

ELIZABETH C. MCKENZIE,)	IN THE CIRCUIT COURT
Complainant)	OF
-vs-)	BALDWIN COUNTY, ALABAMA
ELROY MCKENZIE, JR.,)	IN EQUITY NO. 2381
Respondent)	

DECREE OF DIVORCE

This cause is submitted for decree on the pleadings and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Respondent be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that the 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 after the rendition of this decree.

And, it appearing to the court that the parties to this cause have entered into an agreement effecting a property settlement and a full and complete settlement of all matters of alimony and support, which agreement has been concluded between the parties prior to the entry of this decree, no order or decree is made by the court with respect to said matter, and the said parties are hereby fully released and discharged from all further obligation or liability, each to the other, whether for alimony, support or otherwise, including support of the minor child.

It is further ordered and decreed that the complainant, ELIZABETH C. MCKENZIE, shall have the full and sole care and custody of her minor child, JACKIE BURNES MCKENZIE.

It is further ordered that the Respondent herein pay the costs of this suit, for which let execution issue.

Dated this the 13th day of May, 1952.

Jeffrey G. Maslowski, Jr.
JUDGE

2381

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Elroy McKenzie Jr., 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 Elizabeth C. McKenzie, as Complainant and against Elroy McKenzie Jr., as Respondent.

WITNESS my hand this 31st day of October, 1949.

Alice J. Lusk
Register

ELIZABETH C. McKENZIE

COMPLAINANT

VS.

ELROY McKENZIE, JR.

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Comes your Complainant, Elizabeth C. McKenzie, and respectfully
represents unto your Honor:

1. That she is over the age of twenty-one years and is a bona
fide resident of Baldwin County, Alabama; that the Respondent, Elroy
McKenzie, Jr., is over the age of twenty-one years and is a bona fide
resident of Baldwin County, Alabama.

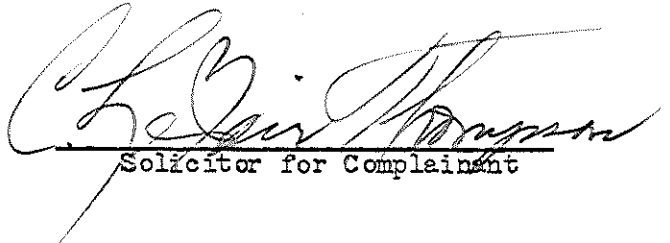
2. That said Complainant and Respondent are lawfully married,
having been married at Lucedale, Mississippi on November 29, 1948.

3. The Complainant avers that the said Respondent ~~and Complainant~~
~~on to-wit, June 26th, struck, bruised, beat and~~
abused your Complainant hitting her about the face; striking her about
the body, causing, as a result of such treatment, a hernia, despite the
fact that your Complainant was at the time pregnant.

4. That the Respondent then did convey your Complainant in a motor
vehicle to the Fairhope police station and there abandoned her in her
condition aforesaid, all before the filing of this bill, and has not lived
with nor contributed to Complainant's support since said abandonment; that
said abandonment was through no fault on the part of the Complainant.

5. Your Complainant avers that said Respondent is a man of great means, owning considerable real and personal property from which he derives an income; that said Complainant owns no property, and has no means of support, and that said Respondent has refused and failed to provide for the support and maintenance of the Complainant. Your Complainant further avers that she is without means to pay her solicitors for their services rendered and to be rendered in this suit.

The premises considered, your Complainant prays that your Honor will order service to be had according to law upon said Respondent commanding him to appear and plead, answer or demur to this bill of complaint within the time required by law, and that your Honor will order the Register of this Court to hold a reference and report to this Court what would be a reasonable amount to be allowed your Complainant as alimony for her support and maintenance pending this suit, and what will be a reasonable amount to be allowed your Complainant's solicitor for his services herein, and that upon a final hearing of this cause, that your Honor will render a decree granting to your Complainant permanent alimony for her support and maintenance, and your Complainant prays for such other, further or general relief to which she may be entitled, and your Complainant prays, etc.


Solicitor for Complainant

RECORDED

ELIZABETH C. McKENZIE
VS
ELROY McKENZIE, JR.

Executed 10-31 1949
by serving copy of within Summons and
Complaint on James H.

E. Gray McKenzies

Taylor, William
 Sheriff
 Deputy Sheriff

Petition for Separate Maintenance

FILED

OCT 31 1949

ALICE J. DUCK, Register

From the law office of
C. LeNoir Thompson
Bay Minette, Alabama

TESTIMONY OF ELIZABETH C. McKENZIE

My name is ELIZABETH C. McKENZIE and I am the complainant in this cause. I am now twenty-two years of age and I am a bona fide resident of Baldwin County, Alabama. I reside at Fairhope, Alabama. The respondent, Elroy McKenzie, Jr., is now twenty-seven years of age and he is a bona fide resident of Baldwin County, Alabama, residing near Barnwell, Baldwin County, Alabama.

The respondent and I were lawfully married at Lucedale, Mississippi on November 29, 1948. We lived together as wife and husband until about June 26, 1949, when we separated. On that day, the respondent came back from a trip to New Orleans. When he got to our house, he avoided me and would not talk with me. He went over to his mother's house. I followed him over there and he then left there and went out in the field with his father and another man. I was following him and he turned and started back to the house and I continued following him. I started running to try to catch up with him and, when I got close to him, he turned around and hit me in the face with his fist, knocking me down. While I was on the ground, he kicked me in the stomach and stomped me on the back. As a result of his attack on me, I received a hernia and required medical treatment for the bruises and injuries that I received from his attack. At that time, I was pregnant with a child that was born on December 13, 1949. After Elroy attacked and beat me, he put me in a truck and tried to make me go home and leave him. Before doing this, when we got to the truck, he threw me down on the ground under the wheels of the truck. He tried several times to get me under the truck wheels and I know that he was trying to run over me with the truck but everytime that he threw me on the ground, I managed to scramble away from the truck wheels before he could get the truck to moving. It was after this that he put me into the truck and drove me to Fairhope to the Police Station, where either he or one of the policemen telephoned

my father and asked him to come to the station. My father, Mr. Burness E. Carter did come to the station and talk with the respondent and me. I was then taken to my mother's home in Fairhope and I have lived there ever since.

As a result of the conduct of the respondent, I was afraid that he would try to kill me, as he had done on that day. In fact, this was not the first time that he had tried to kill me and I was in deathly fear of my life, particularly now that I was pregnant. I am still afraid of him.

Since June 26, 1949, I have lived with my parents in Fairhope. The respondent has never visited with or even tried to see our baby, JACKIE BURNES MCKENZIE. My mother once took the baby to see him and he told her that he did not want to see the baby. Since June 26, 1949, he has neither lived with me nor contributed to my support or to the support of our baby. I tried my best to make a home and I gave him no cause for his abandonment of me. I have had the care, custody and control of our baby ever since our separation and he has not only shown no interest in the baby but has expressed the fact that he does not have any interest in the child.

The respondent and I have made a property settlement agreement. Under this agreement, the respondent has paid me a lump sum in cash in settlement of all claims that I have against him, and I am willing for the divorce decree to carry no further provision for support and maintenance. However, he has agreed as a part of the settlement that I shall have the full and complete care, custody and control of my child, JACKIE BURNES MCKENZIE.


Elizabeth C. McKenzie.

ELIZABETH McKENZIE,

Complainant

-vs-

ELROY McKENZIE, JR.,

Respondent

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IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2381

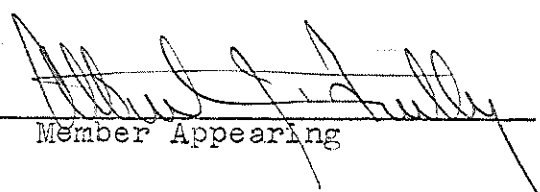
Comes now the Plaintiff in the above entitled cause and amends her bill of complaint heretofore filed in said cause so that the prayer for relief of said bill of complaint shall read as follows:-

"PRAYER FOR RELIEF

Complainant further prays that, upon a hearing of this cause, Your Honor will decree an absolute divorce in favor of your complainant, dissolving the bonds of matrimony between the complainant and the respondent, and that Your Honors will permit your complainant to marry again within the time provided by law, if she should so desire. Complainant further prays that, upon the hearing of said cause, your Honor will be pleased to entrust to your complainant the sole custody, care and control of her minor child, and that Your Honor will further order and require the respondent to provide for the maintenance and support of said minor child to the end that he may be suitably maintained according to his condition and station in life. And your complainant prays for such other, further and additional relief as in equity and good conscience she may merit, and in duty bound she will ever pray.

HOLBERG, TULLY & ALDRIDGE
Solicitors for the Complainant

BY


Member Appearing

LAW OFFICES
HOLBERG, TULLY AND ALDRIDGE
SUITE 631-636 - FIRST NATIONAL BANK BLDG.
P. O. BOX 47
MOBILE 1, ALABAMA

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
HENRI M. ALDRIDGE
MITCHELL G. LATTOF

April
9,
1952

Mrs. Alice J. Duck
Register in Chancery
Baldwin County Court House
Bay Minette, Alabama

RE: Elizabeth McKenzie vs. Elroy McKenzie, Jr. No. 2381.

Dear Mrs. Duck:

Enclosed herewith is the original of an amendment which we desire to file in the above entitled proceeding. A copy of this letter, together with a copy of the pleading, is being forwarded to Hon. Hubert Hall, solicitor for the respondent.

With kindest personal regards, I remain

Very sincerely yours,

HOLBERG, TULLY & ALDRIDGE



Albert J. Tully

AJT:lp

encl: 1

cc: Hon. Hubert Hall
Attorney at Law
Bay Minette, Alabama

ELIZABETH C. MCKENZIE

COMPLAINANT

VS.

ELROY MCKENZIE JR.,

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2381

Now comes the Respondent and propounds interrogatories to the Complainant, in accordance with Equity Rule 39, appearing in the 1940 Code of Alabama:

1. Please state your name, age and address.
2. Please state whether or not you are the Complainant in the above styled cause.
3. Please state whether or not you are acquainted with Levegne Adolf Berlin.
4. Please state whether or not you are the same person as Elizabeth Joyce Carter.
5. Please state whether or not you and Levegne Adolf Berlin were ever married.
6. If you state that you and Levegne Adolf Berlin were married, then please state when and where.
7. If you state that you and Levegne Adolf Berlin, were at one time married, then please state whether or not you are divorced, and if so when, where, and by what Court.
8. If you state that you and Levegne Adolf Berlin are divorced, then please state by whom the divorce proceedings were filed and in what court and when.
9. Please state whether or not you have a child Harriet Arzalia Berlin.
10. Please state whether or not it is a fact that the baby Harriet Arzalia Berlin was born in the Capitol Hill General Hospital Inc., Oklahoma City, Oklahoma.
11. If you state that you have a child, Harriet Arzalia Berlin, then please state where the child is now living and with whom.
12. Please state whether or not Levegne Adolf Berlin, is contributing anything toward your support and maintenance.
13. Please state whether or not you have received any letters recently from the said Levegne Adolf Berlin, and if so, when.

14. Please state the present address of Levegne Adolf Berlin.

15. Please state whether or not it is a fact that at the time of your marriage to the Respondent, you represented to him that you had never been married.

16. Please state whether or not it is a fact that you are the wife of Levegne Adolf Berlin, and that you have never been divorced from him.

17. Please state whether or not it is a fact that at the time you married the Respondent or just prior thereto you represented to him that you had never had any children.

18. Please state the date of birth of the child, Harriet Arzalia Berlin. Is it not a fact that she was born in the Capitol Hill General Hospital Inc., Oklahoma City, Oklahoma, on December 18th, 1946.

H. M. Hall
Solicitor for the Respondent

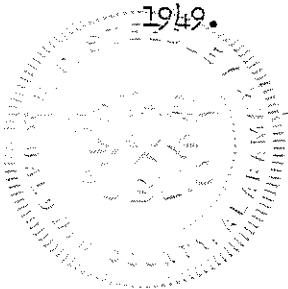
STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority in and for said County in said State personally appeared H. M. Hall, who is known to me, and who having been by me first duly sworn, deposes and says, that he is Solicitor of Record for the Respondent, Elroy McKenzie Jr., in the above styled cause; that true answers to the foregoing interrogatories will be material evidence on behalf of the Respondent.

H. M. Hall
Sworn to and subscribed before me on this the 18 day of November,

1949.

E. H. Steadman
Notary Public, Baldwin County, Alabama.



ELIZABETH McKENZIE,
Complainant,
VS
ELROY McKENZIE, JR.,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2381.

This cause coming on to be heard is submitted on the motion of the Complainant to set down for hearing the Complainant's motion for a rule nisi against the Respondent, and the same being considered and understood by the Court, it is ORDERED, ADJUDGED AND DECREED that the Complainant, Elizabeth McKenzie's motion for rule nisi against the Respondent, Elroy McKenzie, Jr., be and it is hereby set down for hearing on Monday the 17th day of March, 1952, at 10:00 o'clock A. M.

Done and ordered this 7th day of March, 1952.

Jeffery J. Madlock, Jr.
Judge

ELIZABETH McKENZIE

COMPLAINANT

VS

ELROY McKENZIE, JR.

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

This day came Elizabeth McKenzie and filed herein her verified petition praying that Elroy McKenzie, Jr., be required to appear and show cause, if any he have, why he should not be punished as for a contempt in regard to the nature of things set out in the verified petition; and upon consideration of the said petition, it is

ORDERED, ADJUDGED AND DECREED by the court that the said Elroy McKenzie, Jr., appear before the court at 10:00 A. M. on the 22nd day of May, 1951, in the court room of the Circuit Court of Baldwin County, at Bay Minette, Alabama, and show cause, if any he have, why he should not be punished as for a contempt.

Let a copy of said petition and of this rule to show cause be served forthwith, personally upon the said Elroy McKenzie, Jr., by the Sheriff of Baldwin County, Alabama.

Done this 3rd day of May, 1951.

Telfair J. Mascherugh, Jr.
CIRCUIT JUDGE.

Received in Sheriff's Office
this 5 day of May, 1951
TAYLOR WILKINS, Sheriff

702381

Executed 5-15-51 By
serving copy of the
Writ on Elroy McKenzie Jr.
Taylor Wilkins Sheriff
147 Hall P.S.

ELIZABETH MCKENZIE

COMPLAINANT

VS

ELROY MCKENZIE, JR.

RESPONDENT

FILED
MAY 4 1951

ALICE J. DUCK, Register

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama

ELIZABETH MCKENZIE
COMPLAINANT
VS
ELROY MCKENZIE, JR.
RESPONDENT

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

TO THE HONORABLE TELFAIR J. MASHURN, JR., JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes the Complainant and respectfully shows to the Court
that by order of this Court made and entered on to-wit, Dec 20, 1950
the Respondent was ordered to pay to the Complainant the sum of One
Hundred (\$100.00) Dollars for maintenance and support of Jackie Burness
McKenzie; that said Respondent has wilfully failed to pay said sum;
that Complainant is entirely without funds for her support.

WHEREFORE, she respectfully prays that the Court make and enter
an order requiring Respondent to show cause if any he has why he should
not be adjudged guilty of contempt of this Court for failure to obey order
of this Court requiring him to pay to the Complainant the sum of One
Hundred (\$100.00) Dollars for the maintenance and support of Jackie
Burness McKenzie.

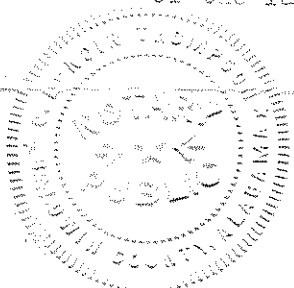
Elizabeth McKenzie
Petitioner

STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public in and for said
county, personally appeared Elizabeth McKenzie, who is known to me and
who being by me first duly sworn, deposes and says that she has knowledge
of the facts stated in the above petition and that same are true.

This 10 day of Feb. 1951

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.



ELIZABETH MCKENZIE
COMPLAINANT
VS
ELROY MCKENZIE, JR.
RESPONDENT

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

This day came Elizabeth McKenzie and filed herein her verified petition praying for an order upon Elroy McKenzie, Jr. to show cause why he should not be punished as for a contempt; a true and verified copy of the petition being herein attached, and now upon consideration of the same, it is

ORDERED, ADJUDGED AND DECREED by the Court:

(1) That the said Elroy McKenzie, Jr., do appear before the Court in his own proper person at Bay Minette, Alabama, at 2:00 o'clock P.M. on the 28th day of February, 1951, then and there to show cause, if any he have, why he should not be punished as for a contempt of Court for and on account of the matters and things set out in the verified petition of the said Elizabeth McKenzie.

(2) That the Sheriff of Baldwin County, Alabama do forthwith cause to be served upon the said Elroy McKenzie, Jr. a copy of this Order and a copy of the petition and make due return thereof.

Done this 14th day of February, 1951.

Jeffrey J. Madbury, Jr.
Judge

Received in Sheriff's Office
this 14 day of Feb., 1951
TAYLOR WILKINS, Sheriff

Executed By serving
a copy of the Within
on Elroy McKenzie Jr.
on Feb 22 day
of Feb 1951
Taylor Wilkins
Sheriff

Original
Elroy McKenzie Jr.
Barnwell

101

ELIZABETH MCKENZIE

COMPLAINANT

VS

ELROY MCKENZIE JR.

RESPONDENT

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

RECORDED

This cause is submitted for a decree upon the report of the register filed herein on the 9th day of November, 1950, and ordered to lie over three days for exceptions, and it now appearing that no objections or exceptions have been filed thereto, upon consideration thereof, it is ordered, adjudged and decreed by the Court as follows:

FIRST

That the report of Register be and it is hereby in all things ratified and confirmed.

SECOND

~~That the Respondent pay over to the Complainant the sum of \$100.00~~
per month as alimony pendente lite.

THIRD

That the Respondent pay to the solicitor for the Complainant the sum of \$75.00 as solicitor's fees pendente lite for representing her in this cause.

Done and ordered, this the 20th day of December, 1950

Julius J. Madaleno Jr.
Circuit Judge, in Equity Sitting

ELIZABETH C. McKENZIE,

Complainant

No. 2381-----VS.

ELROY McKENZIE, JR.

Respondent.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

ORDER OF SUBMISSION

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

Dated, April 25, 1952.

NOTE OF EVIDENCE

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

FOR COMPLAINANT

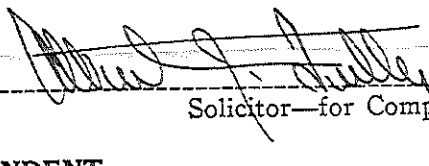
FILED,-----

-----Register

Original bill of complaint,
answer and waiver and testimony
of Elizabeth C. McKenzie and
Burness E. Carter.

HOLBERG, TULLY & ALDRIDGE

BY


Solicitor—for Complainant

FOR RESPONDENT

Solicitor—for Respondent

ELIZABETH MCKENZIE
Complainant

VS.

ELROY MCKENZIE, JR.
Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 2381

To Elroy McKenzie, Jr.

Respondent in the above styled cause:

You will take notice that on the 10th day of October, 1950, the Judge of the Court made a decree ordering the Register to hold a reference to determine a reasonable amount to be allowed for the support and maintenance of complainant, Elizabeth McKenzie and for the maintenance and support of her infant son, Jackie Burness McKenzie during the pendency of this suit.

You will take further notice that I have set the ^{26th} day of October, 1950 as the day to hear said reference, which will be held at my office in the Court House, in Bay Minette, Alabama at 10:00 A. M.

Witness my hand and seal as Register in Chancery this 11th day of October, 1950.

Walter J. Wrench
Register

702381

RECORDED

Elizabeth McKenzie

vs.

Elroy McKenzie

Notice

IN
VA. HOSPITAL
G.P. MISSISSIPPI

DPS

Received in Sheriff's Office
this 11 day of Oct 1958
TAYLOR WHEAT

Executed this
17th day of Oct 1958

By sewing a copy
of the within out
on Elroy McKenzie

J. J. Wilkins
Sheriff

ELIZABETH McKENZIE

COMPLAINANT

VS

ELROY McKENZIE, JR.

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE REGISTER IN CHANCERY OF SAID COURT:

Upon consideration of the Petition of Elizabeth McKenzie filed in this cause, the same being duly read, considered and understood by the Court, it is, therefore, the Judgement of this Court, and it is ordered, adjudged and decreed by the Court that the Register of this Court hold a reference according to law, under the rules of this Court, and ascertain and report to this Court what will be a reasonable amount to be allowed to the Complainant, Elizabeth McKenzie, for her support and maintenance during the pendency of this suit, and that the Register of this Court give notice of holding of said reference according to law.

Done this the 8th day of November, 1949.

J. J. Marshall, Jr.
CIRCUIT JUDGE

ELIZABETH MCKENZIE

Complainant

VS

ELROY MCKENZIE, JR.

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE REGISTER IN CHANCERY OF SAID COURT:

Upon consideration of the Petition of Elizabeth McKenzie filed in this cause, the same being duly read, considered and understood by the Court, it is, therefore, the Judgement of this Court, and it is ordered, adjudged and decreed by the Court that the Register of this Court hold a reference according to law, under the rules of this Court, and ascertain and report to this Court what will be a reasonable amount to be allowed to the Complainant, Elizabeth McKenzie, for her support and maintenance and for the support and maintenance of her infant son, Jackie Burness McKenzie, during the pendency of this suit, and that the Register of this Court give notice of holding of said reference according to law.

Done this the 10th day of October, 1950.

Jeffair H. Madliberry, Jr.
Circuit Judge

OCT 24-1950

ELIZABETH C. MCKENZIE

COMPLAINANT

VS.

ELROY MCKENZIE JR.,

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2381

Comes the Plaintiff and for answers to interrogatories filed by the Respondent in said cause saith:

Answer to interrogatory No. one: That my name is Elizabeth C. McKenzie.

Answer to interrogatory No. two: That I am the Complainant in the above styled cause.

Answer to interrogatory No. three: I do not know any man whose name is Levegne Adolf Berlin.

Answer to interrogatory No. five: I have never been married to Levegne Adolf Berlin.

Answer to interrogatories Nos. four and six through eighteen: I object to answering any of said interrogatories on the ground that they are incompetent, irrelevant, immaterial and are not pertinent to the present cause of action which is a petition for divorce between the above named parties.

Elizabeth C. McKenzie
Complainant

C. L. G. Thompson
Solicitor for Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority in and for said County in said State personally appeared Elizabeth Carter McKenzie, who being duly sworn deposes and says that she is the Complainant in the above styled cause and that the answers to the interrogatories identified are true and correct to the best of her knowledge, information and belief.

C. L. G. Thompson

Sworn to and subscribed before me on this the 10 day of December, 1949.

C. L. G. Thompson
Notary Public, Baldwin County, Alabama

I, Louise Peavy, the Commissioner named in that certain agreement between the Respondent and the Complainant, in that certain case pending in the Equity Division of the Circuit Court of Baldwin County, Alabama, in which Elizabeth C. McKenzie is the Complainant and Elroy McKenzie, Jr. is the respondent, under and by virtue of the power conferred upon me by said agreement, I caused the said Elizabeth C. McKenzie and Burness E. Carter, who are known to me, to come before me at the time and place hereinafter named, that is to say, I caused the said Elizabeth C. McKenzie and Burness E. Carter to come before me at my office at 631-636 First National Bank Building, Mobile, Alabama, on the 25th day of April, 1952; that said witnesses were then examined and testified in response thereto, as it is hereinabove written; that their testimony was by me reduced to writing as given by them, and as might be in the identical language of said witnesses, and that after their testimony had been so reduced to writing, it was read over by said witnesses, who assented to and signed the same in my presence.

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

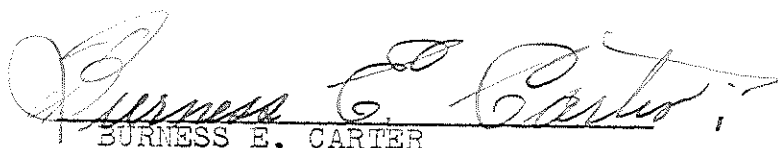
WITNESS my hand, this the 29th day of April, 1952.


COMMISSIONER

TESTIMONY OF BURNES E. CARTER

My name is Burness E. Carter and I am the father of the complainant, Elizabeth Carter McKenzie. I know that my daughter, Elizabeth C. McKenzie and Elroy McKenzie, Jr. were married on November 29, 1948, and after that lived in Baldwin County, Alabama. My daughter is a bona fide resident citizen of Baldwin County, Alabama, and is now twenty-two years of age. The respondent, Elroy McKenzie, Jr. is a bona fide resident of Baldwin County, Alabama, and I know that he is over the age of twenty-one years, although I do not know his exact age.

I do not recall the exact date but it was probably on or about June 26, 1949, at night, when I received a call from the police station to come there. When I got there, I could not see my daughter very well because she was in Elroy McKenzie's truck and was in the dark. Elroy McKenzie said that he wanted her to leave him and, after some discussion at the police station, my daughter was taken to our home. At that time, I did not know that he had beaten or struck her. My daughter never told me exactly what the trouble was but I do know that she was in bad physical condition after that time and required medical attention. I also know, that after that date in the latter part of June, 1949, my daughter has lived at my house continuously since then and is now living there. My wife and I took care of our daughter after that time and even when the baby was born and we have taken care of my daughter and her baby, JACKIE BURNES MCKENZIE, ever since he was born in December, 1949. ELROY MCKENZIE, Jr., has never been to our house and has never seen the baby or tried to see him. I also know that since Elroy McKenzie, Jr., abandoned my daughter in June, 1949, he has not lived with her since that time nor has he contributed to her support nor to the support of the child, Jackie Burness McKenzie.


BURNES E. CARTER

C. LeNOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

January 18, 1952

PHONES: 5941
5672

Judge Telfair Mashburn Jr.,
Judge of Circuit Court,
Baldwin County.

Dear Sir:

I have this day withdrawn as attorney of record of Elizabeth Carter
McKenzie in the divorce case McKenzie vs McKenzie. 2381

Sincerely,

C. LeNoir Thompson

CLT/alm

filed - 2-21-52

ELIZABETH MCKENZIE

COMPLAINANT

VS

ELROY MCKENZIE, JR.

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Now comes the Complainant and respectfully shows to the Court

that by order of this Court made and entered on to-wit, December 20, 1950,

the Respondent was ordered to pay to the Complainant the sum of One
Hundred (\$100.00) Dollars ^{Per month} for maintenance and support of Jackie Burness
McKenzie; that said Respondent has wilfully failed to pay said sum;

that Complainant is entirely without funds for her support, and further
that she is in need of immediate medical attention.

WHEREFORE, she respectfully prays that the Court make and enter
an order requiring Respondent to show cause if any he has why he should
not be adjudged guilty of contempt of this Court for failure to obey order
of this Court requiring him to pay to the Complainant the sum of One
Hundred (\$100.00) Dollars ^{Per month} for the maintenance and support of Jackie
Burness McKenzie.

Elizabeth McKenzie
Petitioner

STATE OF ALABAMA
BALDWIN COUNTY

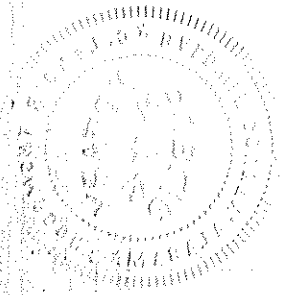
Before me, C. LeNoir Thompson, a Notary Public in and for said
County, personally appeared Elizabeth McKenzie, who is known to me and
who being by me first duly sworn, deposes and says that she has knowledge
of the facts stated in the above petition and that same are true.
Given under my hand and seal this 21 day of April, 1951.

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.

Executed 5-15-51 By
Serving copy of the
within on Elroy McKenzie

Taylor Wilkins Sheriff
147 Hall D.S.

From the Law Offices of
C. Lenoir Thompson
Bay Minette, Alabama



ELIZABETH MCKENZIE
VS
ELROY MCKENZIE, JR.
RESPONDENT
COMPLAINANT

RECORDED

ELIZABETH C. McKENZIE

COMPLAINANT

VS.

ELROY McKENZIE JR.,

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2381

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE TWENTY-EIGHTH
JUDICIAL CIRCUIT COURT, BALDWIN COUNTY, IN EQUITY SITTING:

Comes the Complainant in the foregoing cause and in accordance
with Equity Rule 56:

Petitions the Honorable Court that all testimony in said cause
shall be taken orally before your Honor.


Attorney for Complainant

ELIZABETH MCKENZIE

COMPLAINANT

VS

ELROY MCKENZIE, JR.

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

This day came Elizabeth McKenzie and filed herein her verified petition praying for an order upon Elroy McKenzie, Jr. to show cause why he should not be punished as for a contempt; a true and verified copy of the petition being herein attached, and now upon consideration of the same, it is

ORDERED, ADJUDGED AND DECREED by the Court:

(1) That the said Elroy McKenzie, Jr., do appear before the Court in his own proper person at Bay Minette, Alabama, at 10:30 o'clock A.M. on the 22 day of May, 1951, then and there to show cause, if any he have, why he should not be punished as for a contempt of Court for and on account of the matters and things set out in the verified petition of the said Elizabeth McKenzie.

(2) That the Sheriff of Baldwin County, Alabama do forthwith cause to be served upon the said Elroy McKenzie, Jr., a copy of this Order and a copy of the petition and make due return thereof.

Done this 3rd day of May, 1951.

J. Fair J. Mashburn, Jr.
JUDGE

RECORDED

ELIZABETH MCKENZIE

COMPLAINANT

VS.

ELROY MCKENZIE, JR.

RESPONDENT

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama

Filed 3-25-51
Alice J. LeNoir
Rey

ELIZABETH McKENZIE

Complainant

vs

ELROY McKENZIE, JR.,

Respondent

§

§

§

§

§

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 2381

Comes now the complainant in the above entitled cause and respectfully shows unto this court that, she being without support and she having filed in said cause a motion for a rule ni si against the said respondent, hereby moves this Honorable Court that said motion for rule ni si be set down for hearing on, to-wit, the 17th day of March, 1952, or such day thereafter as may be fixed and determined by this Honorable Court.

HOLBERG, TULLY & ALDRIDGE
Solicitors for Complainant

BY

Albert G. Tully
Member Appearing

ELIZABETH McKENZIE	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA
VS	§	IN EQUITY.
ELROY McKENZIE, JR.	§	
RESPONDENT	§	

TO THE HONORABLE TELFAIR J. MASHEURN JR., JUDGE OF SAID COURT:

Comes your Petitioner, Elizabeth McKenzie, and respectfully represents and shows unto your Honor as follows;

1. That she has filed in this Honorable Court a bill seeking alimony for support and maintenance against the Respondent, Elroy McKenzie, Jr.

2. That she is without means of support during the pendency of this suit, and that said Respondent is well able to provide support and maintenance for your Complainant, but that said Respondent has refused and failed so to do.

The premises considered, your petitioner prays that your Honor will order the Register of this Court to hold a reference and to ascertain and report to this Court what will be a reasonable amount to be allowed to your petitioner during the pendency of this suit, and your petitioner prays for general relief.


ATTORNEY FOR PETITIONER.

RECORDED

INDEXED
FILED
JAN 10 1934
BALDWIN COUNTY, ALA.
CLERK OF COURT

ELIZABETH C. McKENZIE

COMPLAINANT

VS.

ELROY McKENZIE JR.,

RESPONDENT

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IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA

IN EQUITY

NO. 2381

Now comes the Respondent and demurs to the Complainant's bill of complaint in this cause and for grounds thereof says:

1.

That there is no equity in the bill.

2.

That the bill of complaint does not state that the Complainant and the Respondent are husband and wife.

3.

The complaint does not state that the acts on the part of the Respondent endangered the life and health of the Complainant.

John Lee
Solicitor for the Respondent.

RECORDED

ELIZABETH C. MCKENZIE

COMPLAINANT

VS.

ELROY MCKENZIE

RESPONDENT

NO. 2381

FILED

NOV 16 1949

W. J. DUCK, Clerk

ELIZABETH McKENZIE
Complainant
VS.
ELROY McKENZIE
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 2381

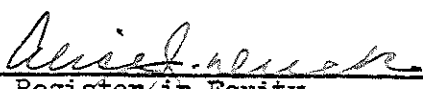
Whereas, by a decree of this Court and enrolled in the above styled cause dated 10th day of October, 1950, it ordered and decreed among other things as follows:

"Upon consideration of the Petition of Elizabeth McKenzie filed in this cause, the same being duly read, considered and understood by the Court, it is, therefore, the Judgement of this Court, and it is ordered, adjudged and decreed by the Court that the Register of this Court hold a reference according to law, under the rules of this Court, and ascertain and report to this Court what will be a reasonable amount to be allowed to the Complainant, Elizabeth McKenzie, for her support and maintenance and for the support and maintenance of her infant son, Jackie Burness McKenzie, during the pendency of this suit, and that the Register of this Court give notice of holding of said reference according to law."

Now therefore having held a reference for the purpose of ascertaining the matter called for in the said Decree of Reference and having heard testimony of both parties, I report as follows:

1. The Reference was had at the Court House at Bay Minette, Baldwin County, Alabama on the 26th day of October, 1950, at ten o'clock A.M., both parties having been notified according to law.
2. I find that there is one baby and the wife, the said Elizabeth McKenzie, dependant on the Defendant for support and maintenance.
3. Upon hearing the testimony, I find that Elizabeth McKenzie is physically unable to be employed at the present and is under the care of two physicians.
4. I further find that \$100.00 per month would be a reasonable allowance for the Complainant and child during the pendency of this suit.

All of which is respectfully submitted this 9th day of November, 1950.


Register in Equity

ELIZABETH C. MCKENZIE

COMPLAINANT

VS.

ELROY MCKENZIE JR.,

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2381

Comes the Plaintiff and for answers to interrogatories filed by the Respondent in said cause saith:

Answer to interrogatory No. one: That my name is Elizabeth C. McKenzie.

Answer to interrogatory No. two: That I am the Complainant in the above styled cause.

Answer to interrogatory No. three: I do not know any man whose name is Levegne Adolf Berlin.

Answer to interrogatory No. five: I have never been married to Levegne Adolf Berlin.

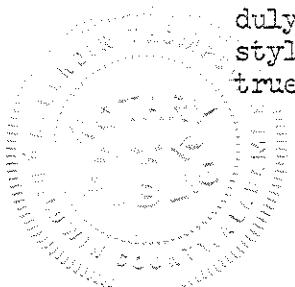
Answer to interrogatories Nos. four and six through eighteen: I object to answering any of said interrogatories on the ground that they are incompetent, irrelevant, immaterial and are not pertinent to the present cause of action which is a petition for divorce between the above named parties.

X Elizabeth C. McKenzie
Complainant

C. L. G. Thompson
Solicitor for Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority in and for said County in said State personally appeared Elizabeth Carter McKenzie, who being duly sworn deposes and says that she is the Complainant in the above styled cause and that the answers to the interrogatories identified are true and correct to the best of her knowledge, information and belief.



1949.

Sworn to and subscribed before me on this the 10 day of December

X Elizabeth C. McKenzie

C. L. G. Thompson
Notary Public, Baldwin County, Alabama.

ELIZABETH C. MCKENZIE
COMPLAINANT

VS.

HEROY MCKENZIE JR.,
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. 2381

Comes the Plaintiff and for answers to interrogatories filed by the
Respondent in said cause saith:

Answer to interrogatory No. one: That my name is Elizabeth C.
McKenzie.

Answer to interrogatory No. two: That I am the Complainant in
the above styled cause.

Answer to interrogatory No. three: I do not know any man whose
name is Levegne Adolf Berlin.

Answer to interrogatory No. five: I have never been married to
Levegne Adolf Berlin.

Answer to interrogatories Nos. four and six through eighteen: I
object to answering any of said interrogatories on the ground that
they are incompetent, irrelevant, immaterial and are not pertinent to
the present cause of action which is a petition for divorce between the
above named parties.

Elizabeth C. McKenzie
Complainant

C. L. G. Thompson
Solicitor for Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority in and for said County in
said State personally appeared Elizabeth Carter McKenzie, who being
duly sworn deposes and says that she is the Complainant in the above
styled cause and that the answers to the interrogatories identified are
true and correct to the best of her knowledge, information and belief.

Elizabeth C. McKenzie

Sworn to and subscribed before me on this the 10 day of December
1949.

C. L. G. Thompson
Notary Public, Baldwin County, Alabama.

ELIZABETH MCKENZIE

Complainant

vs

ELROY MCKENZIE, JR.,

Respondent.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. No. 2381

MOTION FOR RULE NI SI

Comes the Complainant in the above entitled cause and shows unto the court that heretofore and on, to-wit, the 20th day of December, 1950, a decree was rendered requiring the Respondent to pay to the complainant the sum of One Hundred (\$100.00) Dollars per month for maintenance and support of JACKIE BURNESS MCKENZIE the child born of their marriage.

Complainant further respectfully shows unto Your Honors that the Respondent has not complied with such decree and has not made payments in conformity therewith, although the Respondent is an able bodied man, and is well able to make such payments.

Wherefore your Complainant prays that the court issue an order directing the Respondent to show cause why he should not be held in contempt of this court.

HOLBERG, GULLY & ALDRIDGE
Solicitors for Complainants

BY Mitchell G. Lott
Associate Appearing

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: LOUISE PEAVY

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 Elizabeth C. McKenzie and Burness E. Carter

as witnesses in behalf of the complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Elizabeth C. McKenzie complainant and Elroy McKenzie, Jr. respondent

Complainant

Respondent

on oath, to be by you administered, upon oral examination to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 24th day of April, 1952

Alice J. Black
Register.

Commissioner's Fee, \$ 5.00

Witness' Fees, \$

ELIZABETH McKENZIE

Complainant

vs

ELROY McKENZIE, JR.,

Respondent.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 2381

MOTION FOR RULE NI SI

Comes the Complainant in the above entitled cause and shows unto the court that heretofore and on, to-wit, the 20th day of December, 1950, a decree was rendered requiring the Respondent to pay to the complainant the sum of One Hundred (\$100.00) Dollars per month for maintenance and support of JACKIE BURNES McKENZIE, the child born of their marriage.

Complainant further respectfully shows unto Your Honors that the Respondent has not complied with such decree and has not made payments in conformity therewith, although the Respondent is an able bodied man, and is well able to make such payments.

Wherefore your Complainant prays that the court issue an order directing the Respondent to show cause why he should not be held in contempt of this court.

HOLBERG, TULLY & ALDRIDGE
Solicitors for Complainants

BY Mitchell G. Latta
Associate Appearing

ELIZABETH MCKENZIE

Complainant

Vs

ELROY MCKENZIE, JR.

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

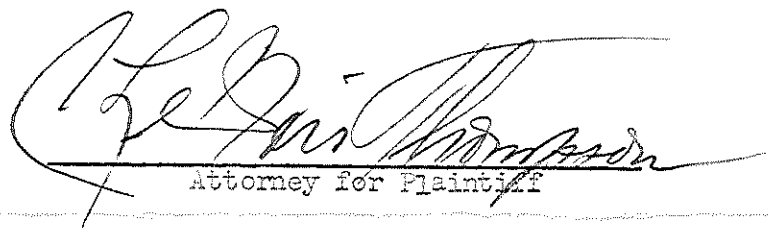
TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID COURT:

Comes your Petitioner, Elizabeth McKenzie, and respectfully represents and shows unto your Honor as follows:

1. That she has filed in this Honorable Court a bill seeking alimony for support and maintenance for herself and infant son, Jackie Burness McKenzie, as fruits of this marriage between said parties, against the Respondent, Elroy McKenzie, Jr.

2. That she is without means of support during the pendency of this suit, and that said Respondent is well able to provide support and maintenance for your Complainant and infant son, but that said Respondent has refused and failed so to do.

The premises considered, your Petitioner prays that your Honor will order a reference ore tenus and to ascertain what will be a reasonable amount to be allowed to your Petitioner and infant son during the pendency of this suit, to determine a proper attorney fee for your Petitioner's Attorney in this matter, and your Petitioner prays for general relief.


Attorney for Plaintiff

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