
MALACHI MANNING,

-VS-

ROZINA MERCHANT MANNING.

STATE OF ALABAMA

BALDWIN COUNTY.

CIRCUIT COURT-EQUITY SIDE.

Now comes the Respondent, and for answer to the bill of complaint as filed in this cause and says as follows:

The Respondent admits that she and the complainant are both bona fide residents of Baldwin County, are both the age of twenty-one years, and that they were lawfully married on or about January 11th., 1900.

To the 1st. Paragraph, the Respondent says that she and the complainant were married as alleged therein, but denies that they lived together only up to May 1923, but alleges that they lived together until the summer of 1924.

To the 2nd. Paragraph, the Respondent says that she and the complainant lived together until August 1924, and she denies that she abandoned him during the month of May, or at any other time, but alleges that the complainant voluntarily abandoned her bed and board during the month of August 1924 without any cause whatsoever.

To the 3rd. Paragraph, the plaintiff says that it is true that there were born to them the three children named in the bill of complaint, and that there were also born to them four other children.

For further answer to the bill of complaint Respondent says that the complainant is not a proper party for the custody and control of the said three children and that it would be detrimental to the welfare of said children that they be given into his custody, and prays that your Honor will enter a decree awarding ^{to her} the care and custody of said Margeret Thelma, Agnes Elizabeth, and William Manning.

Your Respondent alleges that she is without means of maintenance and support and without means to pay for solicitors in this cause.

She therefore prays your Honor that a decree may be entered ordering a reference to ascertain what would be a reasonable amount to be allowed her as alimony pendente lite and a reasonable fee to be allowed her for the payment of her solicitors in this cause, and further prays upon such report being made, a decree will be entered

Malachi Manning

-vs-

Rogina Merchant Manning

Filed Oct 22nd 1925

T. W. Pickens
Register

RECORDED

ANSWER TO CROSS BILL:

MALACHI MANNING,)
-vs-)
ROZINA MERCHANT MANNING.)

CIRCUIT COURT-EQUITY SIDE.,
STATE OF ALABAMA.
BALDWIN COUNTY.

TO THE HON. JOHN D. LEIGH, JUDGE OF THE 21ST.
JUDICIAL CIRCUIT, STATE OF ALABAMA, IN EQUITY:-

Your Orator, Malachi Manning herewith files his answer to the cross bill filed by Rozina Merchant Manning and for answer to said cross bill says:-

That the allegations of the first and second paragraphs are untrue and he demands strict proof thereof.

For answer to the third paragraph Orator says that it is true that there were born to them the three children named in the original Bill of Complaint, to-wit: Margaret Thelma, Agnes Elizabeth and William Manning, and also there were not only four other children born to them but five other children born to them. Orator says that the three children Margaret Thelma, Agnes Elizabeth and William Manning are the only ones of the children who are now dependent.

Orator says that he denies that the respondent is without means of maintenance or support and without means to pay for Solicitors but alleges the facts to be that at all times since their separation in May 1923, that he has supplied the said respondent with the necessities of life and at present and has for some time instructed S.D. Gaar and Sons to honor all requests for groceries and supplies which the said respondent may order and that he has at all times paid for the same and is now paying for the same. Orator further answers and says that he is a fit and proper person to have the care and custody of the said three children Margaret Thelma, Agnes Elizabeth and William Manning and that he has at all times and is now supporting said children. Orator for further answer alleges that he has at the request of the respondent Rozina Merchant Manning, regularly sent post office orders and checks for money to her in the name of John D. Manning Jr., a son by said marriage for the support of Rozina Manning and the children dependent upon her but Orator is informed and verily believes that said John D. Manning Jr., has not delivered all of said checks or monies to the said Rozina Merchant Manning.

For further answer to said Cross Bill and each paragraph thereof Orator alleges that it is true that from May 1923 until August 1924 he made occasional visits to his home where the respondent lives with his children but that he slept at all times in a separate room and was never welcomed by said respondent and did not even speak to him up to that time. Orator alleges that far from being neglectful of his family or in maintaining them that he has in force at the present time Insurance Policies payable at his death to said Rozina Merchant Manning for approximately \$4,000.00 and in addition thereto War Risk Insurance payable to her and the children for \$10,000.00. Your Orator prays that this may be taken as his answer to the Cross Bill filed by respondent.

STONE & STONE,
Solicitors for Orator.

FOOT NOTE: The respondent is required to answer each and every allegation of this answer to the Cross Bill but not under oath, as oath is expressly waived.

STONE & STONE,
Solicitors for Orator.



4/22

Good as per
D. Miller
M. Miller

RECORDED

The State of Alabama }
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Rozina Merchant Manning,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Malachi Manning

against said

Rozina Merchant Manning,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant 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, T. W. Richerson, Register of said Circuit Court, this 15th, day of Sept,

192 5.

T. W. Richerson
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

requiring said complainant to pay such alimony and solicitors' fee before proceeding further.

And the Respondent further prays that upon a final hearing of this cause your Honor will also order a reference to ascertain what would be reasonable alimony to be allowed her and the said named children as alimony permanent to be paid by the complainant in this cause.

Your Respondent prays that this answer may be taken as a cross bill, and that the references asked for may be granted to her.

Chas. Hall & Gordon Edington
Solicitors for Respondent.

*Received of the Court
for the Respondent
the sum of \$100.00
on the 10th day of
November 1911*

527 Original

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Malachi Manning

vs.

Rozina Merchant Manning.

*Max [unclear]
Paint*

Stone & Stone .

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this _____
day of _____ 1925

Sheriff.

Executed this *8th* day of
Oct 1925

by leaving a copy of the within summons with

*Rozina Merchant
Manning*

Defendant.

A. R. Stuart

Sheriff.

By *B. O. Wiggins*
Deputy Sheriff.

RECORDED

MALACHI MANNING,

-vs-

ROZINA MERCHANT MANNING.

STATE OF ALABAMA
BALDWIN COUNTY.

CIRCUIT COURT-EQUITY SIDE.

TO THE HON. JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT,
SITTING IN EQUITY:-

Your Orator, Malachi Manning, respectfully shows unto your Honor that he is now and has been for more than three years next immediately preceding the filing of this complaint for divorce, a bona fide resident of Baldwin County, State of Alabama and that he brings this suit against Rozina Merchant Manning, a bona fide resident of Baldwin County, Alabama, residing at Foley, Alabama, both of whom are over 21 years of age. Orator shows

(1). That he and Rozina Merchant Manning were married on to-wit:- January 11th., 1900 at Seminole, ~~Alabama~~ ^{Alabama} and lived together as man and wife until the month of May, 1923, at which time they resided at Foley, Baldwin County, Alabama.

(2). That during the month of May ^{while living at Foley, Ala} Rozina Merchant Manning without just cause voluntarily abandoned and deserted your Orator and has never since returned to live with him but still continues to voluntarily abandon and desert your Orator.

(3). That of said marriage were born three children, to-wit: Margaret Thelma Manning 14 years of age; Agnes Elizabeth Manning, 12 years of age and William Thomas Manning, 11 years of age.

PRAYER FOR PROCESS.

Your Orator prays that Your Honor will take jurisdiction of this, his bill of divorce for abandonment and to that end to make and issue all orders, decrees and sub-poenas necessary to make the said Rozina Merchant Manning party defendant to this his complaint for divorce for abandonment.

(page two)

PRAYER FOR RELIEF.

Your Orator further prays that upon a final hearing of this complaint that it may please your Honor to grant to him an absolute decree of divorce from Rozina Merchant Manning permitting him to re-marry and to grant to him custody, care and control over the said minor children, Margaret Thelma Manning, Agnes Elizabeth Manning and William Thomas Manning and to grant unto your Orator such other and further or different relief as to your Honor will seem just and proper and/in ^{as} duty bound, he will ever pray, etc. etc.

STONE & STONE ,
Solicitors for Complainant.

FOOT NOTE;

Defendant is required to answer each and every allegation of the foregoing complaint but not under oath, as oath is expressly waived.

STONE & STONE,
Solicitors for Complainant.