(1365)

DIVORCE DECREE

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

PETER NELSON Complainant

VS.

NELLIE NELSON Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer & Waiver of the Respondent 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 Peter Nelson is forever divorced from the said Nellie Nelson 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 Peter Nelson the Complainant pay the cost herein to be taxed, for which execution may issue.

This 12th day of July, 1945

E. W. 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. 1365 Page

The State of Alabama

BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

DIVORCE DECREE

Filed this day of

, 194

Register

8581. NOTE OF TESTIMONY

Printed by The Baldwin Times, Bay Minette.

PETER NELSON
COMPLAINANT
vs.
NELLIE NELSON
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, Answer and Waiver of the Respondent, and testimony of Peter Nelson and D. N. Anderson.

and in behalf of Defendant upon

Register.

No. 1365

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Nelson

vs.

Nelson

NOTE OF TESTIMONY

Filed in Open Court this 13

day of July, 1945

D. Nichol

Register.

Printed by The Baldwin Times, Bay Minette.

PETER NELSON, COMPLAINANT, VS. NELLIE NELSON, RESPONDENT.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

And now comes the Respondent and for answer to the Complainant's bill of complaint says:

1. She admits that the Complainant is over twenty-one years of age, a bona fide resident of Baldwin County, Alabama, and has been for more than 3 years next preceding the filing of the bill of complaint in this cause; that the Respondent is over twenty-one years of age, a non resident of the State of Alabama, her address being 360 N. Perry Street, Pontiac, Michigan;

2. She admits that she and the Respondent are husband and wife and that they married at Robertsdale, Baldwin County, Alabama, on May 12, 1944.

3. She denies all allegations as to abandonment and demands strict proof of the same.

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

The Respondent accepts service of summons and complaint in this cause.

Nellie Nelson

STATE OF ALABAMA,
BALDWIN COUNTY.

I, N. Peterson, a Notary Public, in and for said County, in said State, hereby certify that Nellie Nelson, 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 on this the __ day of July, 1945.

N. Peterson
Notary Public, Baldwin County, Ala.

1365 -

RECORDED

PETER NELSON,

COMPLAINANT,

VS.

NELLIE NELSON,

COMPLAINANT,

ANSWER AND WAIVER

Filed July 11-1945
Rendered
Reply

STATE OF ALABAMA,
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

WE COMMAND YOU that you summon NELLIE NELSON, 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 PETER NELSON, against the said NELLIE NELSON, 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 11 day of July, 1945.

R S Duck
Register

- -

PETER NELSON, COMPLAINANT, VS. NELLIE NELSON, RESPONDENT.	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:

Now comes your Complainant, PETER NELSON, and humbly complaining against the Respondent, NELLIE NELSON, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over twenty-one years of age, a bona fide resident of Baldwin County, Alabama, and has been for more than three years next preceding the filing of this bill of complaint; that the Respondent is over twenty-one years of age, a non resident of the State of Alabama, her address being 360 N. Perry Street, Pontiac, Michigan;

2.

That your Complainant and the Respondent married at Robertsdale, Alabama, on May 12, 1944, and lived together as husband and wife, until June 29th, 1944;

3.

That on June 29, 1944, the Respondent voluntarily abandoned the

bed and board of your Complainant and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Nellie Nelson party Respondent to this cause of action, requiring her 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.

Complainant further prays that upon a final 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 him and the Respondent; that your Honor will give and grant to him such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

BEEBE & HALL

By: [signature]
Solicitors for the Complainant.

1365

1365 -

RECORDED

PETER NELSON,

COMPLAINANT,

VS.

NELLIE NELSON,

RESPONDENT.

SUMMONS AND COMPLAINT.

Filed July 11-1945

Commission To Take Depositions.

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Lillian Patterson

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 Peter Nelson, and D. N. Anderson

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

Complainant

and Nellie Nelson

Defendant,

on oath to be by you administered, upon Peter Nelson, and D. N. Anderson

to take and certify the depositions of the witnesses and return the same to our Court, with all Convenient speed, under your hand.

Witness 17 day of July, 1945.

REGISTER

Commissioner's Fee $

Witness' Fees, $

NO. 1363

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Complainant

VS.

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)

PETER NELSON Complainant

VS.

NELLIE NELSON Respondent

I, Lillian Patterson

as ~~Register and~~ Commissioner

have called and caused to come before me Peter Nelson, and D. N. Anderson

witness~~es~~ named in the Requirement for Oral Examination, on the 7th day of July 1945, at the office of Beebe & Hall in Bay Minette, Alabama, and having first sworn said Witness~~es~~ to speak the truth, the whole truth, and nothing but the truth, the said Peter Nelson, and D. N. Anderson doth depose and say as follows:

My name is Peter Nelson. I am the Complainant in the above styled cause. I am a bona fide resident of Baldwin County, Alabama, and have been for more than 3 years next preceding the filing of this bill of complaint. I am over twenty-one years of age.

The Respondent, Nellie Nelson, is over twenty-one years of age, and a non resident of the State of Alabama, her address being 360 N. Perry Street, Pontiac, Mich.

The Respondent and I married at Robertsdale, Alabama, on May 12, 1944. Immediately after or marriage we found that it was absolutely impossible for us to live together as husband and wife. The Respondent voluntarily abandoned my bed and board more than 12 months before the filing of the bill of complaint in this cause. The Respondent and I have repeatedly talked over the possibility of us living together as husband and wife, and she has repeatedly refused to live with me as my wife. I treated the Respondent as best I could and at no time gave her any reason for abandoning me. I know that the conditions are subh that the Respondent and I can never live together as husband and wife. The Respondent, during the short period of time that we lived together, left me 3 times, on two occasions I was able to prevail upon her to come back. Now she refuses and says that she will never live with me again.

Peter Nelson

D. N. Anderson, a witness for the Complainant being first duly sworn, deposes and says:

My name is D. N. Anderson. I live at Silverhill, in Baldwin County, Alabama. I an personally acquainted with the Complainant, Peter Nelson, who is a bona fide resident of Robertsdale, in Baldwin County, Alabama, and has been for more than 3 years next preceding the filing of this bill of complaint. I am also personally acquainted with Nellie Nelson, the Respondent in this cause. I was around the Complainant and the Respondent while they lived together. It was only a short time. ~~The conditions are such that they cannot get along as husband and wife.~~ I know that during the short time that they lived together as husband and wife, the Respondent left the Complainant 3 times. She returned on two occasions, but has not returned this last time. The Respondent will not live with the Complainant. I have heard no complaint on her part as to the treatment accorded her by the Complainant.

D. N. Anderson

ORAL EXAMINATION.

I, Lillian Patterson, as ~~Register and~~ Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down by me in writing in the words of the witnesses and read over to them and they signed the same in the presence of myself and H. M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness~~es~~ or had proom 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 7th day of July, 1945.

Lillian Patterson (L. S.)

NO. 1361 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs.

Complainant

Respondent.

Oral Deposition

Filed July 11, 1945

Recorded in

Record

Vol. Page

Register.

Register.