

NAOMA RIGBY,

Complainant,

VS.

LEONARD RIGBY,

Respondent and Cross
Complainant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

Now comes Leonard Rigby, Respondent and Cross Complainant in the aforesaid cause and for answer and by way of a cross bill, shows unto your Honor as follows:

F I R S T:

Respondent and Cross Complainant admits that the Complainant is over the age of eighteen years and that he is over the age of twenty-one years; that he is a resident of Baldwin County, Alabama, and that the complainant has been a resident of the State of Alabama all of her life, but that at the time of the filing of the bill of complaint she was not a resident of Baldwin County, Alabama. Respondent and Cross Complainant admits that he and the said complainant were legally married to each other in Monroe County, Alabama, at or about the time mentioned in the bill of complaint and that there are three children, the issue of said marriage, whose names and ages are set out in the bill of complaint. Respondent and cross complainant further shows unto your Honor that said children were taken from him by the complainant and brought to Monroe County, Alabama, where they are at present.

S E C O N D:

Respondent and cross complainant admits that he and the said complainant lived together as man and wife up until about August 5th. 1939. Respondent and cross complainant most emphatically and unequivocally denies that he, at any time, ever committed actual violence on the person of complainant attended with danger to her life or health and that respondent and cross complainant further avers that at no times has his conduct been such that complainant should have had reasonable apprehension of any violence of any nature or any kind to her.

Respondent and cross complainant most unequivocally denies that he ever struck complainant; that he ever slapped her down or that he ever threatened her with abusive language. Respondent and cross complainant most unequivocally denies that the said complainant had any legal, moral or equitable right, on account of his conduct, to have abandoned him and taken his children away from him in the manner and form in which she has. Respondent and cross complainant emphatically states that the complainant has had no cause to become afraid of him, and shows unto your Honor that at all times he has endeavored to do the part of a faithful and loving husband towards the complainant, and that he, at all times, has treated and respected the complainant as a reasonable and decent husband would or should have done, and that the allegations contained in the second paragraph of the bill of complaint, with the exception that complainant returned to her parents and has not lived with respondent and cross complainant as his wife since said 5th day of August, 1939, are false and untrue.

T H I R D:

Respondent and cross complainant is unable to understand the position or attitude that the complainant has taken towards him in their marital relations, except that it is due to the influence of her parents who are residents of Monroe County, Alabama, and, as aforesaid, he has endeavored to do his part as a husband to the complainant and as a father of said children. That he, at all times, has labored and worked and has furnished support to complainant and his said children. And that soon after complainant abandoned him and brought their said children to Monroe County, Alabama, that he followed there to investigate as to whether his said children were receiving the proper care and support and that he found that in his opinion they were not; that he immediately made arrangements with a merchant in the town of Frisco City, Alabama, to supply the necessary food and clothes, etc. for his said children and notified both the complainant and her father to this effect and that they refused to secure said supplies and assistance in the premises.

Respondent and cross complainant further shows unto your Honor that the parents of complainant are in destitute circumstances; that they have four children that are dependent upon them; that they are scarcely able to take care of their own children and that the environment of his said children is bad. And Respondent and cross complainant further shows unto your Honor that the complainant is impractical and an unsuitable person to have the care, custody and control and education of said children. Respondent and cross complainant admits that he is an able bodied man, in good health; that he is regularly engaged as an officer of the law for the town of Foley, Baldwin County, Alabama, where he bears an excellent reputation, being a law abiding and peaceful man. That in the Town of Foley, Alabama, where he proposes to keep said children and where he occupies a position upon the police force of that City, the school and church advantages are far superior to the present environment of his said children.

PRAYER FOR PROCESS:

To the end that equity may be had in the premises, Respondent and Cross Complainant prays that this answer be taken as a cross bill and that Naoma Rigby be made a party respondent to the same and that she be required to plead, answer or demur to the same within the time and under the rules as prescribed by law.

PRAYER FOR RELIEF:

PREMISES CONSIDERED: Respondent and Cross Complainant prays that he be given and awarded the permanent care and custody of his said children, namely: L. J. Rigby, Ruby Lee Rigby and Louise Rigby.

Respondent and cross complainant prays for such other, further and different relief as in equity may seem just and meet and respondent and cross complainant will ever pray, etc.

Hyhart & Chason
Solicitor for Respondent and
Cross Complainant.

FOOTNOTE: Complainant is required to answer paragraphs one, two and three of the foregoing answer and cross bill, but not under oath; answer under oath being hereby expressly waived.

Hyhart & Chason
Solicitor for Respondent and
Cross Complainant

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

LEONARD RIGBY

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

NAOMA RIGBY

against said LEONARD RIGBY

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, R. S. Duck, Register of said Circuit Court, this 17th day of August, 1939.

R. S. Duck

Register

By: *[Signature]*

Deputy Register

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

NAOMA RIGBY)
COMPLAINANT AND)
CROSS RESPONDENT)

VS.

LEONARD RIGBY)
RESPONDENT AND)
CROSS COMPLAINANT)

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY

Now comes Naoma Rigby, Complainant and Cross Respondent, in the aforesaid cause and for answer to the cross bill, shows unto your Honor as follows;

FIRST.

Complainant and Cross Respondent, Naoma Rigby, for answer to the first paragraph of the cross bill admits that all of the allegations contained therein are true and correct as were set out in her bill of complaint.

SECOND.

Answering the second paragraph of the cross bill, Naoma Rigby, Complainant and Cross Respondent, shows unto your Honor that Leonard Rigby, Respondent and Cross Complainant, did on several occasions commit actual violence on her person attended with danger to her life or health as was alleged in her bill of complaint and further shows that from his conduct there was reasonable apprehension of such violence in, this, to wit, that on or about July 16, 1939 your complainant and cross respondent left her husband, the said Leonard Rigby, due to his violent conduct and went to the home of her father in Frisco City, Ala. and that the Respondent And Cross Complainant, Leonard Rigby, did force her to return through trickery and false accusations and that the said Leonard Rigby did threaten to kill your complainant and cross respondent if she left him again. And that your complainant and cross respondent was forced against her will to remain with Respondent, and Cross Complainant, Leonard Rigby, in constant fear of her life and the safety of her children until August 5, 1939. Your complainant and cross respondent denies that she had no legal, moral or equitable right, on account of the conduct of the respondent and cross complainant to abandon him and take his children away, and that the respon-

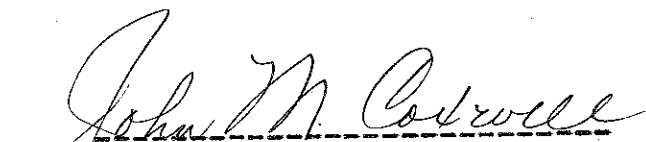
ent and cross complainant was a faithful and decent husband.

THIRD.

Answering the third paragraph of the cross bill, your complainant denies that her parents have in any way influenced her and that she filed the bill for divorce and custody of the children of her own free will in order to protect her and her children from the violent conduct of the respondent and cross complainant. Your Complainant and Cross Respondent admits that the said Leonard Rigby did leave money with a merchant in Frisco City to aid in the support of the said children, but that your complainant and cross respondent refused the same because of its inadequacy and due to the fact that all of the necessities for the said children could not be purchased from that particular merchant. Your complainant and cross respondent admits that her parents are poor, but, shows, unto your Honor, that she will as best she can provide necessities for the said children until this Honorable Court decrees her an amount necessary for their support. Your complainant denies that the children are in a bad environment and that she is unsuitable to care for them. And the complainant and cross respondent further shows your Honor that the said Leonard Rigby is an unsuitable person to have control, care and custody of said children due to their tender age, and that the care of their mother is absolutely necessary for their welfare.

All other allegations of the cross bill not hereinabove admitted and hereby specifically denied.

Having answered the cross bill as fully as she has been advised is necessary, Naoma Rigby, Complainant and Cross Respondent, prays that the relief be grant as prayed for in her bill of complaint.


Solicitor for Complainant and
Cross Respondent.

original

Every #

Serve On _____

Circuit Court of Baldwin County
IN ECQUITY

No. 563

Summons

NAOMA RIGBY,

Complainant,

VS.

LEONARD RIGBY,

Respondent.

JOHN M. COXWELL
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,

Baldwin County

Received in office this 17th

day of Aug, 1939

W. H. Stewart
Sheriff.

Executed this 17th day of

Aug, 1939

by leaving a copy of the Summons with
Leonard Rigby

W. H. Stewart
Defendant
Sheriff

BY Grayson Neal
Deputy Sheriff

NAONA RIGBY
RECORDED
VS
LEONARD RIGBY

ANSWER TO CROSS BILL

Filed Sept. 12, 1934
R. S. DUCK
clerk - register
By *Handwritten Signature*
Deputy

RECORDED

NAOMA RIGBY
VY
LEONARD RIBBY

ANSWER AND CROSS BILL

Filed Sept. 12, 1959
R. S. DUCK
clerk, - register

By *Andrew Thompson*
Deputy

C. L. HYBART
ATTORNEY AT LAW
MONROEVILLE, ALA.

RECORDED

NAOMA RIGBY,
COMPLAINANT

VS.

LEONARD RIGBY
RESPONDENT

BILL FOR DIVORCE

*Filed August 17, 1939
R.S. Duch, Register
By Wallace Johnson, Deputy*

JOHN M. COXWELL, ATTORNEY
MONROEVILLE, ALA.

NAOMA RIGBY,
COMPLAINANT

VS.

LEONARD RIGBY,
RESPONDENT

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Humbly complaining complainant, Naoma Rigby, brings and exhibits this bill of complaint against respondent, Leonard Rigby and in support thereof respectfully shows and represents unto your Honor the following facts, to-wit:

FIRST

That complainant, Naoma Rigby, is over eighteen years of age, and a resident of Baldwin County, Alabama; that complainant has been a resident of the State of Alabama all of her life; that respondent, Leonard Rigby, is over twenty-one years of age, and a resident of Baldwin County, Alabama; that complainant, Naoma Rigby, and respondent, Leonard Rigby, were legally married to each other in Monroe County, Alabama, on, to-wit, September 1st, 1934; that there are three children, the issue of said marriage, namely, L. J. Rigby, a boy to-wit, four years of age, Ruby Lee Rigby, a girl to-wit, two years of age, and Louise Rigby, a girl to-wit, eight months old; that said children are living with complainant in Monroe County, Ala.

SECOND

That complainant, Naoma Rigby, and respondent, Leonard Rigby, lived together as man and wife until, to-wit, August 5th, 1939, at which time, and prior thereto, respondent committed actual violence on the person of complainant, attended with danger to her life or health, or from the conduct of said respondent there is reasonable apprehension of such violence; that at said time and on several occasions prior thereto, respondent struck complainant and slapped her down and threatened her with abusive language; that on account of such cruel and inhuman treatment of complainant by respondent she has become afraid of respondent, and cannot longer live with respondent as his lawful wife with any degree of comfort or peace of mind;

that on, to-wit, August 5th, 1939, and in Baldwin County, Alabama, and for and on account of such cruel and inhuman treatment, complainant left respondent and returned to her parents, and has not lived with him as his wife since said time.

THIRD

Complainant, Naoma Rigby, further shows and represents unto the court that she owns no separate estate of any kind, has no income, and is wholly without visible means of support, and is dependent upon her relatives for the necessities of life for herself and her said children. That respondent, Leonard Rigby, is an able bodied man, in good health, and is regularly engaged as a law enforcement officer for the Town of Foley, Baldwin County, Alabama.

PRAYER FOR PROCESS

The premises considered, complainant, Naoma Rigby, prays that the said Leonard Rigby be made a party respondent to this bill of complaint, and that the usual process of this Honorable Court issue to him as such complainant, requiring him to answer, plead or demur to the same within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant, Naoma Rigby, further prays, the premises considered, that the respondent, Leonard Rigby, be ordered and directed by this court to pay complainant such permanent alimony, as in equity and good conscience she is entitled; that complainant be given and awarded the permanent care and custody of the issue of said marriage, namely, L. J. Rigby, Ruby Lee Rigby, and Louise Rigby; that this Honorable Court will, by its decree, fix a reasonable sum for the support and education of said minor children to be paid by the respondent, Leonard Rigby.

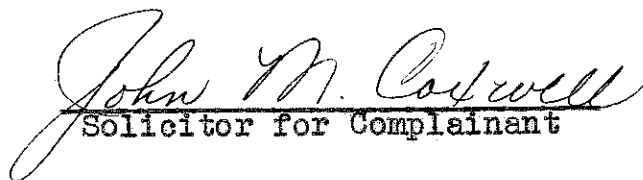
That upon a final hearing of this cause, complainant, Naoma Rigby, be granted an absolute divorce forever dissolving and annulling the bonds of matrimony heretofore subsisting between complainant and respondent, Leonard Rigby, and that complainant be given the right and privilege of marrying again, should she elect so to do. That this Honorable Court retain jurisdiction of this cause so as to be able

to make such changes and modifications in the decree rendered therein as future events or developments may warrant or justify. Complainant prays for such other, further, different, additional and general relief as in equity and good conscience she may be entitled. And complainant will ever pray, etc.


Solicitor for Complainant

FOOT-NOTE:

Respondent, Leonard Rigby, is hereby required to answer each and every paragraph of the above and foregoing bill of complaint, but not under oath, answer under oath being hereby expressly waived.


Solicitor for Complainant