

3359

STATE OF ALABAMA, ON THE RELATION
OF KENNETH COOPER, SOLICITOR OF
THE TWENTY-EIGHTH JUDICIAL CIRCUIT,

Complainant

VS

MADDOCK FOUNDATION, INCORPORATED, A
CORPORATION, AND JOHN E. MERRIHEW,
RANDALL LAFFRE, HERBERT LIEB, WILLIAM
RUFFLES, JR., JAMES H. FAULKNER,
GEORGE GRANT, MARGARET SULLIVAN,
ANN YRSO, FORREST BOWERS, ELLIOTT G.
RICKARBY, JR., RALPH BUDD, AND W. J.
HARRIS, TRUSTEES OF SAID MADDOCK
FOUNDATION, INCORPORATED, AND
ERNEST MADDOCK, AN EMPLOYEE OF SAID
MADDOCK FOUNDATION, INCORPORATED,

Respondents.

IN THE
CIRCUIT COURT
COUNTY,
ALABAMA.

IN
EQUITY

A N S W E R

Comes the Respondents, MADDOCK FOUNDATION, INCORPORATED,
and in answer to the Complainants bill of complaint, says:

FIRST: Respondent admits Paragraph 1.

SECOND: Respondent neither affirms nor denies Paragraph 2.

THIRD: Respondent admits Paragraph 3.

FOURTH: As to Paragraph 4, Respondent states that their pur-
pose is to maintain a school for the training, education, develop-
ment and advancement of atypical children and not for the purpose
of diagnosis and treatment of injuries, deformities, diseases or
obstetrical care.

FIFTH: That the State Board of Health under a letter of 28
June 1954, set down and provided conditions for the operation of
the Maddock Foundation under authority of its rules and regula-
tions for standards.

SIXTH: Said foundation was operating under permission of
this Honorable Court or under the provisions of letter of June
28, 1954, with the knowledge and consent of the State Department
of Public Health.

SEVENTH: As to Paragraph 7, Respondents admits the condition and payment of fine as alleged.

EIGHTH: As to Paragraph 8, Respondents deny that it has failed to comply with the requirements of the Board of Health's letter of June 28, except insofar as it was prevented from doing so by the lack of co-operation from the State Department of Public Health.

As to sub-paragraph A of Paragraph 8, Respondent says that under letters of July 8, 1954 and July 26, 1954, Forrest Bowers' employment was discussed with the Board of Health, asking for either their approval or disapproval, and these requests have been ignored, so no action has been taken as to Forrest Bowers.

As to sub-paragraph B of Paragraph 8: The certificate of incorporation of this organization does not set out the particular duties of the employees, and under letter of July 8, 1954, the re-organization of the Board was explained in detail and under date of 8 July 1954 letter was sent to the State Department of Public Health outlining what was done and the re-organization had been completed and showing that the constitution did not set out anything regarding the departments of the organization.

As to sub-paragraph C of Paragraph 8: Under letter of July 6, 1954, to the State Department of Public Health, the re-location of the ventilating fans were discussed; and in our letter of July 8, 1954, they were discussed in full, and in our letter of July 26, 1954, a sketch was submitted to the State Department of Public Health asking for their suggestions as to the location of the ventilating fans and additional louvers. These letters have been ignored.

As to sub-paragraph D of Paragraph 8: Respondents state that Ernest Maddock is employed under general supervision of Mr. Randall Laffre, the Administrator, and has no voice in the affairs of the institution except in an advisory capacity on educational matters.

NINTH: As to Paragraph 9, Respondent states that in accordance with the instructions from the State Board of Health and Mr. Kenneth L. Cooper, Circuit Solicitor, 28th Judicial District, State of Alabama, they have furnished the Baldwin County Department of Public Welfare, Bay Minette, Alabama, the names of the students enrolled and in accordance with their instructions tried to work out a system of clearance with the Board of Health on enrollments and discharges as they occur; but that under letter of April 29, 1954, the State Department of Health through Mrs. Edward Gresham, Director, Bureau of Child Welfare, stated that the Department of Welfare's responsibility is to assist in every possible way in the return of non-resident children to the states of their residence if and when the institution is closed by order of the Court. This matter was discussed with Mr. Gay H. Dean of the State Department of Public Health as being an unnecessary requirement and for that reason was omitted from his requirements in his letter of June 28, 1954.

TENTH: Respondent admits the facts alleged in paragraph 10.

WHEREFORE Respondent prays that on a determination by the Court that the Respondent has not failed to comply with the requirements of the State Board of Health as set out in their letter that the case be dismissed at the costs of the State.

FILED

10-14-54

ALICE I. DUCK, Clerk

STATE OF ALABAMA :
COUNTY OF BALDWIN :

Respectfully,

MADDOCK FOUNDATION, INCORPORATED

By:

E. G. Rickarby, Jr.

E. G. Rickarby, Jr.
Solicitor for Respondent

Before me the undersigned Notary Public personally appeared RANDALL LAFFRE, who being first duly sworn deposes and says that he is Administrator of the MADDOCK FOUNDATION, INCORPORATED, and that the facts alleged in the foregoing answer are true except those alleged on information and belief and as to those, he is informed and verily believes them to be true.

Randall Laffre (AFFIANT)

Sworn to and subscribed before
me this the 13 day of October,
1954.

E. G. Rickarby, Jr.
Notary Public, Baldwin County, Alabama

The State of Alabama, BALEWEN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon MADDOCK FOUNDATION, INCORPORATION, et al

at 10:00 A.M., October 5, 1954,

to appear and answer, plead, or demur, ~~within thirty days from the service hereof~~, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State by STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT,

against MADDOCK FOUNDATION, INCORPORATION, et al

Herein fail not. Due return make of this writ as the law directs.

Witness this 25th day of September, 1954

Beirich, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

BOOK 016 PAGE 143

STATE OF ALABAMA, ON THE RELATION
OF KENNETH COOPER, SOLICITOR OF
THE TWENTY-EIGHTH JUDICIAL CIRCUIT,

Complainant,

Vs.

MADDOCK FOUNDATION, INCORPORATION,
A CORPORATION, AND JOHN E. MERRIHEW,
RANDALL LAFFRE, HERBERT LIEB, WILLIAM
RUFFLES, JR., JAMES H. FAULKNER,
GEORGE GRANT, MARGARETT SULLIVAN, ANN
YRSO, FORREST BOWERS, ELLIOTT C. RICKAREY,
JR., RALPH BUDD, AND W. R. HARRIS,
TRUSTEES OF SAID MADDOCK FOUNDATION,
INCORPORATION, AND ERNEST MADDOCK, AN
EMPLOYEE OF SAID MADDOCK FOUNDATION,
INCORPORATION,

Respondents.

IN THE CIRCUIT
COURT OF BALDWIN
COUNTY,
ALABAMA.

IN EQUITY.

BOOK 016 PAGE 144

BILL OF COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COUNTY, IN EQUITY

SITTING:

Come the Complainant in above styled cause and respect-
fully represents and shows unto Your Honor as follows:

1. That the relator, Kenneth Cooper, is the duly elected
Solicitor of the twenty-eighth Judicial Circuit of Alabama, and is
charged with the duty of prosecuting and defending any civil action
in this Honorable Court in the prosecution or defense of which
the State of Alabama is interested.

2. That the relator, Kenneth Cooper, is bringing this
action on instructions from the Office of Attorney General, State
of Alabama, by Robert P. Bradley, Assistant Attorney General,
which instruction reads as follows:

STATE OF ALABAMA
Office Of The Attorney General
Montgomery 4, Alabama

September 16, 1954.

Hon. Kenneth Cooper
Circuit Solicitor
28th Judicial Circuit
Bay Minette, Alabama

Dear Sir:

Mr Dean of the State Health Department talked to me
yesterday - September 15, 1954, -- about your request to in-
stitute injunctive proceedings against the Maddox Foundation
there in Baldwin County, Alabama.

Mr Dean informs me that the State Health Department is in accord with your thinking that injunctive proceedings should be commenced, and asked me to so inform you.

Therefore, it is the desire of this office that you institute proceedings to enjoin the Maddox Foundation from operating further in Baldwin County, Alabama. If this office can be of any assistance to you in this matter, please call upon us.

Very truly yours,

BERNARD F. SYKES
Assistant Attorney General
(Title 55, Section 239,
Code of Alabama, 1940)
By -

/s/ Robert P. Bradley
/t/ Robert P. Bradley
Assistant Attorney General

RPB/sf

cc: Mr Clay Dean, Chief
State Hospital Planning
State Department of Health
C A P I T O L

and from the State of Alabama Department of Public Health, by
CLAY H. DEAN, DIRECTOR, Hospital Planning Division, which Instruction reads as follows:

State of Alabama
DEPARTMENT OF PUBLIC HEALTH
Montgomery 4, Alabama

September 16, 1954

Honorable Kenneth Cooper
Circuit Solicitor
Bay Minette, Alabama

Re: N-2-8

Dear Mr Cooper:

We have thoroughly studied the recent events connected with the Maddock Foundation including the statement of Mr E. G. Rickarby, Jr., relative to the accomplishments of the conditions set forth in our letter of June 28, 1954. Without going into detail regarding their treatment of each of the conditions, we find it apparent that neither the actual accomplishment nor the intent complies with the condition except in certain minor items. We further note that some of the action reportedly taken is either contrary to the Constitution and By-Laws of the Foundation or is insufficiently documented, particularly in regards to the position of Mr Ernest Maddock in the Foundation.

We also find that the Foundation has failed to lay the groundwork considered essential to the successful operation of the facility - revised constitution and by-laws, setting forth the organization of the Foundation into the three essential phases (administrative, nursing, educational).

It is also noted that several of the items required by August 15, 1954, have not been accomplished by their own admission.

We have discussed this problem with Mr Robert Bradley, Assistant Attorney General, who is writing you on this date requesting that an injunction be requested of the Court barring the operation of the Maddock Foundation. This office fully concurs in requesting this injunction and urges that it be accomplished at the earliest possible date.

Sincerely yours

/s/ Clay H. Dean, Director
Hospital Planning Division

CHD/sw

REC-016 MAR 14 1952

3. That the respondent, Maddock Foundation, Incorporation, is located at Fairhope, Baldwin County, Alabama, and is an organization incorporated under the laws of Alabama on February 9, 1952, in Baldwin County, Alabama, to own, establish, develop, promote, maintain and/or operate a home of homes, school or schools for the training, education, development and advancement of atypical children.

That the respondents, John E. Merrihew, Randall Laffre, Herbert Lieb, William Huffles, Jr., James H. Faulkner, George Grant, Margaret Sullivan, Ann Yrso, Forrest Bowers, Elliott G. Rickarby, Jr., Ralph Budd and W. R. Harris are the present officers and trustees of said Maddock Foundation, Incorporation, and Ernest Maddock is an employee of the said Maddock Foundation, Incorporation.

4. That the respondent, Maddock Foundation, Incorporation, is required by the provision of Title 22, Section 204 (43), Code of Alabama, 1940, to obtain a license to operate for the purpose set forth in its articles of incorporation, and has been so informed by the State of Alabama Department of Public Health on repeated occasions.

5. That a temporary license to operate was issued to the respondent, Maddock Foundation, Incorporation, on or about April 7, 1952, by the State Board of Health, Montgomery, Alabama, under the provision of Title 22, Section 204 (48), Code of Alabama, 1940, and that said temporary license expired on December 31, 1952, and that no other license to operate said institution has been issued since said date because of the failure of the respondent, Maddock Foundation, Incorporation, to comply with the provisions of Title 22, Section 204 (42) to Section 204 (54), Code of Alabama, 1940.

of Alabama, 1940.

6. That since January 1, 1953, the respondent, Maddock Foundation, Incorporation, has continued to operate a nursing home without the required license being issued by the Alabama State Board of Health, said action being contrary to the laws of the State of Alabama.

7. That the respondent, Maddock Foundation, Incorporation, on November 18, 1953, was convicted under the criminal law of the State of Alabama under Title 22, Section 204 (53), Code of Alabama 1940, for operating a nursing home without a license, and fined one hundred dollars and costs, and payment of said fine and costs held in abeyance until June 16, 1954, to give said respondent an opportunity to comply with the requirement to secure a proper permit, but that upon failure to comply with said provisions as aforesaid, said respondent was required to pay said fine and costs.

8. That on June 28, 1954, the State of Alabama Department of public Health, notified respondent, Elliott G. Rickarby, jr., a member of the Board of Trustees of said Maddock Foundation, Incorporation, that it would present to the State Board of Health for their consideration the issuance of a temporary license effective until December 31, 1954, under certain conditions set forth in said letter, but that all of said conditions as required have not been complied with, and that among said conditions not met are the following:

A. That no employee or other person working in or for the institution be on the Board except that the Administrator may be on the Board at the discretion of the Board, and that Forrest Bowers is now an employee or other person working in or for the institution, contrary to said condition;

B. That a constitution and by-laws be adopted or amended to provide for reorganization of the institution, but that said reorganization has not been accomplished so as to provide for an adequate medical and nursing department, nor any of the other recommended departments, contrary to said condition;

C. That minor structural improvements to both buildings be completed by August 15, 1954, but that at least two of said improvements, namely relocation of ventilating fans and additional louvers, were not completed as required;

D. That if Mr Ernest Maddock be employed he be under the general supervision of the Administrator and have no voice in the affairs of the institution except in an advisory capacity on educational matters to the Board of Trustees through the Administrator, but that said condition has not been complied with.

9. That the respondent institution, Maddock Foundation, Incorporation, has been instructed by a representative of the Department of Public Health, State of Alabama, and your relator, Kenneth Cooper, Circuit Solicitor, 28th Judicial Circuit, State of Alabama, to furnish the Baldwin County Department of Public Welfare, Bay Minette, Alabama, the names of students enrolled and students released whenever such changes occur, giving the student's age, sex, physician's diagnosis, names and address of parents or guardians of said child, date of admission or release, and whether the child is on a paying or non-paying basis. However, said respondent, Maddock Foundation, Incorporation, has not submitted such required report since May 28, 1954, although your relator is informed and believes, and upon such information and belief alleges that the said respondent, Maddock Foundation, Incorporation, has not submitted said required report, although there have been students admitted to said institution since said date.

10. That the Complainant is informed and believes, and upon such information and belief alleges that the respondent, Maddock Foundation, Incorporation, has its office located in Fairhope, Baldwin County, Alabama; that the respondents John E. Merrihew, Randall Laffre, Herbert Lieb, William Ruffles, Jr., Forrest Bowers, Elliott Rickarby, Jr., and Ernest Maddock reside in Fairhope, Alabama, Baldwin County; that the respondent, George Grant, resides in Washington, District of Columbia; that the place of residence of Margarett Sullivan, Ann Yrso, Ralph Budd and W. R. Parris is unknown to the complainant and cannot be ascertained after reasonable efforts, and that the respondent, James H. Faulkner, resides in Bay Minette, Baldwin County, Alabama.

PRAYER FOR PROCESS:

Wherefore, THE PREMISES CONSIDERED, the Complainant prays that appropriate process issue out of this Honorable Court requiring the Respondents to plead, answer, or demur to this bill of complaint within the time required by law, and, failing therein, that a decree pro confesso be taken against them as to all things confessed; that notice of the pendency of the bill of complaint be published once a week for four consecutive weeks in a newspaper of general circulation published in Baldwin County, Alabama,.

PRAYER FOR RELIEF:

FOR TEMPORARY RESTRAINING ORDER: You Complainant further prays that Your Honor will issue a temporary restraining order restraining the respondent, Maddock Foundation, Incorporation, from accepting any other children for admittance to the said Maddock Foundation, Incorporation, and that no child from said Maddock Foundation, Incorporation, be permitted to enroll in any public school of Baldwin County, Alabama, until the decision of this Court granting or refusing the ~~perpetual~~ injunction hereinafter applied for;

FOR TEMPORARY INJUNCTION: That Your Honor issue a temporary restraining order or temporary injunction enjoining the Respondents from soliciting further public or private funds, subscriptions, contributions or donations;

TO SET DAY FOR HEARING: That Your Honor will set a day for hearing of said application for temporary restraining order and temporary injunction and cause notice of said hearing to be served on Respondents named herein as required by law;

FOR ORDER CLOSING PLACE: That upon hearing of the temporary injunction herein applied for Your Honor will declare said Maddock Foundation, Incorporation, not eligible for issuance of a license to operate a nursing home and order its closing on a specified date to be set by this Honorable Court.

FOR PERPETUAL INJUNCTION; That upon a final hearing hereof the Complainant prays that the respondents and any and all other persons, firms, or corporations, be perpetually enjoined from ~~operating~~ ^{the said Maddock Foundation, Inc.} in Baldwin County, Alabama; that this Honorable Court issue an order to the respondent, Maddock Foundation, Incorporation, and Ernest Maddock, an employee of said respondent, requiring that all children now in said institution be returned to their parents or legal guardian from whence they came, within thirty days from the date of this perpetual injunction; and that all property owned by said respondent corporation, Maddock Foundation, Incorporation, be disposed of according to law, after all outstanding indebtedness owed by said respondent corporation has been satisfied.

and if the Complainant be mistaken in the relief for which it has prayed then it prays for such other, further, different or general relief as to this Honorable Court may in equity and good conscience seem meet, just and proper, the premises considered,

Respectfully submitted,

Kenneth Cooper
Kenneth Cooper
Circuit Solicitor,
28th Judicial Circuit
State of Alabama

STATE OF ALABAMA

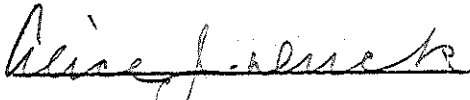
BALDWIN COUNTY

BOOK 016 PAGE 151

Before me the undersigned authority, personally appeared Kenneth Cooper, who, being by me first duly sworn, deposes and says that he is the Circuit Solicitor for the 28th Judicial Circuit, State of Alabama, and is the person whose signature is affixed to the foregoing bill of complaint; that he has read the above and foregoing bill of complaint and that the matters and things therein alleged are true therein as averred, except the matters and things averred on information and belief, which matters and things he verily believes to be true as therein alleged.



Sworn to and subscribed before
me on this 25th day of September, 1954.


Clerk of Circuit Court.

STATE OF ALABAMA)
BALDWIN COUNTY)

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

BOOK 016 PAGE 152

FIAT

The foregoing bill of complaint being presented to the undersigned for fiat and it appearing that no substantial injury will result to the complainant from delay, it is accordingly ordered that the cause be set down for hearing in the Equity Division of this Court upon the application for the writ of injunction prayed for in the bill at 10:00 o'clock, A.M., on the 5th day of October, 1954.

It is further ordered pursuant to the provision of Title 7, Section 1054, Code of Alabama, 1940, that the complainant give notice to the respondents of such hearing by serving upon each of them a copy of the foregoing bill of complaint, together with a copy of this order.

Ordered, this 25th day of September, 1954.

FILED

9-25-54

WILLIAM L. DICKSON, Clerk

Circuit Judge, In Equity Sitting.

STATE OF ALABAMA

Complainant,

VS.

THE MADDOCK FOUNDATION,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3359

This cause coming on to be heard is submitted upon the original bill filed in this cause on September 25, 1954, and the answer filed October 14, 1954, and the testimony of witnesses taken ore tenus; and it appearing to the Court as follows:

1. That the Maddock Foundation is a Corporation, duly organized and existing under the Laws of the State of Alabama.
2. That at the fall session, 1953, of the Grand Jury of Baldwin County, Alabama, an indictment was returned against The Maddock Foundation charging it with operating a nursing home without a license;
3. That on November 18, 1953, after a full and complete hearing in the Circuit Court of Baldwin County, Alabama, The Maddock Foundation was found guilty and a fine of ONE HUNDRED (\$100.00) DOLLARS and cost assessed against it;
4. That the fine and cost were suspended for a period of three months, conditioned that the Respondent comply with all requirements of law and secure a proper permit;
5. That the Maddock Foundation failing to comply with the terms and conditions of the order of suspension was cited and the cause set down for a hearing on April 21, 1954, at which time it was continued to Wednesday, June 16, 1954;
6. That on June 16, 1954, the Respondent, The Maddock Foundation, having been given a hearing to determine whether the order of probation made in the cause on the 18th day of November, 1953, should be revoked, and the Court having heard such matter, found from the evidence before it that the said The Maddock Foundation had violated the conditions of probation and that it had failed to comply with the requirements of the State Board of Health

and secure a proper permit, the order of probation was revoked and annulled and the Maddock Foundation ordered to immediately pay the fine and cost; That on August 9, 1954, The Maddock Foundation paid the fine and cost, totaling ONE HUNDRED SIXTY SEVEN AND 75/100 (\$167.75) DOLLARS;

7. That the original bill of complaint in this cause, in addition to naming The Maddock Foundation, a Corporation, as a party Respondent, upon which service was perfected, also named as parties Respondent, and upon whom service was perfected, John E. Marrihew, Randall Laffree, Herbert Lieb, William Ruffles, Jr., Elliott G. Rickarby, Jr., James H. Faulkner, George Grant, Forest Bowers, and Ernest Maddock, as officers, trustees and employees of said Foundation.

8. That the Respondent is required by the provisions of law of the State of Alabama to obtain a license to operate for the purposes set forth in its Articles of Incorporation;

9. That a temporary license was issued to said Corporation by the State Board of Health of Montgomery, Alabama, which expired on December 31, 1952, and that no license has been accrued since that time;

10. That the said Corporation has continued to operate a nursing home without the required license being issued by the proper authorities of the State of Alabama;

IT IS THEREFORE, the opinion of the Court, after considering all matters, that the Complainant is entitled to the relief prayed for in its original bill of complaint -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that The Maddock Foundation, a Corporation, John E. Marrihew, Randall Laffree, Herbert Lieb, William Ruffles, Jr., Elliott G. Rickarby, Jr., Forest Bowers and Ernest Maddock, J. H. Faulkner and George Grant, and each separately and severally, are hereby strictly enjoined from soliciting further public or private funds, subscriptions, contributions or donations, from operating either directly or indirectly or maintaining a home or homes, school or schools for the training, education, development and advancement of a typical children, until it has fully complied with all of the laws and regulations of the State of Alabama, and secured a proper permit or license to do so.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a copy of this order and decree be mailed to each of the Respondents

whose name is known.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that The Maddock Foundation, a Corporation, pay the cost herein accrued for which execution may issue.

This 23rd day of November, 1954.

Hubert M. Hall
Judge of the 28th Judicial
Circuit of Alabama.

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 above stated cause, which said decree is on file and recorded in my office.

WITNESS MY HAND AND SEAL THIS 29th day of Nov., 1954

Alice J. Duck
Register of Circuit Court, in Equity

STATE OF ALABAMA,

Complainant,

VS.

THE MADDOCK FOUNDATION,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA, IN EQUITY.

No. 3359

This cause coming on to be heard is submitted upon the original bill filed in this cause on September 25, 1954, and the answer filed October 14, 1954, and the testimony of witnesses taken ore tenus; and it appearing to the Court as follows:

1. That The Maddock Foundation is a Corporation, duly organized and existing under the Laws of the State of Alabama.

2. That at the fall session, 1953, of the Grand Jury of Baldwin County, Alabama, an indictment was returned against The Maddock Foundation charging it with operating a nursing home without a license;

3. That on November 18, 1953, after a full and complete hearing in the Circuit Court of Baldwin County, Alabama, The Maddock Foundation was found guilty and a fine of ONE HUNDRED (\$100.00) DOLLARS and cost assessed against it;

4. That the fine and cost were suspended for a period of three months, conditioned that the Respondent comply with all requirements of law and secure a proper permit;

5. That The Maddock Foundation failing to comply with the terms and conditions of the order of suspension was cited and the cause set down for a hearing on April 21, 1954, at which time it was continued to Wednesday, June 16, 1954;

6. That on June 16, 1954, the Respondent, The Maddock Foundation, having been given a hearing to determine whether the order of probation made in the cause on the 18th day of November, 1953, should be revoked, and the Court having

heard such matter, found from the evidence before it that the said The Maddock Foundation had violated the conditions of probation and that it had failed to comply with the requirements of the State Board of Health and secure a proper permit, the order of probation was revoked and annulled and The Maddock Foundation ordered to immediately pay the fine and cost; That on August 9, 1954, The Maddock Foundation paid the fine and cost, totaling ONE HUNDRED SIXTY SEVEN AND 75/100 (\$167.75) DOLLARS;

7. That the original bill of complaint in this cause, in addition to naming The Maddock Foundation, a Corporation, as a party Respondent, upon which service was perfected, also named as parties Respondent, and upon whom service was perfected, John E. Marrihew, Randall Laffree, Herbert Lieb, William Ruffles, Jr., Elliott G. Rickarby, Jr., James H. Faulkner, George Grant, Forest Bowers, and Ernest Maddock, as officers, trustees and employees of said Foundation.

8. That the Respondent is required by the provisions of law of the State of Alabama to obtain a license to operate for the purposes set forth in its Articles of Incorporation;

9. That a temporary license was issued to said Corporation by the State Board of Health of Montgomery, Alabama, which expired on December 31, 1952, and that no license has been secured since that time;

10. That the said Corporation has continued to operate a nursing home without the required license being issued by the proper authorities of the State of Alabama;

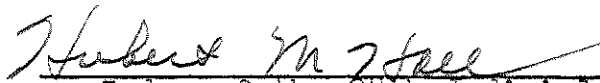
IT IS THEREFORE, the opinion of the Court, after considering all matters, that the Complainant is entitled to the relief prayed for in its original bill of complaint -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that The Maddock Foundation, a Corporation, John E. Merrihew, Randall Laffree, Herbert Lieb, William Ruffles, Jr., Elliott G. Rickarby, Jr., Forest Bowers and Ernest Maddock, J. H. Faulkner and George Grant, and each separately and severally, are hereby strictly enjoined from soliciting further public or private funds, subscriptions, contributions or donations, from operating either directly or indirectly or maintaining a home or homes, school or schools for the training, education, development and advancement of atypical children, until it has fully complied with all of the laws and regulations of the State of Alabama, and secured a proper permit or license to do so.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a copy of this order and decree be mailed to each of the Respondents whose name is known.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that The Maddock Foundation, a Corporation, pay the cost herein accrued for which execution may issue.

This 23rd day of November, 1954.



Judge of the 26th Judicial
Circuit of Alabama.

3359

FILED
MAY 11 1954
ALICE J. BUCK, Registrar

RECEIVED
MAY 11 1954
MAY 11 1954

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)

POSTMARK OF DELIVERING
OFFICE



Return to Alice J. Duck. Registrar
(NAME OF SENDER)

Street and Number, }
or Post Office Box, } Box 239

REGISTERED ARTICLE

No. 239

INSURED PARCEL

Post Office Bay Minette

State Ala.

16-12421

NO. _____