

596

The State of Alabama, }
Baldwin County.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama--GREETING :


WE COMMAND YOU, That you summon Abbie L. Keller,

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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
Emanuel M. Keller,

against said Abbie L. Keller

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, T. W. Richerson, Register of said Circuit Court, this 22nd day of
June 1926

 Register.

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

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Emanuel M. Keller

vs.

Abbie L. Keller

Hon. E. P. Totten.

Solicitor for Complainant

Recorded in Vol. Page

RECORDED

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 22nd

day of June 1926

W R Stewart
Sheriff.

Executed this 22nd day of

June 1926

by leaving a copy of the within Summons with

Abbie L Kelly

Defendant.

W R Stewart
Sheriff.

By
Deputy Sheriff.

Emanuel M. Kellar.....

.....

.....

vs.

Abbie L. Kellar,.....

.....

.....

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,.....
decree pro confesso and testimony of Emanuel M. Kellar, Clarence A.

Kellar and George O. Miller,.....

.....

.....

.....

.....

and in behalf of Defendant upon.....

.....

.....

.....

T. W. Peterson

Register.

No. 596.

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Emanuel M. Kellar,

VS

Abbie L. Kellar,

NOTE OF TESTIMONY

Filed in Open Court this 16th
day of August, 1926.

T. W. Peterson
Register

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 596. August 16th, 1926

Emanuel M. Kellar, Complainant.

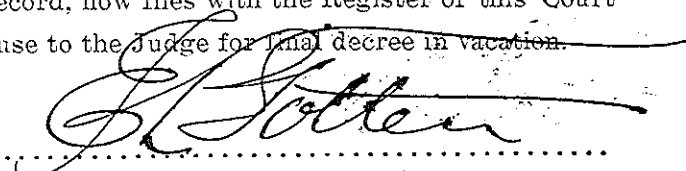
vs.

Abbie L. Kellar, Defendant.

To T.W. Richerson, 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 E.P. Totten,

Solicitor 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.



Solicitor for Complainant.

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Emanuel M. Kellar,

vs.

Abbie J. Kellar,

REQUEST FOR DECREE IN
VACATION

FILED August 16th, 1926

D. W. Richardson
Register

RECORDED IN RECORD

VOL. PAGE.....

Register

The State of Alabama, }
Baldwin County.

No. 596.

CIRCUIT COURT, IN EQUITY

Emanuel M. Kellar,

Complainant.

vs.

Abbie L. Kellar,

Defendant.

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

On account of adultery of defendant Abbie L. Kellar with one

T. W. Moorer.

It is further ordered by the Court that Emanuel M. Kellar have the care, custody and control of the minor child ^{Mary} Blanche Kellar, of Emanuel M. Kellar and Abbie L. Kellar.

It is further ordered, that the said Emanuel M. Kellar,

be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Emanuel M. Kellar,

pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Abbie L. Kellar,

It is further ordered, adjudged and decreed that said Emanuel M. Kellar

shall not again marry except to said Abbie L. Kellar,

until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to

said Abbie L. Kellar, during the pendency of said appeal

This 11th day of ~~September~~ ^{September}, 1926.

John D. Leigh
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, _____ Register of said Circuit Court of said County,

Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on

the _____ day of _____, 192____, in the cause of

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____, 192____.

Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

Emanuel M. Kellar

vs.

Abbie L. Kellar.

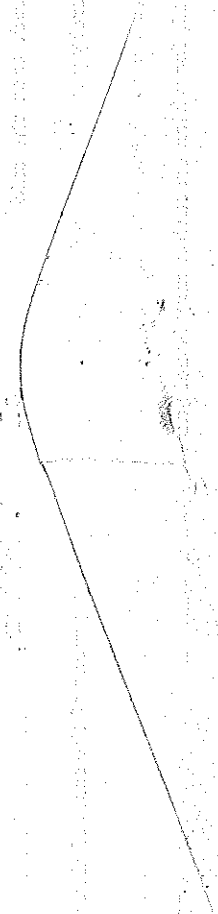
DECREE OF DIVORCE.

Filed in office this 13th
day of Sept, 1926

T. W. Williams
Register.

E. O. M.

RECORDED



ALABAMA TO BE SEALS OF THE
CIRCUIT COURT OF BALDWIN COUNTY

ALABAMA TO BE SEALS OF THE
CIRCUIT COURT OF BALDWIN COUNTY

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CIRCUIT COURT OF BALDWIN COUNTY

1926

The State of Alabama, }
BALDWIN COUNTY.

No. 596. CIRCUIT COURT IN EQUITY.

Emanuel M. Kellar, Complainant...

vs.

Abbie L. Kellar, Defendant...

Motion is hereby made for a Decree Pro Confesso against

Abbie L. Kellar, Defendant...

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant..... ha^s failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 7th day of August, 1926

E. F. Totten

Solicitor.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Emanuel L. Kellar,

Vs.

Abbie L. Kellar,

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed August 7th, 192

T. W. Rice
Register.

Recorded in Record,

Vol. Page

Register.

The State of Alabama, }
Baldwin County.

No. 596.

CIRCUIT COURT, IN EQUITY

Emanuel M. Kellar,

Complainant.

vs.

Abbie L. Kellar,

Defendant.

Register,

In this cause it appears to the

Abbie L. Kellar,

that a Summons requiring the Defendant

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said

Summons upon Abbie L. Kellar,

was served upon her by the Sheriff of Baldwin

County, Alabama, on the

22nd, day of June, 1926.

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date,

it is now, therefore, on motion of Hon. E. P. Totten, Solicitor for Complainant,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed

against the said Abbie L. Kellar,

Defendant... aforesaid.

This 9th, day of August, 1926.

T. W. Peterson
Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Emanuel M. Kellar,

Vs.

Abbie L. Kellar,

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued Aug 9th, 1926.

T. W. Pinner

Register.

RECORDED

LAW OFFICE OF
EDWARD P. TOTTEN
FAIRHOPE, ALA.

Fairhope, Ala., June 21, 1926

T.W. Richerson, Esq.
Register of Circuit Court
Bay Minette, Ala.

Dear sir:-

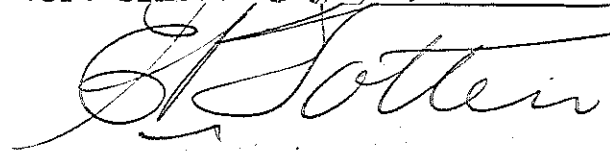
Herewith I hand you Bill of Complaint, in duplicate, in the matter of Emanuel M. Keller vs. Abbie L. Keller, for divorce. Will you kindly have summons issued and served personally on respondent at Fairhope. I enclose copy of bill, but as I understand it is not necessary that service of complaint be made on respondent, unless demanded, suggest that only summons be served in the first instance.

Will you kindly acknowledge receipt of these papers at your convenience and advise me further in the premises.

With all good wishes, believe me,

Very sincerely yours,

EPT/FM



The State of Alabama, }
Baldwin County.

No. 596. CIRCUIT COURT, IN EQUITY

Emanuel M. Kellar, Complainant

vs.

Abbie L. Kellar, Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

On account of adultery of Defendant Abbie L. Kellar with one I. W. Moorer,

It is further ordered by the Court, that Emanuel M. Kellar, have the care, custody and control of the minor child Mary Blanche Kellar of Emanuel M. Kellar and Abbie L. Kellar.

It is further ordered, that the said Emanuel M. Kellar be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Emanuel M. Kellar, pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Abbie L. Kellar.

It is further ordered, adjudged and decreed that said Emanuel M. Kellar shall not again marry except to said Abbie L. Kellar, until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Abbie L. Kellar, during the pendency of said appeal

This 11th day of Sept, 1926

John D. Leigh
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, _____ Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____, 192____, in the cause of _____ Complainant

vs.

_____ Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____, 192____

Register.

THE STATE OF ALABAMA,

BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

BALDWIN COUNTY, ALA.

Emanuel M. Kellar

vs.

Abbie L. Kellar,

DECREE OF DIVORCE.

Filed in office this 13th

day of Sept., 1926

Register.

E. O. M.

RECORDED

RECORDED IN BALDWIN COUNTY ALABAMA
SEP 13 1926
CIRCUIT COURT IN EQUITY
BALDWIN COUNTY ALABAMA

STATE OF ALABAMA
COUNTY OF BALDWIN

IN CIRCUIT COURT
IN EQUITY

Emanuel M. Keller

vs.

Bill of Divorce for Adultery.

Abbie L. Keller

To the Honorable John D. Leigh, Judge of said Court:

Your orator, Emanuel M. Keller, respectfully shows
unto your Honor as follows:

First

That he is a native born citizen of the United States over the age of twenty-one years, and for more than ten years last passed has been and now is a resident citizen of Baldwin County in said State, at the Town of Fairhope, therein.

Second

That on or about the first day of October, 1897, at Garden City, Kansas, he intermarried with Abbie L. Keller, who is a native born citizen of the United States over the age of twenty-one years, and for more than ten years last passed has been and now is a resident citizen of Baldwin County in said State, at Town of Fairhope therein, and that they ever since have been and now are lawful husband and wife.

Third

That to such marriage and union was born six sons, who are now all over the age of twenty-one years and self-supporting, and one daughter, a minor of the age of ~~fourteen~~ ^{five} years, who is residing with her mother at said Town of Fairhope.

Fourth

That on or about the fifteenth day of May 1926, the said Abbie L. Keller committed adultery with one, ^{J.W.} Moore, whose ~~first~~ ^{Christian} name is to your orator unknown, and that at different times since the said fifteenth day of May, the said Abbie L. Keller has committed adultery with the said Moore ^{ever}.

Fifth

That said Abbie L. Keller is not a fit and proper person to have the care and custody of the said minor child, a girl of the age of thirteen years named Mary Blanche, and that your orator has a good home and is a fit and proper person to have the care and custody of such minor.

Sixth

That the said Abbie L. Keller has been and is guilty of adultery which is recognized as a ground for divorce under the provisions of Section 7407 in the Code of Alabama, 1923.


THE PREMISES CONSIDERED Your orator respectfully prays that the said Abbie L. Keller be made party respondent to this bill of complaint by the usual process of this Honorable Court, and that she be required to demur, plead to or answer the same within the time and under the penalties as provided by law, or that the same be forever confessed.

PRAYER FOR RELIEF

WHEREFORE your orator prays that upon the final hearing of this cause, the bonds of matrimony now and heretofore subsisting between himself and Abbie L. Keller be wholly dissolved, and that he be granted by this Honorable Court an absolute divorce therefrom; that by the order and decree of this Court your orator may be awarded the care, custody and control of the minor child, Mary Blanche; that your orator may have such other and further relief as to the Court shall seem equitable and just in the premises.

Fairhope, Baldwin County, Alabama

This 19th day of June, 1926


Solicitor for Complainant
Fairhope, Alabama

The respondent above named is required to answer every allegation contained in the foregoing bill, paragraphs first to sixth, inclusive, but not under oath; answer under oath being hereby expressly waived.


Solicitor for Complainant

The State of Alabama, } Circuit Court of Baldwin County, Alabama
Baldwin County. } (In Equity.)

Emanuel E. Kellar Complainant.

VS:

Abe L. Kellar Respondent.

I, T. W. Richerson,

as Register and Commissioner

have called and caused to come before me Emanuel M. Kellar, Clarence A. Kellar,

George O. Miller,

witness named in the Requirement for Oral Examination, on the 16th day of August

1926, at the office of Register,

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

truth, the whole truth, and nothing but the truth, the said Witnesses,

doth depose and say as follows:

Emanuel M. Kellar, witness for complainant who being duly sworn

testified as follows:-

My names is Emanuel M. Kellar, I am the complainant in this cause, against my wife Abbie L. Kellar, We are both native born citizens of the United States over the age of 21 years and for more than 10 years prior to the filing of the Bill in this cause have been and now are bonafide residents citizens of Baldwin County, Alabama.

Abbie L Kellar and I were married on the 1st day of October 1887, at Garden City Kansas, and lived together as man and wife until May 15th, 1926. We have had born to us six sons and one daughter, the sons are all over 21 years of age and self supporting, and the daughter is a minor of the age of 14 years now living with her mother at Fairhope Alabama,

On the 15th day of May, 1926, my wife Abbie L. Kellar, left my home and went to live with a man named Moorer and she has since that time she has lived and cohabited with the said I. W. Moorer, in a house in the Town of Fairhope, During the year 1925, I was away working in Florida, and during that time Moorer, was at my home practically all the time; before she left me to live with Moorer. I objected to his coming to my home during my absence and she said that if Moorer was not allowed to come to our home, she would quit me and go where she could be with him.

On account of the above acts of my wife I thinks she is not a proper person to have the care, custody and control of the minor child Mary Blanche Kellar, I have a good home and am capable & willing

to support said minor child.

Emanuel M. Kellar

X.

Clarence A. Kellar a witness for Complainant, who being duly sworn testified as follows: My name is Clarence A. Kellar I am 25 years of age and reside at Fairhope Baldwin County Alabama.

I am the son of Emanuel M. Kellar and Abbie L. Kellar, and know that my parents have resided in Baldwin County Alabama, for more than three years next preceding the filing of this Bill, the said Emanuel M. Kellar and Abbie L. Kellar lived together as man and wife until May 15th, 1926 when she went to live with I. W. Moorner, when I came down from Miami Fla, in July 1925, for a visit I found I. W. Moorner staying at my mother and father's home, at Fairhope Alabama, during the absence of my father in Florida. My mother and the said Moorner have been living, cohabiting in the house in the Town of Fairhope since the middle of last May, 1926, and they are still living together to this date.

My father is the proper person to have the care, custody and control of ^{my} minor sister Mary Blanche Kellar and he has a home and is able to support her comfortably.

Clarence A. Kellar

X.

George O. Miller a witness for complainant who being duly sworn testified as follows: My name is George O. Miller I am 65 years of years of age and reside at Fairhope, Baldwin Co, Ala, I have known Emanuel M. Kellar and Abbie L. Kellar for over six years and know that they have resided in Baldwin ^{Co} for more than three years next before the filing of the of this Bill, and know that they lived together as man and wife ~~and~~. I know that Mrs. Kellar, left her husband about the middle of May this year and since that time she has been living with I. W. Moorner, at Fairhope, Alabama and is now living with him, I know Mr. Kellar is the proper person to have the care, custody and control of the minor child Mary Blanche, Kellar, and know that he has a good home and is able to support her comfortably.

X.

George O. Miller

ORAL EXAMINATION.

I, T.W. Richerson, 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^{es} and read over to them and they signed the same in the presence of myself and Hon. E.P. Totten, Atty for Complainant, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^{es} or had proof made before me of the identity of said witness^{es}; 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 16th day of August, 1926

T.W. Richerson (L. S.)

NO. 596 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Emmanuel M. Keller

vs. Complainant

Abbie Keller,

Respondent.

Oral Deposition

Filed August 16th, 1926.

T.W. Richerson, Register.

Recorded in

Record

Vol. Page

, Register