

\_\_\_\_\_  
PETE MALBIS,  
\_\_\_\_\_

\_\_\_\_\_  
vs.  
\_\_\_\_\_

GENEVIEVE MALBIS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

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

*Request for  
ad. ev. Vaccin*

Testimony of Pete Malbis and Ella Gilmore,  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*R. S. Duck*

Register.

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 380 Nov. Term, 193 7

PETE MALBIS,

, Complainant

Vs.

GENEVIEVE MALBIS,

, Defendant

R. S. DUCK

To \_\_\_\_\_, Register :

In the above stated cause a ~~Decree Pro Confesso~~ Answer and Waiver having been filed by ~~having been taken against~~ the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by \_\_\_\_\_ HYBART & CHASON,

\_\_\_\_\_ Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

*Hybart & Chason*  
Solicitor for Complainant.

PETE MALBIS,

Complainant,

-vs-

GENEVIEVE MALBIS,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes your Respondent in the above styled cause, and denies the allegations of the Complaint filed in said cause, and each and every count thereof, and demands strict proof of the same. Your Respondent hereby waives notice of the taking of testimony and any and all other notices, and consents that the cause may be submitted without further notice to her.

Genevieve Malbis

The State of Alabama, {  
Baldwin County

CIRCUIT COURT

To MARY GREEN

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Pete Malbis and Ella Gilmore

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

PETE MALBIS

Complainant

and GENEVIEVE MALBIS

Defendant,

on oath to be by you administered, upon them to take and certify the deposition<sup>s</sup> of the witness<sup>es</sup> and return the same to our Court, with all convenient speed, under your hand.

Witness 12th day of November 19 37

*R. S. Duck*

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

The State of Alabama, } Circuit Court of Baldwin County, In Equity.  
Baldwin County.

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon \_\_\_\_\_

GENEVIEVE MALBIS

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

PETE MALBIS,

against said GENEVIEVE MALBIS

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, ~~M. H. Stone~~ R. S. Duck Register of said Circuit Court, this 12th day of November 1937

R. S. Duck Register

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

PETE MALBIS,

Complainant,

-VS-

GENEVIEVE MALBIS,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes your Complainant, Pete Malbis, and exhibits this, his Bill of Complaint for Divorce against Genevieve Malbis, and shows unto your Honor and unto this Court as follows, to-wit:-

FIRST:

That your Complainant and Respondent are both over the age of twenty-one years and are bona fide residents of Baldwin County, Alabama, residing near Daphne, Alabama, and have been such residents for the past twenty-six years.

SECOND:

That your Complainant and Respondent were married on, heretofore, to-wit, the 3rd day of November, 1927, and have lived together as man and wife since that time, and until, on account of the matters hereinafter complained of, your Complainant was compelled to separate from the Respondent; that about three months ago the Respondent began keeping company with a man other than your Complainant; that the Respondent has made several trips with this man, and on, to-wit, September 11th, 1937, she had intercourse with this other man; that your Complainant was informed that the Respondent was having such illicit intercourse, and upon asking this Respondent about such intercourse she told him that she was having such illicit intercourse; that because of this fact your Complainant and the Respondent separated, and the Respondent went to Mobile and stayed a week, and then went to Flomaton and stayed two weeks, the man with whom she had been having the aforesaid intercourse paying her room rent and board; that your Complainant has not had intercourse with the Respondent since he learned that she was having intercourse with the other man, and that your Complainant, immediately after it was reported to him that the Respondent was having such illicit intercourse, and upon the Respondent advising him of such, caused Respondent to leave his home.

(page two)

THIRD:

That there was born to your Complainant and said Respondent two children, whose names and ages are as follows:-

George Malbis, age 8 years;

Thomas Glen Malbis, age 2 years.

That said minor children are now living with your Complainant.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your Complainant prays that the above named Respondent be made party Defendant to this cause by the usual process of this Honorable Court, requiring her to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that there be granted to your Complainant a divorce; that he also be awarded the custody and control of said minor children above named. Should your Complainant be mistaken in the relief prayed for that there should be granted to him such other, further and different relief to which he may be entitled, and as in duty bound he will ever pray.

Pete Malbis  
Complainant.

FOOT NOTE:

Respondent is required to answer each and every paragraph of the foregoing Bill of Complaint from "First" to "Third", inclusive, but answer under oath is hereby expressly waived.

Dyball & Casari  
Solicitors for Complainant.

TESTIMONY OF PETE MALBIS.

My name is Pete Malbis. I am over the age of twenty-one years and a resident of Baldwin County, Alabama, residing near Daphne, and have been such resident for the past twenty-six years; the Respondent, Genevieve Malbis, is over the age of twenty-one years, and a resident of Daphne, Baldwin County, Alabama, and has been such resident all her life; that Genevieve Malbis and I were married on heretofore, to-wit, November 3rd, 1927, and have lived together as man and wife since that time, until about September 12th, 1937; that about that time I learned that my wife was having illicit intercourse with another man; that after I was informed that she was having such illicit intercourse I asked her about it and she told me that she had been having such illicit intercourse for two or three months, the last time being on September 11th, 1937; that I immediately caused her to leave my home and have not had intercourse with her since I learned of her unfaithfulness to me; that after she left my home she went to Mobile and stayed a week, and then went to Flomaton and stayed two weeks and the man with whom she was having the illicit intercourse paid her room and board; that there was born to my wife and me two children, one named George Malbis, aged 8 and the other named Thomas Glen Malbis, aged 2; that I am a fit and proper person to have the care and custody and control of those children, and my wife is not; that I am fully able to care for and provide for said children and am willing to do so.

Pete Malbis



TESTIMONY OF ELLA GILMORE.

My name is Ella Gilmore. I am over the age of twenty-one years and a resident of Baldwin County, Alabama, having been such a resident all my life. I am a sister of Genevieve Malbis. She married Pete Malbis on November 3rd, 1927, and lived with him as his wife until about September 12th, 1937; that along about September 12th, 1937, my sister told me that she was having illicit intercourse with a man other than her husband; that as soon as Pete Malbis learned of such illicit intercourse he separated from my sister and they have not lived together since that time; that my sister spent a week in Mobile, and then stayed in Flomaton for two weeks and the man with whom she had said she was having illicit intercourse paid her room and board while she was staying in Flomaton; that along about the time my sister told me that she was having intercourse with another man she came to my house one night with this man, and no other person with them, and stayed about an hour and a half, and they left there together, by themselves. Along about the time my sister came to the house with the other man this man was giving her money, and their conduct while together was such as to lead me to believe that they were having illicit intercourse. There was born to my sister and Pete Malbis two children. Pete Malbis is a fit and proper person to have the care, custody and control of these children, and is able to support and educate them, and my sister is not, in my opinion, a proper person to have these children.

Ella Gilmore

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

PETE MALBIS, Complainant

vs.

GENEVIEVE MALBIS, Respondent

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

~~XX 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 Pete Malbis is forever divorced from the said Genevieve Malbis,

for and on account of Adultery.

It is further ordered and decreed that the custody and control of the minor children, George Malbis and Thomas Glen Malbis, be awarded to the Complainant.

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.

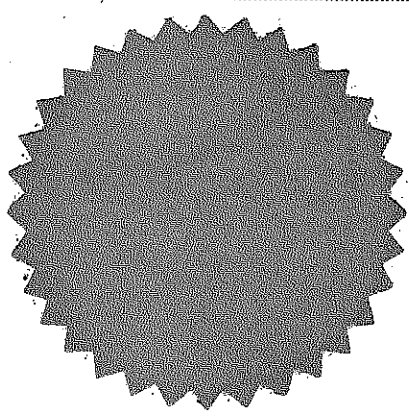
It is further ordered that Pete Malbis and Genevieve Malbis be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 17th day of November, 1937

J. W. Hare

Judge Circuit Court, in Equity.



I, \_\_\_\_\_, Register of the Circuit Court for 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.

ORIGINAL

*Quick*

RECORDED

*Quick*

7-23-28

SERVE ON \_\_\_\_\_  
Circuit Court of Baldwin County  
IN EQUITY

No. 380

SUMMONS

PETE MALBIS,

Complainant

vs.

GENEVIEVE MALBIS,

Respondent

Hybart & Chason  
Solicitor for Complainant

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

THE STATE OF ALABAMA,  
BALDWIN COUNTY

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

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

SHERIFF

Executed this 12<sup>th</sup> day of

November 193\_\_ 7

by leaving a copy of the within Summons with

*Summers Malbis*

Defendant

*W. H. Wickham*

Sheriff

*John R. Swain*

Deputy Sheriff

NO. 380 UNRECORDED  
7-229

The State of Alabama  
BALDWIN COUNTY

CIRCUIT COURT

PETE MALBIS,

Complainant

vs.

Complainant

GENEVIENE MALBIS,

Respondent

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

MARY GREEN

WITNESSES:

Pete Malbis and Ella

Gilmore

RECORDED

*Duck*  
F-329

ANSWER & WAIVER.

PETE MALIBIS,

Complainant,

-VS-

GENEVIEVE MALIBIS,

Respondent.

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

Filed November 12, 1937

*R. S. Duck*  
Register.

*Duch*

**RECORDED**

*7-330*

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

**The State of Alabama,**  
Baldwin County.  
**CIRCUIT COURT, IN EQUITY**

*Pete Malbis*

Vs. *Complainant*

*Henshaw Malbis*

*Respondent*

**REQUEST FOR DECREE IN  
VACATION**

Filed *November 12,* 193*7*

*R. S. Duch*

Register.

Recorded in \_\_\_\_\_ *Final* Record

Vol. *7* Page *330*

*R. S. Duch*

Register.

RECORDED

RECORDED

No. 750

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

*Pete Nabhis*

*Complainant*

VS.

*Helenie Nabhis*

*Respondent*

**NOTE OF TESTIMONY**

Filed in Open Court this 12

day of November 1937

REGISTER

Original RECORDED *Book 2-289*

No. 380 Page

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

PETE MAIBIS,

vs. Complainant.

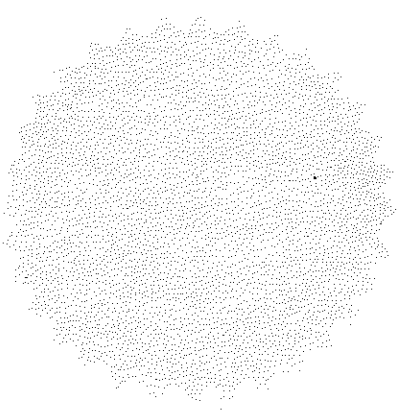
GENEVIEVE MAIBIS

Respondent.

DIVORCE DECREE

Filed this the 18th  
day of November, 1937.

*H. S. Quail*  
Register.





The State of Alabama }  
Baldwin County

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

PETE MALBIS, \_\_\_\_\_ COMPLAINANT

VS.

GENEVIEVE MALBIS, \_\_\_\_\_ RESPONDENT

I, Mary F. Green, \_\_\_\_\_

as ~~Register~~ Commissioner \_\_\_\_\_

have called and caused to come before me Pete Malbis and Ella Gilmore \_\_\_\_\_

witness es named in the requirement for Oral Examination, on the 12th day of November  
1937, at the office of Hybart & Chason \_\_\_\_\_

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 \_\_\_\_\_

Pete Malbis and Ella Gilmore \_\_\_\_\_ doth depose and say as follows:

ORAL EXAMINATION

I, Mary F. 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 John Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es 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 12th day of November 19 37.

Mary F. Green (L. S.)

No. 380 Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

W. E. Mathis

COMPLAINANT

vs.

Therese Mathis

RESPONDENT

ORAL DEPOSITION

Filed November 12, 1937

W. S. Duck, Register

RECORDED IN

Record

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

Register