

DEMERE & SMITH

ATTORNEYS AT LAW

FIRST NATIONAL BANK BLDG.

MOBILE, ALA.

RICHARD J. DEMERE  
ADRIAN C. SMITH

LAW OFFICES  
MOBILE, ALA.  
FAIRHOPE, ALA.

June 25, 1940

Mr. R.S. Duck  
Register in Chancery  
Baldwin County,  
Bay Minette, Ala.

In re: Cole vs Cole

Dear Sir:

Kindly serve respondent in the above styled cause by registered mail. His residence is 387 W. Glenaven, Youngstown, Ohio. He is a conductor for the Erie Railroad.

Very truly yours,

DEMERE & SMITH

By   
Richard J. Demere

RJD:rmb

The State of Alabama, }  
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

*Sept* Term, 194 *2*

*Ella Pate*  
No. *442* vs.  
*Clarence B. Pate*

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each.....	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impaneling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*	<b>Total Sheriff's Fees.....</b>	
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20	<b>SUMMARY OF FEES, COSTS, AND JUDGMENT</b>	
Receiving and Filing Depositions, each pkg.,.....	.10	<b>Fees in Circuit Court—</b>	
Indorsing Depositions Published, each pkg.....	.10	Register's Fees.....	9.60
All Entries on Commission Docket, Each Cause.....	.50	Ex-Register's Fees.....	
Entering Order Submitting Cases for Decree, each.....	.50	Sheriff's Fees.....	
Other Orders of Court, each.....	.25	Ex-Sheriff's Fees.....	
Noting Testimony on Hearing of Cause, each.....	.50	Witness Fees.....	
Entering Decrees, of 500 Words or Less, each.....	.75	Commissioner's Fees <i>wanted</i> .....	
Per 100 words over 500.....	.15	Guardian Ad Litem.....	1.50
Taking Accounts, etc., on Ref., per Day.....	3.00*	Publisher's Fees.....	
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15	Solicitor's Fees.....	
Reference and Reports, each.....	2.00*	Court Reporter's Fees, Per Day or fraction thereof.....	5.00
Reports of 500 Words or Less.....	2.50	Trial Tax.....	3.00
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25	<b>Fees and Costs in Inferior Court:</b>	
All Entries on Subpoena Docket, each Cause.....	.50	Clerk of Inferior Court Fees.....	
Taking and Approving Bonds, each.....	1.00	Sheriff's Fees.....	
Making Complete Record, per 100 Words.....	.15	Witness Fees.....	
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00	<b>Total Fees and Costs in Inferior Court.....</b>	12.60
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....		<b>Total Fees and Costs.....</b>	
Making Deeds to Property Sold, each.....	2.00	<b>Judgment.....</b>	
Receiving and Paying Out Money Other Than That Arising from Sales.....		<b>Total Fees, Costs, and Judgment.....</b>	
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<b>Total Register's Fees.....</b>	9.60		

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

SUMMONS.

TO ANY SHERIFF OF THE STATE OF ALABAMA.....GREETING:

WE COMMAND YOU, That you summon CLARENCE BERNARD COLE of Mahoning County, Ohio, 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 plead, answer or demur, without oath, to a Bill of Complaint lately exhibited by ELLA IRENE COURTNEY COLE against said CLARENCE BERNARD COLE, 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 12th day of June, 1940.

R. S. Duck  
R. S. DUCK, Register.

ERLA IRENE COURTNEY COLE	)	IN THE CIRCUIT COURT
COMPLAINANT	)	
	)	OF BALDWIN COUNTY
	)	
-vs-	)	ALABAMA
	)	
CLARENCE BERNARD COLE	)	IN EQUITY
RESPONDENT	)	

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

Your Oratrix, Erla Irene Courtney Cole, shows unto your Honor that she is a resident of the County of Baldwin, State of Alabama, for the past two years, and is over the age of twenty-one years; that Clarence Bernard Cole, the respondent, is a resident of Mahoning County, Ohio, is over the age of twenty-one years, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix shows unto your Honor that Oratrix has been a bona fide resident of this State for two years next preceding the filing of this bill.

2. That Oratrix and Respondent inter-married on or about the 31st day of December, 1925 in the City of Youngstown State of Ohio, and ever since have been and now are, husband and wife.

3. That on or about the 28th day of May, 1938, the respondent voluntarily abandoned your Oratrix, from bed and board, and that said abandonment has been continuous for a period of two years next preceding the filing of this bill.

Your Oratrix further prays for such other, further and general relief as she may be entitled to in equity and good Conscience.

Erla Irene Courtney Cole  
Complainant

Richard J. Demaree  
Solicitor for Complainant

STATE OF ALABAMA )  
                          )  
COUNTY OF BALDWIN )

Erla Irene Courtney Cole, being duly sworn, says that she is the Complainant whose name is subscribed to the foregoing Bill of Complaint; that she has heard the above Bill of Complaint read, and knows the contents thereof; that the said Bill of Complaint is true of her own knowledge; except as to the matters and things therein stated to be upon information and belief, and as to those matters and things she believes it to be true.

Erla Irene Courtney Cole

\* Subscribed and sworn to by the said Erla Irene Courtney Cole before me, this 5th day of June, A. D. 1940

Gayle Wilder  
Notary Public, Baldwin County, Alabama  
My commission expires Oct. 7, 1940

THE STATE OF ALABAMA  
Baldwin County

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

Irene  
Erla Courtney Cole

COMPLAINANT

VS.

Clarence Bernard Cole

RESPONDENT

I, Carl L Bloxham

as Register and Commissioner in the above styled cause

have called and caused to come before me Erla Courtney Cole

witness named in the Requirement for Oral Examination, on the 31st day of August

1940, at the office of Carl L Bloxham

in Fairhope, Alabama, and having first sworn said witness to speak the truth,

the whole truth, and nothing but the truth, the said Erla Courtney Cole

doth depose and say as follows:

Erene

My name is Erla Courtney Cole. I have been a resident of Fairhope, Baldwin County Alabama for more than two years. I am over the age of twenty-one. On or about December 31st, 1925 I intermarried Clarence Bernard Cole, Respondent in the City of Youngston Ohio and ever since we have been husband and wife.

On or about the 28th of May 1938 Clarence Bernard Cole abandoned me from bed and board and since that time has not contributed anything to my support.

*Erla Irene Courtney Cole*

THE STATE OF ALABAMA,  
Baldwin County

}

CIRCUIT COURT

TO Carl L. Bloxham

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 Mrs. Erla Irene Courtney Cole

as witnesses in behalf of herself in a cause pending in our Circuit Court of Baldwin County, of said State, wherein she is complainant in a Bill for divorce against Clarence Cole

Erla Irene Courtney Cole

Complainant

and

Clarence Bernard Cole

Defendant,

on oath to be by you administered, upon Erla Irene Courtney Cole to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness August 27 day of August, 1940

R. S. Duce

REGISTER

Commissioner's Fee \$ None

Witness' Fees, \$ None

Erla Irene Courtney Cole

vs.

Clarence Bernard Cole

CIRCUIT COURT OF  
Baldwin County.

IN EQUITY.

In this cause it being made to appear to the Register that on the  
day of ..... 192 ....., a copy of the Bill of Complaint filed in this cause was  
sent to ... Clarence Bernard Cole .....

.....  
Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom  
addressed," and return receipt demanded addressed to the Register of this Court; and that on the  
..... day of ..... 192 ....., such receipt was duly  
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer  
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,  
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all  
things taken as confessed against the said ... Clarence Bernard Cole .....

..... Defendant

This the 3rd day of September 1929  
~~11th~~ day of August 1929

R. E. Durb Register.



# The State of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

Erla Irene Courtney Cole Complainant

VS.

Clarence Bernard Cole Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on June 5, 1940 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 Erla Irene Courtney Cole is forever divorced from the said

Clarence Bernard Cole

for and on account of Respondent's voluntary abandonment from Oratrix from bed and board and for non-support. It is further ordered, adjudged and decreed that complainant, Erla Irenen Courtney Cole be permitted to resume her maiden name of Erla Irene Courtney.

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 Erla Irene Courtney Cole be, and is hereby permitted to again contract marraige upon the payment of the cost of this suit.

It is further ordered that Erla Irene Courtney Cole the complainant pay the cost herein to be taxed, for which execution may issue.

This 11<sup>th</sup> day of September, 1940.

J. W. Hall  
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.

RECORDED

No. .... Page .....

The State Of Alabama  
Baldwin County

In Circuit Court, In Equity

Erla Irene Courtney

Cole

vs. Complainant.

Clarence Bernard

Cole

Respondent.

DIVORCE DECREE

DEMEREE & SMITH  
First National Bk. Bldg.  
Mobile, Alabama.  
Bloxham Building  
Fairhope, Alabama.

*Filed September 11, 1940  
R.S. Duvall, Register*

The State of Alabama Baldwin County

CIRCUIT COURT IN EQUITY

No. ....

CIRCUIT COURT OF BALDWIN  
COUNTY, ALA.

In Equity.

Mrs. Erla Courtney Cole

vs.

Mr. Clarence Cole

Decree Pro Confesso After  
Notice By Registered Mail.

Filed in office this 3 day of

*September* 1940 192

*R. S. Dink* Register

Entered in O. B. .... Page .....

MOORE PRINTING

NO. \_\_\_\_\_

**THE STATE OF ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

\_\_\_\_\_ Mrs. Eria Courtney Cole

**Complainant**

**VS.**

\_\_\_\_\_ Mr. Clarence Cole.

\_\_\_\_\_ Defendant

**Commission To Take Deposition**

**COMMISSIONER:**

\_\_\_\_\_ Carl L Bloxham

\_\_\_\_\_ Witnesses:

**ORAL EXAMINATION**

I, Carl L. Blaxham, 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— and read over to her and she signed the same in the presence of myself \_\_\_\_\_ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness— or had proof made before me of the identity of said witness—; 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 31st day of August, 1940.

Carl L. Blaxham (L. S.)

No. _____	Page _____
<b>THE STATE OF ALABAMA</b> <b>Baldwin County</b> <b>IN CIRCUIT COURT, IN EQUITY</b>	
<u>Mrs. Eula Courtney Cole</u> Complainant	
Vs.	
<u>Mr. Clarence Cole</u> Respondent	
<b>ORAL DEPOSITION</b>	
Filed <u>September 3</u> , 19 <u>40</u>	
<u>R. S. Durb</u> , Register	
RECORDED IN _____	Record _____
Vol. _____	Page _____
	Register _____

THE STATE OF ALABAMA }  
Baldwin County

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

Irene  
Erla Courtney Cole \_\_\_\_\_ COMPLAINANT

VS.

Clarence Bernard Cole \_\_\_\_\_ RESPONDENT

I, Carl L Bloxham \_\_\_\_\_

as Register and Commissioner in the above styled cause \_\_\_\_\_

have called and caused to come before me Erla Courtney Cole \_\_\_\_\_

witness named in the Requirement for Oral Examination, on the 31st day of August \_\_\_\_\_

1940, at the office of Carl L Bloxham \_\_\_\_\_

in Fairhope, Alabama, and having first sworn said witness to speak the truth,

the whole truth, and nothing but the truth, the said Erla Courtney Cole \_\_\_\_\_

doth depose and say as follows:

Erene

My name is Erla Courtney Cole. I have been a resident of Fairhope, Baldwin County Alabama for more than two years. I am over the age of twenty-one. On or about December 31st, 1925 I intermarried Clarence Bernard Cole, Respondent in the City of Youngston Ohio and ever since we have been husband and wife.

On or about the 28th of May 1938 Clarence Bernard Cole abandoned me from bed and board and since that time has not contributed anything to my support.

*Erla Irene Courtney Cole*

United States Postal Service  
REGISTERED ARTICLE

RECEIVED BY ADDRESSEE OF POST OFFICE OF DESTINATION



POSTAGE PAID  
NO. 1234  
NEW YORK, N.Y.  
MAY 15 1916  
RECEIVED  
MAY 15 1916  
MAY 15 1916

PAID BY ADDRESSEE OF POST OFFICE OF ORIGIN  
REGISTERED ARTICLE

Address of Addressee  
1234 Broadway, New York, N.Y.  
(NAME OF ADDRESSEE)

Address of Origin  
1234 Broadway, New York, N.Y.

Post Office of Origin  
New York, N.Y.

# RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article the original number of which appears on the face of this Card.

(Signature of Receiver or Addressee)

(Signature of Addressee's Agent)

No. of Card  
Date of Issue

Postmaster's Office

Ms. 4-511-11  
11/11/11



STATE OF ALABAMA, )  
BALDWIN COUNTY )

I, R. S. DUCK, Register in Chancery, Baldwin County, Alabama hereby certify that a copy of the Bill of Complaint filed in the within cause together with a copy of Summons, was mailed to the respondent at 387 W. Glenaven, Youngstown, Ohio, by registered mail, postage prepaid, with return receipt requested, and marked for delivery to addressee only.  
This the 27th day of June, 1940.

*R. S. Duck*  
R. S. DUCK, Register.

STATE OF ALABAMA

COUNTY OF BALDWIN

ERLA IRENE COURTNEY COLE  
COMPLAINANT

VS

CLARENCE BERNARD COLE  
RESPONDENT

IN EQUITY

BILL OF COMPLAINT

FOR DIVORCE

*Filed June 12/1940*  
*R. S. Duck, Register*

Law Office  
Richard J. Damence

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. \_\_\_\_\_ Term, 193\_\_\_\_\_

Orla Irene Courtney Cole, Complainant

Vs.

Clarence Bernard Cole, Defendant

To R. S. Duck, 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 DEMEREER & SMITH By Richard J.

Demereer 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.

DEMEREER & SMITH

*Richard J. Demereer*

Solicitor for Complainant.

The State of Alabama,  
Baldwin County.

} No. .... CIRCUIT COURT IN EQUITY.

..... Erla Irene Courtney Cole ..... Complainant

vs.

..... Clarence Bernard Cole ..... Defendant

Motion is hereby made for a Decree Pro Confesso against  
..... Clarence Bernard Cole .....

..... 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 ~~sent by registered mail~~ <sup>sent by registered mail</sup> ~~to the address given in the complaint,~~ <sup>to the address given in the complaint,</sup> and that said Defendant... has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 31st day of August 1940

DEMEREE & SMITH

By *Richard Demeree* Solicitor.

Erle Irene Courtney Cole

\_\_\_\_\_

\_\_\_\_\_

vs.

Clarence Bernard Cole

\_\_\_\_\_

\_\_\_\_\_

**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, \_\_\_\_\_  
executed June 5th 1940 by Erle Irene Courtney Cole By her  
Solicitors ~~DEBREE~~ & SMITH By Richard J Demoree. Her testimony  
sets out that she is a resident for the past two years of  
Alabama: is over twenty-one; that she was married to Clarence  
Bernard Cole on or about December 31st 1925 and that the  
Respondent abandoned her May 28, 1938 and has not supported her since.  
and in behalf of Defendant upon default

*R.S. Duval*

Register.

RECORDED

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

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

Mrs. Erla Courtney Cole  
vs.

Mr. Clarence Cole

**NOTE OF TESTIMONY**

Filed in Open Court this 3

day of September 1940

*R. S. Duch*

REGISTER

No. ....

Page .....

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

Mrs. Erla Courtney Cole

vs.

Mr. Clarence Cole

**MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE**

Filed *September 3,* 19 *40*

*R. S. Dura*

Register.

Recorded in ..... Record,

Vol. .... Page .....

Register.

**The State of Alabama,**

Baldwin County.

**CIRCUIT COURT, IN EQUITY**

Mrs. Erla Courtney Cole

Vs.

Mr. Clarence Cole.

**REQUEST FOR DECREE IN  
VACATION**

Filed September 3, 1940

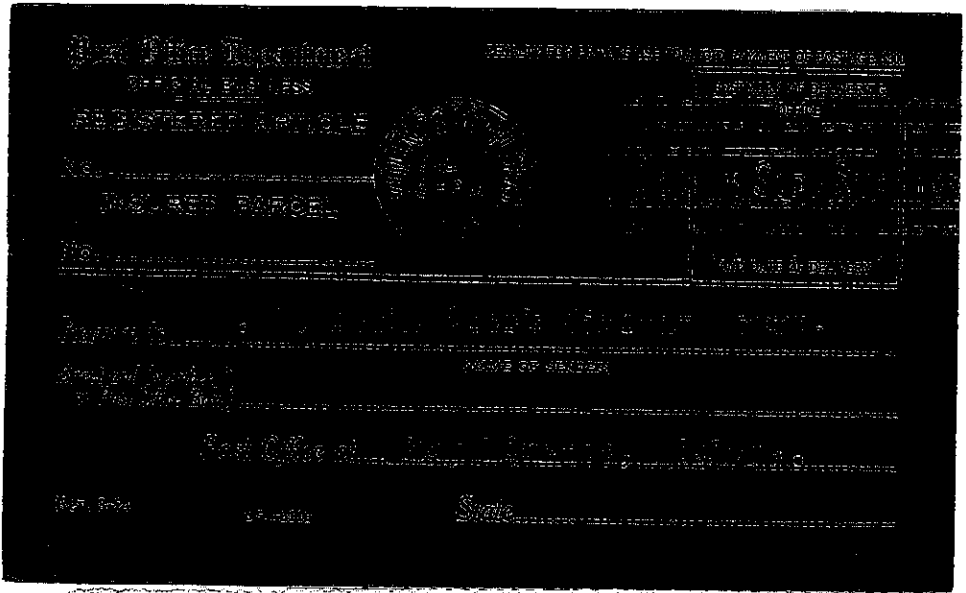
R. S. Dush

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.



OR REGISTERED ARTICLE No. 767

ad. 1 class postage paid. 6-27, 1940  
(Date)  
 Surcharge paid, \$ \_\_\_\_\_

Ray S. Smith (Sender)  
 (Street and number) \_\_\_\_\_ (Post office and State) \_\_\_\_\_  
 Addressed to Ray Smith Okla  
 (Address) \_\_\_\_\_ (Post office and State) \_\_\_\_\_  
284 W. Main, Okla  
 (Street and number) \_\_\_\_\_ (Post office and State) \_\_\_\_\_

Accepting employee will place initials in space below, indicating restricted delivery  
 Return receipt fee 83 (in person \_\_\_\_\_)

