(477D)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Elliott Nicholson, Complainant

vs.

Emma Nicholson, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer, Exx Complexxxxx~~ Answer and 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 heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said Elliott Nicholson is forever divorced from the said Emma Nicholson for and on account of adultery.

It is further ORDERED and DECREED that Elliott Nicholson is awarded custody and control of Erma Nicholson, Elliott Nicholson, Jr., and Ernest Nicholson, minor children of the parties, and that said children be placed by him in the home of his Mother, Lucy Ann Nicholson, as long as he is in military service and unmarried, with reasonable visitation rights in Respondent. Should Lucy Ann Nicholson be unable to care for said children and the Complainant is still in military service and unmarried, then custody of said children shall be in the Respondent.

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 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 permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that Elliott Nicholson the Complainant pay the cost herein to be taxed, for which executed may issue.

This 22nd day of April 19 60

Hubert Vn Stacey

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.

LITHO IN U.S.A.

No._____ Page_____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Elliott Nicholson,

Complainant

vs.

Emma Nicholson

Respondent

DIVORCE DECREE

FILED
APR 25 1960
ALICE J. DUPY, CLERK
REGISTER

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Elliott Nicholson, Complainant

vs.

Emma Nicholson, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Answer and 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 heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said Elliott Nicholson is forever divorced from the said Emma Nicholson for and on account of adultery.

It is further ORDERED and DECREED that Elliott Nicholson is awarded the custody and control of Erma Nicholson, Elliott Nicholson, Jr., and Ernest Nicholson, minor children of the parties, and that said children be placed by him in the home of his Mother, Lucy Ann Nicholson, as long as he is in military service and unmarried, with reasonable visitation rights in Respondent. Should Lucy Ann Nicholson be unable to care for said children and the Complainant is still in military service and unmarried, then custody of said children shall be in the Respondent.

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 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 permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that Elliott Nicholson the Complainant pay the cost herein to be taxed, for which executed may issue.

This 22nd day of April 1960

Judge Circuit Court, In Equity

I, Alice J. Duck, 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 22nd day of April, 1960

Register of Circuit Court, In Equity.

LITHO IN U.S.A.

No._____ Page_____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

_____

_____

Complainant

vs.

_____

_____

Respondent

DIVORCE DECREE

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Blanche White
Bay Minette, Alabama

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 Elliott Nicholson

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

, Complainant

and Emma Nicholson is

Respondent

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

Witness 22nd day of April, 1950.

Alice J. Black
Register.

Commissioner's Fee, $

Witness' Fees, $

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ELLIOTT NICHOLSON

Complainant

VS.

EMMA NICHOLSON

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

ORAL DEPOSITION

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

ELLIOTT NICHOLSON COMPLAINANT

vs.

EMMA NICHOLSON RESPONDENT

I, Blanche White

as ~~Registrar and~~ Commissioner

have called and caused to come before me Elliott Nicholson

witness _____ named in the requirement for Oral Examination, on the 22nd day of April

19 60, at the office of Chason & Stone, Attorneys at Law

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

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

_____ doth depose and say as follows:

My name is Elliott Nicholson and I am over twenty-one years of age and a resident citizen of Baldwin County, Alabama, my home address being Bay Minette, Alabama. I am presently a member of the Armed Forces of the United States of America serving in the United States Marine Corps and stationed at Camp Le Jeune, North Carolina. Emma Nicholson, my wife, is over the age of twenty-One years and a resident citizen of Baldwin County, Alabama, now residing at Bay Minette, Alabama, but at the time of the filing of my Bill of Complaint for divorce she was residing at Lillian, Baldwin County, Alabama. Emma Nicholson and I were married on September 22, 1951, in Brewton, Alabama and we lived together as man and wife until September of 1954 when I was sent overseas on a tour of duty and when I returned in January of 1956, I discovered that my wife was pregnant. I had not lived with my wife during the entire period of time from September of 1954 until January of 1956, and I did not have sexual relations with her during that time. That Emma Nicholson committed adultery with one or more persons whose names I do not know during the time that I was overseas and I have not lived with her since September of 1954, and have not in any sense condoned her act or acts of adultery. That a child was born to Emma Nicholson on August 22, 1956, of which I am not the father. During the time that Emma and I were married there were born to us three children; Erma Nicholson, who is now eight years of age, Elliott Nicholson, Jr., who is now six years of age and Ernest Nicholson who is now five years of age. That I now have the custody and control of said children and they are living with my Mother, Lucy Ann Nicholson, in Bay Minette, Alabama. Emma Nicholson has the custody of two children who were born to her prior to our marriage and the child which was born on August 22, 1956. Emma Nicholson is not a fit and proper person to have the care, custody or control of the three children born to her and I and I am a fit and proper person to have such care, custody and control and the home of my Mother is a proper place for said children to be raised. I feel that my wife should have the right to visit said children at reasonable hours and at reasonable intervals and if something should happen to my Mother while I am still in the Marine Corps and I have not remarried, and am not living in Bay Minette, then Emma should have the custody of such children subject to visitation rights in myself.

Elliott Nicholson

ORAL EXAMINATION

I, Blanche White 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 him and he signed the same in the presence of myself and Norborne C. Stone, Jr. 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 22nd day of April, 19 60.

Blanche White (L. S.)

No.____ Page____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ELLIOTT NICHOLSON

COMPLAINANT

vs.

EMMA NICHOLSON

RESPONDENT

ORAL DEPOSITION

FILED

Filed APR 22 1960, 19____

ALICE J. DUCK, Register, Register.

RECORDED IN

Record

Vol.____ Page____

Register.

Elliott Nicholson,
Complainant,

VS.

Emma Nicholson,
Respondent.

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

NO.

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from Bay Minette, in the County of Baldwin Alabama, the place of trial of said cause, to-wit: Elliott Nicholson;

2. That said complainant requires an oral examination of said witnesses before a commissioner appointed by the Register of this Court.

CHASON & STONE

By: Alabama W. Stone, Jr.
Solicitor for Complainant.

NOTE:

Complainant suggests the name of Blanche White, as a suitable and competent person to act as commissioner upon the examination of said witnesses.

CHASON & STONE

By: Alabama W. Stone, Jr.
Solicitor for Complainant.

BT-6-40-500

DEMAND FOR ORAL EXAMINATION.

ELLIOTT NICHOLSON

.....,

Complainant,

Vs.

EMMA NICHOLSON

.....,

Respondent.

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

Filed this ..... day of .....,

194..... FILED

APR 22 1960

ALICE J. DUCK, Register

.....

Register.

8581—NOTE OF TESTIMONY

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

Elliott NICHOLSON

vs.

Emma NICHOLSON

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, Personal Service, Answer and Waiver of Respondent, and Testimony of Elliott Nicholson

and in behalf of Defendant upon Answer and Waiver.

CHASON & STONE
By: [illegible]
Solicitors for Complainant

Kenneth Cooper
Solicitor for Respondent

Alice J. Clark
Register.

No._____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

ELLIOTT NICHOLSON

VS.

EMMA NICHOLSON

Note of Testimony

Filed in Open Court this_____

day of FILED, 19____

APR 22 1960

ALICE J. DUCK, Register Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Emma Nicholson 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 Elliott Nicholson, Complainant, against Emma Nicholson, as Respondent.

Witness my hand this 24 day of Nov., 1959.

Alice D. Luck
Register

ELLIOTT NICHOLSON, Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
EMMA NICHOLSON, Respondent.	X	IN EQUITY

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

Comes your Complainant, the undersigned Elliott Nicholson, and files this his Bill of Complaint for divorce against Emma Nicholson, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama, but he is presently in the armed forces of the United States of America serving in the United States Marine Corp. That he is now stationed at Camp Lejeune, North Carolina, his more particular address being "C" Company 2nd Motor Battalion, 2nd Marine Division, Fleet Marine Force. That

the Respondent is a resident citizen of Baldwin County, Alabama, residing at Lillian, Alabama.

SECOND:

That the Complainant and Respondent were married on, to-wit: September 22, 1949, in Brewton, Escambia County, Alabama, and lived together as man and wife until, on account of the matters hereinafter complained of your Complainant was compelled to leave the Respondent and live separate and apart from her. That the Respondent has committed adultry with one or more persons whose names are unknown to the Complainant during the period of time since August 1956, which said date was the last time that your Complainant had sexual relations with the Respondent and since that time the Respondent has become pregnant and given birth to a child of which your Complainant is not the father. That your Complainant does not know the particular date upon which such child was born but alleges that such child was born more than ten months since your Complainant last had sexual relations with the Respondent.

THIRD:

That there were born to your Complainant and the Respondent three children, Erma Nicholson, who is now seven years of age, Elliott Nicholson, Jr., who is now five years of age, and Bernard Nicholson who is now four years of age. That said children are now in the custody and control of your Complainant and that they are living with his mother in Bay Minette, Alabama. That your Complainant is a fit and proper person to have the care, custody and control of said minor children and the Respondent is not a fit and proper person to have such care, custody and control of said minor children.

PRAYER FOR PROCESS

The premises considered your Complainant respectfully prays that this Honorable Court will cause the usual writ of process to be issued and that the Respondent be made a party to this proceeding and required to answer this Bill of Complaint within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises considered your Complainant further prays that upon a final hearing of this cause that this Honorable Court will grant to your Complainant an absolute divorce from the said Respondent for and on account of adultery, and that in and by the terms of said decree that your Complainant will be awarded the complete care, custody and control of the aforesaid minor children. And your Complainant prays for such other, further and different relief as in the premises will be meet and proper.

Elliott Nicholson
Elliott Nicholson

STATE OF Alabama
Baldwin COUNTY

Before me, James R. Brood, a Commissioned Officer of the Armed Forces of the United States of America, personally appeared Elliott Nicholson, who is known to me and who being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Elliott Nicholson and that he is one and the same person as the Complainant in the foregoing Bill of Complaint and he signed the same as such. That the facts alleged therein are true and correct.

Elliott Nicholson
Elliott Nicholson

Sworn to and subscribed before me on this the 10th day of November, 1959.

James R. Brood
A Commissioned Officer of the Armed Forces of the United States of America

RANK: 1st Lt.
SERIAL NUMBER: 073600

FILED
NOV 24 1959
ALICE J. DUCK, Register

ELLIOTT NICHOLSON, Complainant	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
Vs	)	IN EQUITY.
EMMA NICHOLSON, Respondent	)	

ANSWER AND WAIVER

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and each and every paragraph thereof, separately and severally, says:

1. Respondent admits the allegations contained in the FIRST Paragraph of the Bill of Complaint.

2. Respondent admits that portion of the SECOND Paragraph of the Bill of Complaint which reads: "That the Complainant and Respondent were married on, to-wit: September 22", but denies that they were married in the year 1949. And the Respondent denies the other allegations contained in said SECOND Paragraph, and denies strict proof thereof.

3. Respondent admits that portion of THIRD Paragraph which says that Erma Nicholson and Elliott Nicholson, Jr., are in the custody and control of the Complainant's mother, Lucy Ann Nicholson, but denies that Brenda Nicholson is in your Complainant's custody. Your Respondent denies the other allegations contained in said THIRD Paragraph, and demands strict proof thereof.

Your Respondent also waives notice of taking of testimony in this cause and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to her.

Dated this 22nd day of April, 1960.

X X Emma R. Nicholson XX

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned Notary Public for the State at Large, State of Alabama, certify that Emma Nicholson, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date

Given under my hand and seal this 22nd day of April, 1960

Kenneth Cooper
Notary Public, State at Large, Alabama

FILED
APR 22 1960
ALICE J. DUCK, Register