

644

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Comes your Complainant, Simon Davis, and humbly complaining against Ellen Davis, respectfully shows unto your Honor as follows:

FIRST:

That your Complainant is a resident of Baldwin County, Alabama, and has been for more than three years next preceding the filing of the bill in this cause and that he is over the age of twenty-one years; that the Respondent, Ellen Davis, is a resident of Daphne, Baldwin County, Alabama, and is over the age of twenty-one years.

SECOND:

That your Complainant and the Respondent are husband and wife, having intermarried at Daphne, in Baldwin County, Alabama, on or about to-wit, December, 1903; that they lived together as man and wife in Baldwin County until on or about, to-wit: October 29, 1926.

THIRD:

That on or about to-wit, October 29, 1926, and other dates, the Respondent, Ellen Davis, committed adultery with one James McGonnico and other parties; that said acts of adultery were committed in Baldwin County, Alabama, without the consent or approval of the Complainant; that the Complainant did not and has not condoned said acts of adultery of the Respondent.

FOURTH:

That there were born to your Complainant and the Respondent by said marriage five children, namely: Leeneel Davis, a son eighteen years of age; Jeff Davis, a son seventeen years of age; Elijah Davis, a son fourteen years of age; Amos Davis, a son ten years of age and Matthew Davis, a son nine years of age; that said children reside with your Complainant; that the Respondent, Ellen Davis, is not a fit person to have the custody

and control of said children.

PRAYER.

Wherefore, the premises considered, Complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said Ellen Davis Respondent to this bill of complaint and require her to plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by law and the practice of this Honorable court and that upon the final hearing of said cause, your Honor will grant to your Complainant a decree of absolute divorce from the said Ellen Davis and will give and grant unto your Complainant the custody and control of said children and that such other, further or different relief may be granted to your Complainant as your Honor may deem fit and proper.

Ammon X Davis
Richard Duke Staele
Solicitors for Complainant.

FOOT NOTE.

The Respondent, Ellen Davis, is required to answer each paragraph of the foregoing bill numbered first to fourth, inclusive, but not under oath. Oath is hereby expressly waived.

Ammon X Davis
Richard Duke Staele
Solicitors for Complainant.

The State of Alabama,
Baldwin County.

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

SIMON DAVIS Complainant.

VS.

ELLEN DAVIS Respondent.

I, T. W. RICHEYSON

as Register and Commissioner

have called and caused to come before me SIMON DAVIS

witness named in the Requirement for Oral Examination, on the 7 day of June

1927, at the office of T. W. RICHEYSON

in BAY MINETTE, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said SIMON DAVIS

doth depose and say as follows:

My name is Simon Davis. I am a resident of Daphne, Baldwin County, Alabama,....
where I have lived for twenty-four years next preceding the filing of the bill
of complaint in this cause. I am over twenty-one years of age. The respondent
Ellen Davis is a resident of Daphne, Baldwin County, Alabama, over twenty-one
years of age. She has been a resident of Daphne for all of her life. The respond-
ent Ellen Davis and I were married at Daphne in Baldwin County, Alabama, on or
about, to-wit: December 1903; and lived together as man and wife until on or about
to-wit: October 1926. On or about to-wit: October 29th 1926, and various other
dates the respondent Ellen Davis committed acts of Adultery with one James
McConico. On or about the above date, October 29th, 1926, I was coming from the
Spring where I had gone to get water, and saw Ellen Davis and James McConico talking
and heard her tell him where to meet her; later I watched them and saw Ellen go out
and meet him; and saw them commit the act of adultery. James McConico ran around
with Ellen Davis quite a bit, and often I talked with her and told her that she
would have to quit, but she continued to go with him. It was so bad that several
of my neighbors told me that Ellen was running around with James McConico, and
other men. It was generally know in the community that she, Ellen, was running
around with different me. All the said acts of Ellen Davis were without my
consent or approval, and I have in no way condoned the said acts of the said
Ellen Davis.

There wre born to the complainant and the respondent five children, namely:....
Leeneel Davis, a son eighteen years of age; Jeff Davis, a son seventeen years of
age; Elijah Davis, a son fourteen years of age; Amos Davis, a son ten years of age,
Matthew Davis, a son nine years of age. The said Ellen Davis is not a fit and
proper person to have the custody and control of said children.

witness:

Simon Davis

MWA

ORAL EXAMINATION.

I, D. W. Rice, 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 her signed the same in the presence of myself and Houghton Hall Attorney for Complainant 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 7 day of June 1927
D. W. Rice (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Simon Davis

vs. Complainant

Belean Davis

Respondent.

Oral Deposition

Filed June 7, 1927

D. W. Rice, Register.
Recorded in _____

Record _____

Vol. _____ Page _____

Register _____

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Comes your Complainant, Simon Davis, and humbly complaining
against Ellen Davis, respectfully shows unto your Honor as follows:

FIRST:

That your Complainant is a resident of Baldwin County,
Alabama, and has been for more than three years next preceding the filing
of the bill in this cause and that he is over the age of twenty-one years;
that the Respondent, Ellen Davis, is a resident of Daphne, Baldwin County,
Alabama, and is over the age of twenty-one years.

SECOND:

That your Complainant and the Respondent are husband and
wife, having intermarried at Daphne, in Baldwin County, Alabama, on or
about to-wit, December, 1903; that they lived together as man and wife in
Baldwin County until on or about, to-wit: October 29, 1926.

THIRD:

That on or about to-wit, October 29, 1926, and other dates,
the Respondent, Ellen Davis, committed adultery with one James
McConnico and other parties; that said acts of adultery were committed in
Baldwin County, Alabama, without the consent or approval of the Complainant;
that the Complainant did not and has not condoned said acts of adultery of
the Respondent.

FOURTH:

That there were born to your Complainant and the Respondent
by said marriage five children, namely: Leeneel Davis, a son eighteen years
of age; Jeff Davis, a son seventeen years of age; Elijah Davis, a son four-
teen years of age; Amos Davis, a son ten years of age and Matthew Davis,
a son nine years of age; that said children reside with your Complainant;
that the Respondent, Ellen Davis, is not a fit person to have the custody

and control of said children.

PRAYER.

Wherefore, the premises considered, Complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said Ellen Davis Respondent to this bill of complaint and require her to plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by law and the practice of this Honorable court and that upon the final hearing of said cause, your Honor will grant to your Complainant a decree of absolute divorce from the said Ellen Davis and will give and grant unto your Complainant the custody and control of said children and that such other, further or different relief may be granted to your Complainant as your Honor may deem fit and proper.

^{his}
Simon X Davis
^{my}
Richard Beebe Stae
Solicitors for Complainant.

FOOT NOTE.

The Respondent, Ellen Davis, is required to answer each paragraph of the foregoing bill numbered first to fourth, inclusive, but not under oath. Oath is hereby expressly waived.

^{his}
Simon X Davis
^{my}
Richard Beebe Stae
Solicitors for Complainant.

^{1st}
Original Bill

Simon Davis
vs
Eben Davis

Filed Dec 31/1926
D. Williams
Register

RECORDED

SUMMONS—ORIGINAL.

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 Ellen Davis, (Daphne Ala)

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

Simon Davis.

against said Ellen 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, T. W. Richerson, Register of said Circuit Court, this 31st day of

December 1926.

T. W. Richerson Register.

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

Original

SERVE ON _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Simon Davis

vs.

Ellen Davis.

Daphne, Ala.

RECORDED

Rickarby, Beebe & Hall.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 31st

day of December 1926

Sheriff.

Executed this 10th day of

Jan. 1927

by leaving a copy of the within Summons with
the within named
parties

Defendant.

W. R. Stuart

Sheriff.

By *J. P. White*
Deputy Sheriff.

SIMON DAVIS,
Complainant,

-vs-

ELLEN DAVIS,
Defendant,

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

Comes Ellen Davis and for answer to the original bill filed in this cause pleads as follows:-

She admits the allegation contained in Paragraph numbered FIRST.

She admits the allegation contained in paragraph numbered SECOND.

She denies the allegation contained in Paragraph numbered THIRD and demands strict proof of same.

She admits that there was born to the complainant and respondent by marriage, five children, namely:- Leeneel Davis, Jeff Davis, Elijah Davis, Amos Davis and Matthew Davis and that their ages are approximately correct. She denies that said children reside with the complainant. She also denies the charge that the defendant, Ellen Davis is unfit to have the custody and control of said children.

Henry D. Moorer,
Attorney for defendant.

CHIEF CLERK SEE IN
RECORDS SECTION

NOV 2 1942

RECORDS SECTION
FEDERAL BUREAU OF INVESTIGATION

-27-

RECORDED
NOV 2 1942

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

DATE 05-18-2000 BY SP-5 JAC/STP

RECORDED
NOV 2 1942

2
Fried Jan 25/1927
F. W. Richmond
Register