

(2969)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

GOLDIE B. JOHNSON, Complainant

vs.

JAMES LUTHER JOHNSON, 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 between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said Goldie B. Johnson is forever divorced from the

said James Luther Johnson for and on account of

Abandonment. It is further ordered, adjudged and decreed that Goldie B. Johnson, the Complainant, have custody and control of the children of this marriage, namely; Janie Ruth Johnson, Mary Ethel Johnson, James Hughie Johnson, Annie Elizabeth Johnson and Alicia Gwen Johnson, with rights of reasonable visitation to the Respondent, and that she be paid the sum of Thirty Dollars (\$30.00) per week by the Respondent for the support and maintenance of said 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 the payment of the cost of this suit.

It is further ordered that Goldie B. Johnson the Complainant pay the cost herein to be taxed, for which execution may issue.

This 7th day of April, 1953

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.

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

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

Complainant

vs.

Respondent

**DIVORCE DECREE**

FILED

4-7-53-

ALICE J. DUCK, Register

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon \_\_\_\_\_ James Luther Johnson \_\_\_\_\_

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State \_\_\_\_\_ by \_\_\_\_\_

GOLDIE B. JOHNSON \_\_\_\_\_

against \_\_\_\_\_ JAMES LUTHER JOHNSON \_\_\_\_\_

Herein fail not. Due return make of this writ as the law directs.

Witness this 20th \_\_\_\_\_ day of February \_\_\_\_\_, 19 53 \_\_\_\_\_

*Alice J. Henscher* \_\_\_\_\_, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

# The State of Alabama

..... COUNTY.

IN CIRCUIT COURT, IN EQUITY

vs.

## SUMMONS

Returned by the Sheriff and filed in office, this  
the ..... day of ....., 19.....  
....., Register.

Received in office, this the ..... day of  
....., 19.....  
....., Sheriff.

I have executed the within by leaving a copy  
thereof with.....

defendant named herein, on this the.....  
day of....., 19.....  
....., Sheriff.

By....., Deputy.

GOLDIE B. JOHNSON,

Complainant,

-vs-

JAMES LUTHER JOHNSON,

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, Sitting in Equity:

Your Complainant, GOLDIE B. JOHNSON, respectfully represents and shows unto your Honor:-

1. That your Complainant is over the age of twenty-one years and is a bona fide resident of said State and County, having been such a resident for more than one year next preceeding the filing of this Bill of Complaint; that JAMES LUTHER JOHNSON is over the age of twenty-one years and a bona fide resident of said State, and presently living in Birmingham, Jefferson County, Alabama, his address being Route #4, Box #59-A.

2. That your Complainant and the Respondent were lawfully married on, to-wit, September 15, 1934.

3. The Complainant further avers that the said Respondent voluntarily abandoned the bed and board of the Complainant for more than one year next preceeding the filing of this Bill of Complaint, since which time Complainant and Respondent have not lived together as man and wife nor recognized each other as such.

4. The Complainant further avers that there were five children born of this marriage, namely, Janie Ruth Johnson, age 17; Mary Ethel Johnson, age 15; James Hughie Johnson, age 13; Annie Elizabeth Johnson, age 8; and Alicia Gwen Johnson, age 5, all of which are and have been in the care, custody and control of your Complainant. Complainant further avers and shows unto the Court that on the 22nd day of October, 1951, an agreement was entered into by and between your Complainant and the Respondent wherein, among other things, it was agreed that the Complainant should have custody and control of the children of this marriage, with rights of visitation to the Respondent, and that the Respondent should pay to the Complainant Thirty Dollars (\$30.00) per week for support of said minor children. The Complainant hereby makes this contract and agreement a part of this Bill of Complaint by reference, said contract being of record

in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book #172, Pages #150-152. However, Complainant is now willing to accept the sum of Sixty Dollars (\$60.00) per month for the support and maintenance for the children hereinabove named rather than the amount specified in said agreement if this sum is approved by the Court.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that JAMES LUTHER JOHNSON be made a party defendant to this cause by the usual process of this Honorable Court, requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that upon a final hearing of this cause, that your Complainant be granted a divorce from the Respondent and that she be granted the care, custody and control of the minor children of this marriage, namely, Janie Ruth Johnson, Mary Ethel Johnson, James Hughie Johnson, Annie Elizabeth Johnson and Alicia Gwen Johnson, with rights of visitation to the Respondent, and that she be awarded the sum of Sixty Dollars (\$60.00) per month for the support and maintenance of said minor children. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, different and general relief to which she may be entitled and as in duty bound, she will ever pray.

  
Solicitor for Complainant

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: FRANCES G. MALLORY

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 Goldie B. Johnson and Nova Lee Wilson

as witnesses in behalf of the Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Goldie B. Johnson

\_\_\_\_\_ , Complainant  
and \_\_\_\_\_

James Luther Johnson Respondent

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

Witness 6th day of April, 195 3

*W. J. ...*  
Register.

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

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

**THE STATE OF ALABAMA**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

GOLDIE B. JOHNSON

Complainant

VS.

JAMES LUTHER JOHNSON

Respondent

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Goldie B. Johnson and Nova Lee Wilson

witness es named in the Requirement for Oral Examination, on the 1st day of April 19453, at the office of C. G. Chason in Foley, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said Goldie B. Johnson and Nova Lee Wilson doth depose and say as follows:

Statement of Mrs. Goldie B. Johnson:

My name is Goldie B. Johnson. I am over the age of 21 years and a boni-fide resident citizen of Foley, Baldwin County, Alabama, having been such a resident over 15 years. James Luther Johnson is over the age of twenty-one years and is a resident citizen of Birmingham, Jefferson County, Alabama. We were married on September 15, 1934, and lived together as husband and wife until June, 1951, at which time James Luther Johnson voluntarily and with no cause abandoned my bed and board in Baldwin County, Alabama. We have not lived together as husband and wife since that time. In November, 1951, he moved to Birmingham, Alabama, and to the best of my knowledge has been there since that time. There were five (5) children born of this marriage, namely, Janie Ruth Johnson, age 17; Mary Ethel Johnson, age 15; James Hughie Johnson, age 13; Annie Elizabeth Johnson, age 8; and Alicia Gwen Johnson, age 5. These children were abandoned by James Luther Johnson at the time he left me and have been in my sole care, custody and control since that time. In October of 1951 I entered into a separation agreement with James Luther Johnson whereby he agreed among other things that I should have the care, custody and control of the children with rights of reasonable visitation to him and that he should pay \$30.00 per week for the support of said minor children. This contract is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book #172, Pages 150-152. I am now willing to accept and ask the Court to award me the sum of \$60.00 per month for support and maintenance of the children.

SIGNED: Goldie B. Johnson

Statement of Nova Lee Wilson:

My name is Nova Lee Wilson. I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama. I am personally acquainted with Goldie B. Johnson and James Luther Johnson, having known them for a number of years. Both are over the age of twenty-one years and Goldie B. Johnson is a resident of Foley, Baldwin County, Alabama, having been such a resident for approximately 15 years. James Luther Johnson was a resident of Foley, Baldwin County, Alabama until November, 1951, at which time he left and I am informed that he moved to Birmingham, Alabama. Goldie B. Johnson and James Luther Johnson were married in 1934 and lived together in Foley, Baldwin County, Alabama, until June of 1951, at which time he voluntarily and with no cause abandoned the bed and board of Goldie B. Johnson. They have not lived together as husband and wife since that time. They have five children, Janie Ruth Johnson, 17; Mary Ethel Johnson, 15; James Hughie Johnson, 13; Annie Elizabeth Johnson, 8; and Alicia Gwen Johnson, 5. These children have remained with their mother in her sole care, custody and control since she was abandoned by her husband.

SIGNED: Nova Lee Wilson



**ORAL EXAMINATION.**

I, Frances G. Mallory, as Register and Commissioner hereby certify that the foregoing deposition son 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 and C. G. Chason

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 6th day of April, 1945

Frances G. Mallory (L. S.)

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

GOLDIE B. JOHNSON

vs. Complainant

JAMES LUTHER JOHNSON

Respondent.

**Oral Deposition**

Filed 4-7, 1945

Frances G. Mallory, Register.  
Recorded in \_\_\_\_\_

Record \_\_\_\_\_

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

**CECIL G. CHASON**

ATTORNEY AT LAW

FOLEY, ALABAMA

April 6, 1953

Mrs. Alice J. Duck, Register  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Answer to Cross-Bill and Ammendment to Bill of Complaint in the divorce action of Oliver Shoots, vs. Bernice Shoots.

There is also enclosed Testimony, Note of Testimony and decree in the divorce action of Goldie B. Johnson vs. James Luther Johnson. Please ask Judge Hall to sign it but you hold it until we have received payment.

Very truly yours,



C. G. Chason

CGC:fm

encls. 4.

GOLDIE B. JOHNSON  
Complainant,  
Vs.  
JAMES LUTHER JOHNSON  
Respondent.

In the Circuit Court.  
In Equity No. 2964.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent \_\_\_\_\_

James Luther Johnson

by the Sheriff of Jefferson County, on the 2nd day of March,

194 53.

And it further appears to the Register, that that the said James Luther Johnson

\_\_\_\_\_ the Respondent, having to the date hereof,

failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of C. G. Chason Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said James Luther Johnson

This 4th day of April, 194 53.

W. J. [Signature]  
Register.

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

GOLDIE B. JOHNSON

Complainant,

Vs.

JAMES LUTHER JOHNSON

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE.**

Issued this 4<sup>th</sup> day of April  
1943.

*Alice J. Rouse*  
Register.

THE STATE OF ALABAMA, }  
Baldwin County

No. 2964 Circuit Court, In Equity.

GOLDIE B. JOHNSON

Complainant...

Vs.

JAMES LUTHER JOHNSON

Defendant....

Motion is hereby made for a Decree Pro Confesso against James Luther 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 3rd day of April 19 53

Solicitor.

RECORDED

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, In Equity

GOLDIE B. JOHNSON

Vs.

JAMES LUTHER JOHNSON

Motion for Decree Pro Confesso on  
Personal Service

Filed 4-6 1953

*W. J. ...*  
Register.

Recorded in \_\_\_\_\_ Record

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

Register.

GOLDIE B. JOHNSON

vs.

JAMES LUTHER 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, Motion for Decree Pro-Confesso on personal service, Decree Pro-Confesso on personal service and testimony of Goldie B. Johnson and Nova Lee Wilson

and in behalf of Defendant upon

*Phasan*  
*Solicitor for Complainant*

*Alise J. Newson*

Register.

M

No. ....

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

GOLDIE B. JOHNSON

vs.

JAMES LUTHER JOHNSON

2967

NOTE OF TESTIMONY

Filed in Open Court this 7<sup>th</sup> .....

day of Apr, 1963.

*Gene Jensen*  
Register.