

431

NOTE OF TESTIMONY

The State of Alabama,

Nancy Hodges Mc Millan

Complainant

VS.

Johnnie Mc Millan,

Respondent

No. 431

In Circuit Court,
In Equity

IN THIS CAUSE comes the Complainant,

by he solicitor and submits the same for Final

decree upon the Original Bill and exhibit re to decree pro confesso

, and upon the following testimony, to-wit:

and testimony of Nancy Hasting Mc Millan, Mrs. Daisey Hastings and

~~Clinia~~ Clina Hastings Mc Millan,

I hereby certify that the above note of Testimony is correct.

This 3rd day of June, 1924.

T. W. [Signature]

Register.

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No. 431.

The State of Alabama

Baldwin County

Circuit Court in Equity

Nancy Hastings Mc Millan

Complainant

Johnnie Mc Millan,

Respondent

NOTE OF TESTIMONY

Filed 3rd day of June, 1924

D. W. [Signature] Register

Record Page

RECORDED

IN THE CIRCUIT COURT, Baldwin COUNTY, IN EQUITY.

Nancy Hasting Mc Millan Complainant.

vs.

Johnnie Mc Millan. Respondent.

I, T.W. Richerson, Commissioner,

have called and caused to come before me Mrs. Daisey Hastings, Clinie Hastings Dixon

Mrs. Nancy Hastings Mc Millan,

witness named in the Requirement for Oral Examination, on the 31st day of May 1924, at the office of Register in Chancery,

in Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said witnesses

doth depose and say as follows:

Nancy Hastings Mc Millan witness for complainant testified as follows: My name is Nancy Hastings Mc Millan, I am the wife of Johnnie Mc Millan and Millan the Complainant in the above cause. I am 18 years of age and a resident of Robertsdale, Baldwin Co, Ala, I have lived in Baldwin Co, all my life. Johnnie Mc Millan the Respondent in the above cause is over the age of 21 years, and has been a resident of Baldwin Co, Ala. for more than 3 years next before the filing of this bill, but is at present working at Vredenbergh, Ala, The Respondent Johnnie Mc Millan, and I were married at Bay Minette Ala Oct 11th, 1922, and lived together continuously until Jan 1924, After our marriage the said Johnnie Mc Millan, became addicted to habitual drunkenness, at the time of our marriage I did not know or even suspicion that the said Johnnie Mc Millan, was an habitual user of liquors to any extent. Nor did I know him to be one who allowed himself to become drunk, A short time after we were married he began to drink liquor in a regular manner, and this habit of drinking gradually grew on him in spite of my entreaties and threats, he became a confirmed drunkard and was commonly known and referred to as such. Most of his time was spent in getting liquor, most of the time on account of his drunken condition he was unable or refused and failed to work or to contribute to the support of myself in any manner and I had to work to support myself and also contribute to the support of the Respondent as well. After our marriage I often begged the said Johnnie Mc Millan to quit the habit of drinking but in spite of all this he continued to drink and some time after we were married he often times would in spite of my begging to quit stole from the neighbors and sold it and used the money to buy liquor. All during our married life I was a dutiful wife and tried to get the said Johnnie Mc Millan, to break away from his habits and live a better life.

Nancy Hastings Mc Millan

Mrs. Daisey Hastings, witness for complainant testified as follows:

My name is Daisey Hastings and am a resident of Baldwin County, Ala, a
The Complainant in the above cause is my daughter, she is 18 years old
and has been living in Baldwin County all her life.
~~Before~~ I knew the Respondent Johnnie Mc Millan several months before he
married ~~my~~ my daughter I knew him to be a boy of ~~good~~ reputation and
did not drink to any excess. After their marriage they have lived right
near ^{me} all the time. ~~After~~ their marriage the Respondent Johnnie
Mc Millan, took up the use of liquors to a great extent and spent the
greater part of his time and money for liquors, and on account of
his drunken condition he refused or failed to contribute to the support
of his wife and she was forced to work for herself and contribute to
her support. At the time of their marriage he was not known or reputed
to be a drunkard but after their marriage it was generally known that
he used liquor to great excess and was a drunkard,
This habit of drinking seemed to grow on him and I often talked with
him about it and told him that he should stop, I know that the defendant
is over 21 years of age and that he has lived ~~20~~ in Baldwin County, Ala.
for more than 3 years next before the filing of this Bill.

Daisey Hastings

Dixon

Clinie Hastings, a witness for complainant testified as follows:

My name is Clinie Hastings ^{Dixon} and I am a resident of Baldwin Co, Ala.
I know the respondent Johnnie Mc Millan has been a resident of
Baldwin Co, Ala, for more than the past 3 years and is over 21 years of
age. I remember the date that Nancy Hastings Mc Millan and Johnnie
Mc Millan were married at Bay Minette, at that time he was not known
or reputed to be a drunkard, some time after they were married the said
Johnnie Mc Millan, took up the use of liquors to a great extent and
a greater part of the time he was either drunk or under the influence
of liquor to such an extent that he was either unable or refused to
support his wife and she was forced to work for her own living and
contribute to her support also. After their marriage it was generally
known and reputed that he made use of liquor to a great extent and
was known as a drunkard, Practically during all their married life
I have lived near the ~~the~~ said Johnnie Mc Millan and his wife, he is
known as an habitual use of liquor.

Clinie Hastings Dixon

ORAL EXAMINATION.

I, J. W. Reimann, as Register

hereby certify that the foregoing deposition.....on Oral Examination..... taken down in writing by me in the words of the witness me and read over to them and they signed the same in the presence of Myself & Howard H. Hall, at the time and place herein mentioned; that I have personal knowledge of the personal identity of said witness me or had proof made before me of the identity of said witness me, that I am not of counsel or of kin to any of the parties to said cause, or in 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 31 day of May, 1924
J. W. Reimann (L. S.)

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The State of Alabama

Baldwin Gandy

IN CIRCUIT COURT, IN EQUITY.

Nancy Hodges Mc Millan

vs. Complainant,

Johnnie Mc Millan,

Respondent.

ORAL DEPOSITION.

Filed May 31st, 1924

J. W. Reimann, Register.

Recorded in

Record

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Register.

RECORDED

The State of Alabama, }
Baldwin County.

No. 430

CIRCUIT COURT, IN EQUITY

Nancy Hodges Mc Millan,

Complainant

vs.

Johnnie Mc Millan,

Defendant

In this cause it appears to the Register,
that a Summons requiring the Defendant Johnnie Mc Millan,

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 Johnnie Mc Millan,
was served upon him by the Sheriff of Monroe County, Alabama, on the
26th day of April 1924

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 Complainant,
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 Johnnie Mc Millan

Defendant... aforesaid.

This 26th day of May 1924

J. M. Register
Register.

RECORDED
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No. 431. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Nancy Hodges Mc Millan,

Vs.

Johnnie Mc Millan,

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued May 26th, 1924.

D. W. Rice

Register.

RECORDED

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MAY 27 1924
MILLAN

RECORDED

The State of Alabama }
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Johnnie Mc Millan,

of Monroe County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Nancy Hasting Mc Millan,

against said

Johnnie Mc Millan,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 19th day of March,

1924

T. W. Richerson
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

2 Original

Serve on

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

Nancy Hastings McMillan

RECORDED

vs.

Johnnie McMillan

RECORDED

Hon. H. M. Hill
Solicitor for Complainant.

Recorded in Vol. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this
day of 192

Sheriff.

Executed this *26th* day of
April 192 *4*

by leaving a copy of the within summons with

Johnnie McMillan

Defendant.

J. L. Bowden

Sheriff.

By *C. D. Hurling*
Monroe Co Deputy Sheriff.

Put to me

RECORDED

RECORDED

The State of Alabama, }
BALDWIN COUNTY.

No. 431. CIRCUIT COURT IN EQUITY.

Nancy Hastings Mc Millan Complainant...

vs.

Johnnie Mc Millan Defendant...

Motion is hereby made for a Decree Pro Confesso against

Johnnie Mc Millan 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.....ha...S.. failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 26th day of May 1924

H. M. Hall,
Solicitor.

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STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Nancy Hastings Mc Millan

Vs.

Johnnie Mc Millan

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed May 26th 192 4

J. M. [Signature]
1 Register.

Recorded in Record,

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Register.

RECORDED

RECORDED

NANCY HASTING MCMILLAN,)	
COMPLAINANT,))	
-vs-)	IN THE CIRCUIT COURT OF
JOHNNIE MCMILLAN,)	BALDWIN COUNTY, ALABAMA.
RESPONDENT.)	IN EQUITY

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN CHANCERY.

Comes the Complainant, Nancy Hasting McMillan, and humbly complaining, exhibits this her bill for divorce against the Respondent Johnnie McMillan, and for grounds thereof, respectfully shows unto your Honor and this Honorable Court, as follows:

FIRST

That your Complainant and Respondent are both residents of Baldwin County, Alabama, having lived here for ^{more than three} ~~the past six~~ ^{next} ~~years~~ years/before the filing of this bill; that the respondent is over the age of twenty-one years and that your Complainant will be eighteen years of age on her next birthday, which is in June; that Complainant and Respondent since their marriage have been living in Baldwin County, Alabama, continuously.

SECOND

That your Complainant and the Respondent were married at Bay Minette, Baldwin County, Alabama, on October 11th, 1922, and lived together as man and wife until, to-wit: January 1924.

THIRD

That after the said marriage between your Complainant and the said Respondent, the Respondent became addicted to habitual drunkenness. That at the time of the said marriage the Respondent insofar as your Complainant knew, or could learn, was not a habitual user of liquors, was not known or even reputed to be a drinker who allowed himself to become drunk, but that after the marriage, the Respondent began to drink regularly and in great quantities

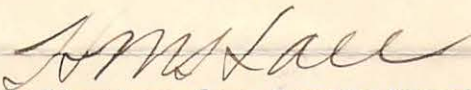
and since that time has become addicted to habitual drunkenness. That by reason of his drunkenness he refuses and fails to work or to contribute to the support of your Complainant in any manner and your Complainant has had to support herself and contribute to the support of the Respondent as well.

PRAYER FOR PROCESS

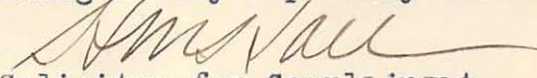
The premises considered, your Complainant prays that such orders, decrees, notices or subpoenas be made and issued as are necessary to make the said Respondent, Johnnie McMillan part respondent to this bill of complaint, requiring him to appear plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by this Honorable Court.

PRAYER FOR RELIEF

The Complainant prays that your Honor will, upon the final hearing of this cause, render, adjudge and decree, that the bonds of matrimony heretofore existing between the Complainant Nancy Hasting McMillan and the Respondent Johnnie McMillan, be forever dissolved, and that your Complainant be again permitted to contract the marriage relation, should she so desire; that your Complainant may have such other, further, different and general relief as the facts in equity and good conscience may entitle her to receive. And as in equity bound, complainant will ever pray.


Solicitor for Complainant

The Respondent is required to answer to each and every paragraph of the foregoing bill of complaint from FIRST to THIRD, inclusive, but not under oath. Oath being hereby expressly waived.


Solicitor for Complainant.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. 431..... Spring..... Term, 1923.....

Nancy Hodges Mc Millan

Complainant.....

vs.

Johnnie Mc Millan,

Defendant.....

To T.W. Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the

Complainant, by H.M. Hall, Atty for Complainant.

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

H.M. Hall
Solicitor for Complainant.

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

Nancy Hodges Mc Millan

vs.

Johnnie Mc Millan

REQUEST FOR DECREE IN
VACATION.

Filed June 3rd, 1924

T. W. Rice

Register

RECORDED

Recorded in Record

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The State of Alabama, }
Baldwin County.

No. 431

CIRCUIT COURT, IN EQUITY

Nancy Hastings Mc Millan

Complainant

vs.

Johnnie Mc Millan

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

On account of habitual Drunkenness after marriage,

It is further ordered, that the said Nancy Hastings Mc Millan be, and she is hereby permitted to again contract marriage, with payment of the costs of Court in this cause.

It is further ordered, that the said Nancy Hastings Mc Millan pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Johnnie Mc Millan

It is further ordered, adjudged and decreed that said Nancy Hastings Mc Millan, shall not again marry except to said Johnnie Mc Millan until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Johnnie Mc Millan during the pendency of said appeal

This 9th day of June, 1924.

John S. Leigh
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, _____ Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____, 192____, in the cause of _____ Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____, 192____

Register.

No. 431

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

Nancy Hastings Mc Millan

RECORDED

vs.

Johnnie Mc Millan

DECREE OF DIVORCE.

Filed in office this 10th

day of June, 1924

D. W. Richardson
Register.

E. O. M.

RECORDED



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THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

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