ORAL DEPOSITION (3687)

Printed by Moore Printing Co.

The State of Alabama, Baldwin County. } Circuit Court of Baldwin County, Alabama (In Equity)

Olivia Johnson Complainant

VS.

Lee Johnson Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Olivia Johnson and Queen V. Knight

witness es named in the Requirement for Oral Examination, on the 2nd day of June 19 56, at the office of Wilters & Brantley in Bay Minette, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said Olivia Johnson and Queen V. Knight doth depose and say as follows:

My name is Olivia Johnson. I am over the age of twenty-one years and my husband, Lee Johnson, is over the age of twenty-one years. We have both lived in Baldwin County, Alabama, for more than two years next preceding the time this suit was brought. Lee Johnson and I Married one another February 11, 1948, in Bay Minette, Alabama. The following named children were born to our marriage: Laura, a girl age 7; Rebecca a girl, age 6; Leroy a boy age 4; Jeanett, a girl age 3; Jean Marie age 1. I am pregnant and expect to deliver a child about August 12 of this year. Lee Johnson and I own the following described land in Baldwin County, Alabama, jointly:

From the Southeast corner of Section 16, Township 5 South, Range 2 East, run North on the section line 2159½ feet to beginning corner; thence go West 1341 feet, thence North 166¾ feet, thence East 1341 feet, thence South 166¾ feet to the point of beginning, being a 5 acre strip of land and part of that conveyed by the Dryer heirs to Queen V. Knight and Collins Knight.

I bought this land from my mother and father before Lee and I married and paid for it. After we were married my parents deeded the land to us in both our names. At that time I had built a house upon the land and had paid for it. My husband, Lee Johnson, did not contribute anything to the payment of this land or this house. We have another house under construction on this property. I have paid for the building of it out of a government check which I receive for the use of two children, not named in this complaint, by a former husband; paid to me because of the service connected death of my former husband. We now have a $600.00 mortgage on the above described property. Lee Johnson and I own jointly a 1950 Ford automobile. All of the furniture in our home was purchased by me prior to my marriage to Lee Johnson.

During the last years are relationship has been unpleasant. Lee has on many occasions threatened to strike and has struck me. Lee has run me out of our home many times by pointing a pistol at me and on these occasions he threatened to shoot me. On December 30, 1955, Lee Johnson, my husband, and one of his girl friends, both jumped on me and beat me about my face and body. I am afraid to continue living with him and believe that if I do so he will do further violence to me which will endanger my life and health.

I maintain a good Christian home and I am a regular church goer and take my children with me.

My husband is an able bodied man and is presently earning a salary of $60.00 per week. He works at Payton-Higgins in Mobile. I am physically unable to do heavy work now because of my pregnancy. Lee has wholly failed to support me and my children during the last six weeks. Prior to that time and during the last year he has given us only limited support; the usual amount being about $10.00 a week.

ORAL EXAMINATION

I, Evelyn Watts, as ~~Register and Com~~missioner hereby certify that the foregoing deposition s on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself Tolbert M. Brantley

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 2nd day of June, 1956

Evelyn Watts (L. S.)

No. _____ Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

Olivia Johnson,

vs. Complainant

Lee Johnson

Respondent

Oral Deposition

Filed 6-13, 1956

Recorded in

Record

Vol. _____ Page _____

_____, Register

I have employed the firm of Wilters and Brantley to represent me in the matter of this divorce andhave no means of paying them for their services.

Olivia Johnson

My name is Queen V. Knight. I am the mother of Olivia Johnson. I have lived next door to my daughter during the last five years. My husband and I sold Olivia Johnson the following described land:

> From the Southeast corner of Section 16, Township 5 South, Range 2 East, run North on the section line 2159½ feet to beginning corner; thence go west 1341 feet, thence North 166½ feet, thence East 1341 feet, thence South 166½ feet to the point of beginning being a 5 acres strip of land and a part of that conveyed by the Dryer heirs to Queen V. Knight and Collins Knight,

during the time she was married to her first husband. She paid for this land before he died, but we did not deed the land to her until after she had married Lee Johnson. Olivia had a house built on this land before she married Lee.

On at least one occasion I have seen Lee Johnson jerk Olivia off the porch and on the ground while she was holding a small child. My daughter is now living with me and my husband and I have tohelp support Olivia and her children because Lee does not support them. To my personal knowledge Lee Johnson makes $60.00 per week and fails to pay any of it to my daughter. I know of my ownpersonal knowledge that my daughter, Olivia, had her house furnished at the time she and Lee married and that the furniture therein was paid for by her.

Queen V Knight

8504 Decree Pro Confesso on Personal Service. 3107 Code Moore Printing Company, Bay Minette, Ala.

BOOK 021 PAGE 143

The State of Alabama,
Baldwin County.

No. ..... CIRCUIT COURT IN EQUITY.

Olivia Johnson ..... Complainant

vs.

Lee Johnson ..... Defendant

In this cause it appears to the court that a summons requiring the Defendant Lee Johnson to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon ..... was served upon him by the Sheriff of Baldwin County, Alabama, on the 12 day of Jan. 1956

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Wilters & Brantley

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Lee Johnson

..... Defendant aforesaid.

This 22 day of May 1956

..... Register.

No. ..... Page .....

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Olivis Johnson

vs.

Lee Johnson

DECREE PRO CONFESSO ON PERSONAL SERVICE

Issued May 21 1956

Alice J. Duck

As Register.

Moore Printing Company, Bay Minette, Ala.

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County } Circuit Court

TO: Evelyn Watts

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 Olivia Johnson and Queen V. Knight

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

and Lee Johnson is Respondent

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

Witness _____ day of _____, 195____.

_____
Register.

Commissioner's Fee, $_____

Witness' Fees, $_____

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Oliva Johnson

Complainant

VS.

Lee Johnson

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Olivia Johnson

Queen V. Knight

OLIVIA JOHNSON	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
VS	)	
	)	IN EQUITY
LEE JOHNSON	)	
	)	Case No. 3639
RESPONDENT	)	

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service, 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 the Complainant and Respondent be, and the same are hereby dissolved, and that the said Olivia Johnson is forever divorced from the said Lee 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 her children Annie Laura, Rebecca, Leroy, Jeanett, Jean Marie, andher unborn unnamed child, if it be born alive,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED thatthe following described tract of land to-wit:

> From the Southeast corner of Section 16, Township 5 South, Range 2 East, run North on the section line 2159½ feet to beginning corner; thence go West 1341 feet, thence North 166½ feet, thence East 1341 feet, thence South 166½ feet, to the point of beginning, being a 5 acre strip of land and a part of that conveyed by the Dryer heirs to Queen V. Knight and Collins Knight.

be and it is hereby awarded the Complainant as alimony in gross, and the Respondent is hereby ordered to convey the aforesaid property to the Complainant and failing therein the Register of this Court is hereby ordered to make a conveyance for the said Respondent to the Complainant of the lands heretofore described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay to the Complainant for the support and maintenance of the children named in this decree the sum of $ 17.50 per week, the same being due and payable on Monday of each week beginning June 11, 1955.

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

This 13th day of June, 1956.

Hubert M Hall
Judge Circuit Court, in Equity

OLIVIA JOHNSON

COMPLAINANT

VS

LEE JOHNSON

RESPONDENT

FINAL DECREE

FILED
JUN 18 1956
ALICE J. DUCK, Register

8600 Motion for Decree Pro Confesso on Personal Service. 3107 Code MPCO.

THE STATE OF ALABAMA,
Baldwin County

No._____Circuit Court, In Equity.

Olivia Johnson Complainant

Vs.

Lee Johnson Defendant

Motion is hereby made for a Decree Pro Confesso against Lee Johnson

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant ; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 21 day of May 1956

Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

Olivia Johnson

Vs.

Lee Johnson

Motion for Decree Pro Confesso on Personal Service

Filed May 21 1956

Alice J. Duck
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons LEE JOHNSON to appear and plead, answer or demur within thirty days from the service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by OLIVIA JOHNSON, as Complainant and against Lee Johnson, as Respondent.

WITNESS my hand this the 6 day of January, 1956.

Alice J. Duck
Register

- -

OLIVIA JOHNSON	)	
		IN THE CIRCUIT COURT OF
COMPLAINANT	)	
		BALDWIN COUNTY, ALABAMA,
VS	)	
		IN EQUITY
LEE JOHNSON	)	
RESPONDENT	)	

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

Comes now your Complainant and respectfully shows unto Your Honor as follows:

1.

That the Complainant and Respondent are both over the age of twenty-one years and are bona fide resident citizens of said county and state and have been for more than two years next preceding the filing of this Bill of Complaint.

2.

That your Complainant and Respondent were lawfully married to one another on to-wit, February 14, 1948, at Bay Minette, Alabama.

3.

That there was born to their union the following named children: Annie Laura, a girl, age 7; Rebecca, a girl, age 6; Leroy, a boy, age 4; Jeanett, a girl, age 3; Jean Marie age 1. That the Complainantis now pregnant.

4.

That Your Complainant and Respondent now jointly own the following described land in Baldwin County, Alabama, to-wit:

From the Southeast corner of Section 16, Township 5 South, Range 2 East, run North on the section line 2159½ feet to beginning corner; thence go West 1341 feet, thence North 166¼ feet, thence East 1341 feet, thence South 166¼ feet to the point of beginning being a 5 acre strip of land and a part of that conveyed by the Dryer heirs to Queen V. Knight and Collins Knight.

That there is now a mortgage upon the aforesaid land to the Central Baldwin Bank in the amount of Six Hundred ($600.00) Dollars.

The Complainant says further that she purchased the aforesaid land prior to the time she and theRespondent were married, that the Respondent has no equitable interest in this land; that there is a small house located on this land which was built by the monies of the Complainant; that the Complainant and Respondent jointly own a 1950 Ford automobile.

5.

That on to-wit, the 30th day of December, and on many occasions prior thereto the Respondent threatened, abused and struck the Complainant and threatened to do further actual violence to her person 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 believe that if she continued to live with the Respondent he would do actual violence to her person which would necessarily endanger her life and health. The Complainant further says that the Respondent has on many occasions threatened to shoot her with a pistol.

6.

Complainant further avers that she is a fit and proper person to have the care, custody and control of her minor children; that theRespondent is not for he leads a wild and desolute life.

7.

Your Complainant further avers that the Respondent is an able bodied man and is presently earning a salary in excess of Sixty ($60.00) Dollars per week; that the Complainant is not, at the present time, physically able to work and support her children.

8.

That she has employed the firm of Wilters and Brantley to represent her in this matter of divorce and has no means of paying them for their services.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Lee 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 and the practice of this Honorable Court.

Premises considered, Your Complainant prays that on a final hearing of this cause, Your Honor will enter a decree granting your Complainant a divorce from the Respondent and granting her the right to remarry; Your Complainant further prays that Your Honor will by said decree grant her the permanent care, control and custody of her minor children: Annie Laura Johnson, Rebecco Johnson, Leroy Johnson, Jeanett Johnson, Mean Marie Johnson, and of the unborn child if it be born alive; your Complainant prays further that Your Honor will grant her alimony en gross and cause the Respondent to convey the title to the property described in this Bill of Complaint, to the Complainant in payment of the same. Your Complainant further prays that Your Honor will order the Respondent to pay the Complainant support money for his minor children. Your Complainant further prays that the Court will ascertain a reasonable attorneys fees to be paid the firm of Wilters and Brantley for represent the Complainant in this cause and cause the Respondent to pay the same, together with the cost of this proceeding. Your Complainant prays for such other, further or different relief to which your Complainant may in equity be entitled.

Wilters & Brantley

BY: Talbert M Brantley

Received 6 day of Jan 1956
and on 12 day of Jan 1956
served a copy of the within Bill of Compt
on Lee Johnson

by service on

TAYLOR WILKINS, Sheriff
By [illegible] D. S.

Bellforest

Sheriff claims 50 miles at
Ten Cents per mile $ 5.00
TAYLOR WILKINS, Sheriff
BY [illegible]
DEPUTY SHERIFF

Bellforest

3689

OLIVIA JOHNSON

COMPLAINANT

VS

LEE JOHNSON

RESPONDENT

BILL OF COMPLAINT

FILED
JAN 6 1956
ALICE J. BUCK, Register

PETITION FOR RULE TO SHOW CAUSE

OLIVIA JOHNSON	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA,
LEE JOHNSON	)	IN EQUITY
RESPONDENT	)	CASE NO. 3689

Comes your Petitioner, Olivia Johnson, who is over the age of twenty-one years and respectfully shows unto the court as Follows:

1.

That on the 13th day of June, 1956, in the above entitled cause, a final decree was rendered divorcing your Petitioner, the Complainant, from Lee Johnson, the Respondent. That by this decree Lee Johnson was directed to pay your Petitioner SEVENTEEN and 50/100 ($17.50) DOLLARS per week beginning June 11, 1956.

2.

That the said Lee Johnson has failed to make any payment since said decree although having sufficient means to comply with this decree he has willfully and contemptuously refused to obey.

The Premises Considered, your petitioner prays that a rule be issued to the said Lee Johnson requiring him at a time and place to be therein stated, to appear before the court and show cause, if any he has, why he should not be punished for contempt.

Your Petitioner prays for such other, further or different relief as may be meet and proper.

Olivia Johnson
Olivia Johnson

STATE OF ALABAMA

BALDWIN COUNTY

Before me E. E. Perkins, a Notary Public, in and for said County, in said State, personally appeared Olivia Johnson, who is known to me, and who being by me first duly sworn, depises and says: that she has knowledge of the facts stated in the above petition and that the same are true.

Olivia Johnson
Olivia Johnson

Sworn to and subscribed before me this 12 day of August, 1956.

E. E. Perkins
Notary Public, Baldwin County, Alabama

OLIVIA JOHNSON

COMPLAINANT

VS

LEE JOHNSON

RESPONDENT

PETITION FOR RULE TO SHOW CAUSE

FILED

AUG 15 1956

ALICE J. DUCK, Register

OLIVIA JOHNSON	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA,
LEE JOHNSON	)	IN EQUITY
RESPONDENT	)	CASE NO. 3689

RULE TO SHOW CAUSE

Olivia Johnson having filed her verified petition praying that Lee Johnson be required to appear and show cause, if any he have, why he should not be punished as for a contempt in regard to the nature of the things set out in the verified petition; and upon consideration of said petition, it is

Ordered, adjudged and decreed, by the Court, that the said Lee Johnson appear before the court at 2. o'clock on the 28 day of August, 1956, in the court room of the Circuit Court of Baldwin County, at Bay Minette, Alabama, and show cause, if any he have, why he should not be punished as for a contempt. Let a copy of said petition and of this Rule to Show Cause be served forthwith, personally, upon Lee Johnson, by the Sheriff of Baldwin County, Alabama.

Done this the 15 day of Aug, 1956.

Hubert M Hall
JUDGE

Executed Aug 25, 1956
By Serving The Within
Petition on
Lee Johnson

Sheriff
Taylor Wilkins
By
Ellbugh Stoddle

Belforest, Ala.
Sheriff claims 50 miles at
Ten Cents per mile Total $ 5.00
TAYLOR WILKINS, Sheriff
BY Stadham
DEPUTY SHERIFF

F.H.

3689

OLIVIA JOHNSON

COMPLAINANT

VS

LEE JOHNSON

RESPONDENT

RULE TO SHOW CAUSE

FILED
AUG 15 1956
ALICE J. DUCK, Register

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Olivia Johnson

vs.

Lee 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, Decree pro confesso on personal service, and testimony of Olivia Johnson and Queen V. Knight

Hallett M Bromley

and in behalf of Defendant upon

Register.

No. 3689

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Olivia Johnson

vs.

Lee Johnson

NOTE OF TESTIMONY

Filed in Open Court this 13

day of June, 1966

Register.

Printed by the Baldwin Times

3689