

670

State of Alabama  
County of Baldwin

In Circuit Court  
In Equity

Jesse H. Smith, Complainant,

vs.

ANSWER TO CROSS-BILL

Ella A. Smith, Respondent.

Comes now your Complainant and Cross-respondent and, for an answer to the cross bill of the respondent and Cross-Complainant, Ella A. Smith, shows unto this Honorable Court as follows:

That, as to paragraph (a) thereof, your Cross-Respondent denies each and every allegation thereof except those in which the Cross-Complainant admits the truth of the allegations of the complaint of your Complainant;

That, as to paragraph (b) thereof, your Cross-Respondent admits that he and the Cross-Complainant have not lived together as husband and wife since the month of March, 1927, but denies that Cross-Complainant was compelled to live separate and apart from him on account of the ~~xxxxxx~~ pretended matters and facts alleged in paragraph (c) of said cross-bill, or for any other reason or cause whatsoever, but, on the contrary, Cross-Respondent alleges the fact to be that Cross-Complainant continued to live in the home and residence theretofore and prior to the said March, 1927, occupied by both of said parties as their domicile, jointly, and that ~~the~~ said Cross-Respondent, on his own motion and volition, moved from such residence, to escape ~~the~~ from the society of the Cross-Complainant, and entered into the occupancy of a small house upon the same premises where he has continued, since said date, to reside and have his home;

That, as to paragraph (c) thereof, your Cross-Respondent denies each and every allegation therein contained and demands that Cross-Complainant be put upon her proof as to the several parts and to the whole thereof;

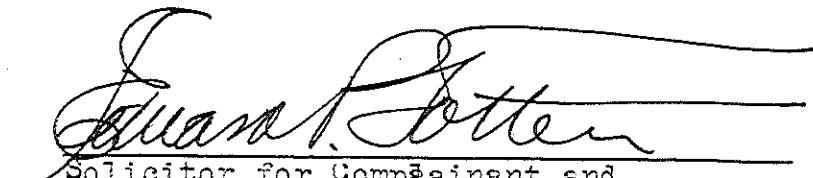
That, as to the allegations of paragraph (d) thereof, your Cross-Respondent admits that he is an able-bodied man, in good health, more or less skilled as a cabinet maker, and is able to and does earn a substantial ~~salary~~ salary, but denies that he is possessed of property to the value of three thousand dollars or of any other or further amount than the sum of twelve hundred dollars; your Cross-respondent further denies that the Cross-Complainant has no means of livelihood and is without any income ~~and~~, on the contrary, alleges the fact to be that she is in ownership and possession of property, real and personal, recently transferred and assigned to her by your Cross-Respondent, consisting of two residences in first-class condition, set in attractive and ample grounds and situated in one of the best residential sections ~~of~~ of the town of Fairhope, in said county, completely and suitably furnished and equipped <sup>with</sup> all necessary furniture and with all modern conveniences, and certain bonds and cash, all of the worth and value of over forty-eight hundred dollars and capable of producing, (in addition to a convenient and comfortable home for Cross-Complainant) an income of more than sixty dollars a month for her support and maintenance through the rental of such apartments in said residences as Cross-Complainant could not possibly use or need for her own living quarters therein; your Cross-Respondent further alleges that all of the above property, both real and personal, was by him voluntarily transferred and turned over to the Cross-Complainant for her security and well-being, which property then and there constituted four-fifths of all of the property held by him and by him and her ~~jointly~~ jointly, as a provision and settlement of all property and property interests between them, upon his institution of a suit in equity for total dissolution of the bonds of matrimony and relief from a situation which had become to your Cross-respondent intolerable.

Further answering the cross-bill of the Cross-Complainant, your Cross-Respondent hereby sets up and repeats in full all of the allegations of his original bill of complaint and re-avers each and every part thereof;

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, your Complainant and Cross-Respondent prays that this Honorable Court will grant unto the Cross-Complainant none of the ~~relief~~ items of relief prayed for by her therein; that no alimony, either pendente lite or permanent, or counsel fees, be granted unto the said Cross-Complainant by this Court, and that she be granted no divorce a mensa et thoro, as prayed by her; but that, upon the final hearing of this cause, your Cross-respondent as Complainant be granted all of the relief prayed by him of this Court in the original bill of complaint, that the bonds of matrimony now and heretofore subsisting between himself and the said Ella A. Smith be wholly dissolved and that he be granted by this Court absolute divorce therefrom, and for such other and further relief as to the Court may seem just and equitable in the premises.

Dated at Fairhope, Ala., this 7th day of May, 1927.

  
Solicitor for Complainant and  
Cross-respondent,  
Fairhope, Alabama.

Any replication or rejoinder desired to be entered to above Answer to Cross-Bill by Cross-Complainant and Respondent, Ella A. Smith, need not be under oath, as reply under oath is hereby expressly waived.

  
Solicitor for Complainant.