

8581 NOTE OF TESTIMONY

Alice S. Van Wynn,

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vs.

John P. Van Wynne

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THE STATE OF ALABAMA,
BALDWIN COUNTY

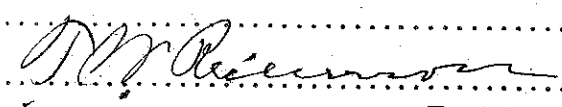
IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
Service by Registered mail, decree pro confessor and testimony
of Alice S. Van Wynn and Harry T. Straddling,

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and in behalf of Defendant upon

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Register.

The State of Alabama, Baldwin County.

No. 1036.

Circuit Court, in Equity.

Alice S. Van Wynen

Complainant

vs.

John P. Van Wynen

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 cruelty.

It further orderd, that the said Alice S. Van Wynen be, and she is hererby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said John P. Van Wynen 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

Alice S. Van Wynen

It is further ordered, adjudged and decreed that said Alice S. Van Wynen shall not again marry except to said John P. Van Wynen until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said John P. Van Wynen

during the said pendency of appeal. Custody is awarded the custody of Robert Murray Van Wynen until further orders of this Court.

This 18th day of May 1932

Judge of the Circuit Court of Baldwin County.

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

ALICE S. VAN WYNEN, complainant,

vs.

JOHN P. VAN WYNEN, Respondent

IN CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

THE DEPOSITIONS

of Alice S. Van Wynen and Harry T. Stradling, witnesses examined
of behalf of the Complainant in the above entitled action which is
now pending in the Honorable, the Circuit Court of Baldwin County,
Alabama.

The said witnesses appeared before me at the time and place here-
inafter mentioned and, after having been sworn by me to tell the truth,
the whole truth, and nothing but the truth, did testify and say as
follows:

THE TESTIMONY OF ALICE S. VAN WYNNEN Offered in her Own
Behalf in the Cause Above Entitled, Follows:

My name is Alice S. Van Wynen and I am the Complainant in this action. I am over the age of 21 years and have been a resident of the State of Alabama, at the Town of Fairhope, for more than one year prior to the filing of the bill in this case. The Defendant John P. Van Wynen, resides in New York City, N. Y. and is over the age of 21 years. I was married to the said John P. Van Wynen on August 26, 1925, at Baltimore, Maryland, and we have one son born as the issue of such marriage on December 22, 1927, who is now with me at Fairhope. In less than a year after we were married namely in the spring of 1926, the Defendant began a course of cruelty toward me, twice committing actual violence on me by choking me roughly and once threatening to kill me. On many occasions during the following year the Defendant called me vile names which seriously affected my health by causing me great mental suffering. This course of action on his part continued at intervals during the years 1928- 1929- 1930 and 1931 and seriously affected my health on each occasion of passion.

I suffered terribly at such times and feared serious bodily injury until I could not bear it any longer and left him in the month of February, 1931, and came to Fairhope shortly after that time. I was at all times a good, faithful and dutiful wife to the respondent and never gave him any cause for his acts of cruelty and violence and threats of injury and death. My little boy, Robert, is with me and I wish to be granted his sole care and custody, and I also desire that I be allowed the restoration of my maiden name of Stradling.

Alice S. Van Wynen

Subscribed and sworn to before me on this 13th day of May, 1932.

G. E. Perkins
Commissioner.

Testimony of Harry T. Stradling Offered as a

Witness in Behalf of Complainant is as follows:

My name is Harry T. Stradling and I am 32 years of age and I live and am in business at Fairhope, Baldwin County, Alabama. The Complainant in this cause, Alice S. Van Wynen, is my younger sister, is over 21 years of age and is a resident of Fairhope, Baldwin County, Alabama, having been living with me since some time in February, 1931. She was married to Defendant, John P. Van Wynen, at Baltimore, Maryland, in August 1925, and lived with him as his wife until she left him early last year and came down here. They lived in New York City, where I visited them on several occasions and learned of his cruelty to her. John Van Wynen has a very violent temper and an irritable disposition. I did not see him act with violence toward her but I know of my own knowledge that her health at various times was seriously affected by his rough treatment of her and by his violent outbursts of passion. I know that several times she was obliged to go to bed as a result of his abusive language and rough treatment of her and that her health was suffering as a result. She was in danger, I believe, of a nervous breakdown at the time she left him in 1931 and came to live with me here. She is a young woman of a very good and kind disposition and from my knowledge of her I am certain that she gave him no cause for his abusive language and rough treatment of her.

Harry T. Stradling

Subscribed and sworn to before me on this 13th day of May, 1932.

G. E. Beckner
Commissioner

ALICE S. VANWYNEN, Complainant,

vs.

JOHN P. VAN WYNEN, Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

CERTIFICATE OF COMMISSIONER

I, G. E. Perkins, the Commissioner named in the attached commission, hereby certify that, in pursuance thereof, I did, on Saturday, the 13th day of May, 1932, call and cause to come before me, at the office of Edward P. Totten, in the Bank of Fairhope, Building, at Fairhope, Alabama, in the county of Baldwin, the said witnesses, Alice S. Van Wynen and Harry T. Stradling, and that the said witnesses, after having been first duly sworn, did testify in answer to oral interrogatories propounded to them by Edward P. Totten, Esq., Solicitor for Complainant, as set down above their signatures, and that the answers of said witnesses are set down as near as might be in their own language and that they subscribed their names thereto in my presence after having heard the same read to them.

I further certify that I am neither of counsel nor of kin to any of the parties to this suit, nor am I in any manner interested in the result thereof.

Witness my hand at Fairhope, Ala., on this 13th day of May, 1932 .


COMMISSIONER

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Hon. G. E. Perkins,

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 Alice S. Van Wynne and Harry T. Straddling,

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

Alice S. Van Wynne

Complainant

and

John P. Van Wynne

Defendant,

on oath to be by you administered, upon the said witnesses, to take and certify the deposition... of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 9th day of May 1932

[Signature]
REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$ _____

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 JOHN P. VAN WYNEN
5403 Ely Avenue, New York City, N.Y.

of Bronx 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
Alice S. Van Wynen

against said John P. Van Wynen

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 31st day of

March 193 2

T. W. Richerson Register.

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

The State of Alabama,
Baldwin County.

No. CIRCUIT COURT IN EQUITY.

ALICE S. VAN WYNEN

Complainant

vs.

JOHN P. VAN WYNEN

Defendant

Motion is hereby made for a Decree Pro Confesso against

JOHN P. VAN WYNEN

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...has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 9th day of MAY 19 32

Edward P. ...
Solicitor.

The State of Alabama, }
Baldwin County.

No. CIRCUIT COURT, IN EQUITY

ALICE S. VAN WYNEN Complainant.....

vs.

JOHN P. VAN WYNEN Defendant.....


In this cause it appears to the satisfaction of the Register
that a Summons requiring the Defendant John P. Van Wynen

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 him, and that said summons
was served upon him ~~by the Sheriff of Baldwin County Alabama~~ on the
4th day of April 1932.
by the mailing of summons and complaint by Registered Mail, with
delivery restricted and was received by Defendant according to
signed registry return card filed herewith.

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 Edward P. Totten, Esq., solicitor
for complainant... it is hereby
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 John P. Van Wynen

Defendant aforesaid.

This 9th day of May 1932


Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG. CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1036. Vacation Term, 1932

Alice S. Van Wynn, Complainant

vs.

John P. Van Wynn, 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 Edward P. Totten

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.

..... Edward P. Totten
Solicitor for Complainant.

ALICE S. VAN WYNEN, Complainant, (IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA,
JOHN P. VAN WYNEN, Defendant. | IN EQUITY.

BILL OF COMPLAINT FOR DIVORCE.

TO THE HONORABLE F. W. HARE, Judge of said Court:

Your orator, Alice S. Van Wynen, brings this Bill of Complaint against above named defendant and respectfully shows unto Your Honor as follows:

That complainant is over the age of twenty-one years and that, for more than one year next preceding the filing of this Bill, has been and now is an actual resident of the state of Alabama, in the county of Baldwin, at the town of Fairhope, therein;

That the defendant, John P. Van Wynen, is over the age of twenty-one years and is a resident of the state of New York, at the city of New York therein at the address following: 3403 Ely Avenue, Bronx;

That at the city of Baltimore, in the state of Maryland, on August 26, 1925, the complainant and defendant intermarried and ever since have been and now are lawful wife and husband;

That there was born, as the issue of such marriage, on December 22, 1927, a son named Robert Murray, who is now in the care and custody of your orator;

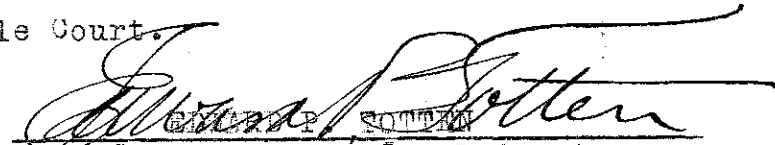
That beginning in the spring of the year 1926 and continuing until the month of February, 1931, when your orator left defendant, the defendant has been guilty of extreme cruelty toward your orator in that said defendant has committed actual violence on her person, attended with danger to her health, on two occasions choking her roughly and on one occasion threatening to kill her; that on many occasions during the said period the defendant has applied vile and opprobrious epithets to your orator, causing her great mental anguish; that the defendant is a man of violent and ungovernable temper and by his outbursts of passion kept the complainant in a constant state of fear for her health and even her life, and that, in consequence of such acts and threats by the defendant, your orator suffered both mentally and physically and was in apprehension of serious bodily injury or death;

That your orator has at all times demeaned and conducted herself properly and has always acted toward her said husband as a faithful and dutiful wife and is entirely without fault in the premises; that she has given defendant no cause or provocation whatever for his acts and threats of violence and cruelty to her.

PRAYER FOR PROCESS AND FOR RELIEF.

The premises considered, your orator prays that, by the usual process of this Honorable Court, the defendant above named, John P. Van Wynen, may be made party respondent to this Bill of Complaint and may be required to answer, demur or plead to this Bill within the time and under the penalties as provided by law or that the same be forever confessed.

Your orator further prays that, upon the final hearing of this cause, Your Honor will grant unto the complainant an absolute divorce from the bonds of matrimony heretofore and now subsisting between complainant and defendant, that Your Honor will grant further unto complainant the sole care and custody of her minor child, Robert Murray, that she be allowed and decreed the restoration of her maiden name of Stradling, and for such other, further and different relief to which, in equity and good conscience, she may be entitled, if she has in any wise prayed or asked amiss of this Honorable Court.


Edward P. Trotter
Solicitor for Complainant.

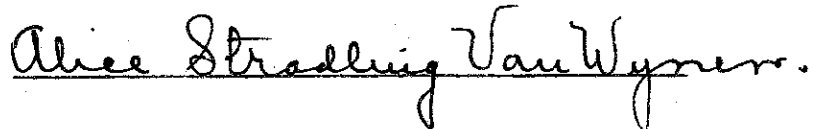
FOOTNOTE:

The defendant, John P. Van Wynen, is hereby required to answer each and every allegation contained in the foregoing Bill of Complaint, but not under oath, as answer under oath is hereby expressly waived.


Edward P. Trotter
Solicitor for Complainant.

STATE OF ALABAMA)
(ss.
COUNTY OF BALDWIN)

Alice S. Van Wynen, being by me first duly sworn, on oath says, that she is the complainant in above entitled cause, that she has read the foregoing Bill and that the allegations of the same, including that as to the residence of defendant, are true to the best of her knowledge, information and belief.


Alice S. Van Wynen.

Subscribed and sworn to before me this 26th day of March, 1932


NOTARY PUBLIC

The State of Alabama, } No. 1036. CIRCUIT COURT IN EQUITY
 Baldwin County

HAZEL A. CREAMER, Complainant
 vs.

IRWIN CREAMER, 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 abandonment.

It is further ordered, that the said Hazel A. Creamer be, and ^she 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 Irwin Creamer 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 Hazel A. Creamer.

It is further ordered, adjudged and decreed that the said Hazel A. Creamer shall not again marry except to said Irwin Creamer until sixty days after this date, and that if an appeal is taken within sixty days ^she shall not marry again except to said Irwin Creamer

during the said pendency of appeal

This 31st day of August, 1933.

[Signature]
 JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

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 _____, 19____,

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 _____, 19____

Register

I N E Q U I R Y .

HAZEL A. CREAMER,
Complainant,

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

versus

IRWIN CREAMER,
Respondent.

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, answer and 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 Respondent be, and the same are hereby dissolved, and the complainant is forever divorced from the Respondent, on account of abandonment.

IT IS FURTHER ORDERED, That the said Hazel A. Creamer be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

IT IS FURTHER ORDERED AND DECREED that Respondent pay to Complainant the sum of fifty dollars as reasonable counsel fees incurred by her in this cause within sixty days from this date, said sum, when paid to be in full satisfaction of any claim for alimony.

IT IS FURTHER ORDERED that Complainant may resume her maiden name.

IT IS FURTHER ORDERED, that the said Irwin Creamer 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 Hazel A. Creamer.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Hazel A. Creamer shall not again marry except to said Irwin Creamer until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Irwin Creamer during the said pendency of appeal.

This 31st. day of August, 1933.

F. W. Hare
Judge of the Circuit Court of Baldwin County.

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

Hazel A. Creamer _____ COMPLAINANT

VS.

Irwin P. Creamer _____ RESPONDENT

I, T. W. Richerson _____

as Register and Commissioner _____

have called and caused to come before me J. B. Blackburn, Attorney _____

to ascertain attorney's fee in this cause _____

witness _____ named in the requirement for Oral Examination, on the 3rd day of June _____

1933, at the office of T. W. Richerson, Register _____

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

truth, the whole truth, and nothing but the truth, the said J. B. Blackburn _____

doth depose and say as follows:

That he is an attorney at law practicing in Bay Minette, Alabama;
that the sum of Fifty (\$50.00) Dollars is a reasonable Solicitor's
fee for the Complainant's attorney in the above entitled cause.

J. B. Blackburn

HAZEL A. CREAMER
Complainant.
VS
IRVIN P. CREAMER
Respondent.

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

The Complainant requests the oral examination
of the following witnesses on her behalf, viz.;

Mrs. Hazel A. Creamer.

Mrs. Carrie Jones.

Miss Bernice Folmar, who resides at Fairhope,
Alabama, is suggested as a suitable person to be appointed
commissioner to take the depositions of said witnesses on
such oral examination.

William B. Rice
Solicitors for Complainant.

HAZEL A. CREAMER,
Complainant.
VS
IRVIN P. CREAMER
Respondent.

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

Comes the Respondent and for answer to the Bill of
Complaint filed in this cause says:

FIRST: He admits the allegations as to the names,
ages, and residences of the parties and of the marriage.

SECOND: He denies all other allegations of the
bill.

Respondent further waives notice of the application
for commission to take complainant's testimony, the time and
place of taking same, the right to cross examine or to offer
evidence in his own behalf. He further consents that the
cause may be submitted without further notice upon the
pleadings and Complainant's evidence.

Irvin Creamer.

Respondent.

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 IRVIN P. CREAMER

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 Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

HAZEL A. CREAMER

against said IRVIN P. CREAMER

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 10th day of

December 1932

T. W. Richerson Register.

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

LAW OFFICES
ELLIOTT G. RICKARBY
ROBERTSDALE, ALA.

Fairhope, Alabama
September 2, 1933.

Hon. F. W. Hare
Judge Circuit Court
Monroeville, Alabama.

Dear Judge:-

Mrs. Stone has just sent me copies of the two divorce decrees that you rendered in my cases last Thursday and I note that in preparing these for your signature I left out in the Creamer case any reference as to counsel fees. It was understood that these were to be charged up to Respondent in lieu of any claim for alimony and a reference was held fixing this at \$50.00. In my haste in preparing this decree I overlooked this and now hasten to you to help me out of the loss occasioned by the oversight for which I alone am to blame. I have therefore rewritten the decree which I will ask you to sign and send to Mrs. Stone as a corrected and correct decree before the original is recorded. I also enclose another copy for her certification to give her the minimum of trouble because of my omission.

The Respondent is not prejudiced by this as he expects to have to pay, but he certainly will not pay if he finds I have made this slip.

For your assistance in this, I thank you.

Very truly yours,

Elliott G. Rickarby

R:L
1060.

TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA

F. W. HARE, JUDGE

L. S. BIGGS, CIRCUIT SOLICITOR

M. R. FARISH, COURT REPORTER

MONROEVILLE, ALABAMA

September 6th, 1933.

Mrs. M. A. Stone,

Bay Minette, Ala.

Dear Mrs. Stone:- Hazel A. Creamer Vs. Irwin Creamer

I enclose decree in the above case which new decree is to be substituted for the one sent you a few days ago, provided, the former decree has not been recorded. If the former decree has been recorded it will be necessary for Mr. Rickarby to file some motion for an amendment. In that case, simply hold matters up till next week.

For you full information an enclosing letter from Mr. Rickarby.

Will see you Monday morning.

Your friend

F. W. Hare
F. W. Hare

HAZEL A. CREAMER,
Complainant

1036

vs

E Q U I T Y

IRWIN CREAMER,

CIRCUIT COURT BALDWIN COUNTY
ALABAMA

Respondent

Before me the undersigned Notary Public personally appeared Elliott G. Rickarby who being sworn says that by a decree rendered in the above styled cause on the 31st day of August 1933, Irwin Creamer, the above named Respondent was ordered to pay to Hazel Creamer, the complainant, the sum of \$50.00 for alimony and counsel fees together with \$19.95 the costs of court and that A. O. Berglin doing business as the Fairhope Creamery, is believed to have in his possession or under his control money or effects belonging to said Respondant or to be indebted to him and that affiant believes that process or garnishment against said Fairhope Creamery is necessary to obtain satisfaction of said decree.

Elliott G. Rickarby

Subscribed and sworn to before me this 30th day of May, 1935

Hathleen Simon
Notary Public, Baldwin County,

Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

IN THE CIRCUIT COURT

Term, 19...

HAZEL C CREAMER

Plaintiff.

Versus

IRWIN CREAMER

Defendant.

A. O. BERGLIN

Garnishee.

To IRWIN CREAMER

You will take notice that affidavit having been made in the above stated cause, that

A. O. BERGLIN

is supposed to be indebted to the said defendant IRWIN CREAMER

or have effects of the said IRWIN CREAMER in his

possession or under his control and that he believe that process of gar-

nishment is necessary against said IRWIN CREAMER to obtain

satisfaction of said judgment.

That Writ of Garnishment has this day been issued to the said A. O. BERGLIN

commanding him to be and appear before

the Circuit Court to be holden for BALDWIN County, Alabama, and within thirty days

after service thereof, then and there to answer on oath what he is indebted to said

IRWIN CREAMER at the time of service of this Writ of Garnishment,

or at the time of making his answer, and whether he will not be indebted

in future to him by a contract then existing, and whether he has have not in

his possession or under his control personal or real property or things in action be-

longing to defendant IRWIN CREAMER

Witness my hand this the 31st day of May, 1955

Robert L. Duck, Clerk.

GARNISHMENT ON JUDGMENT

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

TERM, 192

To Any Sheriff of the State of Alabama—Greeting:

WHEREAS, At a regular Term, 192, of the Circuit Court of Baldwin County, to-wit: On the thirty-first day of August, 1933 being a regular day of said term

HAZEL A. CREAMER

recovered ~~judgment against~~ a decree against

IRWIN CREAMER

for the sum of FIFTY Dollars, and cost of suit,

and affidavit having been made by Elliott G. Rickarby, Solicitor for Complainant that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, viz:

A. O. BERGLIN doing business as the
FAIRHOPE CREAMERY

has or is believed to have in his possession, or under his control money or effects belonging to said defendant or that he is, or is believed to be indebted to said defendant or to be liable to them, or to one of them on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

You are Therefore Hereby Commanded to Summon A. O. Berglin, individually and as President of the FAIRHOPE CREAMERY

to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in the City of Bay Minette, on the Monday in the month of August, 1933 A. D. 1933 within thirty days from the service of this writ then and there ~~within the three first days of the term~~ to answer on oath, whether at the time of the service of the garnishment, or at the time making his answer, or at any time intervening the time of serving the garnishment and making the answer he was indebted to said defendant and whether he will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing he is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether he has not in his possession or under his control money or effects belonging to the defendant Irwin Creamer.

Herein fail not, and have you then and there this Writ.

ROBERT S. DUCK, Register
Witness, ~~W. W. RICHMONSON, Clerk~~ of said Court, this thirty-first

day of May A. D. 1935.

Issued 31st day of May, 1935. A. D. 1935.

ATTEST:

Robert S. Duck
Register

HAZEL A. CREAMER
Complainant.

VS

IRVIN CREAMER,
Respondent.

)
IN EQUITY.

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

THE DEPOSITIONS OF HAZEL A. CREAMER AND CARRIE A. JONES,
WITNESS FOR COMPLAINANT IN THE ABOVE ENTITLED CAUSE:

Said witnesses having been duly sworn to tell the truth,
the whole truth and nothing but the truth upon examination
by Elliott G. Rickarby, Esq., Solicitor for Complainant, testified
as follows:

HAZEL A. CREAMER:

I am the Complainant in this cause and am sixteen
years of age. On November 9th, 1930, I was married to Irvin
Creamer at Pensacola, Florida, where he and I went for the purpose,
and at once returned to Fairhope, where we are living now and both
lived for more than ten years past. He is twenty one years of
age and was over twenty one when this bill was filed.

We did not get along well together as husband and wife
and only lived together for a month. On December 9th, 1930, he
left me without any just cause and has since then lived entirely
separate and apart from me. I am still living with my mother,
with whom we stayed during our short married life. Since he left
me I have seen him several times on the street but we have not
gone back together or had any marital relations whatsoever in all
this time and are still living separate and apart, he with his
sister and I with my mother. In the entire time of our married
life he did not contribute a single cent to my support and in the
month we were together my mother paid all expenses and we paid no
board.

Hazel A. Creamer.

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

HAZEL A. CREAMER, who here appears by her next friend,
CARRIE JONES, by this her Bill of Complaint presented against IRVIN
P. CREAMER, respectfully shows:

FIRST: That she and the said IRVIN P. CREAMER are now and
have been all of their lives bona fide residents of Baldwin County,
Alabama, that she is now sixteen years of age, and the said Irvin
P. Creamer is twenty one years of age.

TWO: That they were lawfully married in Escambia County,
Florida, in November 9th, 1930, and immediately returned to Fairhope,
Alabama, where they lived together as husband and wife until December
9th following, when the said Irvin P. Creamer entirely abandoned her
which abandonment has continued up to the present time, and during
which time they have had no marital relations whatsoever.

THE PREMISES CONSIDERED, Complainant prays that the said
Irwin P. Creamer be made party defendant to this bill and by
appropriate process be notified to answer same within the time
prescribed by law.

Complainant further prays that upon the hearing of this cause
a decree be granted forever divorcing her from the said Irvin P.
Creamer, granting her the right to marry again should she so desire, to
resume her maiden name and such other, further, and different reliefs
as to equity may seem meet.

Elliott S. Rinsley
Solicitor for Complainant.

NOTE: The Defendant is required to answer each paragraph of the
foregoing bill but not under oath.

Elliott S. Rinsley
Solicitor for Complainant.

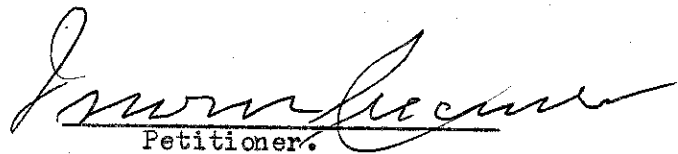
EX PARTE
IRWIN CREAMER.

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

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

Your Petitioner, Irwin Creamer, Respectfully represents unto your Honor that a decree of divorce was granted by your Honor against your Petitioner and in favor of Hazel A. Creamer on August 31, 1933, on the ground of voluntary abandonment; that more than sixty days have elapsed since said decree was granted as aforesaid, during all of which time your petitioner has been sober, industrious and a peaceable citizen; that there is no reason, so far as your Petitioner knows, why he should not be granted the right to remarry.

WHEREFORE, the premises considered, your Petitioner prays that your Honor will take jurisdiction of this petition and upon consideration thereof, and of the evidence submitted herewith, that Petitioner may be granted the right to remarry.


Petitioner.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared Harris N. Rockwell who, after being by me first duly and legally sworn, deposes and says: That he is a bona fide resident of Baldwin County, Alabama, and that he has been such resident for more than five years; that he has known Irwin Creamer for more than three years and knows him to be an industrious law-abiding citizen and one who bears a good reputation. That affiant believes and so asserts that it is good for the public that the said Irwin Creamer be permitted to marry again, affiant believing that if he is so married he will make a good husband.

Harris N. Rockwell

Sworn to and subscribed before me on this the 2nd day of March, 1943.

J. E. Perkins

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared A. F. Stenzel who, after being by me first duly and legally sworn, deposes and says: That he is a bona fide resident of Baldwin County, Alabama, and that he has been such resident for more than five years; that he has known Irwin Creamer for more than three years and knows him to be an industrious law-abiding citizen and one who bears a good reputation. That affiant believes and so asserts that it is good for the public that the said Irwin Creamer be permitted to marry again, affiant believing that if he is so married he will make a good husband.

A. F. Stenzel

Sworn to and subscribed before me on this the 2nd day of March, 1943.

E. E. Perkins

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared Nancy C. Sanders who, after being by me first duly and legally sworn, deposes and says: That he is a bona fide resident of Baldwin County, Alabama, and that he has been such resident for more than five years; that he has known Irwin Creamer for more than three years and knows him to be an industrious law-abiding citizen and one who bears a good reputation. That affiant believes and so asserts that it is good for the public that the said Irwin Creamer be permitted to marry again, affiant believing that if he is so married he will make a good husband.

Nancy C. Sanders

Sworn to and subscribed before me on this the 2nd day of March, 1943.

G. E. Perkins

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Ex Parte

No. 1036¹/₄

Irwin Creamer.

THIS CAUSE coming on to be heard at this Term was submitted upon the Petition filed by said

..... Irwin Creamer.....

and the affidavits filed therewith; and, upon consideration thereof, the Court is of the opinion that the Petitioner is entitled to the relief prayed for in the said Petition;

IT IS, THEREFORE, Ordered, adjudged and decreed by the Court, that the said

..... Irwin Creamer.....

be and he is hereby granted permission to again contract marriage.

It is further ordered, that the said petitioner Irwin Creamer pay the costs herein taxed, for which execution may issue.

This the 3rd day of November 1923.

(Signed)

J. W. Hare
.....
Judge of the 21st Judicial Circuit of Alabama.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

R S DUCK.

I, ~~XXXXXXXXXX~~, Register of the Circuit Court, in and for said State and County, do hereby certify that the above is a true and correct copy of the Decree allowing the within named Petitioner to again contract marriage, rendered on the 3rd day of November 1923 in the cause; all of which appears of record in this Court.

Witness my hand and seal of office, this the 3rd day of November 1923.

.....
Register of the Circuit Court in Equity for Baldwin County, Ala.

HAZEL A. CREAMER
Complainant.

VS

IRVIN CREAMER,
Respondent.

IN EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

THE DEPOSITIONS OF HAZEL A. CREAMER AND CARRIE A. JONES,
WITNESS FOR COMPLAINANT IN THE ABOVE ENTITLED CAUSE:

Said witnesses having been duly sworn to tell the truth,
the whole truth and nothing but the truth upon examination
by Elliott G. Rickarby, Esq., Solicitor for Complainant, testified
as follows:

HAZEL A. CREAMER:

I am the Complainant in this cause and am sixteen
years of age. On November 9th, 1930, I was married to Irvin
Creamer at Pensacola, Florida, where he and I went for the purpose,
and at once returned to Fairhope, where we are living now and both
lived for more than ten years past. He is twenty one years of
age and was over twenty one when this bill was filed.

We did not get along well together as husband and wife
and only lived together for a month. On December 9th, 1930, he
left me without any just cause and has since then lived entirely
separate and apart from me. I am still living with my mother,
with whom we stayed during our short married life. Since he left
me I have seen him several times on the street but we have not
gone back together or had any marital relations whatsoever in all
this time and are still living separate and apart, he with his
sister and I with my mother. In the entire time of our married
life he did not contribute a single cent to my support and in the
month we were together my mother paid all expenses and we paid no
board.

Hazel A. Creamer.

MRS. CARRIE A. JONES.

I am the mother of Hazel Creamer, the complainant in this cause. She has been a resident of Baldwin County continuously since she was five years old and when we moved into this County. In November 9th, 1930, she went over to Pensacola and was married to Irvin Creamer. They came back at once to Fairhope and lived with me, but only for about a month, when he abandoned her about December 9th, 1930, and has since that time lived separate and apart from her and they have not been together as husband and wife since that time. She has only seen him a few times on the street. He did nothing for her while they were married or since and their separation has been absolute from the time he went away up to the present time. He is, I am informed, a native of Baldwin County and I know of my own knowledge that he was living here when we moved to the County, and that they have been separate and apart for more than two years.

Carrie A. Jones

I, Bernice S. Folmar, the Commissioner named in the attached commission, issued from the circuit court of Baldwin County in the case pending in Equity wherein Hazel A. Creamer is Complainant and Irvin Creamer Respondent, hereby certify that pursuant to the instructions in said commission, I caused Hazel A. Creamer and Carrie A. Jones, witnesses for Complainant, to appear before me at my office in Fairhope, Alabama, on the 20th day of January, 1933, where, after being duly sworn upon examination by Elliott G. Rickarby, Esq., solicitor for Complainant, they testified as is therein set forth that their answers were by me reduced to writing and read over and signed by them in my presence and in the presence of the solicitor for Complainant.

I further certify that I am neither of counsel nor of kin to either of the parties in said cause or in anywise interested in the outcome thereof.

Given under my hand and seal as commissioner this the 20th day of January, 1933.

Bernice S. Folmar

Commissioner.

STATE OF ALABAMA, BALDWIN COUNTY

IN THE CIRCUIT COURT

Term, 19

HAZEL G CREAMER

Plaintiff.

Versus

IRWIN CREAMER

Defendant.

A. O. BERGLIN

Garnishee.

To

IRWIN CREAMER

You will take notice that affidavit having been made in the above stated cause, that

A. O. BERGLIN

is supposed to be indebted to the said defendant IRWIN CREAMER

or have effects of the said IRWIN CREAMER in his

possession or under his control and that he believe that process of gar-

nishment is IRWIN CREAMER necessary against said IRWIN CREAMER to obtain

satisfaction of said judgment.

That Writ of Garnishment has this day been issued to the said A. O. BERGLIN

commanding him to be and appear before

the Circuit Court to be holden for BALDWIN County, Alabama, and within thirty days

after service thereof, then and there to answer on oath what he is indebted to said

IRWIN CREAMER at the time of service of this Writ of Garnishment,

or at the time of making his answer, and whether he will not be indebted

in future to him by a contract then existing, and whether he has have not in

his possession or under his control personal or real property or things in action be-

longing to defendant IRWIN CREAMER

Witness my hand this the 31st day of May, 1935

Rehuel Duck, Clerk.

GARNISHMENT ON JUDGMENT

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

TERM, 192

To Any Sheriff of the State of Alabama—Greeting:

WHEREAS, At a regular Term, 192, of the Circuit Court of Baldwin County, to-wit: On the thirty-first day of August, 1933 being a regular day of said term.

H A Z E L A . C R E A M E R

recovered judgment against a decree against

I R W I N C R E A M E R

for the sum of F I F T Y Dollars, and cost of suit,

and affidavit having been made by Elliott G. Rickarby, Solicitor for Complainant that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, viz:

A . O . B E R G L I N doing business as the
F A I R H O P E C R E A M E R Y

has or is believed to have in his possession, or under his control money or effects belonging to said defendant or that he is, or is believed to be indebted to said defendant or to be liable to them, or to one of them on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

You are Therefore Hereby Commanded to Summon A. O. Berglin, individually and as President of the FAIRHOPE CREAMERY

to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in the City of Bay Minette, on the Monday in the thirty days from the service of this writ A. D. 192 then and there ~~within the three first days of the term,~~ to answer on oath, whether at the time of the service of the garnishment, or at the time making his answer, or at any time intervening the time of serving the garnishment and making the answer he was indebted to said defendant and whether he will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing he is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether he has not in his possession or under his control money or effects belonging to the defendant Irwin Creamer.

Herein fail not, and have you then and there this Writ.

ROBERT S. DUCK, Register

Witness, ~~WARRICKERSON, Clerk~~ of said Court, this thirty-first

day of May A. D. 1935.

Issued 31st day of May, 1935. A. D. 192

ATTEST:

Robert S. Duck
Register

IRWIN CREAMER, Respondent,
vs
DEPOSITIONS OF HAZEL A. CREAMER
AND GARRIE A. JONES,
Witnesses for Complainant.

BERNICE S. TOLMAH, Commissioner

Filed Aug. 22, 1922
Mary A. Stone
clerk

MRS MARY ALICE STONE
Register Circuit Court,
Bay Minette,
Alabama.