

(4686)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

GEORGE R. NICKERSON, Complainant

vs.

JEAN G. NICKERSON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Waiver and answer 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 GEORGE R. NICKERSON is forever divorced from the said JEAN G. NICKERSON for and on account of

IT IS FURTHER ORDERED ADJUDGED AND DECREED

by the court that the Aunt and Uncle, Roger and Patricia James, be and are hereby awarded the care, sustody and control of the said minor child Stephen Ross Nickerson, And that the Complainant and Respondent may visit with the said child at regular and reasonable times. It is further provided that the said Court retains custody of said minor child for the purpose of issuing such orders as may be in the interest of said child.

It is futher 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 futher ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is futher ordered that The Complainant, George R. Nickerson

pay the cost herein to be taxed, for which executed may issue.

This 26th day of August 1954

Hubert M. Hall 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.

GEORGE R. NICKERSON,

Complainant,

vs.

JEAN G. NICKERSON,

Respondent.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4686

ORDER:

This day came Jean G. Nickerson, the Respondent in the above styled cause and filed her petition in writing, under oath, praying that this Court enter an order or decree modifying the decree heretofore rendered in this cause on August 26, 1959 and award to her the complete care, custody and control of the minor son, Stephen Ross Nickerson, born to the parties to this cause. And it further appearing to the Court from the allegations of said petition that said minor child is now in the custody and control of its father in Baldwin County, Alabama and not in the custody and control of its Aunt and Uncle, Roger and Patricia James, as provided in said decree August 26, 1959 and that the said Jean Nickerson has prayed that she be awarded the care, custody and control of said minor child pending a final determination of the matters presented by said petition; and the Court having considered all of the above is of the opinion that said petition should be set down for hearing and that notice of the filing thereof and the day set for the hearing thereof should be given to the said George R. Nickerson and that the mother of said minor child should be awarded the care, custody and control of said child pending a final determination of the matters presented by said petition, it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, as follows:

1. That the petition of Jean G. Nickerson this day filed in this cause be, and the same is hereby, set down for hearing on the 8th day of April, 1960, at 10:00 A.M. and that the said George R. Nickerson be given notice of the filing of said petition and of the day set for the hearing thereof by service upon him of a copy of said

petition and a copy of this order.

2. That the said Jean G. Nickerson be, and she hereby is, awarded the care, custody and control of said minor child, Stephen Ross Nickerson, pending a final determination of the matter presented by said petition; and Taylor Wilkins, as Sheriff of Baldwin County, Alabama, be, and he hereby is authorized and directed to take into his possession and custody the said minor child and deliver him to the said Jean G. Nickerson, and the said George R. Nickerson is hereby ordered and directed to deliver said child to the custody of the said Sheriff, together with his clothing, wearing apparel and related items.

Done this 5th day of April, 1960.


Circuit Judge

FILED

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ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Jean G. Nickerson to appear and plead, answer or demur, within thirty days from the service hereof to the bill of Complaint filed in the Circuit Court of Baldwin County, Alabama in equity, by George R. Nickerson as Respondent.

WITNESS my hand this 26 day of August 1959.

Oliver J. Smith
Register

GEORGE R. NICKERSON	(IN THE CIRCUIT COURT OF
Complainant,	X	BALDWIN COUNTY, ALABAMA
-VS-	X	IN EQUITY
JEAN G. NICKERSON	X	4686
Respondent	X	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your Complainant, George R. Nickerson, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both residents of the State of Alabama and over the age of twenty one years.

2.

That your Complainant and Respondent were married in Gerry, New York, April 20th, 1957 and lived together as husband and wife until on, to-wit, June 30, 1959, and Alabama has been the home of the Complainant and the Respondent for more than two years the next preceeding.

3.

Your Complainant further avers and alleges that said Respondent has been guilty of adultery with divers parties and persons whose names to your complainant are unknown.

4.

There was born as fruits of this marriage between the Complainant and the Respondent, one child, Stephen Ross Nickerson, age about 15 months and there is no property to be divided.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Jean G. Nickerson, 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.

Your Complainant further prays that upon a hearing hereof, your Honor will enter an order and decree granting to him an absolute decree of divorce, forever barring the bonds of matrimony existing between he and the Respondent; that a decree be made awarding to the Uncle and Aunt of the minor child, Roger and Patricia James the care custody and control of the said minor child Stephen Ross Nickerson, age about 15 months,; Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

THOMPSON & WHITE

FILED

AUG 26 1959

ALICE J. DUCK, Register

Mary Thompson White
Solicitor for the Complainant.

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FILED

AUG 26 1959

ALICE J. DUCK, Register

GEORGE R. NICKERSON
COMPLAINANT
V.
JEAN G. NICKERSON
RESPONDENT

*
*
*
*

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

ANSWER

Now comes the REspondent and accepted service of summons and complaint in this cause.

The Re_spondent admits the allegations as to ages, marriage and residence, but denies all other allegations contained in the bill of complaint and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on be half of the Complainant; the right to cross-examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

I consent to the court placing our child, STEPHEN ROSS NICKERSON, in the custody of the child's Aunt and Uncle, MR. AND MRS. ROGER JAMES.

Jean G. Nickerson
JEAN G. NICKERSON

STATE OF ALABAMA

COUNTY OF BALDWIN

I, *C. L. Dick Thompson*, a Notary Public in and for said County, in said State, hereby certify that JEAN G. NICKERSON, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same date.

C. L. Dick Thompson
NOTARY PUBLIC,

FILED

AUG 26 1959

ALICE J. DUCK, Register

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

GEORGE R. NICKERSON
COMPLAINANT
V.
JEAN G. NICKERSON
RESPONDENT

*
*
*
*

ANSWER

Now comes the Respondent and accepts service of summons
and complies in this case.

The Respondent admits the allegations as to ages, marriage and
residence, but denies all other allegations contained in the bill
of complaint and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony
of half of the Complainant; the right to cross-examine Complainant's
witness and agrees that this cause be submitted for final decree

without further notice.
in the custody of the child's Aunt and Uncle, MR. AND MRS. ROGER JAMES
NICKERSON, to the court placing our child, STEPHEN ROSS NICKERSON,

FILED
AUG 26 1959
ALICE J. DUCK, Register

James H. Nickerson
JEAN G. NICKERSON

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, a Notary Public in and
for said County, in said State, hereby certify that JEAN G. NICKERSON,
whose name is signed to the foregoing conveyance, and who is known to
me, acknowledged before me on this day that, being informed of the
contents of the conveyance, she executed the same voluntarily on the
day the same date.

NOTARY PUBLIC

187

FILED
AUG 26 1959
ALICE J. DUCK, Register

GEORGE R. NICKERSON
Complainant

vs.

JEAN G. NICKERSON
Respondent

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,
testimony of George R. Nickerson and Roger James

and in behalf of Defendant upon waiver and answer

Mary Thompson White

Bliss J. Cook

Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

VS.

Note of Testimony

Filed in Open Court this _____

FILED

day of _____, 19____

AUG 26 1959

ALICE J. DUCK, Register
Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: GRACE NETTLES

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

George R. Nickerson James

Roger James

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

George R. Nickerson

, Complainant

and

Jean G. Nickerson

Respondent

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

Witness 26 day of August

, 1959

Oliver J. Luck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

VS. Complainant

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

FILED

AUG 26 1959

ALICE J. DUCK, Register

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

GEORGE R. NICKERSON

COMPLAINANT

vs.

JEAN G. NICKERSON

RESPONDENT

I, Grace Nettles

as Register and Commissioner in said cause

have called and caused to come before me George R. Nickerson and Roger James

witnesses named in the requirement for Oral Examination, on the 24 day of August

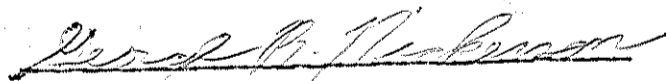
19 59, at the office of Thompson & White, Attorneys

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

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

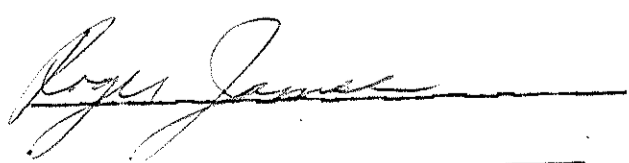
doth depose and say as follows:

That my name is George R. Nickerson. I am over the age of 21, and a resident of Alabama, living at Stockton, Ala. The respondent is over the age of 18 years, and is presently in Mobile, Alabama. We were married in Gerry, New York April 20, 1957 and lived together in Alabama until on or about June 30, 1959, at which time the respondent left me and went away with a man who was identified to me as Roy, his last name being unknown. The respondent lived with this man on St. Joseph St., in Mobile. I have not lived with her as husband and wife since that occasion. We have one child as fruits of our marriage, Stephen Ross Nickerson, age about 15 months. I have had the care, custody and control of this child since our separation, and have it in the care of my sister and her husband, Roger and Patricia James, in whom I respectfully request that the custody and control be placed, as being in the best interest of the child. I respectfully ask for a divorce.



That my name is Roger James,

I know both parties to this cause. The complainant is over the age of 21, and a resident of Alabama, and the respondent is over the age of 18, and is presently in Mobile, Alabama. They were married in Gerry New York, on April 20, 1957 and lived together as husband and wife until on or about June 30, 1959 at which time the respondent left the complainant and went off with a man, with whom she lived on St. Joseph St., in Mobile. She later went to New York State and I saw her today in Bay Minette, Alabama with another man, not her husband. The parties to this cause have one child, age about 15 months. My wife and I, the child's aunt and uncle, are willing to keep the child, and raise it, being responsible to the court for its welfare, morals and health, and we respectfully ask that the court grant to us the care, custody and control of the said child, Stephen Nickerson to us. I do not believe that the parties to this cause will ever live together again.



ORAL EXAMINATION

I, Grace Nettles as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and C. LeNoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 24 day of August, 19 59.

Grace Nettles (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

FILED
Filed _____, 19 _____

AUG 26 1959

ALICE J. DUCK, Register

RECORDED IN

Record

Vol. _____ Page _____

Register.

GEORGE R. NICKERSON,	Y	
Complainant,	Y	IN THE CIRCUIT COURT OF
vs.	Y	BALDWIN COUNTY, ALABAMA
JEAN G. NICKERSON,	Y	
Respondent.	Y	IN EQUITY NO. 4686
	Y	

DECREE

This matter coming on to be heard on the Petition filed by the Respondent Jean G. Nickerson to modify the decree rendered in the above styled cause on August 26, 1959, insofar as such decree relates to the custody and control of Stephen Ross Nickerson, the minor son of the parties who is approximately two years of age, and this being the day set for hearing such petition according to an order of this Court entered on April 5, 1960;

And it appearing to the Court that the Complainant George R. Nickerson has had due notice of this proceeding and of the day set for hearing the same by service upon him by the Sheriff of Baldwin County, Alabama, of a copy of the petition and order setting the same for hearing. The Respondent Jean G. Nickerson being present in Court and through her Solicitor John Chason and the Complainant George R. Nickerson appearing in person, the Court proceeded to hear the evidence in said cause.

This cause now having been submitted upon the decree heretofore rendered in said cause and on the petition to modify such decree and the order setting the same for hearing and upon the testimony taken orally before the Court, the Court is of the opinion that the Respondent Jean G. Nickerson is entitled to the relief prayed for in her petition;

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the decree rendered in said cause on August 26, 1959, awarding the care, custody and control of Stephen Ross Nickerson to Roger James and Patricia James, is hereby modified and the said Jean G. Nickerson is hereby awarded the full custody and control of Stephen Ross Nickerson. And she is hereby permitted to take said minor child with her to Jamestown, New York, where she now resides.

George R. Nickerson, as the father of such child, shall have

the right to visit said child at reasonable and proper times. The Court hereby retains jurisdiction of this matter for the purpose of issuing any orders and decrees that may be to the best interest of said minor.

It is further ORDERED and DECREED by the Court that the cost of this proceeding is hereby taxed against George R. Nickerson, for which let execution issue.

Done this 8th day of April, 1960.

Hubert M. Hall
Judge



GEORGE R. NICKERSON,	§	
Complainant,	§	IN THE CIRCUIT COURT OF
vs.	§	
	§	BALDWIN COUNTY, ALABAMA
JEAN G. NICKERSON,	§	
Respondent.	§	IN EQUITY NO. 4686
	§	

TO: THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY,
AND TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Comes the Respondent in the above styled cause, Jean G. Nickerson, and files this her petition to modify the decree rendered in the above styled cause on August 26, 1959, and shows unto this Honorable Court and unto Your Honor as follows:

1. That in the decree heretofore rendered by this Court on August 26, 1959, in this cause, it was provided as follows: "IT IS FURTHER ORDERED ADJUDGED AND DECREED by the court that the Aunt and Uncle, Roger and Patricia James, be and are hereby awarded the care, custody and control of the said minor child Stephen Ross Nickerson. And that the Complainant and Respondent may visit with the said child at regular and reasonable times. It is further provided that the said Court retains custody of said child for the purpose of issuing such orders as may be in the interest of said child." That immediately following the rendition of such decree Stephen Ross Nickerson, the minor child of the parties, who will be two years of age on May 21, 1960, was placed in the custody and control of the said Roger James and Patricia James, who removed said minor child to Mayville, New York. That the said Patricia James is the sister of George R. Nickerson, the Complainant in said cause. That your Respondent moved to Jamestown, New York, a distance of approximately twenty miles from where her child was then being kept and in accordance with the terms of the decree this Respondent visited with her child at regular and reasonable times. That such child was also permitted to visit with the Respondent.

2. Your Petitioner further shows unto Your Honor that the Complainant has now remarried. That the Complainant and his wife were living at Mayville, New York, but decided to return and live at Stockton, Alabama, in Baldwin County. That upon their leaving Mayville, New York, the Complainant, with the knowledge and consent of

Roger James and Patricia James, took the custody and control of the said Stephen Ross Nickerson and removed him from the State of New York where your Respondent was living to Stockton, Alabama, where they are now living. That the Respondent did not consent to her child being removed from the State of New York and she had no knowledge that this had been done until approximately a week after her child was taken out of the State of New York.

3. Your Petitioner further shows unto Your Honor that it is necessary for the best interest and welfare of such child that the said Stephen Ross Nickerson be taken from his father, the Complainant, and placed with the Respondent, Jean G. Nickerson, the mother of said child, pending a final determination of the matters herein presented.

4. Your Petitioner further shows unto Your Honor that she now has a reasonable income sufficient to support herself and said minor child if she is permitted to take such child with her to Jamestown, New York. That she will properly care for and support such child, bring him up in a proper manner, cause such child, when he becomes of sufficient age, to attend religious services in the Free Methodist Church, of which she is a member, and exercise proper care and discipline of said child.

WHEREFORE, your Petitioner respectfully prays that upon the filing of this petition that this Honorable Court will enter an order or decree fixing a date for the hearing of this petition and will cause notice of the filing hereof and of the day fixed for the hearing hereof, to be given to the said George R. Nickerson by service upon him of a copy of this petition and of said order. And your Petitioner further prays that in and by the terms of said order or decree that this Honorable Court will award to your Respondent the custody and control of the said Stephen Ross Nickerson pending a final determination of the matters herein presented and will direct Taylor Wilkins, Sheriff of Baldwin County, Alabama, to take into his possession and control the said Stephen Ross Nickerson and deliver him to your Respondent pending such final determination.

And your Petitioner further prays that on the day set for

the hearing of this petition that this Honorable Court will enter an order or decree modifying its decree of August 26, 1959, and will award to your Respondent Jean G. Nickerson the care, custody and control of her said minor son, Stephen Ross Nickerson, with the right in your Respondent to remove said minor child to the State of New York where your Respondent now resides. And your Respondent prays for such other and further relief as in the premises will be meet and proper.

Respectfully submitted,

Jean G. Nickerson
Jean G. Nickerson

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Jean G. Nickerson, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath, as follows:

That her name is Jean G. Nickerson; that she is nineteen years of age and she now resides at 828½ Cherry Street, Jamestown, New York. That she is the Respondent in the above styled cause; that she signed the foregoing petition and all of the matters and facts alleged therein are true and correct.

Jean G. Nickerson

Sworn to and subscribed before me
on this the 5th day of April, 1960.

Norborne C. Stone, Jr.
Notary Public, Baldwin County, Alabama

FILED

APR 5 1960

ALICE J. DUCK, Register