

RUBY L. SHIRLEY,

Complainant

VS

J. E. SHIRLEY,

Respondent.

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

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

Now comes your Complainant RUBY L. SHIRLEY, and presents this her bill of complaint against J. E. SHIRLEY and shows to your Honor as follows:

FIRST: That your Complainant and the Respondent J. E. Shirley, are both over the age of twenty one years and that your Complainant and the Respondent are both bona fide residents of the State of Alabama, County of Baldwin and have been for a period of over a year next prior to the filing of this complaint; that your Complainant is a resident of Baldwin County, Alabama and has been for a year preceding the filing of this complaint; and that your Respondent is a resident of Robertsdale, Alabama and has been for the past several years.

SECOND: Your Complainant and the said J. E. Shirley were married, lawfully, in Eucla, Florida on or about December 20th, 1935 and lived together as man and wife until about February 6th, 1937 and further that there were born to the said Complainant and the said Respondent two children, the eldest being about three years of age, named Walter E. Shirley and being a boy child, and the youngest being about ten months of age, named Shirley Jeanette Shirley and being a girl child and your Complainant shows further unto this Honorable Court that at this time the oldest child, the boy, is now with your Respondent and that the youngest child, the girl, is now with your Complainant.

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THIRD: Your Complainant further shows unto your Honor that during the month of December, January and February 1936-37 and previous thereto that while your Complainant and the Respondent were living together as man and wife in Alabama that the said Respondent J. E. Shirey committed actual violence upon your Complainant by striking her in the face and on the back and which violence was attended with dangerousness to her life and/or health and your Complainant further shows unto this Honorable Court that the said Respondent has not contributed to her support or maintenance but on the contrary she has had to support the Respondent from her earnings and from her inheritance; and your Complainant further avers that since the last assault and battery she has not lived with the said Respondent as his wife and that she cannot and will not condone the said assault.

FOURTH: Your Complainant further shows unto your Honor that the boy named Walter E. Shirey, age three, is now with your Respondent and that Shirley Jeanette Shirey aged ten months is now with your Complainant and your Complainant shows unto your Honor that she is the proper person to care for these children due to their tender age and further that the father of said children is an unsuited person to rear these children at this tender age of life and that she is able to give them the care and education which they should have and your Complainant asks of this Honorable Court that she be given the right to have the care, control and custody of these two children, Walter E. Shirey and Shirley Jeanette Shirey half time, for six months period at a time.

PRAYER FOR PROCESS

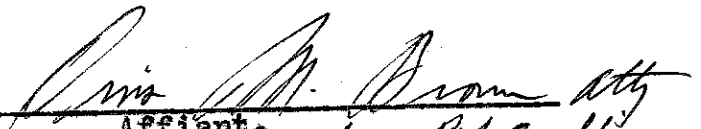
THE PREMISES CONSIDERED, your Complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and will cause notice thereof to be served on the Respondent J. E. Shirey according to the rules of this Honorable Court and the laws of this State in such matters pertaining and make him respondent to the said bill of complaint requiring him to answer, plea, or demur within the time allowed by law.

ORVIS M. BROWN
ATTORNEY AT LAW
BALDWIN BUILDING
ROBERTSDALE, ALA.

STATE OF ALABAMA

BALDWIN COUNTY

Before me personally appeared Orvis M. Brown, who, being duly sworn, says that he is solicitor for Complainant in the case of Mrs. Ruby L. Shirey against J. E. Shirey; that Respondent J. E. Shirey's residence is Miami, Florida; that in 1936 said J. E. Shirey deserted your Complainant and that his last known address was Miami, Florida; that Complainant Mrs. Ruby L. Shirey, and Respondent J. E. Shirey, are both over the age of twenty one years; that they were married in Buela, Florida in 1933; that Mrs. Ruby L. Shirey and J. E. Shirey were residents of Robertsdale, Alabama when the Respondent J. E. Shirey, deserted your Complainant, and since that time the Respondent has left the State and his address cannot be determined by the Complainant for service of process.


Affiant. *for Ruby L. Shirey.*

Sworn to before me, and signed in my presence
this the 25-day of May, 1937.


Clerk of the Circuit Court.

RUBY L. SHIREY,

Complainant

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

VS

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TO THE HONORABLE JUDGE F. W. HARE
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SECOND: Your Complainant and the said J. E. Shirey were married, lawfully, in Buena, Florida on or about December 20th, 1935 and lived together as man and wife until about February 8th, 1937 and further that there were born to the said Complainant and the said Respondent two children, the oldest being about three years of age, named Walter E. Shirey and being a boy child, and the youngest being about ten months of age, named Shirley Jeanette Shirey and being a girl child and your Complainant shows further unto this Honorable Court that at this time the oldest child, the boy, is now with your Respondent and that the youngest child, the girl, is now with your Complainant.

THIRD: Your Complainant further shows unto your Honor that during the month of December, January and February 1936-37 and previous thereto that while your Complainant and the Respondent were living together as man and wife in Alabama that the said Respondent J. E. Shirey committed actual violence upon your Complainant by striking her in the face and on the back and which violence was attended with dangerousness to her life and/or health and your Complainant further shows unto this Honorable Court that the said Respondent has not contributed to her support or maintenance but on the contrary she has had to support the Respondent from her earnings and from her inheritance; and your Complainant further avers that since the last assault and battery she has not lived with the said Respondent as his wife and that she cannot and will not condone the said assault.

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-Page Three-

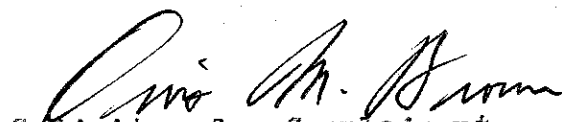
PRAYER FOR RELIEF

AND Your Complainant further prays that upon the final hearing of this cause your Honor will grant her a decree dissolving the bonds of matrimony now existing between your Complainant and the Respondent J. E. Shirey and granting her an absolute decree giving her the right of marriage again and giving her the right of using her maiden name name of Ruby L. Griswell and giving her the care, custody and control of these two children Walter E. Shirey and Shirley Jeanette Shirey for half time, for six months period at a time, and that the Court costs and attorney fee of the Complainant be taxes against the Respondent and asks that a reference be held in this matter and the attorney fee determined by this Honorable Court and further that this Honorable Court hold a reference and determine what will be the proper amount for the support, maintenance and education of these two children Walter E. Shirey and Shirley Jeanette Shirey and this Honorable Court decree that your Respondent J. E. Shirey be required to contribute the amount determined for the care, support and education of these two children, he being able bodied man capable of earning funds for their maintenance and that your Complainant prays for such other and further relief as in equity and good conscience she may be entied to in the premises for which she will ever pray.


Solicitor for Complainant.

FOOT-NOTE

The Respondent is required to answer but not under oath the same being hereby expressly waived as to each and every paragraph of the foregoing complaint numbering from one to four both inclusive.


Solicitor for Complainant.

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon J E Shirey

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

Ruby L Shirey,

against said J E Shirey

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, Robert S. Duck, Register of said Circuit Court, this 12th day of May 1937

Robert S. Duck Register

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

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon **J E Shirey**

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

Ruby L Shirey,

against said **J E Shirey**

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WITNESS, Robert S. Duck, Register of said Circuit Court, this **12th** day of **May** 193**7**

RS Duck Register

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

CHANCERY EXECUTION

BILL OF COSTS

No. 329

Ruby L. Shiry,
Complainant

VS. *J. E. Shiry,*
Respondent

PLAINTIFF
DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	10	10		3 40
Issuing each subpoena	50	50		
Issuing each copy thereof	40	40		
Entering each return thereof	15			
For each order of publication	1 00			
Issuing Writ of injunction	1 50			
For each copy thereof	50			
Entering each return thereof	15			
Issuing Writ of Attachment	1 00			
Entering each return thereof	15			
Docketing each case	1 00	1 00		
Entering each appearance	25	25		
Issuing each decree pro confesso on per ser.	1 00			
Issuing each decree pro confesso on publica ..	1 00			
Each order appointing guardian	1 00			
Any other order by Register	50			
Issuing Commission to take testimony	50			
Receiving and filing	10			
Endorsing each package	10			
Entering order submitting cause	50			
Entering any other order of court	25	25		
Noting all testimony	50			
Abstract of cause, etc.	1 00			
Entering each decree	75			
For every 100 words over 500	15			
Taking account, etc.	3 00			
Taking testimony, etc.	15			
Each report, 500 words or less	2 50			
For every 100 words over 500	15			
Amount-claimed less than \$500, etc.	2 00			
Issuing each subpoena	25			
Witness certificate, each	25			
Issuing execution, each	75	75		
Entering each return	15	15		
Taking and approving bond, each	1 00			
Making copy of bill, etc.	15			
Each notice not otherwise provided for	50			
Each certificate or affidavit, with seal	50			
Each certificate or affidavit, no seal	25			
Hearing and passing on application, etc.	3 00			
Each settlement with Receiver, etc.	3 00			
Examining each voucher of Receiver, etc.	10			
Examining each answer, etc.	3 00			
Recording resignation, etc.	75			
Entering each certificate to Supreme Court	50			
Taking questions and answers, etc.	25			
For all other ser relating to such proceedings ..	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent				
Sub Total Carried Forward	3 40			
			Brought Forward	\$ 3 40
			For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
			Each notice sent by mail to creditor ... 15	
			Filing receipting for and docketing each claim, etc. 25	
			For all entries on subpoena docket, etc. 50	
			For all entries on commission docket, etc. 50	
			Making final record, per 100 words 15	2 00
			Certified copy of decree 1 00	
			Report of divorce to State Health Office (Acts 1915) 50	
			TOTAL FEES OF REGISTER	5 40
			FEES OF SHERIFF	
			Serving and returning subpoena on deft. \$1 50	
			Serving and returning subpoena for witness	65
			Levying attachment	3 00
			Entering and returning same	25
			Selling property attached	
			Impanelling Jury	75
			Executing Writ of possession	2 50
			Collecting execution for costs	1 50
			Serving and returning sci. fa., each	65
			Serving and returning notice	65
			Serving and returning writ of injunction 1 50	
			Serving and returning writ of exeat	1 50
			Taking and approving bonds, each	75
			Collecting money on execution	
			Making Deed	2 50
			Serving and returning application, etc. 1 00	
			Serving attachment, contempt of court. 1 50	
			TOTAL FEES OF SHERIFF	1 50
			RECAPITULATION	
			Register's Fees	5 40
			Sheriff's Fees	1 50
			Commissioner's Fees	
			Solicitor's Fees	
			Witness Fees	
			Guardian Ad Litem	
			Printer's Fees	
			Trial Tax	3 00
			Recording Decree in Probate Court	
			TOTAL	9 90

The State of Alabama, }
Baldwin County

No. 329
Circuit Court, In Equity Fall Term, 193 9

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of Ruby L. Shiry Plaintiff J. E. Shiry Defendant

you cause to be made the sum of 9 90 Dollars,

which Plaintiff

recovered of Plaintiff on the 23 day of Oct. 1939

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of 9 90 Dollars,

costs o' suit, and have the same to render to the said Plaintiff and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection.

Witness my hand, this 23 day of Oct. 1939

P. S. Duch Register

Duck
RECORDED
7-146

Alford

Filed May 25, 1937.
R. S. Smith,
Register

329

Feb May 12/1974
R. Decker
R. Decker

Serve on _____

**Circuit Court of Baldwin County
IN EQUITY**

No. _____

S U M M O N S

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of

193_____

by leaving a copy of the within Summons with

vs.

Defendant

Sheriff

By _____
Deputy Sheriff

Solicitor for Complainant

Recorded in Vol. _____ Page _____

*out of State
Miami Fla.*

Serve on J R Shirrey

**Circuit Court of Baldwin County
IN EQUITY**

No. 329

SUMMONS

Ruby I Shirrey,

vs.

J R Shirrey

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193__

SHERIFF

Executed this _____ day of _____

193__

by leaving a copy of the within Summons with _____

Defendant

Sheriff

By _____ Deputy Sheriff

O M BROWN, Solicitor for Complainant

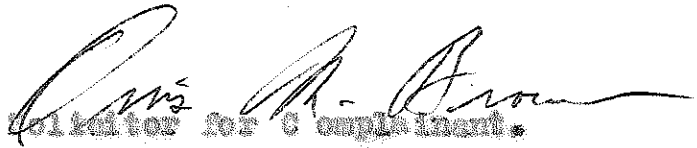
Recorded in Vol. _____ Page _____

*Not found in my
County after diligent
search and inquiry
5/22/37
J R Shirrey
Sheriff*

PRAYER AND RELIEF

AND Your Complainant further prays that upon the final hearing of this cause your Honor will grant her a decree dissolving the bonds of matrimony now existing between your Complainant and the Respondent J. E. Shirey and granting her an absolute decree giving her the right of marriage again and giving her the right of an residence name name of Ruby L. Criswell and giving her custody and control of these two children Walter E. Shirey and Shirley Jeanette Shirey for half time, for six months period at a time, and that the Court costs and attorney fee of the Complainant be taxed against the Respondent and asks that a reference be hold in this matter and the attorney fee determined by this Honorable Court and further that this Honorable Court hold a reference and determine what will be the proper amount for the support, maintenance and education of these two children Walter E. Shirey and Shirley Jeanette Shirey and this Honorable Court decree that your Respondent J. E. Shirey be required to contribute the amount determined for the care, support and education of these two children, he being able bodied man capable of earning funds for their maintenance and that your Complainant prays for such other and further relief as in equity and good conscience she may be entied to in the premises for which she will ever pray.

252


 Solicitor for Complainant.

FOOT-NOTE

The Respondent is required to answer but not under oath the same being hereby expressly waived as to each and every paragraph of the foregoing complaint numbering from one to four both inclusive.


 Solicitor for Complainant.