

3164

GORDON & JANSEN  
ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING  
MOBILE 11, ALABAMA

A. FLETCHER GORDON  
VERNOL R. JANSEN, JR.  
OF COUNSEL:  
ROBERT E. GORDON  
1325 DAUPHIN STREET

December 21, 1953

Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Dear Mrs. Duck:

We enclose herewith a divorce petition which we are filing in behalf of our client, Elizabeth E. Kennedy. We are also enclosing an answer executed by her husband. This will eliminate the necessity for service of process.

We are not familiar with the procedure of your office, but it is our present plan to take the testimony of Complainant's witnesses next Wednesday without the issuance of a formal commission by the Court. This testimony will be forwarded for submission next Monday.

Please acknowledge receipt of these pleadings and let us know whether that procedure is acceptable to you.

Very truly yours,

GORDON & JANSEN

BY: 

VRJjr/pjb

30 July 1968

Baldwin County Clerk  
Courthouse  
Bay Minette, Ala.

Dear Sir,

I need a duplicate of a divorce decree entered by Robert Jansen, Atty., around 1955. My name at that time was Elizabeth Eileen Kennedy (husband Raymond Rich) - and we resided in Fairhope, Ala.

This information is needed for a widow's pension, as my present husband recently died, and was a retired service man.

Enclosed is check for \$2.00 for same - if the fee is more, please let me know. Also enclosed is self-addressed, stamped envelope, for return.

Very truly yours,



Elizabeth E. Sticker  
P. O. Box 335  
New Albany, Ind. 47150

Enc.

C E R T I F I C A T E

I, Ursula O. Tunstall, Commissioner, agreed on by the parties hereto, do hereby certify that in a certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein Elizabeth E. Kennedy is the Complainant and Raymond R. Kennedy is the Respondent, under and by virtue of the power conferred upon me by the agreement filed in this cause, I caused the said Elizabeth E. Kennedy and C. O. McCawley, who are known to me, and who are known to me to be the identical witnesses named above, to come before me at the time and place hereinafter named, that is to say, I caused the said Elizabeth E. Kennedy and C. O. McCawley, respectively, to come before me at 1607 Merchants National Bank Building, Mobile, Alabama, on the 23rd day of December, 1953; that the said witnesses were first duly sworn by me as stated, that they were then examined orally and testified in response thereto as it is hereinabove written; that their testimony was by me reduced to writing, in narrative form at the request of the Complainant, Elizabeth E. Kennedy, as given by them and as near as might be in the identical language of the said witnesses, and that after their testimony had been so reduced to writing, it was by the said witnesses read over, and they assented to and signed the same in my presence and in the presence of the attorney for the Complainant. I do further certify that the within depositions are true and correct as given by the said witnesses.

I further certify that I am not of counsel or kin to any of the parties to the cause, and am not in anywise interested in the result thereof.

Witness my hand on this the 23rd day of December, 1953.

  
COMMISSIONER

TESTIMONY OF ELIZABETH E. KENNEDY

My name is Elizabeth Eileen Kennedy and I am the Complainant in this cause. I was married to Raymond R. Kennedy on January 9, 1945, in Long Beach, California. We have lived together as man and wife since that time, up to the filing of this petition. Both of us are over the age of twenty-one years. We reside at 210 Pier Street, Fairhope, Baldwin County, Alabama, and have been living there in our own home for approximately two years. Before that we lived in Bay Minette, and have lived in Baldwin County continuously for the last five years. My husband, the Respondent, is employed at the Mobile Reserve Fleet. No children have been born of this marriage, and there is no jointly owned property or other assets which have not been disposed of by agreement between my husband and me.

During the course of our marriage there have been serious disagreements and quarrels between us from time to time for five years. There have been no separations on account of this. For a portion of that period I worked at Brookley Air Force Base. Five or six years ago we made application for the adoption of a child. Last summer, while I was working, we had an opportunity to adopt a little boy, and we took the child and I left my employment, hoping that the child would provide a bond between my husband and me which would save our marriage. Unfortunately, the difficulties have continued and the child has been returned to the State Agency.

From the conduct of my husband during the past several months there is reasonable apprehension on my part that my husband will commit actual violence on my person, attended with danger to my life or health. The differences between us have increased, and become magnified, during that period. He is very emotional and at times behaves in an irrational manner. He is the kind

-2- Testimony of Elizabeth E. Kennedy

of man who would restrain himself to the breaking point - that is, he would suppress his natural impulses, and has suppressed his desire in the past, but as the differences between us have increased, I believe that the probability of his committing a serious assault have increased. These differences and this condition make it impossible for me to continue living with him, because of this fear. I have tried to be a good wife to my husband and believe that I have provided a comfortable home and proper companionship for him.

Elizabeth Eileen Kennedy

TESTIMONY OF C. O. McCawley

My name is C. O. McCawley, and I live at 208 Pier Street in Fairhope, Alabama. I live next door to Ray and Betty Kennedy, the parties to this action. They were living in that neighborhood when I moved there about a year and a half ago, and it is my understanding that they built the house there and are the owners of it. I know that they were married to each other and living together as man and wife at that address when I moved there. I cannot state their exact ages, but I know that each of them is well past twenty-one years of age.

Ever since I moved there, Ray has worked at the Mobile Reserve Fleet, and Betty was working at the time we moved there, but stopped at the time a small child came there to live with them. So far as I know, no children have been born of this marriage, and I do not know of any difficulties between them of my own personal knowledge. There may have been trouble between them, but they are both my good friends and good neighbors, and I would rather not make any statement about either of them based on gossip, rumor or hearsay.

C. O. McCawley  
C. O. McCawley

FILED

DEC 28 1953

ALICE J. DUCK, Register

ELIZABETH E. KENNEDY,  
Complainant,

-vs-

RAYMOND R. KENNEDY,  
Respondent.

) IN THE CIRCUIT COURT  
(  
) OF BALDWIN COUNTY,  
(  
) ALABAMA.  
(  
) IN EQUITY.  
(  
) CASE NO. \_\_\_\_\_

ANSWER AND WAIVER

Comes now the Respondent in the above entitled cause, and for answer to the Bill of Complaint therein, admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking of such testimony, and agree that this cause may be submitted for final decree at any time; and I waive all notices to which I may be entitled by law in this cause.

I agree that Ursula O. Tunstall may act as Commissioner in this cause, without the necessity of a commission being issued therefor by the Court.

Raymond R. Kennedy  
Respondent.

STATE OF ALABAMA )  
COUNTY OF MOBILE )

I, W. H. Little, Jr., a Notary Public in and for said State and County, do hereby certify that Raymond R. Kennedy, 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, he executed the same voluntarily on the day the same bears date.

Witness my hand, this the 19 day of December, 1953.

W. H. Little, Jr.  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

Complainant agrees that Ursula O. Tunstall may act as Commissioner for taking testimony in the above styled cause in the manner above stated.

Ursula O. Tunstall  
Solemnly for Complainant.



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RECORDED

FILED

DEC 23 1953

ALICE L. RUCK, Registrar

GORDON & JANSEN

ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING

MOBILE 11, ALABAMA

A. FLETCHER GORDON  
VERNOL R. JANSEN, JR.

OF COUNSEL:  
ROBERT E. GORDON  
1325 DAUPHIN STREET

December 23, 1953

Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Dear Mrs. Duck:

We are enclosing herewith the note of evidence and the testimony for submission to Judge Hall in the Kennedy Matter which we filed last week.

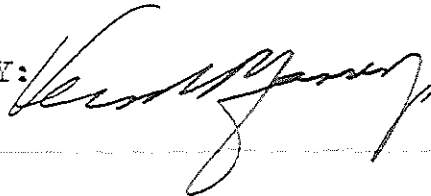
If convenient, we would like to have this file reach Judge Hall's desk next Monday or Tuesday.

We are prepared to pay all costs of court from funds in our hands, and would like to have this matter concluded as soon as possible.

Very truly yours,

GORDON & JANSEN

BY:



VRJjr/pjb

GORDON & JANSEN

ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING

MOBILE 11, ALABAMA

A. FLETCHER GORDON  
VERNOL R. JANSEN, JR.

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Very truly yours,

GORDON & JANSEN

BY:



VRJjr/pjb

ELIZABETH E. KENNEDY,

Complainant,

Vs.

RAYMOND R. KENNEDY,

Respondent.

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

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated, December 23-1953

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken, to-wit:

For Complainant.

FILED, 12-28-53  
Deputy-Register Register.

1. Original Complaint.
2. Answer of the Respondent and agreement for taking testimony.
3. Testimony of C. O. McCawley.
4. Testimony of Elizabeth E. Kennedy.

Kenneth J. Gannon  
E. Gordon Gannon  
SOLICITOR FOR COMPLAINANT

For Respondent.

None

SOLICITOR FOR RESPONDENT

W

FILED

DEC 28 1953

ALICE J. DUCK, Register

ELIZABETH E. KENNEDY,	)	IN THE CIRCUIT COURT
Complainant,	(	
	)	OF BALDWIN COUNTY,
-vs-	(	
	)	ALABAMA.
RAYMOND R. KENNEDY,	(	
	)	IN EQUITY.
Respondent.	(	
	)	CASE NO. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, IN EQUITY  
SITTING:

Comes now your Complainant, Elizabeth E. Kennedy, in the above styled cause, and files this her Bill of Complaint against Raymond R. Kennedy, Respondent, and shows unto your Honor and to the Court, as follows:

F I R S T

That the Complainant and Respondent, Raymond R. Kennedy, are both bona fide resident citizens of Baldwin County, Alabama, and have been such for a period of more than one year next preceding the filing of this Bill of Complaint, and that they are each over the age of twenty-one years.

S E C O N D

The Complainant and Respondent were duly and legally married, on to-wit: January 9, 1945 in Long Beach, California, and since that time have lived together as man and wife until the 18th day of December, 1953.

T H I R D

That the Respondent has committed actual violence on her person attended with danger to her life or health, or that from his conduct there is reasonable apprehension of such violence on the part of the Respondent, so that she is no longer able to live with him as his wife.

P R A Y E R   F O R   P R O C E S S

WHEREFORE, your Complainant prays that your Honor will take jurisdiction of the cause made by this Bill of Complaint, and will cause notice to be served and had upon the said Raymond R. Kennedy, in accordance with the rules of this Honorable Court, and the law in such matters provided, making him a party respondent thereto and requiring him to answer, plead or demur to such Bill of Complaint within the time allowed by law.

PRAYER FOR RELIEF

Your Complainant further prays that upon a hearing of this cause, your Honor will grant her an absolute divorce, dissolving the bonds of matrimony now existing between her and the said Raymond R. Kennedy, granting unto each of them the right to remarry, and such other, further and different relief to which she may be entitled in the premises.

Elizabeth E. Kennedy  
COMPLAINANT.

Kenneth J. Jansen  
OF GORDON & JANSEN  
SOLICITORS FOR COMPLAINANT.

ELIZABETH E. KENNEDY,  
Complainant,

-vs-

RAYMOND R. KENNEDY,  
Respondent.

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

) IN EQUITY.  
)  
)

) CASE NO. \_\_\_\_\_  
)

FINAL DECREE OF DIVORCE.

This cause coming on to be heard is submitted for final decree on the pleadings and the testimony as shown by the note of evidence on file herein, and upon consideration, it is ORDERED, ADJUDGED and DECREED by the Court that the Complainant is entitled to the relief prayed for and that the bonds of matrimony heretofore existing between the Complainant and Respondent be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that Complainant and Respondent be, and hereby are permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, and in no event before the expiration of sixty days from the rendition of this decree.

It is further ordered that the Respondent shall pay the cost of this suit, FOR WHICH EXECUTION MAY ISSUE.

Dated, this 28<sup>th</sup> day of December, 1953.

Robert M. Hall, Judge.



3164

FILED

DEC 28 1953

ALICE J. DICK, Register