

989

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Clara L. Johnson Complainant

VS

Nathan Johnson Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Declaratory Pro Confesso~~ answer 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 heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said Clara L. Johnson is forever divorced from the said

Nathan Johnson

for and on account of extreme cruelty.

It is further ordered adjudged and decreed that the said Clara L. Johnson be and she hereby is awarded the exclusive care, custody and control of Doris Lucille Johnson, the minor child of the parties, subject to the right of the respondent to see and visit said child at reasonable times and places.

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 Clara L. Johnson and Nathan Johnson be, and is hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Clara L. Johnson the complainant pay the cost herein to be taxed, for which execution may issue.

This 31st day of August 1943, 19

[Signature] 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.

RECORDED

No. **985** Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

CLARA L. JOHNSON
vs. Complainant.

NATHAN JOHNSON
Respondent.

DIVORCE DECREE

[Faint, mostly illegible text, likely the body of the divorce decree]

CLARA JOHNSON,
Complainant,

vs.

NATHAN JOHNSON,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

BILL OF COMPLAINT

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

PART ONE

Your complainant, Clara Johnson respectfully shows to the court that she is over the age of 21 years and a bona fide resident of Baldwin County, Alabama, residing at Foley therein and that the respondent Nathan Johnson is also over the age of 21 years and a resident of Foley, Baldwin County, Alabama.

PART TWO

1. Your complainant further avers that she was lawfully married to the respondent on the 27th day of February 1937 at Foley, Alabama and ever since said marriage has conducted herself towards the respondent as a faithful and obedient wife.

2. That the issue of the marriage between your complainant and the respondent is one child, Doris Lucille Johnson now aged four and one-half ($4\frac{1}{2}$) years.

3. That ever since her marriage to the respondent, he has been guilty of extreme cruelty to your complainant; has many times assaulted, struck, beat and otherwise abused your complainant and has been guilty of actual violence upon the person of your complainant and has threatened other and further violence so that your complainant is afraid of the respondent. Her health has been affected and she cannot safely live with the respondent longer and has separated from him and desires a divorce from him.

4. That your complainant is able to support herself and provide her child with adequate support and education and she is in all respects a fit and proper person to have the custody and

control of the said child. That the respondent has no facilities for taking care of said child and your complainant desires the exclusive care, custody and control of said minor subject to the right of the respondent to see and visit said child at all reasonable times and places.

PRAYER FOR PROCESS

The premises considered, your complainant prays that Your Honor will grant to her the writ of summons of the State of Alabama directed to the respondent Nathan Johnson, directing him to answer, plead or demur to this bill of complaint within the time allowed by law and commanding him to stand to and abide such order and decree as Your Honor may enter herein; and your complainant shall ever pray & c.

PRAYER FOR RELIEF

Your complainant further prays that upon the final hearing of this cause Your Honor will grant to her a decree of absolute divorce from the respondent Nathan Johnson and will grant to her the exclusive care, custody and control of Doris Lucille Johnson, subject to the right of the respondent to see and visit said child at reasonable times and places and that your complainant may have such other further and different relief in the premises as may be just and equitable.

Solicitor for Complainant

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Sara Poe

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Clara Johnson and Evie L. Chavers

as witnesses in behalf of complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Clara Johnson

Complainant
and Nathan Johnson

Defendant,
on oath to be by you administered, upon oral interrogatories to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 28th day of August, 1943

R. Luck

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

CLARA JOHNSON,
Complainant,

vs.

NATHAN JOHNSON,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEPOSITION

TESTIMONY OF CLARA JOHNSON

My name is Clara Johnson; I am the wife of Nathan Johnson and the complainant in this action. I have lived in Foley, Alabama for many years and was married to the respondent here on February 27, 1937 and we have lived in Foley ever since.

We have one child, a daughter, Doris Lucille Johnson, who is now four and one-half ($4\frac{1}{2}$) years old.

The respondent has abused and mistreated me ever since we were married. He has a violent temper which he makes no effort to control and on the slightest provocation he would strike, slap and beat me until I would be black and blue and bruised all over. I have been obliged to leave him and go home at least six times but each time would consent to go back and try it again but instead of getting better he seemed to get worse until my health was affected. I became afraid he would do me serious injury and when he beat me up the last time on last April 5th, I decided I could not stand it any longer and left him and we have not lived together since.

I am employed at Barin Field where I have a Civil Service rating and a permanent position and ample income to let me support myself and baby without any help from the respondent and I desire nothing from him. He has no facilities to take care of our daughter and is not a fit person to have her anyway and I desire that her care, custody and control be given to me.

Clara L. Johnson

TESTIMONY OF EVIE L. CHAVERS

My name is Evie L. Chavers, I live in Foley, Alabama and I am the sister of Clara Johnson, the complainant in this divorce action.

I have known her husband ever since shortly before they were married and have had an opportunity to observe their life together ever since they were married. He has always abused her shamefully; he has a vicious temper and seems to think it is all right to slap and beat his wife whenever he gets angry with her. I have seen her time and again with black eyes and bruises all over from his rough treatment of her.

They have separated a number of times and each time she has gone back to him, largely on account of the baby, but it has gotten to the point where his treatment of her has made her sick and nervous and it would be impossible for them to live together any longer.

She has always been a good woman and has a good job at Barin Field where she has a Civil Service rating and a permanent position so that she is well able to take care of herself and the baby and it would be well provided for if she has it.

They have been separated for several months now and I am sure that they can never live together again and would both be better off divorced.

Evie Lou Chavers

CERTIFICATE

STATE OF ALABAMA }
BALDWIN COUNTY }

I, Sara Poe, by virtue of the attached commission, the commissioner to take the testimony of Clara Johnson and Evie L. Chavers, witnesses in behalf of the complainant in the above entitled cause, do hereby certify that I caused said witnesses to come before me in my office in Foley, Alabama on the 28th day of August, 1943 and said witnesses, after being duly and solemnly cautioned and sworn, testified as herein set forth and their testimony was by me taken down in shorthand, later reduced to typewritings and read over and signed by said witnesses.

I have personal knowledge of the identity of said witnesses and I am not of counsel or of kin to any of the parties to this cause nor in any manner interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this day of August, 1943.

Sara Poe

Commissioner

CLARA JOHNSON,
Complainant,

vs.

NATHAN JOHNSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

ANSWER

Comes now the above named Respondent and admits the averments of paragraphs One and Two of the bill of complaint but denies all of the other allegations thereof and requires strict proof thereof.

Respondent states that he is not a member of any of the armed forces of the United States and hereby stipulates and agrees that this cause may be submitted at any time without notice to him; that testimony may be taken by the Complainant at any time without notice to him and the right of cross examination of Complainant's witnesses being hereby waived.

Nathan Johnson

merge

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CLARA JOHNSON,

COMPLAINANT

VS

NATHAN JOHNSON,

RESPONDENT

ANSWER

RECORDED

Amended 3-5-1945
Revised
Coy

NO _____

The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

Clare Johnson

Complainant
vs.

Nathan Johnson

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Sara Poe

WITNESSES:

Clara L Johnson.

vs.

Nathan Johnson.

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, _____

Evie L. Chavers.

~~and testimony of Clara L Johnson. and.~~

and in behalf of Defendant upon ~~Answer and waiver.~~

Register.

No. 989.

RECORDED

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Clara L. Johnson.

VS.

Nathan Johnson.

NOTE OF TESTIMONY

Filed in Open Court this 30th

day August, 1943

R. S. Luch

Register.