

838

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

_____ GLADYS JOHNSON _____ Complainant
 VS
 _____ RASCOM JOHNSON _____ Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on _____ 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 _____ GLADYS JOHNSON _____ is forever divorced from the said

_____ RASCOM JOHNSON _____
 for and on account of _____ CRUELTY _____

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 both Gladys Johnson and Rascom Johnson _____ be, and they are _____ hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that _____ Rascom Johnson _____ the Respondent _____ pay the cost herein to be taxed, for which execution may issue.

This 26th day of _____ April _____, 1942.
 _____ F. W. Hare _____
 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.

The State Of Alabama, Baldwin County

CIRCUIT COURT IN EQUITY

No. Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

and that the parties in accordance with
the said decree and decree, do hereby

is a further amended and decreed that neither party to this case shall again marry
until such time as the court shall order to the contrary and that the court shall
have full power to grant such relief as may be just and equitable in the premises.

It is further ordered that the parties to this case shall pay the costs of this
action and the costs of the parties to this action shall be paid by the party
found liable therefor.

It is further ordered that the parties to this case shall pay the costs of this
action and the costs of the parties to this action shall be paid by the party
found liable therefor.

Witness my hand and seal of the Court
this _____ day of _____ 19____

Register of the Court

County 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 recorded in my office.

Witness my hand and seal of the Court
this _____ day of _____ 19____

Register of Circuit Court in Equity

GLADYS JOHNSON,
Complainant,
VS.
BASCOM JOHNSON,
Respondent.

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

DEMURRER

Now comes the Respondent in the above entitled cause and for demurrer to the Bill of Complaint filed against him in the said cause and to each and every count thereof separately and severally says:

1. There is no equity in the bill.
2. The allegation "that the Respondent is an able-bodied man, easy capable of making from five to ten dollars per day" is a conclusion of the pleader.



Solicitor for Respondent.

GLADYS JOHNSON
COMPLAINANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS

IN EQUITY.

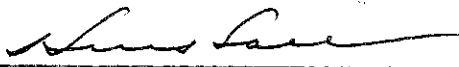
BASCOM JOHNSON
RESPONDENT

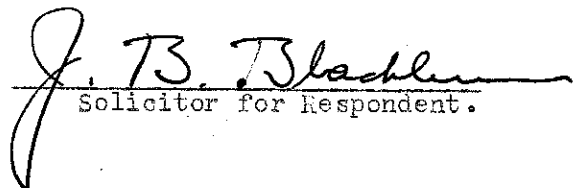
It is stipulated by and between the parties hereto,
acting by their respective Solicitors of Record:

That this cause be forthwith submitted for final decree
on the pleadings as noted by the Register, and the testimony of Gladys
E. Johnson and Dollie P. Joyner;

That any and all notice required by law to be given the
Respondent are hereby expressly waived.

BEEBE & HALL

BY 
Solicitors for Complainant.


Solicitor for Respondent.

GLADYS JOHNSON,

Complainant,

VS.

BASCOM JOHNSON,

Respondent.

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

ANSWER

Now comes the Respondent and for answer to the Bill of Complaint filed herein and to each and every paragraph thereof says:

1. The Respondent admits the allegations of paragraphs Numbered 1 and 2 of the Bill of Complaint.

2. Respondent expressly denies that he has cursed or threatened and abused the Complainant, and expressly denies that he has committed actual violence on her person by striking her, and denies that he has endangered her life and health in any way. He further alleges that his conduct was not such as would give the Complainant reasonable apprehension to believe that her life and health would be in danger if she continued to live with him.

3. Respondent further alleges that if he is mistaken in this allegation, then he alleges that the Complainant lived with him as his wife for many months after any improper action on his part and thereby condoned the offense of which she now complains.

4. Respondent admits that he is the father and the Complainant is the mother of the two said children, Joseph Bascom Johnson, Jr., and Rodney Johnson. He admits that the said children lived with him and the Complainant up until the time of their separation but alleges that since the date of the said separation the two said children have lived with him and have been supported by him from Sunday until Friday of each week. From Friday afternoon until Sunday of each week they have lived with their mother, the Complainant.

5. Respondent admits that he is an ablebodied man but denies that he is capable of earning or that he has at any time earned five to ten dollars per day. He alleges that he was making

fifteen dollars (\$15.00) per week at the time he was married to the Complainant, and further alleges that his weekly income from the time of his said marriage up to the present time and the income he is now making is twenty-five dollars (\$25.00) per week.

Having fully answered the Bill of Complaint Respondent prays that it be dismissed and that he be discharged with his reasonable costs in this behalf expended.

J. B. Blackburn
Solicitor for Respondent.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, That you summon BASCOM JOHNSON to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction within thirty days after the service of this summons, and there to answer, plead, or demur, without oath, to a Bill of Complaint lately exhibited by GLADYS JOHNSON against BASCOM JOHNSON, and further to do and perform what said Judge shall order, and direct in that behalf, and this the Respondent 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, R. S. DUCK, Register of said Circuit Court, this the 12 day of July, 1942.




Register.

GLADYS JOHNSON, COMPLAINANT,

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA,

BASCOM JOHNSON, RESPONDENT.

IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

And now comes your Complainant, GLADYS JOHNSON, and humbly complaining against the Respondent, BASCOM JOHNSON, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That the Complainant and the Respondent are both over twenty-one years of age and residents of Bay Minette, in Baldwin County, Alabama;
2. That the Complainant and the Respondent were married at Bay Minette, in Baldwin County, Alabama, on to-wit: December 24, 1930, and lived together as husband and wife until June 12, 1942;
3. That on, to-wit: June 12, 1942, and at various times prior thereto the Respondent cursed, threatened and abused the Complainant and on several occasions did actual violence to her person by striking her which necessarily endangered her life and health; that the conduct of the Respondent was such as to cause the Complainant every reasonable apprehension to believe, and she did actually believe that if she continued to live with him as his wife he would carry out his threats and do further violence to her person which would necessarily endanger her life and health;
4. That there was born to said marriage between your Complainant and the Respondent, Two children: Joseph Bascom Johnson, Jr., and Rodney Johnson, aged eleven and five years, respectfully, who are now and have been all of their life, living with the Complainant;

5. That the Respondent is an able-bodied man, easy capable of making from

five to ten dollars per day; that the Complainant has no property or income or means of supporting herself and minor children, and the prosecution of this suit.

Wherefore, the premises considered your Complainant prays that your Honor will by proper process make the said BASCOM JOHNSON party respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court; that Your Honor will order a reference to determine a reasonable alimony pendente lite to be paid by the Respondent to the Complainant and also a reasonable attorney's fee.

Your Complainant further prays that upon a final hearing hereof your Honor will give and grant unto her a decree of divorce forever barring the bonds of matrimony existing between her and the Respondent; that a decree be entered awarding to her the care, custody and control of said minor children; Joseph Bascom Johnson, Jr., and Rodney Johnson, and such reasonable permanent alimony as to the Court may seem just and proper; that your Honor will give and grant unto her such other, further, different and general relief as she may be in equity and good conscience entitled to receive and as in duty bound she will ever pray.

BEEBE & HALZ

By: 

Solicitors for Complainant.

GLADYS JOHNSON
COMPLAINANT

VS.

BASCOM JOHNSON
RESPONDENT

Filed

APR 26 1943

Clerk Register

R. S. DUCK

838
RECORDED
DEMURRER

GLADYS JOHNSON,
Complainant,
VS.
BASCOM JOHNSON,
Respondent.

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

Filed on this the 10th day of
August, 1942.

Filed Aug 10 1942
R. S. [unclear]
Ref

835

RECORDED

GLADYS JOHNSON, COMPLAINANT,

VS.

BASCOM JOHNSON, RESPONDENT.

SUMMONS AND COMPLAINT

Filed July 7, 1942
Re Dues
Ref

PEEBE & HALL
Lawyers.

Received in Sheriff's Office

this 7 day of July, 1942
W. R. STUART, Sheriff

Executed July 10th 1942
by serving copy of within Summons and
Complaint on

Bascom Johnson
the respondent,

W. R. Stuart Sheriff
By M. B. Bametter Deputy Sheriff

GLADYS JOHNSON

COMPLAINANT

VS.

RASCOM JOHNSON

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, Agreement
for submission, and waiver of notice, testimony of Gladys Johnson and Mrs.
Dollie P. Joyner

and in behalf of Defendant upon

APR

R. S. DUCK

Register.

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. _____ TERM, 194__.

GLADYS JOHNSON

Complainant—.

VS.

RASCOM JOHNSON

Respondent—.

TO R. S. DUCK, REGISTER:

In the above stated cause a answer
having been _____ filed by _____ the Respondent—,
and evidence having been taken, and the cause being ready for submission for final decree, and
no defense having been interposed, the complainant—, by BERBE A. HALL,
Solicitor—s 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.

Solicitor— for Complainant—.

NO. _____

Complainant—

VS.

Respondent—

Request For Decree In Vacation

Filed

APR 26 1949

Filed

194

R. S. DUCK
Clerk Register

Register.

No. _____

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

GLADYS JOHNSON

COMPLAINANT

VS.

BASCOM JOHNSON

RESPONDENT

NOTE OF TESTIMONY:

Filed in Open Court this APR 26 1943

day of R. S. DUCK

Register.

THE STATE OF ALABAMA }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

GLADYS JOHNSON

COMPLAINANT

VS.

BASCOM JOHNSON

RESPONDENT

I, Bernice F. Reid

as Register and Commissioner

have called and caused to come before me Gladys Johnson and Dollie P. Joyner

witness^{es} named in the Requirement for Oral Examination, on the 2nd day of April

1942, at the office of Beebe & Hall

in Bay Minette, Alabama, and having first sworn said witness^{es} to speak the truth,

the whole truth, and nothing but the truth, the said Gladys Johnson

doth depose and say as follows:

My name is Gladys Johnson. I live at Bay Minette, in Baldwin County, Alabama, and am over the age of twenty one years. The Respondent, Bascom Johnson, is over the age of twenty one years and a resident of Bay Minette, in Baldwin County, Alabama.

The Respondent and I were married at Bay Minette, in Baldwin County, Alabama, on December 24th, 1930. We lived together as husband and wife in Baldwin County, Alabama, until June 12th, 1940.

On June 12th, 1942, and at various times prior thereto the Respondent cursed, threatened and abused me, and on several occasions did actual violence to me by striking me, which necessarily endangered my life and health. The conduct of the Respondent was such as to cause me to have every reasonable apprehension to believe, and I did actually believe, that if I continued to live with him as his wife he would carry out his threats which would endanger my life and health.

I know from several years experience that it is absolutely impossible for the Respondent and me to live together as husband and wife.

Gladys E. Johnson

DOLLIE P. JOYNER.

Dollie P. Joyner, a witness for the Complainant, being first duly sworn to tell the truth, the whole truth and nothing but the truth, deposes and says:

ORAL EXAMINATION

I, Bernice F. Reid, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down in writing by me in the words of the witness ~~s~~ and read over to them and they signed the same in the presence of myself and H. M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness~~s~~ or had proof made before me of the identity of said witness~~s~~; 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 April, 1943.

Bernice F. Reid (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

GLADYS JOHNSON

Complainant

Vs.

BASCOM JOHNSON

Respondent

ORAL DEPOSITION

APR 26 1943

Filed _____, 19____

R. S. DUCK

Register

RECORDED IN

Record

Vol. _____ Page _____

Register

My name is Dollie P. Joyner. I am personally acquainted with the Complainant and the Respondent, who are husband and wife, having married on December 24th, 1930. They lived together as husband and wife until June 12th, 1942. I have lived near to the Complainant and Respondent and the Complainant has on various occasions made complaint that the Respondent had threatened and abused her and on several occasions did actual violence to her person. I on several occasions, and especially on or about June 12th, 1942, saw bruises on the Complainant which she said were inflicted on her by the Respondent.

Knowing the Respondent as I do and his temper, I know that it is absolutely impossible for them to live together as husband and wife. They are both young and it is to their best interest, and the best interest of all concerned, that they be granted a divorce.

Dollie P. Joyner