

400

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

REBECCA BOSBY,

Complainant

vs.

EUGENE BOSBY,

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Deed Pro Confess~~ on 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 REBECCA BOSBY is forever divorced from the said

EUGENE BOSBY,

for and on account of Cruelty

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 REBECCA BOSBY and EUGENE BOSBY be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

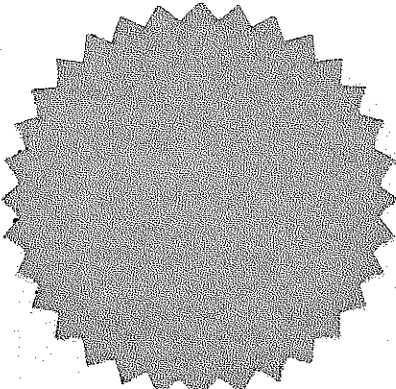
It is further ordered that REBECCA BOSBY the Complainant pay the cost herein to be taxed, for which execution may issue.

This 6th day of June, 19 40

J. W. Hare

Judge Circuit Court, in Equity.

I, R. S. DUCK, Register of the Circuit Court for 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 19th day of July, 19

R. S. DUCK

Register of Circuit Court, in Equity.

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

Comes REBECCA BOSBY and by this, her bill of complaint, presented against EUGENE BOSBY, respectfully shows:

FIRST: That she and the defendant above named are both over the age of twenty-one years and are now and have been for more than five years next prior to the filing of this bill bona fide residents of the County of Baldwin, in which County they were married on March 31st, 1935, and have lived together as husband and wife in the towns of Foley and Fairhope.

SECOND: Complainant further shows that at various times since their marriage and particularly within the last twelve months the defendant committed actual violence on her person, attended with danger to her life or health, by striking her on numerous occasions with his fist and with a stick and has further threatened her life, which threats from his cruelty she has reasonable apprehension may be carried into effect.

THIRD: Complainant specifically charges the defendant with violently striking her on or about the early part of the month of February, 1938, at which time he became so enraged that he secured a pistol, announcing his intention of killing her, but before he could use this she fled from the house and took refuge with a relative until his rage had quieted down. Since then she has left him and now lives separate and apart from him. Because of his abuse, repeated blows and threats she has serious grounds for apprehension that to continue to live with him her life would be in danger.

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

Complainant further prays that an order be made

-: page two :-

requiring the defendant to pay her solicitor's fee for the prosecution of this cause and decree be rendered forever divorcing her from the said Eugene Bosby, granting her the right to marry again should she so desire and the right to resume her maiden name and reasonable sum for her support and such other, further or different relief as to Equity may seem meet.

*William A. Rinkley.*  
Solicitor for Complainant.

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

Comes REBECCA BOSSY and by this, her bill of complaint, presented against EUGENE BOSSY, respectfully shows:

FIRST: That she and the defendant above named are both over the age of twenty-one years and are now and have been for more than five years next prior to the filing of this bill bona fide residents of the County of Baldwin, in which County they were married on March 31st, 1935, and have lived together as husband and wife in the towns of Foley and Fairhope.

SECOND: Complainant further shows that at various times since their marriage and particularly within the last twelve months the defendant committed actual violence on her person, attended with danger to her life or health, by striking her on numerous occasions with his fist and with a stick and has further threatened her life, which threats from his cruelty she has reasonable apprehension may be carried into effect.

THIRD: Complainant specifically charges the defendant with violently striking her on or about the early part of the month of February, 1938, at which time he became so enraged that he secured a pistol, announcing his intention of killing her, but before he could use this she fled from the house and took refuge with a relative until his rage had quieted down. Since then she has left him and now lives separate and apart from him. Because of his abuse, repeated blows and threats she has serious grounds for apprehension that to continue to live with him her life would be in danger.

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

Complainant further prays that an order be made

requiring the defendant to pay her solicitor's fee for the prosecution of this cause and decree be rendered forever divorcing her from the said Eugene Sosby, granting her the right to marry again should she so desire and the right to resume her maiden name and reasonable sum for her support and such other, further or different relief as to Equity may seem meet.

*Elliott S. Rickarby*

Solicitor for Complainant.

*Original  
1898*

REBECCA BOSBY,  
Complainant,  
vs.  
EUGENE BOSBY,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY.  
NO. 400.

Comes the respondent in the above styled cause, and answering Complainant's complaint, says:

1st. That the matters alleged in Paragraph FIRST of said bill of complaint are true.

2nd. Respondent denies each and every allegation of Paragraphs SECOND and THIRD and demands strict proof of the same.

3rd. Respondent waives notice to him of application for taking of testimony, waives the issuance of commission, waives notice of the time and place of taking testimony and the right of being present, together with the right to cross examine witnesses on behalf of complainant and consents that the testimony be taken at such time and at such place and before such person as authorized to administer oaths as the complainant elects, and consents that the said cause be set down for final decree upon motion of complainant's attorney.

Eugene Bosby.  
Respondent.

State of Alabama.  
Baldwin County.

Before me, the undersigned Notary Public, personally appeared this day Eugene Bosby, who acknowledged that he signed the foregoing instrument voluntarily with knowledge of its contents.

Given under my hand this the 29th day of April, 1940.

Bevitt S. Rinaldy  
Notary Public, Baldwin County,  
Alabama.

The State of Alabama, }  
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Term, 194

*Rebecca Perry*  
No. 400 vs.  
*Eugene M. Perry*

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each..	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impaneling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50	.....	
Issuing Copies Thereof, each.....	.50	.....	
Entering Return of Same, each.....	.15	.....	
Decrees Pro Confesso, each.....	1.00*	<b>Total Sheriff's Fees</b> .....	
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50	<b>SUMMARY OF FEES, COSTS, AND JUDGMENT</b>	
Taking Testimony, Per Day.....	1.50	Fees in Circuit Court—	
Taking Testimony, Per 100 words.....	.20	Register's Fees .....	10.40
Receiving and Filing Depositions, each pkg.,.....	.10	Ex-Register's Fees .....	
Indorsing Depositions Published, each pkg.,.....	.10	Sheriff's Fees .....	
All Entries on Commission Docket, Each Cause.....	.50	Ex-Sheriff's Fees .....	
Entering Order Submitting Cases for Decree, each..	.50	Witness Fees .....	
Other Orders of Court, each.....	.25	Commissioner's Fees .....	3.00
Noting Testimony on Hearing of Cause, each.....	.50	Guardian Ad Litem .....	
Entering Decrees, 500 Words or Less, each.....	.75	Publisher's Fees .....	
Per 100 words over 500.....	.15	Solicitor's Fees .....	
Taking Accounts, etc., on Ref., per Day.....	3.00*	Court Reporter's Fees, Per Day or fraction thereof	.500
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15	Trial Tax .....	3.00
Reference and Reports, each.....	2.00*	.....	
Reports of 500 Words or Less.....	2.50	<b>Fees and Costs in Inferior Court:</b>	
Per 100 Words over 500.....	.15	Clerk of Inferior Court Fees .....	18.40
Issuing Subpoenas for Witnesses, each.....	.25	Sheriff's Fees .....	
Issuing Witness Certificates, each.....	.25	Witness Fees .....	
All Entries on Subpoena Docket, each Cause.....	.50	.....	
Taking and Approving Bonds, each.....	1.00	<b>Total Fees and Costs in Inferior Court</b> .....	
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee .....	3.00	<b>Total Fees and Costs</b> .....	
Settlements with Receiver or Trustee, each.....	3.00	Judgment .....	
Examining Vouchers in Settlements, each.....	.10	.....	
Examining Answers on Exceptions, each Answer ..	3.00	<b>Total Fees, Costs, and Judgment</b> .....	
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales .....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
.....			
.....			
<b>Total Register's Fees</b> .....	10.40		

REBECCA BOSEY,  
Complainant,

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA,

vs

IN EQUITY.

EUGENE BOSEY,  
Respondent,

DEPOSITIONS OF REBECCA BOSEY AND LUCY DANIELS, witnesses  
for Complainant.

The above named witnesses appeared before me, JOSEPH POSE,  
as Commissioner, acting by agreement of parties without issue of  
commission at the time and place hereinafter stated and after be-  
ing first duly sworn to testify only the truth, upon examination  
by Complainant, testified as is here set forth.



REBECCA BOSEY,  
Complainant,

vs

EUGENE BOSEY,  
Respondent,

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA,  
IN EQUITY.

DEPOSITIONS OF REBECCA BOSEY AND LUCY DANIELS, witnesses  
for Complainant.

The above named witnesses appeared before me, JOSEPH POSE,  
as Commissioner, acting by agreement of parties without issue of  
commission at the time and place hereinafter stated and after be-  
ing first duly sworn to testify only the truth, upon examination  
by Complainant, testified as is here set forth.

R E B E C C A   B O S B Y

I am the Complainant in this case and am now and have been for the past thirteen years a resident of Baldwin County. I am over the age of twenty-one years and on March 31st, 1935 was married to Eugene Bosby in Foley Alabama where we lived together as husband and wife for about three months and then moved to Fairhope where we lived together up to February 1938 when I left him because of his bad treatment of me. He had been mean to me for about a year up to that time. He struck me a number of times without cause and about two weeks before I left him the first time, drew a gun on me and threatened to kill me. I got away from him and shortly after, left him for fear of my life. He would strike me sometimes with his fist, at other times with a stick so that it was dangerous to live with him. When he drew the gun on me he showed plainly that he would hurt me or possibly kill me if I stayed with him longer so there was nothing else for me to do but to leave him before he carried out his threats. He told me he would kill me if I did not leave and after the way he had treated me I knew he would keep his word. A little after that he begged me to come back and give him another chance and I did but it did not do any good as he went back to abusing me and I left him again and this time have stayed away. If I go back he may kill me. I do not dare to live with him any longer. He is over twenty-one years of age and was born in Baldwin County. He lives in Fairhope.

*Rebecca Bosby.*

LUCY DANIELS.

I am a sister of Rebecca Bosby and live next door to where she used to live with Eugene. I have never seen Eugene strike her but I know that he abused her and was cruel to her and that they did not get along together. She would often come over to my place and tell me and my mother of how she was treated and how he had struck and threatened to kill her. On two occasions when they had had more than ordinarily serious trouble Eugene brought Rebecca over to my house and told my mother to take her back, that he was through with her. Later, though on each occasion he came back again and got her. This last trouble they had she left him for good and has been living away from him ever since. She is very much afraid of him and feels that if she were to stay with him that he would carry out his threats and some day hurt her seriously if not do worse.

Lucy Daniels

I, Joseph Pose, acting as Commissioner by agreement of the parties in a cause pending on the Equity Side of the Circuit Court of Baldwin County, Alabama, wherein Rebecca Bosby is Complainant and Eugene Bosby Respondent, hereby certify that I caused Rebecca Bosby and Lucy Daniels, witnesses for Complainant, who are made known to me, to come before me in my office in the Town of Fairhope, where, after being duly sworn by me to tell the truth, testified as is above written; that their testimony, after being reduced to writing, was read over to and signed by them in my presence, on May 8th, 1940.

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

In witness whereof, I hereto set my hand and seal as Commissioner this the fifteenth day of May, 1940.

Joseph Pose  
Commissioner.

REBECCA BOSEY,  
Complainant,

vs

EUGENE BOSEY,  
Respondent.

DEPOSITIONS OF REBECCA  
BOSEY AND LUCY DANIELS, WITNESSES FOR  
Complainant.

Commissioner's fee, \$2.50  
Paid by Complainant.

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 401 Term, 193

Rebecca Bosby, Complainant  
Vs.

Eugene Bosby, Defendant

To R J Huck, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by W C Beebe

\_\_\_\_\_ Solicitors of record, now files with the Register of this Court  
this written request to deliver the papers in this cause to the Judge for final decree in vacation.

W C Beebe  
Solicitor for Complainant.

*Rebecca Bosley*

**THE STATE OF ALABAMA  
Baldwin County**

VS.

*Eugene Bosley*

**IN EQUITY  
Circuit Court of Baldwin County**

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_

*assigned Defendant and  
deposited in Rebecca Bosley and Lucy  
Daniels, witnesses for Complainant*

and in behalf of Defendant upon \_\_\_\_\_

*G. S. Lusk*

Register.

**CIRCUIT COURT, BALDWIN COUNTY, ALA.  
IN EQUITY**

No. *400* *Rebecca Barkley* vs. *Eugene Barkley* PLAINTIFF  
DEFENDANT

**BILL OF COSTS**

FEES OF REGISTER		Dollars	Cents		
Filing each bill and other papers	\$ 10		10	Brought Forward	\$ 160
Issuing each subpoena	50			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%.	
Issuing each copy thereof	40			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15			Each notice sent by mail to creditor	15
For each order of publication	1 00			Filing receipting for and docketing each claim, etc.	25
Issuing Writ of injunction	I 50			For all entries on subpoena docket, etc.	50
For each copy thereof	50			For all entries on commission docket, etc.	50
Entering each return thereof	15			Making final record. per 100 words	15
Issuing Writ of Attachment	I 00			Certified copy of decree	1 00
Entering each return thereof	15			Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00		100	<b>TOTAL FEES OF REGISTER</b>	
Entering each appearance	25			<b>FEES OF SHERIFF</b>	360
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena for witness	65
Each order appointing guardian	I 00			Levyng attachment	1 50
Any other order by Register	50			Entering and returning same	25
Issuing Commission to take testimony	50		50	Selling property attached	
Receiving and filing	10		160	Impanelling Jury	75
Endorsing each package	10			Executing Writ of possession	2 50
Entering order submitting cause	50			Collecting execution for costs	1 50
Entering any other order of court	25			Serving and returning sci. fa., each	65
Noting all testimony	50			Serving and returning notice	65
Abstract of cause, etc.	I 00			Serving and returning writ of injunction	1 50
Entering each decree	75			Serving and returning writ of exeat.	1 50
For every 100 words over 500	15			Taking and approving bonds, each	75
Taking account, etc.	3 00			Collecting money on execution	
Taking testimony, etc.	15			Making Deed	2 50
Each report, 500 words or less	2 50			Serving and returning application, etc.	1 00
For every 100 words over 500	15			Serving attachment, contempt of court.	1 50
Amount claimed less than \$500, etc.	2 00			<b>TOTAL FEES OF SHERIFF</b>	
Issuing each subpoena	25			<b>RECAPITULATION</b>	
Witness certificate, each	25			Register's Fees	360
Issuing execution, each	75			Sheriff's Fees	
Entering each return	15			Commissioner's Fees	
Taking and approving bond, each	1 00			Solicitor's Fees	
Making copy of bill, etc.	15			Witness Fees	
Each notice not otherwise provided for	50			Guardian Ad Litem	
Each certificate or affidavit, with seal	50			Printer's Fees	
Each certificate or affidavit, no seal	25			Trial Tax	3 00
Hearing and passing on application, etc.	3 00			Recording Decree in Probate Court	
Each settlement with Receiver, etc.	3 00			<b>TOTAL</b>	660
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					

**RECORDED**

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama,**

Baldwin County.

**CIRCUIT COURT, IN EQUITY**

Vs.

**REQUEST FOR DECREE IN  
VACATION**

Filed June 5, 1942, 193

R. S. Dush  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.



No. \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

vs.

**NOTE OF TESTIMONY**

Filed in Open Court this 5<sup>th</sup>

day of June, 1940 ~~1938~~

REGISTER