

PEGGY PETERSON,
Complainant,

vs.

SIDNEY PETERSON,
Respondent.

I
I
I IN THE CIRCUIT COURT OF
I BALDWIN COUNTY, ALABAMA
I IN EQUITY NO. 3671
I
I

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY,
AND TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Comes now the Respondent and for answer to the bill of
complaint heretofore filed against him and to each section thereof,
separately and severally, says as follows:

1. The Respondent admits the allegations contained in
section 1 of the bill of complaint.
2. The Respondent admits that he and the Complainant were
married on April 4, 1949, in Lucedale, Mississippi, and that there
were two children born to this marriage. The Respondent further
admits that said children are now in the custody and control of the
Complainant. The Respondent admits that the Complainant is a fit
and proper person to have the care, custody and control of said minor
children but your Respondent alleges that, in fact, the Complainant
does not remain with said children at all times due to the fact that
she is employed by Chemstrand Corporation in Escambia County, Florida
and that the children are left with the mother of the Complainant,
Ada McClellan, and that the said Ada McClellan is not a fit and
proper person to have the care, custody and control of the said minor
children. The Respondent denies that the Complainant has a home
in which to keep said children or that it is to the best interest of
said children that they remain in the temporary and permanent custody
of the Complainant; and your Respondent alleges that the Complainant
and her mother are now living in a small house located in and near
a tourist court on U. S. Highway #90 behind a tavern which was for-
merly known as the "Green Latern". Your Respondent further alleges

that the environment in which the children are now being kept is highly detrimental to their welfare and interest and is not a fit and proper arrangement for said children. Your Respondent further denies that he has made threats of taking the said children from the custody of the Complainant and he denies that he is not a fit and proper person to have the care of said minor children.

3. The Respondent denies the allegations of section 3 of the bill of complaint and demands strict proof thereof.

4. The Respondent admits the allegations of section 4 of the bill of complaint.

5. The Respondent denies the allegations of section 5 of the bill of complaint and further alleges that the Complainant is gainfully employed at Chemstrand Corporation in Escambia County, Florida, and earns approximately Sixty Dollars (\$60.00) per week as a result of her said employment.

6. For further answer to the bill of complaint your Respondent alleges that it would be to the best interest of said minor children if this Honorable Court would award to him the care, custody and control of said children and your Respondent further alleges that he has a proper Christian home in which to place said children and that said home is located approximately six (6) miles South of Gateswood, and is maintained by the sister of your Respondent, Annie Pearl Linholm, and is next to the home of the father of your Respondent, Frank Peterson. That at all times the said minor children would be in the custody and control of your Respondent except such time as he is required to be at his work and that the homes where said children would be living are fit and proper in all respects and of suitable environment.

7. For further answer to the bill of complaint your Respondent respectfully alleges that there does not now exist any ground of divorce by which this Honorable Court could dissolve the marriage now existing between the Complainant and your Respondent and that your Respondent and the Complainant have lived together as man and wife since their marriage until December 3, 1955, when the Complainant

left the home of your Respondent and took with her the said minor children.

The premises considered, your Respondent respectfully prays that this, his answer, be taken as a cross bill and that upon the filing of the same that this Honorable Court will enter an order fixing a day to determine the question of the temporary custody of the minor children named herein pending a final determination of this cause and will give notice to the Complainant or her solicitor of the filing of this answer and cross bill and of the day fixed for the hearing on the temporary custody of the children. And your Respondent further prays that on the day fixed for said hearing or any day to which the same may be continued, that your Honor will enter an order holding for naught the order heretofore entered by this Honorable Court on December 6, 1955, and will, in and by the terms of said order, award to your Respondent the temporary care, custody and control of said Ronald Peterson and Deborah Peterson. And your Respondent respectfully prays for such other, further and different relief as in the premises will be meet and proper.

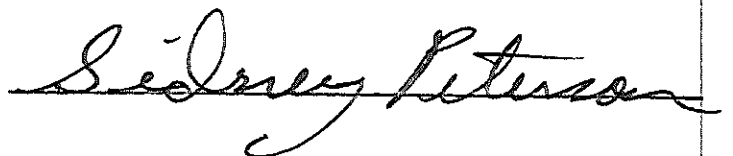

Sidney Peterson.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Sidney Peterson, who is known to me and who after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Sidney Peterson and that he is the Respondent in the above styled cause now pending in the Circuit Court of Baldwin County, Alabama, and that the facts alleged in the foregoing answer are true.



Sworn to and subscribed before
me this 13th day of December, 1955.


Notary Public, Baldwin County, Ala.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

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TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Sidney Peterson to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of Peggy Peterson.

WITNESS my hand, this 6th day of December, 1955.

Reing J. Darr
Register

Respondent's address is Robertsedale, Alabama.
Approximately 8 miles East of Robertsedale, near
Avery Greek's Tavern.

* * * * *

PEGGY PETERSON,

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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, Peggy Peterson, respectfully represents and shows unto your Honor as follows:

1. That 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 said State and County for more than two years next preceding the filing of this Bill of Complaint; that the Respondent, Sidney Peterson, is over the age of twenty-one years and a resident of Baldwin County, Alabama.

2. That your Complainant and the Respondent were lawfully married on April 4, 1949, in Lucedale, Mississippi, and that there were two children born to this marriage, to-wit: Ronald Peterson, a son, five years of age and Deborah Peterson, a daughter, who is two years of age. The said children are now in the care, custody

and control of your Complainant, and your Complainant alleges that she is a fit and proper person to have the care, custody and control of the said minor children; that she has a home in which to keep the said children and it is to the best interest of the said minor children that they remain in the temporary and permanent custody of your complainant. Your Complainant further alleges that the Respondent has made threats of taking the said children from her custody and she alleges that the said Respondent is not a fit and proper person to care for the said minor children.

3. Your Complainant avers and charges that the said Respondent did on or about the 23rd day of November, 1955, assault, beat, hit, and strike her; that said Respondent has committed actual violence on her person attended with danger to her life or health; Complainant avers and charges that 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 an actual violence upon her person attended with danger to her life or health.

4. Your Complainant alleges that the Respondent is gainfully employed by St. Regis Paper Company and earns from his said employment approximately Three Hundred Twenty Dollars (\$320.00) each month.

5. Your Complainant alleges that it has been necessary for her to employ an Attorney to represent her in this suit and that she is without funds to pay her said Attorney for services rendered and to be rendered by him in this cause.

The premises considered, your Complainant makes the said Sidney Peterson a party respondent to this Bill of Complaint, and in order that the Complainant may have the relief prayed for herein, may it please the court to cause the States Writ of Subpoena to be issued direct to the said Sidney Peterson commanding him to plead, answer or demur to this Bill of Complaint within the time required by law and that on a final hearing of this cause that the Complainant be awarded a divorce from the said Respondent; that the court

fix a reasonable monthly allowance to be paid to her as permanent alimony; that the court will fix a reasonable amount to be paid by the Respondent to your Complainant's Attorney for services rendered and to be rendered in this cause; that she be awarded the permanent custody, care and control of the said minor children herein referred to and that your Honor grant such other, further and different relief as may be just and proper in the premises.

Complainant further prays that the court will make and enter an order granting your Complainant the temporary care, custody and control of said minor children pending a final decree in this cause.


Solicitor for Complainant

STATE OF ALABAMA)
BALDWIN COUNTY)

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Before me, the undersigned authority, personally appeared Peggy Peterson who first being duly and legally sworn deposes and says: That she has read over the foregoing Bill of Complaint and that the facts stated therein are true.

Peggy Peterson

Sworn to and subscribed before me
on this 3rd day of December, 1955.

[Signature]
Notary Public, Baldwin County, Alabama.

The foregoing petition having been presented to me on this date, and it appearing to the court that it is to the best interest of said minor children that they remain in the temporary care, custody and control of the Complainant, it is therefore, ORDERED, ADJUDGED AND DECREED that the Complainant shall have and she is hereby awarded the temporary care, custody and control of Ronald Peterson and Deborah Peterson pending a final decree in this cause and the Sheriff of Baldwin County is hereby ordered and directed to serve a copy of this order to the Respondent, Sidney Peterson.

ORDERED, ADJUDGED AND DECREED on this the 6th day of December, 1955.

Walter M. Hall
Judge.

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This day came Sidney Peterson, and filed his answer to the bill of complaint heretofore filed against him in the above styled cause praying that this Court enter an order fixing a day to determine between the parties hereto the question of the temporary custody of the minor children involved in this litigation, pending a final determination thereof, and the Court having considered the same is of the opinion that this matter should be set down for hearing for the purpose of determining which of the parties shall be entitled to the custody of the two minor children involved during the pendency of this cause and that notice of the filing of the answer of the Respondent and of the day fixed in and by the terms of this order should be given to the solicitor for the Complainant; it is, therefore

ORDERED and DECREED by the Court that the 19th day of December, 1955, at 9:00 o'clock a.m. be, and the same hereby is, fixed and appointed as the day to determine the question of the temporary custody of the two children involved in this litigation.

It is further ORDERED and DECREED by the Court that Honorable James R. Owen, the Solicitor of Record for the Complainant be given notice of the filing of the answer of the Respondent and of the day fixed by the terms of this order by service upon him of a copy of said answer together with a copy of this order.

Done this 13th day of December, 1955.

Walter M. Allen
Judge.

PEGGY PETERSON,	¶	
Complainant,	¶	IN THE CIRCUIT COURT OF
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SIDNEY PETERSON,	¶	IN EQUITY.
Respondent.	¶	

This cause coming on to be heard and the same having been heretofore set down for hearing on the question of the temporary custody of the two minor children herein involved by an order of this Court heretofore entered, and now come the parties and their attorneys in open court and the Court having proceeded to hear the testimony of the parties and of the witnesses on behalf of each of said parties relative to the question of temporary custody and the Court having considered the same is of the opinion that it would be to the best interests of the said minor children if they were in the custody and control of their father, pending a final determination of this cause, and that the order heretofore entered by this Court on the filing of the original Bill of Complaint should be rescinded, it is, therefore,

ORDERED and DECREED by the Court that the order of this Court heretofore entered on December 6, 1955, awarding the temporary custody and control of Ronald S. Peterson and Deborah Peterson to the Complainant, pending a final determination of this cause, be and the same hereby is in all things rescinded and revoked.

It is further ORDERED and DECREED by the Court that the temporary custody of the said Ronald S. Peterson and Deborah Peterson be, and the same hereby is, awarded to the Respondent, Sidney Peterson, pending a final determination of this cause, and subject to the further orders of this Court; provided, that the said Sidney Peterson will place the said children in the home of his sister, Mrs. Annie Pearl Linholm, who resides near Gateswood in Baldwin County, Alabama, during the time that this order is in force and effect; and provided

further, that the Complainant, Peggy Peterson, shall have the right to visit with said children and to have said children visit with her during the period of time that this order is in force and effect, at reasonable hours and at reasonable intervals.

Done this 19th day of December, 1955.

Richard M. Steg
Circuit Judge.