

1046

The State Of Alabama, Baldwin County
CIRCUIT COURT, IN EQUITY

EMMA BOSBY

Complainant

VS

EUGENE BOSBY

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decrees Pro Confesso on ~~answer and waiver of Respondent,~~ 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 Emma Bosby is forever divorced from the said

Eugene Bosby

for and on account of cruelty

It is further ordered, adjudged, and decreed that Complainant, Emma Bosby, be awarded the care, custody and control of the minor child, Callie Bosby.

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 Emma Bosby and Eugene Bosby be, and ~~they are~~ hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Eugene Bosby the Respondent pay the cost herein to be taxed, for which execution may issue.

This 12th day of January, 1942.

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 _____, 19____

Register of Circuit Court, in Equity.

No. 1044 Page

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

.....
vs. Complainant.
.....

.....
Respondent.
.....

DIVORCE DECREE

.....EMMA BOSBY.....
Complainant,
VS.
.....EUGENE BOSBY.....
Respondent.

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

NO.....

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from

.....Bay Minette....., in the County ofBaldwin.....

Alabama, the place of trial of said cause, to-wit:.....

.....Emma Bosby, and Callie Woodyard.....

2. That said complainant requires an oral examination of said witnesses before a commissioner appointed by the Register of this Court.

BEEBE & HALL

BY

H. M. Hall

Solicitor for Complainant.

NOTE:

Complainant suggests the name of.....Bernice F. Reid.....,

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

BEEBE & HALL

BY

H. M. Hall

Solicitor for Complainant.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Bernice F, Reid

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 Emma Bosby, and Callie Woodyard

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

EMMA BOSBY

Complainant

and EUGENE BOSBY

Defendant,

on oath to be by you administered, upon January 10th, 1944 to take and certify the deposition s. of the witness es. and return the same to our Court, with all convenient speed, under your hand.

Witness 8th day of January 19 44

R. Reid

REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETINGS;

WE COMMAND YOU, that you Summon EUGENE BOSBY to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within sixty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by EMMA BOSBY against the said EUGENE BOSBY, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit, under penalty, etc. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Circuit Court, this
day of January, 1944.

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Register.

EMMA BOSBY,
COMPLAINANT

VS

EUGENE BOSBY
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Now comes your Complainant, EMMA BOSBY, and humbly complaining against the Respondent, EUGENE BOSBY, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That the Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and are both over the age of twenty one years;

2.

That they were married at Foley, Baldwin County, Alabama, on the 30th day of September, 1940, and lived together as husband and wife in Baldwin County Alabama until in September, 1942;

3.

That on, to-wit, in September, 1942, and at various times prior thereto, the Respondent cursed, threatened and abused the Complainant, and did actual violence to her person by striking her; that the conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe, and she did actually believe, that

if she continued to live with him, he would carry out his threats and do violence to her person which would necessarily endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent, one child, Callie Bosby, now nearly two years old, who is now and has been all of her life living with the Complainant, that the complainant is a fit and proper person to have the care, custody and control of the said minor child, and is ready, able and willing to care and provide for him in the proper way.

WHEREFORE, the premises considered, complainant prays that your Honor will, by proper process, make the said EUGENE BOSBY party Respondent to this cause of action, requiring him 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.

Complainant further prays that your Honor will, upon the hearing hereof, enter an order and decree granting to the complainant an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that she be awarded the care, custody and control of the said minor child, Callie Bosby.

Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By *Hubert Lee*
Solicitors for Complainant.

1044 RECORD

EMMA BOSBY
COMPLAINANT

VS

EUGENE BOSBY
RESPONDENT

ANSWER AND WAIVER OF RESPONDENT.

Filed January 20 1944
Eugene Bosby

NO 1044

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

EMMA BOSBY

Complainant

EUGENE BOSBY

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

BERNICE F. REID

WITNESSES:

EMMA BOSBY
CALLIE WOODYARD

1044

BT-6-40-560

DEMAND FOR ORAL EXAMINATION.

EMMA BOSEY
Complainant,

Vs.

EUGENE BOSEY
Respondent.

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

Filed this 17 day of Jan,

1944
R. R. Reed
Register.

1044

RECORDED

EMMA BOSEY
COMPLAINANT

VS

EUGENE BOSEY
RESPONDENT

SUMMONS AND COMPLAINT.

*Delivered Jan 10 1944
by [signature]*

THE STATE OF ALABAMA }
Baldwin County }

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

EMMA BOSBY

COMPLAINANT

vs.

EUGENE BOSBY

RESPONDENT

I, Bernice F. Reid

as Register and Commissioner

have called and caused to come before me Emma Bosby and Callie Woodyard

witness es named in the requirement for Oral Examination, on the _____ day of _____
194____, at the office of Beebe & Hall

in Bay Minette, Alabama, and having first sworn said witness es to speak the
truth, the whole truth, and nothing but the truth, the said Emma Bosby

doth depose and say as follows:

My name is Emma Bosby. I live at Foley, in Baldwin County, Alabama, and am over twenty one years of age. The Respondent, Eugene Bosby is over twenty one years of age and living at Fairhope, in Baldwin County, Alabama

Eugene Bosby and I were married at Foley, Alabama, on September 30th, 1940, and we lived together as husband and wife until in September, 1942.

On, to-wit, September 10th, 1942, the Respondent cursed, threatened and abused me, and had done so often before, and had done actual violence to my person by striking me. He struck me on several occasions and his conduct toward me was such as to render it absolutely impossible for me to live with him.

The Conduct of the Respondent was such as to give me every reasonable apprehension to believe, and I did actually believe, that if I continued to live with him he would do violence to my person which would endanger my life and health.

We have one child, Callie Bosby, now one year and 10 months old. The child has been with me all of its life, and I am ready, able and willing to care and provide for it. The Respondent has no home of his own, and drifts about from place to place, and has no one with whom to leave the child. He is not a fit, suitable or proper person to have the care and control of said child.

Emma Bosby

Callie Woodyard, a witness for the Complainant, being first duly sworn, deposes and says:

My name is Callie Woodyard. I live at Foley, in Baldwin County, Alabama, and am personally acquainted with the complainant and the Respondent in this cause. I had occasion to be around and with them often during the time they lived together as husband and wife. I know of my own knowledge that the Respondent often threatened and abused the complainant, and on several occasions did violence to her person by striking her. The conduct of the Respondent was such

I, Bernice F. Reid 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 witnesses and read over to them and they signed the same in the presence of myself and and of H. M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 10 day of January, 1944
Bernice F. Reid (L. S.)

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

Conner Bradley

COMPLAINANT

Ernie Bradley

vs.

RESPONDENT

ORAL DEPOSITION

Filed Jan 10, 1944

Bernice F. Reid, Register.

RECORDED IN

_____ Record

Vol. _____ Page _____

_____, Register

EMMA BOSBY
COMPLAINANT
VS.
EUGENE BOSBY
RESPONDENT

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,
Answer and waiver of Respondent, and testimony of Complainant's witnesses

and in behalf of Defendant upon _____

R. Welch

Register.

No. 1044 RECORDED

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

EMMA BOSBY

COMPLAINANT

VS.

EUGENE BOSBY

RESPONDENT

NOTE OF TESTIMONY

Filed in Open Court this 1-21
day of January 1944
[Signature]
Register.