

3874

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARY ANN MCKAY BENENSON

Complainant

vs.

MARION I. BENENSON

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ Answer and Waiver 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 ANN MCKAY BENENSON is forever divorced from the said MARION I. BENENSON for and on account of

"CRUELTY"

It is further ORDERED, ADJUDGED AND DECREED that the complainant be, and she is hereby, authorized and empowered to resume the use of her former name, "MARY ANN MCKAY".

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 MARY ANN MCKAY BENENSON the Complainant pay the cost herein to be taxed, for which executed may issue.

This 15 day of September 19 56

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. 3874 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

SEP 16 1960

ALICE M. BUCK, Register

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MARY ANN McKAY BENENSON

Complainant

VS.

MARION I. BENENSON

Respondent

JAMES R. OWEN

I,

as Register and Commissioner

have called and caused to come before me MARY ANN McKAY BENENSON

witness named in the Requirement for Oral Examination, on the 14th day of September

19 56, at the office of Telfair J. Mashburn, Jr.

in Bay Minette, Alabama, and having first sworn said Witness to speak the

truth, the whole truth, and nothing but the truth, the said MARY ANN McKAY BENENSON

doth depose and say as follows: "My name is Mary Ann McKay Benenson. I am the complainant in this cause and I am over the age of twenty-one years. I am a bona fide resident citizen of said State. The respondent, MARION I. BENENSON, is over the age of twentyone years and is a bona resident citizen of said State, residing at Atmore, Alabama. The respondent and I are husband and wife, having intermarried at Pascagoula, Mississippi, on, to-wit: the 1st day of June, 1956. This was our third marriage--I had had to divorce him before because of cruelty, but we thought, that because of the children, we should try again. Shortly after our marriage, my husband began to mistreat me. On or about the 15th day of June, 1956, he struck and beat me, and finally on the 30th day of August, 1956, his manner and conduct toward me became so threatening that I became convinced that, should I ~~continue~~ continue to live with him as his wife, he would commit further actual physical violence on my person which would endanger my life or health. For that reason, I left him at that time and have not returned to live with him as his wife. We have agreed between ourselves as to the custody of our children and a division of our property." Furthe deponent says not.

Mary Ann McKay Benenson

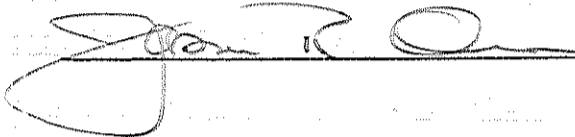
ORAL EXAMINATION

I, JAMES R. OWEN, as ~~Register~~ and 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 14th day of September, 1956

 (L. S.)

No. 38714 Page

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

vs. Complainant

Respondent

Oral Deposition

Filed _____, 19____

FILED
SEP 18 1956
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Recorded in
Register
Record

Vol. _____ Page _____

Register

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, as such time and place as you may appoint, to call before you and examine MARY ANN MC KAY BENENSON

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein MARY ANN MCKAY BENENSON

is the Complainant and MARION I. BENENSON

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 13th day of September, 1956

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3874

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Bennison

Complainant

VS.

Bennison

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Notarizing and recording this commission, any of said things shall be void if not
signed by me to testify that such thing is true, without the signing of the complainant
and the defendant, and the signature of the complainant and the defendant shall be
void if not signed by me.

Notarizing and recording this commission, any of said things shall be void if not
signed by me to testify that such thing is true, without the signing of the complainant
and the defendant, and the signature of the complainant and the defendant shall be
void if not signed by me.

Commissioner

Witness

1981

Notarizing and recording this commission, any of said things shall be void if not
signed by me to testify that such thing is true, without the signing of the complainant
and the defendant, and the signature of the complainant and the defendant shall be
void if not signed by me.

Notarizing and recording this commission, any of said things shall be void if not
signed by me to testify that such thing is true, without the signing of the complainant
and the defendant, and the signature of the complainant and the defendant shall be
void if not signed by me.

Notarizing and recording this commission, any of said things shall be void if not
signed by me to testify that such thing is true, without the signing of the complainant
and the defendant, and the signature of the complainant and the defendant shall be
void if not signed by me.

MARY ANN MCKAY BENENSON

Complainant

vs.

MARION I. BENENSON

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 BENENSON

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

J. J. Massey, Jr.
Solicitor for Complainant

NOTE:

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

J. J. Massey, Jr.
Solicitor for Complainant

3874

DEMAND FOR ORAL EXAMINATION

Bennison

Complainant

vs.

Bennison

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this _____ day of _____

194_____

FILED

SEP 14 1956

ALICE J. DUCK, Register

Register

Moore Printing Co.

MARY ANN MCKAY BENENSON

vs.

MARION I. BENENSON

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 and Testimony of MARY ANN MCKAY BENENSON

and in behalf of Defendant upon Answer and Waiver

Sejour G. Madbury, Jr.

Eric J. ...
Register.

No. 3874

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

FILED
SEP 15 1956
ALICE J. DUCK, Register

Register.

MARY ANN MCKAY BENENSON,
Complainant,
VS.
MARION I. BENENSON,
Respondent.

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

ANSWER AND WAIVER

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 the same; waives notice of the taking of testimony in said cause, and consents that the same may be taken at any time and the cause submitted without further notice to him.

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

1. He admits the allegations contained in paragraph 1 of said bill of complaint.
2. He admits the allegations contained in paragraph 2 of said bill of complaint.
3. He denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof thereof.
4. He admits the allegations contained in paragraph 4 of said bill of complaint.

Marion I. Benenson
RESPONDENT.

Executed in the presence of:

Jefair J. Maddox

Filed 9-14-56
Aris J. New
Reg.

MARY ANN MCKAY BENENSON,
Complainant,
VS.
MARION I. BENENSON,
Respondent.

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

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

Your complainant, MARY ANN MCKAY BENENSON, respectfully represents and shows unto your Honor as follows:

1. That complainant is over the age of twenty-one years and is a bona fide resident of the State of Alabama; that MARION I. BENENSON is over the age of twenty-one years and is a resident of Escambia County, Alabama.

2. That your complainant and the respondent were lawfully married on or about, to-wit: the 1st day of June, 1956.

3. That the said respondent, on or about, to-wit: the 15th day of June, 1956, and many times subsequent thereto, did assault, beat, hit and strike complainant; that respondent has committed actual violence on her person attended with danger to her life or health; and, from his manner and conduct toward her, she is reasonably convinced that, should she continue to live with him as his wife, he will commit further actual violence on her person which would necessarily endanger her life or health.

4. That the complainant and respondent have agreed between themselves as to custody of their children and a property settlement.

The premises considered, your complainant makes the said MARION I. BENENSON a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's Writ of Subpoena to be issued, directed to the said MARION I. BENENSON, commanding him to answer, plead or demur to this bill of complaint within the time required by law; and that on a final hearing of this cause your Honor will enter a decree divorcing your complainant from said respondent, and granting her the right to resume the use of her previous name, MARY ANN MCKAY; and that your Honor will grant such other, further and different relief as may be equitable in the premises, and your complainant will ever pray, etc.

J. J. Hall
SOLICITOR FOR COMPLAINANT.