

4486

STATE OF ALABAMA }

COUNTY OF BALDWIN }

Gwenlllyn Alice McKelvey  
COMPLAINANT

VS.

Andrew John McKelvey  
DEFENDANT

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

CIRCUIT COURT

IN EQUITY

Comes the defendant in the above styled cause, and accepts service of the summons and bill of complaint filed in this cause; waives notice of the time and place of taking testimony in this cause and consents that any testimony in said cause may be taken before any Notary Public without the issuance of a formal commission; submits himself to the jurisdiction of the court; waives notice of the time and place of submission of said cause, and hereby agrees that complainant may submit this cause for final decree on such testimony, the bill of complaint and this answer, without other or further notice to the defendant.

And for answer to the bill of complaint filed in this cause, defendant denies the allegations thereof.

Andrew John McKelvey

Defendant

WITNESS:

Astor Stone

Ann Williams

RECEIVED  
JAN 26 1950

RECEIVED  
JAN 26 1950

RECORDED

FILED  
JAN 26 1950

ALICE J. DUCK, CLERK  
REGISTER

# CERTIFICATE

I, Peggy Preston, the Commissioner appointed by the Court and named in the attached commission, or named by agreement of the parties, in that certain cause now pending in Baldwin the Honorable Circuit Court of ~~Mobile~~ County, Alabama, Sitting in Equity, No. \_\_\_\_\_, wherein GWENLLYN ALICE McKELVEY is Complainant, and ANDREW JOHN McKelvey is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused Gwenllyn Alice McKelvey and Frances Bowers are who were made known to me, to come before me at 2:00 o'clock P M., on January 23, 1959, at 56 S. Conception Street, Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by WILLIAM BRAYSON, Solicitor for the COMPLAINANT, ~~and xxxxxxxxx~~

~~Solicitor for~~  
~~Guardian Ad Litem~~ and they testified in ~~Attorney Ad Litem~~ response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who assented to and signed same, ~~who refused to sign same, who was physically unable to sign same, or who waived the reading and signing of same~~, in my presence and in the presence of said Solicitor for

Complainant ~~Solicitor for~~  
~~Guardian Ad Litem~~ and ~~Attorney Ad Litem~~

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not in anywise interested in the result thereof, and that the depositions are true and correct as given by the witnesses.

Witness my hand this 23rd day of January, 1959.

Peggy Preston  
Commissioner

TESTIMONY OF GWENLLYN ALICE McKELVEY, WITNESS ON HER OWN BEHALF:

I am the Complainant in the above styled cause and I am the wife of the Respondent. We were married to each other on December 23, 1955 in Passaic, New Jersey. Both myself and the Respondent are each over the age of twenty-one years and were such at the time of the filing of the bill of complaint herein. I am a bona-fide resident citizen of the State of Alabama. Respondent is a resident of the State of New Jersey. There have been no children born to our marriage and none are expected. The Respondent has voluntarily abandoned my bed and board for more than one year next preceding the filing of the bill of complaint herein. The Respondent possesses an unreasonable temper and has a disposition of becoming irritated over the least inconvenience or misunderstanding. He told me repeatedly that we were not meant for each other, that I was the cause of his irritation and that I should change my thoughts and ways and ideals to fit his ways. He said that it was my fault that we were not compatible. He told me these things so many times that I knew that he had grown tired of me. He has informed me on several occasions while we lived together that he could do better in the way of finding a mate and finally on January 5, 1958 he told me that he was leaving and that he could find a more compatible wife. He packed all his personal property and belongings and moved to live with his parents in Shorthills, New Jersey. He has lived separate and apart from my bed and board ever since which has been for more than one year next preceding the filing of the bill of complaint herein. He has refused to make any provisions for supporting me and for keeping up a home. He has refused to ask me to live with him and he has refused to come and live with me ever since January 5, 1958 when he voluntarily abandoned my bed and board as stated. I have seen him on several occasions since our separation, only for a few minutes at the time and on each of these occasions he stated his intentions never to live with me again. He even urged me to go on and get a divorce.

Gwenllyn Alice McKelvey  
J

TESTIMONY OF FRANCES BOWERS, WITNESS ON BEHALF OF THE COMPLAINANT.

I know the Complainant in this cause. The Complainant is the wife of the Respondent and they were married to each other on December 23, 1955 in Passaic, New Jersey. The Complainant and the Respondent were each over the age of twentyOne years at the time of the filing of the bill of complaint herein. The Complainant is a bona-fide resident of the State of Alabama. The Respondent is a resident of the State of New Jersey. I know that the Complainant has been employed for a large manufacturing Company in Orth Carolina as a traveling representative and that she has a credit rating with the American Express Company, The Hotel Corporation of America, and that she has charge accounts with several large mercantile companies, that she is a woman of high standing. That she is a woman of good moral character and I know her reputation for truth and varsity and it is good also. I know that she would tell the truth and nothing but the truth. I know also that she has been affilated with the Prudential Life Insurance Company. I am infommed and on such inform~~ation~~ation and belief state that she has not lived with her husband since he voluntarily abandoned her bed and board on January 5, 1958.

Frances Bowers

FILED

JAN 26 1958

ALICE J. DUCK, CLERK  
REGISTER

GWENLLYN ALICE McKELVEY,  
Complainant

vs-

ANDREW JOHN McKELVEY,  
Respondent.

I IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
I  
IN EQUITY:

Q

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

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

Comes the Complainant and shows unto Your Honors and  
unto this Honorable Court as follows:

ONE

Complainant is the wife of the Respondent and they were  
married to each other on December 23, 1955 in Passaic, New Jersey.  
Both the Complainant and the Respondent are each over the age  
of twenty-one years. The Complainant is a bona-fide resident  
citizen of the State of Alabama. The Respondent is a resident  
of the State of New Jersey. There are no children as issue of their  
marriage.

TWO

The Respondent voluntarily abandoned the bed and board  
of the Complainant for more than one year next preceding the filing  
of the bill of complaint herein.

THREE

And in the alternative the Respondent has committed actual  
violence upon the person of the Complainant, attended with danger  
to her life or health, or from his conduct there is reasonable  
apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction  
of this cause, will make the said Andrew John McKelvey, party-  
respondent hereto, and will cause him to appear, plead, answer or  
demur hereto within the time allowed by law and the rules of this  
Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent, and Complainant further prays for such other, further and different relief as in equity he may be due, and as in duty bound he will ever pray, etc.

  
SOLICITOR FOR COMPLAINANT.





GWENLLYN ALICE MCKELVEY

No. \_\_\_\_\_ VS

ANDREW JOHN MCKELVEY

Entered on \_\_\_\_\_

Min. Book No. \_\_\_\_\_ Entry \_\_\_\_\_

XXXXXXXXXXXXXXXXXXXX  
W. Elsworth Haughton, Register

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

1. Bill of Complaint
2. Answer & Waiver
3. Testimony of Gwenlllyn Alice McKelvey and of Frances Bowers, witness on behalf of the Complainant.

FILED, 1-24-59  
Arif Duck Register

William Haughton  
Solicitor—for Complainant

FOR RESPONDENT

\_\_\_\_\_  
Solicitor—For Respondent

No. \_\_\_\_\_

GWENLLYN ALICE McKELVEY

Vs.

ANDREW JOHN McKelvey

ORDER OF SUBMISSION  
NOTE OF EVIDENCE

Filed

1-24-59

*Doris J. Luck*  
Register

Ent. Min. No. \_\_\_\_\_ Entry \_\_\_\_\_

THE STATE OF ALABAMA, ~~MOBILE~~ COUNTY

GWENLLYN ALICE McKELVEY

BALDWIN

Complainant,

CIRCUIT COURT

IN EQUITY

No.

vs.

AT ~~MOBILE~~, ALABAMA

ANDREW JOHN McKelvey

Defendant

Bay Minette,

DECREE OF DIVORCE

This cause is submitted for decree on the pleadings, ~~decrees pro confesso~~ 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 Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that Complainant and Defendant be, and hereby are permitted to again contract marriage, subject to such provision 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.

It is further ordered that \_\_\_\_\_ Complainant \_\_\_\_\_  
pay the cost of this suit, for which execution may issue.

Dated,

January 26, 1957

Hubert M. Isaac

Judge

4486

**CIRCUIT COURT OF MOBILE COUNTY**  
Baldwin

**IN EQUITY**

**AT MOBILE, ALABAMA**  
Bay Minette, Alabama

No. \_\_\_\_\_

GWENLLYN ALICE McKELVEY

**VS.**

ANDREW JOHN McKELVEY

**DECREE**

**FILED**

**JAN 26 1959**

**FILED BY CLERK**  
**FILED BY CLERK**