named, and that, he now owns personal property, as follows:

Two mules, harness and wagen.
Innumerable farm implements.
Five milk cows.
Two heifers.
Five hogs.
One I ten Ford truck.
Household goods contained in the house
in which he now resides.

And also, an equity in the home and farm now occupied by defendant and his mother which has heretofore been deeded to defendant's mother, which as your Complainant alleges on information and belief was deeded to his said mother in order to prevent Complainant and his two children above named from falling heir to or otherwise acquiring said property or any interest therein.

Eighth: Complainant further avers that she has no separate estate and that by reason of her poverty she is unable to give an injunction bond, and Complainant further avers upon information and belief that unless defendant is enjoined from disposing of the property above mentioned he will sell, encumber or move away said property from the jurisdiction of this Honorable Court and absent himself as well to the irreparable injury and damage to your Complainant.

Wherefore, the premises considered, your Complainant prays that the bonds of matrimony between herself and defendant be dissolved and that the custody of said minor children be awarded to Complainant. That a portion of defendant's property be allowed and set apart to Complainant as shall be equitable and just. That the defendant be enjoined and restrained from disposing of or in any manner encumbering the property herein referred to.

Your Complainant further prays that defendant be required to pay a reasonable sum into Court to defray the expenses of this action and for Counsel fees; and that he be required to pay to Complainant such further sums for alimony as to this Court may seem just for her support and that of the two children named herein during the pendency of this action and for such permanent alimony and such other and further relief as to this Court may seem meet and proper.

The defendant, Emil John is required to answer every allegation of the foregoing Complaint but not under oath. Oath is hereby expressly waived.

Mabry & Corvath

Attorneys for Complainant.

State of Alabama,
Baldwin County.

Before me David E. Taylor a Notary Public
in and for said state and county, personally appeared
Martha Schaper, who being duly sworn states that she
has read the within and foregoing Bill of Complaint
and that she knows the contents thereof and the facts
stated therein are true, except as to matters which
are stated to be on information and belief and as to
these matters she is informed and believes them to be
true.

Martha Schaper John

Subscribed and sworn to before me this 6th., day of
July 1926.

David E. Taylor
Notary Public, Baldwin County
Alabama.

