

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Mary A. Johnson, Complainant

vs.

James A. Johnson, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Waiver~~ on 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 Mary A. Johnson is forever divorced from the said James A. Johnson for and on account of

- 1. Habitual intemperance
- 2. Intolerable cruelty

It is further ordered, adjudged and decreed that Complainant, Mary A. Johnson shall have custody and control of the children: James R. Johnson and Emma Louise Johnson,

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 permitted to again contract marriage upon the payment of the cost of this suit.

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

This 20th day of November, 1950.

Jeffrey J. Madhery
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.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

MARY A. JOHNSON

Complainant

vs.

JAMES A. JOHNSON

Respondent

DIVORCE DECREE

THE STATE OF ALABAMA
Baldwin County.Circuit Court of Baldwin County, Alabama
(In Equity)

Mary A. Johnson

Complainant

VS.

James A. Johnson

Respondent

I, Frances G. Crawford

as Register and Commissioner

have called and caused to come before me Mary A. Johnson and James T. Allison

witnesses named in the Requirement for Oral Examination, on the 21st day of November
1949, at the office of E. A. Cramer, Attorney,
in Fairhope, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Mary A. Johnson
doth depose and say as follows:

James A. Johnson and I were married May 21st 1936 at Pensacola, Florida. I am 30 years old and James is 40. We lived in Fairhope, Alabama, after we were married and I have lived there ever since. We had two children; James R. Johnson, now 13 years old, and Emma Louise, now 11. After we were married, my husband began to drink pretty heavily. Little by little, he got worse and worse until he was drunk more often than sober. While drunk, on a number of occasions, he slapped me around pretty brutally. No matter what he promised about doing better, he never kept his word and would go right back to his bottle. He never has supported us properly. I am employed and able to care for myself and the children. If I am granted a divorce, I would like to have the custody and control of the children. James lives at Point Clear, Alabama, now. We have been separated since November 19th 1949.

Mary A. Johnson

And the said James T. Allison doth depose and say as follows:

I am Mary's brother. I know that her husband was drinking very heavily and steadily for some time before they separated in November, 1949. I also know that he never could hold a job and did not support my sister and the children. I suspect that he must have beaten her a number of times from statements made by her. They lived in Fairhope, Ala. after they were married and both have lived in Baldwin County ever since.

James T. Allison

ORAL EXAMINATION.

I, Frances G. Crawford, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness _____ and read over to _____ and _____ signed the same in the presence of myself _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proom made before me of the identity of said witness _____; 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 21st day of November, 1950. 194x

Frances G. Crawford (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Mary A. Johnson

vs. Complainant

James A. Johnson

Respondent.

Oral Deposition

Filed _____, 194

Register.

Recorded in

Record

Vol. _____ Page _____

Register.

Mary A. Johnson,
Complainant,

Vs.

James A. Johnson,
Respondent

In the Circuit of

Baldwin County, Alabama.

In Equity.

Comes now the above named complainant, Mary A. Johnson, and shows unto the court the facts following:

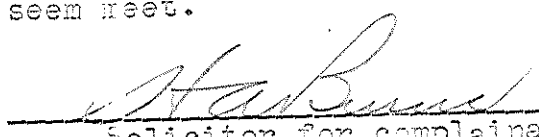
1st. That complainant is a resident of the state of Alabama and County of Baldwin and has been such resident for more than two years next preceeding the filing of this bill of complaint, that she is over the age of twenty one years, and that the respondent, James A. Johnson is a resident of said Baldwin County and is over the age of twenty one years.

2nd. That on to-wit, May 21, 1936 your complainant and respondent were married to each other and lived together as man and wife until to-wit, November 19, 1949. That of such union two children were born, Viz. James R. Johnson, a son, aged 12 years; and Emma Louise Johnson, a daughter, aged eleven years. Both of said children now reside with your complainant in Baldwin County, Alabama.

3rd. Your complainant alleges that after marriage the respondent became addicted to habitual drunkenness

4th. That divers times the respondent committed actual violence upon the person of the complainant attended with danger to her life or health, and from his conduct there is a reasonable apprehension that such violence will be again inflicted upon the person of the complainant by the respondent.

Premises Considered, your complainant prays that a summons be issued directed to the respondent requiring him to plead, answer or demurr to this bill within the time allowed by law for pleading; and that upon a final hearing your honor will grant your complainant a decree of absolute divorce from the said James A. Johnson, that the custody of said children be awarded to complainant, and that such other, further or different relief be granted to complainant as to your Honor may seem meet.


Solicitor for complainant.

2543 Recorded

Mary A Johnson

vs

James A Johnson

Bill of Complaint

Filed 9-8-50
Alice M. Welch
Register

W. B. B. B.
att'y

Mary A. Johnson,
Complainant

Vs.

James A. Johnson,
Respondent

In the Circuit Court of
Baldwin County, Alabama.

In Equity.

I, James A. Johnson, the above named respondent, hereby accept service of a copy of the bill of complaint filed in the above entitled cause and hereby waive any further or additional service or notice of the filing of said cause, and I further waive any time and agree that the same may be submitted for final decree at any time without further notice of me.

Dated this the 2 day of Sept, 1950.

James A. Johnson

State of Alabama)

Baldwin County)

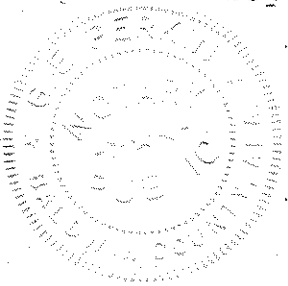
I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James A. Johnson, whose name is signed to the foregoing waiver, and who is known to me, acknowledged before me on this date that being informed of the contents of the foregoing waiver, he executed the same voluntarily on the day the same bears date.

Sept. 1950.

Given under my hand on this the 2 day of

L. B. Perkins

Notary Public.



Recorded

2543

Mary A Johnson

is

James A Johnson

Wain



Filed 9-8-00

Alice French

Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Mrs. Frances G. Crawford

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

Mary A. Johnson and James T. Allison

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

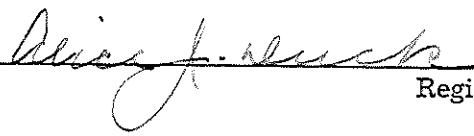
Mary A. Johnson

and James A. Johnson, Complainant

Respondent

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

Witness 3rd day of November, 1950


Register.

Commissioner's Fee, \$ NONE

Witness' Fees, \$ NONE

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MARY A. JOHNSON

Complainant—

vs.

JAMES A. JOHNSON

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

Mary A. Johnson
Complainant
vs.
James A. Johnson
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No.

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows :

1. That the following named witnesses reside within one hundred miles from
Bay Minette, in the County of Baldwin
Alabama, the place of trial of said cause, to-wit :

Mary A. Johnson

James T. Allison

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

E. G. Frances
Solicitor for Complainant

Bill of Complaint filed by ~~James A. Burns~~ H. A. Burns

NOTE:

Complainant suggests the name of Frances G. Crawford
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

E. G. Frances
Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION

Mary A. Johnson

Complainant

vs.

James A. Johnson

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this _____ day of _____

194-----

FILED
NOV 3 1950

ALICE J. DUCK, REGISTER

Register

Moore Printing Co.

2543

2544

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

16 November 1950

Mrs. Alice J. Duck,
Register, Circuit Court,
Bay Minette, Alabama.

Dear Mrs. Duck:

FISCHER VS FISCHER: With this we hand you Bill of Complaint, Answer and Waiver and Agreement of Property Settlement, in this cause, in which testimony will be taken tomorrow and mailed you, together with the decree, which will be rather elaborate as it embodies the Agreement of Property Settlement filed herewith.

DeMOUY VS JEPSON: Our opponent, Mr. DeMouy, seems somewhat hazy on the ethics of appeal in that he did not comply with his promise to furnish us with a list of Assignments of Error, which he wrote in long hand quite at length when the case was argued before the Supreme Court on the 14th. I telephoned to Mr. Thomas, the Clerk, asking a copy of these and they should reach us tomorrow. I am sending the brief up to Jeff to answer, as I am still somewhat dilapidated from my recent eye operation.

Sincerely,

Elliott G. Rickarby
for
RICKARBY & RICKARBY

EGR:HB
Encs - 3
3025

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

17 November 1950

Mrs. Alice J. Duck,
Register, Circuit Court,
Bay Minette, Alabama.

Dear Mrs. Duck:

FISCHER VS FISCHER: With this find decrees
in this case . Please call attention of the
Court to the agreement which provides that it
shall be included in the decree.

Mr. Cramer will have his client pay the
costs.

Testimony in this is sent under separate
cover.

Sincerely,

Elliott G. Rickarby
for
RICKARBY & RICKARBY

EGR:HB
3025
Encs - 3

*Please make note of evidence. We are out of
blanks. Also send us about 30 dozen blanks.*

EDNA VICTORIA FISCHER,
Complainant

E Q U I T Y

vs

IN THE CIRCUIT COURT OF

EDWARD FISCHER,
Respondent

BALDWIN COUNTY, ALABAMA

DEPOSITIONS OF EDNA VICTORIA FISCHER AND
MRS. GRACE RYALS, WITNESSES FOR COMPLAINANT.

The above named witnesses, appeared Before me at the time and place hereinafter stated, and upon examination by counsel for Complainant, after being sworn, testified as follows:

EDNA VICTORIA FISCHER

I am the Complainant in this cause and over the age of twenty-one years and a lifelong resident of Baldwin County. On November 20, 1944, I married Edward Fischer, who is also over the age of twenty-one years and now lives in Fairhope. Our married life has not been a success almost from the beginning. My husband has a quick temper and when he loses his temper, loses control of himself. We had been married a year before he began mistreating me, and since that time on a number of occasions has used violence on me, a number of times beating me quite severely. I put up with this for a long time, but the last occasion was on the night of October 15, 1950, when for no good reason at all, he attacked me, knocking me down several times, slapping my face from side to side and bruising me so badly that I was compelled to call in the protection of the law. My face showed the effects of his blows and I fear to live with him any longer lest in another fit of insane rage he do me serious injury, if not kill me. My injuries on this occasion of which I speak were seen by my two sisters and by the police officer, Mr. Newell, who made the arrest. For this reason I am asking a divorce.

Edna V Fischer

MRS. GRACE RYALS

I am a sister of Mrs. Fischer and confirm what she said as to her residence and marriage. About six or six-thirty in the evening of October 15th last, Mrs. Fischer came to my house semi-hysterical and showing the marks of violence. Her chin was cut, there was a cut across her nose, her face showed signs of bruises and she had cuts on her hands and forearms. She told me that she had just escaped from her husband, who had been beating her severely and her looks bore this out. They have been apart from each other since this time. I have known by hearsay in the family and by what she has told me that my sister, Edna, has had similiar trouble with her husband before, but I have not known of this personally, but from what I saw this last time, I can readily believe what she has said about his treatment. He is a large, powerful man and can easily injure a woman of normal size.

Mrs. Grace Ryals

CERTIFICATE

I, Helen P. Baugh, acting as commissioner by agreement of parties, hereby certify that in the case of EDNA VICTORIA FISCHER vs EDWARD FISCHER, pending on the Equity side of the Circuit Court of Baldwin County, I caused EDNA VICTORIA FISCHER and MRS. GRACE RYALS, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn, upon examination by the solicitors for the Complainant, they testified as is above written, and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the 17th day of October, 1950.

Helen P. Baugh
Commissioner.

EDNA VICTORIA FISCHER,
Complainant

vs.

EDWARD FISCHER,
Defendant

o o o o o o o o o o o o o o o

DEPOSITIONS OF EDNA VICTORIA
FISCHER AND MRS. GRACE RYALS,
WITNESSES FOR COMPLAINANT

o o o o o o o o o o o o o o o

FILED

NOV 18 1950

ALICE J. DUCK, Register

2543

Mary A. Johnson.

Complainant.

vs.

James A. Johnson.

Respondent

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Answer and Waiver and Testimony of Mary A. Johnson and James T.
Allison

and in behalf of Defendant upon _____

Alvin J. Reese

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Mary A. Johnson

Complainant

vs.

James A. Johnson,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

Register.

Printed By The Baldwin Times

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