The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RALPH E. DUBUISSON Complainant
vs.
SYLVIA ANN DUBUISSON Respondent
in the second se
Answer and Cross-beer,
This cause coming on to be heard was submitted upon Bill of Complaint, Decree the Court taken orally before the Court
Answer to Cross-bill and Testimony/asxisten by xharkerister, and upon con-
Answer to Cross-Dill and resulting water to the relief prayed for in
sideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in
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and decreed by the Court that the bonds of matrimony fereitotre
It is therefore ordered, adjudged and between the Complainant and Defendant be, and the same are hereby dissolved, and that the said existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said
Ralph E. Dubuisson is forever divorced from the
Sylvia Ann Dubuisson for and on account of said
Ann Dubuisson is hereby granted the custody &
control of Debra Ann Dubuisson pending disposition of proceedings in
Tuscaloosa County, Alabama, and Ralph E. Dubuisson shall have reason
able rights of visitation with said child. Ralph E. Dubuisson shall
pay Sylvia Ann Dubuisson \$40.00 per month for support of Debra Ann
Dubuisson. He shall also pay the sum of \$50.00 to Hon. James 11.
Owen, Solicitor for Respondent, as his attorney's fee.
It is further ordered, adjudged and decreed that neither party to this suit shall again marry except
It is further ordered, adjudged and destroy to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty
days, neither party shall marry except to each other during the pendency of said appeal.
days, neither party shall marry except to cach other are hereby permitted to
It is further ordered that the Complainant and Respondent be, and they are hereby permitted to
the tractions upon payment of the cost of this suit.
Ralph E. Dubuisson It is further ordered that Ralph E. Dubuisson
It is further ordered that issue.
the
the
Thisday ofFebruary
I haled in adult
Judge Circuit Court, In Equity
Register of the Circuit
1, Alabama do hereby certify that the
a the original decise, tendered by the
Indge of the Circuit Court in the above stated Cause, which
decree is on file and enrolled in my office.
Witness my hand and seal this theday
of,19
and the Circuit Court of Registry
Register of Circuit Court, In Equity
TO DET ANY I FORMAT

RALPH E. DUBUISSON,	X	
Complainant,	Ĭ	IN THE CIRCUIT COURT OF
vs.	Ĭ	BALDWIN COUNTY, ALABAMA
CLASSIA ANN DIDITIGON	X	BANDHIN COUNTY, ANADAMA
SLYVIA ANN DUBUISSON,	X	IN EQUITY NO. 4698
Respondent	Ĭ	

Comes the Complainant and Cross-Respondent in the above styled cause and for answer to the cross-bill filed by the Respondent, says:

- 1. The Complainant and Cross-Respondent admits that the Respondent left the home in which she and the complainant had been residing during the month of April, 1958, and that they have remained separated from each since that time but the Complainant denies all other allegations of paragraph "4" of the cross-bill.
- 2. The Complainant and Cross-Respondent admits that he has contributed nothing to the support and maintenance of the Respondent since she separated from him and alleges that the Respondent has said that she did not desire any support and she would not inform the Complainant where she was living and keeping their minor child.
- 3. The Complainant and Cross-Respondent says that he is not informed as to whether it was necessary for Respondent to employ an attorney to represent her or whether she has any funds to pay her attorney for his services rendered in said cause but demands strict proof of such allegations.

DEC 29 1959

ALIE LOUN, REGISTER

CHASON & STONE

Bv•

Solicitors for Complainant and

Cross-Respondent

I RALPH E. DUBUISSON, Complainant, IN THE CIRCUIT COURT OF X vs. BALDWIN COUNTY, ALABAMA Ĭ IN EQUITY SYLVIA ANN DUBUISSON, ĭ Respondent. X

STIPULATION

Come the parties in the above styled cause and hereby stipulate and agree as follows:

- That the decree heretofore rendered in the above styled cause on February 18, 1960, wherein the Respondent is granted the custody and control of the minor child, Debra Ann Dubuisson, pending disposition of proceedings in Tuscaloosa, Alabama, with reasonable rights of visitation in the Complainant and wherein the Complainant is required to pay the Respondent the sum of Forty Dollars (\$40.00) a month for the support of said minor, shall be modified and amended so that the Respondent shall have the full care, custody and control of said minor and the Complainant shall not be required to pay anything further for the support of said minor while the Respondent has such custody.
 - That the Circuit Court of Baldwin County, Alabama, In Equity, shall be authorized, upon the filing of the Stipulation, to enter such modified decree without notice to either party.

Dated this 26th day of March, 1962.

ALICE J. DUCK, CLERK REGISTER

Sylvie and Deleusson
Respondent

B34 - P-97.A

Complainant, X IN THE CIRCUIT COURT OF vs. X BALDWIN COUNTY, ALABAMA
SYLVIA ANN DUBUISSON, X IN EQUITY
Respondent. X

DECREE

This matter coming on for hearing on the Stipulation filed by the parties in the above styled cause and the Court having considered the same is of the opinion that the Respondent should be granted the full care, custody and control of Debra Ann Dubuisson and the Complainant should not be required to pay anything for her support other than what is heretofore been paid.

It is therefore ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the Respondent, Sylvia Ann Dubuisson, shall have the full care, custody and control of Debra Ann Dubuisson, the minor child of said parties and Ralph E. Dubuisson shall not be required to pay anything for the support of said minor which he has not heretofore paid, as long as said minor is in the custody of the Respondent.

Done this 2 day of april , 1962.

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APR 1 1962

ALICE I DUCK, CLERK REGISTER

RALPH E. DUBUISSON,	Q	The mile areatime action on
Complainant,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
SYLVIA ANN DUBUISSON,	Ď	IN EQUITY. NO. 4698.
Respondent.	ð	TIM DEMOTITE MO. MOAO.

ANSWER AND CROSS BILL:

Now comes the Respondent, Sylvia Ann Dubuisson, and for answer to the complaint heretofore filed in this cause says:

- l. For answer to paragraph first of the bill of complaint the Respondent admits that she has filed a proceeding in the Circuit Court of Tuscaloosa County, Alabama, in Equity, for custody of the minor child of the complainant and respondent and that she was awarded such custody pendente lite by order of the Circuit Court of Tuscaloosa County, Alabama, in Equity, dated November 24, 1958; she admits that she originally sued for a divorce in the Circuit Court of Tuscaloosa County, Alabama, but has dismissed that portion of her complaint in reference to such divorce. Respondent admits that the complainant is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama. Respondent denies each and every other allegation of paragraph first of the bill of complaint and demands strict proof thereof.
- 2. Respondent admits that she and the complainant were married on, to-wit, March 15, 1955, but denies each and every other allegation of paragraph second of the bill of complaint and demands strict proof thereof.
- 3. Respondent admits that there was born to the complainant and the respondent one child, a daughter, Debra Ann Dubuisson, who is now two years of age, but she denies each and every allegation of the paragraph third of the bill of complaint and demands strict proof thereof.
- 4. For further answer to the bill of complaint and by way of cross-bill, respondent alleges that during the month of April, 1958, the complainant and cross-respondent committed an act ual violence on her body by hitting, beating and striking her with his fist, which violence was attended with danger to her life or

health, whereupon, respondent and cross-complainant left the home in which she and the complainant and cross-respondent had been residing and she and complainant and cross-respondent have remained separated from each other since that time.

Respondent and cross-complainant alleges that the complainant and cross-respondent has contributed nothing to her support and maintenance since her separation from him and that it has become necessary for her to employ an attorney to represent her in this proceeding and that she is without funds to pay her attorney for his services rendered and to be rendered in this cause.

WHEREFORE, the premises considered, respondent and crosscomplainant prays that this answer be taken as her cross-bill to
the original bill of complaint and that Ralph E. Dubuisson be made
cross-respondent to this answer and cross-bill and the process
issue to him out of this Court, requiring him to plead, answer or
demur hereto within the time allowed by law and under the rules of
this Honorable Court.

Respondent and cross-complainant prays for the following separate and several relief:

- l. That upon a final hearing of this cause your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between complainant and cross-respondent and respondent and cross-complainant and granting to respondent and cross-complainant a divorce against the complainant and cross-respondent on account of his cruelty toward respondent and cross-complainant.
- 2. That upon a final hearing of this cause your Honor will make an award to respondent and cross-complainant's solicitor for his services rendered in this cause.

If respondent and cross-complainant has in anywise mistaken the relief to which she is entitled hereunder she prays for such other, further or different relief as may be due her, the premises considered.

ALICE J. DUCK, Register

Solicitor for Respondent and cross-complainant.

ANSWER AND CROSS BILL

RALPH E. DUBUISSON,

Complainant,

vs.

SYLVIA ANN DUBUISSON,

Respondent.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 4698.

FILED

DEC 22 1959

ALICE J. DUCK, Register

RALPH E. DUBUI	SSON,	I	
	Complainant,	Ĭ	IN THE CIRCUIT COURT OF
vs.		¥	DAIDUIN COINTON AIADAMA
CVITATA ANNI DITRIVAGGON		Ĭ	BALDWIN COUNTY, ALABAMA
SYLVIA ANN DUBUISSON,	Ĭ	IN EQUITY	
Respondent		X	

Comes the Complainant in the above styled cause and demurs to the Plea in Abatement filed by the Respondent on October 9, 1959, to the amendment to such plea filed on October 20, 1959, and to the Plea in Abatement filed by the Respondent on October 20, 1959, and as grounds for such demurrer, says:

- 1. That said pleas do not state a defense to this suit.
- 2. That the allegations in the pleas that the Respondent was not a resident citizen of Baldwin County, Alabama, at the time of the filing of the suit in this cause is not a defense to this proceeding as it completely ignores that portion of Title 34, Section 28 of the 1940 Code of Alabama which allows a divorce to be granted in the domicile of the parties at the time the separation occurred.
- 3. That the allegation in the second paragraph of the Plea in Abatement filed on October 9, 1959, that the minor child is not within the jurisdiction of this Court is but a conclusion of the pleader and fails to allege why this Court does not have jurisdiction of this child if the domicile of such parties was Baldwin County, Alabama, at the time of the separation.
- 4. That the allegation in the third paragraph of the Plea in Abatement filed October 9,1959, that the Respondent has not been a resident of Baldwin County, Alabama, since the separation is but a conclusion of the pleader and does not state that her domicile has not been Baldwin County, Alabama, during that period of time.
- 5. That the allegation in the third paragraph of the Plea filed October 9, 1959, that the Respondent is a resident citizen of Cullman County, Alabama, affirmatively shows that as of October 9, 1959, the Circuit Court of Tuscaloosa County, Alabama, did not have jurisdiction over any of the parties to this suit.
- 6. That the allegations in paragraph one and two of the Plea filed October 20, 1959, that the Respondent has not been a resi-

dent of Baldwin County, Alabama, since the filing of this suit but has resided in Tuscaloosa County, Alabama, fails to allege any facts which would defeat the jurisdiction or venue of this court.

- 7. That the allegation in paragraph three of the plea which was filed October 20, 1959, that there is a cause involving the identical parties now pending in Tuscaloosa County, Alabama, and that such County has assumed jurisdiction of the minor child is no defense to the proceeding filed in this Court.
- 8. That the allegation in paragraph five of the plea filed October 20, 1959, that the proceeding in Tuscaloosa County, Alabama, involves all matters which are involved in this suit fails to show that such proceeding was properly brought in Tuscaloosa County, Alabama, or that any adjudication of the matter has been had in such County.

CHASON & STONE

Solicitors for Complainant

Feled 10.20.59

By:

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STATE OF ALABAMA)	
BALDWIN COUNTY)	
RALPH EDWARD DUBUISSON,	IN THE CIRCUIT COURT OF
COMPLAINANT,	BALDWIN COUNTY, ALABAMA,
VS.	IN EQUITY.
SYLVIA ANN DUBUISSON,	
RESPONDENT.	CASE NO.

Comes now the respondent, Sylvia Ann Dubuisson, and for the sole and only purpose, and for no other purpose, in abatement of said suit in the above named cause, and pleads:

- 1. That at the time of the filing of the bill of complaint in this cause, the respondent was not and has not been since the filing of said bill of complaint, a resident of Baldwin County, Alabama.
- 2. That at the time of the filing of the bill of complaint in this cause, respondent was, and ever since has been, and is now, a resident of the County of Tuscaloosa, State of Alabama, and said County was then and is now her place of domicile and the venue of this cause is not in Baldwin County, Alabama.
- 3. That there is a cause now pending in the Circuit court of Tuscaloosa County, Alabama, involving the same identical parties as involved in this instant action, that the Circuit Court of Tuscaloosa County, Alabama has assumed jurisdiction of the minor child, Debra Ann Dubuisson, and has retained jurisdiction for purposes of deciding custody of the aforesaid minor child, and has rendered a temporary decree awarding custody of the said minor child, Debra Ann Dubuisson, to your respondent pendente lite, a copy of which said temporary decree is attached hereto, marked Exhibit "A", and incorporated by reference in this plea in abatement.
- 4. That the minor child, Debra Ann Dubuisson, is within the jurisdiction of the Circuit Court of Tuscaloosa County, Alabama, and that the said Circuit Court, by virtue of the powers granted to it in equity, the proper Court to supervise the welfare of the said minor child.

5. That your respondent has begun proceedings in Tuscaloosa County, Alabama, involving all the matters set out in the bill of complaint heretofore filed by complainant, and is desirous of proceeding further in her original cause in Tuscaloosa County, and that the said Circuit Court of Tuscaloosa County, Alabama, sitting in Equity, has assumed jurisdiction of part of the matters involved herein, to-wit, the custody and control of the minor child, Debra Ann Dubuisson, and that all other matters connected with the said custody and set out in complainant's bill of complaint should be decided by the Circuit Court of Tuscaloosa County, Alabama, under the Equity powers of the said Court.

Aglina Ann Duhuisson

STATE OF ALABAMA
TUSCALOOSA COUNTY

Personally appeared before me, the undersigned authority in and for said County and State, Sylvia Ann Dubuisson, who is known to me and who being by me first duly sworn, deposes and says that the matters and allegations set out in the foregoing plea in abatement are true and correct.

This 19th day of October, 1959.

Sylvia Ann Dubuisson

Subscribed and sworn to before me this the 19th day of October, 1959.

Illed 10-20-59

Notary Public

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RALPH E. DUBUISSON,	Q	IN THE CIRCUIT COURT OF
Complainant,	Ž	
vs.	X	BALDWIN COUNTY, ALABAMA
SYLVIA ANN DUBUISSON,	Ŏ.	IN EQUITY. NO. 4698.
Respondent.	Ž.	

AMENDMENT TO PLEA IN ABATEMENT:

Now comes the Respondent, Sylvia Ann Dubuisson, and with leave of the court having first been obtained amends her plea in abatement heretofore filed in this cause as follows:

At every place in said plea wherein it is alleged that Respondent's residence is in Cullman County, Alabama, it is hereby amended to read that Respondent is a resident of Tuscaloosa County, Alabama.

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Sworn to and subscribed before me on this the 20th day of October, 1959.

Notary Public, Baldwin County, Alabama.

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RALPH E. DUBUISS	ON,	Ĭ	
	Complainant,	Ž.	IN THE CIRCUIT COURT OF
vs.		Ĭ	DATABLE CONTRIBUTE AT A DAMA
SVIVIA ANN DIDIII	SSON	Ĭ	BALDWIN COUNTY, ALABAMA
SYLVIA ANN DUBUISSON,		Ĭ	IN EQUITY
	Respondent.	***	•
	and the second second	L	

Comes the Complainant in the above styled cause and amends paragraph "FIRST:" of such Bill of Complaint so that the same shall read as follows:

FIRST:

That your Complainant is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama, where he has resided all of his life. That the Respondent is a married woman over the age of eighteen years and both the Respondent and the Complainant were resident citizens of Baldwin County, Alabama, when the separation hereinafter referred to occurred.

CHASON & STONE

3 led 10-20-59

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Solicitors for Complainan

RALPH E. DUBUISSON,

Complainant,

vs.

SYLVIA ANN DUBUISSON,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

AMENDMENT TO BILL OF COMPLAINT

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STATE OF ALABAMA BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Sylvia Ann Dubuisson 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 Ralph E. Dubuisson as Complainant, against Sylvia Ann Dubuisson, as Respondent.

Witness my hand this the __3 day of September, 1959.

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RALPH E. DUBUISSON,	I	
Complain	ant, X	IN THE CIRCUIT COURT OF
vs.	ĭ	BALDWIN COUNTY, ALABAMA
The state of the s	X	DHIDH III OOOKII 9 IIIII
SYLVIA ANN DUBUISSON, Respondent.	X	IN EQUITY
	nt.	

Comes your Complainant, Ralph E. Dubuisson, and files this his Bill of Complaint for divorce against Sylvia Ann Dubuisson, and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama, where he has resided all of his life. That the Respondent was a citizen of Baldwin County, Alabama, at the time she voluntarily abandoned the Complainant as hereinafter set forth. That your Complainant was stationed at Camp Polk, in Louisiana and was about ready to be discharged and return to Baldwin County, Alabama, when the Respondent left him. Since that date the Respondent has filed a proceeding in the Circuit Court of Tuscaloosa County, Alabama, In Equity for custody of their child and was awarded such custody pendente lite by order of the Circuit Court of Tuscaloosa County, Alabama, In Equity, dated November 24, 1958. That the Respondent originally sued for a divorce in the Circuit Court of Tuscaloosa County, Alabama, but has dismissed that portion of her complaint in reference to such divorce. Evidently the Respondent has now abandoned her temporary residence in Tuscaloosa County, Alabama, as the Complainant is now informed that the Respondent has caused a criminal warrant for non-support to be issued against him out of Cullman County, Alabama, and the Respondent is probably staying temporarily in Cullman County.

SECOND:

That your Complainant and the Respondent were married on, heretofore, to-wit: March 15, 1955, and they continued to live together as man and wife until April 14, 1958, at which time the Respondent voluntarily abandoned the bed and board of your Complainant

without just cause or legal excuse and she has failed and refused to live with him as his wife since that time.

THIRD:

There was born to your Complainant and the Respondent one child, a daughter, Debra Ann Dubuisson, who is now two years of age. That such child was living with your Complainant until she was taken away from him by the Respondent without his knowledge or consent and he has been unable to ascertain the postoffice address or place of residence of the Respondent since she forceably removed such minor child and he is therefore unable to state where such child is now being kept but presumes that such child is now somewhere in Cullman County, Alabama. That your Complainant is a fit and proper person to have the care, custody and control of such minor child and the Respondent is not a fit and proper person to have such care, custody and control of their minor child.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that the above named Sylvia Ann Dubuisson be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring her to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that Your Honor will grant unto your Complainant an absolute divorce from said Respondent; that Your Honor will award your Complainant the full custody and control of the minor child; that Your Honor will also decree that the Complainant be allowed to re-marry if he sees fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to him such other, further and different relief to which he may be entitled and as in duty bound he will ever pray.

Rafal E. Duburno Complainant

CHASON & STONE Solicitors for Complainant

RALPH E. DUET	JISSON,	• :	X	
.*	COMPLAINANT,			IN THE CIRCUIT COURT OF
VS.			X	BALDWIN COUNTY, ALABAMA
SYLVIA ANN DU	JBUISSON,		·	IN EQUITY
	RESPONDENT.		X	

Comes now Sylvia Ann Dubuisson, the respondent in the above and titled cause, appearing specially and only for the purpose for filing this plea, and says that the said Ralph B. Dubuisson of Baldwin County, Alabama, complainant in this cause should not have, and maintain the said action for the respondent says, separately and severally, as follows, to-wit:

FIRST

That Sylvia Ann Dubuisson is not a resident of Baldwin County, Alabama, and that the Circuit Court of Baldwin County is without jurisdiction to try and to determine this cause and that this said action should be abated and respondent prays the judgment of this Honorable Court whether the complainant should be allowed to further maintain this suit.

SECOND

It affirmatively appears from the allegations contained in the bill of complaint that jurisdiction of your respondent and the minor child of this marriage is not within the Circuit Court of Baldwin County, Alabama, wherefore respondent says that the Circuit Court of Baldwin County is without jurisdiction to try and determine this cause and that this said action should be abated.

THIRD

Your respondent and the complainant were separated from each other on or about the 14th day of April, 1958, at which time they were living in Leesville, Louisana, and your respondent at all times since said separation has not been a resident of Baldwin County, Alabama. Tour respondent is a resident citizen of Cullman County, Alabama and it affirmatively appears upon the face of the bill of complaint that custody proceedings for the custody of Debora Ann Dubuisson, age 2 years are in the jurisdiction of a court

of a County other than Baldwin County. The respondent was not at the time of the filing of this suit a resident of Baldwin County, Alabama. Wherefore respondent says that the Circuit Court of Baldwin County, Alabama is without jurisdiction of said suit and said cause of action and that THE VENUE samplainant is improperly laid in Baldwin County, Alabama, and any suit based on the MATTERS THEREIN complained of, if brought in Alabama, as should be filed and prosecuted in Cullman County, Alabama, where the said Sylvia Ann Dubuisson resides and your respondent prays that this suit be abaved and that the cause be taxed to the complainant.

Sylvia Ann Dubuisson

Actorney for Sylvia Aph Mubuisson

STATE OF ALABAMA, CULLMAN COUNTY.

Before me Ernest Galin, a Notary Public, in and for said County, in said State, personally appeared Sylvia Ann Dubuisson, who, being known to me, and by me first duly sworn, deposes and says on oath: That the defendant in the above entitled cause, and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

Romack Calin

Sworn to and subscribed before me, this the 7th day of October, 1959.

Notary Public, Cullman County, Alabama.

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STATE OF ALABAMA)	
BALDWIN COUNTY	j	
RALPH EDWARD DUBUISSON,)	IN THE CIRCUIT COURT OF
COMPLAINAN	т, ј	BALDWIN COUNTY, ALABAMA,
VS.	j	IN EQUITY.
SYLVIA ANN DUBUISSON,		
RESPONDENT		CASE NO.

Comes now the respondent, Sylvia Ann Dubuisson, and moves to strike from complainant's complaint all allegations, aspects and prayers contained in said bill of complaint pertaining to the custody of the minor child, Debra Ann Dubuisson, and assigns the following separate and several grounds for said motion, to-wit:

- 1. For that said matters are impertinent to the bill of complaint.
 - 2. For that said matters are immaterial.
- 3. For that this Court is without jurisdiction of matters pertaining to the custody of the minor child, Debra Ann Dubuisson.
- 4. For that it affirmatively appears from complainant's bill of complaint that the question of custody of the minor child, Debra Ann Dubuisson, is presently pending in the Circuit Court of Tuscaloosa County, Alabama, and that the said cause has not been finally disposed of in said Court.

FILED NOV 16 1959

ALICE J. DUCK, Register

Solicitor for Respondent

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ALICE J. DUCK, Register