

3697

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT, IN EQUITY.

J. C. GRIMES,

Complainant-Cross Respondent,

VS.

VONCILLE GRIMES,

Respondent-Cross Complainant.

FINAL DECREE

Pursuant to the written order of the Court dated February 28, 1957, the parties appeared by their Solicitors of Record, and the Respondent-Cross Complainant appeared in her own proper person, and the cause was heard orally by the Court and was submitted for final decree on the original bill of complaint, the Respondent-Cross Complainant's answer and cross bill as last amended on March 9, 1957, the Complainant-Cross Respondent's answer to said cross bill as amended (which answer was filed May 8, 1956, and was in open court refiled, to the cross bill as last amended) and on the testimony of Mrs. Voncille Grimes and Mrs. Geraldine Ganns Haavik, which was heard orally by the Court, in open Court; the Complainant-Cross Respondent's demurrer to the cross bill as amended was withdrawn in open Court.

Upon consideration, it is the opinion of the Court that the Complainant-Cross Respondent is not entitled to the relief for which he prays, but that the Respondent-Cross Complainant, Voncille Grimes, is entitled to the relief prayed for in her cross bill as last amended.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Respondent-Cross Complainant, Voncille Grimes, and the Complainant-Cross Respondent, J. C. Grimes, be and the same are hereby dissolved and the said Voncille Grimes is forever divorced from the said J. C. Grimes for and on account of cruelty.

It appears there were no children born of this marriage.

It further appearing to the Court from the representation of the Solicitors for the parties that they have agreed on a settlement of all claims for alimony and property claims and they having stated said settlement in open Court, the Court does confirm and approve said settlement, and pursuant thereto the Court does further order, adjudge and decree that the Respondent-cross Complainant have and recover of the Complainant-Cross Respondent TEN THOUSAND (\$10,000.00) DOLLARS as a reasonable Attorneys' fee for the service s of her Solicitors of record in this cause, and that she have and recover of the Complainant-Cross Respondent the further and additional sum of TWENTY-TWO THOUSAND FIVE HUNDRED (\$22,500.00) DOLLARS, as a complete settlement of all claims for alimony and all property claims of any kind which may have arisen in any manner whatsoever out of the marital relationship of said parties.

IT IS FURTHER ADJUDGED AND DECREED that this decree shall operate as a conveyance from the Respondent-Cross Complainant to the Complainant-Cross Respondent of all of her right, title or interest in and to any property, either real or personal, in which she may have an interest with the said Complainant-Cross Respondent. It being the intent and purpose of this decree and the settlement of the parties hereto to operate as a full release,


conveyance, and quitclaim upon the part of the Respondent-cross Complainant of any rights of property to which she may have become entitled by virtue of, or during her marriage, with the Complainant-Cross Respondent.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days neither party shall again marry except to each other during the pendency of said appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent-Cross Complainant's former name of Voncille McClellan be, and the same is hereby restored to her.

IT IS FURTHER ORDERED that the Complainant-Cross Respondent pay the cost herein to be taxed, for which execution in due course may issue.

Done at Bay Minette, Alabama, this 18th day of March, 1957.


Special Circuit Judge

J. C. GRIMES	)	IN THE CIRCUIT COURT
Complainant	)	OF BALDWIN COUNTY,
VS	)	ALABAMA
VONCILLE GRIMES	)	IN EQUITY
Respondent	)	NO. 3697

MOTION FOR A CONTINUANCE

Comes now the complainant in the above styled cause and moves the court to grant a continuance in the above styled case and as grounds thereof alleges as follows:

O N E

The complainant shows unto this Honorable Court that J. C. Grimes is hospitalized in the Mobile Infirmary suffering from a heart condition and has been advised by his doctor that he will be unable to attend court on the day this cause is set for trial. The complainant's physician, Dr. Joseph H. Little, Mobile, a duly licensed and practicing physician in Mobile County, State of Alabama, has by letter sent to the Honorable Robert M. Hill, Special Circuit Judge, stated that the complainant was not physically able to attend court on the day set.

THEREFORE, your complainant respectfully prays to this Honorable Court that the continuance be granted for the above reasons set out.

FILED

MAR 15 1957

ALICE L. BUCK, Register

M. A. MARSAL
Solicitor for Complainant

I hereby accept service of this motion.

*Jeffrey G. Massenburg, Jr.
Solicitor for Respondent
& Cross-Complainant.*

LOOP

BRANCH

The Merchants National Bank of Mobile

J. FINLEY MCRAE, PRESIDENT

CAPITAL & SURPLUS \$8,000,000.00

R. A. MATTHEWS
ASSISTANT MANAGER

Mobile, Alabama

P. O. BOX 4037

March 8, 1957

Circuit Court
Baldwin County in Equity
Bay Minette, Alabama

Gentlemen:

A thorough check of our files has been made and we have no record of having, or having had, any type of an account in any of the names J. C. Grimes, James C. Grimes, Mobile Beverage Company, or any of the other companies described in your subpoena.

This will be our answer to the subpoena in the case of J. C. Grimes vs. Voncile Grimes.

Very truly yours,



R. A. Matthews
Assistant Manager

RAM:jrp

TELFAIR J. MASHBURN
ATTORNEY AT LAW
DAHLBERG BUILDING - TELEPHONE 4801
BAY MINETTE, ALABAMA

7 May 1956

Mrs. Alice J. Duck, Register
Circuit Court of Baldwin County, in Equity
Court House
Bay Minette, Alabama

Re: J. C. Grimes
Vs: Voncille Grimes
Equity No. _____3697

Dear Mrs. Duck:

Enclosed herewith you will please find original and one copy of an Answer and Cross-bill for Mrs. Grimes in the above styled cause. Please file the original and send the copy to Honorable Garet Van Antwerp, III, Solicitor for the complainant and cross-respondent.

Thanking you in advance, I am

Yours very truly,

Telfair J. Mashburn, Jr.
Telfair J. Mashburn, Jr.

CC: Garet Van Antwerp, III
354 St. Francis Street
Mobile, Alabama

J. C. GRIMES	)	IN THE CIRCUIT COURT
Complainant	)	OF BALDWIN COUNTY,
VS	)	ALABAMA
VONCILLE GRIMES	)	IN EQUITY
Respondent	)	NO. 3697

MOTION FOR A CONTINUANCE

Comes now the complainant in the above styled cause and moves the court to grant a continuance in the above styled case and as grounds thereof alleges as follows:

O N E

The complainant shows unto this Honorable Court that J. C. Grimes is hospitalized in the Mobile Infirmary suffering from a heart condition and has been advised by his doctor that he will be unable to attend court on the day this cause is set for trial. The complainant's physician, Dr. Joseph H. Little, Mobile, a duly licensed and practicing physician in Mobile County, State of Alabama, has by letter sent to the Honorable Robert M. Hill, Special Circuit Judge, stated that the complainant was not physically able to attend court on the day set.

THEREFORE, your complainant respectfully prays to this Honorable Court that the continuance be granted for the above reasons set out.

M. A. MARSAL
Solicitor for Complainant

J. C. GRIMES,	0	
	0	
Complainant,	0	IN THE CIRCUIT COURT OF
	0	
VS.	0	BALDWIN COUNTY, ALABAMA.
	0	
VONCILE GRIMES,	0	IN EQUITY. NO. 3697
	0	
Respondent.	0	

AMENDED ANSWER AND CROSS-BILL

Comes now, VONCILE GRIMES, the respondent in the above styled cause and amends here Answer and Cross-Bill heretofore filed in this cause, so that, as amended, said Answer and Cross-Bill reads as follows:

Comes Voncile Grimes, the respondent in the above styled cause and, for answer to the bill of complaint heretofore filed in said cause, says:

1. That she admits the allegations contained in paragraph 1 of said bill of complaint.

2. That she admits the allegations contained in paragraph 2 of said bill of complaint.

3. That she denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof of the same.

4. That she admits the allegations contained in paragraph 4 of said bill of complaint.

And now, having answered the allegations of the bill of complaint filed in this cause by J. C. Grimes, the respondent, VONCILE GRIMES, prays that this, her answer, be made and taken as a cross-bill, and she avers:

1. That she is over the age of twenty-one years and is a bona fide resident citize of the State of Alabama, presently residing at 2205 Osage Street, Mobile, Alabama; and that J. C. GRIMES is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama;

2. That your cross-complainant and the cross-respondent are husband and wife, having intermarried at Hattiesburg, Mississippi, on, to-wit: the 3rd day of December, 1954; that they lived together as husband and wife in Baldwin County, Alabama, until, on, to-wit:

the 20th day of December, 1955.

3. That shortly after your Oratrix and the cross-respondent were married, on, to-wit: the 18th day of December, 1954, the said J. C. GRIMES kicked your cross-complainant in the right side so hard as to cause a rupture of the muscles and stomach wall of that side and, as a direct and proximate result of said act of the said cross-respondent in kicking your Oratrix in her side, your Oratrix suffered serious and permanent injury; that she later had an operation as a result of said kick; that she still suffers pain as a result of said kick and that she is unable to work as a result of said kick; that, on many occasions subsequent to that occasion the cross-respondent did assault, beat, hit and strike your oratrix; that on many occasions the said cross-respondent has threatened to kill your cross-complainant; and that said cross-respondent has committed actual violence on the person of the cross-complainant attended with danger to her life and health; and, because of his treatment of her, your cross-complainant is afraid that, should she return to live with the cross-respondent as his wife, he would carry out his threats and do further actual violence to her person which would necessarily endanger her life or health.

4. That, on, to-wit: the 20th day of December, 1955, the cross-respondent willfully and deliberately and without just cause or excuse, caused the confinement of your oratrix in the Mental Ward of the Mobile Infirmary, Mobile, Alabama, and caused her to be kept there during Christmas, knowing at the time that she was perfectly normal and sane.

5. That the said cross-respondent ejected your Oratrix from his bed and board without just cause or excuse and that he kept in his possession, and has failed or refused to return to her, the following personal property, which is the property of the cross-complainant and which was in her possession at the time the said cross-respondent ejected her from his home:

- 1 Cadillac 62 Series, 4-door Sedan
- 1 24-inch Motorola Television Set
- 1 Sunbeam Aluminum Deep-fat Fryer

- 1 Sunbeam Electric Frying Pan
- 1 Electric Silver Percolator
- 1 Dual-control Electric Blanket
- 1 Silver Lazy Susan
- 1 Electrolux Vacuum Cleaner
- 1 Steam Iron
- 1 Silver Table Model Cigarette Lighter
- 1 Pair Eye-glasses
- 1 Lawn Set (Umbrella, Table, Lounging Chair and 2 straight chairs)
- 1 Hand Made Linen Tablecloth, with
- 8 matching napkins

In addition to the above and foregoing, the cross-respondent has retained in his possession and has failed or refused to return to your cross-complainant much of her lingerie, linens, suits and many pot plants.

6. That, at the time your Oratrix married the cross-respondent, he was in poor health and weighed only 140 pounds; that during the time your Oratrix lived with him she nursed him, prepared the proper food for him, and took such good care of him that she restored his health and brought his weight up to 175 pounds.

7. Your respondent and cross-complainant avers further that the complainant and cross-respondent is a man of great wealth, owning considerable real and personal property from which he derives income; that he owns property in Mobile and Baldwin Counties in Alabama, and in Escambia County, Florida; that your cross-complainant owns no property, and has no means of support; that, because of her physical disability which was caused by the cross-respondent's kicking her as set forth in paragraph "3" of this cross-bill, your cross-complainant is unable to work and earn a living, and that the said cross-respondent has refused and failed to provide for the support and maintenance of your cross-complainant. Your cross-complainant further avers that she is without funds to pay her Solicitor for his services rendered, and to be rendered in this cause, and that she has employed Telfair J. Mashburn, Jr. as her Solicitor in this cause.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, Oratrix makes the said J. C. GRIMES respondent to this her cross-bill, and prays that the process of this Court may be directed to him according to law, commanding him to appear in this cause within the time and in the

manner required by law and the rules of this Honorable Court and plead, answer or demur to this her cross-bill of complaint.

PRAYER FOR RELIEF

Your Oratrix further prays that, on a final hearing of this cause, your Honor will make and enter a decree giving and granting unto your cross-complainant the following separate and several relief:

1. Denying the complainant and cross-respondent the relief sought in his bill of complaint and dismissing said bill of complaint.
2. Granting her an absolute divorce from the said J. C. GRIMES.
3. Granting her permanent alimony and support and maintenance, taking into consideration the permanent injuries inflicted on her by the said cross-respondent, and further taking into consideration the amount of his wealth.
4. Fixing a reasonable amount to be paid by cross-respondent to your respondent and cross-complainant's Solicitor for his services in this cause.
5. Ordering the complainant and cross-respondent to return to Oratrix her personal property described in Paragraph "5" hereof, which he retained in his possession at the time he ejected her from his bed and board, or, on his failure to do so, ordering him to pay to Oratrix the reasonable value of such property as he fails to return to her.

And cross-complainant prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray, etc.

Jessie P. Madeline
SOLICITOR FOR RESPONDENT AND CROSS-COM-
PLAINANT.

I hereby accept service of a copy of this Answer and Cross-Bill and expressly waive further notice hereof.

Charles P. Jones
SOLICITOR FOR COMPLAINANT AND CROSS-RE-
SPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3697

J. C. GRIMES,
Complainant and
Cross-Respondent,

VS.

VONCILE GRIMES,
Respondent and
Cross-Complainant.

ANSWER AND CROSS-BILL.

*Filed 5-25-56
Alice J. French
Register*

J. C. GRIMES

COMPLAINANT

VS

VONCILLE GRIMES

RESPONDENT

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

Now comes J. C. Grimes, the Complainant and Cross Respondent in the above styled cause, and for answer to the Cross Bill filed in said cause, says as follows:

1.

Answering paragraph one of the Cross Bill he admits that Voncille Grimes is over the age of twenty-one years; he is informed and believes, and upon such information and belief, admits that said Voncille Grimes is now living in Mobile County, Alabama, but he avers that the last place of legal residence of said Voncille Grimes known to him was Baldwin County, Alabama; he admits the allegations of said paragraph One as to the age and residence of Complainant and Cross Respondent.

2.

He admits the allegations contained in Paragraph Two of the Cross Bill.

3.

He denies the allegations contained in Paragraph Three of the Cross Bill.

4.

He denies the allegations contained in Paragraph Four of the Cross Bill.

5.

He denies the allegations contained in Paragraph Five of the Cross Bill.

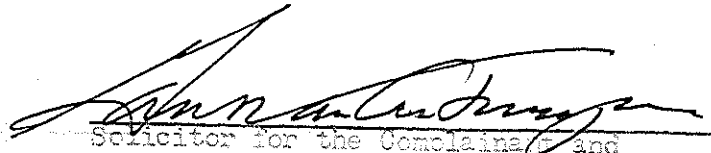
6.

He denies the allegations contained in Paragraph Six of the Cross Bill.

7.

Answering the allegations contained in Paragraph Seven of the Cross Bill your Complainant and Cross Respondent denies that he is a man of great wealth; he admits that he owns real and personal property from which he derives income; he denies that he owns property in Mobile County, Alabama, but admits he owns property in Baldwin County, Alabama; he denies that he owns property in

Escambia County, Florida; he has no knowledge as to whether said Voncille Grimes owns property or has means of support, and he neither admits or denies the allegations contained in said Paragraph Seven of the Cross Bill respecting those matters, but he demands strict proof of the same; he denies that the Cross Complainant suffered from any physical disability resulting from being kicked by your Cross Respondent and he further denies that he has ever kicked the Cross Complainant; he denies that he has refused and failed to provide for the support and maintenance of the Cross Complainant; he has no knowledge as to whether or not the Cross Complainant is without means to pay her solicitor for his services to be rendered in this cause and he neither admits nor denies the allegations contained in said Section Seven of the Cross Bill in that respect, but he demands strict proof thereof; your Cross Respondent is informed and believes, and upon such information and belief admits, that the Cross Complainant has employed Telfair J. Mashburn Jr., as her Solicitor in her cause.


Solicitor for the Complainant and
Cross Respondent.

J. C. GRIMES

COMPLAINANT

VS

VONCILLE GRIMES

RESPONDENT

ANSWER

FILED
MAY 28 1956
ALEX. A. BRYAN, REGISTER

J. C. GRIMES,	0	
Complainant,	0	
VS.	0	IN THE CIRCUIT COURT OF
	0	BALDWIN COUNTY, ALABAMA.
VONCILLE GRIMES,	0	IN EQUITY. NO. _____
Respondent.	0	

Comes now, VONCILE GRIMES, the respondent in the above styled cause and, for answer to the bill of complaint heretofore filed in said cause, says:

1. She admits the allegations contained in paragraph 1 of said bill of complaint.

2. She admits the allegations contained in paragraph 2 of said bill of complaint.

3. She denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof thereof.

4. She admits the allegations contained in paragraph 4 of said bill of complaint.

And now, having answered the allegations of the bill filed in this cause by J. C. GRIMES, the respondent, VONCILE GRIMES, prays that this, her answer, be made and taken as a cross-bill, and she avers:

1. That she is over the age of twenty-one years and is a bona fide resident of Mobile County, Alabama, residing at 2205 Osage Street, Mobile, Alabama; and that J. C. Grimes is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama;

2. That your cross-complainant and the cross-respondent are husband and wife, having intermarried at Hattiesburg, Mississippi, on, to-wit: the 2nd day of November, 1954; that they lived together, as husband and wife, in Baldwin County, Alabama, until, on, to-wit: the 20th day of December, 1955;

3. That, shortly after your oratrix and the cross-respondent were married, on, to-wit; the 18th day of December, 1954; the cross-respondent kicked your oratrix in the right side so hard as to cause a rupture of the muscles and stomach wall of that side,

and, as a direct and proximate result, your oratrix suffered permanent injury; that on many occasions subsequent to that occasion the cross-respondent did assault, beat, hit and strike oratrix; that said cross-respondent has committed actual violence on her person attended with danger to her life or health;

4. That, on, to-wit: the 20th day of December, 1955, the cross-respondent willfully and deliberately and without just cause, or excuse, caused the confinement of your Oratrix in the Mental Ward of the Mobile Infirmary, Mobile, Alabama, and caused her to be kept there during Christmas, knowing at the time that she was perfectly normal and sane;

5. That the cross-respondent ejected your oratrix from his bed and board and that he kept in his possession, and has failed or refused to return to her, the following personal property, which is the property of your Oratrix and which was in her possession at the time she was ejected from cross-respondent's home:

- 1 Sunbeam Aluminum Deep Fryer
- 1 Cadillac 62 Series, 4-door, Sedan
- 1 Sunbeam Electric Frying Pan
- 1 Electric Silver Percolator
- 1 Dual-control Electric Blanket
- 1 Silver Lazy Susan
- 1 Steam Iron
- 1 Silver Table-Model Cigarette Lighter
- 1 Hand-made Linen Tablecloth, with
- 8 matching napkins

In addition to the above and foregoing, the cross-respondent retained in his possession and has failed or refused to return to your Oratrix much of her lingerie, linens, suits and many pot plants.

6. That, at the time your Oratrix married the cross-respondent, he was in poor health and weighed only 140 pounds; that during the time your Oratrix lived with him she nursed him, prepared the proper foods for him and took such good care of him that she restored his health and brought his weight up to 175 pounds.

7. Your respondent and cross-complainant avers that the complainant and cross-respondent is a man of great wealth, owning considerable real and personal property from which he derives income; that he owns property in Mobile and Baldwin Counties in Alabama, and in Escambia County, Florida; that your oratrix owns no property, and has no means of support; that because of her physical disability which was caused by the cross-respondent's kicking her as set forth in

paragraph "3" of this cross-bill, your cross-complainant is unable to work and earn a living, and that said cross-respondent has refused and failed to provide for the support and maintenance of your cross-complainant. Your cross-complainant further avers that she is without means to pay her Solicitor for his services rendered and to be rendered in this cause, and that she has employed Telfair J. Mashburn, Jr., as her Solicitor in this cause.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, Oratrix makes the said J. C. Grimes respondent to this her cross-bill, and prays that the process of this Court may be directed to him according to law, commanding him to appear in this cause within the time and in the manner required by law and the rules of this Honorable Court, and plead, answer or demur to this her cross-bill of complaint.

PRAYER FOR RELIEF

Your Oratrix further prays that, on a final hearing of this cause, your Honor will make and enter a decree giving and granting unto your cross-complainant the following separate and several relief:

1. Deny the complainant and cross-respondent the relief sought in his bill of complaint and dismiss said bill of complaint.
2. Granting her an absolute divorce from the said J. C. GRIMES.
3. Granting her permanent alimony for her support and maintenance, taking into consideration the permanent injuries inflicted on Oratrix by the cross-respondent, and the amount of his wealth.
4. Fixing a reasonable amount for cross-respondent to pay to the cross-complainant's solicitor for his services in this cause.
5. Ordering the cross-respondent to return to your Oratrix her personal property described in paragraph "5" of this cross-bill which he retained in his possession at the time he ejected her from his bed and board, or to pay to Oratrix the reasonable value of such property as he fails to return to her.

And cross-complainant prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray.

Telfair J. Mashburn, Jr.
SOLICITOR FOR RESPONDENT AND CROSS-COM-
PLAINANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3697

J. C. GRIMES,
Complainant,
VS.
VONCILLE GRIMES,
Respondent.

ANSWER AND CROSS-BILL.

FILED
MAY 7 1956
ALICE J. DICK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons VONCILLE GRIMES to appear and plead, answer or demur within thirty days from the service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by J. C. GRIMES, as Complainant and against VONCILLE GRIMES, As Respondent.

WITNESS, my hand this 14 day of January, 1956.

Reice J. Grimes
Register

J. C. GRIMES

COMPLAINANT

VS

VONCILLE GRIMES

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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

Comes now your Complainant and respectfully represents and shows unto Your Honor as follows:

1.

That the Complainant and Respondent are both over the age of twenty-one years and are bona fide resident citizens of said County and State, and have been for more than one year next preceding the filing of this Bill of Complaint.

2.

That your Complainant and the Respondent married at Hattisburg, Mississippi, on to-wit, November 2, 1954, and lived together as husband and wife until, to-wit, December 20, 1955.

3.

That on, to-wit, December 20, 1955, the Respondent did threaten actual physical violence to the person of the Complainant which would necessarily endanger his life and health, in that the Respondent did then and there threaten to shoot the Complainant with a shotgun; that on occasions prior to that time the Respondent did threaten the life of the Complainant;

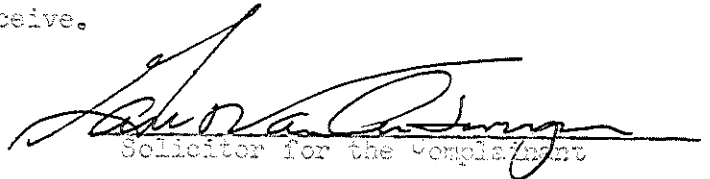
that by reason of the said conduct on the part of the Respondent and of the said threats made by the Respondent upon the life of the Complainant, the Complainant did, at said time, and still does, have every reasonable apprehension to believe and he did, at said time, and still does, believe that the Respondent would do actual physical violence to his person which would necessarily endanger his life or health, should they continue to live together; that Complainant and Respondent have not lived together as husband and wife since, to-wit, said December 20, 1955.

4.

That there were no children born to the marriage between your Complainant and the Respondent.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Vencille Grimes party Respondent to this Bill of Complaint requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof, Your Honor will enter a decree forever barring the bonds of matrimony existing between Your Complainant and the Respondent; Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.


Solicitor for the Complainant

1461
No. 3697 ^x p. 392

J. C. GRIMES

COMPLAINANT

178
8 VS

VONCILLE GRIMES

RESPONDENT

The Sheriff claims 5
miles at 10¢ per mile for
a total of \$.80
Ray Bridges, Sheriff
Mobile County, Alabama

BILL OF COMPLAINT

8 miles

address

3205 O sage St
Mobile, Ala

EXECUTED
This 12 day of January, 1956
by serving a copy of the within on
Voncille Grimes
RAY D. BRIDGES, Sheriff
By J. B. Sanders D.S.

FILED
JAN 14 1956
MADE A. BUCK, CLERK

J. C. GRIMES,	0	
	0	
Comp lainant and	0	IN THE CIRCUIT COURT OF
Cross-respondent,	0	
	0	BALDWIN COUNTY, ALABAMA.
VS.	0	
	0	IN EQUITY. NO. <u>3697</u>
VONCILE GRIMES,	0	
	0	
Respondent and	0	
cross-complainant.	0	

AMENDED ANSWER AND CROSS-BILL

Comes now, VONCILE GRIMES, the Respondent in the above styled cause and amends her Amended Answer and Cross-bill heretofile in this cause, so that, as last amended, said Answer and Cross-bill read as follows:

Comes VONCILE GRIMES, the respondent in the above styled cause, and, for answer to the bill of complaint heretofore filed in said cause, says:

1. That she admits the allegations contained in paragraph 1 of said bill of complaint.
2. That she admits the allegations contained in paragraph 2. of said bill of complaint.
3. That she denies each and every allegation contained in paragraph 3 of said bill of complaint.
4. That she admits the allegations contained in paragraph 4 of said bill of complaint.

And now, having answered the allegations contained in the bill of complaint filed in this cause by J. C. GRIMES, the respondent, VONCILE GRIMES, prays that this, her answer, be made and taken as a cross-bill, and she avers:

1. That she is over the age of twenty-one years and is a bona fide resident citizen of the State of Alabama, presently residing with her parents at 2205 Osage Street in Mobile, Alabama; and that J. C. GRIMES is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama;
2. That your cross-complainant and the cross-respondent are husband and wife, having intermarried at Hattiesburg, Mississippi, on, to-wit: the 3rd day of December, 1954; that they lived together as husband and wife in Baldwin County, Alabama, until, on, to-wit: the 20th day of December, 1955.

3. That shortly after your Oratrix and the cross-respondent were married, on, to-wit: the 18th day of December, 1954, the said J. C. GRIMES kicked your cross-complainant in the right side so hard as to cause a rupture of the muscles and stomach wall of that side, and, as a direct and proximate result of said kick, your Oratrix suffered serious and permanent injury; that she was subsequently forced to undergo surgery as a direct and proximate result of said kick; that she still suffers pain and is unable to work as a direct and proximate result of said kick; that, on many occasions subsequent to that occasion, the cross-respondent did assault, beat, hit and strike your Oratrix; that on many occasions he has threatened to kill your cross-complainant; that said cross-respondent has committed actual violence on the person of your cross-complainant attended with danger to her life or health; and, because of his treatment of her, your cross-complainant is reasonably convinced that, should she return to live with the cross-respondent as his wife, he would carry out his threats and do further violence to her person which would necessarily endⁿger her life or health.

4. Your cross-complainant further avers that the cross-respondent has been guilty of adultery with one Lois Stark, alias Mary Lois Stark, alias Lois Miller, alias Mary Lois Miller, alias Lois Leavens, at divers and sundry times and places in Baldwin and Mobile Counties, in Alabama, during and throughout the period of, to-wit: from December 3, 1954, to the present time.

Your cross-complainant further avers that during, to-wit: the period between April 1, 1956, and August 24, 1956, in Apartment 11 of the Terry Moore Apartments, in Mobile, Alabama, and at divers and sundry other places, the cross-respondent committed adultery with one Norma Welch, whose name is to your cross-complainant otherwise unknown; and that said Terry Moore Apartments are located at Government and Chatham Streets in Mobile.

Your cross-complainant further avers that during, to-wit: the period between November 11, 1956, and February 14, 1957, in Apartment "B", 1203 Dauphin Street, Mobile, Alabama, the cross-respondent committed adultery with one Velma Jean Kovick, alias Velma Jean Herrin, alias Velma Jean Petrone, alias Velma Jean Wicke, alias Mrs. Peter Petrone, whose name is to your cross-complainant other-

wise unknown.

5. That on, to-wit: the 20th day of December, 1955, the cross-respondent wilfully and deliberately and without just cause or excuse, caused the confinement of your Oratrix in the mental ward of the Mobile Infirmary, Mobile, Alabama, and caused her to be kept there during Christmas, until on, to-wit: the 26th day of December, 1955, knowing at the time that she was perfectly normal and sane.

6. That the said cross-respondent ejected your Oratrix from his bed and board without just cause or excuse and that he kept in his possession and has failed or refused to return to her the following personal property, which is the property of your cross-complainant and which was in her possession at the time the said cross-respondent ejected her from his home, viz:

- 1 Cadillac 62 Series, 1954 Model, 4-door Sedan
- 1 24-inch Motorola Television Set
- 1 Sunbeam Aluminum Deep-fat Fryer
- 1 Sunbeam Electric Frying Pan
- 1 Silver Electric Percolator
- 1 Dual-control Electric Blanket
- 1 Silver Lazy Susan
- 1 Electrolux Vacuum Cleaner
- 1 Steam Iron
- 1 Silver Table Model Cigarette Lighter
- 1 Pair Eye Glasses
- 1 Lawn Set (Umbrella, Table, Lounging Chair & 2 Straight Chairs)
- 1 Hand Made Linen Tablecloth, with
- 8 Matching Napkins

In addition to the above and foregoing, the cross-respondent has retained in his possession and has failed or refused to return to your cross-complainant much of her lingerie, linens, suits and many pot plants.

7. That, at the time your Oratrix married the cross-respondent, he was in such poor health that he weighed only 140 pounds; that, during the time your Oratrix lived with him, she nursed him, prepared the proper food for him, and took such good care of him that she restored his health and brought his weight up to 175 pounds.

8. That at the time your Oratrix became engaged to the cross-respondent, she had a good job, under Civil Service, at Brookley Field, Mobile, Alabama, paying her in excess of \$2500.00 per year; that, on the request, and at the insistence, of the said cross-respondent, your Oratrix resigned her job at Brookley Field, prior to their marriage, and since their separation she has not been able to

secure another such position.

9. Your respondent and cross-complainant further avers that the complainant and cross-respondent is a man of great wealth, owning considerable real and personal property in Mobile and Baldwin Counties in Alabama, and in Escambia County, Florida; that your Oratrix owns no property and has no means of support; that because of his physical disability which was caused by the cross-respondent's kicking her as set forth in Paragraph "3" of this cross-bill, your cross-complainant is unable to work and earn a living, and that the said cross-respondent has failed and refused to provide for the support and maintenance of your cross-complainant; Your cross-complainant further avers that she is without funds to pay her Solicitors for their services rendered, and to be rendered, in this cause, and that she has employed Beddow, Gwin and Embry of Birmingham, and Telfair J. Mashburn, Jr. of Bay Minette, as her Solicitors in this cause.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, Oratrix makes the said J. C. GRIMES respondent to this her cross-bill of complaint, and prays that the process of this Court may be directed to him according to law, commanding him to appear and plead, answer or demur to this cross-bill within the time and in the manner required by law.

PRAYER FOR RELIEF

Your Oratrix further prays that on a final hearing of this cause your Honor will make and enter a decree giving and granting unto your Oratrix the following separate and several relief:

1. Denying the complainant and cross-respondent the relief sought in this bill of complaint and dismissing the same.

2. Granting her an absolute divorce from the said J. C. GRIMES.

3. Granting her permanent alimony and support and maintenance, or a lump sum settlement in lieu thereof, taking into consideration the amount of wealth of the cross-respondent, the permanent injuries inflicted upon her by the said cross-respondent, and the fact that your Oratrix resigned a lucrative position under Civil Service at his request.

4. Fixing a reasonable amount to be paid by said Cross-re-

spondent to Oratrix's Solicitors for their services in this cause.

5. Ordering the cross-respondent to return to Oratrix her personal property described in Paragraph "6" hereon, or, on his failure to do so, ordering him to pay to Oratrix the reasonable value of such property as he fails to return.

And Oratrix prays for such other, further, different, or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray, etc.

BEDDOW, GWIN & EMBRY
TELFAIR J. MASHBURN, JR.

by

Telfair J. Masburn, Jr.
SOLICITORS FOR RESPONDENT AND CROSS-
COMPLAINANT.

I certify that I have this date served a copy of the foregoing Amended Answer and Cross-bill, personally, on Hon. M. A. Marsal, one of the Solicitors of Record for the complainant and Cross-respondent and by leaving a copy with Hon. Hayden Rector, the partner of Hon. Garet Van Antwerp, who is the other Solicitor of Record for the complainant and cross-respondent.

Done this 7th day of March, 1957.

Telfair J. Masburn, Jr.
SOLICITOR FOR RESPONDENT AND CROSS-
COMPLAINANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3697

J. C. GRIMES,

Complainant and
Cross-Respondent,

VS.

VONCILE GRIMES,

Respondent and
Cross-Complainant.

AMENDED ANSWER AND CROSS-BILL.

FILED

MAR 9 1957

ALICE A. BUCK, Register

J. C. GRIMES,
Complainant,
VS
VONCILLE GRIMES,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3697

Now comes the respondent, VONCILLE GRIMES, the respondent in this cause, and demurs to the Bill of Complaint filed in this cause and as grounds of said demurrer assigns, separately and severally, the following:

1. There is no equity in the Bill of Complaint.
2. The Bill of Complaint does not state a cause of action.

William A. Madaleno Jr.
SOLICITOR FOR RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3697

J. C. GRIMES,
Complainant,

VS.

VONCILLE GRIMES,
Respondent.

DEMURRER.

FILED

FEB 3 1956

ALICE J. DUCK, Register

Garit M. Dintworth

354 St James

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT, IN EQUITY

J. C. GRIMES,

Complainant-cross respondent

vs.

CASE NO. 3697

VONCILLE GRIMES,

Respondent-cross complainant

ORDER SETTING CAUSE FOR ORAL HEARING AND FINAL SUBMISSION

The undersigned Circuit Judge was assigned to hear and act in this cause by special order of the Chief Justice.

Now, come the parties by their respective Solicitors of Record and agree that the cause will be submitted for settlement of pleadings, oral hearing before the Court and final submission at the courtroom at Bay Minette, Alabama, at 10:00 a.m. on Monday, the 18th day of March, 1957.

Pursuant to the agreement of the parties the Court does, therefore, set said cause for settlement of pleadings and oral hearing and final submission at 10:00 a.m. on Monday, the 18th day of March, 1957, at the Baldwin County courtroom at Bay Minette, Alabama.

Copy of this order is being mailed by the Court to all Solicitors of Record and it shall serve as notice to the parties to subpoena or otherwise have present any and all witnesses which they may wish to be heard on said final submission.

Done at Florence, Alabama, this the 28th day of February, 1957.


Robert M. Hill
Special Circuit Judge

cc: Mr. Gareth Van Antwerp, Attorney, Mobile, Alabama
Mr. M. A. Marsal, Attorney, Mobile, Alabama
Mr. Telfair J. Mashburn, Jr., Attorney, Bay Minette, Alabama
Mr. Roderick Beddow, Attorney, Birmingham, Alabama

OFFICE OF
CIRCUIT JUDGE
ELEVENTH JUDICIAL CIRCUIT
FLORENCE, ALABAMA

ROBERT M. HILL, JUDGE
HELEN MURPHY, COURT REPORTER

February 28, 1957

Mr. Garett Van Antwerp
Van Antwerp & Rector
354 St. Francis Street
Mobile, Alabama

Mr. M. A. Marsal
Seale, Marsal & Seale
First National Bank Building
Mobile, Alabama

Mr. Telfair J. Mashburn, Jr.
Attorney at Law
Bay Minette, Alabama

Mr. Roderick Beddow
Beddow, Gwin & Embry
204-11 Massey Building
Birmingham, Alabama

In re: Grimes v. Grimes, Baldwin County

Gentlemen:

Pursuant to phone call from Mr. Beddow, who stated that you had agreed on a date for the hearing of this cause, I have today made an order setting it, a copy of which I enclose to each of you.

My kindest regards to each of you and I look forward with pleasure to seeing you on March 18th.

Sincerely yours,



Robert M. Hill,
Circuit Judge
P. O. Box 465

RMH/hm
Enc.

J. C. GRIMES,

Complainant and Cross-
Respondent,

VS.

VONCILE GRIMES,

Respondent and Cross-
Complainant.IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3697

AMENDED ANSWER AND CROSS-BILL

Comes now, VONCILE GRIMES, the Respondent in the above styled cause and amends her ^{Amended} Answer and Cross-Bill heretofore filed in this cause, so that, as last amended, said Answer and Cross-bill read as follows:

Comes Voncile Grimes, the respondent in the above styled cause, and, for answer to the bill of complaint heretofore filed in said cause, says:

1. That she admits the allegations contained in paragraph 1 of said bill of complaint.

2. That she admits the allegations contained in paragraph 2 of said bill of complaint.

3. That she denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof of the same.

4. That she admits the allegations contained in paragraph 4 of said bill of complaint.

And now, having answered the allegations contained in the bill of complaint filed in this cause by J. C. Grimes, the respondent, VONCILE GRIMES, prays that this, her answer, be made and taken as a cross-bill, and she avers:

1. That she is over the age of twenty-one years and is a bona fide resident citizen of the State of Alabama, presently residing at 2205 Osage Street, Mobile, Alabama; and that J. C. GRIMES is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama;

2. That your cross-complainant and the cross-respondent are husband and wife, having intermarried at Hattiesburg, Mississippi, on, to-wit: the 3rd day of December, 1954; that they lived together as husband and wife in Baldwin County, Alabama, until, on, to-wit;

the 20th day of December, 1955.

3. That shortly after your Oratrix and the cross-respondent were married, on, to-wit: the 18th day of December, 1954, the said J. C. GRIMES kicked your cross-complainant in the right side so hard as to cause a rupture of the muscles and stomach wall of that side, and, as a direct and proximate result of said act of the said cross-respondent in kicking your Oratrix in her side, your Oratrix suffered serious and permanent injury; that she was later forced to have an operation as a proximate result of said kick; and that she still suffers pain as a proximate result of said kick and that she is unable to work as a proximate result of said kick; that, on many occasions subsequent to that occasion the cross-respondent did assault, beat, hit and strike your Oratrix; that on many occasions the said cross-respondent has threatened to kill your cross-complainant; and that said cross-respondent has committed actual violence on the person of the cross-complainant attended with danger to her life or health; and, because of his treatment of her, your cross-complainant is reasonably convinced that, should she return to live with the cross-respondent as his wife, he would carry out his threats and do further violence to her person which would necessarily endanger her life or health.

4. Your cross-complainant further avers that, on, to-wit: the 22nd day of August, 1956, at 104 Chatham Street, Mobile, Alabama, and at divers time and places prior thereto, the cross-respondent has been guilty of adultery with one "NORMA WELCH" whose name is to your cross-complainant otherwise unknown.

5. That, on, to-wit: the 20th day of December, 1955, the cross-respondent willfully and deliberately and without just cause or excuse, caused the confinement of your Oratrix in the mental ward of the Mobile Infirmary, Mobile, Alabama, and caused her to be kept there during Christmas, until on, to-wit: the 26th day of December, 1955, knowing at the time that she was perfectly normal and sane.

6. That the said cross-respondent ejected your Oratrix from his bed and board without just cause or excuse and that he kept in his possession and has failed or refused to return to her the following personal property, which is the property of your cross-

complainant and which was in her possession at the time the said cross-respondent ejected her from his home:

- 1 Cadillac 62 Series, 1954 Model, 4-Door Sedan
- 1 24-inch Motorola Television Set
- 1 Sunbeam Aluminum Deep-fat Fryer
- 1 Sunbeam Electric Frying Pan
- 1 Electric Silver Percolator
- 1 Dual-Control Electric Blanket
- 1 Silver Lazy Susan
- 1 Electrolux Vacuum Cleaner
- 1 Steam Iron
- 1 Silver Table Model Cigarette Lighter
- 1 Pair Eye Glasses
- 1 Lawn Set (Umbrella, Table, Lounging Chair and 2 Straight Chairs)
- 1 Hand Made Linen Tablecloth, with
- 8 matching Napkins

In addition to the above and foregoing, the cross-respondent has retained in his possession and has failed or refused to return to your cross-complainant much of her lingerie, linens, suits and many pot plants.

7. That, at the time your Oratrix married the cross-respondent, he was in poor health and weighed only 140 pounds; that, during the time your Oratrix lived with him, she nursed him, prepared the proper food for him, and took such good care of him that she restored his health and brought his weight up to 175 pounds.

8. That, at the time your Oratrix married the cross-respondent, she had a good job, under Civil Service, at Brookley Field, Mobile, Alabama, paying her in excess of \$2500.00 per year; that, on the request and insistence of the said cross-respondent, your Oratrix resigned her job at Brookley Field and has not been able to secure another such position.

9. Your respondent and cross-complainant avers further that the complainant and cross-respondent is a man of great wealth, owning considerable real and personal property in Mobile and Baldwin Counties in Alabama, and in Escambia County, Florida; that your Oratrix owns no property and has no means of support; that, because of her physical disability which was caused by the cross-respondent's kicking her as set forth in paragraph "3" of this cross-bill, your cross-complainant is unable to work and earn a living, and that the said cross-respondent has failed and refused to provide for the support and maintenance of your cross-complainant. Your cross-complainant further avers that she is without funds

to pay her Solicitor for his services rendered, and to be rendered, in this cause, and that she has employed Telfair J. Mashburn, Jr., as her Solicitor in this cause.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, Oratrix makes the said J. C. GRIMES respondent to this her crossbill of complaint, and prays that the process of this Court may be directed to him according to law, commanding him to appear in this cause within the time and in the manner required by law and plead, answer or demur hereto.

PRAYER FOR RELIEF

Your Oratrix further prays that, on a final hearing of this cause, your Honor will make and enter a decree giving and granting unto your Oratrix the following separate and several relief:

1. Denying the complainant and cross-respondent the relief sought in his bill of complaint and dismissing the same.
2. Granting her an absolute divorce from the said J. C. GRIMES.
3. Granting her permanent alimony and support and maintenance, taking into consideration the permanent injuries inflicted on her by the said cross-respondent, the fact that your Oratrix resigned from a lucrative position under Civil Service at his request, and further taking into consideration the amount of his wealth.
4. Fixing a reasonable amount to be paid by cross-respondent to Oratrix's Solicitor for his services in this cause.
5. Ordering the cross-respondent to return to Oratrix her personal property described in Paragraph "6" hereoff, or, on his failure to do so, ordering him to pay to Oratrix the reasonable value of such property as he fails to return.

And crosscomplainant prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray, etc.

Telfair J. Mashburn Jr.
Solicitor for Respondent and Cross-Complainant.

I hereby accept service of a copy of this Amended Answer and Crossbill and expressly waive further notice hereof.

Solicitor for Complainant and Cross-Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3697

J. C. GRIMES,

Complainant and Cross-
Respondent,

VS.

VONCILE GRIMES,

Respondent and Cross-
Complainant.

AMENDED ANSWER AND CROSS-BILL.

FILED

OCT 19 1956

ALICE L. BUCK, Register

J. C. GRIMES

COMPLAINANT AND
CROSS RESPONDENT

VS

VONCILLE GRIMES

RESPONDENT AND
CROSS COMPLAINANT

§

§

§

§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

CASE NO. 3697

Comes now the Complainant and Cross Respondent in the above styled cause and demurs to Voncille Grimes's Cross Bill and for grounds therefor says as follows:

1.

The Cross Bill does not state a cause of action.

2.

The Cross Bill does not state sufficient facts to grant her the relief sought.

3.

The Complaint fails in Section 3 thereof to show that the threats on her life were made subsequent to her marriage with the Complainant.

4.

The Cross Bill in Section 3 thereof fails to show that the cruelty alleged therein were subsequent to her marriage with the Complainant.

5.

Section 9 of the Respondent's Cross Bill attempts to incorporate another part of this Cross Bill therein, but fails to do so by proper pleading.

M. A. Marshall

Solicitor for the Complainant and
Cross Respondent

J. C. GRIMES

COMPLAINANT

VS

VONCILLE GRIMES

RESPONDENT

DEMURRERS

FILED

NOV 27 1956

JAMES M. DUCK, Register

OFFICE OF
Circuit Judge
ELEVENTH JUDICIAL CIRCUIT
FLORENCE, ALABAMA

ROBERT M. HILL, JUDGE
HELEN MURPHY, COURT REPORTER

March 12, 1957

Mr. M. A. Marsai, Attorney
First National Bank Building
Mobile, Alabama

Re: Grimes vs. Grimes - Set for trial
March 18, 1957

Dear Mr. Marsai:

I have your letter asking for a continuance and enclosing letter from Dr. Joe H. Little of Mobile.

I cannot at this time grant your application for continuance but will have to consider this matter in regular style--if you care to present it at the hearing--when the case is called for trial. Since the case was set for trial by agreement of Mr. Van Antwerp and Messrs. Mashburn and Beddow, they should all be given, of course, an opportunity to be heard. Frequently in the past in cases similar to this, when and if an application for continuance is contested, I appoint neutral, impartial doctors to examine the defendant for the court. Because of the distance factor here and because I haven't heard the other side, I cannot know, of course, just what should or will be done.

All my arrangements to try and dispose of this case have been made and I am anxious to finally conclude it. I have so arranged my affairs here in Florence and I must hold a lengthy jury term of court in Lauderdale County soon after this case is heard. I am also anxious to conclude this case right away so that Mr. Van Antwerp (who I believe is the Senator from Mobile County) will not be inconvenienced by setting the case during a legislative session,--which in all probability will be a lengthy one.

I am sending copy of this letter to all attorneys concerned and a copy also to the Register which I ask be placed in the court file.

Good wishes.

Yours very truly,



Robert M. Hill,
Special Circuit Judge

RMH/nm

cc: Mr. Garett Van Antwerp
Mr. Telfair J. Mashburn, Jr.
Mr. Roderick Beddow
Register of Circuit Court, in Equity, Bay Minette

J. C. GRIMES,

Complainant,

VS.

VONCILE GRIMES,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.

NO. 3697.

This cause coming on to be heard is submitted upon demurrer of the Respondent to the original bill of complaint filed by the Complainant, and after due consideration, the Court is of the opinion that the demurrer is not well taken and should be overruled.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the demurrer filed by the Respondent to the original bill of Complaint of the Complainant, be and the same is hereby overruled.

IT IS FURTHER ORDERED that the Respondent be allowed 20 days in which to file additional pleadings.

This 17th day of April, 1956.

Hubert M. Hall
Judge, 20th Judicial Circuit