

DAVIS BUILDING
74 MAIN STREET

2286

TELEPHONES:
6-7731
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LAW OFFICES
SHELTON STREET
ATTORNEY AT LAW
SOLICITOR IN EQUITY
BOX 215, PRICHARD BRANCH
MOBILE, ALABAMA

May 5th, 1949

Mrs. Alice J Duck, Register
Baldwin County Circuit Court
Bay Minette, Alabama

Dear Mrs Duck: RE: NIX VS NIX, Divorce

I am enclosing Bill of Complaint, Answer & Waiver; also
suggested decree, as agreed upon.

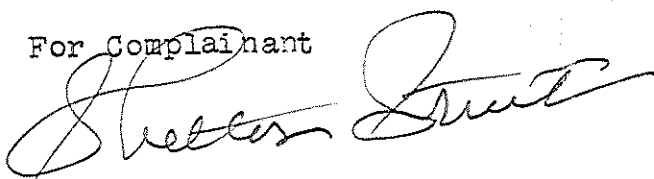
Will send the testimony, note of submission, and check for costs
within a few days. Also 2 other copies of

decree to be "certified"

Sincerely yours

SHELTON STREET, Solicitor

For Complainant



SS-ags

Alfred Daniel Nix Complainant
No. Vs. Amelia Virginia Nix Defendant

IN THE CIRCUIT COURT OF
~~XXXXXX~~ COUNTY, ALABAMA
Baldwin IN EQUITY

ANSWER AND WAIVER

Comes the Defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause. I agree that Ann Street is a suitable person to take the testimony herein, and may do so without a Commission. I ask for the care, custody and control of our minor son, and for \$30 per month to be paid me the Complainant for his support and maintenance; also for the furniture, household and kitchen, I am now using at my home.

WITNESSES: Ann Street Pro Amelia Virginia Nix
Defendant

STATE OF _____
COUNTY OF _____

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument, _____ executed the same voluntarily on the day same bears date.

Witness my hand and seal this _____ day of _____, 19____

Filed, _____
JAMES A. CRANE, REGISTER NOTARY PUBLIC
STATE OF _____
COUNTY OF _____

I agree that ANN STREET is a suitable person to take the testimony in this cause, and that she may do so without a Commission from the Court; also that the care, custody and control of the minor son of the parties hereto may be awarded to the Respondent; that I will pay her the sum of \$30 per month toward the support and maintenance of our said son; also that the Respondent shall have as her own the household and kitchen furniture now in her possession and being used by her.

Alfred Daniel Nix
COMPLAINANT

No. 2266

ALFRED DANIEL NIX,
Complainant

VS.

AMELIA VIRGINIA NIX
Respondent

ANSWER AND WAIVER

Filed

FILED
MAY 7 1949

ALICE J. DUCK, Register

Register

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ALFRED DANIEL NIX
COMPLAINANT

VS

AMELIA VIRGINIA NIX
RESPONDENT

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

IN EQUITY

NO. _____

TO THE HONORABLE JUDGE OF SAID COURT, Sitting in Equity:

Comes now your Complainant, ALFRED DANIEL NIX, and humbly complaining, presents this his Bill of Complaint against the Respondent, AMELIA VIRGINIA NIX, and shows:

O N E

Complainant is and has been for more than one year next preceding the filing of this suit a bona fide resident citizen of Baldwin County, Alabama and is more than 21 years of age. The Respondent is a resident citizen of Mobile County, Alabama more than 21 years of age.

T W O

The Complainant and the Respondent were lawfully married to each other in Blount County, Alabama in the year 1939, and lived together as husband and wife for some time thereafter. One child, a boy, named Alfred Brady Nix, was born of this marriage on March 18, 1943, and is now living with his mother, the Respondent, at her home in Mobile County, Alabama and in her care, custody and control.

T H R E E

More than one year next before the filing of this suit, the Respondent, voluntarily abandoned the bed and board of the Complainant in Baldwin County, Alabama, and has never cohabited with her as his wife or otherwise since.

P R A Y E R

THE PREMISES, CONSIDERED, Complainant prays that the Respondent be made the party defendant hereto in a manner provided by law; that upon a final hearing herein a decree be rendered forever dissolving and annulling the bonds of matrimony heretofore existing

between the parties hereto; he agrees that the care custody,
and control of the child, Alfred Brady Nix, may be awarded to
Respondent for the time being and agrees to pay her \$30.00
per month for the support and maintenance of said child.
AND COMPLAINANT PRAYS FOR GENERAL RELIEF.

Alfred Brady Nix
COMPLAINANT

Shelton Street
SOLICITOR FOR COMPLAINANT

XIX - MICHIGAN (GUTHRIE)
THURSDAY

XIX - MICHIGAN (GUTHRIE)
THURSDAY

C E R T I F I C A T E

I, Ann Street, the Commissioner agreed upon by the parties hereto, hereby certify that, in pursuance of the powers conferred upon me by said agreement, I caused to appear before me the witnesses requested by the Complainant, that is to say, AIRFRED DANIEL NIX, the Complainant, and ARCHIE W NIX; that said witnesses appeared before me at the offices of Shelton Street, 74 Main St., Prichard, Alabama, on the 9th day of May, 1949; that said witnesses and each of them was by me duly sworn according to law, after which they were orally examined by Shelton Street, Solicitor for Complainant, and did testify in answer to said oral interrogatories as hereinafter set, in narrative form; that I had their said testimony reduced to writing (typewriting) as near as might be in the identical language of said witnesses, in narrative form; that said witnesses did then subscribe their names thereto in my presence, after their said testimony had been by me read over to them.

I FURTHER CERTIFY That I am not of kin or of counsel to either of the parties to this cause, and have no interest whatsoever in the result thereof.

IN TESTIMONY Whereof, I have hereunto set my hand this the 9th day of May, 1949.


COMMISSIONER (By agreement)

DEPOSITION OF ALFRED DANIEL NIX

My name is ALFRED DANIEL NIX, I am the Complainant in this cause and am the husband of the Respondent. I am and have been for more than one year next before the filing of this suit a bona fide resident citizen of the State of Alabama, Baldwin County, and am and was at the time of the starting of this suit more than 21 years of age.

The Respondent is a resident of the State of Alabama Mobile County, more than 21 years of age at the time this suit was started.

The Respondent and I were lawfully married to each other during the year 1939 and lived together as husband and wife for several years thereafter. One child, a boy, was born to us named Alfred Brady Nix, he is now 6 years old and in the custody, of his mother, the Respondent. I believe it best for her to keep him, at least for the present, and I will pay her \$30.00 a month for his support.

More than one year next before the filing of this suit the Respondent voluntarily abandoned my bed and board in Baldwin County, Alabama and has never returned ^{to} me or resumed marital relations with me since. Her abandonment of me has been open, notorious, and continuous. She has never indicated any intention to return to me or resume marital relations with me since she left me. So after waiting for more than a year I have started this suit for divorce.

Alfred Daniel Nix
ALFRED DANIEL NIX

DEPOSITION OF ARCHIE W. NIX

My name is ARCHIE W. NIX, I am the son of the Complainant and have known the Respondent for several years. The Complainant was at the time of the starting of this suit a bona fide resident citizen of the State of Alabama, Baldwin County, and was more than 21 years of age at the time this suit was started. The Respondent also was more than 21 years of age at the time this suit was started and resides in Mobile County, Alabama.

The Respondent and the Complainant were lawfully married to each other during the year of 1939 and lived together as husband and wife for several years thereafter. One child, was born to them named Alfred Brady Nix, who is now in the custody of his mother the Respondent.

More than one year next before the filing of this Bill of Complaint the Respondent voluntarily abandoned the bed and board of the Complainant in Baldwin County, and has never resumed marital relation with him since. Her abandonment of him has been and still is open, notorious uninterrupted, and without any expression of intention at any time or in any manner ever returning to him or resuming marital cohabitation with him. So he has finally started this suit for divorce.

Archie W. Nix
ARCHIE W. NIX

Handwritten signature

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

ALFRED DANIEL NIX,
COMPLAINANT
VS
AMELIA VIRGINIA NIX
RESPONDENT

FILED
MAY 19 1949
ALICE J. DUCK, Register

Alfred Daniel Nix
Complainant

No. VS. }

Amelia Virginia Nix
Respondent

In the Circuit Court of
Baldwin County, Alabama
in Equity

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated, 5-9-49

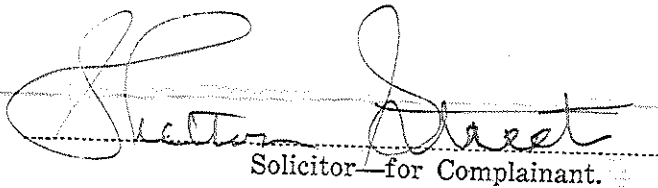
NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

FILED, 5-9-49
Deice J. Welch Register }

Original Bill of Complaint,
Answer & Waiver and depositions
of Alfred Daniel Nix and Archie
W Nix.


Solicitor—for Complainant.

FOR RESPONDENT

Solicitor—for Respondent.

No. _____

Alfred Daniel Nix, Complainant

Vs.

Amelia Virginia Nix,
Respondent

ORDER OF SUBMISSION
NOTE OF EVIDENCE

FILED

Terms, 19

MAY 9 1949

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Ent. Mind. NOCK, Register, Page

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ALFRED DANIEL NIX

Complainant

vs.

AMELIA VIRGINIA NIX

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Con~~
~~XXXXXX~~ Answer & Waiver 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 here-
tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and
that the said Alfred Daniel Nix is forever divorced from the

said Amelia Virginia Nix for and on account of abandonment

It is further ordered adjudged and decreed that the care custody
and control of the minor son of the parties, Alfred Brady Nix, be
awarded to Respondent, with the right reserved to Complainant to
see and visit said child at reasonable times and places; that
Complainant is ordered to pay to Respondent the sum of \$30.00 per
month for the support and maintenance of said child.
The Court retains jurisdiction of the custody of said child for
the purpose of making such other and further orders concerning
its custody as shall appear to the Court to be in the best interest
of said child. The household furniture now in the possession
and use of Respondent is awarded to her.

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 the Complainant and Respondent be, and they are hereby per-
mitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Complainant, Alfred Daniel Nix

~~XXX~~ pay the cost herein to be taxed, for which execution may issue.

This 9th day of May, 1949.

Jeffrey A. Masbury, Jr.
Judge Circuit Court, In Equity.

I, _____, Register of the Circuit

Court of 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.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant.

vs.

Respondent.

DIVORCE DECREE

FILED
MAY 10 1949
ALICE A. DECK, Register

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