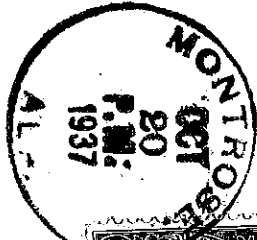


JOSEPH E. JOHNSTON,
Complainant,
vs.
STELLA N. JOHNSTON,
Defendant.

IN EQUITY

DEPOSITIONS OF
JOSEPH E. JOHNSTON,
PAUL A. FREDERICK, and
JESSE H. SMITH,
WITNESSES FOR COMPLAINANT.

Robert S. Duck, Esq.
Register
Bay Minette, Alabama



Recd Oct 21 1937
Respectfully
Respectfully



RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature of returnee)

Deliver to addressee only

(Signature of addressee's agent)

SEP 20 1937

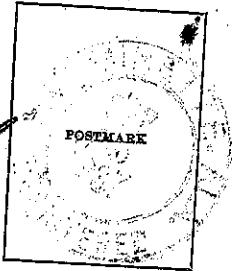
RECEIPT FOR REGISTERED ARTICLE No. 153

15 fee paid. *10* plus postage paid. *7-25*, 1937

Declared value *Light Paper* Shrinkage paid, \$ *0.00*

From *J. Welch Car Clerk*
(Sender)

Addressed to *Mrs. Kelly G. Johnson*
1525 Addison St Berkeley Calif.
(Address)



Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee *3* in person or order Special delivery fee *7*

Delivery restricted to addressee Fee paid *10* Postmaster, per *JWA*

JOSEPH E. JOHNSTON,

Complainant,

vs.

STELLA N. JOHNSTON,

Respondent.

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,
Testimony of Joseph E. Johnston, Paul A. Frederick, and Jesse
H. Smith,

and in behalf of Defendant upon Answer and Waiver,

R. S. Cook

Register.

REGISTER

J. S. Dook

day of October 1937

Filed in Open Court this 21st

NOTE OF TESTIMONY

STELLA N. JOHNSON,

vs.

Complainant,

JOSEPH E. JOHNSON,

Circuit Court of Baldwin County

IN EQUITY

BALDWIN COUNTY

The State of Alabama

No. 369

RECORDED

RECORDED

2-22-44

Dook

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 369 OCTOBER Term, 1937

JOSEPH E. JOHNSTON, ; Complainant

Vs.

STELLA N. JOHNSTON, Defendant

To R. S. DUCK, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by

ELLIOT G. RICKARBY

Solicitors of record, now files with the Register of this Court

this written request to deliver the papers in this cause to the Judge for final decree in vacation.

ELLIOT G. RICKARBY

Solicitor for Complainant.

Register.

Vol. _____

Record _____

Recorded in _____

Page _____

Register.

Filed _____

October 21, 1937

R. S. DUCK

Register.

REQUEST FOR DECREE IN VACATION

STELLA N. JOHNSON,

vs.
JOSEPH E. JOHNSON,

The State of Alabama,
Baldwin County,
CIRCUIT COURT, IN EQUITY

No. 369

Page _____

RECORDED
9-318

Moore Reg. Co.

(369)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JOSEPH E. JOHNSTON, Complainant

vs.

STELLA N. JOHNSTON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~

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 JOSEPH E. JOHNSTON, is forever divorced from the said

STELLA N. JOHNSTON,

for and on account of

Abandonment

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 JOSEPH E. JOHNSTON and STELLA N. JOHNSTON, be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

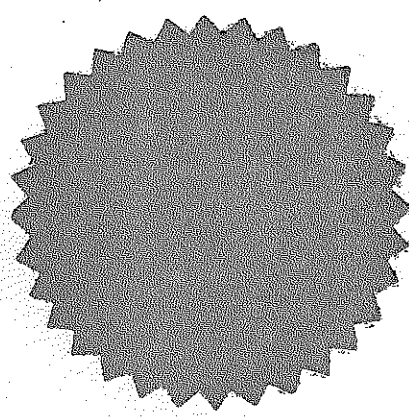
It is further ordered that JOSEPH E. JOHNSTON, the Respondent, pay the cost herein to be taxed, for which execution may issue.

This 23rd day of October, 1937

J. M. Hare

Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for 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.

JOSEPH E. JOHNSTON,
Complainant,

vs.

STELLA N. JOHNSTON,
Respondent.

E Q U I T Y

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

Deposition of Joseph E. Johnston, Paul A. Frederick
and Jesse H. Smith, witnesses for Complainant.

The above mentioned Witnesses appeared before me, the
Commissioner, acting by agreement of parties, at my office
in Fairhope, and first duly sworn to tell the truth, upon
examination by the Solicitor for the Complainant testified
as follows:

JOSEPH E. JOHNSTON

I am the Complainant in this cause. I am over the age
of twenty-one years and have been for the past four years or
more a bona fide resident of Fairhope, Baldwin County, Alabama.
On July 15th, 1913 I was married at San Rafael, California, to
Stella N. Johnston, the Respondent, who is over the age of
twenty-one years, and we lived together as husband and wife
until the year 1932, when she refused to live with me any fur-
ther and requested me to leave which I did, turning over to her
everything I possessed except my personal belongings. She had
expressed herself unwilling to live with me further and wrote
me a letter to this effect which I attach as Exhibit A. For
a while I moved in California seeking employment and later
arrived at Fairhope where I have since resided, having been
for a while on the faculty of the Organic School, and am now
in Government service. Since my wife abandoned me in 1932 we
have not lived together, nor has she been willing to do so; but
she had completely abandoned me for two years prior to the time
this bill was filed. I have been living in Fairhope and she in
California, and we have at no time resumed marital relations. We
have a son who lives with me in Fairhope, though he is at present
off at college.

Joseph E. Johnston

Jesse H. Smith

I, Dorothy Pearson, the Commissioner acting by agreement of parties, hereby certify that in the case pending on the Equity side of the Circuit Court of Baldwin County, Alabama, wherein Joseph E. Johnston is Complainant and Stella N. Johnston Respondent, I caused Joseph E. Johnston, Paul E. Frederick and Jesse H. Smith, witnesses for Complainant who were made known to me, to come to my office in the Bank of Fairhope Building, in the town of Fairhope, Alabama, where the said witnesses after being first duly sworn by me, upon examination by E. G. Rickarby, Esquire, Solicitor for the Complainant, testified as in hereinbefore written. 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 of kin to either of the parties to the cause, or anywise interested in the results thereof.

In Witness Whereof, I hereunto set my hand and seal as Commissioner, this the fourteenth day of October, 1937.

Dorothy Pearson (SEAL)

JOSEPH E. JOHNSTON,
Complainant,

E Q U I T Y
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

1427 - 8th St.
Berkeley, Calif
Aug 19th 1932

Statement.

My husband is leaving this address to set up a separate establishment at my request and I in no way consider it desertion. I understand that it is his desire to continue to be my husband.

Miss Sella N. Johnston

The State of Alabama, { Circuit Court of Baldwin County, In Equity
Baldwin County }

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

STELLA E. JOHNSTON,

1525 Addison St., Berkeley, California.

of _____ 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

JOSEPH E. JOHNSTON,

against said STELLA E. JOHNSTON,

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, Robert S. Duck, Register of said Circuit Court, this 21st day

of September 1937

Register

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

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY.

Comes JOSEPH E. JOHNSTON and by this, his Bill of Complaint
presented against STELLA E. JOHNSTON, respectfully shows:

FIRST: That he and the Defendant above named are both over
the age of twenty-one years, that he is now and has been for
more than four years next prior to this date a bona fide resi-
dent of Baldwin County, Alabama; and the Defendant is a resident
of Berkley, in the State of California.

SECOND: That they were married on July 15th, 1913 in San
Rafael, California and lived together in that state until the
year, 1932, when Defendant without just cause abandoned him,
since which time they have lived separate and apart without re-
sumption of marital relations.

THE PREMISES CONSIDERED, Complainant prays that the said
Stella E. Johnston be made party defendant to this bill; that
she be notified of the filing of same by registered mail, and
be required to answer same within the time prescribed by law.

Complainant further prays that upon the hearing of this
cause a decree be rendered forever divorcing him from the said
Stella E. Johnston, granting him the right to marry again
should he so desire and such other, further, and different relief
as to equity may seem meet.

Elliot S. Raines
Solicitor for Complainant

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, the undersigned notary, personally appeared this
day Joseph E. Johnston who, being sworn, says that Stella E.
Johnston, named as Defendant in the foregoing bill, is a non-
resident of the State of Alabama and over the age of twenty-one
years; that her last known address was 1523 Addison Street,
Berkeley, California, so that personal service cannot be had
upon her; wherefore he prays that she be notified of the filing
of this bill by registered mail.

Joseph E. Johnston

Subscribed and sworn to before me this the 20th day of
September, 1937.

Elliot S. Raines
Notary Public, Baldwin County, Alabama.