

ESTELLE MCDONALD

COMPLAINANT

VS

JAMES W. MCDONALD

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard was submitted upon the original bill of complaint, Answer and Waiver of the Respondent, and agreement entered into by and between the Complainant, and Respondent and Cora Lee Payne, as to the custody, care and control of the minor child born to the marriage between the Complainant and the Respondent.

The Court after considering the matter is of the opinion that the Complainant is entitled to a divorce from the Respondent, and that Cora Lee Payne, the maternal grandmother of James Kenneth McDonald, a minor approximately two years old is a suitable, fit and proper person to have the care, custody and control of the said minor and that it is to the best interest of the said minor child that he be placed in the custody of the said Cora Lee Payne; that the parties have entered into a written agreement that the said Cora Lee Payne have the custody, care and control of the said child, subject to visitation by the Complainant and the Respondent.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby, dissolved, and that the said Estelle McDonald is forever divorced from the said James W. McDonald for and on account of cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the minor child, James Kenneth McDonald, be and he is hereby placed in the custody of Cora Lee Payne subject to the further orders and decrees of this Court.

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 an 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 the Respondent be, and they are hereby permitted to contract marriage upon the payment of the costs of this suit.

IT IS FURTHER ORDERED that the Respondent, James W. McDonald, pay the cost herein to be taxed, for which execution may issue.

This the 3rd day of August, 1950.

Telfair J. Mashburn, Jr.  
Judge of the Circuit Court of  
Baldwin County, Alabama, 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 \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Register of Circuit Court, in Equity

ESTELLE McDONALD

COMPLAINANT

VS

JAMES W. McDONALD

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

FIDIAL DECREE

This cause coming on to be heard was submitted upon the original bill of Complaint, Answer and Waiver of the Respondent, and agreement entered into by and between the Complainant, the Respondent and Cora Lee Payne, as to the custody, care and control of the minor child born to the marriage between the Complainant and the Respondent.

The Court after considering the matter is of the opinion that the Complainant is entitled to a divorce from the Respondent, and that Cora Lee Payne, the maternal grandmother of James Kenneth McDonald, a minor approximately two years old is a suitable, fit and proper person to have the care, custody and control of the said minor and that it is to the best interest of the said minor child that he be placed in the custody of the said Cora Lee Payne; that the parties have entered into a written agreement that the said Cora Lee Payne have the custody, care and control of the said child, subject to visitation by the Complainant and the Respondent.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby, dissolved, and that the said Estelle McDonald is forever divorced from the said James W. McDonald for and on account of cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the minor child, James Kenneth McDonald, be and he is hereby placed in the custody of Cora Lee Payne subject to the further orders and decrees of this court.

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 an 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 the Respondent be,  
and they are hereby permitted to contract marriage upon the payment  
of the costs of this suit.

IT IS FURTHER ORDERED that the Respondent, James W. McDonald, pay  
the cost herein to be taxed, for which execution may issue.

This the 3rd day of August, 1950.

J. J. Madlbury Jr.  
Judge of the Circuit Court of Baldwin  
County, Alabama, 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 \_\_\_\_\_ day of \_\_\_\_\_  
1950.

\_\_\_\_\_  
Register of Circuit Court, in Equity

RECORDED

No 24 98

ESTELLE McDONALD

COMPLAINANT

VS

JAMES W. McDONALD

RESPONDENT

FINAL DECREE

FILED

AUG 4 1950

ALICE J. DUCK, Register

FILED

Aug 14 1950

ALICE J. DUCK, Register

Estelle McDonald

vs.

James W. McDonald

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, agreement between Estelle McDonald, James W. McDonald  
and Cora Lee Payne, Testimony of Estelle McDonald and Cora Lee Payne .  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_ Agreement between Estelle McDonald and Cora  
Lee Payne  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

H. M. HALL

Deice J. Duck

Register.

RECORDED

No. ....

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Estelle McDonald

vs.

James W. McDonald

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ....., 194 .....

FILED

JUN 29 1950

Register.

Printed by the Baldwin Times

ALICE J. DUCK, Register

**THE STATE OF ALABAMA**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

Estelle McDonald Complainant

VS.

James W. McDonald Respondent

I, Evelyn Watts

as ~~Register~~ and Commissioner

have called and caused to come before me Estelle McDonald and Cora Lee Payne

witnesses named in the Requirement for Oral Examination, on the 27 day of June  
194 50, at the office of Hubert M. Hall  
in Bay Minette, Ala., Alabama, and having first sworn said Witness to speak the  
truth, the whole truth, and nothing but the truth, the said Estelle McDonald  
and Cora Lee Payne doth depose and say as follows:

My name is Estelle McDonald. I am the Complainant in the above styled cause. I am a bona fide resident of Baldwin County, Alabama, and over eighteen years of age.

The Respondent, James W. McDonald is a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age.

The Respondent and I married at Robertsedale, Alabama, on September 7, 1947. We lived together as husband and wife in Baldwin County, Alabama, until September 4, 1949.

The Respondent on September 4, 1949, and on various occasions prior thereto threatened and abused me and often threatened to do actual violence to my person which would necessarily endanger my life and health. The conduct of the Respondent was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would carry out his threats and do actual violence to my person which would necessarily endanger my life and health.

The Respondent and I have one child, James Kenneth McDonald, who was born on September 8, 1948. The child has since the Respondent and I separated, been with my mother, Cora Lee Payne, and she has cared and provided for him. My mother, Cora Lee Payne, is the suitable, fit and proper person to have the care, custody and control of the minor child and the Respondent and I have agreed and entered into a written agreement, a copy of which is secured herewith, that my mother, Cora Lee Payne, shall have the custody, care and control of the minor child.

Estelle McDonald

Cora Lee Payne, a witness for the Complainant, being first duly sworn deposes and says:

My name is Cora Lee Payne. I am the mother of Estelle McDonald and the grandmother of the minor child, James Kenneth McDonald.

The Complainant and the Respondent have lived near me practically all the time since they were married. I know from my own personal knowledge that conditions are such that the Complainant and the Respondent cannot live together as husband and wife and deem it highly advisable that they be granted a divorce.

I am perfectly willing to assume the responsibility of caring, and providing for the minor child, James Kenneth McDonald, should the court see fit to permit me to have his custody.

Cora Lee Payne



ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition s 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 Hubert 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 27 day of June, 194 50.

Evelyn Watts (L. S.)

NO. \_\_\_\_\_ PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Estelle McDonald

vs. Complainant

James W. McDonald

Respondent.

## Oral Deposition

Filed \_\_\_\_\_, 194 \_\_\_\_\_

Register.

Recorded in

Record

FILED

Vol. \_\_\_\_\_ JUN 29 1950

Attest J. DICK, Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Evelyn Watts

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 Estelle McDonald and Cora Lee Payne

as witnesses in behalf of Estelle McDonald in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Estelle McDonald

\_\_\_\_\_, Complainant  
and James W. McDonald

\_\_\_\_\_, Respondent

on oath, to be by you administered, upon Evelyn Watts

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

Witness 27th day of June, 1952

Alice J. Rouse  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

Estelle McDonald

Complainant

vs.

James W. McDonald

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

Evelyn Watts

WITNESSES  
**FILED**

JUN 29 1950

ALICE J. DUCK, Register

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JAMES W. McDONALD, 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 Estelle McDonald, as Complainant and against James W. McDonald.

WITNESS my hand this the 29th day of June, 1950.

Alice L. Duck  
Register E.D.

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ESTELLE McDONALD

COMPLAINANT

VS

JAMES W. McDONALD

RESPONDENT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA:

Your Complainant, Estelle McDonald, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County, Alabama and over eighteen years of age; that the Respondent is a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age.

2.

That your Complainant and the Respondent married at Robertsdale, Alabama, on September 7, 1947, and lived together as husband and wife until September 4, 1949.

3.


The Respondent on September 4, 1949, and on various occasions prior thereto threatened and abused your Complainant, and threatened to do actual violence to her person which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent he would carry out his threats and do actual violence to her person which would necessarily endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent one child, James Kenneth McDonald; that your Complainant is the suitable, fit and proper person to have the care, custody and control of said child.

WHEREFORE the premises considered your Complainant prays that your Honor will, by proper process make the said James W. McDonald, party Respondent to this bill of complaint, requiring him to please, 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 your Honor will upon a final hearing hereof, will give and grant unto your Complainant a decree of divorce forever barring the bonds of matrimony existing between the Complainant and the Respondent; that she be awarded the care, custody and control of the minor child, James Kenneth McDonald; that she be granted such other, further and different or general relief as she may be in equity and good conscience entitled to receive.

  
Solicitor for the Complainant

770 24 98

RECORDED

ESTELLE McDONALD

COMPLAINANT

VS

JAMES W. McDONALD

RESPONDENT

BILL OF COMPLAINT.

FILED  
JUN 29 1950  
ALICE J. BUCK, Registrar

ESTELLE McDONALD

COMPLAINANT

VS

JAMES W. McDONALD

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Now comes the Respondent and accepts service of the summons and complaint in this cause.

The Respondent admits the allegations as to ages, residences, and marriage, 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 behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

STATE OF ALABAMA  
BALDWIN COUNTY

I, James W. McDonald, a Notary Public, in and for said County, in said State, hereby certify that James W. McDonald, 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 said instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 27 day of June, 1950.

James W. McDonald  
Notary Public, Baldwin County, Ala.

RECORDED

Estelle McDonald

Complainant

vs

James W. McDonald

Respondent

Answer and waiver

FILED

JUN 29 1950

ALICE J. DUCK, Register



STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That this agreement made and entered into by and between Estelle McDonald, first party, James W. McDonald, Second party and Cora Lee Payne third party, WITNESSETH:

WHEREAS the first and second parties are husband and wife and have concluded that it is impossible for them to longer live together as husband and wife; and

WHEREAS the said first and second parties have one child, James Kenneth McDonald born September 8, 1948; and

WHEREAS the first and second parties have agreed that it is advisable to secure a divorce so that each may go his own way; and

WHEREAS the said first and second parties have no community property, that will become involved; and

WHEREAS the first and second parties have agreed that the third party, the maternal grandmother of the said minor child, James Kenneth McDonald, is the suitable, fit and proper person to have the care, custody and control of the said minor,

NOW, THEREFORE, it is agreed by and between the parties as follows:

1. That the third party shall have and she is hereby given the exclusive custody, care and control of the minor child, James Kenneth McDonald;
2. That the first party shall have the right to visit and be with the said minor child at reasonable times;
3. That the second party shall have the right to visit and be with the said minor child at reasonable times;
4. That the third party assumes all responsibility of caring and providing for the said child.
5. That it shall be incorporated in any decree or proceeding between the first and second parties that the custody, care and control of the said minor child shall be awarded to the third party.

6. That this agreement shall be subject to any future orders and decreed made and entered by the Circuit Court of Baldwin County, Alabama, in Equity, as respects the custody, care and control of the said minor child.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals, in triplicate, on this the 27 day of June, 1950.

Estelle McDonald (SEAL)

James W. McDonald (SEAL)

Cora Lee Payne (SEAL)

STATE OF ALABAMA  
BALDWIN COUNTY

I, W. L. Lee, a Notary Public, in and for said County, in said State, hereby certify that Estelle McDonald, James W. McDonald and Cora Lee Payne, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 27 day of June, 1950.

W. L. Lee  
Notary Public, Baldwin County, Ala.

RECORDED  
RECORDED

Estelle McDonald

Complainant

vs

James W. McDonald

Respondent

Agreement

FILED

JUN 29 1950

ALICE J. DUCK, Register

2498