

STATE OF ALABAMA)

BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John Chrisman to appear and plead, answer or demur within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Mildred Chrisman, as Complainant, against John Chrisman, as Respondent.

Witness my hand this 21st day of April, 1952.


Register.

6. Complainant further shows that the Respondent has not furnished her adequate support, nor has he furnished her adequate support for their children during the time they were living together, nor has he supported her or their children since separation although he has been at all times financially able to do so.

7. Complainant shows to the Court that the Respondent has real and personal property, excepting cash and negotiable securities, of a value in excess of \$15,000.00, and has cash, bonds and negotiable securities of value in excess of \$10,000.00. The Complainant therefore shows to the Court that the Respondent, who is also regularly employed, has sufficient funds with which to properly and adequately support and maintain her and their minor children, and that he is financially able to pay to her the sum of \$150.00 per month as alimony pendente lite and that he is financially able to pay the sum which she has paid and agreed to pay as attorney fees for her legal counsel. The Complainant also shows that the Respondent is financially able to pay permanent support and maintenance for her and their two minor children of this marriage.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that John Chrisman be made a party defendant to 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 laws of this Court and the statutes in such cases made and provided; that your Honor will hold a reference for the purpose of determining what real property, personal property, negotiable securities, cash, and income is owned and enjoyed by the Respondent; that the Complainant may be paid alimony and support pending the completion of this litigation and that she may be repaid the sums paid as attorney fees in connection with this litigation and the sums she has agreed to pay for attorney fees. The Complainant further prays that upon a final hearing of this cause that she be granted a divorce from the bed and board of the Respondent and that she be granted adequate separate maintenance and support for herself and the children of this marriage, and that she be granted custody and control of said children with reasonable rights of visit-

ation for the Respondent. Should your Complainant be mistaken in the relief prayed for that she be granted such other, further, different and general relief to which she may be entitled and as in duty bound she will ever pray.

Mildred Chrisman
Complainant

James A. Stone
R. B. Stone
Solicitors for Complainant

Respondent's address:

Summerdale, Alabama

Respondent's present employment:

Builder, now working 4 miles West of Foley.

MILDRED CHRISMAN

Complainant

vs

JOHN CHRISMAN

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Comes the respondent in the above styled cause and answering complainant's bill of complaint says:

FIRST: He admits the allegations in paragraphs one and five.

SECOND: He admits that portion of the allegations of paragraph two that complainant and respondent were lawfully married on, to-wit, October 7, 1939; and further answering the allegations of paragraph two and of the bill of complaint as a whole, respondent further says that on March 25, 1952 the complainant voluntarily left the home of this respondent without just cause or reasonable excuse and has remained away continuously to this date.

THIRD: Further answering the bill of complaint as a whole and each and every allegation made therein, except such portions of said bill of complaint and such allegations admitted, says that this respondent has never at any time threatened to do actual violence on the person of complainant, nor in any manner conducted himself as to give her reasonable apprehension that he would commit violence to her person attendant with danger to her life or health; that he has never insulted or mistreated her; that he has at all times furnished her with adequate support for herself and for their children; that he does own forty acres of land but that its value will not exceed \$7,500.00; that he does not have cash, bonds and negotiable securities in excess of \$10,000.00; that he actually has less than \$8,000.00, which said moneys have been accumulated over a period of his life; that his

earning power will not exceed \$40.00 a week; that he is in a poor state of health and is unable to do heavy physical labor.

FOURTH: Further answering the said bill of complaint the respondent says that he has at all times properly maintained and supported this complainant; that he has provided a suitable home for them and the same is now and has always been open and ready for them; that the complainant's place and the place for their minor children is the home provided for them by this respondent;

And now having fully answered the bill of complaint the respondent prays he may go hence with his reasonable costs in this behalf expended.

U. P. Beebe
Solicitor for respondent.

2728
RECORDED

Mildred Chrisman
Complaint

vs

John Chrisman
Respondent

Answer

FILED
MAY 19 1952

ALICE J. DUCK, Register

Mildred Chrisman,)	In the Circuit Court of
Complainant,)	Baldwin County, Alabama.
vs)	In Equity
John Chrisman,)	No. 2798
Respondent.)	

Comes now John Chrisman, respondent in the above styled cause, and first having leave of Court amends the answer heretofore filed by him to read as follows:

1. Respondent admits the allegations of Paragraph One of said bill of complaint.

2. Respondent admits the allegations of Paragraph Two of said bill of complaint in that he and complainant were lawfully married to each other on October 7th, 1939, and that they lived together thereafter until March 25th., 1952. Respondent expressly and emphatically denies that complainant has ever at any time been forced to live separate and apart from him or that they lived together as man and wife until March 25th., 1952; respondent alleges the facts to be that he and complainant did live together in the same house until March 25th., 1952 but that any and all relationships between them had been long since ceased, not because of any cause or fault on his part whatsoever, but because of interests and activities commenced and cultivated outside their home and in his absence by the complainant. Respondent further expressly demands strict proof of the allegations of Paragraph Two of said bill of complaint which he denies.

3. Respondent expressly and emphatically denies the allegations of Paragraph Three of said bill of complaint and demands strict proof thereof. For further answer to said Paragraph Three respondent states that he has never at any time committed or attempted to commit any act or acts of violence upon the person of complainant, nor has he ever at any time made any threat whatsoever of doing actual violence to her person, nor from his manner and conduct towards her has she ever had any cause or reason to become convinced that he would commit actual violence upon her person

attended with danger to her life or health; that he absolutely has never insulted, humiliated or mistreated complainant. Respondent further respectfully shows unto this Honorable Court that the complainant comes not into this Honorable Court with clean hands; that the matters and things alleged by her against respondent as grounds for divorce are absolutely false.

4. Respondent admits the allegations of Paragraph Five of said bill of complaint.

5. Respondent expressly denies the allegations of Paragraph Six of said bill of complaint and demands strict proof thereof and for further answer to said paragraph Six respondent states that he has furnished complainant and their minor children much more than adequate support at all times; that he has suffered both mentally and physically and performed much manual labor in order to furnish complainant with not only necessities and comforts but also her unreasonable wants, wishes and desires, all of which he willingly did because of his love for his wife and children and his sincere desire for a life-long happy marriage.

6. Respondent expressly denies the allegations of Paragraph Seven and demands strict proof thereof. Respondent further states that he is physically disabled to perform manual labor; that because of his physical disabilities he has lost his earning capacity and is now unable to earn a livelihood, although he does continue to work as best he can, against the advice of his doctors; that complainant has received the very greater portion of the properties referred to by her in Paragraph Seven of said bill of complaint and that she is well aware of the fact that respondent has no such estate.

For further answer to said bill of complaint and by way of cross-bill thereto respondent says as follows:-

That all times since his marriage to complainant he has been a good and faithful husband to her in every respect, a loving and devoted father to his little children; that he has never at any time or in any manner mistreated or abused complainant, made any threats

whatsoever or conducted himself so as to cause complainant to apprehend that he may commit any violence upon her person; that he has provided well for complainant and their minor children and given them a good home and done everything humanly possible that a man could do for his wife and children. Respondent further avers on the contrary complainant has completely shirked and refused to accept the responsibilities normally required of her as his wife; that she has succeeded in making their life together one miserable affair; that she has constantly harrassed, abused and mistreated respondent, insulted and humiliated him, spent his money in lavish living and made of him an humble servant under her command and that of her host of clannish relatives; that when respondent's health began to fail and it appeared that his income would not be so plentiful as previous, then, as far as complainant and her many relatives were concerned respondent had served his purpose and condemned to be cast off from his wife and children. That complainant refused to cook any meals for respondent, refused absolutely to keep house, generally refused to cooperate in any way as a wife, constantly abused and mistreated respondent, falsely accused him and nagged and harrassed him; that from her conduct towards him there was and is certainly reasonable apprehension of violence being committed upon him by her; that more than a year even prior to March, 1952 complainant absolutely refused any relationship whatsoever with respondent as man and wife; that finally in March, 1952 she, after failing in her attempt to drive respondent from their home, did absolutely desert and abandon respondent; that she voluntarily abandoned his bed and board without any cause or fault on his part whatsoever, without his consent and without any intention to return; that she has absolutely refused to live with him since that time and that said abandonment has been a continuous and uninterrupted one for a period of more than one year next immediately preceding the filing of the bill of complaint herein; that as hereinbefore stated respondent has at all times provided well for his wife and children and has given her

no cause or reason whatsoever to separate from him or to leave him and that now, as a last resort to further persecute, embarrass, humiliate and abuse respondent she has brought this suit against him; seeking to take from him anything that he may own, to keep him from being absolutely divorced and in general to harrass him in any manner possible.

Respondent further shows that complainant is regularly and gainfully employed and is self supporting.

Respondent is, as he has always been, a loving and devoted father to his children, has a good home for them and will be more than glad and thankful to have his two minor children in his custody and he respectfully shows unto this Honorable Court that he is the proper and fit person to have custody and control of said minor children.

Wherefore, the premises considered, respondent and cross-complainant prays that complainant and cross-respondent's bill of complaint be dismissed at her own expense and he further prays that upon a final hearing hereof that your Honor will grant him an absolute divorce from the complainant and cross-respondent, award to him the custody of his two minor children and grant him permission to remarry in the event he should so care; and he prays for all such other, further or different relief to which he may be entitled.

Engel & Weissinger
Richard H. Engel
Solicitors for the Respondent and
Cross-Complainant

Mildred Chrisman,)	In the Circuit Court of Baldwin
Complainant,)	County, Alabama.
vs)	In Equity
John Chrisman,)	No. 2798
Respondent.)	

Comes now John Chrisman, respondent in the above styled cause, and objects to the reference granted on complainant's motion on the following grounds:-

1. That complainant is not now, nor has she been, without proper and adequate funds both for the support of herself and two minor children.

2. That respondent has at all times provided well for complainant and their minor children and given them a good home.

3. That respondent has never at any time failed or refused to support and maintain complainant and their minor children.

4. That said motion for reference or bill of complaint is not brought in good faith.

5. That said motion for reference and bill of complaint are filed for no other or different purpose except to harass and molest respondent.

6. That respondent is physically unable to work, which fact is well known to complainant, and which respondent is ready, able and willing to verify by the testimony of competent medical authorities.

Engel & Weissinger
Graham & Bell
 Solicitors for the Respondent and
 Cross-Complainant

Service accepted
2-10-53
Marbome (U.S. Stone)

MILDRED CHRISMAN, ()
Complainant, ()
VS ()
JOHN CHRISMAN, ()
Respondent. ()

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Upon consideration of the Bill and Petition of the Complainant in the above styled cause, and the same being duly read, considered and understood by the Court, it is therefore ordered, adjudged and decreed by the Court that a reference be held before said Court to ascertain the following:

FIRST: What real and personal property or interest therein, including cash on deposit or securities, each of the parties to this suit own, together with a full and accurate description thereof and its situation, market and retail value and what encumbrances, if any, are thereon.

SECOND: What income each of the parties to this suit have either weekly, monthly or annually and of what it consists, including wages received, rentals, income from farm or other kinds of income.

THIRD: What amount Mildred Chrisman has paid or agreed to pay in this cause and whether the agreed amount is reasonable compensation to pay her solicitors.

FOURTH: What amount per week or per month would be reasonably necessary to support and maintain Mildred Chrisman and two minor children pending this suit taking into consideration her condition in life and the ability of John Chrisman.

FIFTH: Such other and further matters as may be properly inquired into by this Court.

It is further ordered, adjudged and decreed by the Court that the 13th day of ~~April~~ ^{May}, 1952 at 10:00 o'clock be set as the day for holding said reference and that notice thereof shall be given to the parties, and that at said reference either party may offer any legal and competent evidence either oral or written.

Done this the 21st day of April, 1952.

C. G. C.

T. Fair J. Madbury, Jr.
Judge

Received in Sheriff's Office
this 2 day of April 1952
TAYLOR WILKINS, Sheriff

2798

Executed 4-22-1952
by serving copy of within ~~Interrogation~~ Interrogation
Sumpliat on

John Christman

Taylor Wilkins Sheriff

By Edlign Steadman Deputy Sheriff

Filed 4-21-52
W. J. J. J.
Register