

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 531 Term, 193    

BESSIE MAE DOLIHTE, \_\_\_\_\_, Complainant

Vs.

FLETCHER WEROY DOLIHTE  
\_\_\_\_\_, Defendant

To R. S. DUCK, \_\_\_\_\_, Register :

In the above stated cause a Decree Pro Confesso 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 \_\_\_\_\_

T. J. MASHBURN, JR.

\_\_\_\_\_ 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.

T. J. Mashburn, Jr.  
Solicitor for Complainant.

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# The State of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

BESSIE MAE DOLIHITE, Complainant

vs.

FLETCHER LEROY DOLIHITE Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer and 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 BESSIE MAE DOLIHITE is forever divorced from the said

FLETCHER LEROY DOLIHITE

for and on account of Cruelty;

IT IS FURTHER ORDER, ADJUDGED AND DECREED by the Court that custody of the the/three (3) Children of Complainant and Respondent, viz: Fletcher minor Leroy Dolihite, Jr., Arthur Hoover Dolihite, and Olin Kennie Dolihite, is hereby awarded to the Complainant, Bessie Mae Dolihite;

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.

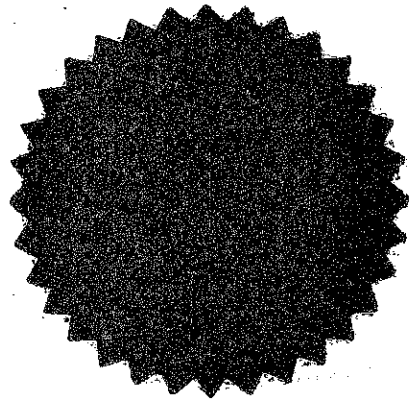
It is further ordered that BESSIE MAE DOLIHITE and FLETCHER LEROY DOLIHITE be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that BESSIE MAE DOLIHITE the Complainant pay the cost herein to be taxed, for which execution may issue.

This 5<sup>th</sup> day of January, 19 40

*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.

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT

TO JEROME PRICE

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 Mae Dolihite, and Fletcher Leroy Dolahite

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

BESSIE MAE DOLIHITE

is Complainant

and FLETCHER LEROY DOLIHITE

is 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 3rd day of January, 19 40.

*R. S. Duch*

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

BESSIE MAE DOLIHITE,  
Complainant,  
VS.  
FLETCHER LEROY DOLIHITE,  
Respondent.

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

Testimony of Fletcher Leroy Dolihite for the Complainant.

The said witness, Fletcher Leroy Dolihite, being first duly and legally sworn, upon examination by the Solicitor for the Complainant, testified as follows:

"My name is Fletcher Leroy Dolihite and I am 11 years of age. Bessie Mae Dolihite and Fletcher Leroy Dolihite are my Mother and Father.

My Daddy is not at home now but is in the Penitentiary. But before he left home he use to curse my Mother and beat her with his fists. He use to do this lots of times when he would get mad and he would beat me and my brothers too. We do not want to live with our Daddy, but we want to live with our Mother. Daddy has never stayed with us much and Mother has always worked for us."

Fletcher Leroy Dolihite

STATE OF ALABAMA, }  
BALDWIN COUNTY. }

I, Jessie Price, Commissioner in the above-styled cause, hereby certify that on the 3rd day of Jan, 1940, I caused the witness, Fletcher Leroy Dolihite, whose name is subscribed to the foregoing testimony, to appear before me at my office, in Foley, Alabama, where, after being duly and legally sworn, and upon examination by T. J. Mashburn, Jr., Solicitor for the Complainant, he testified as hereinabove set forth; that his testimony was taken down, and was read over to him and he signed it in my presence. I further certify that I am neither counsel nor of kin to either party in said Cause, or in any way interested in the result thereof.

Witness my hand and seal this 3rd day of Jan, 1940.

Jessie Price (SEAL)  
Commissioner.

BESSIE MAE DOLIHITE,  
Complainant,  
VS.  
FLETCHER LEROY DOLIHITE,  
Respondent.

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

Testimony of BESSIE MAE DOLIHITE, the Complainant.

The said Witness, BESSIE MAE DOLIHITE, being first duly and legally sworn, upon examination by the Solicitor for the Complainant, testified as follows:

"My name is BESSIE MAE DOLIHITE. I am the Complainant in this cause and I am over the age of twenty-one years. For more than three years next preceding the filing of the Bill of Complaint in this Cause, I have been a bona fide resident citizen of the State of Alabama, residing for the past two years at Foley, Alabama.

"FLETCHER LEROY DOLIHITE, the Respondent in this Cause is over the age of twenty-one years and is a citizen of Alabama. At the present time he is in the State penitentiary under a sentence, for Assault with intent to rob, of eight (8) years.

The said Fletcher Leroy Dolihite and I were married at Evergreen, Conecuh County, Alabama, in July, 1926, and lived there as man and wife until 1936 when we moved to Foley, Alabama. In May 1938, and on numerous occasions before that, the Respondent, Fletcher Leroy Dolihite, cursed and threatened me and actually struck me with his fists. I believe that it would be dangerous to my life and health if I should try to continue to live with the said Respondent as his wife.

The Respondent and I have three children: Fletcher Leroy, Jr., eleven; Arthur Hoover, nine; and Olin Kennie, five. These children have lived with me all of their lives, and I believe that I am the proper person to have the custody and control over said children. Since their Father, the Respondent, has been in the penitentiary several times, I do not believe he is the proper person to have the custody and control over our children."

Bessie Mae Dolihite

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

I, Jerome Price, Commissioner in the above-styled cause, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 1940, I caused the witness, BESSIE MAE DOLIHITE, whose name is subscribed to the foregoing testimony, to appear before at my office, in Foley, Alabama, where, after being duly and legally sworn, and upon examination by T. J. Mashburn, Jr., Solicitor for the Complainant, she testified as hereinabove set forth; that her testimony was taken down, and was read over and signed by her in my presence. I further certify that I am neither counsel nor of kin to either party in said cause, or in any way interested in the result thereof.

Witness my hand and seal this the 31<sup>st</sup> day of Jan, 1940

Jerome Price (SEAL)  
Commissioner.

BESSIE MAE DOLIHITE,

Complainant,

vs.

FLETCHER LEROY DOLIHITE, Jr.

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, \_\_\_\_\_  
Answer and Waiver of the Respondent, and Testimony of Bessie Mae  
Dolihite and Fletcher Leroy Dolihite, Jr.,

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

*R. S. Dush*

Register.

BESSIE MAE DOLIHITE,  
COMPLAINANT,

VS.

FLETCHER LEROY DOLIHITE,  
RESPONDENT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Equity No. \_\_\_\_\_

ANSWER OF RESPONDENT

Comes now, Fletcher LeRoy Dolihite, Respondent in the above styled cause, and for answer to the Bill of Complaint filed in said cause, says:

1. That he denies each and every allegation of the Bill of Complaint, separately and severally.

2. Respondent hereby expressly waives service and notice of demand for oral examination of Complainant's witnesses; of the issue of Commission to take testimony; of notice of the time and place set for taking the same; of the right to cross-examine Complainant's witnesses; of the right to introduce evidence in his own behalf.

3. He further agrees that the said cause may be submitted for final decree at any time on the pleadings and on Complainant's evidence as noted by the Register.

4. The Respondent prays that, if the Honorable Court renders a decree against him as prayed by the Complainant, it will grant him the right to re-marry.

Fletcher LeRoy Dolihite  
Respondent.

BESSIE MAE DOLIHITE,  
Complainant,  
VS.  
FLETCHER LEROY DOLIHITE,  
Respondent.

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

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

Comes your Complainant, BESSIE MAE DOLIHITE, and humbly  
complaining against the RESPONDENT, FLETCHER LEROY DOLIHITE,  
respectfully represents and shows unto your Honor and this Honorable  
Court the following facts as a basis for the relief hereinafter  
prayed:

1. That both your Complainant and the Respondent are  
over the age of twenty-one years and bona fide residents of Baldwin  
County, Alabama; that the Post Office address of the Respondent is  
at present Kilby Prison, Montgomery, Alabama.

2. That your Complainant and the Respondent are husband  
and wife, having intermarried at Evergreen, Alabama, in July, 1926;  
that they lived together as husband and wife in Conecuh County until  
1936; that they then moved to Foley, Baldwin County, Alabama, where  
they have resided since that time.

3. That in May, 1938, and various times prior thereto,  
the Respondent cursed, abused and threatened your Complainant and  
on several occasions actually committed violence to her person by  
striking her; that the conduct of the Respondent was such as to give  
the Complainant reasonable apprehension to believe and she does  
actually believe that to continue to live with the Respondent would  
be dangerous to her life and health.

4. That there was born to said marriage three children;  
Fletcher Leroy Dolihite, Jr., ten; Arthur Hoover Dolihite, eight;  
and Olin Kennie Dolihite, four, all living with your Complainant;  
that said children have been with their mother, your Complainant,  
all their lives; that the Respondent is not a suitable or fit person  
to have the care, custody, rearing and control over said children;  
that your Complainant is a fit person to have the care and custody



over said children.

WHEREFORE, the premises considered, complainant prays that you Honor will, by proper process, make the said FLETCHER LEROY DOLIHITE party respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court;

Complainant further prays that upon a final hearing of this cause, your Honor will give and grant unto her a decree of divorce forever barring the bonds of matrimony existing between her and the Respondent, FLETCHER LEROY DOLIHITE; that your Honor will award to her the care, custody and control of the said Minor children: Fletcher Leroy Dolihite, Jr., Arthur HooverDolihite, and Olin Kennie Dolihite; Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

J. A. Mashburn, Jr.  
SOLICITOR FOR COMPLAINANT.

FOOT-NOTE:

The Respondent, FLETCHER LEROY DOLIHITE, is required to answer each and every allegation in the foregoing Bill of Complaint, in paragraphs 1 to 4, inclusive, but not under oath, oath being hereby expressly waived.

J. A. Mashburn, Jr.  
SOLICITOR FOR COMPLAINANT.

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

FLETCHER LEROY DOLIHITE,

Kilby Prison, Montgomery, Alabama.  
of \_\_\_\_\_ - 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

BESSIE MAE DOLIHITE,

against said FLETCHER LEROY DOLIHITE,

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, R. S. Duck, Register of said Circuit Court, this 20th day of  
December, 1938.

B. S. DUCK  
Register  
Deputy

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

DEC 27 1938