

(4116)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARCELLA M. JOHNSON, Complainant

vs.

BILLY THOMAS JOHNSON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~DETERMINED BY CONFESSOR~~ 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

MARCELLA M. JOHNSON is forever divorced from the said BILLY THOMAS JOHNSON for and on account of

CRUELTY

It is FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant be and she is hereby awarded the permanent care, custody and control of the minor children, Billy Kent Johnson, Jeffrey Thomas Johnson and Susan Kay Johnson.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the Respondent Billy Thomas Johnson pay to the Complainant Thirty Dollars (\$30.00) per week for the care, and maintenance of said minor children.

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 payment of the cost of this suit.

It is further ordered that Complainant the pay the cost herein to be taxed, for which executed may issue.

This 3 day of September 19 57

Hubert 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.

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THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

MARCELLA M. JOHNSON

Complainant

vs.

BILLY THOMAS JOHNSON

Respondent

**DIVORCE DECREE**

**FILED**  
SEP 3 1957

**ALICE J. DICK, Register**

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

MARCELLA M. JOHNSON COMPLAINANT

vs.

BILLY THOMAS JOHNSON RESPONDENT

I, OPHELIA QUINLEY

as Register and Commissioner

have called and caused to come before me Marcella M. Johnson and Jill Hall

witnesses named in the requirement for Oral Examination, on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the office of John V. Duck, Attorney, Fairhope, Alabama  
in Fairhope, Alabama, and having first sworn said witnesses to speak the  
truth, the whole truth, and nothing but the truth, the said \_\_\_\_\_

Marcella M. Johnson and Jill Hall doth depose and say as follows:-

My name is Marcella M. Johnson. I am the Complainant in the above styled case. I am a bona fide resident of Baldwin County, Alabama, and I am over the age of twenty-one. The Respondent Billy Thomas Johnson is a bona fide resident of Tuscaloosa, County, Alabama, and is over the age of twenty-one. I and the Respondent were married at Pascagoula Mississippi, on August 16th, 1952, and lived together as husband and wife until August 26, 1957. On August 26, 1957, the Respondent cursed, threatened and abused me and threatened to do actual violence and did actual violence to me by hitting me above my left eye with his fist, which would necessarily endanger my life and health and his conduct was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with the Respondent he would again do me actual violence which would necessarily endanger my life and health.

There was born out of this marriage three children, Billy Kent Johnson, Jeoffery Thomas Johnson, and Susan Kay Johnson who are now living with me. I am a suitable, fit and proper person to have the care, control and custody of these children. The Respondent is an able bodied man capable of supporting the said children and I do not have the money of my own to properly support them. The Respondent is well able to pay the sum of Thirty Dollars per week for their care and support.

Marcella M. Johnson

Marcella M. Johnson

of

My Name is Jill Hall. I am a sister/the Complainant. I have known the Complainant and the Respondent all through their married life. I know that they have been experiencing difficulties in living together. They had a very heated argumentx on the night of August 26, 1957. The Respondent hit the Complainant above her left eye. The Complainant is a fit and proper person to have the custody of the children born to this marriage. It is my opinion that it is to the best interest of both the Complainant and Respondent and their children that they be divorced.

Jill Hall  
Jill Hall

I, Ophelia Quinley as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and John V. Duck at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 29th day of August, 1957.

*Ophelia Quinley* (L. S.)

No. 4116 Page \_\_\_\_\_

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

\_\_\_\_\_

Marcella M. Johnson  
COMPLAINANT

vs.

Billy Thomas Johnson  
RESPONDENT

\_\_\_\_\_

**ORAL DEPOSITION**

Filed \_\_\_\_\_, 19\_\_\_\_

**FILED**  
AUG 31 1957  
AUG RECORDED IN  
1957  
BY REGISTER

Record \_\_\_\_\_

Register \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register \_\_\_\_\_

MARCELLA M. JOHNSON	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
COMPLAINANT	)	
VS.	)	IN EQUITY
BILLY THOMAS JOHNSON	)	NO. _____
	)	
RESPONDENT	)	

COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your Complainant, Marcella M. Johnson respectfully shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a resident of Baldwin County, Alabama, and over twenty-one years of age; that the Respondent is a resident of Tuscaloosa County, Alabama, and is over twenty-one years of age.

2.

That your Complainant and the Respondent married at Pascagoula Mississippi, on August 16th, 1952, and lived together as husband and wife until on to-wit; August 26th, 1957.

3.

That on to-wit; August 26th, 1957, the Respondent cursed, threatened and abused your Complainant and committed actual bodily harm, by striking her with his fist over her left eye, which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the respondent he would do further violence to her person which would necessarily endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent, three children, Billy Kent Johnson age 3, Jeoffery Thomas Johnson age 2, and Susan Kay Johnson age 8 months, who are now and have been all their lives

with their mother, the Complainant; That your Complainant is a suitable, fit and proper person to have their care, custody and control.

5.

That your Complainant has no funds of her own to provide for the care, support and maintenance of the heretofore mentioned minor children; that the Respondent is an able bodied man capable of supporting the said minor children and paying a Solicitor a reasonable fee for the prosecution of this cause.

PRAYER FOR PROCESS AND RELIEF

WHEREFORE, THE PREMISES CONSIDERED, Your Complainant prays that your Honor will by proper process make the said Billy Thomas Johnson, party respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law in the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof your Honor will enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that your Complainant be awarded the permanent care, custody and control of the minor children, Billy Kent Johnson, Jeoffery Thomas Johnson and Susan Kay Johnson.

Your Complainant further prays that your Honor order the said Respondent to pay to the Complainant Thirty Dollars per week for the support and maintenance of the said minor children .

Complainant prays for all such other further and different relief to which she may be entitled and as in duty bound she will ever pray.

*Mucella M. Johnson*  
Complainant

John V. Duck, Solicitor for  
Complainant.

4116

MARCELLA M. JOHNSON  
COMPLAINANT  
VS.  
BILLY THOMAS JOHNSON  
RESPONDENT  
BILL OF COMPLAINT

DIVORCE

FILED  
AUG 31 1957

ALICE J. DUCK, Register

MARCELLA M. JOHNSON )  
 )  
COMPLAINANT )  
VS )  
BILLY THOMAS JOHNSON )  
 )  
RESPONDENT )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. \_\_\_\_\_

ANSWER AND WAIVER

Now comes the Respondent, in his own proper person, and admits the allegations contained in the bill of complaint filed in the above styled cause as to ages, residence, marriage and children, but denies all other allegations therein contained and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's Witnesses; and agrees that this cause be submitted for final decree without further notice.

*Billy Thomas Johnson*

STATE OF ALABAMA

BALDWIN COUNTY

I, Raymond H. Doninger, A Notary Public, in and for said County, in said State, hereby certify that Billy Thomas Johnson, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 28<sup>th</sup> day of August, 1957.

*Raymond H. Doninger*  
Notary Public, Baldwin  
County, Alabama.



4116

MARCELLA M. JOHNSON  
COMPLAINANT

VS.

BILLY THOMAS JOHNSON  
RESPONDENT

ANSWER AND WAIVER

FILED

AUG 31 1957

ALICE L. BUCK, REGISTER

\_\_\_\_\_  
\_\_\_\_\_  
Marcella M. Johnson

vs.

Billy Thomas Johnson  
\_\_\_\_\_  
\_\_\_\_\_

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,  
and testimony of Marcella M. Johnson and Jill Hall  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and in behalf of Defendant upon Answer and Waiver  
\_\_\_\_\_  
\_\_\_\_\_

*John V. Dick*

*Archie H. ...*  
Register.

No. ....

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THE STATE OF ALABAMA  
Baldwin County

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IN EQUITY  
Circuit Court of Baldwin County

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Marcella M. Johnson

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VS.

Billy Thomas Johnson

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Note of Testimony

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Filed in Open Court this

day of

19

Register.

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Ophelia Quinley

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Marcella M. Johnson and Jill Hall

a witness in behalf of Marcella M. Johnson  
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our

Marcella M. Johnson

, Complainant

and

Billy Thomas Johnson

Respondent

on oath, to be by you administered, upon Marcella M. Johnson and Jill Hall to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 29 day of

Aug

, 1957

*Alex J. Johnson*  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

4116

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

Marcella M. Johnson

Complainant

VS.

Billy Thomas Johnson

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Marcella M. Johnson  
Jill Hall