

381

BESSIE CAPERS,

Complainant,

vs.

OSCAR CAPERS,

Respondent.

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, _____
and testimony of Bessie Capers

and in behalf of Defendant upon Answer

R. S. Dush

Register.

CC Equity 33-500-5-37

BESSIE CAPERS,
Complainant,

No. 381

VS.

OSCAR CAPERS,
Respondent.

This cause coming on to be heard, upon motion of Complainant,
it is ordered that the Register publish the testimony.

In Term Time.

BESSIE CAPERS,
Complainant,
VS.
OSCAR CAPERS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. ____.

ANSWER.

Now comes Oscar Capers, the Respondent in the above entitled cause and for answer to the Bill of Complaint filed therein says:

I, Oscar Capers, being the identical person named in the Bill of Complaint, do hereby accept service in the above matter, a copy of said Bill of Complaint having been delivered to me and do hereby waive any and all service which may be required or provided by the laws of the State of Alabama.

I further waive any notice as to the taking of testimony in said cause, and Complainant may take testimony whenever she desires without my being present.

I further agree that said cause may be submitted at any time which suits the convenience of the Complainant without further notice to me and that this Court may enter Decree in said cause at any time it is submitted to it for such Decree, it being my intent to waive all of the former notices and requisites of the law as to submitting said cause, as to answering said cause and as to taking of the depositions of the witnesses in said cause, but insist that the Complainant be required to prove the material allegations of her Bill of Complaint.

I deny each and every allegation of the Bill of Complaint which has not been hereinabove specifically answered and require that strict proof be made of said allegations.

Oscar Capers

Respondent.

WITNESSES:

H. D. Paul

Bradie Douglas

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To ORA SIMON

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 BESSIE CAPERS

as witnesses in behalf of herself in a cause pending in our Circuit Court of Baldwin County, of said State, wherein BESSIE CAPERS is

Complainant

and OSCAR CAPERS is

Defendant,

on oath to be by you administered, upon BESSIE CAPERS to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 11th day of March 1938

R. R. Rucker
REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

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

Your Oratrix, Bessie Capers, presents this bill of complaint against Oscar Capers, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and a resident of Baldwin County, Alabama, where she has resided continuously for more than one year next preceding the filing of this Bill of Complaint, and the Respondent, Oscar Capers, is over twenty-one years of age and a resident of Bon Secour, in Baldwin County, Alabama.

2. Your Oratrix and the Respondent were lawfully married at Bay Minette, Alabama, on to-wit, April 15, 1933, and lived together as man and wife until about August 6, 1937, when they separated.

3. Your Oratrix further avers that just prior to the said separation the said Oscar Capers became very angry with her, struck her with his hand and threatened to kill her, and because of said threats and actions of the said Respondent she was put in fear of being severely injured if she tried to continue to live with the said Oscar Capers, and after the said actions on the part of the said Oscar Capers she immediately separated from him and has not lived with him since the said date.

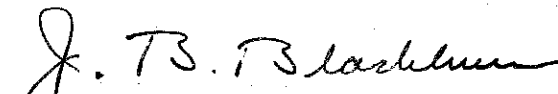
PRAYER FOR PROCESS.

Your Oratrix further prays that the said Oscar Capers be made a party respondent to this bill of complaint and that the usual process of this Honorable Court do forthwith issue to him.

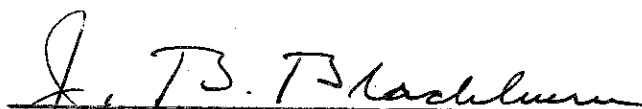
PRAYER FOR RELIEF.

Your Oratrix further prays that upon a final hearing of this cause your Honor will grant unto her a decree dissolving the bonds of matrimony now existing between her and the said Oscar Capers, granting unto her an absolute decree of divorce, and giving and granting unto her the right to marry again and resume the use

of her maiden name of Bessie Hadley. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.


Solicitor for Complainant.

FOOT NOTE: The Respondent is required to answer each and every allegation of the foregoing Bill of Complaint numbered 1 to 3 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.


Solicitor for Complainant.

BESSIE CAPERS,

Complainant,

VS.

OSCAR CAPERS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 381.

DECREE OF DIVORCE.

This cause coming on to be heard was submitted upon the original Bill of Complaint, Answer 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 her said Bill of Complaint: IT IS THEREFORE Ordered, Adjudged and Decreed by the Court as follows:

1. That the bonds of matrimony heretofore existing between the Complainant and Respondent be, and the same are hereby dissolved and the said Bessie Capers is forever divorced from the said Oscar Capers.

2. That the said Bessie Capers be, and she is hereby permitted to resume the use of her maiden name of Bessie Hadley.

3. That the said Bessie Hadley be, and she is hereby permitted to again contract marriage but shall not again marry except to the said Oscar Capers until sixty days after this date, and if an appeal is taken, within sixty days, she shall not marry again except to the said Oscar Capers during the pendency of said appeal.

Done at Monroeville, Alabama, on this the 23rd day of March, 1938.

J. W. Hale

Judge of the Circuit Court.

BESSIE CAPERS,

COMPLAINANT,

VS

OSCAR CAPERS,

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 431

DECREE OF DIVORCE.

This cause coming on to be heard was submitted upon the original Bill of Complaint, Answer 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 her said Bill of Complaint; IT IS THEREFORE Ordered Adjudged and Decreed by the Court as follows:

1. That the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved and the said Bessie Capers is forever divorced from the said Oscar Capers.

2. That the said Bessie Capers be, and she is hereby permitted to resume the use of her maiden name of Bessie Hadley.

3. That the said Bessie Hadley be, and she is hereby permitted to again to contract marriage but shall not again marry except to the said Oscar Capers until sixty days after this date, and if an appeal is taken, within sixty days, she shall not marry again except to the said Oscar Capers during the pendency of said appeal.

Done at Monroeville, Alabama, on this the 27th day of March, 1938.

F. W. Hare

Judge of the Circuit Court.

I, R. S. Duck, 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 28th
day of January, 1943.

Register of Circuit Court in Equity

RECORDED *Duck*
NO. 7-4218

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

BESSIE CAPERS

Complainant

OSCAR CAPERS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

ORA SIMON

WITNESSES:

BESSIE CAPERS.

Duch

RECORDED

Nov 2- 756

No. 381

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

BESSIE CAPERS,

Complainant,

vs.

OSCAR CAPERS,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 21

day of March 1937

R.S. Duch

REGISTER

The State of Alabama }
Baldwin County

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

BESSIE CAPERS

COMPLAINANT

VS.

OSCAR CAPERS

RESPONDENT

I, Ora Sirmon

as ~~Register and~~ Commissioner

have called and caused to come before me Bessie Capers

witness named in the requirement for Oral Examination, on the 11th day of March

1938, at the office of J. B. Blackburn,

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

truth, the whole truth, and nothing but the truth, the said Bessie Capers

doth depose and say as follows:

My name is Bessie Capers. I am over twenty-one years of age and have resided in Baldwin County, Alabama, all of my life. Oscar Capers is over twenty-one years of age and resides at Bon Secour in Baldwin County, Alabama.

I was lawfully married to Oscar Capers in Bay Minette, Alabama, on or about April 15, 1933, and we lived together as man and wife until about August 6, 1937 when we separated.

Just before I left Oscar Capers on August 6, 1937, he became angry with me at night, lost his temper and struck me on the head with his hand and otherwise beat me and threatened to kill me. Because of the threats made by Oscar Capers and because of his actions at the time he beat me, I was put in fear of being severely injured if I tried to continue to live with Oscar Capers. After these actions on the part of Oscar Capers I immediately separated from him and have not lived with him since the said time.

Bessie Capers

ORAL EXAMINATION

I, Ora Simon 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 she signed the same in the presence of myself and J. B. Blackburn, 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....; 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 11th day of March 19 38.

Ora Simon (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

BESSIE CAPERS

COMPLAINANT

vs.

OSCAR CAPERS

RESPONDENT

ORAL DEPOSITION

Filed March 11, 1938

R. S. Black, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register