

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

MARY AGNES JOHNSON Complainant

VS.

WALTER JOHNSON Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso

~~X~~ 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 MARY AGNES JOHNSON is forever divorced from the said WALTER JOHNSON

for and on account of Cruelty

It is further ordered and decreed that in lieu of alimony the Respondent pay to the Complainant \$25.00 toward the expense of this divorce. It is further order and decreed that Complainant have the custody of the infant daughter of said marriage the expense of whose maintenance and support be born by Respondent. This court reserves control of this case pending the minority of said child for such further orders as may seem entirely to her best interests.

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 WALTER JOHNSON the Respondent pay the cost herein to be taxed, for which execution may issue.

This 10<sup>th</sup> day of October, 1945

*J. W. Hare*  
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 October, 1945

\_\_\_\_\_  
Register of Circuit Court, in Equity

No. 1419 Page \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MARY AGNES JOHNSON

vs. Complainant

WALTER JOHNSON

Respondent

**DIVORCE DECREE**

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

October, 1945


Register

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

TO ANY SHERIFF IN THE STATE OF ALABAMA:

You are hereby commanded to summon WALTER JOHNSON, to appear and plead, answer or demur within thirty days of this service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama at Bay Minette against him as Defendant by MARY AGNES JOHNSON, Complainant.

WITNESS my hand this the 3<sup>rd</sup> day of October, 1945.

  
Register, Circuit Court

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

Comes MARY AGNES JOHNSON, and by this her Bill of Complaint, presented against WALTER JOHNSON, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and residents of Fairhope, Baldwin County, Alabama.

SECOND: That Complainant and Defendant were married on May 12, 1940, in Fairhope, and lived together in Point Clear and Fairhope, as husband and wife, until August, 1945, when they parted because of his behavior.

THIRD: That Defendant has committed adultery, having lived with Rosa Cooley last year, and other women, but the names and places are unknown to Complainant.

FOURTH: That Defendant when drunk has repeatedly beaten her savagely with his fist and with a stick, leaving marks of beatings on her hips and legs, and large bruises on her head. Because of this she has reasonable cause for apprehension of further physical violence and danger to her life and health.

FIFTH: That to this marriage was born a daughter, now five years of age who is now living with Complainant.

THE PREMISES CONSIDERED, Complainant prays that WALTER JOHNSON be made party defendant to this cause, and by proper process required to answer this Bill within the time prescribed by Law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from said WALTER JOHNSON, granting her the right to marry again should she so desire, the custody of the child of the marriage and such other, further or different relief as to equity may seem meet.

*Bevitt A. Pinkney*  
Solicitor for Complainant.

RECEIVED BY THE CLERK OF THE COURT

IN

THE COUNTY OF YORK

STATE OF NEW YORK

Filed this 5th  
of Oct 1945  
leaving a copy  
within with  
M.B. Klump.

C.E. Garrett  
W.R. Duckworth

1419  
MARY AGNES JOHNSON  
Complainant

VS

WALTER JOHNSON  
Defendant

BILL OF COMPLAINT

RECORDED

Filed Oct 30 1945  
P. Richby  
P. Richby

Elliott G. Rickaby

Mary Agnes Johnson.

vs.

Walter 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,

~~Mary Agnes Johnson~~  
answer and waiver and testimony of Mary Agnes Johnson.

and J. H. Arnold.

and in behalf of Defendant upon

Elliott G. Rickarby

Register.

No. 1419

**THE STATE OF ALABAMA**  
Baldwin County

**IN EQUITY**  
Circuit Court of Baldwin County

Mary Agnes Johnson.

vs.

Walter Johnson.

**NOTE OF TESTIMONY**

Filed in Open Court this 8th

day of Oct, 194<sup>5</sup>

Register,

MARY AGNES JOHNSON  
Complainant

vs

WALTER JOHNSON  
Respondent

E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

DEPOSITIONS OF MARY AGNES JOHNSON  
and J. H. ARNOLD, WITNESSES FOR COMPLAINANT.

The above named witnesses, being first duly sworn, upon examination by the Solicitor for the Complainant testified as follows:

MARY AGNES JOHNSON

I am the Complainant in this cause, I am twenty years old and have lived all my life in Baldwin County. On May 12, 1940 I married Walter Johnson, who is also a resident of Fairhope and about 26 years of age. We lived together as husband and wife at Point Clear and later at Fairhope, until August 1945, when I left him because of his treatment. To this marriage was born a daughter, Emily Johnson, who is under 5 years of age, and now living with me. During the past summer my husband left me and for several months lived with a woman named Rosa Cooley, here in Fairhope, openly and notoriously. He has also been carrying on with other women whose names I do not know.

When he is drunk he is mean and quarrelsome and has repeatedly beat me both with his fists and a stick. Last Saturday September 29th, he came to the house in which I was living apart from him and beat me cruelly with a stick, he has cut my head and the wound is still festering and the marks of his beating were shown on my body for several days. I showed Mr. Arnold the police officer in Fairhope the bruises on my head and body the following morning and he arrested my husband who at this time has not yet been tried. Because of his cruelty I had to leave him and I am very much afraid to have him come near me. I also showed the wound on my head and the bruises on my body to my lawyer, because they were plainly visible three days afterwards.

Mary Agnes Johnson

J. H. ARNOLD

I am a police officer for the Town of Fairhope. On last Sunday, September 30th, the Complainant in this case came to me and showed me a wound on her head which she said her husband gave her the night before. She also showed bruises on her hips and legs, which were fresh and showed that she had been badly treated. I put her husband under arrest but released him to go back to work with the strict instructions to leave her alone; and today in court the Mayor continued the case for the present with strict instructions to Johnson to leave his wife alone. There was no dispute on his part as having struck his wife as claimed by her.

John H. Arnold



CERTIFICATE

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I, Cecelia S. Mickle, acting as commissioner by agreement of parties, hereby certify that in the case of MARY AGNES JOHNSON vs WALTER JOHNSON, pending on the Equity side of the Circuit Court of Baldwin County, I caused MARY AGNES JOHNSON and J. H. ARNOLD, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn, upon examination by the solicitor for the Complainant, they testified as is above written and their testimony, after being reduced to writing, was read and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the 6th day of October, 1945.

Cecelia S. Mickle  
Commissioner

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Handwritten signature

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MARY AGNES JOHNSON  
Complainant

E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

vs

WALTER JOHNSON  
Respondent

Comes WALTER JOHNSON, Respondent in the above styled cause, and his answer to the bill of complaint says he denies each and every allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony, of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Respondent further agrees to Pay TWENTY-FIVE DOLLARS toward the cost of this divorce in lieu of alimony and care for the maintenance of the child of the marriage.

Walter Johnson  
Respondent

Before me the undersigned Notary personally appeared WALTER JOHNSON, who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 5th day of October, 1945.

Clifford S. Pinkley

Notary Public, Baldwin County, Alabama.

No 1419

MARY AGNES JOHNSON  
Complainant

VS

WALTER JOHNSON  
Respondent

ANSWER AND WAIVER

**RECORDED**

*Filed Oct 6 - 1948*  
*R. J. [Signature]*  
*[Signature]*