

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
WILMER COOPER

State Penitentiary, Montgomery, Ala.
of ~~State~~ 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

EMMA GRIFFIN COOPER,

against said WILMER COOPER

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 2nd day of
December, 193 9

R. S. Duck, Register

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

EMMA GRIFFIN COOPER,
Complainant,
vs.
WILMER COOPER,
Respondent.

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

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

Comes your Complainant, EMMA GRIFFIN COOPER, and humbly complaining against the Respondent, WILMER COOPER, 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; that your Complainant is a bona fide resident of Baldwin County, Alabama, and has been for more than three years next preceding the filing of this Bill of Complaint; that the Respondent is a resident of Baldwin County, Alabama, but at the present he is in the State Penitentiary at Montgomery, Alabama.

2. That your Complainant and the Respondent are husband and wife, having intermarried at Stockton, Alabama, on the 2nd day of September, 1928; that they lived together as husband and wife at Stockton, Alabama, until April 28, 1937.

3. That on April 28, 1937, the Respondent was convicted of Second Degree Murder in the Circuit Court of Baldwin County, Alabama, and was sentenced to fifteen (15) years imprisonment in the State Penitentiary; that since that time the Respondent has been imprisoned in the State Penitentiary; that the said Respondent has been imprisoned in the State Penitentiary for more than two (2) years preceding the filing of this Bill of Divorce.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said Wilmer Cooper 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, WILMER COOPER, and that your Honor will grant her the right to re-marry if she should so desire; Complainant prays 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. J. Mashburn, Jr.
Solicitor for the Complainant.

FOOT-NOTE:

The Respondent, WILMER COOPER, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 3, inclusive, but not under oath, oath being hereby expressly waived.

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

The State of Alabama, }
Baldwin County

Emma Griffin Cooper

Complainant.....

vs.

Wilmer Cooper

Defendant.....

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

The *Complainant, Emma Griffin Cooper*

requests the oral examination of the following named witnesses, on behalf of the

Complainant viz:
Emma Griffin Cooper and Marie Branch

said witnesses reside in the County of *Baldwin*
State of Alabama.

..... who resides at

..... or, The Register of this Court is suggested as a suitable person
to be appointed Commissioner to take the deposition of said witness on such oral examination.

J. J. Mashburn Jr.
Solicitor for *Complainant*

EMMA GRIFFIN COOPER,
Complainant,

VS.

WILMER COOPER,
Respondent.

EQUITY NO. _____

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DECREE PRO CONFESSO, ON PERSONAL SERVICE.

In this cause, it being made to appear to the Register that a summons was served upon the defendant by the Sheriff of _____ county, on the 8th day of January, 1940, requiring him to appear and plead, answer or demur, to the bill of complaint in this cause, within thirty days from the service of said summons, and that said defendant having failed to plead, answer or demur to the said bill to the date hereof: It is now, therefore, on motion of 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 Wilmer Cooper, defendant aforesaid.

Witness my hand, this the 9th day of February, 1940.

R. S. Duck, Register.

By T. E. Smith
Deputy

CHANCERY EXECUTION

BILL OF COSTS

No. 597

Emma Driffin Cooper,
Complainant

VS.

Wilmer Cooper,
Respondent

PLAINTIFF

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers (6)	10	60		6 05
Issuing each subpoena	50	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	40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15	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	I 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	I 00		Certified copy of decree	1 00
Entering each return thereof	15		Report of divorce to State Health Office	50
Docketing each case	1 00	00	<i>Antiqued copy of decree (Acts 1915)</i>	1 00
Entering each appearance	25	25	TOTAL FEES OF REGISTER	10 05
Issuing each decree pro confesso on per ser.	1 00	00	FEES OF SHERIFF	
Issuing each decree pro confesso on publica	1 00	00	Serving and returning subpoena on deft.	\$ 1 50
Each order appointing guardian	I 00		Serving and returning subpoena for witness	65
Any other order by Register	50		Levying attachment	3 00
Issuing Commission to take testimony	50		Entering and returning same	25
Receiving and filing	10		Selling property attached	
Endorsing each package	10		Impaneling Jury	75
Entering order submitting cause	50	50	Executing Writ of possession	2 50
Entering any other order of court	25		Collecting execution for costs	1 50
Noting all testimony	50		Serving and returning sci. fa., each	65
Abstract of cause, etc.	I 00	75	Serving and returning notice	65
Entering each decree	75		Serving and returning writ of injunction	1 50
For every 100 words over 500	15		Serving and returning writ of exeat	1 50
Taking account, etc.	3 00		Taking and approving bonds, each	75
Taking testimony, etc.	15		Collecting money on execution	
Each report, 500 words or less	2 50		Making Deed	2 50
For every 100 words over 500	15		Serving and returning application, etc.	1 00
Amount claimed less than \$500, etc.	2 00		Serving attachment, contempt of court.	1 50
Issuing each subpoena	25		TOTAL FEES OF SHERIFF	3 00
Witness certificate, each	25		RECAPITULATION	
Issuing execution, each	75	75	Register's Fees	4 00
Entering each return	15	15	Sheriff's Fees	3 00
Taking and approving bond, each	1 00		Commissioner's Fees	
Making copy of bill, etc.	15		Solicitor's Fees	
Each notice not otherwise provided for	50		Witness Fees	
Each certificate or affidavit, with seal	50		Guardian Ad Litem	
Each certificate or affidavit, no seal	25		Printer's Fees	
Hearing and passing on application, etc.	3 00	6 05	Trial Tax	3 00
Each settlement with Receiver, etc.	3 00		Recording Decree in Probate Court	3 00
Examining each voucher of Receiver, etc.	10		TOTAL	16 05
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. 597

Circuit Court, In Equity

Term, 1940

To any Sheriff of the State of Alabama—GREETING:

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

Emma Driffin Cooper

Defendant

you cause to be made the sum of _____ Dollars,

which _____ Plaintiff

recovered of _____ on _____ day of _____ 1940 _____ 193

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

\$16.05

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 _____ 193 _____ to date of collection.

Witness my hand, this *29* day of *March* _____ 1940

R.S. Duck Register

State Penitentiary,
Montgomery, Alabama

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 597

Summons

EMMA GRIFFIN COOPER,

Complainant,

VS.

WILMER COOPER,

Respondent

T. J. MASHBURN, JR.
Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 193

Sheriff.

Executed this _____ day of _____

Jan 8, 1940

by leaving a copy of the Summons with

Wilmer Cooper

IRA DAVIS, Sheriff
Defendant

W. R. Howell
CHIEF DEPUTY SHERIFF Sheriff

By _____
Deputy Sheriff

No. 597

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

Emmace Duffin Carper

Complainant

William Carper

Respondent

CHANCERY EXECUTION
Fi. Fa.

\$ ~~16.05~~

Total \$ 16.05

Fee Book *Consolidated* Page 597

Execution Docket " Page "

J. J. Madhama, Jr.
Complainant's Solicitor

THE STATE OF ALABAMA
Baldwin County.

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this _____

day of *March* 19*40*

W. R. Stewart
Sheriff

Execution Docket _____ Page _____

William J. 3-30-40
by collection of \$10.00
part in full
W. R. Stewart
Sherriff

MOORE PRINTING CO., BAY MINNETT, ALA.

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied _____

No. 597 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

EMMA GRIFFIN COOPER,
vs. Complainant.

WILMER COOPER,
Respondent.

DIVORCE DECREE

Filed this 22 day of
February, 1940.

R. S. Dault
Register,

RECORDED

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Filed this 9 day of
February, 1970.

R. S. Duck
Register.

RECORDED

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

Complainant..

vs.

Defendant..

DEMAND FOR ORAL EXAMINATION

Filed *February 10, 1940* 192.

R. S. Dault Register.

Moore Printing Co. : : : Bay Minette, Ala.

EMMA GRIFFIN COOPER,
Complainant,
VS.
WILMER COOPER,
Respondent.

Equity No. _____
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

Testimony of EMMA GRIFFIN COOPER, the Complainant.

The said witness, Emma Griffin Cooper, being first duly and legally sworn, upon examination by the Solicitor for the Complainant, testified as follows:

"My name is Emma Griffin Cooper. 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 this Bill of Complaint in this cause, I was a bona fide resident citizen of the State of Alabama, residing at Stockton, Baldwin County, Alabama.

Wilmer Cooper, the Respondent in this cause is over the age of twenty-one years and is a resident citizen of the State of Alabama. At the present time he is in the State Penitentiary.

The said Wilmer Cooper, the Respondent, and I were married at Stockton, Alabama, on September 2nd, 1928, and we lived together as husband and wife at Stockton, Alabama, until April 28th, 1937. On April 28, 1937 the Respondent, Wilmer Cooper, was convicted of Second Degree Murder in the Circuit Court of Baldwin County, Alabama, and was sentenced to fifteen years imprisonment in the State Penitentiary. He has been in the Penitentiary since that time and has never been pardoned. He has been in the penitentiary for more than two years. *next preceding the filing of the Bill of Complaint in this cause.*"

Emma Griffin Cooper

STATE OF ALABAMA, }
BALDWIN COUNTY. }

I, *R S Duck*, *Register in Chancery* Commissioner in the above-styled cause, hereby certify that on the _____ day of February, 1940, I caused the witness, EMMA GRIFFIN COOPER, whose name is subscribed to the foregoing testimony, to appear before me at my office in Bay Minette, 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 as near as might be in her language, and that after being written down, was read over and signed by her in my presence. I further certify that I am not counsel to either party in said cause, and in no way interested in the result thereof.

Witness my hand and seal this the 12 day of Feb, 1940.

R S Duck (SEAL)
Commissioner, Register
R. W. Smith
Deputy

EMMA GRIFFIN COOPER,
Complainant,

VS.

WILMER COOPER,
Respondent.

Equity No. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Testimony of Marie Branch, for the Complainant.

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

"My name is Marie Branch and I am over the age of twenty-one years. I live at Stockton, Alabama.

Emma Griffin Cooper has been a bona fide resident citizen of the State of Alabama for more than three years next preceding the filing of the Bill of Complaint in this Cause.

I know that Emma Griffing Cooper was married to Wilmer Cooper about September 2nd, 1928, in Stockton, Alabama, and that they lived together as husband and wife at Stockton, Alabama, until April 28, 1937. I know that the said Wilmer Cooper, the Respondent, was convicted of Second Degree Murder in the Circuit Court of Baldwin County on April 28, 1937, and was sentenced to serve fifteen years in the State Penitentiary. I am informed and I firmly believe that he is still in the Penitentiary and that he has never been pardoned or paroled. I am informed and I believe that he has been in the Penitentiary for more than two years next preceding the filing of the Complaint in this cause."

Marie Branch

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, R S Duch, ^{Register in Chancery} ~~Commissioner in the above~~ styled cause, hereby certify that on the ___ day of February, 1940, I caused the witness, Marie Branch, whose name is subscribed to the foregoing noted testimony, to appear before at my office in Bay Minette, 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 by me as near as might be in the language of herself, and that after being written down, was read over and signed by her in my presence. I further certify that I am neither counsel nor in anyway interested in the result of said cause.
Witness my hand and seal this 12 day of February, 1940.

R S Duch (SEAL)

Commissioner, Register

R J Smith
Deputy

THE STATE OF ALABAMA }
Baldwin County

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

EMMA GRIFFIN COOPER, _____ COMPLAINANT

VS.

WILMER COOPER, _____ RESPONDENT

I, H. E. Smith,
Deputy
as Register and Commissioner _____

have called and caused to come before me Emma Griffin Cooper, and Marie Branch

witness ~~es~~ named in the Requirement for Oral Examination, on the 12th day of February
19 40, at the office of R. S. DUCK, Register in Chancery
in Bay Minette, Alabama., Alabama, and having first sworn said witness— to speak the truth,
the whole truth, and nothing but the truth, the said Emma Griffin Cooper

_____ doth depose and say as follows: