

4274

Affidavit of Non Residence

State of Alabama  
County of Baldwin

To whom it may concern:

This is to certify that I, Irma Davis, am the Complainant in this cause and that Charles Davis, the Respondent was my husband until on to wit April 17, 1958, when we seperated because of his adultery, cruelty and habitual drunkenness. The Respondent is a non resident of the State of Alabama and his present address is unknown to me.

Irma Davis

Subscribed and sworn to before me on this the 25th day of April 1958.

My Commission Expires  
March 10, 1959

Malus M. Whitely  
Notary Public, Baldwin County, Ala.

4274

Irma Davis  
Complainant  
Vs  
Charles Davis  
Respondent

Affidavit of Non Residence

FILED

APR 25 1958

ALICE J. DUCK, Register

State of Alabama  
County of Baldwin

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Charles Davis to appear and plead, answer or demur within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama in Equity by Irma Davis as Complainant and against Charles Davis as Respondent.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 1958.

Register

Irma Davis

Complainant

Vs

Charles Davis

Respondent

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In the Circuit Court of  
Baldwin County, Alabama  
In Equity. No. \_\_\_\_\_

To Hon. Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, In Equity:

Your Complainant, Irma Davis, respectfully represents unto Your Honor and this Honorable Court, as follows;

1.

Your Complainant is a bona fide resident of Baldwin County, Alabama and is over the age of twenty one years; that the Respondent is over the age of twenty one years and his residence is unknown.

2.

That your Complainant and Respondent married on to wit December 8, 1952 and lived together until on to wit April 17, 1958, when they seperated because of the cruelty, adultery and habitual drunkenness of the Respondent.

3.

That on to wit April 17, 1958, the Respondent did, as he had done on several occasions prior thereto, threaten and abuse the Complainant, threatened to do violence to her person and actually did do violence to her person, which would necessarily endanger her life and health. The conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him that he would carry out his threats and do actual violence to her person which would necessarily endanger her life and health.

4.

That the Respondent since their marriage has become an habitual drunkard.


5.

That on to wit April 17, 1958, the Respondent did commit Adultery with one, Jane Dee, whose name is otherwise unknown to the Complainant.

6.

That there is one child as fruits of this marriage, Charles Wayne Davis, age about 6 years; that the Complainant is a fit and proper person to have the care, custody and control of this minor child and the Respondent is not.

Wherefore, the premises considered, your complainant prays that your Honor will, by proper procedure make the said Charles Davis party Respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practices of this Honorable Court. Your complainant further prays that upon a final hearing hereof, your Honor will grant to her an absolute divorce, forever barring the bonds of matrimony existing between your complainant and respondent; that custody of the said Charles Wayne Davis be granted to your complainant and your complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

  
Solicitor for the Complainant

4274

Irma Davis  
Complainant  
Vs  
Charles Davis  
Respondent

Summons and Complaint

FILED

APR 25 1958

ALICE J. DUCK, Register

THE STATE OF ALABAMA }  
Baldwin County }

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

Irma Davis

COMPLAINANT

vs.

Charles Davis

RESPONDENT

I, Vernell E. Green

as Register and Commissioner in the above styled cause

have called and caused to come before me Irma Davis and Beatrice Tavenner

witness es named in the requirement for Oral Examination, on the 27th day of June

1958, at the office of Reuben F. McKinley, Attorney

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

truth, the whole truth, and nothing but the truth, the said Irma Davis and Beatrice Tavenner

doth depose and say as follows:

That my name is Irma Davis and I am the Complainant in this cause. I married the Respondent on to wit December 8, 1952 and we lived together until on to wit April 17, 1958, when we seperated because of the Cruelty, Adultery and Habitual drunkenness of the Respondent. He would beat me with his hand, kick me and threaten to do even worse violence to my person. Since our marriage, he has become an habitual drunkard, drunk more than he is sober. I caught him with a woman, in circumstances which convinced me that they were committing Adultery. We have one son, Charles Wayne Davis, age about 6 years. The Respondent would take this infant child to beer joints and give him beer to drink. I feel that he is unfit to have the care, custody and control of this child and I feel that I am fit. I am a bona fide resident of Baldwin County, Alabama and have been for more than one year next preceding the filing of this Bill of Complaint.

Irma Davis

That my name is Beatrice Tavenner. I am the mother of the Complainant. I know both the Complainant and the Respondent in this cause. I know that they were married on to wit December 8, 1952 and lived together until on to wit April 17, 1958, when they seperated because of the Cruelty, Adultery and Habitual Drunkenness of the Respondent. I have seen the Respondent threaten and abuse the Complainant, so as to give her reasonable apprehension that if she continued to live with him that he would do extreme violence to her person. I know that he is an habitual drunkard, drunk more than he is sober. I have seen the Respondent beat the minor child of the parties with extreme-cruelty and Brutality. I know that the Respondent is a bona fide resident of Baldwin County, Alabama. I feel that the Respondent is an unfit person to have the care, custody and control of the infant child of the parties, Charles Wayne Davis and I feel that the Complainant is fit.

Beatrice Tavenner

I, Wernell E. Green 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 es and read over to them and they signed the same in the presence of myself and Reuben F. McKinley, Attorney

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 es; 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 27th day of June 1958.

Wernell E. Green (L. S.)

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

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

FILED

Filed JUN 28 1958, 1958

ALICE J. BECK, Register, Register.  
RECORDED IN

Record

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

Register

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Irma Davis, Complainant

vs.

Charles Davis, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 Irma Davis is forever divorced from the said Charles Davis for and on account of Cruelty,

Adultery and Habitual Drunkenness

The Care, Custody and Control of the infant son of the parties Charles Wayne Davis is hereby awarded to the Complainant, with the right of visitation given to the Respondent, to visit the child at all reasonable times and places.

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 Irma Davis the Complainant pay the cost herein to be taxed, for which execution may issue.

This 2 day of July, 1958, Robert M. Hester 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. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

JUL 2 1958

ALICE J. DUCK, Register



State of Alabama  
County of Baldwin

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Charles Davis to appear and plead, answer or demur within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama in Equity by Irma Davis as Complainant and against Charles Davis as Respondent.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 1958.

Register

Irma Davis

Complainant

Charles Davis

Respondent

In the Circuit Court of  
Baldwin County, Alabama  
In Equity. No. \_\_\_\_\_

To Hon. Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, In Equity:

Your Complainant, Irma Davis, respectfully represents unto Your Honor and this Honorable Court, as follows:

1.  
Your Complainant is a bona fide resident of Baldwin County, Alabama and is over the age of twenty one years; that the Respondent is over the age of twenty one years and his residence is unknown.

2.  
That your Complainant and Respondent married on to wit December 8, 1952 and lived together until on to wit April 17, 1958, when they seperated because of the cruelty, adultery and habitual drunkenness of the Respondent.

3.  
That on to wit April 17, 1958, the Respondent did, as he had done on several occasions prior thereto, threaten and abuse the Complainant, threatened to do violence to her person and actually did do violence to her person, which would necessarily endanger her life and health. The conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him that he would carry out his threats and do actual violence to her person which would necessarily endanger her life and health.

4.  
That the Respondent since their marriage has become an habitual drunkard.

5.  
That on to wit April 17, 1958, the Respondent did commit Adultery with one, Jane Dee, whose name is otherwise unknown to the Complainant.

6.  
That there is one child as fruits of this marriage, Charles Wayne Davis, age about 6 years; that the Complainant is a fit and proper person to have the care, custody and control of this minor child and the Respondent is not.

Wherefore, the premises considered, your complainant prays that your Honor will, by proper procedure make the said Charles Davis party Respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practices of this Honorable Court. Your complainant further prays that upon a final hearing hereof, your Honor will grant to her an absolute divorce, forever barring the bonds of matrimony existing between your complainant and respondent; that custody of the said Charles Wayne Davis be granted to your complainant and your complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

*Hubert M. Hall*  
Solicitor for the Complainant

refuse to receive... and your complaint... of matrimony... your complaint... or demand to be... dependent to give... honor will, in... therefore, the... and the respondent... reason to have... that there is... with one, your... that on the 21st... following.

and the respondent... reason to have... that there is... with one, your... that on the 21st... following.

engaged her... that she was... that if she... every reasonable... the conduct of... to her parents... several occasions... that on the 21st... of the respondent.

repeatedly... 1925 and lived... first time... the age of... and in over... your complaint... honor and the... your complaint... respondents in... to her.

respondents in... to her. Respond... Respondents in... to her. Respond... Respondents in... to her. Respond...

Irma Davis  
Vs  
Charles Davis

Complainant  
Respondent

Summons and Complaint

FILED  
APR 25 1928

Alice J. Duck, Register

Register

Witness at...  
Dated at...  
County of...  
State of...

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

Irma Davis

Complainant

Vs.

Charles Davis

Defendant

Motion is hereby made for a Decree Pro Confesso against Charles Davis

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 26th day of June, 1958.

746 Code

*Robert T. McKinley*

Solicitor.

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

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY**

Complainant \_\_\_\_\_

Vs.

Defendant \_\_\_\_\_

**Motion for Decree Pro Confesso**  
**On Publication**

Filed 6-26, 1958

*Arice J. [Signature]*  
Register.

Recorded in \_\_\_\_\_ Record

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

Register.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

Irma Davis \_\_\_\_\_ Complainant

Vs.

Charles Davis \_\_\_\_\_ Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 25<sup>th</sup> day of \_\_\_\_\_, 19\_\_\_\_, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_ and \_\_\_\_\_

And it now further appearing to the Register Alice J. Duck, that the said Charles Davis

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant\_\_\_\_, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Charles Davis

This 26 day of June 1958  
Alice J. Duck Register.



# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER  
AND  
BILL STEWART  
PUBLISHERS

E. R. MORRISSETTE, JR.  
EDITOR-MANAGER

### Legal Notice

NOTICE TO NON - RESIDENT  
The Sattte of Alabama, Baldwin  
County.

Circuit Court, in Equity  
This the 25th day of April, 1958  
No. 4274  
Irma Davis

vs.  
Charles Davis

In this cause it being made to  
appear to the Clerk of this Court  
by the affidavit of Irma Davis that  
the Defendant Charles Davis is a  
non-resident of the State of

Alabama that his particular place of  
residence and Post Office address  
cannot be ascertained and further,  
that, in the belief of said Affiant  
the Defendant is over the age of  
21 years; it is, therefore, ordered  
that publication be made in the  
Baldwin Times, a newspaper pub-  
lished in Bay Minette, Baldwin  
County, Alabama, once a week for  
four consecutive weeks, requiring  
Charles Davis the said Respondent  
to answer or demur to the Bill  
of Complaint in this cause by the  
25th day of May 1958, or after  
thirty days therefrom a decree Pro  
Confesso may be taken against

Alice  
Re:

Reuben F. McKinley  
Solicitor for Complaint

16-4tc

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says  
that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published  
at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Irma Davis vs. Charles Davis

#### COST STATEMENT

172 WORDS @ 6 1/2 cents ..... \$ 11.18  
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.  
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication	<u>May 1</u>	, 195 <u>8</u>	Vol. <u>70</u>	No. <u>16</u>
Date of 2nd publication	<u>May 8</u>	, 195 <u>8</u>	Vol. <u>70</u>	No. <u>17</u>
Date of 3rd publication	<u>May 15</u>	, 195 <u>8</u>	Vol. <u>70</u>	No. <u>18</u>
Date of 4th publication	<u>May 22</u>	, 195 <u>8</u>	Vol. <u>70</u>	No. <u>19</u>

Subscribed and sworn before the undersigned this 2 day of July, 1958.

Dansiey Martin  
Notary Public, Baldwin County.

E. R. Morrisette Jr.  
Editor.

FILED

JUL 2 1958

ALICE J. BUCK, Register



**NOTICE TO NON-RESIDENT**

The Baldwin Times, Bay Minette, Alabama

IRMA DAVIS  
No. 4274  
CHARLES DAVIS

The State of Alabama,

BALDWIN County.

vs.

CHARLES DAVIS

Circuit Court, in Equity

This the 25 day of

April, 1958

In this cause it being made to appear to the Clerk of this Court by the affidavit of

Irma Davis

that the Defendant CHARLES DAVIS

is a non-resident of the State of Alabama that his particular place of residence and  
Post Office address cannot be ascertained

and further, that, in the belief of said Affiant the Defendant IS over the age of 21  
years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper pub-  
lished in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring  
Charles Davis the said Respondent

to answer or demur to the Bill of Complaint in this cause by the 25 day of  
May 1958, or after thirty days therefrom a decree Pro Confesso may be  
taken against him

*Reuben F. McKinley*  
Register.

Reuben F. McKinley  
Solicitor for Complainant



Irma Davis

THE STATE OF ALABAMA

Baldwin County

vs.

Charles Davis

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_  
Oral Depositions and Motion for decree pro confesso on publication

and in behalf of Defendant upon \_\_\_\_\_

*Paul H. McKinley*  
Solicitor for Complainant

*Arice J. ...*  
Register.

No. ....

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

vs.

**NOTE OF TESTIMONY**

Filed in Open Court this .....

day of ..... 194

**FILED**  
JUN 23 1958

**ALICE J. BARK** Register.

Printed By Baldwin Times

4274