

The State of Alabama, {
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Term, 194

No. 615 vs.

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*		
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	.10		
Indorsing Depositions Published, each pkg.,.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	3.00		
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		
<i>certified copies drawn (2)</i>	3.00		
Total Register's Fees	7.00		
		Total Sheriff's Fees	
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees.....	7.00
		Ex-Register's Fees.....	
		Sheriff's Fees.....	
		Ex-Sheriff's Fees.....	
		Witness Fees.....	
		Commissioner's Fees <i>Retainer (paid)</i>	
		Guardian Ad Litem.....	
		Publisher's Fees.....	
		Solicitor's Fees.....	
		Court Reporter's Fees, Per Day or fraction thereof.....	5.00
		Trial Tax.....	3.00
		Fees and Costs in Inferior Court:	
		Clerk of inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		Total Fees and Costs in Inferior Court	10.00
		Total Fees and Costs	
		Judgment	
		Total Fees, Costs, and Judgment	

7.00
5.40
1.60

E Q U I T Y .

MARION BOOTHE,
Complainant,

CIRCUIT COURT OF

versus

BALDWIN COUNTY, ALABAMA.

THOMAS J. BOOTHE,
Respondent.

DEPOSITIONS OF MARION BOOTHE AND ELISE STRAUM, WITNESSES FOR
COMPLAINANT.

Before me, the undersigned Commissioner, acting as such without formal issue of commission by agreement of the parties hereto personally appeared at the time and place hereafter stated, Marion Boothe and Elise Straum, witnesses for Complainant, who, after being first duly sworn by me to tell the truth, testified as follows:

M A R I O N B O O T H E .

I am the Complainant in this cause. I am over the age of twenty-one years and live near Fairhope, in Baldwin County, Alabama where I was born and have lived all my life. In August 18th, 1935 I ran away from home and married Thomas J. Boothe at Opp, Alabama and at once came back home where I have lived ever since. He also is over the age of twenty-one years and a lifelong resident of Baldwin County. We soon discovered that this boy-and-girl marriage was a mistake and have never lived together since. I was then a school-girl and the next season completed my High School course and later spent a year in Chicago but my home has always been here. In all this time I have lived separate and apart from my husband and he has not contributed a cent to my support. We have live apart for more than four years in which time I have been a bona fide resident of Baldwin County and have not resumed marriage relations in all that time..I live with my parents but since September of last year have been in training for nursing at the Mobile Infirmary till I was recently laid off because of an appendicitis operation from which I am now convalescing.

Marion Boothe

E L I S E S T R A U M .

I am the mother of the Complainant and a resident of Baldwin County. I have read over her testimony as set out above and except as to the actual marriage, which of course I did not see, know of my personal knowledge that all she says is true. Ever since two days after the marriage she has lived at home with us, finished her course at High School and we have supported her in all this time except for one year when she went to Chicago and worked there a year. She returned from there in July of 1939 and came right back to live with us where she has been till last Fall when she went to Mobile and started on a course of training for nursing. Her home is still with us and she is now at home recovering from the effects of an operation though now able to get about. She and her husband have lived apart since August 1935 in all of which time he has done nothing for her support and she has been a bona fide resident of this County.

Elise N. Straum

I, E. G. Rickarby, 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 MARION BOOTHE is Complainant and THOMAS J. BOOTHE is Respondent, hereby certify that I caused Mrs Marion Boothe and Mrs Elise N. Straum, witnesses for Complainant who are 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, they testified as is herein before written, that their testimony, after having been reduced to writing as near as may be in the language of the witnessess, 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 twenty-seventh day of February, 1940.

Elvett S. Rickarby
Commissioner.

*Fee \$5.00
Paid by Complainant.*

BILL OF COMPLAINT

MARION BOOTHE,)	
)	
Complainant)	IN THE CIRCUIT COURT OF BALDWIN COUNTY.
)	
-vs-)	ALABAMA
)	
THOMAS J. BOOTHE,)	IN EQUITY
)	
Respondent.)	
)	

To THE HONORABLE F. W. HARE, Judge of the Circuit Court of Baldwin County, Alabama, in Equity:

Comes your Complainant Marion Boothe and presents this her bill of complaint against Thomas J. Boothe and shows unto your Honor as follows:

FIRST: Your Complainant and the Respondent, Thomas J. Boothe, are both over the age of twenty-one years and your Complainant and the Respondent are both bona fide residents of the State of Alabama and County of Baldwin at the time of the separation and have been for a period of five years next prior to the filing of this bill of complaint. That your Complainant and the Respondent reside at Fairhope, Alabama.

SECOND: That Your Complainant and the said Thomas J. Boothe were lawfully but secretly married at Opp, Alabama on August 18th, 1935, but have lived separate and apart since the date of their marriage. And further that there were no children born to your Complainant and the Respondent of this marriage.

THIRD: Your Complainant further shows unto your Honor that on August 18th, 1935 your Respondent did voluntarily and without any cause or fault on the part of your Complainant desert your Complainant and which offense she has not condoned and she will not condone and that he has never returned to your Complainant nor co-habited with her as husband and wife, said abandonment by the Respondent continuing for more than five years next preceding the filing of this bill.

PRAYER FOR PROCESS

THE PREMISES CONSIDERED, Complainant prays that the said Thomas J. Boothe be made a party to the Bill of Complaint, that he be brought into Court by personal service or any method approved and adopted by this Honorable Court directing him to plead, answer or demur to the allegations as set out against him in the said bill of complaint as filed in this cause in all respects as required under law and rules of this Honorable Court.

PRAYER FOR RELIEF

And your Complainant prays that upon the final hearing of this

CAUSE that this Honorable Court will grant to her an absolute divorce dissolving entirely the bonds of matrimony now existing between her and the said Thomas J. Boothe and granting her the right of re-marriage should she so desire, ^{and the right to sue her maiden name if she desires,} and your Complainant prays for such other and further relief as in equity and good conscience she will be entitled 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 expressly waived, as to each and every paragraph of the foregoing complaint numbering from one to three both inclusive.


Solicitor for Complainant

MARION BOOTHE,
Complainant,

versus

THOMAS J. BOOTHE,
Respondent.

E Q U I T Y .

CIRCUIT COURT OF BALDWIN COUNTY.

Alabama.

Comes Thomas J. Booth, respondent in the above styled cause, and for answer to the bill of complaint denies each and every allegation of same.

Respondent further waives service and notice of demand for the oral examination of Complainant's witnesses, of the issue of of commission to take testimony, of the time and place for taking same and of the right to introduce evidence in his own behalf. He further agrees that this case may be submitted for final decree at any time on the pleadings and Complainant's evidence as noted by the Register

Thomas J. Booth
Respondent.

Before me, the undersigned Notary Public personally appeared this day Thomas J. Booth who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents. Witness my hand and official seal this the 27th day of February, 1940.

Beville S. Rishley
Notary Public, Baldwin County, Ala.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO E. G. RICKARBY

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Marion Boothe and Elise N. Straum

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

MARION BOOTHE

is Complainant

and THOS. J. BOOTHE

is Defendant,

on oath to be by you administered, upon them to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 28th day of February, 19 40.

R. S. Duck

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARION BOOTHE

Complainant

vs.

THOMAS J. BOOTHE

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer and Waiver of Respondent, 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 Marion Boothe is forever divorced from the said

Thomas J. Boothe

for and on account of Abandonment.

It is further ordered that the said Marion Boothe may resume her maiden name.

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.

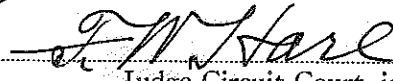
It is further ordered that Thomas J. Boothe and Marion Boothe

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

It is further ordered that Thomas J. Boothe

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

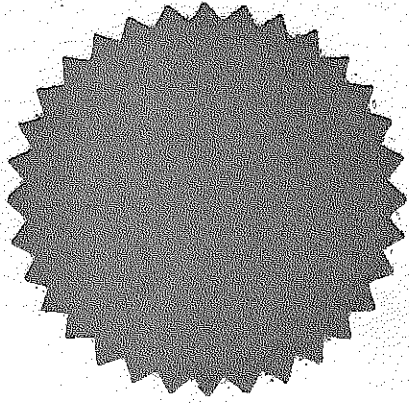
This 29th day of February, 1940



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 _____ day

of _____, 1940

Register of Circuit Court, in Equity.

MARION BOOTHE,
Complainant,

vs

THOMAS J. BOOTHE,
Respondent.

DEPOSITIONS OF
MARION BOOTHE
and

ELISE N. STRAUB,
Witnesses for Complainant.

COMMISSIONER'S FEE \$5.00.
Paid by Complainant.

RECORDED

RECORDED

MARION BOOTHIE,

Complainant

vs

THOMAS J. BOOTHIE,

Respondent

BILL OF COMPLAINT

FILED MAR 27 1940
CLERK OF DISTRICT COURT

Filed this 28th Day February 1940

R. S. Douch
Clerk-Register

RECORDED

MARION BOOTHE,
Complainant,

vs

THOMAS J. BOOTHE,
Respondent.

ANSWER.

Filed this 28th day February 19 40

R. S. Dyer
Clerk-Register

RECORDED 2-2-52

No. Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

MARION BOOTHE
vs. Complainant.

THOMAS J. BOOTHE
Respondent.

DIVORCE DECREE

Filed this 29th day of February, 1940

R. S. Dink
Clerk-Register

MARION BOOTHE

vs.

THOMAS J. BOOTHE

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, _____
Testimony of Marion Boothe and Elise N. Straum

and in behalf of Defendant upon Answer and Waiver

R. S. Duck
Register.

MARION BOOTHE, Compt,
vs
THOS J. BOOTHE, Respt.
Depositions of Marion Boothe
and Elise N. Straum, Witnesses for
Complainant.

MR ROBERT S. DUCK,
Register Circuit Court,
Bay Minette,

Alabama.

Filed this 27th day of January 19 40
R. S. Duck
 Clerk-Register

RECORDED
2-577

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

MARION BOOTHE

VS.

THOMAS J. BOOTHE

NOTE OF TESTIMONY

Filed in Open Court this 28th

day of February, 1940 1938

R.S. Dicks

REGISTER

MOORE PRINTING CO., SAY BENEVE, ALA.

Boothe

Boothe
Comm.

Boothe
Comm.