

ARTHUR LARRY LITTLE AND  
GWEN ALLEN LITTLE.

10

assigns the following:

That there is no equity in the said petition.

That said petition is improperly drawn.

That the petition as filed is contrary to the express provisions of Equity Rule Number Seven (7) of the Code of Alabama for 1940.

That the parties seeking to bring the said petition are not properly represented before this Honorable Court.

That the parties seeking to bring said petition are both minors and hence incapable of representing themselves before this Honorable Court.

That the allegations contained in said petition are but conclusions of a third person not properly before this Honorable Court.

That it affirmatively appears that the petition filed in this cause is not an ex-parte proceeding as alleged.

That said petition is prolix and ambiguous.

That said petition purports to be an ex-parte proceeding but

it affirmatively appears that the parties named as ex-parte parties are not the petitioners in said cause.

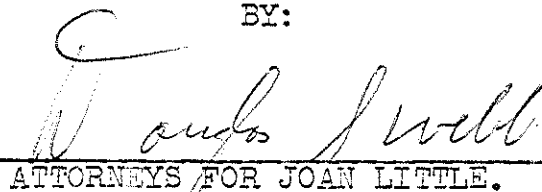
(10)

That said petition as brought is without meaning and not a proper subject for a court of equity to entertain and that no equitable relief can be granted on such petition.

(11)

That the allegations contained in said petition can have no reference to the parties named as ex-parte parties to said petition.

HORNE & WEBB  
BY:

  
ATTORNEYS FOR JOAN LITTLE.

Now comes Joan Little, party respondent in this proceeding and for answer to the petition heretofore filed in said cause says as follows:

(1)

Respondent denies that she and petitioners were married at Lucedale, Mississippi as alleged in paragraph one of said petition as petitioners are the minor children of respondent and one Arthur Aubrey Little but respondent admits that she and the said Arthur Aubrey Little were married at Lucedale, Mississippi on October 16, 1950.

(2)

Respondent admits that out of her union with Arthur Aubrey Little two (2) children were born and these children are Arthur Larry Little, age two and Gwen Allen Little, age six months who are listed as the petitioners in this cause.

(3)

Respondent denies that she and the petitioners have ever lived together as husband and wife as the petitioners in this cause are her minor children but respondent admits that she and Arthur Aubrey Little the father of said minor children did live together after their marriage in Baldwin County, Alabama.

(4)

For answer to paragraph four (4) of said petition and

BOOK 315 PAGE 358

assuming that Arthur Aubrey Little is the party making such allegations Respondent says that Mittie Little, the mother of Authur Aubrey Little has cared for her children at times but not a majority of the time as alleged and that such care given Respondent's minor children occurred as follows and due to the circumstances outlined:

On October 16, 1950 the said Mittie Little joined with her son, Authur Aubrey Little, who was then nineteen years of age in stealing Respondent who was then fifteen (15) years of age away from her home in the city of Atmore, Escambia County, Alabama and that this was done without the knowledge or consent of Respondent's parents. That Mittie Little and the said Authur Aubrey Little carried your Respondent, Joan Little, to Lucedale, Mississippi where she and Authur Aubrey Little entered into the bonds of holy matrimony. That the said Authur Aubrey Little has since said marriage led a wild and dissolute life, become a heavy drinker, consorted with evil companions and refused to accept his responsibilities as a husband and parent and utterly failed to properly provide for Respondent and her minor children. That Respondent in desperation was forced to seek gainful employment in order to provide the necessities of life for herself and her said minor children, Arthur Larry Little and Gwen Allen Little. That prior to the summer of 1953 the said Mittie Little did not keep Respondent's minor child, Arthur Larry Little, over any extended period of time and that in the summer of 1953 Mittie Little went forth over the community in which Respondent lived and announced that Respondent's next child with which Respondent was then pregnant was not the child of Arthur Aubrey Little, her son and Respondent's husband. That subsequent to these derogatory remarks the said Mittie Little visited the home of Respondent and carried away Respondent's oldest child, Arthur Larry Little, without Respondent's permission and has from that day kept the said Arthur Larry Little most of the time. Respondent further avers that after the birth of her second child, Gwen Allen Little, she had to again seek gainful employment and as a consequence paid the said Mittie Little for keeping Arthur Larry Little in order that she might be thus enabled to provide

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for both her minor children despite the derelictions of her husband, Arthur Aubrey Little.

(5)

The Respondent denies the allegations of paragraph Number Five (5) in the petition to the effect that she has never given proper care and attention to her minor children and represents to this Honorable Court to the contrary that she has at all times been a dutiful mother and has cared for her children as only a mother can and to the very best of her ability. That Arthur Aubrey Little has never attempted to properly provide and care for his minor children and as late as the 10th day of June, 1954, before the parties separated, the said Arthur Aubrey Little squandered what income he had on dissolute and riotous living and as a result respondent's home was stripped of furniture due to non-payment of installments due on said furniture by the said Arthur Aubrey Little. Respondent further avers that during the time of her last pregnancy Arthur Aubrey Little refused to get a job or work and refused to provide any of the baby clothes or other necessities for his expected child but to the contrary went forth in the community where Respondent lived and advised people that the expected child was not his child and was a bastard. That in a subsequent proceeding between Respondent and the said Arthur Aubrey Little filed in the Juvenile Court of the City of Mobile by the Respondent, Arthur Aubrey Little again denied paternity of Gwen Allen Little and indicated that this minor child was the off-spring of some adulterous intercourse between respondent and some third person whose name he did not know. That Respondent had filed said proceedings in an effort to make Arthur Aubrey Little provide for his minor children by the Respondent.

(6)

For answer to paragraph Number Six (6) the Respondent says that she did take her children from the home of Mittie Little on July 8, 1954 but that the removal of these children was under the following circumstances. Respondent and Arthur

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100-1015-1001

Aubrey Little were living in a house located three miles from the home of Mittie Little. Respondent, due to the failure of the said Authur Aubrey Little to properly provide for his minor children, had to work for a livelihood and hence hired one Rose Bosette as a housekeeper to care for her minor children in her absence. While Respondent was absent from her home and engaged in gainful employment Mittie Little, without Respondents knowledge or permission, came to Respondents home and removed all of her children's clothing and carried these children along with Respondent's house-keeper to her home. Respondent waited two days for the said Mittie Little to return her minor children and prevailed on her husband to have these children returned but to no avail. Respondent then was ordered by her husband to leave her home ~~and~~ and thereafter she went to the home of Mittie Little, obtained her children and carried these children to the home of her mother in Flomaton, Alabama. Respondent further alleges that one month before she left the house in Bay Minette in which she and the said Authur Aubrey Little resided all furniture had been removed from this house due to the fact the said Authur Aubrey Little refused to pay installments due on this furniture. As a result of the failure of Authur Aubrey Little to pay for this furniture Respondent had been forced to sleep on the floor of this house with one of her minor children. Respondent further alleges that she attempted to adjust this matter with the Baldwin Furniture Company of Bay Minette and offered to take up the payments due on this furniture in order that she might have proper provisions for her children but Authur Aubrey Little ordered the employees of the said Baldwin Furniture Company to take the furniture as he did not intend to pay for it.

(7)

Respondent denies the allegations of paragraph Seven (7) and submits that her actions towards her children have always been those of a devoted and loving mother and that despite little or no cooperation from the father of these minor children Respondent has at all times done her best to properly provide

for and care for these children. That Respondent has been faced with a situation where she has had to fight both the paternal grandmother of these children and the father of these infants in order that they be not maligned by these parties and their legitimacy constantly questioned by Mittie Little and Authur Aubrey Little. Respondent further submits that she has never indicated in any way anything but the deepest love and affection for her children.

(8)

Respondent denies the allegations of paragraph Eight (8) and submits that she has in no way indicated any intention to secrete or remove her minor children from the State of Alabama and removed these children from Baldwin County only after being ordered by her husband to get out.

(9)

For answer to paragraph Number (9) Respondent alleges that she is a fit and proper person to have the custody and control of her minor children and that she is infinitely better able and qualified to have the care and custody of these minor children than Mittie Little who has on many occasions referred to these children as being illegitimate. Respondent has at all times defended these children against the charges levied by the said Mittie Little and submits that these minors should not be placed in the care and control of any person who would make the allegations made by the said Mittie Little and Authur Aubrey Little.

(10)

Respondent denies all of the allegations of Paragraph ten (10) of the Petition filed in this cause and submits to this Honorable Court that a paternal grandmother who has on numerous occasions publicly referred to her grandchildren in a slanderous and derogatory manner should not be granted the care and control of the very children she has so defamed. Respondent further expressly denies that the said Mittie Little has had the care, control and custody of Respondent's minor children a majority of their lives and that what care, custody and control she has had has been brought about by the dire circumstances as outlined in paragraph five (5) and six (6) of this answer. Respondent further alleges

that she has compensated the said Mittie Little for much of the care Mittie Little has given the children of Respondent.

(11)

For answer to Paragraph Number Eleven (11) Respondent denies that Authur Aubrey Little is a fit and proper person to have the care and custody of his children but to the contrary asserts that due to the wild, immoral and dissolute life led by the said Authur Aubrey Little and his refusal and failure in the past to accept the responsibility of fatherhood and the scurrilous remarks made by this individual and his mother in public concerning these children he nor his mother, Mittie Little, are fit or proper persons to be entrusted with the care, custody and control of these minor children. Respondents further submits that it would not be to the best interest or welfare of the said minor children for them to be completely subjugated to the control of persons who have on numerous occasions seen fit to question their legitimacy.

On the other hand Respondent submits that she is in all respects a suitable person to be entrusted with the care, custody and control of Authur Larry Little and Gwen Allen Little and is well suited in all respects to have care and control of her children and that the best interests of these children require that they have their mother's love and attention in order that they might have the opportunity to develop into normal, well-balanced children. Respondent further submits that neither she nor her children have done anything that would justify the severance of their relation with each other which they would normally be entitled to enjoy.

Respectfully submitted on this the 17th day of July, 1954.

FILED

7-19-54

ALICE A. DUCK, Register

HORNE & WEBB  
BY:

*Donald J. Webb*  
ATTORNEYS FOR JOAN LITTLE.

2015 MAR 26 1955

FRANK G. HORNE  
DOUGLAS S. WEBB

Law Offices of  
**Horne & Webb**  
Attorneys at Law  
Atmore, Ala.

July 17, 1954.

Mrs Alice J. Duck,  
Clerk,  
Circuit Court,  
Baldwin County,  
Bay Minette, Alabama.

Dear Mrs Duck:

Enclosed is an answer we wish filed in the Ex-Parte proceedings filed in your court for Authur Larry Little and Gwen Allen Little against Joan Little. I have forwarded a copy of this answer to Harry Wilters of the law firm of Wilters and Brantley but I am not at all sure he represents the parties filing this proceedings as he signed the petition as a Notary Public. I am enclosing an extra copy of this answer in order that you might serve it on the proper parties in the event Wilters and Brantley do not represent the parties filing the original petition in this cause.

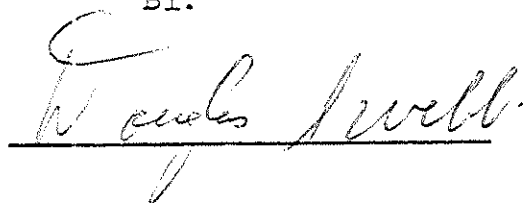
Also enclosed is a bill for divorce we wish filed in your court.

We would appreciate you notifying us when the hearing is set for the Ex-Parte proceeding filed by Arthur Larry Little and Gwen Allen Little.

With kindest personal regards I remain;

Very truly yours,

HORNE & WEBB  
BY:

  
Douglas S. Webb

DSW/iw.

EX PARTE

ARTHUR LARRY LITTLE AND  
GWEN ALLEN LITTLE

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

This cause coming on to be heard upon the sworn petition of Arthur Aubrey Little, the father of Arthur Larry Little and Gwen Allen Little and that it appearing to the court that it is to the best interest of the said children and for their health, safety and well being that they be returned to the paternal grandmother, Mittie Little, until it can be determined by this Court who should be awarded the permanent care, control and custody of the said children.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Joan Little be made a Party Respondent to this cause and that she plead, answer or demur to the same within the time required by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of Baldwin County or of any county in which the minor children, Arthur Larry Little and Gwen Allen Little can be found, forthwith take the said children into their care and custody and deliver them to the Sheriff of Baldwin County, Alabama, who should deliver them to the paternal grandmother, Mittie Little.

IT IS FURTHER ORDERED that a copy of this order should be the authority of any Sheriff of any County to whom these orders be committed for the actions in the premises.

Done at Bay Minette, Alabama, this 10 day of July, 1954.

Hubert M. Hall  
H. M. Hall, Judge of the Circuit Court  
of Baldwin County, Alabama.

FILED  
JUL 10 1954  
BALDWIN COUNTY, ALA.

Received in Sheriff's Office  
this 10 day of July 1954  
TAYLOR WILKINS, Sheriff

2203297

10 July 1954

Executed by receiving the said minor children, Arthur Larry Little and Gwen Allen Little, from the Sheriff of Escambia County, Alabama, and placing the said children in the custody of Mrs. Mittie Little of Bay Minette, Alabama.

Taylor Wilkins  
Sheriff of Baldwin County, Ala.

BY: Peter Seiler Deputy.

FILED  
JUL 10 1954  
ALICE J. DECK, Register

EX PARTE

Arthur Larry Little and  
Gwen Allen Little.

Comes now Arthur Aubrey Little, the father of Arthur Larry Little, age 2,  
and Gwen Allen Little, age 6 months, and respectfully represents and shows  
unto Your Honor as follows:

1.

That on October 16, 1950, your Petitioner and Joan Little were married  
at Lucedale, Mississippi.

2.

That out of the union of this marriage there was born to your Petitioner  
and Joan Little two children, Arthur Larry Little age 2, and Gwen Allen Little  
age 6 months.

3.

That your Petitioner and the said Joan Little has lived together as  
husband and wife since their marriage in Baldwin County, Alabama.

4.

That my mother, Mittie Little has cared for both of the children a  
majority of the time since they were borned.

5.

That my wife, Joan Little, has never taken or given the proper care or  
affection toward these children as a mother should.

6.

That on July 8, 1954, the said Joan Little suddenly, without reason or  
explanation, took the said children from their paternal grandmother's home  
and removed the children from this County.

7.

~~That the attitude and actions of the said Joan Little toward the said~~  
children have caused me to believe, without a reasonable doubt, that their  
life, health and well being are now in danger.

8.

That I believe she will secrete or remove the said children from the  
state of Alabama.

9.

That the said Joan Little is not a fit and proper person to care for the  
said children.

10.

That your Petitioner believes that it is to the best interest of the children that they be taken from the said Joan Little and be placed in the care, control and custody of the children's grandmother, Mrs. Mittie Little because of their immature age and she being the person who has care for the children a majority of their life.

11.

That your Petitioner is the fit and proper person to have the care, custody and control of the said children. That further while your Petitioner should be absent from the home that the children's paternal grandmother Mrs. Mittie Little has agreed to take the children into her home and care for and maintain them.

WHEREFORE, the premises considered, your Petitioner prays that your Honor will issue an order having a copy of this petition served upon the said Joan Little and that she be made a party Respondent to this proceeding and be required to answer plead or demur to the same with the time required by law. Your Petitioner prays further that your Honor will award the permanent care, control and custody of the said Arthur Larry Little and Gwen Allen Little to him. Your Petitioner further prays that your Honor will issue an order directing the Sheriff of any County to take into his custody the said minor children, Arthur Larry Little and Gwen Allen Little, and deliver the same to the Sheriff of Baldwin County, Alabama, and that he deliver the same to the said paternal grandmother, Mrs. Mittie Little, until this Honorable Court can make a permanent award of the care, control and custody of the said children.

Arthur Aubrey Little

Sworn to and subscribed before me on this the 10 day of July, 1951.

W. J. Walters  
Notary Public

FILED

7-19-54

ALICE I. DUCK, Register

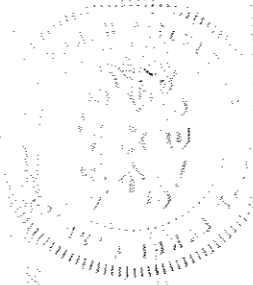
Received in Sheriff's Office  
this 10 day of July, 1954  
TAYLOR WILKINS, Sheriff

Received \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and on 10 day of July 1954  
I served a copy of the within  
on Seamus O'Leary of this  
deed to be sealed giving to me  
your Little  
By service on \_\_\_\_\_  
Mrs. Lavinia  
TAYLOR WILKINS, Sheriff  
By Patricia D. S.

FILED  
JUL 10 1954  
ALICE J. BRCK, Register

~~Seamus O'Leary~~

no 3497





no 32 87

Done at Bay Minette, Alabama, this 10 day of July, 1954.

FILED  
10 1954  
JUL 10 1954

of Baldwin County, Alabama.  
H. H. Hall, Judge of the Circuit Court

in the premises.

of any Sheriff of any County to whom these orders be committed for the return

IT IS FURTHER ORDERED that a copy of this order should be the authority

who should deliver them to the paternal Grandmother, Mittie Little.

care and custody and deliver them to the Sheriff of Baldwin County, Alabama.

Gwen Allen Little can be found, forthwith take the said children into their

County or of any County in which the minor children, Arthur, Jerry Little and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of Baldwin

to the same within the time required by law.

be made a party respondent to this cause and that she plead, answer or demur

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Joan Little

said children.

Court who should be awarded the permanent care, control and custody of the

paternal Grandmother, Mittie Little, until it can be determined by this

and for their health, safety and well being that they be returned to the

it appearing to the court that it is to the best interest of the said children

Andrew Little, the father of Arthur, Jerry Little and Gwen Allen Little and that

this cause coming on to be heard upon the sworn petition of Arthur

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

EX PARTE

3581

EX PARTE

Arthur Larry Little and  
Gwen Allen Little.

Comes now Arthur Aubrey Little, the father of Arthur Larry Little, age 2,  
and Gwen Allen Little, age 6 months, and respectfully represents and shows  
unto Your Honor as follows:

1.

That on October 16, 1950, your Petitioner and Joan Little were married  
at Lucedale, Mississippi.

2.

That out of the union of this marriage there was born to your Petitioner  
and Joan Little two children, Arthur Larry Little age 2, and Gwen Allen Little  
age 6 months.

3.

That your Petitioner and the said Joan Little has lived together as  
husband and wife since their marriage in Baldwin County, Alabama.

4.

That my mother, Mittie Little has cared for both of the children a  
majority of the time since they were borned.

5.

That my wife, Joan Little, has never taken or given the proper care or  
affection toward these children as a mother should.

6.

That on July 8, 1954, the said Joan Little suddenly, without reason or  
explanation, took the said children from their paternal grandmother's home  
and removed the children from this County.

7.

That the attitude and actions of the said Joan Little toward the said  
children have caused me to believe, without a reasonable doubt, that their  
life, health and well being are now in danger.

8.

That I believe she will secrete or remove the said children from the  
state of Alabama.

9.

That the said Joan Little is not a fit and proper person to care for the  
said children.

10.

That your Petitioner believes that it is to the best interest of the children that they be taken from the said Joan Little and be placed in the care, control and custody of the children's grandmother, Mrs. Mittie Little because of their immature age and she being the person who has care for the children a majority of their life.

11.

That your Petitioner is the fit and proper person to have the care, custody and control of the said children. That further while your Petitioner should be absent from the home that the children's paternal grandmother Mrs. Mittie Little has agreed to take the children into her home and care for and maintain them.

WHEREFORE, the premises considered, your Petitioner prays that your Honor will issue an order having a copy of this petition served upon the said Joan Little and that she be made a party Respondent to this proceeding and be required to answer plead or demur to the same with the time required by law. Your Petitioner prays further that your Honor will award the permanent care, control and custody of the said Arthur Larry Little and Gwen Allen Little to him. Your Petitioner further prays that your Honor will issue an order directing the Sheriff of any County to take into his custody the said minor children, Arthur Larry Little and Gwen Allen Little, and deliver the same to the Sheriff of Baldwin County, Alabama, and that he deliver the same to the said paternal grandmother, Mrs. Mittie Little, until this Honorable Court can make a permanent award of the care, control and custody of the said children.

Arthur Aubrey Little

Sworn to and subscribed before me on this the 10 day of July, 1954.

Harry J. Kuttner  
Notary Public.

no 32574

Sworn to and subscribed before me on this the 19 day of Sept., 1954.

Notary Public,  
*Arthur L. Little*

said paternal Grandmother, Mrs. Mittie Little, until this Honorable Court can  
to the Sheriff of Baldwin County, Alabama, and that he deliver the same to the  
children, Arthur Larry Little and Gwen Allen Little, and deliver the same  
directing the Sheriff of any County to take into his custody the said minor  
to him. Your Petitioner further prays that Your Honor will issue an order  
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Joan Little and that she be made a party respondent to this proceeding and  
for will issue an order having a copy of this petition served upon the said  
WHEREFORE, the premises considered, Your Petitioner prays that Your  
and maintain them.

FILED  
OCT 10 1954  
CLERK OF COURT, BALDWIN COUNTY, ALABAMA

Mrs. Mittie Little has agreed to take the children into her home and  
should be absent from the home that the children's paternal Grandmother  
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That Your Petitioner is the fit and proper person to have the care,

II.

children a majority of their life.

because of their immature age and she being the person who has care for the  
care, control and custody of the children's Grandmother, Mrs. Mittie Little  
children that they be taken from the said Joan Little and be placed in the  
That Your Petitioner believes that it is to the best interest of the

IO.