

1055  
Ellie Davis, Complainant

vs

James F Davis, Respondent.

In the Circuit Court of Baldwin  
County, State of Alabama.  
In Equity .

To the Honorable Francis W Hare, Judge of the Circuit Court of the  
Twenty First Judicial District of Alabama, which includes Baldwin County,  
Your Oratrix, Ellie Davis, shows unto your Honor that she is a resident  
of the county of Baldwin, state of Alabama and is over the age of twenty  
one years; that James F Davis, the respondent is a resident of Monroe  
County, State of Alabama, and is over the age of twenty one years.

That your Oratrix and respondent intermarried on or about the 10th  
day of December, 1913, in Conecuh County, Alabama and ever since have been  
and are, now, husband and wife.


2. During all the time your Oratrix, Ellie Davis, lived with her husband,  
the respondent, James F Davis, she was at all times and in every way a  
faithful and dutiful wife to said respondent and gave him no cause whatso-  
ever for complaint; but your Oratrix alleges and states after they inter-  
married, on to wit, Dec. 10th 1913; they lived at different places and  
for many years their married life was entirely satisfactory to each of -  
them until June 1931, when they took charge of the City Hotel at Bay  
Minette, Alabama, where they went to live at that time; while living  
there respondent at times became so vicious and in temperate in his  
conduct towards her as to abuse and speak unkind words to her in the  
presence not only of her self but of others, her children and her hotel  
help; that when they gave up this Hotel and moved on January 18th, 1932 to  
the Hamilton Hotel in Bay Minette, his conduct and treatment of her be-  
came cruel and unbearable; he would not only curse and abuse her in the  
presence of her children, but he at times threatened to shoot her and  
did in presence of her self and child threatened "to blow her brains  
out" and then turn the gun on himself, before he would longer support  
her and the children. This threat was made on, to wit, March 1st, 1932 and  
before and prior to this time, while they were living at the City Hotel  
in Bay Minette, respondent did actually choke your Oratrix and did commit  
actual violence on her person, attendant with actual danger to her life and health  
and his conduct became such towards her as to cause her to have a reason-  
able apprehension of actual violence on her person, attendant with danger  
to her life and health.

3. your Oratrix further shows unto your Honor that she has seen a bona fide resident of this state for three years and more before and next preceeding the filing of the bill of complaint in this cause and since June 1931 has been residing at Bay Minette, Alabama; That on or about, towit, March 15th, 1932, the respondent voluntarily abandoned your Oratrix, after saying he would kill her before he would support her and the children and at which time respondent went to live at Vredenburgh in Monroe County, Alabama, where he is now/actually residing; that at the time of the separation between your Oratrix and the respondent, they were both residing at Bay Minette, Alabama, in Baldwin County. Since said separation they have not lived together as husband and wife.

Wherefore your Oratrix prays that the bonds of matrimony heretofore existing between your Oratrix and respondent be dissolved and that the custody of the two youngest minor children whose names are Doris Davis aged eleven years and Anice Davis, aged eight years, be awarded to your Oratrix.

Your Oratrix further prays that the defendant and respondent, James F Davis, by proper process of this Honorable Court be brought before this Honorable court and directed to answer the charges that are herein made - against him under the rules of this court; that he may be made a party defendant or respondent to this Bill of Complaint and that upon the final hearing of the evidence, your Honor will order, adjudge, and decree that the bonds of matrimony heretofore existing between your Oratrix and the said James F Davis be forever dissolved and that your Oratrix be permitted to marry again and that she be granted such other and further relief as may in equity and good conscience seem proper and meet to your Honor.

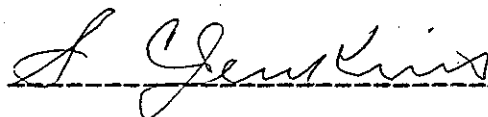
And your Oratrix will ever pray etc



Solicitor for the Complainant.

Foot Note:

The respondent is required to answer each and every paragraph of the foregoing Bill from 1 to 3 inclusive, but his answer under oath is hereby expressly waived.



Solicitor for the Complainant.

RECORDED

Original Bill

Ellie Davis

45

James F. Davis

Filed Dec 5th 1932

J. W. Peterson  
Register

Summers, W. D. & Co.

Original Bill 5000

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

NO. 1055. CIRCUIT COURT, IN EQUITY.

ELLIE DAVIS  
VS.  
J.F.DAVIS

COMPLAINANT  
DEFENDANT.

This cause, coming on to be heard at this term, was submitted upon the Bill of Complaint, decree pro confesso, and the 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 the Complainant is forever divorced from the Defendant, on the grounds of cruelty.

It is further ordered that the said Ellie Davis be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

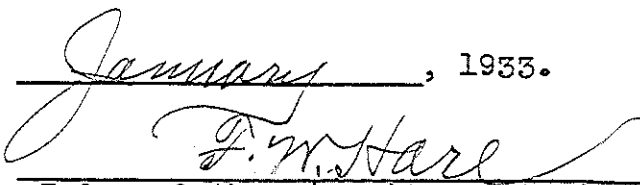
It is further ordered, that the said Ellie Davis pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said J.F.Davis.

It is further ordered, adjudged and decreed that said Ellie Davis shall not again marry except to said J.F.Davis until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said J.F.Davis, during the said pendency of appeal.

It is further ordered, adjudged and decreed that the two minor children Anice Davis and Doris Davis be awarded the custody and care of J.F.Davis, their father and their mother Mrs. Ellie Davis shall have the right and privilege to visit them from time to time or have them to visit her from time to time.

It is further ordered, adjudged and decreed that the Respondent, J.F.Davis, shall have the right to re-marry after the rendition of this decree, within sixty days.

This the 21<sup>st</sup> day of January, 1933.

  
Judge of the Circuit Court of  
Baldwin County, Alabama.

Jan 21/1933  
J. J. Macneil  
Regius

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 James F. Davis,

(Vredenbergh Monroe Co Ala.)

of Monroe, 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

Ellie Davis,

against said

James F. 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 5th day of December, 1932.

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**

Ellie Davis

vs.

James F. Davis,  
Vredenbergh, Monroe Co, Ala.)

S.C. Jenkins.

Solicitor for Complainant.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

**RECORDED**

The State of Alabama,  
BALDWIN COUNTY.

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 193\_\_\_\_\_

Sheriff.

Executed this *10<sup>th</sup>* day of

*Dec* 193*2*

by leaving a copy of the within Summons with

*James F. Davis*

Defendant.

*L. M. Sawyer*

Sheriff.

By

*E. D. Hubbard*

Deputy Sheriff.

THE STATE OF ALABAMA,  
HARDELL COUNTY.

NO. 1055. CIRCUIT COURT,  
IN JUDITH.

ELLIE DAVIS  
VS.  
J. F. DAVIS

COMPLAINANT  
DEFENDANT.

It is now, coming on to be heard at this term, and submitted upon the bill of complaint, depositions, and the 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 basis of matrimony heretofore existing between the Complainant and Defendant be, and the same is hereby dissolved, and the Complainant is forever liberated from the Defendant, on this ground of cruelty.

It is further ordered that the said Ellie Davis be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Ellie Davis pay the costs herein taxed, from which execution may issue, and if such execution is returned for non-payment, then, her execution for such costs may be issued against the said J. F. Davis.

It is further ordered, adjudged and decreed that said Ellie Davis shall not marry again except to said J. F. Davis, until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said J. F. Davis, during the said term of appeal.

It is further ordered, adjudged and decreed that the two minor children Alice Davis and David Davis be awarded the custody and care of J. F. Davis, their father and their mother, Mrs. Ellie Davis shall have the right and privilege to visit them from time to time or have them to visit her from time to time.

It is further ordered, adjudged and decreed that the Defendant, J. F. Davis, shall have the right to re-marry after the rendition of this decree, within sixty days.

This last day of January, 1935.

J. J. Hare,  
Judge of the Circuit Court of  
HardeLL County, Ala.



ELLIE DAVIS'

Complainant'

-vs-

JAMES F. DAVIS'

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

It is agreed by and between the Solicitors of Record that it would be' in their opinion' to the best interest of all parties concerned that the two children' Doris and Anice Davis' daughters of the parties to this cause' be placed in the custody of their father, *but to be allowed to visit their Mother from time to time*

*B. C. Jenkins*  
Solicitor for Complainant.

*Hyatt, Hard & Chason*  
Solicitors for Respondent.

Wife

Davis

VS

J. J. Davis -

Bill for Divorce

Agreement between  
Parties

Filed Jan 31 1933

T. M. Blum

Register

The State of Alabama }  
Baldwin County

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

Ellie Davis

COMPLAINANT

vs.

James F. Davis,

RESPONDENT

I, T.W. Richerson,

as Register and Commissioner

have called and caused to come before me Ellie Davis, Erby Davis, Frances Baggett,  
Alfred Hamilton, Aielene Surette

witness .. named in the Requirement for Oral Examination, on the 23rd day of January

1933, at the office of Register

in Bay Minette

, Alabama, and having first sworn said witness.... to speak the

truth, the whole truth, and nothing but the truth, the said Witnesses,

doth depose and say as follows:

Ellie Davis the complainant who being duly sworn testified as follows, My Name is Ellie Davis and I am the Complainant in this cause, James F. Davis the Respondent and myself were married on the 10th day of December, 1913, in Conecuh County Alabama, and we have lived together as husband and wife until March 15th 1932, when the Respondent voluntarily abandoned me at which time he went to live at Vredenbergh Monroe County Alabama, after this time to wit: on April 29th, 1932, he came back to Bay Minette and was here temporarily to attend Court, and at this time at the Hamilton Hotel in the presence of my son, he told me that he would kill me before he would support me and our children any longer, and since that time he has not been back to see me, I now reside in Bay Minette Alabama, and have been a bon afide resident of Baldwin County Alabama since April 4th 1931, and always resided in the State of Alabama residing both in Monroe and Conecuh Counties in Alabama,

I and my husband James F. Davis are both over the age of 21 years and since our marriage we have lived together at different places, as man and wife, our married life was satisfactory, until April 1931, after we came to Bay Minette to take charge of the City Hotel there, In June 1931 his conduct became vicious and intemperate toward me and he spoke unkind words to me in the presence of my children and the hotel help this continued from time to time and in Jan 1932 he took charge of the Hamilton Hotel in Bay Minette, it was then that his conduct toward me became cruel and unbearable, he not only cursed and abused me in the presence of the children but threatened to shoot me and blow my brains out, and he would then turn the gun on himself before he would support me and the children, this threat was made March 1st 1932, but before this while we were living at the City Hotel Respondent J.F. Davis choked me and committed actual violence on my person, these acts together with the threats that he made caused me to have a reasonable apprehension of further acts of violence upon my person, attended with danger to my life and health.

Mrs. Ellie Davis

Erby Davis a witness for the complainant who being duly sworn testified as follows:-

My name is Erby Davis, I am now 16 years old and reside here in Bay Minette Alabama, with my mother Mrs Ellie Davis whom I am helping take care of and support, I work around the Hamilton Hotel now in charge of my mother, and do whatever jobs I can get to do, I lived at the City Hotel In Bay Minette after they moved here from Monroe County, at different times I heard my father ~~speak~~ J.F. Davis abuse and speak unkind words to my mother, both while they were running the City Hotel and while they were running the Hamilton Hotel, his conduct toward my mother was cruel and uncalled for, he not only cursed and abused her in the presence of us children but he at times threatened to shoot her, I heard him tell her at one time that he would blow her brains out, and that he would then turn the gun on himself before he would support his wife and children I heard him make this threat to my mother on March 1st, 1932, After this on March 15th my Father J.F. Davis left Bay Minette and went to Vredenbergh to live in Monroe County, where he has since resided.

My mother is still running the Hamilton Hotel at Bay Minette, she has resided in Alabama, ever since I was born, and is over the age of 21 years, She has lived in Bay Minette Baldwin County Ala, since April 1931, moving here from Monroe County where she formerly resided, while we were living at the City Hotel in Bay Minette my mother was in bed a week from the effects of a choking and beating my father gave her, on one occasion I did not see the actual beating but saw the bruised places on her mouth and throat, these acts of violence upon the person of my mother was attended with actual danger to her life and health, and the threats he later made in regard to shooting her and blowing her brains out were also attended with danger to her life and health, he told my brother on one occasion to go to the Reeds Cafe and get his shot gun, but my brother did not go after the gun, this was the time he made the threat that he would shoot her brains out, and on another occasion I heard my father J.F. Davis tell my mother that he would stab her with a screw driver he held in his hand over her head ~~he did not stab her~~ but threatened to stab her, these acts of violence to her person was attended with actual danger to the life and health of my mother,

My father is over the age of 21 years and resides in Monroe County, Ala.

*Erby Davis*

-----  
Frances Baggett, a witness who being duly sworn testified as follows:  
My name is Frances Baggett, I live in Bay Minette Ala since 1931, my home is in Nashville Tenn, I was present at the Marcy Beauty Parlor in Bay Minette, run by my sister Mrs. R.E. Kutz, where Mr. J. Davis had a Barber chair I saw him often and I saw Mrs Davis often, On one occasion at the Beauty shop in Bay Minette I heard Mr. J. F. Davis curse and abuse his wife and ordered her to go home next day after this I saw Mrs. Davis in bed at the City Hotel, her face and throat was swollen and bruised and showed signs that she had been beat by someone, and she was crying at the time and said that her husband had choked her but I did not see the choking, I lived across the street opposite the City Hotel and had occasion to ~~see~~ parties Mr and Mrs Davis often, The acts of violence that he did to her person was attended with danger to ~~her~~ <sup>her</sup> life and health,

*Frances Baggett*

Aielene Surette, a witness who being sworn testified in behalf of complainant as follows:

My name is Aline Surret; in 1931 I was working at the City Hotel in Bay Minette, run by Mr. and Mrs. J.F. Davis at that time. I know them both and worked there at their hotel six or eight months. I have heard Mr. J.F. Davis abuse and curse his wife quite often. I remember on one occasion when I knocked off at work, Mrs. Davis was well and the next morning when I saw her, her mouth was bruised <sup>and she</sup> looked like it had been choked and she stayed in bed most of that week. I was attendant on her at the time while she was in bed and ill and I do not remember a time when Mr. J.F. Davis came into the room during her sickness at this time. I don't recall the words, but I do remember different times when he would curse and abuse her. I am no relation to either Mr or Mrs. Davis

and I am not employed by either of them. I lived in Bay Minette in 1931,  
and now I live in Mobile, Ala.

Mrs. Aline Surratt

Alfred Hamilton a witness who being duly sworn testified as follows:

My name is Alfred Hamilton, I worked at the City Hotel when it was run by Mr. and Mrs. J. F. Davis during 1931, I was working there as cook, I heard Mr. Davis abuse and speak unkind words to Mrs. Davis while I was working for them, he fussed at her all along and treated her cruelly, I saw her at time when she had been crying I worked there ~~until~~ at the City Hotel until she moved to the Hamilton Hotel I am not now working for either of them,

Alfred Hamilton

ELLIE DAVIS,  
Complainant,  
-vs-  
JAMES F. DAVIS,  
Respondent.

IN THE CIRCUIT COURT-IN EQUITY  
STATE OF ALABAMA  
BALDWIN COUNTY.

Now comes the Respondent, James F. Davis, and for answer to the Bill of Complaint in this cause, says:-

FIRST:

That he admits the allegations contained in Paragraphs "1" and "2" of said Bill of Complaint.

SECOND:

Respondent denies that while living in Bay Minette, Alabama, at the time mentioned in the said Bill of Complaint, and at any time, so far as that goes, that he became vicious and intemperate in his conduct toward Complainant, and denies that he abused her and spoke unkind words to her in the presence of anyone; that he denies most unequivocally that he became cruel to her, and he denies that he cursed and abused her at any time or that he threatened to shoot her, and did in the presence of herself and child or anyone else threaten to blow her brains out, or refuse to support her. Respondent unequivocally denies that he choked the Complainant or that he committed actual violence on her person attendant with actual danger to her life or health, or that his conduct became such toward her as to cause her to have a reasonable apprehension of actual violence on her person attendant with danger to her life and health.

THIRD:

Respondent admits that the Complainant has been a bona fide resident of this State for three years and more before the filing of the Bill of Complaint in this cause, and admits that since June, 1931, she has been residing at Bay Minette, Alabama. Respondent denies that he voluntarily abandoned Complainant, and denies that he stated he would kill her before he would support her and the children. Respondent admits that he is living in Vre-

(page two)

denburgh, Alabama, at the present. Respondent further shows unto the Court that he has with him the two little girls, Doris and Anice Davis, in Vredenburgh, Alabama, and that they are perfectly contented with their environment; that they are in school and that he has the capacity and the ability to properly care for them and see that they are raised as they should be. Respondent further shows unto your Honor that he is perfectly suitable to have the custody of these young children and that it would be to their best interest for them to remain with him.

Having answered said Bill of Complaint, Respondent asks that he be discharged, etc.

*Hyatt Wood Pherson*  
Attorneys for Respondent.