

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

FLORENCE V. JOHNSON, Complainant

vs.

GEORGE F. JOHNSON, JR., Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXX~~
~~XXXXXX~~ Answer & Waiver of Respondent 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 here-
 tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and
 that the said Florence V. Johnson is forever divorced from the
 said George F. Johnson, Jr. for and on account of Actual
 violence committed upon the person of the Complainant
 the wife, by the Respondent, attended with danger to her
 life and health.

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 per-
 mitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Florence V. Johnson
 the Complainant pay the cost herein to be taxed, for which execution may issue.

This 3rd day of January, 1950

Jeffrey G. Marshall
 Judge Circuit Court, In Equity

I, Alice J. Duck, 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 _____ day
 of _____, 19____

Register of Circuit Court, In Equity.

No. 2409 Page

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Florence V. Johnson

Complainant.

vs.

George F. Johnson, Jr.

Respondent.

DIVORCE DECREE

Filed 1-3-50
Deice J. Smith
Register

Florence V. Johnson,
Complainant

-vs-

George F. Johnson, Jr.
Respondent

NO. 2409

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

NOTE OF SUBMISSION

This cause was submitted in behalf of Complainant upon
Bill of Complaint, Answer and Waiver of Respondent, Agreement of
the Parties,

and Testimony of Florence V. Johnson and Herbert T. Forster.

J. J. Husea Bennett
Solicitor for Complainant.

W. J. Luck
Register.

#2409 - Equity
Flanice v. Johnson,
Complaint

George S. Johnson, Jr.
Respondent

Notes of Submission

Filed

1-3-50

Avery Luck
Register

FLORENCE V. JOHNSON
Complainant

-vs-

GOERGE F. JOHNSON, JR.
Respondent

NO. 2409

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

COMMISSIONER'S CERTIFICATE

By virtue of the Commission granted unto me by agreement of the parties, I, Joyce Blaylock, as such Commissioner have called and caused to come before me the said Florence V. Johnson and Mr. Herbert T. Forster, witnesses, on this the 30th day of December, 1949, at the office of J. Jefferson Bennett in Fairhope, Alabama, and having duly cautioned and sworn the witnesses to speak the truth, the whole truth and nothing but the truth, Florence V. Johnson and Herbert T. Forster the said witnesses, depose and say as follows:

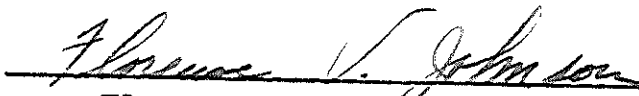
TESTIMONY OF FLORENCE V. JOHNSON
FAIRHOPE, ALABAMA

My name is Florence V. Johnson and I am over the age of twenty-one years. I am the Complainant in equity case no. 2409 in the Circuit Court of Baldwin County, Alabama in equity. The Respondent in that case is my husband. I have been a resident of Fairhope, Baldwin County, Alabama all my life. The Respondent, George F. Johnson, Jr. has been a resident of Baldwin County for more than two years next preceding this date. The Respondent and I were married on the 22nd day of March, 1949 in Louisiana. We lived together as husband and wife in Fairhope, Baldwin County from that date until the 14th day of November, 1949, at which time we separated and have no longer lived together,. No children were born of this marriage nor have any been conceived.

On the night of November 5, 1949, the Respondent and I were in the American Legion Club, Fairhope, Alabama. The Respondent had been drinking quite heavily. At around 10:30 p. m., he was playing pool and I was sitting at a table nearby. We had had two or three small arguments during the evening. I asked the Respondent for a cigarette and he came over to my table lit a cigarette and started teasing me by alternating offering it and then pulling it away. He then pulled a bottle of whiskey out of his pocket and set it on the table. He then started teasing me with the whiskey in the same manner he had with the cigarette. Being embarrassed before the other people, I got up to leave. He came around the table and followed

me out the door. As soon as we got outside, he grabbed me by the arm and hit me with his fist in my right eye, so hard that it staggered me. I tried to pull away and at that time my brother, Herbert T. Forster, ran up and grabbed the Respondent and forcing him to turn me loose. After my brother had forced him to stop the Respondent and I went home. Since that time I was in constant fear that he would commit more violence on me. He threatened to do it any time. When he was drinking he was vicious and quarrelsome. It was this constant fear that forced me to leave him the following week.

Our short married life together was a series of similiar arguments, threats and fights. I do not feel that It would be safe to live with the Respondent as his wife any longer.


Florence V. Johnson

TESTIMONY OF HERBERT T. FORSTER
FAIRHOPE, ALABAMA

My name is Herbert T. Forster, I live in Fairhope, Alabama, and I am over the age of Twenty-one years.

The Complainant in this case, is my sister. I heard her say a couple of times shortly after her marriage that she was afraid of the Respondent when he was drinking. The Respondent drank very heavily.

On the night of November 5, 1949, sometime between 10:30 and 11:00 p. m., my wife and I parked our car just outside the rear entrance to the American Legion Club in Fairhope, Alabama. We could see inside of the Club room through the door. We noticed the Complainant, Florence V. Johnson, sitting at a table near a pool table at which the Respondent was playing pool. We could see a bottle of whiskey in his pocket. I saw the Complainant ask the Respondent something and saw the Respondent come over to her table, light a cigarette and start holding it toward her and then jerking it back as she would reach for it. He then did the same thing with the bottle. I then saw the Complainant get up from the table and start to go out the ^{back} door just in front of my car. As she came out the door the Respondent grabbed her and hit her. I jumped out of the car and pulled him away from the Complainant. I held him and told him that if he touched her again I would defend her to the best of

of my strength. After he got cooled down, I made them leave and followed them home in my car to make certain that he didn't attack her again. Some few days later the Complainant told me that she was afraid to live with the Respondent any longer. She separated from his on the 14th day of November, 1949.

In view of his temperment and his addiction to drinking,
it
I do not think would be safe for the Complainant to live with the Respondent as his wife in the future.

Herbert T. Forster
Herbert T. Forster

I, Joyce Blaylock, the Commissioner in said Commission named, do hereby certify that the foregoing testimony was taken down and written by me in the words of the witnesses, Florence V. Johnson and Herbert T. Forster; was read over to the^m; that they assented, swore to and subscribed the same in my presence at the time and place herein mentioned; that I have personal knowledge of the identity of said witnesses; that I am not of counsel or kin to either of the parties of said cause, nor interested in the event thereof. And I enclose the said testimony, to the said Register of Chancery as my full execution of said Commission.

Given under my hand and seal this 30th day of December, 1949.

Joyce M. Blaylock (LS)

Commissioner herein respectfully requests that a commissioner's fee in the sum of \$5.00 be allowed in this cause.

Joyce M. Blaylock
COMMISSIONER.

Filed 1-3-50
Wich. Dist.
Registrar

Florence V. Johnson,
Complainant,)
-vs-)
George F. Johnson, Jr.,)
Respondent.)

NO. 2409

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

ANSWER AND WAIVER

Comes now the Respondent, George F. Johnson, Jr., in the
above styled cause and accepts service of the summons and Bill of
Complaint heretofore filed in this cause, and for answer thereto,
says:

The Respondent admits the allegations contained in para-
graphs 1, 2 and 3 of said Bill of Complaint.

Respondent denies the allegations contained in paragraph
4 of said Bill of Complaint and demands strict proof thereof.

And now having fully answered, the Respondent agrees that
this cause may be set for hearing at any time and without notice to
him of any nature as to the time and place of the taking of testi-
mony herein, and also agrees that this cause may be submitted for
final decree at once without notice.

Dated this 18th day of December, 1949.

J. B. Bennett
WITNESS

x George F. Johnson Jr.
RESPONDENT.

NO. 2409

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

ANSWER AND WAIVER

Florence V. Johnson,
Complainant,

-VS-

George F. Johnson, Jr.
Respondent.

FILED

DEC 28 1949

ALICE J. DUCK, Register

J. Jefferson Bennett
Attorney at Law
Fairhope, Ala.

Florence V. Johnson,
Complainant,
-vs-
George F. Johnson, Jr.
Respondent.

NO. 2409

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

Come the Complainant and the Respondent in the above styled cause and respectfully request this Court to approve and accept the following agreement between said parties by incorporating the pertinent ^{part} thereof as a part of any decree of divorce which may be entered in said cause, if and when a decree is rendered therein:

A G R E E M E N T

WHEREAS, the parties hereto are husband and wife, but a bill for divorce is pending or is filed contemporaneously herewith, wherein Florence V. Johnson is Complainant and George F. Johnson, Jr is Respondent; and said parties are desirous of avoiding the embarrassment and difficulties of litigation with respect to alimony or maintenance or division of any property belonging to the parties, to be allowed the Complainant:

NOW THEREFORE, IN CONSIDERATION OF THE PREMISES and of the mutual stipulations and the agreements hereinafter contained, it is mutually stipulated and agreed between the parties as follows:

1. Respondent agrees to assume and pay all of the accounts, bills or charges incurred by either of said parties prior to November 14, 1949.

2. Complainant agrees to pay the costs of Court in the above styled cause and the solicitor's fees of her attorney in said cause, J. Jefferson Bennett.

3. The Complainant agrees that so long as the agreement on the part of the Respondent shall be duly performed, the performance of such stipulations, herein contained, shall be considered as a full and complete satisfaction of her claims for maintenance and alimony and to any property owned by them, and shall constitute final payment of all such claims.

WITNESS the hands of the parties hereto at Fairhope, Baldwin County, Alabama, in duplicate on this the 27th day of December, 1949.

ATTEST:

J. Jefferson Bennett

Florence V. Johnson
COMPLAINANT
George F. Johnson Jr.
RESPONDENT

Florence V. Johnson,
Complainant,)

-vs-

George F. Johnson, Jr.)
Respondent.)

NO. 2409

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

TO HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT.

Comes now the Complainant in the above styled cause and shows unto your Honor the following statement of facts, to-wit:

1. Complainant and Respondent are each over the age of twenty-one years, and are each bona fide residents of Baldwin County, Alabama; Complainant and Respondent have each been a resident of said County in said State continuously for more than two years next preceding the date of the filing of this Bill.

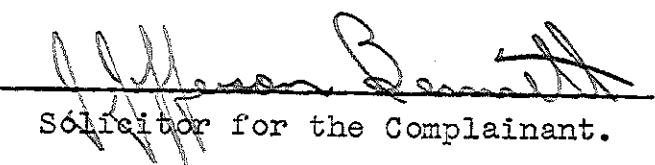
2. Complainant further shows that she was married to the Respondent on, to-wit, the 22nd day of March, 1949, in the Parish of St. Bernard of the State of Louisiana and lived with him as his wife until, to-wit, the 14th day of November, 1949.

3. Complainant further shows that there were and are no issue from this marriage.

4. Complainant further shows that on or about November 5, 1949 and on various dates prior to that time the Respondent has committed actual violence on the Complainant's person, attended with danger to her life or health, or from his conduct there is reasonable apprehension of such violence.

THE ABOVE PREMISES CONSIDERED the Complainant prays that this Court will take jurisdiction of her cause, and that George F. Johnson, Jr. be made a party respondent thereto by appropriate legal process and that he be required to plead, answer, or demur thereto, within the time prescribed by law, and that upon final hearing, that your Honor will order, adjudge and decree that the bonds of Matrimony existing between the Complainant and the Respondent be forever severed for on account of actual violence committed upon the person of the Complainant, the wife, by the Respondent, attended with danger to her life and health or that from his conduct there is reasonable apprehension of such violence. Complainant submits herself to the jurisdiction of this Court and offers to do equity toward all parties

to the bill and if she has not asked for the proper relief, she now asks for such other, further, general and special relief as the nature of her cause in equity and good conscience show her to be entitled.


Solicitor for the Complainant.