

4880

C E R T I F I C A T E

I, Genora George, the Commissioner named by agreement of the parties in that certain cause now pending in the Honorable Circuit Court of Baldwin County, Alabama, Sitting in Equity, Number 4880, wherein MARGARET M. MacKENDRICK is Complainant and MALCOLM D. MacKENDRICK is Respondent, under and by virtue of the power conferred on me by said agreement as such commissioner, caused Margaret M. MacKendrick and Martha Fuqua who are known to me, to come before me at 11:00 o'clock A.M. on March 25, 1960, at 1009 Van Antwerp Building, Mobile, Alabama; that said witnesses were first duly sworn by me; that they were then examined by William L. Green, Solicitor for the Complainant and they testified in response thereto as is hereinafter written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near as 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 in my presence and in the presence of said Solicitor for the Complainant.

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 28th day of March, 1960.

Genora George
GENORA GEORGE, Commissioner

TESTIMONY

of

MARGARET M. MacKENDRICK

My name is Margaret M. MacKendrick. I am over the age of twenty-one (21) years and I am a bona fide resident of the State of Alabama and have been such for more than one (1) year next immediately preceeding the filing of my Bill of Complaint for divorce from my husband, Malcolm D. MacKendrick, which said case is now pending in the Circuit Court of Baldwin County, Alabama. My husband, Malcolm D. MacKendrick, is over the age of twenty-one (21) years and is a bona fide resident of the State of Alabama.

My husband and I were married in Atlantic City, New Jersey, on the 8th day of May, 1947. There have been two (2) children born of our marriage, namely: Richard Douglas MacKendrick, born October 24, 1947, and Nancy Lee MacKendrick, born August 30, 1952. In addition to the two children, I am expecting a further child to be born to me during July, 1960.

Our marriage has been in trouble for about five (5) years. My husband started to look for companionship elsewhere and leave me behind. He also has never given me a sense of financial security since he is always in debt and we can never plan far ahead. All of these things piled up until we were literally fighting about them and any number of other things that came up from time to time. When his physical treatment of me became more than I could bear, I left him for the safety of friends and would stay for some time and then, for the sake of the children, I would return to him and try to make a home. In the past few months, I have left him twice because of his treatment of me. Now, I cannot live with him further. Specifically, he has struck me with his hands across my face and body with the intention of doing me serious bodily harm. I believe that he would

cause me serious bodily harm and endanger my health or my very life if I did not leave him when he became violent. He would accuse me of dating other men and would go into a rage. I have tried to reason with him to no avail. He has had me so frightened and so upset that it became necessary for me to consult a psychiatrist. I also consulted our spiritual advisor on numerous occasions but he was unable to help. Of course, during all of this, our two children were there in our home. Finally, his cruelty towards me has reached the point where I can no longer love him or live with him. My life has become one of fear, instead. I am worried about the effect this will have on the children and I do not feel that I can permit them to live with him further. I have tried everything that I know of to try to make our marriage work but he has met every attempt with increasingly more violent physical abuse. I can go on with him no longer. His conduct has changed but only for the worse in the past few months until I have become afraid to live with him for fear that he will commit serious bodily injury to me in a rage.

I am respectfully asking the Court to grant me a divorce and to give to me the custody of our children and to require my husband to help me with their support and to grant me the right to remarry if I should so desire.

Margaret M. Mac Kendrick
MARGARET M. MacKENDRICK

TESTIMONY

of

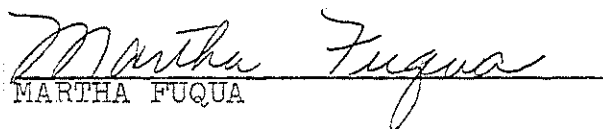
MARTHA FUQUA

My name is Martha Fuqua. I am over the age of twenty-one (21) years and I am a bona fide resident of the State of Alabama. I am well acquainted with Margaret M. MacKendrick and her husband, Malcolm D. MacKendrick, and I have visited them often in their home over a long period of time. I know that Margaret M. MacKendrick has filed suit for divorce from her husband, Malcolm D. MacKendrick, on the ground of cruelty and I know that the case is now pending in the Circuit Court of Baldwin County, Alabama.

I know that Margaret has had trouble with her husband over various matters for years. I know that each of them have accused the other of everything they could think of and that they were not able to live together in harmony. In the last few months their life together has become intolerable for her. I know that she has frequently had to leave their home and return to places of safety in another state because of her trouble with him. I know that he has physically abused her on a number of occasions and that recently he has become more violent. I am informed and believe and on such information and belief I now state that he has struck and beat her with his hands and fists about her face and body so as to endanger her health and even her life. She has frequently consulted her minister with regard to their domestic troubles but he has been unable to counsel a solution. I know that she has left him because of his abuse many times and each time she has returned to him to try and make their marriage work but that his violent physical abuse of her person has now made her so afraid for her life and health and the health of their

children that she cannot again live with him. It seems that each time she returned to live with him again their troubles got worse instead of better. I know that she has tried every alternative other than divorce in an effort to hold their marriage together for the benefit of the children but his physical abuse of her has made each effort unsuccessful. She has become so nervous and upset in recent months that it was necessary for her to seek the aid of a psy chiatrist. I know that she fears for the health of their children and for her own health so seriously that she can live with him no further.

I believe that it would be best for her and for their children if she were granted a divorce from her husband since I believe that she can never live with him again because of his continued physical abuse of her person.


MARTHA FUQUA

MARGARET M. MacKENDRICK,		IN THE CIRCUIT COURT OF
Complainant,		
VS:		BALDWIN COUNTY, ALABAMA
MALCOLM D. MacKENDRICK,		IN EQUITY
Respondent.		NUMBER 4880

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. Original Bill of Complaint.
2. Answer, Waiver and Agreement of Respondent.
3. Testimony of Complainant's witnesses:
Margaret M. MacKendrick, and
Martha Fuqua

FILED
MAR 31 1960
ALICE J. DUCK, Register


WILLIAM L GREEN, Solicitor for
the Complainant

FOR RESPONDENT

None.

WILLIAM L GREEN
LAWYER
P. O. BOX 1046
MOBILE, ALABAMA

March 28, 1960

Hon. Alice J. Duck
Register, Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

RE: Margaret M. MacKendrick

VS: Malcolm D. MacKendrick

Equity Case # 4880

Dear Mrs. Duck:

I am enclosing the evidence taken and the commissioner's certificate along with an order of submission and note of evidence; the Decree and two (2) certified copies thereof; and, my check made payable to the Court for costs.

I am also enclosing a self addressed envelope for the certified copies of the decrees when issued and I respectfully request that you forward me a receipt for costs so that I may determine the amount the check was issued for.

I sincerely appreciate your cooperation.

Respectfully yours,


WILLIAM L GREEN

Encl/ Evidence
Order of Submission and Note of Evidence
Decree
Two (2) certified copies of Decree
Check to Circuit Court, Baldwin County

WLG/gg

WILLIAM L GREEN
LAWYER
P. O. BOX 1048
MOBILE, ALABAMA

March 24, 1960

Mrs. Alice J. Duck
Register, Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

RE: Margaret M. MacKendrick

VS: Malcolm D. MacKendrick

Dear Mrs. Duck:

I am enclosing an answer and waiver executed by the parties in this case and ask that you file it in the cause.

I expect to take the testimony of the Complainant's witnesses either Friday or Saturday and forward the same for decree.

Thank you for your assistance in this matter.

Respectfully yours,


WILLIAM L GREEN

WILLIAM L GREEN
LAWYER
P. O. BOX 1046
MOBILE, ALABAMA

March 22, 1960

Mrs. Alice J. Duck
Register, Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

RE: Margaret M. MacKendrick

VS: Malcolm D. MacKendrick

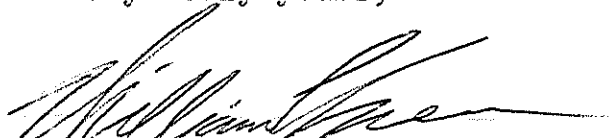
Dear Mrs. Duck:

I enclose an original Bill of Complaint in the above styled matter and ask that you file the same in your Court. I have received a deposit for Court costs and shall be personally responsible for same.

I understand from my discussion with the parties over a long period of time that an answer and waiver will be executed by the Respondent and that I will be able to proceed with testimony by deposition.

Thank you very much for your courtesy in this matter.

Very truly yours,


WILLIAM L GREEN

MARGARET M. MacKENDRICK,	§	IN THE CIRCUIT COURT OF
	§	
Complainant,	§	BALDWIN COUNTY, ALABAMA
VS:	§	
	§	
MALCOLM D. MacKENDRICK,	§	IN EQUITY
	§	
Respondent.	§	NUMBER 4880

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 Complainant and Respondent 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.

An agreement concerning the custody and support of the minor children of the parties and the division of the assets of the parties having been entered into by and between the Complainant and the Respondent, said agreement being on file in this cause, the Court hereby ratifies said agreement and ORDERS AND DECREES that said agreement be and the same hereby is incorporated herein by reference as fully as if herein set out.

The Court retains jurisdiction of this cause for the purpose of making such other or further orders or decrees

as to the custody and support of the minor children of the parties as to the Court may seem proper and as changed conditions may require.

It is further ORDERED that Respondent pay the costs of this suit, for which execution may issue.

Dated, *March 31, 1960*

Hubert M. Hall

Judge

FILED

MAR 31 1961

ALICE J. DUCK, CLERK
REGISTER

MARGARET M. MacKENDRICK,	∅	IN THE CIRCUIT COURT OF
	:∅	
Complainant,	:∅	BALDWIN COUNTY, ALABAMA
VS:	:∅	
	:∅	
MALCOLM D. MacKENDRICK,	:∅	IN EQUITY
	:∅	
Respondent.	∅	NUMBER _____

ORIGINAL BILL

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

Comes now Margaret M. MacKendrick, Complainant in the above entitled cause, and respectfully represents and shows unto Your Honor as follows:

O N E

That she is the Complainant in the above entitled cause and that she is over the age of twenty-one (21) years and that she is a bona fide resident of the State of Alabama and has been such for more than one (1) year next immediately preceeding the filing of the Bill of Complaint in this cause; that Malcolm D. MacKendrick is the Respondent in said cause and that he is over the age of twenty-one (21) years and a bona fide resident of the State of Alabama; and, that she and the Respondent are wife and husband, respectively, having been lawfully married to one another on, to-wit: the 8th day of May, 1947, in Atlantic City, New Jersey.

T W O

That there have been two (2) children born to the parties during this marriage, namely: Richard Douglas MacKendrick, born October 24, 1947; and, Nancy Lee MacKendrick, born August 30, 1952. Complainant avers that the said minor children are now in the care and custody of the Complainant and that Complainant is a fit and proper person

to have the care and custody of said minor children of the parties.

T H R E E

Complainant avers that the Respondent has committed actual violence on her person attended with danger to her life or health and that from the conduct of the Respondent toward her there is a reasonable apprehension that he will commit further actual violence on her person attended with danger to her life or health.

F O U R

Complainant avers that she is without sufficient funds with which to support herself and the minor children of the parties and that the Respondent is well able to contribute to the support of said minor children.

PRAYER FOR PROCESS

Complainant prays that, upon the filing of this Bill of Complaint, Your Honor will take jurisdiction of this cause and will make the said Malcolm D. MacKendrick a party respondent to said Bill and will cause to be issued to him the appropriate process of this Honorable Court requiring him to appear and plead, answer or demur within the time required by law and by the Rules of this Honorable Court or suffer the allegations hereof to be confessed against him.

PRAYER FOR RELIEF

Complainant prays that, upon a final hearing of this cause, Your Honor will enter a decree granting her a divorce from the Respondent and granting her custody of the minor children of the parties and a sufficient sum for the support and maintenance of said minor children and granting her all such other, further and different relief as she may be entitled to receive in the premises or as to Your Honor

may seem meet, and she will ever pray.

Margaret M. MacKendrick
MARGARET M. MacKendrick

William L. Green
WILLIAM L. GREEN, Solicitor
for the Complainant

1505 Verdun Drive
Greensboro, N.C. 27410
March 1, 1976

County Court House
Baldwin County
Mobile, Alabama

Dear Sirs.

I seemed to have lost my original copy of an court order, it was for divorce and support of my children. The date of the court order is in March 1960, MacKendrick vs. MacKendrick. (Malcolm MacKendrick vs. Margaret H. MacKendrick) Could I please have a copy of this order for my lawyer in Balimore , Maryland,

Send the copy directly to Martin B. Morrison, Esq., 110 East Lexington Street Baltimore, Maryland, 21202.

If there is a fee for this service please let me know at the above address, I'll be glad to send you fee in the next mail.

Sincerely Yours,

Margaret H. Brown

Margaret H. Brown

4880

Copy sent 3/11/76

LAW OFFICES OF
SAUL, EWING, REMICK & SAUL
23RD FLOOR PACKARD BUILDING
PHILADELPHIA 19102

CABLE ADDRESS: BIDSAL
TELEPHONE: 215 LOCUST 3-7777

March 5, 1969

Clerk, Circuit Court of Baldwin County
Bay Minette
Alabama

MacKendrick

In Re: Margaret M. v. Malcolm D. MacKendrick

Dear Sir:

A divorce decree was entered by the Circuit Court of Baldwin County, Alabama, in 1960, in an action captioned as above set forth. I do not have the docket number of this action nor the date on which the decree was entered. Can you supply me with this.

Thank you very much for your courtesy and cooperation in this matter.

Sincerely,

C. Walter Randall, Jr.

C. Walter Randall, Jr.

CWR/gcw

Docket - 4880 Date 3-31-60

Note: A Divorce decree was rendered in the above styled cause on the 31st day of March, 1960, a copy of same will be mailed you upon receipt of \$1.50.

Alice J. Duck, Register

3-13-69

*Thank you. Enclosed is check for \$1.50. Please
mail copy of decree.*

C. Walter Randall, Jr.

MARGARET M. MacKENDRICK,	§	IN THE CIRCUIT COURT OF
	⋮	
Complainant,	§	BALDWIN COUNTY, ALABAMA
VS:	⋮	
MALCOLM D. MacKENDRICK,	§	IN EQUITY
	⋮	
Respondent.	§	NUMBER _____

ANSWER, WAIVER AND AGREEMENT

Comes now the Respondent in the above entitled cause, Malcolm D. MacKendrick, and for answer to the Bill of Complaint heretofore filed in said cause and admits the allegations as to the ages, residences and marriage of the parties and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

Respondent agrees that the testimony in this cause may be taken by deposition on oral examination, and waives notice of the time and place of the taking of such testimony and agrees that this cause may be submitted for final decree at any time. Respondent further waives all notices to which he may be entitled by law in this cause.

Respondent agrees that Genora George may take the testimony in this cause without the issuance of a commission.


 MALCOLM D. MacKENDRICK, Respondent

Complainant agrees that Genora George may take the testimony in this cause without the issuance of a commission.


 MARGARET M. MacKENDRICK, Complainant

The Complainant and the Respondent have further agreed by and between themselves as follows, to-wit:

1. That the provisions of this agreement may be incorporated by reference in any decree of divorce which may be rendered in this cause without the necessity for said provisions to be set out in full in said decree; and

2. That the care, custody and control of the minor children of the parties, namely: Richard Douglas MacKendrick; Nancy Lee MacKendrick; and, the child yet unborn but which is expected to be born to the Complainant during, to-wit: the month of July, 1960, be vested in the Complainant, Margaret M. MacKendrick, with the right to the Respondent to see and visit said minor children at any and all reasonable times and places. The Respondent agrees that the Complainant may remove said minor children from the State of Alabama for permanent residence within any State of the United States of America where Complainant chooses to live; and

3. That the Respondent shall pay to the Complainant through the office of the Register of the Circuit Court of Baldwin County, Alabama, sums of money for the support and maintenance of the Complainant and the minor children of the parties as follows: From the date hereof through the 30th day of September, 1960, the sum of \$75.00 per week payable bi-weekly; and, thereafter, the sum of \$65.00 per week payable bi-weekly; provided, however, that when any female child or children shall reach the age of twenty-one (21) years or shall marry, whichever is earlier, the said bi-weekly payments shall be reduced by the sum of \$20.00 per week; and, provided, further, that when any male child or children shall reach the age of twenty-one (21) years without having entered upon a four (4) year college course or shall reach the age of twenty-three (23) years without having finished such four (4) year college course or shall finish such four (4) year college course, whichever is earlier, the said bi-weekly payments shall be reduced by the sum of \$25.00 per week; and, provided, further, that if the child or children expected to be born to the Complainant

during, to-wit: the month of July, 1960, shall not be born or shall not live beyond the 30th day of September, 1960, the said bi-weekly payments shall be reduced by the sum of \$15.00 per week; and, provided, further, that the payments hereinabove set out are based upon the present income of the Respondent and may be increased or diminished as the Respondent's income is increased or diminished in accordance with the proportion that the payments agreed to be made bear to the Respondent's present income; and

4. That the Respondent shall pay all just debts of the parties incurred heretofore and prior to the execution of this agreement, excepting, however, attorney fees incurred by the Complainant prior to the filing of the Bill of Complaint in this cause and Respondent agrees to pay all attorney fees incurred by Complainant in this said cause; and

5. That the Respondent shall insure the payment of the sums referred to in paragraph three (3) hereinabove for support and maintenance of the Complainant and the minor children of the parties by assigning or transferring policies of life insurance now owned or by purchasing such policies of life insurance as may be required to so insure said payments in the event of the death of the Respondent, said policies to be made payable to the minor children of the parties, share and share alike, as beneficiaries; and

6. That the Complainant shall transfer to the Respondent all of her right, title and interest in and to shares of stock in the joint names of the parties in the Scott Paper Company together with all of Complainant's right, title and interest in and to the 1954 Chevrolet sedan owned by the parties in the name of the Complainant and all of Complainant's right, title and interest in and to claims for damages to said automobile arising heretofore and Complainant does hereby authorize her attorney, William L. Green, as her attorney in fact, to endorse any check to the Respondent for any such claim for damages and Complainant further agrees to execute all necessary documents

and things necessary to effect the intention of this paragraph; and

7. That the Respondent shall pay to the Complainant immediately upon the execution of this agreement the sum of \$900.00 as support and maintenance for the Complainant and the minor children of the parties and to deposit with the Complainant's attorney, William L. Green, the sum of \$300.00 which said sum is to be used by the said William L. Green to pay costs and expense of the surgical, medical and hospital care required by the Complainant in and about the birth of the child expected to be born to the Complainant during, to-wit: the month of July, 1960, and, if any balance shall remain after all expenses are paid, to return the same to the Respondent, providing, however, that the Respondent shall not be responsible for any costs or expenses of such care as aforesaid beyond the sum of \$300.00; and

8. That the Respondent shall pay all costs and expense incurred in this proceeding.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands this 24th day of March, 1960.

Malcolm D. Mackendrick

MALCOLM D. MACKENDRICK, Respondent

Margaret M. Mackendrick

MARGARET M. MACKENDRICK, Complainant

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, Betty A. Iannicelli, a Notary Public in and for said State and County, do hereby certify that MALCOLM D. MACKENDRICK, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Witness my hand and seal this 24th day of March, 1960.

Betty A. Iannicelli
Notary Public, Mobile County,
Alabama