

1251

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

OTIS JOHNSON Complainant

VS.

CALLIE JOHNSON Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~  
**Answer of the Respondent,**  
on agreement and stipulation 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 Otis Johnson is forever divorced from the said Callie Johnson

for and on account of abandonment

It is further ordered, adjudged and decreed that the Respondent, Callie Johnson be and she is hereby awarded the custody, care and control of the minor child, Theron Oneal Johnson.

It is further ordered, adjudged and decreed that the Complainant pay to the Respondent, for the care and maintenance of the said minor child, Theron Oneal Johnson, the sum of \$20.00 per month, payable 10.00 on the first and 10.00 on the 15th of each and every month until the said minor child reaches his 18th birthday. The first payment to be made on June 1, 1945.

It is further ordered, adjudged and decreed that the Complainant pay to H. E. Smith, as attorney for the Respondent, \$50.00, as attorney's fee.

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 Otis Johnson the Complainant pay the cost herein to be taxed, for which execution may issue.

This 29<sup>th</sup> day of May, 1940

J. M. Hall  
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. 1254 Page \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

**DIVORCE DECREE**

Filed this \_\_\_\_\_ day of

\_\_\_\_\_, 194\_\_\_\_\_

Register

OTIS JOHNSON  
 COMPLAINANT  
 VS.  
 CALLIE 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, \_\_\_\_\_  
 Answer of the Respondent, Agreement and Stipulation, and testimony of \_\_\_\_\_  
 Otis Johnson \_\_\_\_\_

\_\_\_\_\_ Answer and Crossbill and Stipulation.  
 and in behalf of Defendant upon \_\_\_\_\_

\_\_\_\_\_ *R. Duck* \_\_\_\_\_  
 Register.

No. 1254

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

VS.

**NOTE OF TESTIMONY**

Filed in Open Court this 28  
day of May 1945

*[Handwritten Signature]*

REGISTER

STATE OF ALABAMA,

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that this stipulation and agreement, made and entered into by and between OTIS JOHNSON, and CALLIE JOHNSON, acting by and through their respective Solicitors of Record, they being thereunto duly authorized, WITNESSETH:

WHEREAS, the parties hereto are husband and wife and have concluded that it is absolutely impossible for them to live together as husband and wife; and

WHEREAS, the said parties have reached a full and complete agreement as to alimony, of all kinds, property settlement; and

WHEREAS, they have reached a full and complete agreement as to the care, custody and control of their minor child, Theron Oneal Johnson;

NOW THEREFORE IT IS AGREED:

1. That Callie Johnson is to have the care, custody and control of the said minor child, Theron Oneal Johnson, subject to the right of the said Otis Johnson at all reasonable times, to visit the said child;

2. That the said Otis Johnson will pay to the said Callie Johnson, in full settlement of any and all claims, for alimony, maintenance for herself, or for the said minor child, the sum of \$20.00 per month, payable on the 1st and 15th of each and every month hereafter until the said minor child reaches the age of 18 years, the first payment to be made June 1, 1945;

3. That the said Otis Johnson will pay to the Solicitors of Record, for the said Callie Johnson, the sum of \$50.00, as attorneys fee;

4. That this agreement is subject to any and all further orders and decrees of this Court.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals on this the 26 day of May, 1945.

Otis Johnson (SEAL)  
Becky Stone

As Solicitor for Otis Johnson

H. E. Smith  
As Solicitor for Callie Johnson

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OTIS JOHNSON,  
COMPLAINANT,

VS.

CALLIE JOHNSON,  
RESPONDENT.

AGREEMENT

*See page 28-1945*  
*R. J. [Signature]*  
*P. [Signature]*

[Faint, mostly illegible text, possibly a legal agreement or court record]

[Faint, mostly illegible text, possibly a signature or additional notes]

Otis Johnson,	)	IN THE CIRCUIT COURT OF BALDWIN
Complainant,	)	
	)	COUNTY, ALABAMA. IN EQUITY.
vs:	)	
	)	NO. 1254.
Callie Johnson,	)	
Respondent.	)	

ANSWER OF RESPONDENT

Now comes the Respondent, Callie Johnson and for answer to the Bill of Complaint filed in this cause against her by the Complainant, Otis Johnson, she denies each and every allegation of the said Bill of Complainant and demands strict proof thereof:

1. She admits the allegations of paragraph 1 of said Bill of Complaint.

2. The allegations of paragraph 2 of said Bill of Complaint are admitted.

3. Respondent denies the allegations of paragraph 3 of the said Bill of Complaint.

For further answer to the bill of complaint filed herein, and for this, her cross-bill, the said Callie Johnson, as Cross-Complainant, brings this her cross-bill against the said Otis Johnson, as cross-respondent, and respectfully alleges and represents unto your Honor and the Court as follows:

A. Paragraphs 1, 2 and 3 above are hereby referred to and made a part of this, her cross-bill, as if expressly here set out, the said paragraphs referred to being her above answer.

B. On October 19, 1936, there was born to the parties hereto a boy child named Theron O'Neal Johnson, who is now in the custody and under the control of cross-complainant, where they were abandoned by cross-respondent.


C. The said Otis Johnson is gainfully employed and has an estate in his own right. She, the said Callie Johnson, is without sufficient means to support herself and the said Theron O'Neal Johnson. The said child is in need of proper religious and educational training and she alleges that she is the fit and proper person to have his custody and control and if granted such by your Honor and this Court she will give and see that he gets all proper religious and educational training as she has done since cross-respondent abandoned them.

D. It was and is necessary that cross-complainant employ counsel or a solicitor to represent her and their said minor child and to protect their interests herein as well as other legal expenses to be incurred herein or hereby and that the said Otis Johnson should in good conscience pay the same as he is well able to do so and cross-complainant is not able to do so.

WHEREFORE, the premises considered, your cross-complainant, Callie Johnson, prays that the said Otis Johnson be made cross-respondent hereto in accordance with the rules of law and the practice of this Court.

Cross-complainant further prays that your Honor and the Court will order, adjudge and decree that she have and recover of the said Otis Johnson, cross-respondent, a suitable amount or amounts as alimony pendente lite, a suitable amount or amounts as a fee to be paid to her solicitor for his services herein, and a suitable or proper amount or amounts to be paid her as permanent alimony.

And cross-complainant further prays that, further, upon the final hearing hereof, your Honor and the Court will give and grant to her the custody and control of the said Theron O'Neal Johnson. And she further prays for all such other orders, decrees and adjustments as she may be entitled to receive or be granted, the premises considered, as in duty bound she will ever pray, etc.

  
Solicitor for the Cross-Complainant, Callie Johnson.



1254

Otis Johnson,  
Complainant,

vs:

Callie Johnson,  
Respondent.

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

ANSWER OF RESPONDENT

*Fisher*

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - - GREETINGS:

WE COMMAND YOU, that you summon CALLIE JOHNSON to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer or demur without oath to a bill of complaint lately exhibited by Otis Johnson, against the said Callie Johnson, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon to our said Court, immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court this the 9 day of January, 1945.

  
Register

OTIS JOHNSON  
COMPLAINANT  
  
VS.  
  
CALLIE JOHNSON  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
IN EQUITY

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

Now comes your Complainant, Otis Johnson, and humbly complaining against the Respondent, Callie Johnson, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over twenty-one years of age, and a bona fide resident of Baldwin County, Alabama, and has been for more than 12 months next preceding the filing of this bill of complaint; that the Respondent is over twenty-one years of age and a non resident of the State of Alabama, her address being No. 16 Newell Place, Waterbury, Connecticut;

2.

That your Complainant and the Respondent were married at Ozark, Alabama, on August 19, 1935, and lived together as husband and wife until November 23, 1943;

3.

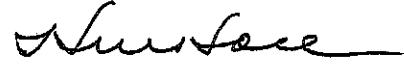
That on November 23, 1943, the Respondent voluntarily abandoned the bed and board of your Complainant, and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, your Complainant prays that your Honor will, by proper process, make the said Callie Johnson party Respondent to this cause of action, requiring her 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.

Complainant further prays that your Honor will, upon the final hearing hereof, enter an order and decree granting to the Complainant an absolute decree of divorce, forever barring the bonds of matrimony existing between him and the Respondent; that your Honor will give and grant unto him such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

BEEBE & HALL

By:



Solicitors for the Complainant

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OTIS JOHNSON  
COMPLAINANT

VS.

CALLIE JOHNSON  
RESPONDENT

SUMMONS AND COMPLAINT

June 1-9-75  
Robert  
Callie

Form 3838  
Rev. 1-1-40

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Signature of Addressee (Print Name of Addressee)  
(Signature or name of addressee)

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(Signature of addressee - Applicable only when the name on the card above)

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Street and Number,  
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Post Office *Day* *Manchester, N.H.*  
State

NO.

10-102281

**THE STATE OF ALABAMA,**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

Otis Johnson

Complainant

VS.

Callie Johnson

Respondent

I, Lillian Patterson

as ~~Register~~ Commissioner

have called and caused to come before me Otis Johnson

witness named in the Requirement for Oral Examination, on the 26th day of May 1945, at the office of Beebe & Hall in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Otis Johnson doth depose and say as follows:

My name is Otis Johnson. I am a bona fide resident of Baldwin County, Alabama, and have been for more than one year next preceding the filing of the bill of complaint in this cause. I am over twenty-one years of age.

I was born and reared in the State of Alabama, at Ozark, and lived there until in November, 1943, when I went with my wife and child to the state of Connecticut, where we stayed for only a short time. I did not change my residence from the state of Alabama, but have been a bona fide resident of the state of Alabama, all my life.

The Respondent is over twenty-one years of age, and her home, where she was born and reared in Ozark, Alabama. She is at present in the state of Connecticut, with her brother.

The Doctor soon after I arrived in Connecticut advised me that it was necessary for me to return to the state of Alabama, on account of my health. I left there November 1943, Thanksgiving afternoon. I asked my wife to return with me. She refused and has continued to refuse to live with me. She stated that she would never return to live with me. It was absolutely necessary that I return. I have a number of times asked her to return to our home and live with me. She has refused, and wrote me not to write to her any more as she was not going to live with me.

We have one child Theron O'Neal Johnson, who is now eight years old. My wife refuses to let him come with me. I have advised her that I was not able to maintain two homes. I am perfectly willing to support my son, but cannot do it as long as she keeps him away.

The Respondent and I married at Ozark, Alabama, on the 19th day of August, 1935.

*Otis Johnson*

**ORAL EXAMINATION.**

I, Lillian Patterson, 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 him and he signed the same in the presence of myself and Hubert H. Hall

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 26th day of May, 1945.

Lillian Patterson (L. S.)

NO. 1254 PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

**Oral Deposition**

Filed 5 28, 1945

[Signature], Register.

Recorded in

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_, Register.



THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT

TO Lillian Patterson

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 Otis Johnson

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

Complainant  
and Callie Johnson

Defendant,  
on oath to be by you administered, upon Otis Johnson

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 14 day of May 1945  
R. R. [Signature]

REGISTER

Commissioner's Fee \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

NO

1254

**THE STATE OF ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

Complainant

vs.

Defendant

**Commission To Take Deposition**

**COMMISSIONER:**

**Witnesses:**