

2384

STATE OF ALABAMA,  
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. L. BOOTHE to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of the IRENE BOOTHE.

WITNESS my hand this 1st day of Nov, 1949.

*David J. ...*  
Register.

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IRENE BOOTHE,  
Complainant,  
VS.  
W. L. BOOTHE,  
Respondent.

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

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Complainant, Irene Boothe, presents this Bill of Complaint against W. L. Boothe and thereupon represents and shows unto the Court and your Honor as follows:

1. Your Complainant, Irene Boothe, is over the age of twenty-one years and is a resident of Fairhope, in Baldwin County, Alabama. Your Complainant has been a bona fide resident of Fairhope in Baldwin County, Alabama, for more than one year next preceding the filing of this Bill of Complaint.

2. The Respondent, W. L. Boothe, is over the age of twenty-one years and resides at 130 South Walker Lane, Oak Ridge, Tennessee.

3. Your Complainant and the Respondent were lawfully married in Bay Minette, Alabama on to-wit: March 14, 1933, and lived together as man and wife until about June 15, 1949, when they

separated.

4. Complainant further avers that since her marriage to the Respondent, the Respondent has become addicted to habitual drunkardness and this habit has continued to the filing of this Bill of Complaint.


5. There was born to the Complainant and the Respondent two children: V. D. Booth, a son, who is now fifteen years of age and, Louis Elizabeth Boothe, a daughter, who is now fourteen years of age. Your Complainant desires the custody and control of the said children, and your Complainant is a fit and proper person to have the custody and control of the said children.

PRAYER FOR PROCESS:

Your Complainant prays that the Court will take jurisdiction of the cause made by this Bill of Complaint, and that due notice thereof be given to the Respondent, W. L. Boothe, in the form and manner prescribed by law, requiring him to demur, plead, or answer the same, within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF:

The premises considered your Complainant prays that upon a final hearing of this cause that the bonds of matrimony now existing between the Complainant and the Respondent be dissolved and that she be divorced from him, and that your Complainant will be given the permanent custody and control of the said minor children. Complainant prays for such other further and general relief as she may be equitable entitled to the premises considered.

  
Solicitor for Complainant.

STATE OF ALABAMA }  
                          }  
BALDWIN COUNTY    }

Before me, the undersigned authority, within and for said County in said State, personally appeared Irene Boothe, who, after being by me first duly and legally sworn, deposes and says: That she is the Complainant named in the foregoing Bill of Complaint and that the facts stated therein are true.

Irene M Boothe

Sworn to and subscribed before me on  
this the 25th day of October, 1949.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

IRENE BOOTHE,  
Complainant,  
VS.  
W. L. BOOTHE,  
Respondent.

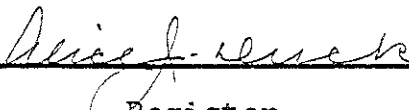
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
EQUITY SIDE.

DECREE PRO CONFESSO.

In this cause it being made to appear to the Register that the Bill of Complaint was filed in this cause on November 1, 1949, and that on November 1, 1949, the Register of the Circuit Court of Baldwin County, Alabama, Equity Side, sent by registered mail, postage prepaid, properly addressed, marked "For delivery only to the person to whom addressed", and return receipt demanded, a copy of the Bill of Complaint and Summons to W. L. Boothe at his address, which is 130 South Walker Lane, Oak Ridge, Tennessee, and that on November 7, 1949, said demanded return receipt bearing the signature of W. L. Boothe was received and filed for record in this cause, and that to the day hereof the said Respondent, W. L. Boothe has failed to appear and plead, answer or demur to the Bill of Complaint, filed against him in this cause.

It is therefore on motion of the Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be and hereby is in all things taken as confessed against the Respondent, W. L. Boothe.

Ordered, Adjudged, and Decreed this 9th day of December, 1949.

  
Register.

IRENE BOOTHE,  
Complainant,  
VS.  
W. L. BOOTHE,  
Respondent.

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

NOTE OF TESTIMONY.

This cause is submitted on behalf of the Complainant upon the following:

1. Bill of Complaint.
2. Motion for Decree Pro Confesso.
3. Decree Pro Confesso.
4. Testimony of Irene Boothe and Harry McLantoc

taken in open court.

Dated this the 13<sup>th</sup> day of December, 1949.

J. B. Blackburn  
by James P. Murphy  
Solicitor for Complainant.

Wise & Leitch  
Register.

IRENE BOOTHE,  
Complainant,  
VS.  
W. L. BOOTHE,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2384.

TESTIMONY TAKEN IN OPEN COURT  
ON DECEMBER 15, 1949

Mrs. Irene Boothe, the Complainant, having been first duly and legally sworn, testified as follows:

ON EXAMINATION

By Hon. James D. McMurphy

Q. Is this Mrs. Irene Boothe?

A. Yes sir.

Q. Are you over twenty-one years of age?

A. Yes.

Q. A resident of Fairhope, Baldwin County?

A. Yes sir.

Q. Have you been a bona fide resident of Fairhope, Baldwin County, Alabama for more than one year next preceding the filing of this bill of complaint?

A. Yes.

Q. Is the respondent, W. L. Boothe, over the age of twenty-one years?

A. Yes.

Q. Does he reside at 130 South Walker Lane, Oak Ridge, Tennessee?

A. Yes sir.

Q. Were you and the respondent, W. L. Boothe, lawfully married in Bay Minette, Alabama on March 14, 1933?

A. Yes sir.

Q. Did you live together as man and wife until about June 15, 1949 when you separated?

A. That's right, yes sir.

Q. Has the respondent, W. L. Boothe, since your marriage, become addicted to habitual drunkenness?

A. Yes sir.

Q. Has that habit continued until the filing of this bill of complaint?

A. Yes sir.

Q. Will you tell the Court what this habitual drunkenness consists of?

A. Well, he stays drunk as much as sober, abused the children and me and spends money the children need for other things.

Q. Does he, every time he gets his hands on money spend it on whiskey?

A. Yes sir.

Q. And stays drunk?

A. The days he's sober are the days he's broke.

Q. Were there two children born to you and the respondent?

A. Yes sir.

Q. Are their names V. D. and Louis Elizabeth Boothe?

A. Loys Elizabeth, yes sir.

Q. Do you desire the custody and control of your children?

A. Yes.

Q. Do you state you are a fit and proper person to have the control of these children?

A. I do.

Q. Do you think it to the best interest of these children to be in your custody and under your control?

A. Yes, I do.

THE COURT: One thing - is there any question about support?

COUNSEL: Alimony is not asked.

Mr. Harry McLantoc, having been first duly and legally sworn, testified as follows:

ON EXAMINATION

By Mr. McMurphy

Q. Is your name Mr. Harry McLantoc?

A. That's right.

Q. Are you the father of Mrs. Boothe?

A. Yes sir.

Q. Have you known the respondent, W. L. Boothe since his marriage to Mrs. Boothe?

A. Yes sir.

- Q. Has he since that marriage become addicted to habitual drunkenness?
- A. Yes sir.
- Q. Has that habit continued up to the filing of this bill of complaint?
- A. Yes sir.
- Q. Could you state to the Court that he stays drunk more than he does sober?
- A. Yes sir.
- Q. Could you state that every time he gets his hands on money he spends it for whiskey?
- A. Yes sir.
- Q. Neglects the support of his wife and family because he spends money on whiskey?
- A. Yes sir.
- Q. Would you state, Mr. McLantoc, that Mrs. Boothe is a fit and proper person to have the custody of the two children?
- A. Absolutely.
- Q. Would you state that it would be to the best interest for them to be in the custody and control of their mother?
- A. That's right. That is the main thing.  
That's all.

Transcribed and filed this 15th day of December, 1949.

Original furnished Mrs. Alice J. Duck, Register.....\$ .50

Copy furnished Messrs. Blackburn & McMurphy, Attorneys .25

\$ .75

Carl S. Nelson  
Reporter



IRENE BOOTHE,  
Complainant,  
VS.  
W. L. BOOTHE,  
Respondent.

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

MOTION FOR DECREE PRO CONFESSO.

Motion is hereby made for a decree Pro Confesso against the Respondent, W. L. Boothe, on the ground that the Bill of Complaint was filed in this cause on November 1, 1949, and that on November 1, 1949, the Register of the Circuit Court of Baldwin County, Alabama, Equity Side, sent by registered mail, postage prepaid, properly addressed, marked "for delivery only to the person to whom addressed", and return receipt demanded, a copy of the Bill of Complaint and Summons to W. L. Boothe at his address, which is 130 South Walker Lane, Oak Ridge, Tennessee, and that on November 7, 1949, said demanded return receipt bearing the signature of W.L. Boothe was received and filed for record in this cause, and that to the day hereof the said Respondent, W. L. Boothe, has failed to appear and plead, answer or demur to the Bill of Complaint, filed against him in this cause.

WHEREUPON, the Complainant moves the Register of the Circuit Court of Baldwin County, Alabama, Equity Side, to enter a Decree Pro Confesso against the said Respondent, W. L. Boothe.

Dated this the 9th day of December, 1949.

*J. B. Blackburn*  
by *James P. McMurphy*  
Solicitor for Complainant.

Our File No. "B"

Your File No. ....

LAW OFFICES

E. G. RICKARBY

35 SOUTH SECTION STREET  
FAIRHOPE, ALABAMA 36532

CODE 205  
Telephone: 923-9836

Mailing Address  
P. O. BOX 471

December 18, 1967

2384  
Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Inre: Booth  
Vs: Booth

Around 1949, there was a decree of divorce rendered in Booth vs. Booth, Leslie Booth the man, and Irene Booth thw woman.

I do not know who sued who, but I think Irene sued Leslie for a divorce and it would be rendered within five years of that time, anyway.

Am enclosing \$1.50. Please send me a certified copy.

Yours very truly,



EGR/jlb

Encl.

cc: Mr. Leslie Booth

1-1-68

The State of Alabama, Baldwin County

Circuit Court, In Equity

IRENE BOOTHE

, Complainant

vs.

W. L. BOOTHE

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on service by 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 Irene Boothe is forever divorced from the said W. L. Boothe for and on account of the said W. L. Boothe having become addicted to habitual drunkness since his marriage to the Complainant.

It is further ordered that the Complainant, Irene Boothe, shall have the custody and control of the two minor children of the marriage, V. D. Boothe and Louis Elizabeth Boothe.

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 Irene Boothe the Complainant pay the cost herein to be taxed, for which execution may issue.

This 13th day of December, 1949

J. J. Madbury Jr. 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.

2384

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

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

IRENE BOOTHE

Complainant

vs.

W. L. BOOTHE

Respondent

DIVORCE DECREE

*Filed*  
*12-13-49*  
*Audrey Newkirk*  
*CLK*