

721

ELSIE OSBORNE,
Complainant,
-vs-
JAMES C. OSBORNE,
Respondent.

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

Comes your Complainant, Elsie Osborne, and exhibits this, her Bill of Complaint for divorce against James C. Osborne, and shows unto your Honor and unto this Court as follows:-

FIRST:

That your Complainant is over the age of twenty-one years and is a bona fide resident of the State of Alabama, having resided therein for more than ten years, her present address being 409 Montgomery St., Montgomery, Alabama; that the Respondent is a resident of Baldwin County, Alabama and is over the age of twenty-one years.

SECOND:

That your Complainant and the Respondent were married on, heretofore, to-wit, May 7, 1929 and lived together as man and wife since that time and until, on account of the matters hereinafter complained of, your Complainant was compelled to leave the Respondent and live separate and apart from him; that on to-wit March 29, 1941 said Respondent struck your complainant with his fist and committed other actual violence on her person, attended with danger to her life or health. Respondent also cursed and abused your Complainant.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your Complainant prays that James C. Osborne be made a party defendant to this cause by the usual process of this Honorable Court requiring him to appear and 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 said Respondent and that she be given the right to remarry. 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.

Myself Mason & Mason
Solicitors for Complainant.

The State Of Alabama }
Baldwin County }

Circuit Court of Baldwin County, In Equity.

To Any Sheriff of the State of Alabama—GREETINGS:

WE COMMAND YOU, That you summon JAMES C. OSBORNE

of Baldwin 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 _____

ELSIE OSBORNE

against said JAMES C. OSBORNE

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, R. S. Duck, Register of said Circuit Court, this 22nd day of May, 1941.

R. S. Duck

, Register

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

ELSIE OSBORNE,

Complainant,

-vs-

JAMES C. OSBORNE,

Respondent.

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

Comes Elsie Osborne as Complainant and Cross-
Respondent in the above styled cause and for answer to the
Cross-Bill filed in said cause, says:

That she denies the allegations of the Cross-
Bill and demands strict proof thereof.

Alfred Thomas Shaw
Attorneys for Complainant

ELSIE OSBORNE,

Complainant,

-vs-

JAMES C. OSBORNE,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes Elsie Osborne as Complainant and Cross-Respondent in the above styled cause and for answer to the Cross-Bill filed in said cause, says:

That she denies the allegations of the Cross-Bill and demands strict proof thereof.

Richard H. Hagan & Hagan
Attorneys for Complainant

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO #####

MISS ERIN STUART

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

Elsie Osborne

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

ELSIE OSBORNE,

is Complainant

and

JAMES C. OSBORNE,

is Defendant,

on oath to be by you administered, upon them to take and certify the depositions of the witnesses and return the same to our Court, with all Convenient speed, under your hand.

Witness 18th day of July, 1941.

R. S. Douch

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$ _____

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

July Term, 1941

State of Alabama, Complainant
No. 721 vs.
James C. Stone, Defendant

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court— Docketing Cause, One fee only of.....	1.00	Summoning on Bill, Each Defendant.....	1.50
Issuing Summons on Bill, each.....	.50*	Executing Writ of Injunction, or Ne Exeat, each.....	1.50
Issuing Copies Thereof, each.....	.40	Executing Subpoenas for Witnesses, each.....	.65
Entering Return of Same, each.....	.15	Executing Writs of Possession, each.....	5.00
Orders of Publication to Non-Residents, each.....	1.00*	Executing Scire Facias or Notice, each.....	1.50
Filing Bill or Other Paper, each.....	.10	Taking and Approving Bonds, each.....	1.00
Copies of Same, Per 100 Words.....	.15	Impaneling Jury.....	.75
Entering Appearances, each.....	.25*	Collecting Execution for Costs Only, each.....	1.50
Issuing Writs of Injunction, Ne Exeat, each.....	1.50	Sheriff's Commissions.....	
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*	Total Sheriff's Fees	1.50
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	.10		
Indorsing Depositions Published, each pkg.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	.20		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<i>2 Certificates of Judgment, 2 Decrees</i>			
Total Register's Fees	9.10		
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees.....	9.10
		Ex-Register's Fees.....	
		Sheriff's Fees.....	1.50
		Ex-Sheriff's Fees.....	
		Witness Fees.....	5.00
		Commissioner's Fees <i>Stewart</i>	5.00
		Guardian Ad Litem.....	
		Publisher's Fees.....	
		Solicitor's Fees.....	
		Court Reporter's Fees, Per Day or fraction thereof.....	5.00
		Trial Tax.....	3.00
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		Total Fees and Costs in Inferior Court	5.18
		Total Fees and Costs	14.28
		Judgment.....	60
		Total Fees, Costs, and Judgment	

ELSIE OSBORNE,)	
Complainant,)	IN THE CIRCUIT COURT OF
)	
VS.)	BALDWIN COUNTY, ALABAMA,
)	
JAMES C. OSBORNE,)	IN EQUITY.
Respondent.)	

And now comes the Respondent and for answers to the Complainant's Bill of Complaint and to each county thereof, separately and severally, says:

FIRST:

He admits the allegations contained in Paragraph First.

SECOND:

He admits that he and the Complainant were married on, to-wit: May 7, 1929; that he denies all other allegations contained in paragraph Second and demands strict proof of the same.

THIRD:

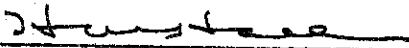
And for further answer to the Complainant's Bill of Complaint, and praying that this may be taken as his answer and cross-bill, the Respondent says: That there was born to the Complainant and the Respondent two children: James William Osborne, 11 years old, and Elsie Ledora Osborne, 6 years old; that said minor children are now and have been all of their lives living with the Respondent; that he has had to care and provide for them; that he is able, ready and willing to assume and care for the said minors; that the Complainant left the home of the Respondent and the said minors and is now apart from them; that she has no means of support, and that she has no home in which to keep the said minors; that she is not a suitable or proper person to have the care, custody, and control of the said minors.

WHEREFORE the Respondent prays that this be taken as his answer and cross-bill and that by appropriate process the said Elsie Osborne be made a party Respondent hereto and required 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.

The Respondent and Cross-Complainant prays that upon the final hearing of this cause a decree be made awarding him the custody and control of said minors: Elsie Ledora Osborne and James William Osborne; that he be awarded such other, further, different, or general relief as he may be in equity and

good conscience entitled to receive and as in duty bound he will ever pray.

BEEBE & HALL

By: 
Solicitors for Complainant.

The State of Alabama, }
Baldwin County

No. _____

CIRCUIT COURT IN EQUITY

ELSIE OSBORNE,

Complainant

vs.

JAMES C. OSBORNE,

Defendant

& Cross-Bill This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, Answer, ~~and the testimony~~ 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 cruelty.

It is further ordered, adjudged and decreed by the Court that the Respondent James C. Osborne be awarded the custody and control of the minor children, James William Osborne and Elsie Ledora Osborne. The Complainant, Elsie Osborne shall have the right to visit said children at any time she sees fit.

It is further ordered, that the said Elsie Osborne and James C. Osborne are be, and ~~they~~ hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said James C. Osborne 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 _____

Elsie Osborne

It is further ordered, adjudged and decreed that the said Elsie Osborne & James C. Osborne shall not again marry except to ~~said~~ each other until sixty days after this date, and that if an appeal is taken within sixty days ~~they~~ shall not marry again except to ~~said~~ each other

_____ during the said pendency of appeal

This 25th day of July 19 41

J. M. Hare

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

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 _____, 19____,

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 _____, 19____

Register

Memo to Cross-Bice

RECORDED

Filed July 10 - 1941

N. E. Hunt

Royce

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194_____

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

No. 721 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

Elice Colborne,

Complainant

vs.

Plaintiff

James C. Colborne

Respondent

Defendant

EQUITY COST BILL

Term, 19_____

Fee Book _____, Page _____

Plaintiff's Attorney.

Defendant's Attorney.

RECORDED

Answer

Filed June 13, 1941
R. S. Smith, Register.

RECORDED

No. _____

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY,
Baldwin County, Ala.

ELSIE OSBORNE,

Complainant,

vs

JAMES C. OSBORNE,

Defendant.

DECREE OF DIVORCE

Filed in office this

22nd

day of

July, 19*41*

R. S. Duch

Register.

E. O. M. _____

Received in Sheriff's Office

23 day of May, 1941

V. R. STUART, Sheriff

1 May 24 1941

ing copy of within Summons and
it on

W. C. Osborne

R. Stuart Sheriff

W. H. Hall Deputy Sheriff

721 RECORDED

BILL OF COMPLAINT.

ELSIE OSBORNE,

Complainant,

Vs.

JAMES C. OSBORNE,

Respondent.

Joley Ala

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED MAY 22, 1941.

R. S. Hutch
Register.

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

ELSIE OSBORNE, COMPLAINANT

vs.

JAMES C. OSBORNE, RESPONDENT

I, Erin Stuart

as ~~Register and~~ Commissioner

have called and caused to come before me

Elsie Osborne

witness named in the requirement for Oral Examination, on the 18th day of July

1941, at the office of HYBART & CHASON

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Elsie Osborne

doth depose and say as follows:

I, Erin Stuart as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to her and she signed the same in the presence of myself and John Chason

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof 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 25th day of July 1941.

Erin Stuart (L. S.)

No. _____ Page _____
THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

M. STE OSBORNE,
COMPLAINANT

VS.

JAMES C. OSBORNE,
RESPONDENT

ORAL DEPOSITION

Filed July 25, 1941

H. S. Shuck, Register,
RECORDED IN

Record

Vol. _____ Page _____

Register

TESTIMONY OF ELSIE OSBORNE.

My name is Elsie Osborne. I am over the age of 21 years and a resident of the State of Alabama, having resided therein for more than 10 years, my present address being 409 Montgomery Street, Montgomery, Alabama. James C. Osborne who is the Respondent in that certain Bill of Complaint brought by me in the Circuit Court of Baldwin County, Alabama in Equity, is over the age of 21 years and is a resident of Baldwin County, Alabama. Both of us were over 21 years of age at the time of the filing of the Bill of Complaint. I married James C. Osborne on May 7, 1929 and we lived together as man and wife until March 22, 1941 at which time I was compelled to leave James C. Osborne and live separate and apart from him. That on numerous occasions and especially on the date of separation James C. Osborne cursed and abused me, struck me with his fists and committed other actual violence on me attended with danger to my life or health. I had reasonable cause to believe that my life was in danger as he threatened to kill me on a number of occasions.

Elsie Osborne

ELsie OSBORNE,

Complainant,

vs.

JAMES C. OSBORNE,

Defendant.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____

Admissions in Answer of Respondent, Answers to Cross-Bill, Testimony
of Elsie Osborne, and Request for Decree in Vacation

and in behalf of Defendant upon _____

Walter Mason & Blanton
Solicitors for Complainant and ~~Respondent~~
Cross-Respondent.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ELSIE OSBORNE,

Complainant,

vs.

JAMES C. OSBORNE,

Defendant.

NOTE OF TESTIMONY

Filed in Open Court this

25th

day of

July

19*41*

R. S. Puck

REGISTER