

1169

VIOLA FLOWERS,  
Complainant,  
VS.  
OVIS FLOWERS,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY.

DECREE

This cause coming on to be heard is submitted on behalf of the Complainant, upon the original Bill of Complaint, Answer and Waiver and the Testimony as noted by the Register, upon consideration of all of which it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the bonds of matrimony now existing between the Complainant, Viola Flowers, and the Respondent, Ovis Flowers, be and they are hereby dissolved and the said Complainant, Viola Flowers is forever divorced from the said Ovis Flowers on the ground of cruelty.

2. That the Complainant and Respondent be and they are each hereby permitted to again contract marriage but that they shall not again marry, except to each other, until sixty days after this date and if an appeal is taken in this cause within sixty days, they shall not marry except to each other during the pendency of said appeal.

3. That the custody and control of the minor child, Mary Ann Flowers, is awarded to Fannie Poston, grandmother of the said child, subject to the rights of each of the parties to this cause to visit the said child on all reasonable occasions.

4. Jurisdiction of this cause is reserved for such other and further orders and decrees as may be necessary or proper in connection with the custody and control of the said minor child, Mary Ann Flowers.

5. The costs of this proceeding are hereby taxed against the Respondent, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 29<sup>th</sup> day of July, 1944.

J. M. Hare  
Judge.

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

Your Oratrix, Viola Flowers, presents this Bill of Complaint against Ovis Flowers, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix and the Respondent are each over twenty-one years of age and residents of Baldwin County, Alabama.

2. Your Oratrix and the said Respondent were lawfully married in Bay Minette, Baldwin County, Alabama, on to-wit, April 24, 1937 and lived together as man and wife in Baldwin County, Alabama, until during the month of October, 1943 when they separated. Just before the said separation the Respondent, Ovis Flowers, came home, while under the influence of intoxicating liquors or beverages and while so intoxicated got a gun, threatened to kill your Oratrix and actually attempted to kill her. Because of the said threats and the acts on the part of the said Respondent, your Oratrix was put in fear of being severely injured or done great bodily harm if she tried to continue to live with the said Respondent. She immediately separated from him and has not lived with him since the said date.

3. Your Oratrix is the mother and the Respondent is the father of Mary Ann Flowers, a girl child approximately two years of age, who is now living with Fannie Poston who is the mother of your Oratrix. Your Oratrix and the Respondent each work every day and are unable to actually keep the said child themselves, because of which your Oratrix alleges that it is to the best interest of the said minor that she be placed in the custody of Fannie Poston subject to the future orders and decrees of this Court.

PRAYER FOR PROCESS

Your Oratrix prays that the usual process of this Honorable Court forthwith issue to the Respondent requiring him to

appear and answer, plead to or demur to the Bill of Complaint filed against him in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That the bonds of matrimony now existing between your Oratrix and the said Respondent be dissolved and that she be divorced from him on the ground of cruelty.

2. That an order be made placing the custody of the said minor child with Fannie Poston subject to the future orders of this Court.

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

*Nicola Flowers*

Oratrix.

*J. B. Bladburn*

Solicitor for Oratrix.

VIOLA FLOWERS,

Complainant,

VS.

OVIS FLOWERS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER \_\_\_\_\_.

ANSWER

Now comes the Respondent, Ovis Flowers, and for answer to the Bill of Complaint filed against him in this cause says:

1. He accepts service of a copy of the Bill of Complaint and waives all other and further notice thereof.
2. He consents and agrees that a Commissioner be appointed, testimony taken and this cause submitted for interlocutory or final decree without notice to him, all of which is hereby expressly Waived.
3. He admits the allegations of that part of the said Bill of Complaint relative to the said minor child, Mary Ann Flowers, and consents and agrees that in the event a divorce is granted in this cause that the custody of the said minor child be given to Fannie Poston, its maternal grandmother, subject however, to the future orders of this Court.
4. He denies each and all of the other allegations of the said Bill of Complaint and requires strict proof of same.

Ovis Flowers

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT

TO ORA S. NELSON

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 Viola Flowers

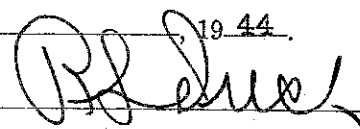
as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Viola Flowers is

Complainant  
and Ovis Flowers is

Defendant,  
on oath to be by you administered, upon her

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness \_\_\_\_\_ day of July, 1944.



REGISTER

Commissioner's Fee \$ 7.50

Witness' Fees, \$ \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

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

VIOLA FLOWERS, \_\_\_\_\_ COMPLAINANT

VS.

OVIS FLOWERS, \_\_\_\_\_ RESPONDENT

I, Ora S. Nelson

as ~~Register and~~ Commissioner \_\_\_\_\_

have called and caused to come before me Viola Flowers

witness— named in the Requirement for Oral Examination, on the 26th day of July

1944, at the office of J. B. Blackburn

in Bay Minette, Alabama, and having first sworn said witness— to speak the truth,

the whole truth, and nothing but the truth, the said Viola Flowers

doth depose and say as follows:

My name is Viola Flowers. I am over twenty-one years of age and a resident of Baldwin County, Alabama. The Respondent, Ovis Flowers, is over twenty-one years of age and a resident of Baldwin County, Alabama.

I was lawfully married to the Respondent in Bay Minette, Alabama, on April 24, 1937 and lived with him as his wife until during the month of October, 1943. Just before we separated the Respondent came in one night with his brother and at such time and place was under the influence of intoxicating liquors or beverages. He became angry with me, started fussing with me, got the gun, threatened to shoot me and actually made an effort to shoot me and if it had not been for his brother who interferred and who prevented serious action on his part I would have been severely injured or done great bodily harm. Because of said threats on the part of the Respondent and his said actions, I was put in fear of being severely injured or done great bodily harm if I tried to continue to live with him. I immediately separated from him and have not lived with him since the said date.

I am the mother and the Respondent is the father of Mary Ann Flowers, a girl now about two years of age and who is now living with my mother and who is supported by the Respondent and me. Both the Respondent and I are constantly employed and for this reason neither of us is able to actually care for the said child and it is to the best interest of the said child that she be allowed to remain with my mother subject to the future orders of this Court and with the further provision that the Respondent and I be granted the right and privilege of visiting her on all reasonable occasions.

Viola Flowers

ORAL EXAMINATION

I, Ora S. Nelson, 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 her and she 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 26th day of July, 19 44.

Ora S. Nelson (L. S.)

No. 1149 Page \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

IN CIRCUIT COURT, IN EQUITY

Harris

Complainant

Vs.

Harris

Respondent

ORAL DEPOSITION

Filed

July 29, 19 44

[Signature] Register

RECORDED IN

Record \_\_\_\_\_

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

Register \_\_\_\_\_

Viola Flowers.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

VS.

IN EQUITY

Ovis Flowers.

CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,  
and Testimony of Complainants. Witnesses.

and in behalf of Defendant upon Answer and Waiver.

*J. B. Blackburn*  
*Solicitor for Complainant*

*R. D. Reed* Register.



**RECORDED**

No. 1169

**The State of Alabama,**  
BALDWIN COUNTY

**IN EQUITY**  
CIRCUIT COURT OF BALDWIN COUNTY

Viola Flowers.

VS.

Ovis Flowers.

**NOTE OF TESTIMONY**

Filed in Open Court this 28th

day of July, 1944



Register.