

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Erma Lee McMillian

, Complainant

vs.

John Henry McMillian

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Registered Mail 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 Erma Lee McMillian is forever divorced from the said John Henry McMillian for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Complainant be and she is hereby awarded the care, custody and control of the minor child, Henry Joseph McMillian, and of the unborn child.

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 Erma Lee McMillian the Complainant pay the cost herein to be taxed, for which executed may issue.

This 6th day of November 1956

Robert M. Hill

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

Erma Lee McMillian

Complainant

vs.

John Henry McMillian

Respondent

DIVORCE DECREE

FILED
NOV 6 1956
ALICE J. DUCK, Register

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Erma Lee McMillian Complainant

VS.

John Henry McMillian Respondent

I, Evelyn Watts

as ~~Register and~~ Commissioner

have called and caused to come before me Erma Lee McMillian and Willie Jackson

witness ^{es} named in the Requirement for Oral Examination, on the 3rd day of November
1945 56, at the office of Harry J. Wilters Jr.

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 Erma Lee McMillian and Willie
Jackson doth depose and say as follows:

My name is Erma Lee McMillian and I am a resident of Baldwin County, Alabama, and John Henry McMillian is twenty-one years of age and is a resident of Los Angeles, California.

He and I were married September 3, 1954, in Lucedale, Mississippi, and lived together until June 23, 1956. On that date he beat me about the face and body and cursed and threatened to abuse me and threatened to do actual violence to my person which would endanger my life and health and I did believe that he would do further violence if I continued to live with him.

We have one child, Henry Joseph McMillian, who is 18 months old and I am now pregnant.

Erma Lee McMillian

My name is Willie Jackson and I am the father of Erma Lee McMillian. I have known and seen Erma Lee and John most of their married life and I know that they had a lot of trouble. I believe it would be to the best interest of the two that they be separated since they fuss and scrape all the time.

Willie Jackson

ORAL EXAMINATION.

I, Evelyn Watts, 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 witnesses and read over to them and they signed the same in the presence of myself and Harry J. Wilters Jr.

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 5 day of November, 1945

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Prma Lee McMillian

vs. Complainant

John Henry McMillian

Respondent.

Oral Deposition

Filed _____, 194

Recorded in _____, Register.
FILED
NOV 5 1956
ALICE M. WICK, Register

Record _____

Vol. _____ Page _____, Register.

ERMA LEE MCMILLIAN

COMPLAINANT

VS

JOHN HENRY MCMILLIAN

RESPONDENT

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

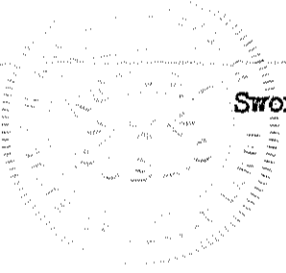
AFFIDAVIT OF NON-RESIDENCE

Personally appeared before me Harry J. Wilters, Jr., a Notary Public, in and for the State of Alabama, Erma Lee McMillian, the Complainant in the above styled cause, who being duly sworn, deposes and says that she is informed and verily believes that John Henry McMillian, Respondent in the above styled cause, is a non-resident of the State of Alabama, and whose residence and Post Office address is 4112 S. Compton, Los Angeles, California, and that the said respondent is in the belief of the affiant over twenty-one years of age. Further that the last address in which she communicated with the Respondent was the same above given.

Erma Lee McMillian

Sworn to and subscribed before me this 30 day of July, 1956.

Harry J. Wilters, Jr.
Notary Public,



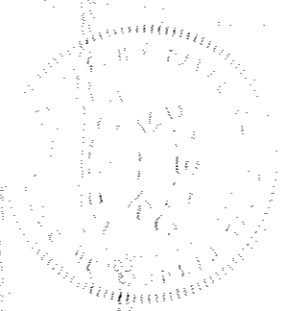
ERMA LEE McMILLIAN
COMPLAINANT

JOHN HENRY McMILLIAN
RESPONDENT

ERMA LEE McMILLIAN
COMPLAINANT
VS
JOHN HENRY McMILLIAN
RESPONDENT

AFFIDAVIT OF NON-RESIDENCE

FILED
SEP 20 1956
ALICE J. DUCK, Register



[Handwritten signature]
Alice J. Duck, Register

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 Erma Lee McMillian and Willie Jackson

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

Erma Lee McMillian

is

Complainant

and John Henry McMillian is

Respondent

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

Witness 5th day of Nov. 1956

Alcie J. Duck Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Erma Lee McMillian

Complainant

VS.

John Henry McMillian

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Erma Lee McMillian

Willie Jackson

I, Evelyn Watts, Commissioner of the Circuit Court of Baldwin County, Alabama, do hereby certify that the within and foregoing is a true and correct copy of the deposition of Erma Lee McMillian, taken on the _____ day of _____, 19____, at _____, Alabama, in and to the said Circuit Court of Baldwin County, Alabama, in the above and entitled cause, and that the same was taken in accordance with the provisions of the Alabama Code of 1901, and that the same is a true and correct copy of the original deposition taken.

Witness my hand and the seal of said Court at _____, Alabama, this _____ day of _____, 19____.

Evelyn Watts
 Commissioner

Erma Lee McMillian
 Willie Jackson

RECEIVED BY THE CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 19____.

Erma Lee McMillian

vs.

John Henry McMillian

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 registered mail, and testimony of Erma Lee McMillian
and Willie Jackson

and in behalf of Defendant upon _____

Walters & Bentley
by Henry J. Walters, Jr.

Alice J. Duck
Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Erma Lee McMillian

vs.

John Henry McMillian

NOTE OF TESTIMONY

Filed in Open Court this

FILED

day of _____, 194

NOV 5 1956

ALICE J. DUCK, Register

Register.

Erma Lee McMillian

Vs.
John Henry McMillian

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

24 L

In this cause it being made to appear to the Register that on the _____ day of Sept, 19 56, a copy of the Bill of Complaint filed in this cause was sent to John Henry McMillian

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 26th day of Sept, 19 56, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said John Henry McMillian

Defendant _____

This the 3 day of November, 19 56

Alice J. Duck Register.

No. _____

**CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA**

In Equity.

Erma Lee McMillian

Vs.

John Henry McMillian

**DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL**

Filed in office this _____ day of

FILED
NOV 5 1956

19 _____

Alice A. Duck, Register

Entered in O. B. _____ Page _____

8600 - Motion for Decree Pro Confesso After Service by Registered Mail.

B.T. 1-47-200

The State of Alabama,
Baldwin County.

}

No. CIRCUIT COURT, IN EQUITY.

Erma Lee McMillian

Complainant

Vs.

John Henry McMillian

Defendant

Motion is hereby made for a Decree Pro Confesso against

John Henry McMillian

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 by Registered Mail, according to law, and that said Defendant..... ha^s. failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This...../..... day of November....., 1956.

Henry J. Wilton

....., Solicitor.

No.

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT, IN EQUITY

Erma Lee McMillian

Vs.

John Henry McMillian

**MOTION FOR DECREE PRO CONFESSO
AFTER NOTICE BY REGISTERED MAIL**

Filed

FILED
NOV 5 1956
ALICE J. DUCK, Register

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 JOHN HENRY McMILLIAN to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity by ERMA LEE McMILLIAN, as Complainant and against JOHN HENRY McMILLIAN, as Respondent.

WITNESS my hand this the 20 day of September, 1956.

Alice J. Clark
Register

ERMA LEE McMILLIAN	∩	
		IN THE CIRCUIT COURT OF
COMPLAINANT	∩	
		BALDWIN COUNTY, ALABAMA,
VS	∩	
		IN EQUITY
JOHN HENRY McMILLIAN	∩	
RESPONDENT	∩	

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

Your Complainant, Erma Lee McMillan, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident citizen of Baldwin County, Alabama, and over twenty-one years of age; that your respondent is over twenty-one years of age, and a non-resident of the State of Alabama, his last known address being 4112 South Compton, Los Angeles, California;

2.

That Your Complainant and the Respondent married at Lucedale, Mississippi, on September 3, 1954, and lived together as husband and wife until on, to-wit, June 23, 1956.

3.

That on to-wit, June 23, 1956, the Respondent beat the Complainant about the face and body, and cursed, threatened and abused your Complainant and threatened to do 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 actually 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.

4.

That there was born to the marriage between your Complainant and the Respondent, one child, Henry Joseph McMillian, now 17 months old, who is now and has been all of his life with his mother, the Complainant; that your Complainant is a suitable, fit and proper person to have his care, custody and control; That the Complainant is now pregnant.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said John Henry McMillian, 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.

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 further prays that your Honor will award ^{her} the care, custody and control of the minor child, Henry Joseph McMillian, and of the unborn child if it be born alive; Your complainant prays for such, other, further, different or general relief as she may be in equity and good conscience entitled to receive.

Wilters & Brantley

BY: 

Solicitor for the Complainant

BOOK

022 PAID 335

3876

ERMA LEE McMILLIAN
COMPLAINANT
VS
JOHN HENRY McMILLIAN
RESPONDENT

BILL OF COMPLAINT

FILED
SEP 20 1956

ALICE J. DUCK, Register

[Handwritten signature]

Register

8100
RAC 10/1/56