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FLORENCE EARLE THOMAS,
Complainant,
-vs-
JAMES ABBOT THOMAS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:-

Comes your Complainant, Florence Earle Thomas, and files this her Bill of Complaint for divorce against James Abbot Thomas, and respectfully represents and shows unto your Honor:

1. That the Complainant is over the age of twenty-one years and is a resident citizen of the State of Alabama, Baldwin County; that the Respondent is over the age of twenty-one years and is a resident of the State of Alabama, Baldwin County.

2. That the Complainant and Respondent were lawfully married on, to-wit, June 25, 1947.

3. The Complainant further avers that the Respondent has committed actual violence on her person attended with danger to her life and health and from his conduct she is reasonably apprehensive of other and further violence, so much so that she can no longer live with the Respondent; that the Respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her she is reasonably convinced that he will commit actual violence on her person attended with danger to her life or health.

4. Complainant further shows unto your Honor that the Respondent has, since their marriage, become addicted to habitual drunkenness, and the said habit continues to this date.

5. Complainant further shows unto the Court that there was born of this marriage two children, namely, Virginia Ann Thomas, age 4½ years and William Bruce Thomas, age 1½ years, which said children were in the custody and control of the Complainant until they were forcibly removed from her custody and control and are being forcibly withheld.

6. That on the 8th day of January, 1952, the Complainant and Respondent jointly purchased property in Baldwin County, Alabama,

described as follows:-

Commencing at the point of intersection of the North line of Section thirty-three (33), Township seven (7), South, Range four (4) East, of St. Stephens Meridian, Baldwin County, Alabama, with the East line of the right-of-way of the L & N Railroad, said point being one hundred (100) feet East of the Northwest corner of said Section thirty-three (33), run thence South twenty (20) feet and East four hundred seventeen (417) feet to a point; thence South five hundred (500) feet to a point for a beginning corner, thence run East one hundred sixty-six (166) feet to a point, thence run South three hundred eighty-one (381) feet to a point, which is also the Northeast corner of property owned by G. H. Bonie, thence run West one hundred sixty-six (166) feet along the North line of the property of said G. H. Bonie to a point, thence run North three hundred eighty-one (381) feet to the point of beginning.

That they have constructed thereon a small dwelling which has been constructed and paid for partially with monies of the Complainant. Complainant further shows that she has insufficient funds with which to employ counsel to represent her in this proceeding and believes the Respondent to be financially able to pay for this representation and believes him financially able to pay the sum of Fifty Dollars (\$50.00) per month for the support and maintenance of each of the minor children of this marriage.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, Your Complainant prays that James Abbot Thomas be made a party defendant of this cause by the usual process, of this Honorable Court, requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that she be granted a divorce from the said Respondent; Complainant further prays that she be awarded as full settlement of alimony the property hereinabove described; that she be awarded custody and control of the minor children of this marriage and that she be awarded the sum of Fifty Dollars (\$50.00) for the maintenance and support of each of the minor children, and that she further be awarded such sum as to the Court may seem just and proper as payment to her Solicitor in this behalf and that ^{IF} she be mistaken in the relief prayed for, that she be granted such other, farther, different and general

relief to which she may be entitled and as in duty bound she will
ever pray.


Solicitor for Complainant

FILED

4-13-54

ALICE L. BUCK, Register

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon JAMES EARLE THOMAS

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State.

FLORENCE EARLE THOMAS

against JAMES EARLE THOMAS

Herein fail not. Due return make of this writ as the law directs.

Witness this 13th day of April, 1954,
W. J. Jones Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6523-6529

330K 015 MAR 33

FLORENCE EARLE THOMAS,
Complainant,
VS.
JAMES ABBOT THOMAS,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.
IN EQUITY.

This cause coming on to be heard is submitted upon the sworn petition of the Complainant, Florence Earl Thomas, relative to the minor children, Virginia Ann Thomas and William Bruce Thomas, pending the final disposition of a divorce proceeding now pending in this Court between the above parties.

The Court, after considering the matter, is of the opinion that the complainant is entitled to partial custody of said minor children.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Florence Earl Thomas, shall have the custody of said minor children, Virginia Ann Thomas and William Bruce Thomas, each Thursday afternoon from 2:00 o'clock until 4:00 o'clock, and every other week-end from 2:00 o'clock in the afternoon on Saturday until 6:00 o'clock Sunday afternoon. That the Respondent shall have the custody of said children during the balance of the time. This arrangement is to begin Thursday, May 20th and continue until the further orders of this Court.

DATED THIS 18th day of May, 1954.

Hubert M. Hall
Judge of the 28th Judicial Circuit
of Alabama.

3234

FILED

MAY 13 1954

ALICE J. DUCK, Register

FLORENCE EARLE THOMAS,	0	IN THE CIRCUIT COURT OF
	0	
Complainant,	0	BALDWIN COUNTY, ALABAMA.
	0	
VS.	0	IN EQUITY.
ABBOTT	0	
JAMES XXXXX THOMAS,	0	NO. _____
	0	
Respondent.	0	

ANSWER AND CROSS-BILL.

Comes the respondent in the above styled cause, JAMES ABBOTT THOMAS, and, for answer to the bill of complaint heretofore filed in said cause, 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 the allegations of paragraph 3 of said bill of complaint and demands strict proof of the same.
4. That he denies the allegations of paragraph 3 of said bill of complaint and demands strict proof of the same.
5. That he admits the allegations of paragraph 5 of said bill of complaint insofar as they name the children of this marriage, to-wit: Virginia Ann Thomas and William Bruce Thomas, but he denies the other allegations of said paragraph and demands strict proof of the same.
6. That he admits the allegations of paragraph 6 insofar as the allege the purchasing of a lot and building of a house, but denies that the complainant paid any part of the costs of the same and he further denies all other allegations of said paragraph and demands strict proof of the same.

And now, having answered the allegations of the bill filed in this cause by FLORENCE EARLE THOMAS, your Respondent prays that this, his answer, be made and taken as a cross-bill, and he avers:

1. That he is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, and has been such for more than two years next preceding the filing of the bill of complaint in this cause; that FLORENCE EARLE THOMAS, the complainant and cross-respondent is over the age of twenty-one years

and is a bona fide resident citizen of Baldwin County, Alabama.

2. That the complainant and the respondent are husband and wife, having intermarried at Lucedale, Mississippi, on, to-wit: the 25th day of June, 1947.

3. The respondent and cross-complainant further avers that the complainant and cross-respondent has committed actual violence on his person attended with danger to his life and health and from her conduct he is reasonably apprehensive of other and further violence, which would necessarily endanger his life or health; that she has made numerous threats of doing him physical harm and from her manner and conduct toward him he is reasonably convinced that she will commit actual violence on his person attended with danger to his life or health.

4. Your cross-complainant further avers and alleges that said cross-respondent has been guilty of adultery with divers parties and persons whose names are unknown to your cross-complainant.

5. Your cross-complainant further avers and shows that there are two children as a result of this union, namely, Virginia Ann Thomas, age $4\frac{1}{2}$ years, and William Bruce Thomas, age $1\frac{1}{2}$ years; that because of her conduct the cross-respondent is not a fit and proper person to have the custody and control of said children. He shows unto the Court, however, that he is a fit and suitable person to be entrusted with the custody, care, maintenance and education of his said children; that he is able to provide them with a home with proper surroundings, and that it is to the best interest of said children that their custody be vested in the cross-complainant with the right on the part of the cross-respondent to visit and see them at all reasonable time and places.

WHEREFORE, THE PREMISES CONSIDERED, Orator makes the said FLORENCE EARLE THOMAS respondent to this his cross-bill, and prays that the process of this Court be directed to her according to law, commanding her to appear in this cause within the time and in the manner required by law and the rules of this Honorable Court, and plead, answer or demur to this his cross-bill; and Orator prays that upon a final hearing, your Honor will make and enter a decree grant-

FLORENCE EARLE THOMAS,

Complainant,

-vs-

JAMES ABBOT THOMAS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

ANSWER

Comes the Complainant and Cross-Respondent in the above styled cause and for answer to the Cross-Complaint heretofore filed in said cause, says:


1. She admits the allegations of Paragraph 1.
2. She admits the allegations of Paragraph 2.
3. She denies the allegations of Paragraph 3.
4. She denies the Allegations of Paragraph 4.
5. She admits the allegations in Paragraph 5, that there are two (2) children of this marriage, and denies each and every other allegation therein contained.

6. She denies each and every other allegation of the Cross-Bill of Complaint not herein specifically admitted and demands strict proof of all allegations denied.

FILED

7-6-54

ALICE I. DUCK, Register


Solicitor for Complainant

3234

Thomas
vs
Thomas

FILED

AUG 6 1954

ALICE A. ROCK, REGISTER

FLORENCE EARLE THOMAS,
Complainant,
-vs-
JAMES ABBOT THOMAS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUN TY, ALABAMA
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:-

Now comes your Petitioner, Florence Earle Thomas, the Complainant in the above styled cause, and respectfully shows unto the Court:-

1. That on the 13th day of April, 1954, a Bill of Complaint for divorce, alimony and custody of children was biled by Florence Earle Thomas against James Abbot Thomas, and as is alleged therein, the children, whose names are Virginia Ann Thomas and William Bruce Thomas and whose ages are 4½ and 1½ years, respectively, were in the care, custody and control of the Complainant until forcibly removed.

2. That said minor children are being forcibly withheld from her and that she has been forbidden to see them and that when she attempted to regain custody of the minor children, physical violence was done to her.

3. That she has a suitable apartment and living quarters on Jasmine Street, in Foley, which is in a building owned by Mrs. Fannie Shepard, and in which she resides alone excepting for her 11 year old son from a previous marriage, and whose father is dead.

4. That she is at present employed at the Farmers & Merchants Bank in the Town of Foley, having insufficient means to support herself without employment and receiving no support from her husband, but that she has Mrs. Aline Pruitt, a reputable person, to care for her children during her absence at her place of employment.

5. That after working hours and on week-ends she remains at her apartment, except for the normal shopping trips for groceries, attendance at Church, etc., on all of which occasions she could rightfully be accompanied by her children.

6. That forcibly withholding her children from her is causing her greivous mental strain and anguish and is also not to the best interest of the children.

WHEREFORE, PREMISES CONSIDERED, your Petitioner prays that she be granted custody and control of the children herein named, pending a final decree establishing custody as prayed in her Bill of Complaint for divorce, and that she be granted such other, further or different relief to which she may be entitled.


Florence Earle Thomas
Petitioner

STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. G. Chason, a Notary Public, personally appeared Florence Earle Thomas, who is known to me and who after being by me first duly and legally sworn, deposes and says under oath, that the matters and facts alleged in the foregoing petition are true.

Florence Earle Thomas

Sworn to and subscribed before
me, a Notary Public, on this the
8th day of May, 1954.



Notary Public, Baldwin County
State of Alabama

FILED

5-10-54

ALICE L. DUCK, Register

Thomas
vs
Thomas

FILED
MAY 10 1954
ALICE J. DICK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3234

FLORENCE EARLE THOMAS,
Complainant,

VS.

JAMES EARLE THOMAS,
Respondent.

DEMURRER.

FILED

MAY 3 1954

AMEL J. WALK, Register

FLORENCE EARLE THOMAS,
Complainant,
VS.
JAMES ABBOT THOMAS,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.

This cause coming on to be heard was submitted upon the original bill of complaint; answer and cross bill and testimony of the witnesses on behalf of the complainant and respondent taken ore tenus, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to a divorce from the Respondent.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and that the said Florence Earle Thomas is forever divorced from the said James Abbot Thomas 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 an 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 the Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that for a period of six months hereafter, that the custody and control of the minor children of this marriage, namely, Virginia Ann Thomas, aged four and one half years, and William Bruce Thomas, aged one and one half years, shall be in the custody and control of their paternal grandparents, Bruce Abbot Thomas and Erna May Thomas, Foley, Alabama, provided, however, that the Complainant, Florence Earle Thomas, shall have the custody and control

of said children from the time she leaves her place of employment Thursday afternoon until 8 A.M. Friday morning, and from the time she leaves her place of employment Saturday afternoon until 7 o'clock P. M. Sunday evenings. In addition thereto, the Complainant, Florence Earle Thomas, shall also have custody and control of said children during the time she is away from her employment through bank holidays and vacations.

This order shall be in full force and effect for a period of six months, or until modified by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court retains jurisdiction of this matter for the purpose of settling any and all questions of permanent custody of the minor children; a division of property, alimony and Attorney's fees.

IT IS FURTHER ORDERED that the Respondent, James Abbot Thomas, pay the cost herein to be taxed, for which execution may issue.

This 2nd day of September, 1954.

Hubert M. Hall

Judge of the 28th Judicial Circuit
of Alabama.

FILED

SEP 3 1954

WILLIAM A. DICK, Register

FRANK G. HORNE
DOUGLAS S. WEBB

Law Offices of
Horne & Webb
Attorneys at Law
Atmore, Ala.

May 13, 1954

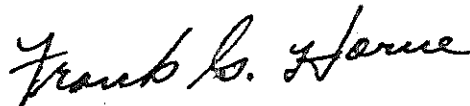
Mrs. Alice Duck
Register in Chancery
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find a plea and abatement
we wish filed in the case of Caro Ikner vs. Lula D. Ikner.
We have mailed a copy of the plea to Mr. C. Lenoir Thompson.

Very truly yours

HORNE & WEBB



BY. FRANK G. HORNE

FGH/iw
Encl.