

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

Coxie McKenzie Prescott

, Complainant

vs.

John Wesley Prescott

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ 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 Coxie McKenzie Prescott is forever divorced from the

said John Wesley Prescott 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 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 the Complainant pay the cost herein to be taxed, for which execution may issue.

This 9 day of March, 1955.

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

Complainant
vs.

Respondent

DIVORCE DECREE

FILED

3-10-52

ALICE J. DUCK, Register

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Cozie McKenzie Prescott

Complainant

VS.

John Wesley Prescott

Respondent

I, Frances G. Crawford,

as Register and Commissioner

have called and caused to come before me Cozie McKenzie Prescott and Floyd F. Phillips

witness^{es} named in the Requirement for Oral Examination, on the 6th day of March, 1953,
~~1954~~, at the office of E. A. Cramer
in Fairhope, Alabama, and having first sworn said Witness^{es} to speak the
truth, the whole truth, and nothing but the truth, the said Cozie McKenzie Prescott
doth depose and say as follows:

I am 42 years old and my husband, John Wesley Prescott, is 45. We were married on July 9th 1948 at Lucedale, Mississippi. We lived in Fairhope, Baldwin County, Alabama, at the date of our marriage and I have continued to be and still am a resident of Fairhope. I was not aware of the fact that my husband was a very heavy drinker when we were married. After our marriage, every time he got drunk, he would come home in a mean and nasty frame of mind. Always, on such occasions, he mistreated me. He beat me brutally. I had to call the police in Fairhope for protection against him several times. He was arrested by them and, each time, promised to do better. I guess it was a hopeless situation. Even now, when he comes ashore, he tries to get into my home and to continue his mistreatment of me. He is a merchant mariner. I am very much afraid of him. He is so big and strong and vicious when he drinks which is too often. I want to be legally free of him. I want to be in the position of being able to prosecute him as if he were a stranger if he should make any future attempts against me. He has actually threatened to kill me.

Cozie McKenzie Prescott

And the said Floyd F. Phillips doth depose and say as follows:

I am Chief of the Fairhope Police Department. I have known Mr and Mrs. Prescott for several years. On several occasions, we have had to take him into custody on her complaint. He seems to be an unusually belligerent man and, apparently, drinks heavily. Each time when we have had to protect her, he has been quite drunk. I know that Mrs. Prescott has lived in Fairhope for several years.

Floyd F. Phillips

ORAL EXAMINATION.

I, Frances G. Crawford, as Register and Commissioner hereby certify that
the foregoing depositions on Oral Examination was taken down by me in writing in the words
of the witnesses and read over to them and they 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 ES or had proof 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 6th day of March, 1953. 194

Frances H. Crawford (L. S.)

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THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed 3-9, 1943

Recorded in

Record

Vol. 1 Page 1

Register.

Cozie McKenzie Passcott

vs.

John Wesley Prescott

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,

Testimony of Complainant and Witness

and in behalf of Defendant upon

Answer and Waiver

E. A. Cramer

Solicitor For Complainant

Wm. J. Wrench

Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Cozie McKenzie Prescott

vs.

John Wesley Prescott

NOTE OF TESTIMONY

Filed in Open Court this 9th

day of March, 1943

Alice J. Jones
Register.

Printed by the Baldwin Times

Cozie McKenzie Prescott
Complainant

vs

John Wesley Prescott
Respondent

Circuit Court

Baldwin County

Alabama

In Equity

To the Honorable Telfair J. Mashburn, Jr., Judge of said Court, sitting
in Equity;

Comes Cozie McKenzie Prescott and exhibits this, her Bill of Complaint
against John Wesley Prescott, and shows unto Your Honor as follows:

First: Complainant, whose age is 42 years, and Respondent, whose age is
45 years, intermarried on July 9th 1948 at Lucedale, Mississippi.

Second: At the date of said marriage, both parties hereto were residents
of the State of Alabama and Complainant has continued as a resident there-
of ever since to the present date, living in Fairhope, Baldwin County,
Alabama.

Third: During the month of September, 1951, due to the acts hereinafter
complained of, the parties hereto separated.

Fourth: On several occasions up to the date of said separation, Respon-
dents committed acts of violence upon the person of Complainant so as to
put her in fear of her life, limb and health and, from his conduct, there
is reasonable apprehension that he would continue such acts.

The premises considered, Complainant prays that said John Wesley Prescott
be, by all due and appropriate process, made party defendant to the within
suit, that he be compelled to plead, demur or answer to the several para-
graphs of the within Bill of Complaint within the time prescribed by law
and that he be compelled to abide and obey all orders made in the premises.

Complainant further prays, upon a hearing of the within cause, that a decree
be entered granting her an absolute divorce; forever, from said John Wesley
Prescott and granting her such other, further and different relief as, in
Equity, may seem meet and proper.

E. A. Cramer
Solicitor for Complainant


Solicitor for Complainant

2829

RECORDED

Filed 6-26-52
Ans. J. Duck
Duck

COZIE MCKENZIE PRESCOTT

v.

JOHN WESLEY PRESCOTT

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

WAIVER AND ANSWER

Comes the respondent in the above-styled cause and waives service by the sheriff of subpoena on said bill; waives service of a copy of interrogatories, notice of the filing of them, the period allowed by law to cross them; waives notice of the taking of testimony in the cause; waives the right to give testimony in his own behalf in said cause; waives issuance of formal commissions to take the testimony of witnesses, and consents that the cause be submitted to the judge for final decree.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

- (1) He admits the allegations contained in paragraphs 1 and 2 of said bill of complaint.
- (2) He admits the allegations contained in paragraph 2 of said bill of complaint.
- (3) He denies each and every allegation contained in 3rd and 4th paragraphs of said bill of complaint and demands strict proof thereof.

John Wesley Prescott

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, Edgar R. Nelson, a Notary Public for the State of Alabama at Large, hereby certify that John Wesley Prescott, whose name is signed to the foregoing answer to a certain Bill of Complaint filed on the 27 day of June, 1952, wherein COZIE MCKENZIE PRESCOTT is complainant and John Wesley Prescott is respondent, and who is known to me to be the identical person named as respondent in the Bill of complaint in this cause, acknowledged before me on this date that being informed of the allegations of the bill of complaint filed against him by COZIE MCKENZIE PRESCOTT, who is his wife, he signed the answer hereto attached voluntarily on the day the same bears date.

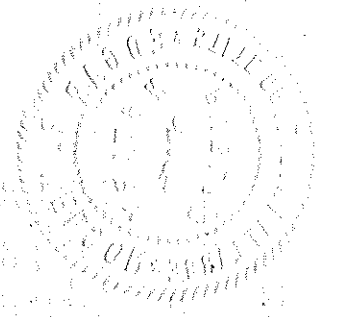
And I further certify that he signed the said answer in my presence.

Given under my hand and seal this 27 day of June, 1952.

Edgar R. Nelson

2829

RECORDED



FILED

JUL 3 1952

ALICE J. DUCK, Register

Cozie McKenzie Prescott
Complainant

Vs

John Wesley Prescott
Respondent

Circuit Court
Baldwin County
Alabama
In Equity

To the Honorable Telfair J. Mashburn, Jr., Judge of said Court, sitting in Equity:

Comes Cozie McKenzie Prescott and exhibits this, her Bill of Complaint against John Wesley Prescott, and shows unto Your Honor as follows:

First: Complainant, whose age is 42 years, and Respondent, whose age is 45 years, intermarried on July 9th 1948 at Lucedale, Mississippi.

Second: At the date of said marriage, both parties hereto were residents of the State of Alabama and Complainant has continued as a resident thereof ever since to the present date, living in Fairhope, Baldwin County, Alabama.

Third: During the month of September, 1951, due to the acts hereinafter complained of, the parties hereto separated.

Fourth: On several occasions up to the date of said separation, Respondent committed acts of violence upon the person of Complainant so as to put her in fear of her life, limb and health and, from his conduct, there is reasonable apprehension that he would continue such acts.

The premises considered, Complainant prays that said John Wesley Prescott be, by all due and appropriate process, made party defendant to the within suit, that he be compelled to plead, demur or answer to the several paragraphs of the within Bill of Complaint within the time prescribed by law and that he be compelled to abide and obey all orders made in the premises.

Complainant further prays, upon a hearing of the within cause, that a decree be entered granting her an absolute divorce, forever, from said John Wesley Prescott and granting her such other, further and different relief as, in Equity, may seem meet and proper.

E. A. Cramer
Solicitor for Complainant

E. A. Cramer
Solicitor for Complainant

82-250-23

Filed 11/1/51

Notary

Petitioner for Complaint
E. A. Garner

Respondent for Complaint
E. A. Garner

Edith, my dear wife and mother,
Harriet and Elizabeth are such other, further and different relief as, in
be entered showing her an absolute divorce forever, from said John Wesley
Complainant further prays, upon a reading of the within cause, that a decree
and that he be compelled to abide and obey all orders made in the premises.
Reasons of the within bill of Complaint within the time prescribed by law
said, that he be compelled to plead, demur or answer to the several par-
be, by all due and appropriate process, made body defendant to the within
the premises considered, Complainant prays that said John Wesley, Prescott
is reasonable consideration that he would continue such wife.
but her in fear of her life, limb and health and, from his conduct, there-
most committed acts of violence upon the person of Complainant so as to
harm: On several occasions up to the date of said separation, Harriet
Complainant of the parties hereto separated.
third: During the month of September, 1931, due to the acts hereinbefore
Alabama,
of ever since to the present date, living in Jackson, Baldwin County,
of the State of Alabama and Complainant has continued as a resident there-
Second: At the date of said marriage, both parties hereto were residents
12 years, intermarried on July 24th 1914 at Indiana, Mississippi.
first: Complainant, whose age is 45 years, and Respondent, whose age is
against John Wesley, Prescott, and whom Complainant honor as follows:
Gone Corie McFarlane Prescott and wife's child, her bill of Complaint
in Edith.

To the Honorable Refrain T. Resbourn, and Judge of said Court, sitting

Respondent
John Wesley Prescott

In Edith,
Alabama

Complainant
Corie McFarlane Prescott
Baldwin County
Circuit Court

COZIE MCKENZIE PRESCOTT

VS

JOHN WESLEY PRESCOTT

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

WAIVER AND ANSWER

Comes the respondent in the above-styled cause and waives service by the sheriff of subpoena on said bill; waives service of a copy of interrogatories, notice of the filing of them, the period allowed by law to cross them waives notice of the taking of testimony in the cause; waives the right to give testimony in his own behalf in said cause; waives issuance of formal commissions to take the testimony of witnesses, and consents that the cause be submitted to the judge for final decree.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

- (1) He admits the allegations contained in paragraphs 1 of said bill of complaint.
- (2) He admits the allegations contained in paragraph 2 of said bill of complaint.
- (3) He denies each and every allegation contained in 3rd and 4th paragraphs of said bill of complaint and demands strict proof thereof.

John Wesley Prescott

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Edgar R. Nelson, a Notary Public for the State of Alabama at Large, hereby certify that John Wesley Prescott, whose name is signed to the foregoing answer to a certain Bill of Complaint filed on the 27 day of June, 1952, wherein COZIE MCKENZIE PRESCOTT is complainant and John Wesley Prescott is respondent, and who is known to me to be the identical person named as respondent in the Bill of complaint in this cause, acknowledged before me on this date that being informed of the allegations of the bill of complaint filed against him by COZIE MCKENZIE PRESCOTT, who is his wife, he signed the answer hereto attached voluntarily on the day the same bears date.

And I further certify that he signed the said answer in my presence.

Given under my hand and seal this 27th day of June, 1952.

Edgar R. Nelson