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STATE OF ALABAMA)
BALDWIN COUNTY)

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TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Edward Smith to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said County at the place of holding the same, then and there to answer the complaint of Clara Mae Smith.

WITNESS my hand this 1st day of August, 1955.

Archie S. Black
Register

Respondent's address is Bay Minette, Alabama.

* * * * *

CLARA MAE SMITH,

Complainant,

VS.

EDWARD SMITH,

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:

Your Complainant, Clara Mae Smith, respectfully represents unto the court and your honor as follows:

1. Your Complainant is over the age of twenty one years and a resident of Baldwin County, Alabama, and has been a bona fide resident citizen of the State of Alabama for more than one year next preceding the filing of this Bill of Complaint. That the Respondent, Edward Smith is over the age of twenty one years and a resident of Baldwin County, Alabama.

2. Your Complainant and the Respondent were married on or about, to-wit, October 3, 1949, and lived together as man and wife until the month of September, 1951. On September 20, 1951, F. W. Hare, Judge of the Circuit Court of Conecuh County, Alabama, made and entered a decree divorcing your Complainant and the Respondent. A short time after this decree was rendered, on or about, to-wit, October 1, 1951, your Complainant and

the Respondent decided that they did not wish to divorce each other at that time and due to the wording of the divorce decree they did not understand that they would once again be required to obtain a marriage license and have a marriage ceremony performed and due to this misunderstanding your Complainant and the Respondent began to co-habitate together, live together as man and wife and hold themselves out to the general public as man and wife from on or about October 1, 1951, until on or about June 24, 1955, believing themselves to be legally and lawfully married. It was at all times during this period mutually agreed between Complaint and Respondent that they were husband and wife.

3. There was born to this marriage before the divorce of September 20, 1951, the following children: Mitchell Smith, a son, five years of age and James Larry Smith four years of age. The said children are now in the care, custody and control of your Complainant and she alleges that she is a fit and proper person to have the care, custody and control of said minor children.

4. Your Complainant avers that on to-wit, June 24, 1955, and many times prior thereto, and since said marriage, the said Edward Smith committed actual violence to her person attended with grave danger to her life or health and from his conduct and threats toward her at said time there was and is grave danger that he would commit such violence if she continues to live with him.

5. Your Complainant further avers that since October 1, 1951, the said Edward Smith has become addicted to habitual drunkenness.

6. Your Complainant further alleges that the Respondent is gainfully employed and earns approximately \$300.00 each month and that she is presently employed and earns approximately \$30.00 each week; that she pays \$35.00 each month for the rent for a house for herself and her two children and pays grocery bills and other bills incidental to the support and maintenance of herself and her two children without any contribution whatsoever from the Respondent. Your Complainant avers that her monthly income is not sufficient to properly support and maintain herself and two children.

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and that it has become necessary for her to employ an attorney to represent her in this cause and that she is without funds to pay her said attorney for services rendered and to be rendered in this cause.

The premises considered, your Complainant prays that the said Edward Smith be made party respondent to this Bill and to this end, that notice be given to him in the manner and form prescribed by law, requiring him to answer this Bill or that the same be taken as confessed against him; and that upon a final hearing of this cause that your honor will make and enter a decree holding that a state of common law marriage has existed between the parties hereto since on or about October 1, 1951; divorcing your Complainant from the said Respondent; awarding the care, custody and control of the said minor children to your Complainant; fix a lump sum payment to be made to your Complainant by the Respondent for alimony pendente lite and will fix a monthly sum to be paid to your Complainant by the Respondent for permanent alimony and order that the Respondent pay said monthly sum; fix an amount to be paid to your Complainant's attorney for his services rendered in this cause and order that this sum be paid by the said Respondent and that your honor will grant such other, further and different relief as may be just and proper, the premises considered.

Clara Mae Smith
Complainant.

[Signature]
Solicitor for Complainant.

FILED

8-1 1955

ALICE J. DICK, Register

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