

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

NELLIE GRAY JAMES

Complainant

VS.

D. L. JAMES

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso

on 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 NELLIE GRAY JAMES is forever divorced from the said D. L. JAMES

for and on account of VOLUNTARY ABANDONMENT

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the party of the first part is to have the custody, care and control of the three minor children, Junior Roy James, Jimmie Lewis James and Demsey Dean James, with the right of the party of the second part to visit them at reasonable times.

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 D. L. James

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

This 16th day of November, 19 45

G. W. Stare
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. 1425 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

NELLIE GRAY JAMES
vs. Complainant

D. L. JAMES

Respondent

DIVORCE DECREE

Filed this _____ day of

November, 194**5**

Register

LINDSEY, LINDSEY AND EZELL

ATTORNEYS AT LAW
BUTLER, ALABAMA 36904

May 16, 1967

WALLACE H. LINDSEY, JR.
WALLACE H. LINDSEY, III
E. MARK EZELL

Circuit Clerk of
Baldwin County, Alabama
Bay Minette, Alabama

1427

Re: Delma Lee James VS Nellie Gray James
Nellie Gray James Vs Delma Lee James

Dear Sir:

Please send me a certified copy of the Divorce Records
of the above captioned party. It is my understanding
that they obtained a divorce in about 1943 or 1944.

Thank you,

LINDSEY, LINDSEY & EZELL

Mark Ezell

by E. Mark Ezell

EME:jo

*copy received
mailed 5-23-67*

NELLIE GRAY JAMES

vs.

D. L. JAMES

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, _____
Commission to take Testimony, Oral depositions of Nellie Gray James and
D. L. Keith and Agreement of parties.

and in behalf of Defendant upon _____
Answer and waiver

Answer of Plaintiff
Solentor

[Signature]

 Register.

No. 1427

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

NELLIE GRAY JAMES

vs.

D. L. JAMES

NOTE OF TESTIMONY

Filed in Open Court this 15

day of November, 1945

R. Deed

Register.

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that this agreement made and entered into by and between Nellie Gray James, party of the first part and D. L. James, party of the second part, WITNESSETH:

WHEREAS, the parties hereto are husband and wife and have come to the conclusion that it is absolutely impossible for them to any longer live together; whereas, a suit is now pending in the Circuit Court of Baldwin County, Alabama, by the party of the first part as Complainant against the party of the second part as Respondent;

WHEREAS, the parties have reached a full and complete agreement as to alimony, custody of the children and payment of all costs.

1.

The party of the first part is to have the custody, care and control of the three minor children, Junior Roy James, Jimmie Lewis James and Demsey Dean James, with the right of the party of the second part to visit them at reasonable times.

2.

The party of the first part agrees not to, in any way, proceed or prosecute the party of the second part for any past support money for herself or her children.

3.

The party of the first part waives all rights to alimony or support from the party of the second part.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the ___ day of November, 1945.

Nellie Gray James (SEAL)
D. L. James (SEAL)

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Wm. Schmitt, a Notary Public in and for said County and State, do hereby certify that Nellie Gray James and D. L. James, whose names are signed to the foregoing agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of said agreement, they executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this the 14th day of November, 1945.

My commission expires:

3-25-49

Wm. Schmitt
Notary Public

1427

AGREEMENT

NELLIE GRAY JAMES,
Complainant

vs.

D. L. James,
Respondent

Deed
15-1945
Public

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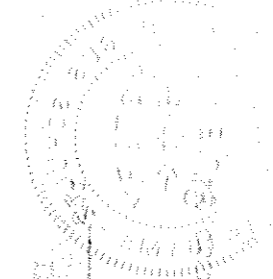
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THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

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

WE COMMAND YOU, that you summon D. L. James, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by Nellie Gray James, against the said D. L. James, 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 thereof.

WITNESS, H. S. Duck, Register of said Court, this 15 day of October, 1945.



Register

NELLIE GRAY JAMES,)
Complainant)
)
vs.)
)
D. L. JAMES,)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Your Complainant, Nellie Gray James, a resident citizen of Baldwin County, Alabama, over the age of twenty-one years, respectfully shows unto your Honor that on or about June 20, 1936, Complainant intermarried with said D. L. James, at Pascagoula, Mississippi, and they lived together as man and wife until about November 7, 1939, most of the time residing in Baldwin County, Alabama, and Complainant has been a bona fide resident citizen of Alabama, for one year next preceding the filing of this bill.

2. That Respondent, more than one year next preceding the filing of this bill of complaint, did voluntarily abandon the bed and board of complainant, and said abandonment has been voluntary and continuous to the date hereof.

3. That there was born to said marriage three children, Junior Roy James, aged 8 years, Jimmie Lewis James, aged 5 years, and Demsey Dean James, aged 5 years; that said children are and have been with your Complainant, who is a suitable, fit and proper person to have their care, maintenance and control; that the Respondent is an able bodied man, easily capable of maintaining and supporting the Complainant and the minor children.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said D. L. James 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 amount of alimony to be paid by the Respondent to the Complainant, pendente lite and permanent, and also a suitable 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; and she be awarded the custody of the said children, Junior Roy James, Jimmie Lewis James and Demsey Dean James; that your Honor will give and grant unto her such other, further, different or general relief as she may be entitled to receive, and as in duty bound she will ever pray.

Lucie Gray James
Complainant

Forest A. Christian
Forest A. Christian, Foley, Alabama
Solicitor for Complainant

D. P. JAMES,
Respondent

METTR GRAY JAMES,
Complainant

as.

BILL OF COMPLAINT

1437

Handwritten signature and date:
Oct 12-1942

1427

BILL OF COMPLAINT

NELLIE GRAY JAMES,
Complainant

vs.

D. L. JAMES,
Respondent

Complainant's name is Nellie Gray James, Respondent's name is D. L. James. The complaint is filed in the County of ... State of ...

Nellie Gray James
Complainant

D. L. James
Respondent

Filed Oct 15-1945
[Signature]

1429

ANSWER

NELLIE GRAY JAMES,
Complainant

vs.

D. L. JAMES,
Respondent

Delivered Jan 13, 1945
P. J. [Signature]



THE STATE OF ALABAMA, }
BALDWIN COUNTY

Circuit Court

To Alica A. Christian

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 Nellie Gray James and D. L. Keith

as witnesses in behalf of Nellie Gray James in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Nellie Gray James

Complainant

and D. L. James

Respondent

on oath, to be by you administered, upon Nellie Gray James and D. L. Keith to take and certify the deposition of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 10 day of November, 1945



Register

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 1427

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

NELLIE GRAY JAMES

Complainant

VS.

D. L. JAMES

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Alicia A. Christian

WITNESSES:

Nellie Gray James

D. L. Keith

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

NELLIE GRAY JAMES

Complainant

VS.

D. L. JAMES

Respondent

Alica A. Christian

I,

as ~~Register and~~ Commissioner

have called and caused to come before me Nellie Gray James and D. L. Keith

witness ~~as~~ named in the Requirement for Oral Examination, on the 14 day of November 1945, at the office of Forest A. Christian in Foley, Alabama, and having first sworn said Witness ~~es~~ to speak the truth, the whole truth, and nothing but the truth, the said Nellie Gray James and D. L. Keith doth depose and say as follows:

My name is Nellie Gray James. I am 29 years of age. I married D. L. James, at Pascagoula, Mississippi, on June 20, 1936. We lived together as man and wife until about November 7, 1939, when my husband went to his home in Gilbertown, Alabama, and we have never lived together since. I have lived with my father for at least five years near Foley, Alabama. He had no reason for leaving. He has been in Nevada for some time and has just returned to Mobile. I have not since year before last, until today. He said then that he had a disease and he said he didn't want to return to me. I told him that I didn't want to live with him if he had a social disease. He didn't have any disease when we lived together.

Nellie Gray James
Nellie Gray James

My name is D. L. Keith. I am 53 years old. I am the father of Nellie Gray James, the Complainant. Nellie married D. L. James in 1936, and they lived together as man and wife until about 1939. They have never lived together since and she has been staying with me near Foley, since 1939. I know of no reason why D. L. James left, except that she told him that he would have to support his family from beginning to end. He and his family has always lived with me. He never paid any doctor bills — I paid them. He just worked a while and quit and gambled it away. I have not seen D. L. James for over two years.

D. L. Keith
D. L. Keith

ORAL EXAMINATION.

I, Alice A. Christian, as ~~Register~~ Commissioner hereby certify that the foregoing deposition ~~is~~ on Oral Examination was taken down by me in writing in the words of the witness ~~es~~ and read over to them and they signed the same in the presence of myself and Forest A. Christian

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 14 day of November, 1945.

Alice A. Christian (L.S.)

NO. 1429 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

NELLIE GRAY JAMES

vs. Complainant

D. L. JAMES

Respondent.

Oral Deposition

Filed November 15, 1945

[Signature], Register.

Recorded in

Record

Vol. _____

Page _____

, Register.

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

WE COMMAND YOU, that you summon D. L. James, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by Nellie Gray James, against the said D. L. James, 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 thereof.

WITNESS, R. S. Duck, Register of said Court, this 15 day of October, 1945.


Register

NELLIE GRAY JAMES,
Complainant
vs.
D. L. JAMES,
Respondent

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

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

Your Complainant, Nellie Gray James, a resident citizen of Baldwin County, Alabama, over the age of twenty-one years, respectfully shows unto your Honor that on or about June 20, 1936, Complainant intermarried with said D. L. James, at Pascagoula, Mississippi, and they lived together as man and wife until about November 7, 1939, most of the time residing in Baldwin County, Alabama, and Complainant has been a bona fide resident citizen of Alabama, for one year next preceding the filing of this bill.

2. That Respondent, more than one year next preceding the filing of this bill of complaint, did voluntarily abandon the bed and board of complainant, and said abandonment has been voluntary and continuous to the date hereof.

3. That there was born to said marriage three children, Junior Roy James, aged 8 years, Jimmie Lewis James, aged 6 years, and Demsey Dean James, aged 5 years; that said children are and have been with your Complainant, who is a suitable, fit and proper person to have their care, maintenance and control; that the Respondent is an able bodied man, easily capable of maintaining and supporting the Complainant and the minor children.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said D. L. James 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 amount of alimony to be paid by the Respondent to the Complainant, pendente lite and permanent, and also a suitable 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; and she be awarded the custody of the said children, Junior Roy James, Jimmie Lewis James and Demsey Dean James; that your Honor will give and grant unto her such other, further, different or general relief as she may be entitled to receive, and as in duty bound she will ever pray.

Wesley Gray James
Complainant

Forest A. Christian
Forest A. Christian, Foley, Alabama
Solicitor for Complainant