

(3776)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

VIRLA COX, Complainant

vs.

McDAVID COX, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ 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 VIRLA COX is forever divorced from the said McDAVID COX for and on account of

Abandonment

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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that Virla Cox the Complainant pay the cost herein to be taxed, for which executed may issue.

This 21st day of May 1956

Hubert M. Hall Judge Circuit Court, In Equity.

I, 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 day of 19

Register of Circuit Court, In Equity.

RECORDED

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

**DIVORCE DECREE**

*Filed 5-21-56  
Circuit Clerk  
Bey*

VIRLA COX,  
COMPLAINANT  
VS  
McDAVID COX,  
RESPONDENT


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

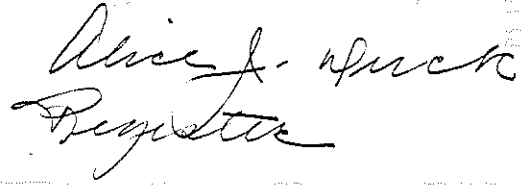
NOTE OF EVIDENCE

This cause is submitted for final decree on Complainant's bill, answer and waiver filed by Respondent, and depositions of Complainant and Mary Hester.

RICKARBY AND RICKARBY

BY

  
E. G. RICKARBY, JR.  
Solicitor for Complainant

  
Alice J. Hester  
Registra

VIRLA COX,

COMPLAINANT

VS

MCDAVID COX,

RESPONDENT

RECORDED

NOTE OF EVIDENCE

FILED

MAY 19 1956

ALICE J. DICK *Ray*

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

I, TILLIE K. STEPHENS, Commission acting under stipulation of the parties in the divorce suit of VIRLA COX vs McDAVID COX, pending in the Equity side of the Circuit Court of Baldwin County, Alabama, hereby certify that I have caused the witnesses in this cause, namely VIRLA COX and MARY HESTER, who were made known to me and known to be the identical witnesses called by the parties, to come to my office in the Bank Building in the City of Fairhope, Baldwin County, Alabama, where said witnesses, after being first duly sworn by me, upon examination of E. G. RICKARBY, JR., Esquire, Solicitor for the Complainant, did testify as shown by the attached testimony, and that their testimony was, by, reduced to writing as given by them as near as might be in their identical language and, after being so reduced to writing, was read over by the said witnesses who assented to and signed the same in my presence.

I further certify that I am not of counsel or kin to either of the parties to the cause, nor anywise interested in the results thereof.

IN WITNESS, I hereunto set my hand as Commissioner on this the

16th day of May, 1956.

Tillie K. Stephens  
Commissioner

VIRLA COX, CC  
COMPLAINANT  
VS  
McDAVID COX,  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TESTIMONY OF MARY HESTER, A WITNESS ON BEHALF OF COMPLAINANT.

MARY HESTER, being duly sworn, deposes and says, as follows,  
to-wit:

My name is MARY HESTER and I am a sister of VIRLA COX, the complainant in this case.

I know that both she and Mr. Cox were married back in 1923, lived together in Fairhope until 1953, when he left her. And, since he left her, she and he lived separate and apart and have not lived together as husband and wife since that time.

He stayed around here in Fairhope until 1954, and moved away. He is up in River Falls, Alabama, where he now resides. Mrs. Cox is a bona fide resident of Baldwin County, and has been such for the last three years, and still is a bona fide resident of Baldwin County.

Her son, GENE ARLISS COX, is living with her and he is nineteen years of age, and it is to the best interest of her son to remain with her, and for her to have custody of him.

Mary Hester  
MARY HESTER

Subscribed and sworn to before me on this the 16th day of May,  
1956.

Jellie K. Stephens  
COMMISSIONER

LAW OFFICES  
**E. G. RICKARBY**  
BANK BUILDING  
FAIRHOPE, ALABAMA

April 23, 1956

Mrs. Alice Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Cox vs Cox  
Our File: 3715

With this we are handing you a Bill of Complaint of Cox vs Cox, together with our check for costs in the sum of \$20.00, and ask that you process same.

The defendant's address is, c/o Police Dept., River Falls, Alabama in Covington County, Mr. Cox being a policeman up there. Please have the papers sent up for service by the sheriff there, and oblige.

Yours very truly,



EGR/ts  
5-11-56  
Encl.

VIRLA COX,  
COMPLAINANT  
VS  
McDAVID COX,  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TESTIMONY OF VIRLA COX, COMPLAINANT

VIRLA COX, being first duly sworn, deposes and says, as follows, to-wit:

My name is VIRLA COX, and I am filing this suit for divorce against my husband, McDAVID COX. We are both well over the age of twenty-one years old, and I have lived in Fairhope, Baldwin County, Alabama, since 1942, and my husband lived here until 1954, when he moved and went to River Falls, Alabama, in Covington County, where he now resides.

We were married at Red Level, Alabama, on about the 9th day of December, 1923, came back here to live in Fairhope, and lived together here until my husband abandoned me in 1953. It was in the first part of February, 1953.

Since he left me then, he has been gone and we have not lived together as man and wife. He did come back to Fairhope, but that was only to visit the children, and he did not come back to me, and we did not live together as man and wife since he first left me.

There are three children born of this marriage. The youngest is our son, GENE ARLISS COX, who is now nineteen years old and is living with me and wants to continue to live with me, and it is to his best interest to live with me.

I am making no claim for alimony against my husband, and I am asking for a divorce.

Virle Cox  
VIRLA COX

Subscribed and sworn to before me this the 14th day of May 1956.

Lillie K. Stephens  
COMMISSIONER



SUMMONS

Form 1531-3

McQuiddy Printing Co., Nashville, Tenn.

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon MCDavid COX

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State.

VIRLA COX, Complainant

against

MCDavid COX, Defendant

Herein fail not. Due return make of this writ as the law directs.

Witness this 25 day of April, 1956  
W. J. French, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

The State of Alabama

BALDWIN COUNTY.

IN CIRCUIT COURT, IN EQUITY

VIRLA COX, Complainant

vs.

MCDAVID COX, Defendant

SUMMONS

Returned by the Sheriff and filed in office, this the ... day of ..., 19... Register.

Mr. McDavid Cox
c/o Police Dept.
River Falls, Alabama
(Covington County)

Received in office, this the ... day of ..., 19... Sheriff.

I have executed the within by leaving a copy thereof with...

defendant named herein, on this the ... day of ..., 19... Sheriff.

By ..., Deputy.

VIRLA COX,  
 COMPLAINANT  
 VS  
 McDAVID COX,  
 DEFENDANT

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA  
 IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT IN EQUITY:

Comes the complainant, VIRLA COX by this, her Bill of Complaint against McDAVID COX, and respectfully shows:

1. That complainant is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama, and has been such for the fifteen years next preceding the filing of this, her Bill of Complaint.
2. The defendant, McDAVID COX, is over the age of twenty-one years and was a bona fide resident of Baldwin County, Alabama, up until about 1954, when he moved to River Falls, Alabama, in Covington County, where he now resides.
3. That your complainant and defendant were lawfully married in Red Level, Alabama, on the 9th of December, 1923, and lived together in Baldwin County, Alabama, until he abandoned her in 1953.
4. That defendant voluntarily abandoned the bed and board of this complainant for more than one year next preceding the filing of this Bill of Complaint, since which time complainant and defendant have not lived together nor in any way recognized each other as husband and wife.
5. That the only minor children of these parties is a son, GENE ARLISS COX, now nineteen years of age, who is living with his mother, this complainant, and that it is to the best interest of said minor to remain in the care and custody of this complainant.

THE PREMISES CONSIDERED, your complainant prays that the Court will make the said McDAVID COX a party defendant to this cause by appropriate process, requiring him to plead, answer or demur to this bill within the time prescribed by law.

Complainant further prays that, upon hearing of this cause, the Court will render a decree forever divorcing her from the said defendant, and granting her the care and custody of said minor child,

subject to said minor child being allowed to visit his father when-  
ever he so desires, and complainant prays for such other further  
or different relief as to equity may seem meet.

BOOK 021 PAGE 367

RICKARBY AND RICKARBY

BY



E. G. Rickarby, Jr.  
Attorney for Complainant

*Handwritten notes in left margin:*  
W. G. Rickarby, Jr.  
Attorney for Defendant

TO BE  
RETURNED TO THE  
COURT

FILED

DEPARTMENT

RECORDS

BY

CLERK

2000

*Handwritten notes in right margin:*  
E. G. Rickarby, Jr.  
Attorney for Defendant

*Handwritten notes at bottom:*  
FILED  
2000

3776 ~~3676~~

VIRLA COX,  
COMPLAINANT  
VS  
McDAVID COX,  
DEFENDANT

*[Faint signature]*

106 MAY 25 1956

*[Faint vertical text, possibly a stamp or recording]*

ORIGINAL BILL

FILED  
APR 25 1956

ALICE J. WALKER, Register

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

Next address:  
c/o Police Dept  
River Falls, Ala  
Baldwin County

Received 25 day of April 1956  
and on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
I served a copy of the within \_\_\_\_\_  
on \_\_\_\_\_  
By service on \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By \_\_\_\_\_ D. S.

Executed the within

by serving a copy thereof on

Mc David Cox

Defendant

This 29 day of April 1956

Mc David Cox Sheriff

By R. J. [unclear] D. S.  
Cotton County, Alabama

VIRLA COX,  
Complainant  
VS  
McDAVID COX,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ANSWER AND WAIVER

Comes the respondent, McDAVID COX, in the above styled cause and for answer to the Bill of Complaint heretofore filed in said cause, and to each and every paragraph thereof, says:

He denies each and every allegation contained therein and demands strict proof thereof.

Respondent hereby submits himself to the jurisdiction of this Honorable Court and waives notice of the time and place for taking testimony in said cause, waives the issuance of a formal commissioner to take testimony in said cause and consents that testimony may be taken without further notice to him and further waives notice of the time and place of submission of said cause and consents that said cause may be submitted for final decree at any time or place without further notice to him of such submission.

Mark David Cox  
McDAVID, COX, Respondent

STATE OF ALABAMA  
COUNTY OF Anniston

I, W. B. Henderson, a Notary Public in and for said County in said State, hereby certify that McDAVID COX, whose name is signed to the foregoing instrument and who is known to me to be the respondent above named, acknowledged before me on this day that he executed the same voluntarily with knowledge of its contents. WITNESS my hand and official seal this the 28 day of April, 1956.

W. B. Henderson  
Notary Public  
Justice of the Peace



3776.

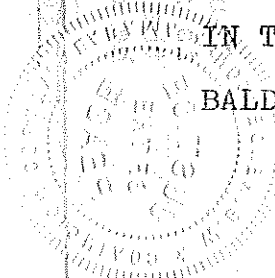
VIRLA COX,  
COMPLAINANT  
VS  
McDAVID COX,  
RESPONDENT

ANSWER AND WAIVER

FILED  
MAY 19 1956

ALICE A. DUCK, *Atty*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY



3776

ALABAMA PROBATE COURTS  
BALDWIN COUNTY

COMMISSIONER

ROOM 4111

RECEIVED

27

ROOM 4111

RECORDED

FILED

DATE OF FILING

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