

IRENE DAVIS,

VS.

BUFFORD DAVIS

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 Irene Davis and R. D. McConnell

and in behalf of Defendant upon Answer and Waiver, _____

R. S. Duchs
By *Harold Thompson*,
Deputy-Register
Register.

523

IRENE DAVIS,
Complainant,
VS.
BUFFORD DAVIS,
Respondent.

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

This cause coming on to be heard was submitted upon the original Bill of Complaint, Pleadings and Proof as noted by the Register, and the Court, after due consideration, is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and the Complainant is forever divorced from the Respondent on the ground of cruelty.

IT IS FURTHER ORDERED that the Complainant and Respondent be and they are hereby permitted to again contract marriage upon the payment of the costs in this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said IRENE DAVIS shall not again marry, except to the said BUFFORD DAVIS, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not again marry, except to the said BUFFORD DAVIS, during the pendency of the appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, IRENE DAVIS, have the custody, care and control of the minor child, namely: June Davis, subject to the further orders of this Court.

Dated at Monroeville, Monroe County, Alabama, this 14th day of February, 1939.

J. W. Stare
Judge of the Circuit Court of Baldwin
County, Alabama.

IRENE DAVIS,
Complainant,
VS.
BUFFORD DAVIS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 523

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Dated at Monroeville, Monroe County, Alabama, this 14th day of February, 1939.

F. W. Hare
Judge of the Circuit Court of
Baldwin County, Alabama.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing instrument is a true and correct copy of the Final Decree in the above styled cause and same is on file and recorded in my office.

Witness my hand and seal this 14th day of February, 1939.

Register of the Circuit Court,

Iren Davis, Complainant,

VS.

Bufford Davis, Respondent.

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

Now comes Bufford Davis, respondent in the above and foregoing entitled cause, and for answer to the bill of complaint exhibited against him therein, denies each and every paragraph thereof, and agrees that this cause may be submitted ^{for decree} by the complainant at any time she sees fit, and waives any notice of the taking of testimony by her in support of her said bill of complaint, and agrees that the judge of said court, at such time as he may see fit, shall enter his decree in these proceedings without any notice to respondent.


Solicitor for Complainant.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To O'BYRNE JONES,

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 IRENE DAVIS, and R. D. McCONNELL,

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

IRENE DAVIS,

Complainant

and BUFFORD DAVIS,

Defendant,

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

Witness 11th day of February, 1939

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

By: R. S. Duck REGISTER
Walter Thompson Deputy-Register

IRENE DAVIS,
Complainant,
VS.
BUFFORD DAVIS,
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:

Comes your Complainant, IRENE DAVIS, and humbly complaining against the Respondent, BUFFORD DAVIS, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and the Respondent are both over twenty-one years of age and bona fide residents of the State of Alabama.
2. That your Complainant and the Respondent were married at Bay Minette, in Baldwin County, Alabama, in February, 1932, and lived together as husband and wife until in to-wit, July, 1938.
3. That on to-wit, in July, 1938, and various times prior thereto, the Respondent abused and threatened the Complainant and on various occasions committed actual violence to her person by actually striking her; that the conduct of the Respondent was such that your Complainant has every reasonable apprehension to believe, and she does actually believe that if she continues to live with him, he will further carry out his threats and do further violence to her person, which will necessarily endanger her life and health.
4. That there was born to said marriage between your Complainant and the Respondent one child, June Davis, a girl six years old; that said child has been living with its mother, your Complainant, all of her life, and that the Complainant has been called upon to maintain and support said child; that the Respondent has contributed very little or nothing toward the maintenance and support of said child; that the Respondent is not a suitable or fit person to have the custody, care or control of said minor child.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said BUFFORD DAVIS 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 enter an order and decree forever barring the bonds of matrimony existing between her and the Respondent; that your Honor will make and enter a further decree awarding to your Complainant the care, custody and control of said minor child, June Davis; that your Honor will give and grant unto her 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.

Richard Lee Beebe
Solicitors for Complainant.

FOOT NOTE:

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

Richard Lee Beebe
Solicitors for Complainant.

IRENE DAVIS,
Complainant,
VS.
BUFFORD DAVIS,
Respondent.

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

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1. That your Complainant and the Respondent are both over twenty-one years of age and bona fide residents of the State of Alabama.
2. That your Complainant and the Respondent were married at Day Minette, in Baldwin County, Alabama, in February, 1932, and lived together as husband and wife until in to-wit, July, 1938.
3. That on to-wit, in July, 1938, and various times prior thereto, the Respondent abused and threatened the Complainant and on various occasions committed actual violence to her person by actually striking her; that the conduct of the Respondent was such that your Complainant has every reasonable apprehension to believe, and she does actually believe that if she continues to live with him, he will further carry out his threats and do further violence to her person, which will necessarily endanger her life and health.
4. That there was born to said marriage between your Complainant and the Respondent one child, June Davis, a girl six years old; that said child has been living with its mother, your Complainant, all of her life, and that the Complainant has been called upon to maintain and support said child; that the Respondent has contributed very little or nothing toward the maintenance and support of said child; that the Respondent is not a suitable or fit person to have the custody, care or control of said minor child.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said BUFFORD DAVIS 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 enter an order and decree forever barring the bonds of matrimony exist-
ing between her and the Respondent; that your Honor will make and enter a further
decree awarding to your Complainant the care, custody and control of said minor
child, Jane Davis; that your Honor will give and grant unto her 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.

James H. Thompson
Solicitor for Complainant.

FOOT NOTE:

The Respondent, IRRENE DAVIS, is required to answer each and every allega-
tion contained in the foregoing Bill of Complaint, in paragraphs 1 to 4, inclusive,
but not under oath, such being hereby expressly waived.

James H. Thompson
Solicitor for Complainant.

BILL OF COMPLAINT

IRRENE DAVIS,

Complainant,

VS.

BUFFORD DAVIS,

Respondent.

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

Filed February 4, 1939
R. S. Buck, Register
By James H. Thompson, Deputy

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
BUFFORD DAVIS

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

IRENE DAVIS,

against said BUFFORD 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, R. S. Duck, Register of said Circuit Court, this 7th day of February, 1939.

By: R. S. Duck, Register
L. S. Thompson, Deputy.

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

CHANCERY EXECUTION

BILL OF COSTS

No. *Irene Davis,*

VS.

Byrford Davis,

PLAINTIFF

Complainant

Respondent

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	Cents
Filing each bill and other papers <i>(3)</i>	\$	10		5	30
Issuing each subpoena		50	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each copy thereof		40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Entering each return thereof		15	Each notice sent by mail to creditor	15	
For each order of publication	1	00	Filing receipting for and docketing each claim, etc.	25	
Issuing Writ of injunction	1	50	For all entries on subpoena docket, etc.	50	
For each copy thereof		50	For all entries on commission docket, etc.	50	
Entering each return thereof		15	Making final record. per 100 words	15	250
Issuing Writ of Attachment	1	00	Certified copy of decree	1 00	100
Entering each return thereof		15	Report of divorce to State Health Office (Acts 1915)	50	50
Docketing each case	1	00			
Entering each appearance		25	TOTAL FEES OF REGISTER	9	30
Issuing each decree pro confesso on per ser.	1	00			
Issuing each decree pro confesso on publica	1	00	FEES OF SHERIFF		
Each order appointing guardian	1	00	Serving and returning subpoena on deft.	5	50
Any other order by Register		50	Serving and returning subpoena for witness	65	150
Issuing Commission to take testimony		50	Levying attachment	3 00	
Receiving and filing		10	Entering and returning same	25	
Endorsing each package		10	Selling property attached		
Entering order submitting cause		50	Impaneling Jury	75	
Entering any other order of court		25	Executing Writ of possession	2 50	
Noting all testimony		50	Collecting execution for costs	1 50	150
Abstract of cause, etc.	1	00	Serving and returning sci. fa., each	65	
Entering each decree		75	Serving and returning notice	65	
For every 100 words over 500		15	Serving and returning writ of injunction	1 50	
Taking account, etc.	3	00	Serving and returning writ of exeat	1 50	
Taking testimony, etc.		15	Taking and approving bonds, each	75	
Each report, 500 words or less	2	50	Collecting money on execution		
For every 100 words over 500		15	Making Deed	2 50	
Amount claimed less than \$500, etc.	2	00	Serving and returning application, etc.	1 00	
Issuing each subpoena		25	Serving attachment, contempt of court	1 50	
Witness certificate, each		25			3 00
Issuing execution, each		75	TOTAL FEES OF SHERIFF	3	00
Entering each return		15	RECAPITULATION		
Taking and approving bond, each	1	00	Register's Fees	9	30
Making copy of bill, etc.		15	Sheriff's Fees	3	00
Each notice not otherwise provided for		50	Commissioner's Fees		
Each certificate or affidavit, with seal		50	Solicitor's Fees		
Each certificate or affidavit, no seal		25	Witness Fees		
Hearing and passing on application, etc.	3	00	Guardian Ad Litem		
Each settlement with Receiver, etc.	3	00	Printer's Fees		
Examining each voucher of Receiver, etc.		10	Trial Tax	3 00	3 00
Examining each answer, etc.	3	00	Recording Decree in Probate Court		
Recording resignation, etc.		75			
Entering each certificate to Supreme Court		50	TOTAL	15	30
Taking questions and answers, etc.		25			
For all other ser relating to such proceedings	1	00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent					
Sub Total Carried Forward					

The State of Alabama,
Baldwin County

No. 523

Circuit Court, In Equity

Term, 1939

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of

Irene Davis

Defendant

you cause to be made the sum of \$15.30

Dollars,

which

Plaintiff

recovered of

on the 14

day of Feb

1939

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of

Dollars,

costs o' suit, and have the same to render to the said _____ and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1939 to date of collection.

Witness my hand, this 13 day of May 1939

R.S. Dush

Register

ORAL EXAMINATION

I, O'BYRNE JONES, as ~~Register and~~ ^{Special} Commissioner hereby certify

that the foregoing deposition^s on Oral Examination was taken down in writing by me in the words of the witness and read over to them and they signed the same in the presence of myself and Hubert M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^s or had proof made before me of the identity of said witness^s; 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 13th day of February 1939.

O'Byrne Jones (L. S.)
Special Commissioner.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

IRENE DAVIS,

COMPLAINANT

vs.

BUFFORD DAVIS

RESPONDENT

ORAL DEPOSITION

Filed February 13th, 1939

R.S. Davis, Register

By Hubert M. Hall RECORDED IN Book - 100
Record

Vol. _____ Page _____

Register



The State of Alabama }
Baldwin County

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

IRENE DAVIS.

COMPLAINANT

VS.

BUFFORD DAVIS

RESPONDENT

I, O'BYRNE JONES,

Special
as ~~Register~~ and Commissioner

have called and caused to come before me Irene Davis and R. D. McConnell

witness es named in the Requirement for Oral Examination, on the 13th day of February,

19 39, at the office of Beebe. Hall & Beebe, Attorneys,

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

truth, the whole truth, and nothing but the truth, the said Irene Davis

doth depose and say as follows:

My name is Irene Davis. I am over twenty-one years of age and live at Bay Minette, in Baldwin County, Alabama. The Respondent, Bufford Davis, is over twenty-one years of age and is a resident of the State of Alabama.

Bufford Davis and I were married at Bay Minette, in Baldwin County, Alabama, in February, 1932. We lived together as husband and wife until in July, 1938. The Respondent, while I was living with him as his wife, on various occasions abused and threatened me and committed actual violence to my person by striking me. His conduct was such, and it growing worse from time to time, until it became absolutely impossible for me to live with him. The conduct of the Respondent was such as to cause me to have every reasonable apprehension to believe, and I did actually believe that if I continued to live with him, he would continue to abuse me and do further violence to my person, which would necessarily endanger my life and health. On various occasions he has actually beaten me with his fist, and just because our child would cry, he would mistreat and whip and beat her.

Our child, June Davis, has been right with me all of her life and I have had to care and support her. Her father has contributed very little toward her support. In fact, about the only thing he ever did for her was to buy her small articles of clothing.

The Respondent has no property and no place that he can call home. He is a barber by trade and moves about from place to place where he can find work.

Irene Davis

R. D. McCONNELL, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is R. D. McConnell. I am the father of Irene Davis. She lives with me at our home in Bay Minette, Alabama. During the time that she has lived with Bufford Davis her mother and I have been called upon, or, in fact, it has been necessary for us to assist her and also the child.

While I have never personally seen Bufford Davis strike my daughter, she has often told me and her mother that he was abusing and threatening her and that on various occasions had actually struck her.

I know that Bufford Davis has contributed very little toward the support and maintenance of Irene and their child. I remember on one occasion Irene complained that Bufford had struck her and showed a scar on her lip.

I know that Bufford Davis is not a suitable person for my daughter to live with, nor is he a proper person to have the care and custody of their minor child.

R D Macdonald

Book
2-429
RECORDED

FINAL DECREE OF DIVORCE

IRENE DAVIS,

Complainant,

VS.

BUFFORD DAVIS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed February 15, 1939

R. S. DUCK

clerk, - register

By [Signature]

original

RECORDED

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 523

Summons

IRENE DAVIS,

Complainant.

VS.

BUFFORD DAVIS,

Respondent.

BERBE, HALL & BERBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this 7th

day of July, 1935

W. R. Stewart
Sheriff.

Executed this 8 day of

July, 1935

by leaving a copy of the Summons with

Bufford Davis

Defendant

H. B. Brock

Sheriff

Shirley P. Monner

By Shirley P. Monner
Deputy Sheriff

Duch
RECORDED

2-428

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

IRENE DAVIS

Complainant.

VS.

BUFFORD DAVIS

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 13th

day of February 1939

R. S. Duch

REGISTER

By Pauline Thompson

Dputy Register

RECORDED
8-5-35

BILL OF COMPLAINT

IRENE DAVIS,

Complainant,

VS.

BUFFORD DAVIS,

Respondent.

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

*Filed February 6, 1935
R.S. Davis, Reporter
By - Wallace Thompson Deputy*