

9859

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 Lenelle Davis, Bay Minette,

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 Ella D. Davis

against said Lenelle Davis

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, Mary Alice Stone, Register of said Circuit Court, this 27th day of

July 1933

Mary Alice Stone Register

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

Doc # 009-56

Original

SERVE ON

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

ELLA D. DAVIS

vs.

LENELLE DAVIS

J. B. BLACKBURN

Solicitor for Complainant

Recorded in Vol _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

27th

day of

July

1933

WR Stewart

Sheriff.

Executed this

27th

day of

July

1933

by leaving a copy of the within Summons with

Lenelle Davis

Defendant.

WR Stewart

Sheriff.

By

W. B. Blackburn

Deputy Sheriff.

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

Your Orator, Ella D. Davis, brings this Bill of Complaint against Lenelle Davis and thereupon your Orator complains and shows unto the Court as follows:

1. Your Orator is a married woman over eighteen years of age and a bona fide resident of Bay Minette, Baldwin County, Alabama. The said Lenelle Davis is over twenty-one years of age and resides in Bay Minette, Baldwin County, Alabama.

2. Your Orator and the said Lenelle Davis were lawfully married in Mobile, Alabama, on to-wit, September 3rd, 1927, and lived together as man and wife until about June 15, 1933, when the said Lenelle Davis abandoned your Orator at which time your Orator was a resident of Baldwin County, Alabama, where she had resided for several years next prior to the said date.

3. Your Orator further shows unto the Court and your Honor that she has not lived with the said Lenelle Davis since on to-wit, June 15, 1933, and while she was so living apart from him he came to Bay Minette, Alabama, at night and without notice to her entered her home where he commenced striking and beating her with his hand at which time he also threatened to kill her; and because of his said actions your Orator was severely injured, and since the said date he has made further threats to kill her. Your Orator avers that because of these things she was put in fear of being done great bodily harm if she tries to continue living with the said Lenelle Davis.

PRAYER FOR PROCESS.


Your Orator prays that the said Lenelle Davis be made a party respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF.

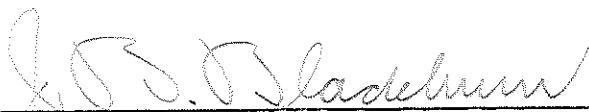
Your Orator prays that upon the hearing of this cause your Honor will enter and grant unto her a decree of divorce dissolving the bonds of matrimony now existing between her and the

said Lenelle Davis and will grant unto her the right to marry again.

Your Orator further prays for such other, further and general relief as she may be equitably entitled to the premises considered.


Solicitor for Complainant.

FOOT NOTE: The said Lenelle Davis is required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 3 both inclusive, but not under oath, his oath thereto being hereby expressly waived.


Solicitor for Complainant.

ELLA D. DAVIS,

Complainant,

VS.

LENELLE DAVIS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 9859.

MOTION FOR DECREE PRO CONFESSO.

Motion is hereby made for a Decree Pro Confesso against Lenelle Davis, the Respondent in the above entitled cause, on the ground that more than thirty days have elapsed since service of summons upon the said Respondent; that the said summons was duly served according to law and that the said Respondent has failed to plead, answer or demur to the Bill of Complaint in the said cause to this date.

Dated this the 28th day of August, 1933.

J. B. Davidson
Solicitor for Complainant.

RECORDED
INDEXED

MOTION FOR DECREE PRO CONFES-
FESSO.

ELLA D. DAVIS,
Complainant,

VS.

LENELLE DAVIS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 9859.

Filed on this the 28th day of
August, 1933.

W. A. Stone
Register

IN EQUITY. NO. 9859.

BALDWIN COUNTY, ALABAMA.

IN THE CIRCUIT COURT OF

Dated this the 28th day of August, 1933.

Attorney for Complainant.

ELLA D. DAVIS,

Complainant,

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LENELLE DAVIS,

Respondent.

IN EQUITY. NO.9859.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause it being made to appear to the Register that a summons was served upon the said Respondent by M. B. Hamilton, a deputy sheriff of Baldwin County, Alabama, on the 27th day of July, 1933, requiring him to appear and plead, answer or demur to the Bill of Complaint in this cause, within thirty days from the service of said summons, and the said Respondent having failed to plead, answer or demur to the said bill to the date hereof; it is now, therefore, on motion of Complainant, ordered and decreed that the said Bill of Complaint in this cause be, and it hereby is, in all things, taken as confessed against the said Respondent aforesaid.

Witness my hand this the 28th day of August, 1933. .

M. A. Stone

Register in Chancery.

RECORDED

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

ELLA D. DAVIS,
Complainant,

VS.

LENELLE DAVIS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 9859.

Dated this the 28th day of Aug-
ust, 1933.

Register in Chancery.

Witness my hand this the 30th day of August, 1933.

[Signature]

I was alone in my home when the said Lenelle Davis came in and started beating me and there were no witnesses to what took place at that time except the said Lenelle Davis and myself, but several people, including Thomas Jones saw me soon after this attack and had an opportunity to observe my condition at that time.

My maiden name was Ella D. Harrell.

Ella D. Davis

TESTIMONY OF THOMAS JONES.

My name is Thomas Jones. I saw Ella D. Davis early on the morning of July 10th¹⁹²³ and carried her to Mobile to the doctor. At the time I saw her her head and face, particularly her mouth and a place on her forehead were severely beaten and cut or bruised. During the nine day period after July 9th, and while the said Ella D. Davis was under the care of the doctor I carried her to Mobile on three other occasions making four visits in all.

Thomas Jones.

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

Ella D. Davis

COMPLAINANT

VS.

Lenelle Davis

RESPONDENT

I, M.A. Stone

M. A. Stone

as Register and Commissioner of Chancery Court, Baldwin County, Ala.

have called and caused to come before me Ella D. Davis and Thomas Jones

witness named in the Requirement for Oral Examination, on the I day of September
1933, at the office of Hon. J.B. Blackman

in Bay Minette, Ala., Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Ella D. Davis and Thomas Jones

doth depose and say as follows:

TESTIMONY OF ELLA D. DAVIS.

My name is Ella D. Davis and I am the Complainant in the above entitled cause. I have read over the Bill of Complaint filed for me in this cause and all of the allegations therein are true.

I am a married woman over eighteen years of age and a bona fide resident of Baldwin County, Alabama. The Defendant, Lenelle Davis, is over twenty-one years of age and resides in Baldwin County, Alabama.

I was lawfully married to the said Lenelle Davis in Mobile, Alabama, on to-wit, September 3, 1927, and lived with him as his wife until about June 15, 1933, when he left me and went to Mobile, Alabama to live. I was residing in Bay Minette, Alabama when the said Lenelle Davis left me and have resided here practically all of my life. I have not lived with the said Lenelle Davis since about June 15th, 1933, and while he was living apart from me and on to-wit, July 9th, 1933, he came to the place where I was residing in Bay Minette, Alabama, and without notice to me entered the home where I was residing and commenced striking and beating me with his hand at which time he also probably used some heavy instrument like a brick but I am not exactly sure just what it was. He struck me in the mouth and on my forehead and in numerous other places. I now have a scar about three-fourths of an inch long between my eyes which is a result of one of these blows and my lip is still somewhat swollen from another one of these blows. My condition after this beating was such that it was necessary for me to go to Mobile to a doctor and I was under his treatment for sometime. Because of this attack the said Defendant, Lenelle Davis, was arrested charged with assault with the intent to murder and is now confined in the Baldwin County Jail. During the time he was beating me he threatened to kill me and because of his said threats and actions I was put in fear of being done great bodily harm if I tried to continue living with the said Lenelle Davis.

ORAL EXAMINATION

I, M.A. Stone, as Register and Commissioner hereby certify that the foregoing deposition .. on Oral Examination was taken down in writing by me in the words of the witness....and read over to _____ and _____ signed the same in the presence of myself _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness .. or had proof made before me of the identity of said witness .. ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this I day of September 1933
M. A. Stone (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Ella D. Davis

VS. COMPLAINANT

Ienelle Davis

RESPONDENT

ORAL DEPOSITION

Filed Sept. 1, 1933

M. A. Stone, Register
RECORDED IN

Record

Vol. _____ Page _____

Register

ELLA D. DAVIS,

Complainant,

VS.

LENELLE DAVIS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 9859.

DECREE OF DIVORCE.

This cause coming on to be heard was submitted upon the Bill of Complaint, Decree Pro Confesso on Personal Service 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 her said bill.

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 the said Ella D. Davis is forever divorced from the said Lenelle Davis for and on account of the cruelty committed upon her as alleged in said Bill of Complaint, and that she be and is hereby permitted to resume the use of her maiden name of Ella D. Harrell.

It is further ordered that the said Ella D. Harrell be, and she is hereby permitted to again contract marriage but shall not marry again except to the said Lenelle Davis until sixty days after this date, and if an appeal is taken within sixty days, she shall not marry again except to the said Lenelle Davis during the pendency of said appeal.

Done at Monroeville, Alabama, on this the nd 2 day of September, 1933.

F. W. Hare

Judge of the Circuit Court.

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

SEPTEMBER 1,
1933.

Judge F. W. Hare,
Monroeville, Alabama.

Dear Judge Hare:-

I am handing you herewith
the file in the case of Ella D. Davis vs. Lenelle
Davis.

If you find everything in
proper form I shall be glad to have you sign the
enclosed decree.

Very truly yours,


J. B. BLACKBURN.

JBB:OS
Encl.

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

Your Orator, Ella D. Davis, brings this Bill of Complaint against Lenelle Davis and thereupon your Orator complains and shows unto the Court as follows:

1. Your Orator is a married woman over eighteen years of age and a bona fide resident of Bay Minette, Baldwin County, Alabama. The said Lenelle Davis is over twenty-one years of age and resides in Bay Minette, Baldwin County, Alabama.

2. Your Orator and the said Lenelle Davis were lawfully married in Mobile, Alabama, on to-wit, September 3rd, 1927, and lived together as man and wife until about June 15, 1935, when the said Lenelle Davis abandoned your Orator at which time your Orator was a resident of Baldwin County, Alabama, where she had resided for several years next prior to the said date.

3. Your Orator further shows unto the Court and your Honor that she has not lived with the said Lenelle Davis since on to-wit, June 15, 1935, and while she was so living apart from him he came to Bay Minette, Alabama, at night and without notice to her entered her home where he commenced striking and beating her with his hand at which time he also threatened to kill her; and because of his said actions your Orator was severely injured, and since the said date he has made further threats to kill her. Your Orator avers that because of these things she was put in fear of being done great bodily harm if she tries to continue living with the said Lenelle Davis.

PRAYER FOR PROCESS.

Your Orator prays that the said Lenelle Davis be made a party respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF.

Your Orator prays that upon the hearing of this cause your Honor will enter and grant unto her a decree of divorce dissolving the bonds of matrimony now existing between her and the

said Lenelle Davis and will grant unto her the right to marry again.

Your Orator further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

J. B. Blackburn
Solicitor for Complainant.

FOOT NOTE: The said Lenelle Davis is required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 3 both inclusive, but not under oath, his oath thereto being hereby expressly waived.

J. B. Blackburn
Solicitor for Complainant.

Handwritten:
I have not and will not believe
any of this and each day of
my life.

IN EQUITY. NO.
BY MARIA CORNELIA, VINDICATED.
IN THE CIRCUIT COURT OF
THE COUNTY OF
TARRANT, TEXAS.
VS.
LENNIE DAVIS, Complainant.
LENNIE DAVIS, Defendant.

BILL OF COMPLAINT.

Handwritten:
J. B. Blackburn

BILL OF COMPLAINT.

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____
Model Numbered according to Rule 107-1

July, 1933.
Mary Alice Stone
Register