(1074)

STATE OF ALABAMA BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - - GREETINGS:

WE COMMAND YOU, that you summon PHOEBE LUELLA SHIPP to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery Jurisdiction within sixty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by FRANCIS SHIPP against the said PHOEBE LUELLA SHIPP and further do and perform what the said Judge shall ordere and direct in that behalf, and this the Respondent shall in no wise omit, under penalty, etc. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

day of February, 1944.

FRANCIS SHIPP COMPLAINANT

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PHOEBE LUELLA SHIPP RESPONDENT IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALIWIN COUNTY, ALABAMA IN EQUITY:

Now comes your complainant, FRANCIS SHIPP, and humbly complaining against the respondent, PHOEBE LUELLA SHIPP, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That the Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and are both over the age of twenty one years;

2 ,

That they were married at Pensacola, Florida, on October 12, 1935,

3.

That on, to-wit, November 4th, 1943, the Respondent committed the act of adultery with one Herbert Vannell; that on, to-wit, November 5th, 1943, the Respondent committed the act of adultery with Allen Lacey; that the Respondent has also committed acts of adultery with other parties; that the said acts of adultery on the part of the Respondent were without the consent and approval of the Complainant, and that the Complainant has not condoned the said acts of adultery.

4,

the Respondent, three children, ages five, three and two years respectively,
Mary Edna Shipp, Billie Francis Shipp and Robert Henry Shipp; that the said
Mary Edna Shipp and Billie Francis Shipp are now with the Complainant and the said
Robert Henry Shipp is in the custody of the Respondent; that on account of the
conduct of the Respondent as herein alleged, she is not a suitable, fit and proper
person to have the care, custody and control of the said minor children; that the
Complainant owns his own home and is a suitable, fit and proper person to have
the care, custody and control of the said children.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said PHOEBE LUELLA SHIPP party Respondent to this cause of action, requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that your Honor will, upon the hearing hereof, enter an order and decree granting to the complainant an absolute decree of divorce, forever barring the bonds of matrimony existing between him and the Respondent, and that he be awarded the care, custody and control of the said minor children, Mary Edna Shipp, Billie Francis Shipp and Robert Henry Shipp.

Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

BEEBE & HALL

Solicitors for Complainant.

FRANCIS SHIPP Complainant

vs

PHOEBE LUELLA SHIPP Defendant

No. In the Circuit Court of Baldwin County

Alabama.

ANSWER

Comes the defendant, Phoebe Luella Shipp, and for answer and cross bill to the bill of complaint filed against her in this cause, says:

- 1 She admits the allegations of paragraphs one and two of the bill of complaint.
- 2 She denies the allegations of paragraph numbered 3 of the bill of complaint.
- 3 She admits that there were born of the marriage the three children mentioned in paragraph numbered 4 of the bill of complaint, but she avers that their ages are as follows: Mary Edna, four years of age; Billy Francis, two and a half years of age; and Robert Henry, one and a half years of age. She admits that she has the custody and control of the said Robert Henry Shipp, and that the remplainant has the custody and control of the said Mary Edna and Bill Francis Shipp. denies the allegation of the bill of complaint that she is an unfit person to have the custody and control of the children. and she avers that in fact she is a fit and proper person to have their custody and control, and that the domplainant is not a fit and proper person to have their custody and control.

This defendant and cross complainant prays that this answer may be taken also as a cross bill, and that upon the hearing of this cause this Honorable Court will render a decree, granting to this defendant and cross complainant the care and eustody and control of the said three children, but decreeing that the complainant and cross respondent furnish and pay a reasonable amount for the future support of the children, and granting to this defendant and cross complainant such other reised as she may be entitled to.

Selicitor for Defendant and Cross Complainant.

FRANCIS SHIPP Complaining

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PHOABE LURLLA SHIPP Defendent No. In the Circuit Court of Baldwin County Alabama.

ANTRE

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Comes the defendant, Phoebe Lucila Shipp, and for answer and cross bill to the bill of complaint filed against her in this cause, says:

- 1 She admits the allegations of paragraphs one and two of the bill of complaint.
- 2 She desies the ellegations of paragraph numbered 7 of the bill of complaint.
- three children mentioned in paragraph numbered 4 of the bill of complaint, but she avere that their ages are as follows: Mary Ndna, four years of age: Billy Prencis, two and a half years of age; and Robert Henry, one and a half years of age. She samits that she has the custody and control of the said Robert Henry Shipp, and that the pemplainant has the custody and control of the said Renies the aliegation of the bill of complaint that she is an unfit person to have the custody and control of the children, and she avers that in fact she is a fit and proper person to have their custody and control.

answer way be taken also as a cross bill, and that upon the hearing of this cause this Honorable Court will render a decree, granting to this defendent and cross complainant the care and custody and control of the said three children, but decreeing that the complainant and cross respondent furnish and pay a reasonable amount for the future support of the children, and granting to this defendant and cross complainant such other reides as she may be entitled to.

Solicitor for Defendant and Gross Compleinent.

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FRANCIS SHIPP,	
COMPLAINANT))
-vs-) IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
PHOEBE LUELLA SHIPP	IN EQUITY NO
DEFENDANT)

Comes the defendant in thes cause and moves the Court to direct a reference be held in this cause, and that the complainant might be required to pay the defendant alimony pendente lite and permanent alimony and that he be required to pay for the support of his children and that he be further required to pay the solicotor of the defendant a proper fee for his services in this cause.

Solicitor for defendant.

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