

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ SPRING Term, 1937

EARL SPENCER _____, Complainant

Vs.

ETHEL RUTH SPENCER _____, Defendant

To Hon. R. S. Duck, _____, Register :

Answer & Waiver

In the above stated cause a ~~7~~ ~~Decree~~ ~~has~~ ~~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 Orvis M. Brown,

filed by

_____ 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.

Orvis M. Brown
Solicitor for Complainant.

Earl Spencer

vs.

Ethel Ruth Spencer

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,
and testimony of Earl Spencer and Ralph Spencer, and the
Answer and Waiver of the Respondent.

and in behalf of Defendant upon Answer and Waiver

R. S. Duck

Register.

EARL SPENCER,
COMPLAINANT,

vs.

ETHEL RUTH SPENCER,
RESPONDENT.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY, NO? _____.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your Complainant, Earl Spencer, exhibits this, his bill against Ethel Ruth Spencer and respectfully shows unto your Honor as follows:

FIRST:

That Complainant has been a bona fide resident of the State of Alabama, Baldwin County, for more than three years, next immediately proceeding the filing of this Bill of Complaint; that both the respondent and the complainant are over the age of twenty - one years, and that complainant married the respondent on or about June 23rd, 1934, in the city of Seal, Alabama, and further that there are no children of said marriage.

SECOND:

Complainant alleges and avers that the respondent lived with him as husband and wife from June 23rd, 1934, to about December 18th, 1934, at which time the respondent voluntarily left the bed and board of your complainant without cause or fault on his part and has never returned to your complainant, nor cohabited with him as husband and wife from that date to the date of the filing of this bill. Said abandonment by respondent continuing for more than two years next, immediately preceding the filing of this Bill.

PRAYER FOR PROCESS:

The premises considered, complainant prays that said Ethel Ruth Spencer, be made a party to this Bill of Complaint and that she be brought into Court by any method used by this Court, directing her to plead, answer or demur to the allegations as set out against her in said Bill of Complaint as filed in this cause in all respects as required by law under the rules of this Honorable Court.

PRAYER FOR RELIEF:

And your complainant prays that upon the final hearing of this Cause, this Honorable Court will grant unto him an absolute divorce, dissolving entirely the bonds of matrimony now existing between him and Ethel Ruth Spencer, and granting him the right to marry again, and your complainant prays for such other and further relief as in Equity and good conscience he may be entitled to in the premises for which he will ever pray.


SOLICITOR FOR COMPLAINANT.

Foot Note:

The respondent is required to answer, but not under oath, the same being hereby expressly waived, as to each and every paragraph of the foregoing Bill of Complaint, numbering from one to two both inclusive.


SOLICITOR FOR COMPLAINANT.

ANSWER & WAIVER

EARL SPENCER
Complainant,

vs.

ETHEL RUTH SPENCER
Respondent.

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

No. _____.

Comes the Respondent in the above styled cause and for answer to the complaint filed, therein, says as follows;

1: The Respondent admits the allegations of paragraph one.

2: The Respondent denies each and every allegation contained in paragraph two.

The Respondent waives notice of the time of and taking of testimony in this cause as well as other procedure.

The Respondent ask that she be given the right to marry again, and the right to use her maiden name of Ethel Ruth Burke upon the final decree of this cause.

Ethel Ruth Spencer
RESPONDENT

Witness:

Mrs. Jay R. Morrison

Mrs. W. W. Thompson

Note: I hereby accept service of the Bill of Complaint in the above styled cause, dated February 20 1937. A.D.

Ethel Ruth Spencer
RESPONDENT.

**CIRCUIT COURT, BALDWIN COUNTY, ALA.
IN EQUITY**

No 301

Earl Spencer
VS.
Ethel Ruth Spencer

PLAINTIFF
DEFENDANT

BILL OF COSTS

FEES OF REGISTER		Dollars	Cents		
Filing each bill and other papers	\$ 10		90	Brought Forward	\$5 10
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
Issuing Writ of Attachment	1 00			Certified copy of decree	1 00
Entering each return thereof	15			Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00	100		TOTAL FEES OF REGISTER	
Entering each appearance	25	25		FEES OF SHERIFF	11 10
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena for witness	65
Each order appointing guardian	1 00			Levying attachment	1 50
Any other order by Register	50			Entering and returning same	25
Issuing Commission to take testimony	50	50		Selling property attached	
Receiving and filing	10	50		Impaneling Jury	75
Indorsing each package	10	10		Executing Writ of possession	2 50
Entering order submitting cause	50	10		Collecting execution for costs	1 50
Entering any other order of court	25	50		Serving and returning sci. fa., each	65
Noting all testimony	50	50		Serving and returning notice	65
Abstract of cause, etc.	1 00			Serving and returning writ of injunction	1 50
Entering each decree	75	75		Serving and returning writ of exeat	1 50
For every 100 words over 500	15			Taking and approving bonds, each	75
Taking account, etc.	3 00			Collecting money on execution	
Taking testimony, etc	15			Making Deed	2 50
Each report, 500 words or less	2 50			Serving and returning application, etc.	1 00
For every 100 words over 500	15			Serving attachment, contempt of court	1 50
Amount claimed less than \$500, etc	2 00			TOTAL FEES OF SHERIFF	
Issuing each subpoena	25			RECAPITULATION	
Witness certificate, each	25			Register's Fees	11 10
Issuing execution, each	75			Sheriff's Fees	5 00
Entering each return	15			Commissioner's Fees	
Taking and approving bond, each	1 00			Solicitor's Fees	
Making copy of bill, etc	15			Witness Fees	
Each notice not otherwise provided for	50			Guardian Ad Litem	
Each certificate or affidavit, with seal	50			Printer's Fees	
Each certificate or affidavit, no seal	25			Trial Tax	3 00
Hearing and passing on application, etc.	3 00			Recording Decree in Probate Court	
Each settlement with Receiver, etc.	3 00			TOTAL	19 10
Examining each voucher of Receiver, etc.	10				
Examining each answer, etc.	3 00				
Recording resignation, etc	75				
Entering each certificate to Supreme Court	50				
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

CIRCUIT COURT

To JOYCE GANUS:

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 Earl Spencer, and Ralph Spencer,

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

Complainant

and

Ethel Ruth Spencer,

Defendant,

on oath to be by you administered, upon Earl Spencer and Ethel Ruth Spencer, to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 16th day of February 1937

R. B. SUEK

REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EARL SPENCER, Complainant

vs.

ETHEL RUTH SPENCER, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Ansam and Wailer 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 EARL SPENCER is forever divorced from the said

ETHEL RUTH SPENCER

for and on account of voluntarily abandonment and the said respondent is hereby given the right to use her maiden name of Ethel Ruth Burke,

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.

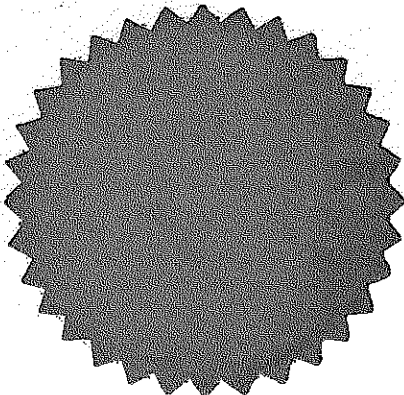
It is further ordered that EARL SPENCER and ETHEL RUTH SPENCER be, and THEY ARE hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 20 day of February, 1937.

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.

CHANCERY EXECUTION
BILL OF COSTS

No. 301

Earl Spencer

VS.

112

PLAINTIFF

Ethel Ruth Spencer

DEFENDANT

FEES OF REGISTER		Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$ 10		90		\$ 550
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
Issuing Writ of Attachment	1 00			Certified copy of decree	1 00
Entering each return thereof	15			Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00			TOTAL FEES OF REGISTER	
Entering each appearance	25			FEES OF SHERIFF	<u>1150</u>
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena on deft.	\$ 1 50
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena for witness	65
Each order appointing guardian	1 00			Levying attachment	3 00
Any other order by Register	50			Entering and returning same	25
Issuing Commission to take testimony	50			Selling property attached	
Receiving and filing	10			Impaneling Jury	75
Endorsing each package	10			Executing Writ of possession	2 50
Entering order submitting cause	50			Collecting execution for costs	1 50
Entering any other order of court	25			Serving and returning sci. fa., each	65
Noting all testimony	50			Serving and returning notice	65
Abstract of cause, etc.	1 00			Serving and returning writ of injunction	1 50
Entering each decree	75			Serving and returning writ of exeat	1 50
For every 100 words over 500	15			Taking and approving bonds, each	75
Taking account, etc.	3 00			Collecting money on execution	
Taking testimony, etc.	15			Making Deed	2 50
Each report, 500 words or less	2 50			Serving and returning application, etc.	1 00
For every 100 words over 500	15			Serving attachment, contempt of court	1 50
Amount claimed less than \$500, etc	2 00			TOTAL FEES OF SHERIFF	
Issuing each subpoena	25			RECAPITULATION	
Witness certificate, each	25			Register's Fees	11.25 11.50
Issuing execution, each	75			Sheriff's Fees	15.00
Entering each return	15			Commissioner's Fees	1.50
Taking and approving bond, each	1 00			Solicitor's Fees	1.50
Making copy of bill, etc	15			Witness Fees	
Each notice not otherwise provided for	50			Guardian Ad Litem	
Each certificate or affidavit, with seal	50			Printer's Fees	
Each certificate or affidavit, no seal	25			Trial Tax	3 00
Hearing and passing on application, etc.	3 00			Recording Decree in Probate Court	3 00
Each settlement with Receiver, etc.	3 00			TOTAL	<u>2100</u>
Examining each voucher of Receiver, etc	10				
Examining each answer, etc.	3 00				
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50				
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. 301

Circuit Court, In Equity

Feb

Term, 1937

To any Sheriff of the State of Alabama—GREETING:

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

Earl Spencer

Defendant

you cause to be made the sum of

Dollars,

which

Plaintiff

recovered of

him

on the

20

day of

Feb

1937

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

Twenty one and no/100

Dollars,

costs of suit, and have the same to render to the said

Earl Spencer

and make return of this Writ and the execution thereof, according to law.

Interest from _____ 193__ to date of collection.

Witness my hand, this

10

day of

March

1937

6/15/37

Register

Register

RECORDED

Duck

7-25

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

EARL SPENCER

VS.

ETHEL RUTH SPENCER

NOTE OF TESTIMONY

Filed in Open Court this 19

day of FEBRUARY 1938

R. Duck

REGISTER

RECORDED

such

7 25

No. _____

Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

EARL SPENCER

Vs.

ETHEL RUTH SPENCER

**REQUEST FOR DECREE IN
VACATION**

Filed *Filed Feb 19*, 193*7*

R. Spencer

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

No. _____ Page 2-250

The State of Alabama
Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

Filed this 22 day Feb. 1937

R. S. Smith

State Registrar

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

EARL SPENCER

Complainant

vs.

EMMET RUTH SPENCER

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

JOYCE GANUS

WITNESSES:

EARL SPENCER

RALPH SPENCER

RECORDED
over

IN EQUITY NO. 7-34

EARL SPENCER,

COMPLAINANT

Vs.

ETHEL RUTH SPENCER,

RESPONDENT.

BILL OF COMPLAINT

Filed Feb 19 1937
Orvis M. Brown

ORVIS M. BROWN,
Attorney for Complainant.
Robertsdale, Alabama.

301

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

EARL SPENCER, _____ COMPLAINANT

VS.

ETHEL RUTH SPENCER _____ RESPONDENT

I, Joyce Ganus,

as Register and Commissioner _____

have called and caused to come before me Earl Spencer, and Ralph Spencer,

witnesses named in the requirement for Oral Examination, on the 20th day of February

1937, at the office of Orvis M. Brown,

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

truth, the whole truth, and nothing but the truth, the said Earl Spencer and

Ralph Spencer, doth depose and say as follows:

Testimony of Earl Spencer

My name is Earl Spencer, I am the complainant in this cause of action. I am over the age of twenty-one years of age and have been a resident of the State of Alabama for over two years next proceeding the filing of this Bill of Complaint, and of the County of Baldwin.

I was married to Ethel Ruth Burketon or about the 23rd day of June, 1934, in the City of Seal, Alabama, we lived together as man and wife until about the 18th day of December 1934, at which time she abandoned me without any cause of fault of mine, and has continued to live separate and apart from me ever since that date, and I have not seen her since that time. I have at all times been willing to accept her back, and wrote her asking that she return to me on different occasions but she never answered. There was not any children born to us of this marriage.

I discussed the matter with the parents of Ethel and they told me that it was hopeless that she would ever return to me, and that it was a waste of time to make further efforts to secure her return.

Earl Spencer

ORAL EXAMINATION

I, Joyce Ganus, 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 Orvis M. Brown, 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 20th day of February 1937.

Joyce Ganus (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

EARL SPENCER
COMPLAINANT

vs.

EMMET RUTH SPENCER
RESPONDENT

ORAL DEPOSITION

Filed Feb 19, 1937

Orvis M. Brown, Register.

RECORDED IN

_____ Record

Vol. _____ Page _____

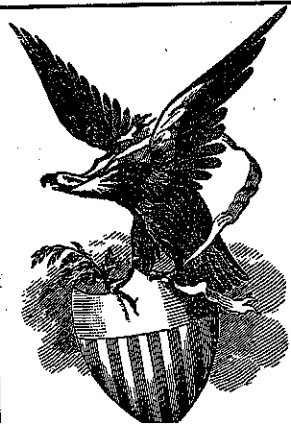
_____ Register

Testimony of Ralph Spencer

My name is Ralph Spencer, I am a brother of Earl Spencer, I am over the age of twenty-one years and a resident of Baldwin County, Alabama.

I have known the respondent Ethel Ruth Burke, for two and a half years, I knew her in Columbus, Georgia, when they were liveing to-gether, and since that time they have not lived to-gether, although he has tried several times to get her to live with him, but she refused to answer his letters. I know that they did not have any childern born to them of this marriage. I do not know where they were married, but I have been informed that they were married at Seal, Alabama, about tehe middle of the year of 1934.

Ralph Spencer



June 5th 1932

Received from Chas. Brown, Atty

Five and 00/100 Dollars

Commission on Spence vs. Spence

Joyce E. Garner