

3524

CLAUDIE MAE BOOZE,
Complainant,
vs.
JAMES BOOZE,
Respondent.

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

This cause coming on to be heard was submitted upon the bill of complaint, answer of the Respondent, stipulation of the parties as to custody and support and testimony heard ore tenus by the Court as noted by the Register, and the Court having considered the same is of the opinion that the Complainant is entitled to the relief prayed for in said bill of complaint.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and Respondent be, and the same are, hereby dissolved, and that the said Claudie Mae Booze is forever divorced from the said James Booze for and on account of cruelty.

It is further ORDERED, ADJUDGED and DECREED by the Court that the care, custody and control of the minor children, Mable Booze, Lottie Mae Booze and Juanita Booze be, and it is hereby, given to the Complainant and the Respondent is ordered to pay to the Complainant the sum of Forty Dollars (\$40.00) per month as alimony and support and maintenance for said Claudie Mae Booze and said minor children; with the right, however, of the Respondent to visit said children and to have said children visit with him at reasonable hours and at reasonable intervals.

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 payment of the cost of this suit.

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

This 19th day of October, 1955.

Hubert M. Hall
Circuit Judge.

CLAUDIE MAE BOOZE,	§	
Complainant,	§	IN THE CIRCUIT COURT OF
vs.	§	BALDWIN COUNTY, ALABAMA
JAMES BOOZE,	§	IN EQUITY. NO. 3524
Respondent.	§	

STIPULATION OF PARTIES

WHEREAS, Claudie Mae Booze instituted a suit in the Circuit Court of Baldwin County, Alabama against James Booze for a divorce and for custody of the children of said parties and for other relief; and,

WHEREAS, the undersigned are the parties to said suit and are desirous of settling and agreeing upon the matters of custody, disposition of property, support and attorneys' fees; and,

WHEREAS, Claudie Mae Booze has this day executed and delivered a deed to James Booze of all of her right, title and interest in and to the property described in the Bill of Complaint in consideration of the settlement of said suit, insofar as property matters are concerned, and in further consideration of the payment to her of the sum of Seven Hundred and Fifty Dollars (\$750.00);

NOW THEREFORE, it is stipulated and agreed between the parties hereto that the said Claudie Mae Booze shall have the custody and control of the minor children named in the Bill of Complaint, with the right of James Booze to visit said children and to have said children visit with him at reasonable hours and at reasonable intervals; and that James Booze will pay to Claudie Mae Booze the sum of Forty Dollars (\$40.00) per month as support for her and said children during the minority of the children or until such time as they are no longer dependent upon either of the parties hereto for their maintenance and support and that said amount shall be reduced according to the requirements of the situation, condition and circumstances of Claudie Mae Booze and said children as they exist from time to time.

The undersigned James Booze does hereby further agree to pay to Honorable Telfair J. Mashburn, Jr., the solicitor for Claudie Mae Booze, the sum of One Hundred Dollars (\$100.00) as his attorney's fee for services rendered in the above styled cause and to further pay the Court costs incurred therein.

It is further understood and agreed between the parties that the provisions hereof shall be binding upon said parties whether or not the Circuit Court of Baldwin County, Alabama grants a divorce to Claudie Mae Booze in said cause.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the 19th day of October, 1955.

Claudia Mae Booze SEAL

James Booze SEAL

By: Marlone F. Stone
Solicitor of Record

CLAUDIE MAE BOOZE

Complainant

vs.

James Booze

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, Answer
of the Respondent, Stipulation of Parties, Testimony heard ore tenus by the
Court

and in behalf of Defendant upon his Answer and Stipulation of the Parties

CHASON & STONE

By:



Telfair J. Mashburn, Jr.
 TELFAIR J. MASHBURN, JR.

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 19th

day of Oct., 1955

Alice J. Duckert
Register.

Printed by the Baldwin Times

CLAUDIA BOOZE,

Complainant,

VS.

JAMES BOOZE,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY.

TESTIMONY IN OPEN COURT BEFORE HON. HUBERT M. HALL, JUDGE OF
SAID COURT:

CLAUDIA BOOZE, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn.

Q. What is your name?

A. Claudia Mae Booze.

Q. Are you over the age of 21 years?

A. Yes sir.

Q. Where do you live?

A. Stockton.

Q. How long have you lived there?

A. All of my life.

Q. Were you living there two years before this suit was filed?

A. Yes sir.

Q. Is James Booze over 21 years of age?

A. Yes sir.

Q. Where does he live?

A. Stockton.

Q. Did you marry James Booze?

A. Yes sir.

Q. When and where?

A. I married here in the Court house on the 7th day of December,
1935.

Q. Now after you married him, did you have some trouble with
him?

A. No sir, I didn't have any trouble with him.

Q. I mean in the last two or three years before this -- Has he jumped on you several times?

A. No sir; we had disputes and fusses.

Q. He threatened to beat you up?

A. Yes sir.

Q. Wasn't you in court once or twice because he jumped on you?

A. Yes sir.

Q. Do you all have any children?

A. Three living and one dead.

Q. What are their names and ages?

A. Mable Booze, age 17; Lottie Mae Booze, age 13, and Juanita Booze, age 4.

Q. You are a fit and proper person to have the custody and care of those children?

A. Yes sir.

Q. Is Jame Booze able to work and does he work regularly?

A. Yes sir.

Q. Where does he work?

A. Over here in Bay Minette at the mill.

Q. Do you know what he makes?

A. \$57.00 and sometimes \$67.00 on pay day.

Q. Each pay day?

A. Yes sir.

Q. When do they get paid off?

A. Every week end.

Q. Claudia, did you finally come to the conclusion, because of James' treatment of you, that it would be dangerous to live with James - dangerous to your life and health if you continued to live with him?

A. Yes sir.

Q. Where are you living now?

A. With my sister, Ernestine James.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Stone.

Q. Claudia Mae, what is the oldest girl's name?
A. Mable Booze.
Q. How old is she?
A. She is 17 years old.
Q. She is living with you?
A. Yes sir.
Q. Is she going to school?
A. No sir she works out.
Q. Where does she work?
A. For Doctor Biles.
Q. Now are the other two children in school?
A. One is and the baby is at home.
Q. One of them is four years old?
A. Yes sir.
Q. And the other one goes to school?
A. Yes sir.
Q. And Mable is working for Doctor Biles?
A. Yes sir.
Q. How many of you live in that house over there, Claudia Mae?
A. Nine.
Q. That is over at the Tar Plant?
A. Yes sir.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me, in open court, in the above styled cause.

This 18th day of October, 1955.

Laura Dusenbury
Court Reporter

CLAUDIE MAE BOOZE,	¶	
Complainant,	¶	IN THE CIRCUIT COURT OF
vs.	¶	BALDWIN COUNTY, ALABAMA
JAMES BOOZE,	¶	IN EQUITY. NO. 3524
Respondent.	¶	

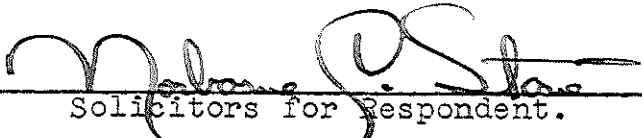
Comes now the Respondent in the above styled cause and for answer to the Bill of Complaint heretofore filed against him and to each paragraph or section thereof says as follows:

1. He admits the allegations of Paragraph 1.
2. He admits the allegations of Paragraph 2.
3. He denies the allegations of Paragraph 3.
4. He admits the allegations of Paragraph 4 wherein the names and ages of the children born of the marriage are set forth, but he denies the other allegations of Paragraph 4.
5. He denies the allegations of Paragraph 5, except wherein it is alleged that it was necessary that the Complainant employ a solicitor to represent her.
6. He admits that he and the Complainant own jointly the property described in Paragraph 6, but he denies all other allegations of such paragraph.

Respectfully submitted,

CHASON & STONE

By:


Solicitors for Respondent.

FILED

OCT. 19, 1933
ALICE J. DICK, Register

CLAUDE MAE BOOZE

Complainant

RECORDED
VS.

JAMES BOOZE,

Respondent

ANSWER

Filed: 19 October 1955.
Alice J. Nuck, Register
per.

SUMMONS

Form 1531-3

McQuiddy Printing Co., Nashville, Tenn.

The State of Alabama, _____ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon _____ James Booze

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State _____ by _____

Claudia Mae Booze

against _____ James Booze

Herein fail not. Due return make of this writ as the law directs.

Witness this _____ 13th _____ day of _____ May _____, 19 55

Alvin H. Hume, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

No. Page

The State of Alabama

..... COUNTY.

IN CIRCUIT COURT, IN EQUITY

vs.

SUMMONS

Returned by the Sheriff and filed in office, this

the day of, 19.....

....., Register.

Received in office, this the day of

....., 19.....

....., Sheriff.

I have executed the within by leaving a copy
thereof with.....

defendant named herein, on this the.....

day of, 19.....

....., Sheriff.

By....., Deputy.

CLAUDIE MAE BOOZE,
Complainant,

VS.

JAMES BOOZE,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your complainant, Claudie Mae Booze, respectfully represents
and shows unto your Honor as follows:

1. That complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident of said State for more than two years next preceding the filing of this bill of complaint; that James Booze is over the age of twenty-one years and resides in Stockton, Baldwin County, Alabama.
2. That your complainant and respondent were lawfully married on or about, to-wit: the 7th day of December, 1935, at Bay Minette, Alabama.
3. Your complainant avers and charges that the said respondent did on or about the 15th day of March, 1954, and many times prior and subsequent thereto, assault, beat, hit and strike your complainant; that said respondent has committed actual violence on her person attended with danger to her health or life; that, as a result of respondent's treatment of your complainant, she is reasonably convinced that it would be dangerous to her health or life to continue to live with the respondent as his wife.
4. That, as a result of this marriage, there has been born to the parties hereto three children, Mable Booze, age 17, Lottie Mae Booze, age 13, and Juanita Booze, age 4; that your complainant is a fit and proper person to have the care, custody and control of said minor children; that the respondent is not a fit and proper person to have the care, custody and control of said minor children.
5. That the respondent is a strong-able-bodied man, working for Bacon-McMillan Veneer Company, and that he earns between forty-five and sixty-five dollars per week; that your complainant is in bad health, and has been for a number of years; that she is without

funds to provide for her own support and maintenance and for the support and maintenance of their minor children; and that she is unable to work and earn money because of her bad health; that it has been necessary for her to employ a solicitor, Telfair J. Mashburn, Jr., to represent her in this matter and that she is without funds with which to pay him for his services.

6. That your complainant and the respondent own jointly, as tenants in common, the following described real property in Baldwin County, Alabama, viz:

Commence at the southeast corner of Section 43, township 1 north, range 2 east, run thence north 7 degrees East along eastern boundary of said section 626.34 feet to a point; thence north 29 degrees 20 minutes west 1634 feet for the place of beginning; thence run north 13 degrees 40 minutes east 845.5 feet to a point; thence south 77 degrees west 402.7 feet to a point; thence south 13 degrees 40 minutes east 666.7 feet to a point; thence south 79 degrees 20 minutes east 443.5 feet to place of beginning, containing 7 acres, more or less, in Section 43, township 1 north, range 2 east.

that your complainant and the respondent have built on the above described real property a six-room frame house which they occupy as a home for themselves and for their minor children; that the work of building the home as aforesaid was done by your complainant and the respondent jointly.

PRAYER FOR PROCESS

THE PREMISES CONSIDERED, your complainant makes the said JAMES BOOZE a party respondent to this bill of complaint, and in order that your complainant may have the relief hereinafter prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said JAMES BOOZE, commanding him to plead, answer or demur to this bill of complaint within the time required by law and the practice of this Honorable Court.

PRAYER FOR RELIEF

Your complainant further prays that, on a final hearing of this cause, your Honor will make and enter a decree divorcing your complainant from the said respondent, granting both parties the right to remarry; that your Honor will fix a reasonable sum for the respondent to pay to your complainant's solicitor, Telfair J. Mashburn, Jr., for his services in the premises; that your Honor will grant to

your complainant the exclusive care, custody and control of their minor daughters, MABLE BOOZE, LOTTIE MAE BOOZE and JUANITA BOOZE, with rights of reasonable visitation to the respondent, and that your Honor will fix a reasonable amount for the respondent to pay to your complainant each week for the support and maintenance of herself and said minor daughters; that your Honor will order the respondent to convey his interest in the real property described in paragraph 6 hereof to your complainant so that she will be assured of a home for herself and minor daughters, and, on his failure to make said conveyance, order the Register to make said conveyance for and on behalf of the respondent; and, if your Honor should not be convinced that Equity and good conscience require that the aforesaid real property be conveyed to your complainant, then, in that event, your complainant prays that your Honor will decree that said property is not capable of being divided between the parties hereto, and will order it sold, as provided by law, at public auction on the courthouse steps, for a division of the proceeds between the parties hereto; and your complainant prays for such other, further, different or general relief as, in equity and good conscience, she may be entitled to receive, and, as in duty bound, she will every pray, etc.

FILED

May 15, 1905

ALICE L. JOCK, Register

Jesse H. Massachusetts
SOLICITOR FOR COMPLAINANT.