

(3680)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARY ANNE MCKAY, Complainant

vs.

JOHN BENJAMIN MCKAY, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXX~~ Waiver and Answer 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 ANNE MCKAY is forever divorced from the said JOHN BENJAMIN MCKAY for and on account of

"CRUELTY"

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 payment of the cost of this suit.

It is further ordered that JOHN BENJAMIN MCKAY the respondent pay the cost herein to be taxed, for which executed may issue.

This 19th day of December, 1955.

Hubert M. Hall

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. 3680

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Mary Ann McKay

Complainant

vs.

John Benjamin McKay

Respondent

DIVORCE DECREE

MARY ANNE MCKAY

vs.

JOHN BENJAMIN MCKAY

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Answer and Waiver of the Respondent, and the testimony of MARY ANNE
MCKAY.

and in behalf of Defendant upon ANSWER AND WAIVER

Jessie J. Madbury, Jr.
Solicitor for Complainant

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 19

day of Dec., 1945

Alia J. Duck
Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: JAMES R. OWEN

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 MARY ANNE MCKAY

as witnesses in behalf of MARY ANNE MCKAY in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein MARY ANNE MCKAY

_____ is the _____, Complainant
and JOHN BENJAMIN MCKAY

_____ is the _____ Respondent

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

Witness 19th day of December, 1955.
~~LXXX~~

Alice J. Suck
D. S. Register.

Commissioner's Fee, \$ _____
Witness' Fees, \$ _____

MARY ANN McKAY

Complainant

vs.

JOHN BENJAMIN McKAY

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No.

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from
Bay Minette, in the County of Baldwin
Alabama, the place of trial of said cause, to-wit: MARY ANN McKAY

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

Jeffery J. Maduberry Jr.
Solicitor for Complainant

NOTE:

Complainant suggests the name of JAMES R. OWEN
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Jeffery J. Maduberry Jr.
Solicitor for Complainant

DEMAND FOR ORAL EXAMINATION

Complainant

vs.

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this 19 day of Dec.

1945 5

Alice J. Hubb Register
Moore Printing Co. D.S.

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MARY ANNE MCKAY

Complainant

VS.

JOHN BENJAMIN MCKAY

Respondent

I, JAMES R. OWEN

as ~~XXXXXXXXXX~~ Commissioner

have called and caused to come before me MARY ANNE MCKAY

witness named in the Requirement for Oral Examination, on the 19th day of December
19 55, at the office of Telfair J. Mashburn, Jr.

in Bay Minette, Alabama, Alabama, and having first sworn said Witness ~~XX~~ to speak the
truth, the whole truth, and nothing but the truth, the said MARY ANNE MCKAY

doth depose and say as follows: "My name is MARY ANNE MCKAY. I am over the age of twenty-one years and am a bona fide resident citizen of the State of Alabama, and have been for more than two years next preceding the filing of the bill of complaint in this cause, The Respondent, JOHN BENJAMIN MCKAY, is over the age of twenty-one years, and is presently in the Philippine Islands, serving in the U. S. Navy. I was married to the respondent on the 15th day of November, 1952, at Pascagoula, Mississippi. Shortly after marrying the respondent, I found that he had a violent temper. In February, 1953, he began to threaten to do physical violence to my person, and his threats and treatment became so bad, and on several occasions he actually struck me, until finally I became convinced that it would be dangerous to my life or health to continue to live with him as his wife. I finally filed suit for, and was granted a decree of divorce in this honorable Court, on the 31st day of March, 1953. However, upon his promise to do better, we were reconciled and had the divorce decree set aside. For awhile, the respondent did treat me better, but soon he was acting just as badly as he ever had. His conduct soon became so threatening that became convinced that, should I continue to live with him as his wife, he would do actual physical violence to my person which would be dangerous to my life or health. I left him in on the 5th day of August, 1955, and have not returned to live with him as his wife since. We have no children." Further deponent says not.

Mary Anne McKay

ORAL EXAMINATION

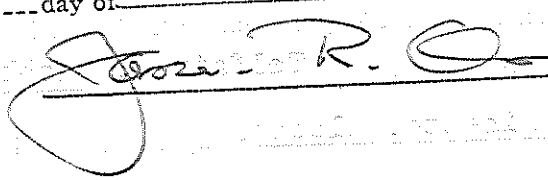
I, JAMES R. OWEN, as ~~REGISTER~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to her and she signed the same in the presence of myself

and Telfair J. Mashburn, Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 19th day of December, 1955

 (L.S.)

No. _____ Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

MARIE ANNE MCKAY

vs. Complainant

JOHN BENJAMIN MCKAY

Respondent

Oral Deposition

Filed Dec 19, 1955

 Register

Recorded in _____ Record

Vol. _____ Page _____ Register

MARY ANNE McKAY,	o	
Complainant,	o	IN THE CIRCUIT COURT OF
VS.	o	BALDWIN COUNTY, ALABAMA.
JOHN BENJAMIN McKAY,	o	IN EQUITY. NO. _____
Respondent.	o	

WAIVER AND ANSWER

Comes the respondent in the above styled cause and accepts service of a bill of complaint in said cause; waives notice of the filing of interrogatories in said cause and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree without further notice to him.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:


1. That he admits the allegations of paragraph 1 of said bill of complaint.
2. That he admits the allegations of paragraph 2 of said bill of complaint.
3. That he denies each and every allegation of paragraph 3 of said bill of complaint and demands strict proof of the same.


Respondent.

Before me, the undersigned authority, personally appeared JOHN BENJAMIN McKAY, whose name is signed to the foregoing Waiver and Answer, and who is known to me, and who, being first duly sworn, deposes and says on oath, that, having full knowledge of the contents of the foregoing answer and waiver, he executed the same voluntarily.

Done this 10th day of December, 1955.

Auth: Act of Congress of the U.S.
Approved 5 May 1950
(64 Stat. 108)


Alfred A. AFFINITO, LTJG, USNR
Assistant Staff Legal Officer
Staff, Commander U.S. Naval Forces Philippines

Certified in accordance with Article 27,
Uniform Code of Military Justice

RECORDED

Ms Kay
vs.
Ms Kay

Answer and
Waiver.



MARY ANNE McKAY,	0	
	0	
Complainant,	0	IN THE CIRCUIT COURT OF
	0	
VS.	0	BALDWIN COUNTY, ALABAMA.
	0	
JOHN BENJAMIN McKAY,	0	IN EQUITY. NO. _____
	0	
Respondent.	0	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY SITTING:

Your complainant, MARY ANNE McKAY, respectfully represents and shows unto your Honor as follows:

1. That your complainant is over the age of twenty-one years and is a bona fide resident citizen of the State of Alabama, and has been for more than two years next preceding the filing of this bill of complaint; that JOHN BENJAMIN is over the age of twentyone years and is presently, while serving on active duty with the United States Naval Air Force, residing in the Phillipine Islands.

2. That your complainant and the respondent are husband and wife, having intermarried at Pascagoula, Mississippi on, to-wit, November 15, 1952.

3. That on, to-wit, February 6, 1953, and for a long time prior, and subsequent, thereto, the respondent did abuse and threaten your complainant; that his conduct was such as to give your complainant reasonable apprehension to believe, and she did actually believe, that should she continue to live with him as his wife he would carry out his threats and commit an actual violence on her person which would be dangerous to her life or health; that because of his treatment of her she sued for, and was granted, a decree of divorce in this Honorable Court on, to-wit, the 31st day of March, 1953; that, subsequently, on, to-wit, the 15th day of April, 1953, on the respondent's promise to treat her better, they were reconciled and had this Honorable Court set aside said divorce decree; that respondent did treat her better for awhile, but that he soon began to threaten and abuse her again; and that on, to-wit, the 1st day of September, 1955, because of his threats to do physical violence to the person of your complainant, your complainant because reasonably convinced that, should she continue to live with the respondent as his wife, he would carry out his threats and do physical violence to her person which would necessarily endanger

her life or health; that because of her reasonable apprehension of danger to her life and health, the complainant left the respondent and has not since that time lived with him as his wife.

THE PREMISES CONSIDERED, your Complainant prays that the said JOHN BENJAMIN McKAY be made a party respondent to this her bill of complaint and that the State's Writ of Subpoena be issued, directed to the said JOHN BENJAMIN McKAY, commanding him to answer, plead or demur to this bill of complaint within the time required by law; and your complainant further prays that, on a final hearing of this cause, your Honor will make and enter a decree forever divorcing your complainant from the respondent and granting her the right to remarry; and that your Honor will grant her such other, further, different or general relief as unto your Honor may seem just and proper, and, as in duty bound, your complainant will ever pray.

Jeffrey A. Madbury
SOLICITOR FOR COMPLAINANT.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3680

MARY ANNE McKAY,
Complainant,

VS.

JOHN BENJAMIN McKAY,
Respondent.

BILL OF COMPLAINT.