

1142

STATE OF ALABAMA  
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA --- GREETING;

WE COMMAND YOU, that you summon WILLIAM W. SMITH to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising chancery jurisdiction within sixty days after the service of the summons, and there to plead, answer or demur without oath to a bill of complaint lately exhibited by IRENE SMITH, complainant, against the said WILLIAM W. SMITH and further to do and perform what the said Judge shall order 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 endorsement thereon, to our said court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Circuit Court, this the 21<sup>st</sup> day of June, 1944.

  
Register.

IRENE SMITH, COMPLAINANT

VS

WILLIAM W. SMITH, RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Now comes your complainant, Irene Smith, and humbly complaining against the Respondent, William W. Smith, 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 over the age of twenty one years;

2.

That the Complainant and the Respondent were married in Escambia County, Alabama, on the 19th day of December, 1923, and lived together as husband and wife until to-wit, the 4th day of June, 1944.

3.

That on, to-wit, June 4th, 1944, the Respondent cursed, threatened and abused

the Complainant, and did actual violence to her person by striking, hitting and kicking her, which necessarily endangered her life and health; that the conduct of the Respondent is such as to give the Complainant every reasonable apprehension to believe, and she does actually believe, that if she continues to live with the Respondent he will carry out his threats and do further violence to her person which will necessarily endanger her life and health.

4. That there was born to the marriage between your Complainant and the Respondent the following children: Amelia Smith, Cornelia Smith, William Smith, Onelia Smith and Orelia Smith, ages seventeen, sixteen, fifteen, thirteen and eleven years, respectively; that the Respondent is a man that drinks to excess and is not capable or suitable to have the custody, care and control of said children; that your Complainant has devoted her time to the rearing of the said children, and is able, capable and willing to provide for and protect the said children; that your Complainant has no means of maintaining herself and the said children, and no property; that the Respondent is an able bodied man, a carpenter by trade, easily capable of earning from between \$50.00 to \$75.00 per week; that he has, as the result of the community interest of the Complainant and the Respondent, acquired real property of the value of \$4,000.00; that in addition he has money on deposit in the Farmers & Merchants Bank at Foley, and also government bonds, the exact amount of which the complainant is not advised.

WHEREFORE, the premises considered, your Complainant prays that your Honor will, by proper process, make the said William W. Smith party respondent to this bill of complaint, requiring him 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 a proper decree be made and entered ordering a reference to determine the amount of attorney's fee to be paid by the Respondent for the benefit of the complainant, and also a reasonable alimony pendente lite for the maintenance and support of the complainant and the said

minor children.

Complainant further prays that upon a final hearing of this cause an order and decree be made granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that the Respondent be required to pay to the complainant for the support of herself and the minor children such amount as permanent alimony as to your Honor shall seem meet and proper; that a further decree be made and entered awarding to her the custody, care and control of the said minor children, namely: Amelia Smith, Cornelia Smith, William Smith, Onelia Smith, and Orelia Smith, that your complainant prays for such other, further different and general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By *John Face*  
Solicitors for Complainant.

114B

IRENE SMITH, COMPLAINANT

VS

WILLIAM W. SMITH, RESPONDENT

SUMMONS AND COMPLAINT.

Executed June 22nd 1944  
by serving copy of within Summons and  
Complaint on

William W. Smith

W. W. Smith

Sheriff

Randy Mace

Deputy Sheriff

~~June 22 1944~~  
Randy Mace  
Deputy Sheriff