

344

ROSAVELLE POSSIEN  
Complainant

VS

BOLTON H. POSSIEN  
Respondent

E Q U I T Y  
CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

Comes BOLTON H. POSSIEN, Respondent in the above cause and for answer to the bill of Complainant says that he denies each allegation of same.

He further waives service and notice of demand for oral examination of Complainant's witnesses, the issue of commission to take their testimony, notice of the time and place of 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 upon the pleadings and Complainant's evidence as noted by the Register.

*BH Possien*

Respondent.

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, the undersigned Notary Public, personally appeared Bolton H. Possien who acknowledged before me that being informed of the contents of the foregoing answer he executed the same voluntarily on this the 23rd day of June, 1937

*E. E. Peckham*

Notary Public, Baldwin county, Alabama

ROSAVELLE FOSSIEN,  
Complainant,

vs

BOLTON H. FOSSIEN,  
Respondent.

E Q U I T Y .

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IT IS AGREED BETWEEN THE PARTIES TO THIS CAUSE that in the event a decree is rendered in favor of the Complainant, that the holding of a reference to ascertain a suitable allowance for alimony is hereby waived and that in the decree the court may embody an allowance of Fifty dollars for the payment of Solicitor's counsel to be paid at the rate of five dollars per week, commencing at once and continuing till said amount be paid in full and also that the Complainant be allowed alimony for her support during the time she remain unmarried at the rate of ten dollars per week, payable on Monday of each week next succeeding the rendition of decree. Said allowance to be made subject to a reduction by the Court during such time as Complainant may have employment paying her not less than fifteen dollars per week and while employed at this rate, no allowance for alimony to be paid. The Court to reserve jurisdiction of this cause for such further orders as to the payment of alimony as may seem to it proper.

Done at Fairhope, Alabama this the 28th day of June 1937.

*Rosavelle Fossien*  
by *E. A. Pritchard* her solicitor.  
Complainant.

*B. H. Fossien*  
Respondent.

*BH*

ROSAVELLE POSSIEN,  
Complainant,

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

versus

IN EQUITY.

BOLTON H. POSSIEN,  
Respondent.

Depositions of Rosavelle Possien and William Flagg, witnesses for Complainant.

The said witnesses appearing before me as Commissioner at the times and places hereinafter stated and being first duly sworn, upon examination by the Solicitor for the Complainant, testified as follows:

ROSAVELLE POSSIEN.

I am the Complainant in this cause. I am over the age of twenty-one years and have been a bona fide resident of Fairhope, Baldwin County for more than three years prior to the time this bill was filed. On the 6<sup>th</sup> day of June 1932 I was married to Bolton Hall Possien and lived with him as his wife in Fairhope up to the fourth day of April 1937 when I left him after I learned that he was intimate with a girl in Fairhope. He had been untrue to me before on at least three different occasions, that is with three different girls, and when I learned of this, which I did about the 31st day of March last, I had nothing further to do with him as his wife and left him as soon as I could, which was three days later and went to stay with a sister-in-law in Pensacola where I have been ever since and from that time on have had no marital relations with him whatever. He has been over to see me to get me to go back to him but beyond listening to what he had to say and being abused by him, have had nothing to do with him. He is over the age of twenty-one and lives in Fairhope. I do not know the last girl that he has been criminally intimate with though I think I have seen her nor do I know any of the details of his relations with her. I only know that I suspected that something was wrong with his relations with her and later this was confirmed to me by reliable information and by his own admissions after I had taxed him with it. On this information and from what he told me I charge him with adultery committed during the month of March, 1937 and probably before that time as well as since.

Rosavelle Possien

WILLIAM FLAGG.

I am a resident of Fairhope, Baldwin County, Alabama, over the age of twenty-one years and am employed in the same place in Fairhope with B.H. Possien whom I have known for a number of years. I have been thrown in daily contact with him for the past three months in this time I have had frequent opportunities to observe his action and relations with a young lady who formerly worked at the same place. I particularly began to notice this in February last and in March I saw on more than one occasion enough to show that acts of adultery were taking place between them. She was infatuated with him and made no secret of it from me and they went together a great deal and were alone together in rooms at night under circumstances that left no other explanation. Aside from this he has not denied that he was having sexual intercourse with her and I learned later that she became pregnant. As she obviously had no interest in or use for any other man I therefore do not hesitate to state as a fact that Possien

committed adultery with this girl in the Town of Fairhope, and possibly elsewhere, certainly in the month of March 1937 and in all probability before and since.

About the end of March Mrs Possien learned of his unfaithfulness and left him and they have lived apart ever since, she in Pensacola and he in Fairhope.

Wm E Hagg.

I, Joseph Pose, acting as Commissioner in a certain cause pending in the Circuit Court of Baldwin County, Alabama on the Equity side thereof, wherein Rosavelle Possien is Complainant and Bolton H. Possien Respondent, hereby certify that I caused the above named witnesses for Complainant to appear before me at My office in the Town of Fairhope on the day of June, 1937, where, after being duly sworn to tell the truth, they testified in response to examination by the Solicitor for Complainant as is hereinset forth, that their evidence was taken down in writing as near as may be in the language of the witnesses and after being so transcribed, was read over and signed by them in my presence.

I further certify that I am not of counsel or of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF I hereto set my hand and seal as Commissioner this the 25<sup>th</sup> day of June, 1937.

*Joseph Pose*

Commissioner.

(SEAL)

TO THE HONORABLE FRANCIS W. HARE

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

SITTING IN EQUITY:

Comes ROSAVELLE POSSIEN and by this her bill of complaint presented against BOLTON H. POSSIEN, respectfully shows:

FIRST: That she and the defendant above named are both over the age of twenty-one years, and bonafide residents of Baldwin County for more than three years next past. That they were lawfully married on June 6, 1932, since which date they have lived in Fairhope, although Complainant since April 4, 1937, has sojourned in Pensacola, Florida, where she stays separate and apart from her said husband.

SECOND: That since the date of the marriage aforesaid the defendant has been guilty of acts of adultery but the time and place of such acts and the person with whom committed Complainant does not know and is hence unable to state with greater particularity.

THE PREMISES CONSIDERED, Complainant prays that the said BOLTON H. POSSIEN be made party defendant to this bill and by appropriate process required to answer same within the time prescribed by law.

Complainant further prays that upon hearing this cause a decree be rendered forever divorcing her from the said BOLTON H. POSSIEN, granting her the right to marry again should she so desire, to resume her maiden name, decreeing the payment to her of a suitable sum as counsel fees in this cause and such allowance for alimony and support as this Court may find proper and such other, further or different relief as to equity may seem meet.

  
Solicitor for Complainant

ROSAVELLE POSSIEN

Complainant

VS

BOLTON H. POSSIEN

Respondent

EQUITY

CIRCUIT COURT

of

BALDWIN COUNTY

ALABAMA

This cause being submitted for final decree upon the bill of complaint, answer, evidence of Complainant and agreement of parties and being duly considered, the Court is of the opinion that the Complainant is entitled to the relief prayed for in her bill, therefore.

It is hereby ORDERED, ADJUDGED AND DECREED that the bonds of matrimony existing between Complainant and Respondent, be and the same are hereby dissolved and the said Rosavelle Possien is forever divorced from the said Bolton H. Possien upon the proof of the grounds alleged in the bill.

IT IS FURTHER ORDERED that the Complainant may resume her maiden name.

IT IS FURTHER ORDERED that neither party marry again except to the other until sixty days after the rendition of this decree and that if an appeal be taken within said sixty days neither shall marry again except to the other during the pendency of such appeal.

IT IS FURTHER ORDERED that the Respondent pay to Complainant the sum of ten dollars per week on Monday of each week for her maintainance and support as long she remain unmarried and until she be employed at a salary of not less than fifteen dollars per week, during which such employment weekly payments of alimony may be suspended. This Court retains jurisdiction of this cause for the purpose of from time to time making such modification or changes in the payment of alimony as to it shall seem proper.

IT IS FURTHER ORDERED that Respondent pay to Complainant the further sum of Fifty Dollars as her counsel fees in this cause but said payment may be met by weekly payments of five dollars each, commencing July 1st., 1937 and continuing for the nine successive weeks.

IT IS FURTHER ORDERED that the Respondent pay the costs of this cause for which execution may issue and if such execution be returned "No property found," then execution for said costs may issue against Complainant.

Done at Monroeville, Alabama this the 29<sup>th</sup> day of  
June 1937

*J. N. Hare*

Judge Circuit Court, Baldwin  
County, Alabama.

Baldwin County, Alabama

Rosavelle Possien.  
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vs.

Bolton H Possien.  
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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, \_\_\_\_\_

Answe & Waiver. and Testimony of Rosavelle Possien and William  
 Flagg.  
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and in behalf of Defendant upon \_\_\_\_\_

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As Duck  
 \_\_\_\_\_  
 Register.



Fairhope, Alabama, June 26th 19 37.

RECEIVED *from* Robert S. Duck, Register Circuit Court,

----- TWO and 50/100 ----- *Dollars*

in full for commissioner's fees in Case of Possien vs Possien,

\$ 2.50.

*Joseph Lee*  
Commissioner.

RECORDED  
RECORDED  
ROSAVELLE POSSIN

Complainant

VS

BOLTON H. POSSIN

Respondent

AGREEMENT

Filed June 28/1937  
Rosavelt  
Possin

RECORDED *sent*  
7-197

DECEDED

ROSAWELL POSSIEM,  
Complainant,

VS

BOLTON H. POSSIEM,  
Respondent.

ANSWER AND WAIVER.

*Filed June 30 1939  
Pratt  
Oregon*

Roswell Brown  
Compt

vs  
Robert H. Brown  
1894.

Complainant's Deposition.

Filed June 25 1939  
R. H. Brown.  
Deponent

Joseph Rose Commisary  
Fee \$2.50 not paid.

RECORDED  
INDEXED  
7-15-37

ROSAVELLE FOSSIEN,  
Complainant

versus

BOLTON H. FOSSIEN,  
Defendant.

B I L L

*Filed June 25 1937*  
*Edmund*  
ELLIOTT G. RICHARDS,  
Solicitor for Complainant.

*Decl*  
*2-284*

RECORDED

No. 34K

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

VS.

**NOTE OF TESTIMONY**

Filed in Open Court this 28

day of June 1937

*Proctor*

REGISTER

*Quick*  
RECORDED 3-284

E Q U I T Y .

ROSAVELLE POSSIEN,  
Complainant,

versus

ECLTON H. POSSIEN,  
Respondent.

D E C R E E .

*Filed Jan 30 1937*  
*Paul Sweet,*  
*Deputy*