

(3541)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JEAN CALVERT DAVIS

Complainant

vs.

WALTER WILSON DAVIS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conso.~~ on ANSWER & 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 JEAN CALVERT DAVIS

is forever divorced from the said WALTER WILSON DAVIS 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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that JEAN CALVERT DAVIS COMPLAINANT the pay the cost herein to be taxed, for which executed may issue.

This 15 day of August 55.

Hubert M. Hall

Judge Circuit Court, In Equity.

I, ALICE J. DUCK, Register of the Circuit Court of 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 15 day

No. _____ Page _____

3547

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

JEAN CALVERT DAVIS

Complainant

vs.

WALTER WILSON DAVIS

Respondent

DIVORCE DECREE

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JEAN CALVERT DAVIS, Complainant
vs.

WALTER WILSON DAVIS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Consert~~ on ANSWER & 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 JEAN CALVERT DAVIS is forever divorced from the said WALTER WILSON DAVIS 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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that JEAN CALVERT DAVIS the COMPLAINANT pay the cost herein to be taxed, for which executed may issue.

This 15 day of August, 1955.

Hubert M. Hall

Judge Circuit Court, In Equity.

I, _____, Register of the Circuit Court of 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 _____, 19____

Register of Circuit Court, In Equity.

No. 3547

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

JEAN CALVERT DAVIS

Complainant

vs.

WALTER WILSON DAVIS

Respondent

DIVORCE DECREE

FILED

AUG 12 1955

ALICE J. DUCK, Register

JEAN CALVERT DAVIS,
Complainant,
VS.

WALTER WILSON DAVIS,
Respondent.

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

NO. 3547

This cause coming on to be heard is submitted for a final decree upon the original motion, return of the Sheriff showing service on the Respondent and the testimony taken ore tenus of Jean Calvert Davis.

The Court, after considering the matter is of the opinion and finds that the original testimony heretofore taken and submitted in the original divorce proceedings wherein the Complainant herein was the Complainant and the Respondent herein was the Respondent, was not signed and sworn to by the Complainant as required by law, and, therefore, was forgery, and therefore, the Complainant is entitled to the relief requested in and by her said motion.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Decree of Divorce heretofore granted by this Court in the case of Jean Calvert Davis, Complainant, vs. Walter Wilson Davis, Respondent, in cause No. 3547, on August 15, 1955, be and the same is hereby set aside and annulled and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent pay the cost herein taxed, for which execution may issue.

This 24th day of October, 1955.

Hubert M. Hall
Judge of the 28th Judicial
Circuit of Alabama.

JEAN CALVERT DAVIS
COMPLAINANT

VS

WALTER WILSON DAVIS
RESPONDENT

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

IN EQUITY

NO. _____

C E R T I F I C A T E

I, ANN STREET, The Commissioner agreed upon by the parties in the above styled cause, hereby certify that, pursuant to the powers conferred upon me by said agreement, I called before me the witnesses requested, that is to say, JEAN CALVERT DAVIS the Complainant, and KATHRYN ROBERTS; that said witnesses appeared before me at 74 Main Street, in the city of Prichard, Mobile County, Alabama on the 8th day of August, 1955; that there were present the Complainant her Solicitor, Shelton Street, and said corroborating witness, Kathryn Roberts; that Respondent, Walter Wilson Davis, having signed an Answer and Waiver was not present nor represented; that I caused said witnesses to be duly sworn according to law, after which they were orally examined by Shelton Street, Solicitor for Complainant, and did answer and testify as hereinafter set out in narrative form; that their said testimony was reduced to writing as near as might be in the identical language of said witnesses in narrative form; that their said testimony was then by me read over to said witnesses who did assent to and subscribe said testimony in my presence and in the presence of said Shelton Street, Solicitor for Complainant.

I FURTHER CERTIFY that I am not of counsel nor of kin to either of the parties to this cause, and have no interest whatsoever in the result thereof.

IN WITNESS WHEREOF I have hereunto set my hand this the 8th day of August, 1955.

Ann Street
C O M M I S S I O N E R

JEAN CALVERT DAVIS
COMPLAINANT

VS

WALTER WILSON DAVIS
RESPONDENT

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

DEPOSITION OF JEAN CALVERT DAVIS

My name is JEAN CALVERT DAVIS. I am the Complainant in the above styled cause, and am the wife of the Respondent, WALTER WILSON DAVIS. I am and have been for more than one year next before the filing of the Bill of Complaint a bona fide resident citizen of the State of Alabama, Baldwin County, more than 21 years of age. The Respondent is a resident of Mobile County, Alabama and was more than 21 years of age at the time this suit was started.

The Respondent and I were lawfully married to each other on the 24th day of June, 1951, at Leaksville, Mississippi and lived together as husband and wife/for some time thereafter. No child was born to us and none is expected.

Soon after our marriage, the Respondent began to treat me with great cruelty. On many occasions he committed actual violence on my person attended with danger to my life or health; from his conduct there was reasonable apprehension of further such violence so attended with like danger. This reached the stage of his striking me and slamming me around. I left him once, but returned on his promise to do better. Instead, however, his treatment of me got worse. He was bad to drink, and when drinking he was almost like a wild man he would curse and beat me something awful. Finally on one of these occasions he started beating me, struck me several times over the head with his fists and blackened both my eyes. I ducked a blow and ran. I met Kathryn Roberts at the door, who aided me in my escape by speaking to the Respondent who was following me and threatening to kill me this time. I went home to mother where i have been since, and have no intention of ever trying to live with him again. To do so would be entirely too dangerous.

Jean Calvert Davis

JEAN CALVERT DAVIS
COMPLAINANT

VS

WALTER WILSON DAVIS
RESPONDENT

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

IN EQUITY

NO. _____

DEPOSITION OF KATHRYN ROBERTS

My name is KATHRYN ROBERTS. I am a resident citizen of Baldwin County, Alabama more than 21 years of age. I have known the parties to the above styled cause for several years. They were lawfully married to each other at Leaksville, Mississippi on the 24th day of June, 1951 and lived together as husband and wife in Baldwin County for some time thereafter. No child was born to them and they do not expect one.

The Complainant is and had been for more than one year next preceding the filing of this suit a bona fide resident citizen of the State of Alabama, Baldwin County, and is more than 21 years of age. The Respondent was more than 21 years of age at the time this suit was started, and is a resident of the State of Alabama, Mobile County. Soon after the marriage of this couple, it was noticed by the family and friends that the Respondent was quite cruel in his treatment of the Complainant. One time she left him for a time on account of his drinking and cruel treatment, but returned on his promise to do better. I talked to them myself and helped get them back together. But it did not last. On more than one occasion he committed actual violence on the person of the Complainant attended with danger to her life of health; from his conduct toward her there was reasonable apprehension of further such violence so attended with like danger. Finally, on hearing a commotion in the room where they were, I went to see what was the matter and met the Complainant rushing out of the room, followed by the Respondent who was trying to catch and beat her some more. She showed signs of having been struck several times. I stepped between them, letting her escape. It would be dangerous for her to try to live with him again.

Kathryn Roberts
KATHRYN ROBERTS

FILED

AUG 9 1935

ALICE L. BERRY, Register

JEAN CALVERT DAVIS

Complainant,

VS.

WALTER WILSON DAVIS,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY

TESTIMONY TAKEN IN OPEN COURT BEFORE HON. HUBERT M. HALL, JUDGE.

JEAN CALVERT DAVIS, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Mr. Thompson

Q. You are Jean Calvert Davis?

A. Yes sir.

Q. Where do you live, Jean?

A. On 9th Street here in Bay Minette.

Q. Your husband is Walter Wilson Davis?

A. Yes sir.

W. Now I hand you the testimony filed in the cause of Jean Calvert Davis vs. Walter Wilson Davis, being equity case No. 3547 and ask you if you gave that testimony?

A. No I didn't.

Q. Did you sign that testimony?

A. No I didn't.

Q. Did you go to the office of Shelton Street, Attorney in Prichard, Alabama?

A. No, I have never been in his office.

Q. Did you give any testimony before Ann Street in Prichard?

A. No I didn't.

Q. Do you know Ann Street?

A. No.

Q. Do you know a girl named Catherine Roberts?

A. No.

Q. Have you ever seen a girl to know her as Catherine Roberts?

A. No.

Q. I hand you answer and waiver filed in this cause, which carries an agreement to take testimony before Ann Street and I ask you, Did you sign that agreement?

A. No I did not.

Q. That is not your signature?

A. No.

Q. Did you ever give any testimony before Ann Street at all at any time?

A. No.

Q. At this time are you pregnant?

A. Yes sir.

Q. About how many months have you been pregnant?

A. About eight and one half months.

Q. Any statement in any of the records in this court that you are not pregnant would not be true would it?

A. No.

Q. I hand you here a petition for a divorce filed in this cause. Did you sign that?

A. Yes I did.

Q. Where were you when you signed that?

A. I was in the kitchen at home on 9th Street in Bay Minette.

Q. Who was present when you signed that?

A. My mother.

Q. State her name?

A. Ester Stuart Willis.

Q. She was in the house there when you signed that?

A. Yes sir;.

Q. Did you employ Mr. Street as an Attorney?

A. No.

Q. Who employed him?

A. Mr. Davis employed him for me, but I didn't employ him.

Q. You never saw him?

A. No

Q. Did you ever pay him anything?

A. I never paid him a cent.

Q. Do you know who Ann Street is?

A. Either his wife or daughter, I guess.

Q. That is just a presumption on your part?

A. Yes sir.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me in open Court before Hon. Hubert M. Hall, Judge of said Court,

Dated this ____ day of October, 1955.

Louise Dusenbury
Court Reporter

JEAN CALVERT DAVIS
COMPLAINANT

No. _____ VS. }

WALTER WILSON DAVIS
RESPONDENT

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

IN EQUITY

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated, August 8, 1955.

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:


FOR COMPLAINANT

Bill of Complaint, Answer and Waiver, Depositions of Jean Calvert Davis and Kathryn Roberts.

FILED, Aug. 9, 1955

Alice J. Duck

Register



Solicitor-for Complainant

FOR RESPONDENT

Solicitor-for Respondent

No.

JEAN CALVERT DAVIS
COMPLAINANT

Vs.

WALTER WILSON DAVIS
RESPONDENT

FILED

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ALICE J. DUCK, Register

ORDER OF SUBMISSION
NOTE OF EVIDENCE

..... Terms, 19.....

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Ent. Min. No., Page

LAW OFFICES
SHELTON STREET
ATTORNEY AT LAW
SOLICITOR IN EQUITY
BOX 3215, PRICHARD BRANCH
MOBILE, ALABAMA

August 22, 1955

Honorable Hubert M Hall
Judge, 18th Judicial Circuit
Bay Minette, Alabama

Dear Judge Hall:

RE: JEAN CALVERT DAVIS
VS: WALTER WILSON DAVIS

I have tried to call you about this case, but you are now out of town for the week.

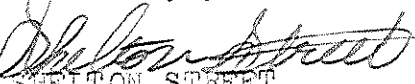
It appears my client does not now want the divorce as granted, and has got it set aside. This is of course agreeable with me if that is the way she wants it.

Under the circumstances I do not see any further service I can render in this cause, and hereby request that my appearance in it be withdrawn.

Your courtesy in calling this matter to my attention is very much appreciated, I assure you; and I am sorry I got to town too late Saturday to call you as you suggested.

With highest regards, I am,

Sincerely yours



SHELTON STREET
Solicitor for Complainant

SS-msr

P S: One certified copy was mailed to my client; the other is herewith enclosed. S S.

CC: Mrs Jean Calvert Davis

JEAN CALVERT DAVIS
COMPLAINANT

VS

WALTER WILSON DAVIS
RESPONDENT

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

TO THE HONORABLE JUDGES OF SAID COURT, Sitting in Equity:

Comes now your Complainant, JEAN CALVERT DAVIS, and, humbly complaining, presents this her Bill of Complaint against the Respondent, WALTER WILSON DAVIS, and shows:

O N E

The Complainant is and has been for more than one year next BEFORE THE filing of this suit a bona fide resident citizen of the State of Alabama, Baldwin County, more than 21 years of age. The Respondent is a resident of Mobile County, Alabama more than 21 years of age.

T W O

The Complainant and the Respondent were lawfully married to each other on to-wit the 24th day of June, 1951 at Leaksville Mississippi and lived together as husband and wife for some time thereafter. No child was born of this marriage and none is expected,

T H R E E

After her marriage to him, the Respondent committed actual violence on the person of the Complainant attended with danger to her life or health; or from his conduct toward her there was reasonable apprehension of such cruelty and violence so attended with like danger.

P R A Y E R

THE PREMISES CONSIDERED, Complainant prays that Respondent be made the party defendant hereto in a manner provided by law; that upon a final hearing herein a decree be rendered forever dissolving and annulling the bonds of matrimony heretofore existing between the parties hereto; that in said decree and as a part thereof the Complainant be permitted to resume the use of her former name of Jean Calvert.

And Complainant prays for general relief.

Shilton Steele
SOLICITOR FOR COMPLAINANT

x *Jean C. Davis*
COMPLAINANT

FILED
June 14, 1953
J. MCK, Register

RECORDED

3547

FILED

JUN 14 1955

ALICE J. DICK, Register

JEAN CALVERT DAVIS

COMPLAINANT

VS

WALTER WILSON DAVIS

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. 3547

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Comes Jean Calvert Davis and moves this Honorable Court to set aside the decree granted in said cause on August 15, 1955 and as grounds for said motion sets down separately and severally the following as a basis thereof:

1. That your petitioner signed said petition for divorce during the early part of May of this year.
2. That your petitioner was not aware at that time that she was pregnant.
3. That your petitioner at the time signed the petition also signed through error the answer and waiver, executing answer and waiver as the Defendant in said cause.
4. That your petitioner upon finding that she was pregnant notified the respondent in said cause who had obtained the service of an attorney, the said Shelton Street of Mobile County, Alabama to handle the divorce in said cause as attorney for your petitioner and requested that her husband the respondent in this cause have the attorney stop all proceedings. This occurred more than two months ago.
5. Your petitioner has not given any testimony in said cause and does not desire a divorce under the circumstances of her pregnancy.
6. That said divorce having been granted improvidentially, your petitioner prays that this Honorable Court will set aside the decree of divorce granted on August 15th.

FILED

Sept 7, 1955

ALICE J. DICK, Register

Jean Calvert Davis
W. L. Davis
 Attorney for Complainant.

Received 13 day of Sept 1955
and on 21st day of Sept 1955
served a copy of the within Motion

1346

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#3547

RECORDED

service on Walter Wilson
Ray C. Bridges
Ray C. Bridges
By H. B. Sanders S.S.
Mobile Co.

FILED

SEP 17 1955

W. J. DICK, Registrar

No. 3547

JEAN CALVERT DAVIS
COMPLAINANT

Vs.

WALTER WILSON DAVIS
RESPONDENT

ANSWER AND WAIVER

FILED

Filed JUN 14 1955, 19

ALICE L. DUCK, Register

Register

RECORDED

No. Vs.

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

WALTER WILSON DAVIS

Complainant

Defendant

ANSWER AND WAIVER

Comes the Defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by disposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

WITNESSES:

Ann Street

X

Jean Calvert Davis

Defendant

Betty Hurler

Note: The space below is intended for "Agreements Between the Parties."

It is agreed that Ann Street, of Prichard, Alabama is a suitable person to take the testimony in this cause and may do so without a commission from the Court

FILED

June 14 1955

ALICE L. BOCK, Register

X

Jean Calvert Davis
COMPLAINANT

Walter Wilson Davis
RESPONDENT

STATE OF _____

COUNTY OF _____

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledge before me this day, that being informed of the contents of the instrument, _____ executed the same voluntarily on the day same bears date.

Witness my hand and seal this _____ day of _____, 19____.

Filed, _____

W. ELSWORTH HAUGHTON, REGISTER

NOTARY PUBLIC

STATE OF _____

COUNTY OF _____