

2802

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARY R. McKENNA, _____, Complainant

vs.

FRANCIS K. McKENNA, _____, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on publication _____ 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 Mary R. McKenna is forever divorced from the

said Francis K. McKenna for and on account of

ABANDONMENT

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 Mary R. McKenna the Complainant pay the cost herein to be taxed, for which execution may issue.

This 23rd day of July, 1952.

J. J. M. M. M. M. M.
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. 2802 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

MARY R. McKENNA

Complainant

vs.

FRANCIS K. McKENNA

Respondent

DIVORCE DECREE

FILED

JUL 23 1952

ALICE J. DUCK, Register

The **BALDWIN**
Times
ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER
BAY MINETTE, ALABAMA

NOTICE TO NON-RESIDENT

The State of Alabama, Baldwin County.
Circuit Court, in Equity
This the 29th day of April, 1952
MARY R. McKENNA, No. 2802
Vs.

FRANCES K. McKENNA

In this cause it being made to appear to the Clerk of this Court by the affidavit of Mary R. McKenna that the Defendant, Frances K. McKenna, is a non-resident of the State of Alabama and further, that in the belief of said Affiant the Defendant is over the age of 21 years, it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Frances K. McKenna the said Defendant to answer or demur to the Bill of Complaint in this cause by the 29th day of May, 1952, or after thirty days therefrom a decree pro Confesso may be taken against him.

Alice J. Duck
Register.

George S. Tonsmier,
Solicitor for Complainant 15-41c.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Mary McKenna Vs. Frances
McKenna

COST STATEMENT

157 WORDS @ 6 1/2 cents --- \$ 10 21
I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

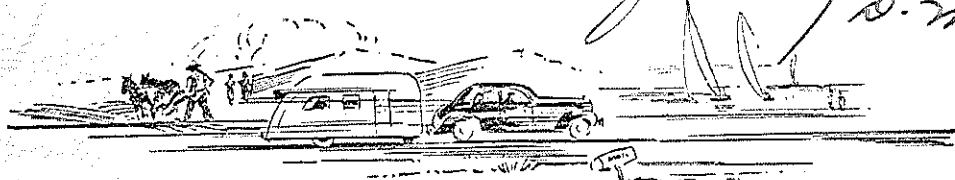
Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication May 1, 1952 Vol. 63 No. 15
Date of 2nd publication May 8, 1952 Vol. 63 No. 16
Date of 3rd publication May 15, 1952 Vol. 63 No. 17
Date of 4th publication May 22, 1952 Vol. 63 No. 18

Subscribed and sworn before the undersigned this 22 day of May, 1952.

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



ALABAMA'S BEST COUNTY'S-

BEST NEWSPAPER

BAY MINETTE, ALABAMA

Legal Notice

NOTICE TO NON-RESIDENT
The State of Alabama, Baldwin County.
Circuit Court, in Equity

This the 29th day of April, 1952

MARY R. McKENNA, No. 2802

Vs.

FRANCES K. McKENNA

In this cause it being made to appear
to the Clerk of this Court by the affi-
davit of Mary R. McKenna that the De-

fendant, Frances K. McKenna, is a non-
resident of the State of Alabama and
further, that in the belief of said Affiant
the Defendant is over the age of 21 years;
it is, therefore, ordered that publication
be made in the Baldwin Times, a news-
paper published in Bay Minette, Baldwin
County, Alabama, once a week for four
consecutive weeks, requiring Frances K.
McKenna the said Defendant to answer
or demur to the Bill of Complaint in this
cause by the 29th day of May, 1952, or
after thirty days therefrom a decree Pro
Confesso may be taken against him.

Alice J. Duck
Register.

George S. Tansmier,
Solicitor for Complainant

154

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Mary R. McKenna vs.

Frances K. McKenna

COST STATEMENT

157 WORDS @ 6 1/2 cents --- \$ 10 21
I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

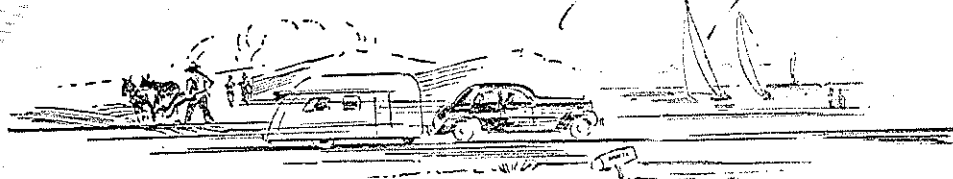
Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication May 1, 1952 Vol. 62 No. 15
Date of 2nd publication May 8, 1952 Vol. 62 No. 16
Date of 3rd publication May 15, 1952 Vol. 62 No. 17
Date of 4th publication May 22, 1952 Vol. 62 No. 18

Subscribed and sworn before the undersigned this 2 day of July, 1952

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



Mary R. McKenna
Complainant

No. _____ **VS.** _____

Francis K. McKenna
Respondent

ORDER OF SUBMISSION

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

Dated,

NOTE OF EVIDENCE

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

FOR COMPLAINANT

FILED, 7-22-52

Price - cents Register

1. Original Bill
2. Non-military Affidavit
3. Decree Pro Confesso
4. Testimonies of John Hightower
and James Wright

Sam A. Towner
Solicitor—for Complainant

FOR RESPONDENT

Solicitor—for Respondent

No. _____

Mary R. McKenna
Complainant

Vs.

Francis K. McKenna
Respondent

**ORDER OF SUBMISSION
NOTE OF EVIDENCE**

Terms, 19____

, 19____

Ent. Min. No. _____, Page _____

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2802 _____, Term, 19____

MARY R. McKENNA

Complainant

Vs.

FRANCES K. McKENNA

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 1st day of May, 1952, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 1st day of May 1952 and ending May 29, 1952

And it now further appearing to the Register Alice J. Duck, that the said Frances K. McKenna

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck

that the Bill of Complaint in this cause be, and it hereby is in all things, taken as confessed against the said Frances K. McKenna

This 2nd day of July 1952

Alice J. Duck Register.

No. _____

RECORDED
page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued 7-2 1952

Archie J. [Signature]
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2802 _____, Term, 19____

MARY B. McKENNA

Complainant

Vs.

FRANCIS K. McKENNA

Defendant

Motion is hereby made for a Decree Pro Confesso against ~~her~~


FRANCIS K. McKENNA

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 2nd day of July 1952

746 Code

 Solicitor.

RECORDED

No. 2002

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

MARY R. McKENNA

Complainant _____

Vs.

FRANCIS K. McKENNA

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed

4-2

1952

W. J. H. H. H.
Register.

Recorded in _____

Record

Vol. _____

Page _____

Register.

STATE OF ALABAMA)

COUNTY OF MOBILE)

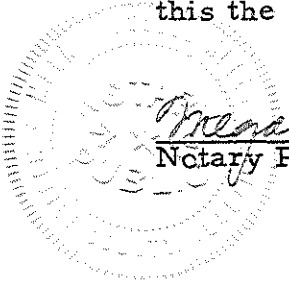
Before me, the undersigned authority in and for said
state and county, personally appeared Mary R. McKenna, who, being
by me first duly sworn on oath, deposes and says:

That affiant is the complainant in a divorce suit filed
in the Circuit Court of Baldwin County, Alabama, against Francis K.
McKenna, and that the said Francis K. McKenna is a non-resident of
the State of Alabama, whose address is otherwise unknown.

Mary R. McKenna
Mary R. McKenna

Subscribed and sworn to before me on
this the 10th day of April, 1952.

Megan Russell Allen -
Notary Public, Mobile County, Alabama



STATE OF ALABAMA)
)
COUNTY OF MOBILE)

Before me, the undersigned authority in and for said state and county, personally appeared John Hightower, who, being by me first duly sworn, on oath deposes and says as follows:

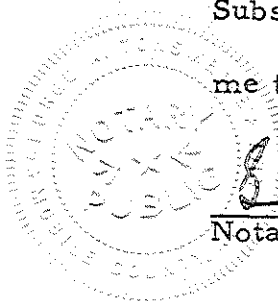
Affiant is personally acquainted with Francis K. McKenna, defendant in the divorce suit presently pending in the Circuit Court of Baldwin County, Alabama, wherein his wife Mary R. McKenna is the complainant; and

Affiant is not in the armed forces of the United States.


John Hightower

Subscribed and sworn to before
me this the / day of July, 1952


Notary Public, Mobile County, Alabama



MARY R. McKENNA,)	
)	
Complainant,)	IN THE CIRCUIT COURT OF
)	
versus)	BALDWIN COUNTY, ALABAMA
)	
FRANCIS K. McKENNA,)	IN EQUITY - NO.
)	
Respondent.)	

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, SITTING IN EQUITY:

1. Complainant avers that she and the respondent are both over the age of 21 years; that she is a bona fide resident citizen of Baldwin County, Alabama, and has been such for a period of more than one year next immediately preceding the filing of this, her Bill of Complaint; and that the respondent is a non-resident of the State of Alabama, whose address is otherwise unknown.
2. Complainant alleges and avers that she and the respondent are husband and wife, having been lawfully married on March 16, 1950, at Manteno, Illinois.
3. Complainant avers that the respondent has voluntarily abandoned her bed and board without her consent, without sufficient reason therefor, and without intention to return, and that said abandonment has been continuous and uninterrupted for a period of more than one year next immediately preceding the filing of this Bill of Complaint, and that respondent has not supported her during said period of time.
4. Your complainant further avers and alleges that said respondent has, since her said marriage to him, become addicted to habitual drunkenness and habit-forming drugs, and that said habits have continued to the filing of this bill.

PRAYER FOR PROCESS

Wherefore, the complainant prays that Francis K. McKenna be made a party respondent to this Bill of Complaint and be required to

appear and plead, answer or demur to the Bill of Complaint within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that upon the final hearing of this cause Your Honors will enter a decree dissolving the bonds of matrimony now existing between the complainant and the respondent and grant unto her an absolute divorce with the right to re-marry. The complainant prays for such other, further and different relief as in equity and good conscience she may be entitled to receive in the premises.

x Mary R. McKenna
Complainant

State of Alabama)
County of Mobile)

Before me, the undersigned authority in and for said state and county, personally appeared Mary R. McKenna, who, being by me first duly sworn, on oath deposes and says that the facts contained in the above petition are true and correct in every respect.

x Mary R. McKenna

Subscribed and sworn to before me this 10th day of April, 1952.

George A. Townsend
Notary Public, Mobile County, Alabama

George A. Townsend
Solicitor for Complainant

W 2802

RECORDED

Mary R. McKenna
vs.

Francis A. McKenna

Complaint

FILED

APR 29 1952

ALICE J. DUCK, Register

GEORGE A. TONSMEIRE
ATTORNEY AND COUNSELLOR AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

July 1, 1952

Mrs. Alice Duck, Clerk
Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Please find enclosed non-military affidavit in the case of McKenna vs. McKenna and request for the appointment of commissioner to take testimony.

Please have decree pro confesso entered and issue commission at your convenience.

Yours very truly,


George A. Tonsmeire

GAT:S

GEORGE A. TONSMEIRE
ATTORNEY AND COUNSELLOR AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

July 14, 1952

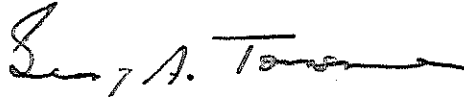
Mrs. Alice Duck, Register
Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Please find enclosed order of submission and testimony in the case in Mary R. McKenna vs. Francis K. McKenna, together with check to cover court costs.

If there is anything additional you need, please advise me

Yours very truly,


George A. Tonsmeire

GAT:S

encls.

GEORGE A. TONSMEIRE
ATTORNEY AND COUNSELLOR AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

June 19, 1952

Mrs. Alice Duck, Register
Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck: Re: Mary R. McKenna vs. Francis K. McKenna

Please advise if proof of publication has been filed in the above matter, and if so when decree pro confesso will be taken.

Yours very truly,



George A. Tonsmeire

GAT:S

Mary R. McKenna

Complainant

No. Vs.

Francis K. McKenna

Defendant

CIRCUIT COURT OF MOBILE- BALDWIN
COUNTY, ALABAMA.

IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama, }
Mobile County }
Baldwin }

The complainant requests the oral examination of the following named witnesses
on her behalf, viz: John Hightower and James Wright


said witnesses reside in the County of Baldwin, State of Alabama. Genevieve G. Spafford,

who reside at Mobile, Alabama

is suggested as suitable person to be appointed Commissioner to take deposition of said witnesses
on such oral examination.

Filed _____

JAMES A. CRANE, Register.


Solicitor for Complainant
George A. Tonsmeire

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

Mary R. McKenna

No. 2802

vs.

Frances K. McKenna

The State of Alabama.

County.

Circuit Court, in Equity

This the _____ day of

194

In this cause it being made to appear to the Clerk of this Court by the affidavit of

Mary R. McKenna

that the Defendant Frances K. McKenna

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

Frances K. McKenna the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 29th day of

May 1945², or after thirty days therefrom a decree Pro Confesso may be

taken against him

Register.

George W. Tonsmier,
Solicitor for Complainant

RECEIPT

No. 1962

The State of Alabama, Baldwin County

Equity Division, Circuit Court.

Case No. 2802

Date 7-22, 1957

RECEIVED OF Carl Bonnier (McKenna) vs. Mr. McKenna
the sum of Twenty-two ²¹/₁₀₀

Trial Tax	\$
<u>Court Cost</u>	\$ <u>12.00</u>
<u>Publication Fee</u>	\$ <u>10.21</u>
	\$
	\$
	\$
	\$

TOTAL \$ 22.21

Wesley J. Duck
As Register, Baldwin County, Ala.

By _____

CERTIFICATE

I, Genevieve G. Spafford, the commissioner named in the commission issued by the Register of the Circuit Court of Baldwin County, Alabama, in that certain cause entitled Mary R. McKenna vs. Francis K. McKenna, In Equity, No. do hereby certify that I, under and by virtue of the power conferred upon me by said commission, caused John Hightower and James Wright, witnesses for the Complainant, who are known to me, to come before me at the time and place hereinafter named: July 16th 1952, at 407 First National Bank Annex, Mobile, Alabama; and that said witnesses were first duly sworn by me; that they were then examined under oath 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 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 read over to the said witnesses, who assented to and signed the same in my presence.

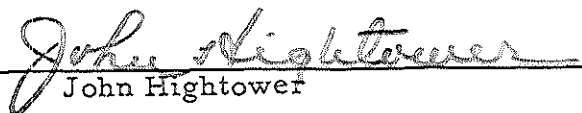
I further certify that I am not of counsel or kin to any of the parties to the cause and am not in anywise interested in the result thereof.

Witness my hand this the 16th day of July, 1952.

Genevieve G. Spafford
Commissioner

TESTIMONY OF JOHN HIGHTOWER

My name is John Hightower. I live at Magnolia Springs, Alabama, and am personally acquainted with both Mary R. McKenna and Francis K. McKenna, parties to a divorce suit presently pending in the Circuit Court of Baldwin County, Alabama. Both parties are considerably over the age of twenty-one years. The said Mary R. McKenna is a bona fide resident citizen of Baldwin County, Alabama, and has been for a period of more than one year next immediately preceding the filing of said divorce suit, and, in fact, for a number of years prior to that. She is at present visiting in New York. The said Francis K. McKenna, according to my best information and belief, is a nonresident of the State of Alabama. I am positive about that. I do not know his address. I am informed and believe that Mr. McKenna voluntarily abandoned Mrs. McKenna's bed and board, without her consent and without sufficient reason therefor and without intention to return, and that such abandonment has been continuous for more than one year next immediately preceding the filing of her divorce suit. To be very exact, I don't know just who left who, but know that if Mrs. McKenna was the party who left first, it was because of the fact that her husband had become addicted to habitual taking of drugs. He has been treated at a number of hospitals for this condition, but as soon as he got out, seemed to lack the will power to stay away from them, and has gone from bad to worse. I know of my own personal knowledge that he is a drug addict and has been for a long time. He was not a drug addict at the time they were married, but, during the last part of 1950, and during 1951, he was hopeless, in my opinion.


John Hightower

TESTIMONY OF JAMES WRIGHT

My name is James Wright. I am employed at Adam Glass Furniture Company, in Mobile, and have been a resident of Alabama for a number of years. I am well acquainted with Mary R. McKenna, who is the complainant in divorce suit presently pending in the Circuit Court of Baldwin County, Alabama, and have been so for two or three years. I am not acquainted with Mr. McKenna at all. I have a number of friends in common with Mrs. McKenna, and am familiar with the fact that she enjoys a good reputation in Baldwin County, Alabama, for telling the truth, and I consider her to be a truthful person.


James Wright

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO:

Genevieve Spafford
Mobile, Ala.

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 _____

John Hightower and
James Wright

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

Mary R. Mc Kenna

_____, Complainant
and *Francis R. Mc Kenna*

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

Witness _____ day of *July*, 195 *7*.

Alexander
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____