8581. NOTE OF TESTIMONY

MOORE PRINTING CO., BAY MINETTE, ALA.

EDNA SMITH FLOWERS,
Complainant,
vs.
DICEN FLOWERS,
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, Testimony of Edna Smith Flowers, Complainant; Testimony of Gasque Weekley;

and in behalf of Defendant upon Answer & Waiver.

R. S. Duck
Register.

No. 6294 Roberts & Son.

The State of Alabama, Baldwin County.

IN CIRCUIT COURT, IN EQUITY.

Edna Smith Flowers, Complainant

vs.

Dicen Flowers, Defendant

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and the evidence having been taken and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant by her Solicitors of Record, now files with the Register of said Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

By Horne & Hodnette

Solicitor for Complainant.

(432)

DIVORCE DECREE

Gill Ptg. & Sta. Co., Mobile

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EDNA SMITH FLOWERS, Complainant

vs.

DICEN FLOWERS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ ~~or~~ 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 EDNA SMITH FLOWERS, is forever divorced from the said DICEN FLOWERS, for and on account of ABANDONMENT;

It is further ORDERED, ADJUDGED AND DECREED that Octavia Flowers, and Buford Flowers, the minor children named in the Bill of Complaint, be given into the care, custody and control of the Complainant, EDNA SMITH FLOWERS;

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 EDNA SMITH FLOWERS and DICEN FLOWERS be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that EDNA SMITH FLOWERS the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 2nd day of July, 19 38

G 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.

Code 1923—Sec. 7425-7426.

DIVORCE DECREE

Gill Ptg. & Sta. Co., Mobile

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EDNA SMITH FLOWERS, Complainant

vs.

DICKIE FLOWERS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ ~~on~~ 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 EDNA SMITH FLOWERS, is forever divorced from the said DICKIE FLOWERS, for and on account of ABANDONMENT;

It is further ORDERED, ADJUDGED AND DECREED that Octavia Flowers, and Buford Flowers, the minor children named in the Bill of Complaint, be given into the care, custody and control of the Complainant, EDNA SMITH FLOWERS;

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 EDNA SMITH FLOWERS and DICKIE FLOWERS be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that EDNA SMITH FLOWERS the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 3 day of July, 19 38

Judge Circuit Court, in Equity.

I, R. S. DUCK, 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 3 day of July, 19 38

R. S. Duck

Register of Circuit Court, in Equity.

Code 1923—Sec. 7425-7426.

LAW OFFICES OF
HORNE & HODNETTE
ATMORE, ALABAMA

FRANK G. HORNE
ROBERT E. HODNETTE

July 1, 1938

Hon. R. S. Duck, Clerk
Bay Minette, Alabama.

Dear Mr. Duck:

Enclosed you will find the file you had already send to Judge Hare. Judge Hare turned this file over to me and requested that I put the proper papers in it and send it on back to you, therefore I have them fixed up and he requested that they be as of the date it was originally filed. I am sending to you a substitution Bill of Complaint, that is the one that I intended to send you but I mailed my papers and sent the one first prepared. At first we intended to get this divorce on the ground of habitual drunkeness but after the parties agreed between themselves we changed the ground to abandonment and of course the testimony was taken upon the ground of abandonment. We are sending you this Bill of Complaint and ask that you substitute same and mark it filed as of the date the other was filed as ask that you change the decree to read abandonment instead of habitual drunkeness. We regret making this mistake and we hope that it has not inconvenienced you overly much. We enclose also three 3¢ stamps for you to mail these papers on to Judge Hare.

Very truly yours,

HORNE & HODNETTE

By Frank G. Horne

FGH/n
Encls.

W A I V E R

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

MRS. EDNA SMITH FLOWERS VS DISON FLOWERS

Complainant, Defendant.

Comes Dison Flowers, the person named in this cause as Defendant, and for answer to the Bill of Complaint herein says that he denies each and every allegation therein, and demands strict proof of the same. He also waives services by the Sheriff of subpoena on said bill, a copy of the interrogatories, a notice of the filing of them, waives the ten days allowed by law to cross them, and the right to cross them and consents that testimony may be taken by oral deposition before a commissioner without any notice of same to him and submits that the cause be submitted to the Judge for decree in vacation on note of testimony to be made by the Register. The Defendant also request that in the event a divorce is granted that he be given the right to again marry should he so desire.

Dison Flowers

Defendant.

The State of Alabama,
Baldwin County

CIRCUIT COURT

To OLIVE NELSON,

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 on oral examination

Edna Smith Flowers

Gasque Weekley

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

EDNA SMITH FLOWERS,

Complainant

and DICEN FLOWERS,

Defendant,

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

Witness 21st day of June 19 38

R. S. Duck
REGISTER

COMMISSIONER'S FEE, $

WITNESS' FEES, $

THE STATE OF ALABAMA :
BALDWIN COUNTY : IN THE CIRCUIT COURT, IN EQUITY
:

EDNA SMITH DISON VS DISON FLOWERS

Complainant Defendant

Oral examination before the Resgister of the Following witnesses:-

Edna Smith Flowers
Gasque Weekley

who reside in Alabama, said examination being conducted in Atmore, Alabama, on this the 23rd day of June, 1938, and there being present the commissioner and witnesses.

The said Witnesses being first sworn to speak the truth the whole truth and nothing but the truth testified as follows:

My name is Edna Smith Flowers.; I am the Complainant in the above styled cause. Dison Flowers and I are both residents of Baldwin County, Alabama, and have so resided for more than three (3) year next preceeding the filing of this bill of Complaint. We are both over the age of twenty-one (21) years. We were married to each other March 7, 1934 in Baldwin County Alabama, and lived together as man and wife until October 1, 1935. There were born to us two children, to-wit, Octavia Flowers a girl about three years of age and Buford Flowers, a boy about two year old. Ever since these childrens birth they have been in my custody and care and I am a fit and proper person to have the custody of these chidren while the Defendant due to his having no permanent home and being of a roaming disposition is not a fit and proper person to have the custody of so young children. On or about the 1st day of October 1934 the Defendant without any just cause or good excuse abandoned me from bed and board and has never since returned to live with me as my husband; this abandonment was voluntarily and without any cause on my part and has been continuous.

Edna Smith Flowers

My name is Gasque Weekley. I know the Complainant and the Defendant in the above styled cause. I know that they are both residents of Baldwin County Alabama and are over the age of twenty-one (21) years. They were married to each other on March 7, 1934 and lived together until October 1, 1935 when the defendant without any good excuse or just cause voluntarily abandoned the complainant and has never since returned to live with her as her husband. I know that this abandoned was not caused by any fault on her part and has been continuous since October 1935. They have two children a girl about three years of age and a boy about two years of age. The children have always resided with the mother and she is the fit and proper person to have these children as she loves them with the lasting love of a mother and is well able to provide for them while the defendant due to his having no home and being of a roaming disposition is not the fit and proper person to have the care and custody of these two minor children.

Gasque Weekley

I, Olive Nelson, as Commissioner, hereby certify that the goregoing desposition on oral examination was taken down by me in writing and read over to the witnesses and they signed the same in the presence of each other and the commissioner, at the time and place herein mentioned; that I have knowledge of said witnesses or had proof made before me of the identify of said witnesses; that I am not of counsel or of kin to any of the parties to said cause; or in any manner interested in the results thereof. I have this day filed in my office a copy of the statements of the above witnesses.

Given under my hand and seal this the 23rd day of June 1938.

Olive Nelson

Commissioners fee $_____

MRS. EDNA SMITH FLOWERS Complainant VS DIGEN FLOWERS Defendant	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No_____

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA:-

Now comes your Oratrix, the Complainant Mrs. Edna Smith Flowers, humbly complaining of the Defendant, Digen Flowers, in a matter of Divorce as will hereinafter appear and represents and shows unto your Honor as follows:-

FIRST:- That both she and the Defendant, Digen Flowers, are residents of the County of Baldwin, State of Alabama, and have so resided for more than two years next preceding the filing of this Bill of Complaint. That they are both over the age of Twenty-One (21) years.

SECOND:- That the Complainant and the Defendant were married to each other on the 7th day of March 1934 in Baldwin County, Alabama, and lived together immediately as man and wife.

THIRD:- That there were born to the union of your Oratrix and the Defendant two children, Octavia Flowers, a girl, about three (3) years of age and Buford Flowers, a boy, about one and one-half (1½) years of age. That the said children have been in the custody of your Oratrix ever since the separation between her and her husband and that she is a fit and suitable person to have the custody of the said minor children and is able to maintain and provide for them while the Defendant owing to the fact that he is a havitual and confirmed drunkard is not a fit or suitable person to have the custody of the said minor children.

FOURTH:- That during the first part of the year 1936, the Defendant commenced to drink heavily and kept drinking until he

has becom

has become a confirmed and habitual drunkard and that your Oratrix left him on October 16, 1936, and can no longer with any degree of comfort or safety continue to live with him, that this condition is apparently fixed and unchangeable.

PRAYER FOR PROCESS

To the end that equity may be had in the premises your Oratrix prays that the Defendant Dieen Flowers, be made a party Defendant to this Bill of Complaint and that a summons be issued and served on him requiring him to plead, answer or demur to the within Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Premises considered, your Oratrix prays that upon a final hearing of this cause your Honor will make and enter a decree dissolving the bonds of Matrimony heretofore existing between your Oratrix and the Defendant and that the said Edna Smith Flowers be absolutely divorced from the said Dieen Flowers and that she be granted the right to again marry should she so desire.

Your Oratrix further prays that in and by virtue of said decree your Honor will grant your Oratrix the custody of the said minor children, Octavia Flowers and Buford Flowers, subject to the further orders of this Court; and your Oratrix prays such other further, different and general relief to which she may be entitled the premises considered, and the Complainant will ever pray, etc.

HORNE & HODNETTE

By Frank G. Horne

Solicitors for Complainant

FOOTNOTE:-

Defendant is required to answer each and every paragraph of the foregoing Bill of Complaint, numbered "First", "Second", "Third" and "Fourth", but not under oath, answer under oath being hereby expressly waived.

Horne & Hodnette

Solicitors for Complainant

MRS. EDNA SMITH FLOWERS Complainant VS DICEN FLOWERS Defendant	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. No_____

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA:-

Now comes your Oratrix, theComplainant, Mrs. Edna Smith Flowers, humbly complaining of the Defendant, Dicen Flowers, in a matter of Divorce as will hereinafter appear and represents and shows unto your Honor as follows:-

FIRST: That both she and the Defendant, Dicen Flowers, are residents of the County of Baldwin, State of Alabama, and have so resided for more than two years next preceding the filing of this Bill of Complaint. That they are both over the age of twenty-one (21) years.

SECOND:- That the Complainant and the Defendant were married to each other on the 7th day of March 1934, in Baldwin County, Alabama, and lived together immediately as man and wife.

THIRD:- That there were born to the union of your Oratrix and the Defendant two children, Octavia Flowers, a girl, about three (3) years of age and Buford Flowers, a boy, about two (2) years of age. That the said children have been in the custody of your Oratrix ever since the separation between her and her husband and she is a fit and suitable person to have the custody of the said minor children and is able to maintain and provide for them while the Defendant owing to the fact that he has no permanent home and abandoned the children is not a fit and suitable person to have the custody of the said minor children.

FOURTH:- That during the last part October of the year 1934, the Defendant without any just cause or good excuse voluntarilly abandoned your Oratrix and has never since returned to live with her as her husband. This abandonment was voluntary and has been con-

RECORDED Deed 7-484

No..... Page.....

The State of Alabama.

.....COUNTY.

Circuit Court, In Equity.

.....

.....

vs. Complainant.

.....

.....

Defendant.

Request for Decree in Vacation.

Filed 28 day of June, 1928

..... Register.

Recorded in

.....Record

Vol..... Page.....

....., Register.

Roberts & Son, Printers, Birmingham, Ala.

RECORDED Duck
2-372

No. 432

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

EDNA SMITH FLOWERS,

Complainant,

vs.

DICEN FLOWERS,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 28th

day of June 1938

R. L. Duck
REGISTER

MOORE PRINTING CO., BAY MINETTE, ALA.

RECORDED Book 7-482

BILL OF COMPLAINT

Filed June 21 1958
R S Dillard
Rigsby

FLOWERS,

VS.

FLOWERS,

BILL OF COMPLAINT.

Filed this 21 day June, 1938

R. S. Duck

Clerk-Register

EDNA SMITH FLOWERS,

Complainant,

vs.

DICEN FLOWERS,

Respondent.

DEPOSITION.

Filed June 28, 1938
R. S. Deck, Register

RECORDED

NO. 452

The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

EDNA SMITH FLOWERS,

Complainant

VS.

DICEN FLOWERS,

Defendant

COMMISSION TO TAKE DEPOSITION

OLIVE NELSON,

COMMISSIONER:

WITNESSES:

RECORDED Deed 7-483

FLOWERS,

VS.

FLOWERS,

ANSWER & WAIVER.

Filed this 21 day June 1938

R.S. Duck

Clerk-Register

(copy)

No. 432 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

EDNA SMITH FLOWERS,
vs. Complainant.

DICEN FLOWERS,
Respondent.

DIVORCE DECREE

Certified copy of decree rendered by Judge of the Circuit Court.

(Original) RECORDED Deck 1-3-72

No. 432 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

EDNA SMITH FLOWERS,
vs. Complainant.

DICEN FLOWERS,
Respondent.

DIVORCE DECREE

Filed in office this
3 day of ~~June~~ July, 1938

R. S. Deck
Register.