

Lucille Dyess Possien, *
Complainant.)
-vs-)
Eugene R. Possien,)
Respondent. *

NO. _____

IN THE CIRCUIT COURT FOR BALDWIN
COUNTY, ALABAMA, in Equity.

AGREEMENT OF THE PARTIES

Come the Complainant and the Respondent, in the above styled cause and respectfully request this Court to approve and accept the following agreement between said parties by incorporating the pertinent parts thereof as a part of any decree of divorce which may be entered in said cause, if and when a decree is rendered therein:

WEREAS the parties hereto are desirous of avoiding the embarrassment and difficulties of litigation with respect to alimony or maintenance to be allowed the Complainant herein by compromising and settling said claim between them; NOW THEREFORE IN CONSIDERATION OF THE PREMISES, and of the mutual stipulations and agreements herein contained, it is hereby mutually stipulated and agreed between the parties hereto:

1. Complainant herein does hereby waive all right and claim to future support, maintenance or alimony to which she may be entitled from this suit.

2. Complainant agrees to pay the fees of her solicitor of record, J. Jefferson Bennett, in full, without recourse on the Respondent.

3. Respondent agrees to pay the costs of court in this cause.

4. Complainant hereby waives all claim she may have in the joint property of this marriage between her and the Respondent, herein.

In Witness whereof, we, J. Jefferson Bennett, as solicitor for the Complainant and Elliot G. Rickarby, Sr., as solicitor of record for the Respondent, each having been authorized to so do, have hereunto set our hands this the 9th day of May, 1949.

J. Jefferson Bennett
SOLICITOR FOR COMPLAINANT.

Eugene R. Possien
SOLICITOR FOR RESPONDENT.

Lucille Dyess Possien,

Complainant

vs.

Eugene R. Possien,

Respondent

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,
Agreement of the Parties and Testimony of: Lucille Dyess
Possien, Mrs. Elvie Sims and Mrs. Ballie Sharron

and in behalf of Defendant upon Answer and Waiver

J. Jefferson Bennett

Audrey Welch

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Lucille Dyess Possien,

Complainant

vs.

Eugene R. Possien,

Respondent

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

Register.

Printed By The Baldwin Times

J. Jefferson Bennett,
Attorney for Complainant

LUCILLE DYESS POSSIEN,
Complainant

-vs-

EUGENE R. POSSIEN,
Respondent

E Q U I T Y

No. _____

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

Comes EUGENE R. POSSIEN, Respondent in the above styled cause, and for answer to the Bill of Complaint says he denies each 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.

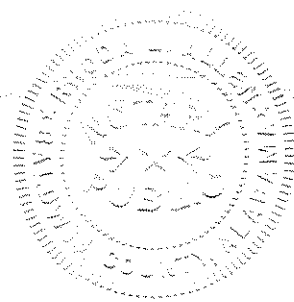
Eugene R. Possien
Respondent.

Before me, the undersigned Notary, personally appeared Eugene R. Possien, 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 9th day of May, 1949.

Rhoda L. Allen

Notary Public, Baldwin County, Alabama.



UNITED STATES

NO. _____

CIRCUIT COURT OF

ST. LOUIS COUNTY,

COMPLAINT

-vs-

ANSWER AND WAIVER

EUGENE R. POSSIEN,
Respondent

LUCILLE DYESS POSSIEN,
Complainant

-vs-

FILED
MAY 10 1949

ALICE J. DUCK, Register

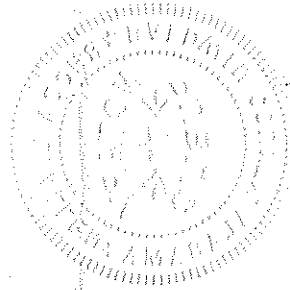
Richarby & Richarby
Solicitors

702287

RECEIVED

Witnessed by Victor Bengtson, notary public, who was present at the time of the execution of the foregoing instrument, and who is a duly qualified notary public in and for the State of Missouri.

Witnessed by _____, notary public, who was present at the time of the execution of the foregoing instrument, and who is a duly qualified notary public in and for the State of Missouri.



Witnessed by _____, notary public, who was present at the time of the execution of the foregoing instrument, and who is a duly qualified notary public in and for the State of Missouri.

Mrs. Lucille Dyess Possien)
Complainant,)

NO. _____

-vs-)

IN THE CIRCUIT COURT

Eugene R. Possien)
Respondent.)

OF

BALDWIN COUNTY,
IN EQUITY.

Comes the Complainant in the above styled cause and shows unto your Honor the following statement of facts, to-wit:

1. Complainant and Respondent are each over the age of twenty-one years, and are each bona fide residents of Baldwin County, Alabama; Complainant and Respondent have each been a resident of said County in said State continuously for more than three years next preceding the date of the filing of this bill.

2. Complainant further shows that she was married to the Respondent on to-wit, the 3rd day of April, 1946 at Mobile, Alabama and lived with him as his wife until, to-wit, the 3rd day of May 1949, and that there were no children born of this marriage.

3. Complainant further shows that on, or about, April 3rd, 1947 and repeatedly since said date the Respondent has committed actual violence on the Complainant's person, attended with danger to her life or health, or from his conduct there is reasonable apprehension of such violence.

The above premises considered the Complainant prays that this court will take jurisdiction of her cause, and that Eugene R. Possien be made a party Respondent thereto by appropriate legal process, and that he be required to plead, answer or demur thereto within the time prescribed by law, and that upon a final hearing your Honor will order, adjudge and decree that the bonds of matrimony existing between the Complainant and Respondent be forever severed for and on account of actual ^{violence} committed upon the person of the Complainant, the wife, by the Respondent, attended with danger to her life and health.

Complainant further prays that the name she bore prior to her marriage to this Respondent, be restored to her, to-wit, Lucille Dyess. And Complainant submits herself to the jurisdiction of the Court and offers to do equity toward all parties to the bill and if she has not asked for the proper relief, she now asks for such other, further, general and special relief as the nature of her cause in equity and good conscience show her to be entitled.

Jefferson Bennett
Solicitor for the Complainant

J. JEFFERSON BENNETT

Attorney at Law
Mason Building
FAIRHOPE, ALABAMA

May 11, 1949.

Mrs. Alice J. Duck, Register,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

You will find enclosed the deposition and note of testimony and Decree in the case of Possien vs. Possien.

The decree has already been submitted to Mr. Rickarby, attorney for the respondent and he has consented to its issuance, as written.

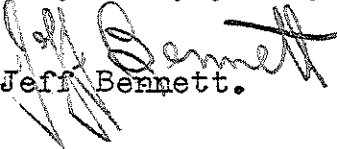
You will please note that there are no children involved and no property settlement, other than payment of Attorney fees and court costs.

I will appreciate your submitting this to Judge Mashburn at your earliest convenience, as I am attempting to save a trip to Bay Minette, if possible. If there is any reason for delay, or the judge should desire my personal presence at submission, will you please call me collect at Fairhope, 8409?

Mr. Rickarby requests that his copy of the decree be held by him, pending the payment of costs by his client. If you will forward them both to me, I will see that this is done.

Thanks for your help in handling this by mail.

Very truly yours,


Jeff Bennett.

Mrs. Lucille Dyess Possien)
Complainant,)

No. _____

-vs-

IN THE CIRCUIT COURT

Eugene R. Possien)
Respondent.)

OF

BALDWIN COUNTY,
IN EQUITY.

Comes the Complainant in the above styled cause and shows unto your Honor the following statement of facts, to-wit:

1. Complainant and Respondent are each over the age of twenty-one years, and are each bona fide residents of Baldwin County, Alabama; Complainant and Respondent have each been a resident of said County in said State continuously for more than three years next preceding the date of the filing of this bill.

2. Complainant further shows that she was married to the Respondent on to-wit, the 3rd day of April, 1946 at Mobile, Alabama and lived with him as his wife until, to-wit, the 3rd day of May 1949, and that there were no children born of this marriage.

3. Complainant further shows that on, or about, April 3rd, 1947 and repeatedly since said date the Respondent has committed actual violence on the Complainant's person, attended with danger to her life or health, or from his conduct there is reasonable apprehension of such violence.

The above premises considered the Complainant prays that this court will take jurisdiction of her cause, and that Eugene R. Possien be made a party Respondent thereto by appropriate legal process, and that he be required to plead, answer or demur thereto within the time prescribed by law, and that upon a final hearing your Honor will order, adjudge and decree that the bonds of matrimony existing between the Complainant and Respondent be forever severed for and on account of actual committed upon the person of the Complainant, the wife, by the Respondent, attended with danger to her life and health.

THE STATE OF ALABAMA }
Baldwin County }No. 2287
Circuit Court of Baldwin County, Alabama.
(In Equity)Lucille Dyess Possien

COMPLAINANT

vs.

Eugene R. Possien

RESPONDENT

I, Mrs. Genevieve L. Pierceas Register and Commissioner by waiver heretofore filedhave called and caused to come before me Mrs. Lucille Dyess Possien, Mrs.Elsie Sims and Mrs. Ballie Sharron, all of Fairhope, Alabamawitnesses named in the requirement for Oral Examination, on the May1949, at the office of J. Jefferson Bennett, Attorney at Lawin Fairhope, Alabama, and having first sworn said witnesses to speak thetruth, the whole truth, and nothing but the truth, the said Mrs. Lucille Dyess Possien,
SharronMrs. Elsie Sims and Mrs. Ballie doth depose and say as follows:TESTIMONY OF MRS. Lucille Dyess Possien, Fairhope, Alabama

My name is Lucille Dyess Possien and I am the Complainant in this suit for divorce against Eugene R. Possien. My husband and I are both over the age of twenty-one years. We were married in Mobile, Alabama on the 3rd of April, 1946. We lived together as husband and wife from that date until the 3rd of May, 1949. No children have been born as a result of this marriage. My husband and I have been residents of Alabama ever since we were married. We lived in Fairhope, at the time of our separation. On April 3, 1947, while my husband and I were staying at the home of my Mother, in Fairhope, Alabama, we visited some friends that night. While there, my husband drank heavily, and we got into a violent argument. We left the house of the friends and started to the home of my Mother, my husband driving our car. While driving, he beat me all over my body, tore off my clothes, except for my underwear, then stopped the car and choked me. I managed to escape from the car and ran about a ¼ mile to my Mother's home. My brother was at home when I arrived. The respondent followed me into the house cursing and threatening me. He jerked the telephone off the wall so that we could not call for help. My brother forced the Respondent to leave. My Mother arrived just as the Respondent was leaving. The next morning a Dr. C. S. Godard, of Fairhope, came to the house and treated my injuries. Both my eyes were swollen shut from the beating and my body was a mass of bruises. My eyes were black and blue and I was sore all over for almost two months. We had a reconciliation after this happened, my husband promising not to mistreat me again. But, there have been repeated incidents of his beating me, cursing me and threatening me since that date. On May 3, 1949, after an absence of 2 days from our home in Fairhope, my husband returned and answered my questions as to where he had been, by hitting me in the face, breaking open my lip; then he grabbed me by the arm, threw me across the bed and tore off my clothing, threatening to kill me. I grabbed some clothes and ran across the street to the home of my sister where I stayed for the remainder of the day. I am afraid of my husband, the Respondent

I, Genevieve L. Pierce 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^{es} and read over to them and they signed the same in the presence of myself and J. Jefferson Bennett

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^{es} or had proof made before me of the identity of said witness^{es}; 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 11th day of May 1949.

Genevieve L. Pierce (L. S.)

No. <u>2287</u>	Page _____
THE STATE OF ALABAMA, BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
<u>Lucille Dyess Possien</u>	
COMPLAINANT	
<u>Eugene R. Possien</u> vs.	
RESPONDENT	
ORAL DEPOSITION	
Filed <u>6-13</u> , 194 <u>9</u>	
<u>Lucie J. Newch</u> Register.	
RECORDED IN _____	
_____ Record	
Vol. _____ Page _____	
_____, Register	

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Lucille Dyess Possien

, Complainant

vs.

Eugene R. Possien

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Answer~~
~~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 Lucille Dyess Possien is forever divorced from the said Eugene R. Possien for and on account of Actual violence committed upon the person of the Complainant by the Respondent, attended with danger to her life or health

It is further ordered, adjudged and decreed by the Court that the Complainant is restored to her pre-marital name of Lucille Dyess, and may hereafter legally be known as such.

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 the Respondent, Eugene R. Possien the Respondent pay the cost herein to be taxed, for which execution may issue.

This 13th day of May, 1949.

Julian H. Marshall
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.

2287

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Luella Dyess Possien

Complainant.

vs.

Eugene R. Possien

Respondent.

DIVORCE DECREE

Filed 5-13-49
W. J. French
Registrar