

(3/25)

DIVORCE DECREE

Printed by Moore Printing Co.

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

EVA JACKSON MCKENZIE, Complainant

vs.

LUTHER C. MCKENZIE, Respondent

~~Decree Pro Confesso~~ amended bill of

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

Eva Jackson McKenzie is forever divorced from the said Luther C. McKenzie for and on account of cruelty

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 Eva Jackson McKenzie the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 16th day of April, 1954

Hubert M. Hall

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. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

APR 17 1954

ALICE J. DUCK, Register

RECEIPT

The State of Alabama, Baldwin County
Equity Division, Circuit Court.

Nº

2839
1839

Case No. 3125

Date 4-15, 1944

RECEIVED OF Ralph Smith for (McKenzie vs. McKenzie)
the sum of Thirteen

Trial Tax	\$
	\$
	\$
	\$
	\$
	\$
	\$

As Register, Baldwin County, Ala.

Total \$13.50

By

EVA JACKSON McKENZIE

VS

LUTHER C. McKENZIE

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

Comes the respondent in the above styled cause and waives service by the sheriff of the bill of complaint as amended; waives notice of the taking of testimony in said cause and agrees that the testimony may be taken and the cause submitted for final decree at any time.

And for answer to the bill of complaint the respondent denies the allegations contained therein.

Luther C. McKenzie
Respondent

RECORDED

FILED

APR 17 1954

ALICE J. DUCK, Register

EVA JACKSON McKENZIE

VS

LUTHER C. McKENZIE

IN THE CIRCUIT

COURT OF BALDWIN

COUNTY, ALABAMA

IN EQUITY:

Comes the complainant in the above styled cause and amends the bill of complaint heretofore filed in said cause by striking therefrom paragraph four in its entirety and by striking the following from the prayer for relief: that the court make a reasonable allowance to complainant as alimony; and requiring the respondent to pay a reasonable fee to complainant's attorney for his services in this cause.


Solicitor for complainant

RECORDED

Amended Compt.

Handwritten signature

FILED
MAR 23 1954

WILLIAM J. DICK, Registrar

IN REPLY TO
COUNTY CLERK
COUNTY CLERK
COUNTY CLERK

RECEIVED
MAR 23 1954
COUNTY CLERK

In Cause No. _____

IN THE CIRCUIT COURT OF
BALDWIN
~~MARSHALL~~ COUNTY

LUTHER C. McKENZIE

IN EQUITY

Complainant

vs.

EVA JACKSON McKENZIE

Respondent.

At Bay Minette
~~XXXXXXX~~, Alabama.

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

You are hereby commanded to summon

LUTHER C. McKENZIE
McKENZIE, ALABAMA
BUTLER COUNTY

to appear and plead,

answer or demur, within thirty days from the service hereof, to
the BILL OF COMPLAINT (a copy of which is hereto
attached) filed in the CIRCUIT COURT OF ~~MARSHALL~~ ^{BALDWIN} COUNTY, IN EQUITY,
AT ~~XXXXXXX~~ ^{BAY MINETTE}, ALABAMA,

by

EVA JACKSON McKENZIE

Complainant

AGAINST

LUTHER C. McKENZIE

Respondent,

and due return make, how you have executed this writ as required
by law.

Witness my hand this the 26th day of October 1953

Archie Houch
Register of said Court.

Filed in office this _____ day

of _____ 19____

Register.

State of Alabama,
BALDWIN
~~Marshall~~ County.

SHERIFF'S RETURN

I certify that I have executed the within summons by handing
a copy of the same with a copy of the bill thereto
attached to

Respondents, named therein.

Witness my hand this the _____ day of _____ 19____

Sheriff

By _____ D. S.

In The Circuit Court Of
BALDWIN
~~MARSHALL~~ COUNTY
BAY MINETTE
Guntersville, Alabama
IN EQUITY

Complainant

vs.

Respondent

EVA JACKSON McKENZIE
Complainant

VS

LUTHER C. McKENZIE
Respondent

IN THE CIRCUIT
COURT OF BALDWIN
COUNTY, ALABAMA
IN EQUITY NO. _____

TO THE HONORABLE H. M. HALL AS JUDGE OF SAID COURT:

Comes the complainant in the above styled cause and brings this, her bill of complaint, against Luther C. McKenzie, respondent and shows unto the court as follows:

1. The complainant is a resident citizen of Marshall County, Alabama, residing at Guntersville, and is over the age of twenty-one years.

2. The respondent is a resident citizen of Butler County, Alabama, residing at McKenzie, and is over the age of twenty-one years.

3. The complainant and respondent were married on March 20, 1953, and lived together during their marriage in Baldwin County, Alabama, residing at Loxley where they were finally separated on June 8, 1953, for reasons set forth in this bill of complaint, and have not lived together as husband and wife since that time.

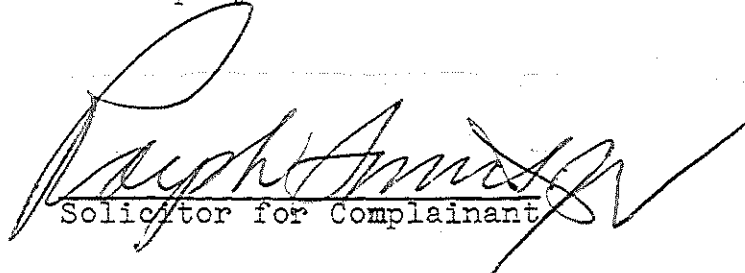
4. Your complainant charges the respondent with commission of the crime against nature in the use of his oral organs for unnatural sexual intercourse.

5. Your complainant avers and charges that the respondent did on or about June 8, 1953, and on many other occasions assault, beat, hit and strike complainant; that the respondent has committed actual violence on her person attended with danger to her health or life. Complainant avers and charges that respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably convinced that he will commit an actual violence upon her person, attended with danger to her life or health.

6. The respondent is an able bodied man earning a substantial income.

EVA JACKSON MCKENZIE
VS
LUTHER C. MCKENZIE

Wherefore, premises considered, your complainant makes the said Luther C. McKenzie a party respondent to this, her bill of complaint, and prays that proper process issue to him as such requiring him to plead, answer, or demur within the time required by law; and that upon final hearing of this cause Your Honor will order, adjudge, and decree that the bonds of matrimony existing between these parties be forever dissolved; that the court make a reasonable allowance to the complainant as alimony; and requiring the respondent to pay a reasonable fee to complainant's attorney for his services in this cause; and for such other, further and more general relief as in equity and good conscience she ought to have, complainant will ever pray.


Solicitor for Complainant

Received in Sheriff's Office
this 26 day of Oct, 1953
TAYLOR WILKINS, Sheriff

Executed this
7th November 1953
by serving on
Luther C. McKemie

J. E. Best
Sheriff of Butler
County

Mo. 3125 RECORDED

Eva Jackson McKemie
Luther C. McKemie

vs.

FILED

OCT 26 1953

GLUCE J. DUCK, Register

Professional Buidling
~~XXXXXXXXXXXXXXXXXXXX~~

PHONE 3082

RALPH SMITH, JR.
ATTORNEY AT LAW
GUNTERSVILLE, ALA.

April 14, 1954

Register of the Circuit Court
Bay Minette, Alabama

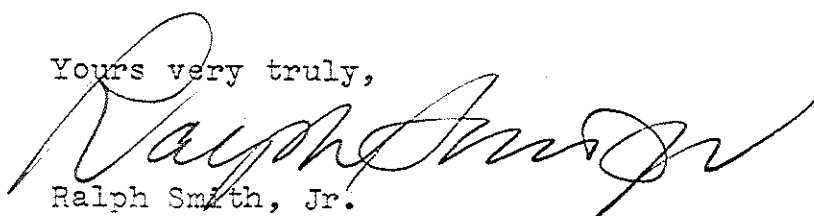
Dear Madam:

Re: Eva Jackson McKenzie
Vs.
Luther C. McKenzie

Pursuant to your letter of April 8, 1954, I am
enclosing a check to cover the court cost in
the above claim.

Please mail a copy of the decree as soon as it
is granted.

Yours very truly,


Ralph Smith, Jr.

RS:dc

3125

Jackson

vs

Jackson

Eva Jackson McKenzie

Complainant

Vs

Luther C. McKenzie

Respondent

In the Circuit Court of
Baldwin County, Alabama
In Equity

Now comes the Respondent in the above styled cause by his
Solicitor, Reuben F. McKinley and demurs to the complaint in said
cause and to each count thereof both seperately and severally and
for said grounds for said demurrer assigns the following;

1.
There is no Equity in said bill.


Solicitor for the Respondent

RECORDED

Eva Jackson McKenzie

Complainant

Vs

Luther C. McKenzie

Respondent

Demurrer

FILED

NOV 21 1953

ALICE I. DICK, Registrar

Ralph Smith Jr. atty
Monteville, Ala.

RALPH SMITH, JR.

ATTORNEY AT LAW
GUNTERSVILLE, ALA.

March 19, 1954

Register in Chancery
Bay Minette, Alabama

Re: McKenzie vs. McKenzie

Dear Sir:

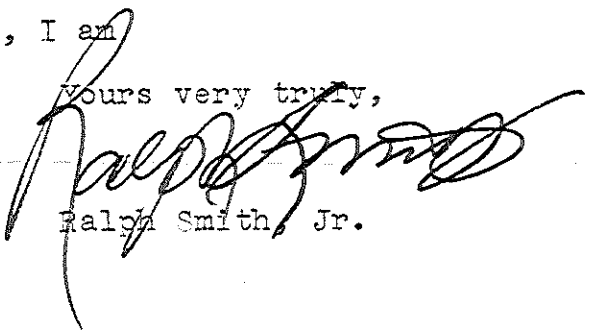
I am filing herewith an amendment to
the bill of complaint in the above cause.

Please issue a commission to take tes-
timony in this matter to Mrs. Dessa M. Cole,
Guntersville, Alabama.

The respondent will file an Answer and
Waiver of Notice.

Thanking you, I am

Yours very truly,


Ralph Smith, Jr.

RS:dc

Worce
3-23-54

Eva Jackson McKenzie

Complainant

Vs

Luther C. McKenzie

Respondent

In the Circuit Court of
Baldwin County, Alabama
In Equity

Now comes the Respondent in the above styled cause, by his Attorney, Reuben F. McKinley and further demurs to the bill of complainant in said cause and to each count thereof both seperately and severally and for grounds for said demurrers assigns the following.

1.

The allegations that the Respondent will actually commit violence on the person of the Complainant is only a conclusion of the pleader.

2.

The allegations that Respondent is an able bodied man is only a conclusion of the pleader.

3.

Count 4 of said complaint does not show sufficient facts to adequately inform the Respondent of the offense charged.

4.

Said complaint does not show sufficient facts to entitle the Complainant to the relief prayed.


Solicitor for the Respondent.

3/25

Eva Jackson McKenzie

Complainant

Vs

Luther C. McKenzie

Respondent

RECORDED

Demurrer

FILED
NOV 30 1953
ALICE L. BUCK, Register

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

PHONE 3082

Professional Building
Box 328

RALPH SMITH, JR.
ATTORNEY AT LAW
GUNTERVILLE, ALA.

April 5, 1954

Register in Chancery

Bay Minnette, Alabama

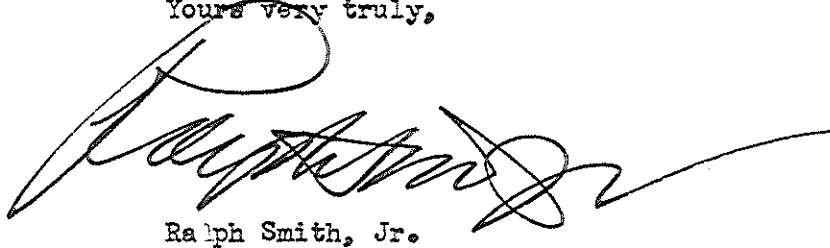
Dear Sir:

Re: McKenzie v. McKenzie

I hand you herewith an answer and waiver of the above
respondent, the testimony as taken by the commissioner
and a note of submission for final decree.

Please send me a copy of the final decree. If the respondent
does not pay the costs my client will pay them.

Yours very truly,

A large, stylized handwritten signature in dark ink, appearing to read 'Ralph Smith, Jr.', is written over the typed name.

Ralph Smith, Jr.

The State of Alabama, Baldwin County County.

IN CIRCUIT COURT IN EQUITY.

Eva Jackson Mc Kenzie Complainant
vs.

Luther C. Mc Kenzie Defendant

Commissioner

Oral examination before the Register of the following witnesses:

Eva Jackson Mc Kenzie

who reside in Alabama, said examination being conducted in Guntersville Alabama,
on this the 3rd day of April, 1954, and there being present
Ralph Smith, Jr., attorney and Eva Jackson McKenzie

Eva Jackson Mc Kenzie
The said being first sworn to speak the truth, the whole truth, and nothing but the
truth, testified as follows: My name is Eva Jackson Mc. Kenzie. I am 44 years of
age and a resident citizen of Marshall County, Alabama. The respondent
is a resident citizen of Butler County, Alabama and is 47 years of
age. I was married to the respondent on March 20, 1953 and we lived
together during our marriage at Loxley, Alabama in Baldwin County
where we were separated on June 8, 1953 and have not lived together
since that time. At the time we separated he became violently angry
with me without cause and struck me with his hands and fists knocking
me down on the floor of the house and against the wall. I ran from
the house and since it was in the night I managed to get away from
him and had to walk seven miles to a friends house for help. He
threatened to kill me at the time and from his conduct I fear that
he will carry out these threats. I would be afraid to live with him or
even see him again. We have no children and I ask the court for a
divorce.

✓ Eva Jackson McKenzie

FILED
APR 14 1954
MADE IN MEX. REGISTER

I, Dessa M. Cole as Commissioner

hereby certify that the foregoing deposition_____on oral examination_____taken down by me in writing in the words of the witness_____and read over to her and she signed the same in the presence of Me_____, at the time and place herein mentioned; that I have personal knowledge of the personal identity of the 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 in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 3rd day of April, 1954

Debra M. Cole (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

[illegible]

REGISTER'S FEES.

_____ days at \$1.50 per day _____ \$

_____ words at 20 cents per hundred _____ \$

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Mrs. Dessa M. Cole

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

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

Eva Jackson McKenzie

and Luther C. McKenzie, Complainant.

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

Witness 23rd day of March, 195 4.

W. J. Purke
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3125

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

EVA JACKSON MCKENZIE

Complainant—

vs.

LUTHER C. MCKENZIE

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

FILED
APR 1 1954
WILLIAM L. DICK, Register

Baldwin
THE STATE OF ALABAMA, ~~MARSHALL~~ COUNTY

CIRCUIT COURT, IN EQUITY

No. _____

Eva Jackson McKenzie

vs.

Complainant

Luther C. McKenzie

Respondent

This Cause is submitted to the Court for a final decree upon the pleading and proof. The Complainant being called offers the original bill, return of service and *Amended Bill of Complaint*
annex and annex

and Complainant also offers the testimony of the following witnesses, to-wit:

Eva Jackson McKenzie

Lucie L. Duck

regulator

Raymond Smith
Solicitor for Complainant

Defendant, being called, offers the following testimony, to-wit:

3125

No. _____ Page M

**THE STATE OF ALABAMA,
MARSHALL COUNTY**

**CIRCUIT COURT
IN EQUITY**

vs. Complainant

Respondent

Note of Testimony for Submission

Filed FILED , 19 APR 7 1954

 ALICE J. DUCK, Register , Register

Recorded in

Record

Vol. _____ Page _____

Register

I hereby certify that the above note of testimony is correct.
This _____ day of _____, 19____

Solicitor for Defendant

Register