(1294)

DIVORCE DECREE

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

NELLIE de GRAAF Complainant

VS.

ARTHUR de GRAAF Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Bill & Cross-Bill~~ ~~Answer & Cross-Bill~~ and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Cross-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 Arthur de Graaf, Sr., is forever divorced from the said Nellie de Graaf

for and on account of Abandonment

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

It is further ordered that Arthur de Graaf, Sr. the Cross-Complainant pay the cost herein to be taxed, for which execution may issue.

This 7th day of February, 1946

E. P. Hare

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. 1294 Page

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

NELLIE de GRAAF

vs. Complainant

ARTHUR de GRAAF, Sr.,

Respondent

DIVORCE DECREE

Filed this 7th day of

Feb, 1946

R. S. Deuch
Register

8581. NOTE OF TESTIMONY

Printed by The Baldwin Times, Bay Minette.

NELLIE de GRAAF,

~~Complainant,~~

vs.

ARTHUR de GRAAF, Sr.,

Respondent

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,

& Cross-Complainant
and in behalf of Defendant/upon ~~Answer & Cross-Bill, Amended Answer &~~
Cross-Bill and Testimony of Arthur de Graaf, Sr.,

R. S. Nunn
Register.

Hybart & Faxon
Solicitors for Respondent Cross Cross

No. 1294

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

NELLIE de GRAAF,

Complainant,

vs.

ARTHUR de GRAAF, Sr.,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 4th

day of Feb, 1946

Register.

Printed by The Baldwin Times, Bay Minette.

COMMISSION TO TAKE DEPOSITIONS

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court

To Evelyn Nelson

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 Arthur de Graaf, Sr.,

as witnesses in behalf of Respondent & Cross-Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Nellie de Graaf is

Complainant

and Arthur de Graaf Sr., is

Respondent & Cross-Complainant

on oath, to be by you administered, upon him

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness this 4th day of February, 1946

R. Sheets

Register

Commissioner's Fee, $

Witness' Fees, $

No. 1294

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

NELLIE de GRAAF

Complainant

VS.

ARTHUR de GRAAF, SR.,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

ORAL DEPOSITION

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

NELLIE de GRAAF Complainant

VS.

ARTHUR de GRAAF Respondent

I, Evelyn Nelson
as ~~Registrar~~ Commissioner
have called and caused to come before me Arthur de Graaf, Sr.,

witness named in the Requirement for Oral Examination, on the 4th day of February 1946, at the office of Hybart & Chason in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Arthur de Graaf, Sr., doth depose and say as follows:

TESTIMONY OF ARTHUR de GRAAF

My name is Arthur de Graaf. I am the Respondent and Cross-Complainan in that suit for Divorce brought by Nellie de Graaf in the Circuit Court of Baldwin County, Alabama. Both Nellie de Graaf and I are over the age of twen one years. She is a resident of Baldwin County, Alabama and I am a resident of Birmingham, Alabama. I married Nellie de Graaf on July 23, 1908 and lived with her as her husband until August, 1934 at which time she abandoned me without just cause or legal excuse and we have not lived together as man and wife since that time. She moved to Pensacola, Florida in August, 1934 taking most of our household goods, farming implements and chickens. She returned to Baldwin County four or five days later but she stayed in a separate room. Soon after this I was compelled by her conduct to move out of the home and I then went to Birmingham where I now live.

Arthur de Graaf

ORAL EXAMINATION.

I, Evelyn Nelson, as Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to him and he signed the same in the presence of myself & John Chason 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 4th day of February, 1946.

Evelyn Nelson (L. S.)

NO. 1294 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

NELLIE de GRAAF

vs. Complainant

ARTHUR de GRAAF

Respondent.

Oral Deposition

Filed February 4, 1946

Register.

Recorded in

Record

Vol. Page

Register.

NELLIE de GRAAF Complainant, VS. ARTHUR de GRAAF Respondent.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Comes the Respondent in the above styled cause and for Answer to the amended Complaint filed in said cause and each and every paragraph thereof and says:

1.

The Respondent admits that the Complainant is over the age of twenty-one years and a Resident of Robertsdale in Baldwin County, Alabama. The Respondent admits that he is over the age of twenty-one years and a resident of Birmingham, Alabama.

2.

The Respondent admits that he and the Complainant married on July 23, 1908 but he denies that they lived together as husband and wife until December 1, 1934. The Respondent says that the Complainant abandoned him in August of 1934 and they have not lived together as man and wife since that time.

3.

The Respondent denies all of the allegations of the 3rd paragraph of the Bill of Complaint and demands strict proof thereof.

4.

The Respondent denies all of the allegations of the 4th paragraph of the Bill of Complaint and demands strict proof thereof.

5.

For further Answer to the Bill of Complaint the Respondent says that in August 1934, the Complainant abandoned him without just cause or legal excuse and she moved to Pensacola, Florida, taking most of their household goods, farming implements and all of their chickens; that while she was away she sold or dis-

posed of the chickens and farming implements and has not accounted to the Respondent for any of the proceeds therefrom. The Respondent says further that four or five days after she left she returned to Baldwin County and brought back most of the household goods and came to the place that the Respondent was then living; that after her return she stayed in a separate room from the Respondent and would go away for as long as two weeks at some times without telling the Respondent where she was going. The Respondent says further that soon after the Complainant returned to Baldwin County that she pointed a gun at him and threatened to kill him; that conditions became so bad in their home that the Respondent was compelled to leave and moved to Birmingham where he now lives; that he was caused to leave by the conduct of the Complainant. The Respondent says further that he is not an able bodied man nor does he earn $200.00 a month but that the truth is that he suffers from a broken hip and can only see out of one eye and that he has a back ailment that severely handicaps him and he suffers from severe headaches; that he is sixty-two years old and practically unable to work; that he has no income other than what he is able to earn and he has no bank account. The Respondent says further that the Complainant has a married son living in her home and that this son has a substantial income and that she has been getting an allotment from another son who is in the service; that she rents out two rooms and gets a substantial income from them. That the youngest son is now eighteen years of age and is capable of earning a substantial sum of money. The Respondent says further that he contributed all that he was able to send to the support of his children when they needed it. The Respondent says further that their minor child, Eugene de Graaf, who is eighteen years of age is not now living with the Complainant and being supported by her and attending school.

Having answered the Bill of Complaint the Respondent prays that he be dismissed with the reasonable costs.

Hubert Shoven

Solicitors for Respondent.

NELLIE de GRAFF, COMPLAINANT,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA,
ARTHUR de GRAFF, RESPONDENT.	)	IN EQUITY.

And now comes the Complainant, demurrers to the original bill of complaint having been sustained, and amends the complaint so that it shall read as follows:

1.

That your Complainant is over twenty-one years of age, and a bona fide resident of Robertsdale, in Baldwin County, Alabama, and has been for more than 5 years next preceding the filing of this bill of complaint; that the Respondent is over twenty-one years of age and a bona fide resident of the State of Alabama; his address being care of Southern Railway Company, Birmingham, Alabama;

2.

That your Complainant and the Respondent married in Pensacola, Florida, on July 23, 1908, and lived together as husband and wife, in Baldwin County, Alabama, until December 1, 1934;

3.

That on December 1, 1934, while the Complainant and the Respondent were living together as husband and wife, in Baldwin County, Alabama, the Respondent voluntarily abandoned the bed and board of the Complainant, and has remained away voluntarily and continuously since that time;

4.

That the Respondent is an able bodied man, working as a machinist with the Southern Railway Company in Birmingham, Alabama, making a salary of $200.00 per month, or more; that the Complainant has no funds with which to support herself, or her minor child, Eugene de Graff, who is now living with her and being supported by her, and attending school; that she has no funds with which to employ counsel to prosecute this proceeding.

WHEREFORE, the premises considered, your Complainant prays that your Honor will, by proper process, make the said Arthur de Graff party Respondent to this cause of action, 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; that your Honor will order a reference to determine a reasonable alimony, and attorneys fee, to be paid by the Respondent to the Complainant.

Complainant further prays that upon a final hearing hereof, your Honor will grant unto her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that your Honor will enter a decree, awarding to the Complainant such amount as your Honor shall deem proper, to be paid to the Complainant by the Respondent, as permanent alimony;

Complainant prays for such other, further, different, or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By: [signature]

Solicitors for the Complainant.

1244

De Graaf

vs

De Graaf

Arson and Crutchfield

Filed Oct 10-1945

[illegible]

Reporter

NELLIE de GRAAF,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA.
ARTHUR de GRAAF,	)	IN EQUITY.
Respondent.	)	No. 1294

Comes the Respondent and Cross-Complainant, Arthur de Graaf and amends the last paragraph of his Answer and Cross-Complaint filed in said cause on December 12, 1945 so that the same shall read as follows:

Wherefore, the Respondent prays that on a Final hearing of this cause that your Honor will order and Decree that the bonds of matrimony heretofore existing between the Complainant and Respondent be dissolved. Your Respondent and Cross-Complainant further prays for such other, further, different and general relief to which he may be entitled and as in duty bound he will ever pray.

Hybart & Pearson
Solicitors for Respondent
and Cross-Complainant.

AMENDMENT TO CROSS-BILL

NELLIE de GRAAF,

Complainant,

VS.

ARTHUR de GRAAF,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed February 4, 1946

Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - - GREETINGS:

WE COMMAND YOU that you summon ARTHUR de GRAAF to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer, or demur, without oath, to a bill of complaint lately exhibited by Nellie de Graaf, against the said Arthur de Graaf, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon, to our said Court, immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 1-a day of March, 1945.

R. S. Duck
Register

- -

NELLIE de GRAAF COMPLAINANT	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
ARTHUR de GRAAF RESPONDENT	)	IN EQUITY

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

Now comes your Complainant Nellie de Graaf, and humbly complaining against the Respondent, Arthur de Graaf, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over twenty-one years of age, and a bona fide resident of Robertsdale, in Baldwin County, Alabama, and has been for more than 5 years next preceding the filing of this bill of complaint; that the Respondent is over twenty-one years of age and a bona fide resident of the State of Alabama, his address being care of Southern Railway Company, Birmingham, Alabama;

2.

That your Complainant and the Respondent were married in Pensacola, Florida, on July 23, 1908, and lived together as husband and wife, in Baldwin County, Alabama, until December 1, 1934;

3.

That on December 1, 1934, while the Complainant and the Respondent were living together as husband and wife in Baldwin County, Alabama, the Respondent voluntarily abandoned the bed and board of the Complainant, and has remained away voluntarily and continuously since that time;

4.

That the Respondent is an able bodied man, working as a machinist with the Southern Railway Company in Birmingham, Alabama, making a salary of $200.00 per month or more; that the Complainant has no funds with which to support herself, or her minor child, Eugene de Graaf, who is now living with her and attending school; that she has no funds with which to employ counsel to prosecute this proceeding.

WHEREFORE, the premises considered, your Complainant prays that your Honor will, by proper process, make the said Arthur de Graaf party Respondent to this cause of action, 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; that your Honor will order a reference to determine a reasonable alimony, and attorney's fee, to be paid by the Respondent to the Complainant.

Complainant further prays that upon a final hearing hereof, your Honor will grant unto her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that your Honor will enter a decree, awarding to the Complainant such amount as your Honor shall deem proper, to be paid to the Complainant by the Respondent as permanent alimony;

Complainant prays for such other, further, different, or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By: [signature]

Solicitors for the Complainant

1294

NELLIE de GRAAF
COMPLAINANT

VS.

ARTHUR de GRAAF 3905
RESPONDENT

2017-15 aa
~~2008-15 aa~~

90 Day RR
March 2

SUMMONS AND COMPLAINT

Bessemer Ala
Feb March 1st 1945
R L Beckett
Atty

1945 MAR 3 AM 11:33

EXECUTED this the 6th
day of March 1945
by leaving a copy of the within with
Arthur de Graff

HOLT A. McDOWELL, Sheriff,
Jefferson County, Alabama
By [signature] D.S.

NELLIE de GRAAF	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA.
ARTHUR de GRAAF,	)	
Respondent,	)	IN EQUITY.

This matter coming on to be heard in open Court on Demurrer to the Bill of Complaint filed in said cause and the Court being of the opinion that such Demurrer should be sustained.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the Demurrer to the Bill of Complaint filed in said cause be and the same hereby is sustained. Complainant allowed 30 days to amend.

Dated this 24th day of September, 1945.

F. W. Hare
Judge.

DECREE

NELLIE de GRAAF,
Complainant,

VS.

ARTHUR de GRAAF,
Respondent,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed September 25, 1945.

R. L. Heck
Register.

NELLIE de GRAAF Complainant VS. ARTHUR de GRAAF Respondent	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

Comes the Respondent in the above styled cause and demurs to that phase of the Bill of Complaint which alleges that the Complainant has no funds with which to support her minor child, Eugene de Graaf, who is now living with her and attending school and as grounds therefor says:-

1. From aught appearing the Respondent is now supporting said minor child.

2. From aught appearing the minor child, Eugene de Graaf, has sufficient money and property for its own support.

Hybart & Pearson
Solicitors for Respondent.

1294

DEMURRER

NELLIE de GRAAF

Complainant

VS.

ARTHUR de GRAAF

Respondent

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

Filed March 28, 1945.

Register