

1247

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

GLADYS EVELYN DAVIS Complainant

VS.

ROBERT OWEN DAVIS Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~

~~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 GLADYS EVELYN DAVIS

is forever divorced from the said ROBERT OWEN DAVIS

for and on account of adultery.

It appearing to the Court that an understanding has been reached by the parties as to the support of Complainant until after the birth of the child now expected, no decree is now made as to alimony or the custody of the children, but the Court retains control of this cause for such further orders and decrees as may from time to time become proper.

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 the payment of the cost of this suit.

It is further ordered that Robert Owen Davis, the Respondent pay the cost herein to be taxed, for which execution may issue.

This 25th day of January, 1945

J. M. Hare

Judge Circuit Court, in Equity.

I, ROBERT S. DICK, 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 December, 1944.

Register of Circuit Court, in Equity

(Original)

No. 1247 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

GLADYS E. DAVIS

vs. Complainant

ROBERT O. DAVIS

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194 _____

Register

Gladys Edgely Davis

THE STATE OF ALABAMA
Baldwin County

vs.

Robert Owen Davis

IN EQUITY

Circuit Court of Baldwin County

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

*and testimony of Gladys Davis
as Ind. Deeds*

and in behalf of Defendant upon *answers and Motion*

R. P. [Signature]

Register.

No. 1243

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Hain

vs.

Hain

NOTE OF TESTIMONY

Filed in Open Court this 26

day of Dec 1934

R. H. Hain

REGISTER

GLADYS EVELYN DAVIS,
Complainant,

VERSUS

ROBERT OWEN DAVIS,
Respondent.

E Q U I T Y

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

DEPOSITIONS OF GLADYS E. DAVIS AND FRED VIOLES, witnesses
for Complainant.

GLADYS E. DAVIS.

I am the Complainant in this cause and am over the age of 18 years and have lived all my life in Baldwin County. On August 10th 1940 I was married to Robert Owen Davis in Bay Minette and we have lived in Fairhope ever since. He is over the age of 21 and like me, a native of Baldwin County.

We have one child, a son, Turner Owen who is 22 months of age and are expecting another in about five months.

Since our marriage my husband has been cruel to me and also unfaithful. I do not know of my own knowledge the details of this last but am reliably informed and since I have learned this we have lived separate and apart. I have told my husband that I expect to leave him and he has agreed to support the children and promises to sign an agreement to this effect if I do not ask support for myself after the second child is born. I have agreed to this as it seems the best thing to do under the circumstances.

Gladys E. Davis

FRED VOILES.

I am over the age of twenty-one years and have been living in Fairhope about two and a half years. I am well acquainted with Owen Davis, and am thrown with him a good deal. I know that he has been going with other girls than his wife and while I have not seen him in any acts of adultery I have seen enough to show that he has done this. I have seen him a number of times with a young girl here in town whom I know pretty well is "putting out" One time not long ago he was with her between ten and eleven o'clock P.M. and the pair of them went to a house in the North part of town. I do not know how long they stayed or when he came away as I did not consider that any of my business. But I know enough to know that he has been intimate with at least one girl in the past few months so do not hesitate to say that he has been unfaithful to his wife in that time.

Fred Voiles

JAMES McDANIEL.

I am a resident of Fairhope and over the age of seventeen years I am well acquainted with Owen Davis and he and I run together. About a month ago he and I took a couple of girls we know and whom we knew to be "putting out" and went in my car down to the beach in front of Fairhope about one o'clock in the morning. There was no one else down there at that time. We parked the car under the trees in the picnic grounds on the Bay front and Owen and the girl he was with went off up the beach about a hundred yards and stayed there alone for about an hour. I stayed in the car with my girl friend. While of course I did not see what he and the girl did I knew pretty well from the way they talked and acted both while we were on the way down and after they came back that they did what we all came down there for and hence do not hesitate to swear that he and she had sexual intercourse that night. This is the only time I have ever been with Owen Davis on such an occasion but I have seen him with other "easy" girls with whom I know he has been acting the same way. It is common practice in Fairhope for couples to go off this way alone to have good times together and the girls both knew that was what we were after.

J. E. M. Daniel. . . .

I, Joseph Pose, acting as Commissioner by agreement of parties, hereby certify that in the case of GLADYS E. DAVIS vs ROBERT OWEN DAVIS, pending on the Equity Side of the Circuit Court of Baldwin County, I caused Gladys E. Davis and Fred Voiles, witnesses for the Complainant, to appear before me at the office of Complainant's Solicitor in the Town of Fairhope, on December 22, 1944, and James McDaniel on January 22, 1945, where, after being duly sworn in response to the examination of the Solicitor for the Complainant they testified as is heretofore set forth and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither 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 on this the 22nd day of January, 1945.

Joseph Pose
Commissioner.

I, Joseph Pose, acting as Commissioner by agreement of parties, hereby certify that in the case of GLADYS E. DAVIS vs ROBERT OWEN DAVIS, pending on the Equity Side of the Circuit Court of Baldwin County, I caused Gladys E. Davis and Fred Voiles, witnesses for the Complainant, to appear before me at the office of Complainant's Solicitor in the Town of Fairhope, where, after being duly sworn, in response to the examination of the Solicitor for the Complainant on December 22nd, 1944, they testified as is heretofore set forth and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither 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 on this the 22nd day of ~~December~~, 1944.

Joseph Pose
Commissioner.

on December 22, 1944
and James W. Daniel on Jan'y 22nd 1945

1247

Davis

Dr

Davis

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Jul Dec 26 1944

Rodney
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GLADYS EVELYN DAVIS,
Complainant,

versus

ROBERT OWEN DAVIS,
Respondent.

E Q U I T Y
CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA.

Comes Robert Owen Davis, Respondent in above styled cause and for answer to the bill of complaint says that he denies each material allegation.

Respondent hereby waives service of notice of demand for oral examination of Complainants witnesses, of the issue of commission to take testimony, of the time and place set for taking same and the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time upon the pleading and Complainant's evidence.

Robert Owen Davis

Before me, the undersigned Notary personally appeared Robert O. Davis who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 20th day of December, 1944.

E. G. Jenkins
Notary Public, Baldwin County, Ala.

1244

GLADYS EVELYN DAVIS,
Complainant,

versus

ROBERT OWEN DAVIS,
Respondent.

ANSWER & WAIVER.

Jul 22 1944
Robert Owen Davis

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

Comes GLADYS EVELYN DAVIS and by this her Bill of Complaint presented against ROBERT OWEN DAVIS, respectfully shows:

FIRST: That Complainant is over the age of eighteen years and Defendant over the age of twenty-one and both are lifelong residents of Baldwin County, Alabama,

SECOND: That Complainant and Defendant were married at Bay Minette on August 10th, 1940 and have since lived as husband and wife in Fairhope, in which time one child, Turner Owen Davis was born to them twenty-two months ago and another child is expected within about five months.

THIRD: That for the last few months the demeanor of Defendant has changed and his treatment of Complainant has become unreasonable and cruel so that she fears to continue to live with him for fear of serious mistreatment. This behaviour she attributes in large part to the fact that the Defendant is unfaithful to her and interested in another woman. She knows nothing of this that she can personally prove but on statements made by a friend now charges Defendant with adultery, the times and places of which she is unable to supply of her own knowledge but has a witness who can do so. Since her suspicions have been confirmed she has had no further marital relations with Defendant.

THE PREMISES CONSIDERED, Complainant prays that Robert Owen Davis be made party defendant to this cause and by proper process required to answer this bill within the time prescribed by law.

COMPLAINANT FURTHER PRAYS that upon the hearing of this cause a decree be rendered forever divorcing her from the said Robert O. Davis, granting her the right to marry again should she so desire, the custody of the children of the marriage, a sufficient allowance out of the estate of Defendant for their support and such other, further or different relief as to equity may seem meet.

Blaine B. Ristaley
Solicitor for Complainant.