

RALPH L. GRAVES,
Complainant,
VS.
JOSEPHINE GRAVES,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.
NO. 3935

This cause coming on to be heard was submitted for final decree upon the original bill of complaint, answer and testimony of the witnesses on behalf of the Complainant taken ore tenus.

The Complainant seeks a divorce on two grounds: Adultery and voluntary abandonment.

The testimony of the witnesses only raise a suspicion that the Respondent is guilty of adultery, there being no positive proof. There is also an attempt to show that the child born to the Complainant and the Respondent during wedlock is not the child of the Complainant, and therefore illegitimate.

The Court, after seeing and hearing the witnesses testify, is not satisfied that the testimony is sufficient to establish the charge of adultery on the part of the Respondent, and thereby find that the child born during wedlock is illegitimate. In addition thereto, the admissions of the Complainant is that during his married life with the Complainant he committed acts of adultery with another woman. Therefore, taking all of the evidence into consideration, the Court can not say that the Complainant comes into Court with clean hands.

The Court is therefore to the conclusion that the Complainant is not entitled to a divorce on the ground of adultery.

The Testimony on the part of the Complainant is that when he found that the Respondent was pregnant, and not willing to accept the responsibility therefor, he sent the Respondent away, and that she has remained away since that time. There has been no effort on the part of the complainant to effect a reconciliation.

Having decreed that the Complainant is not entitled to a divorce on the ground of adultery, the Court is of the opinion and finds that the Respondent did not voluntarily abandon the Complainant and is not entitled to a divorce on the ground of voluntary abandonment.

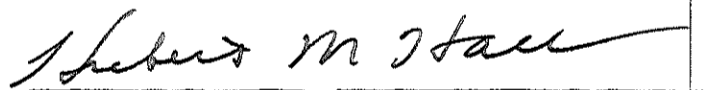
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the original complaint on behalf of the Complainant be, and the same is hereby dismissed.

There being no evidence as to an Attorney's fee on behalf of the Solicitor representing the Respondent, the Court is of the opinion that the prayer of the Respondent seeking an Attorney's fee be denied -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the prayer of the Respondent and Cross Complainant seeking an Attorney's fee be, and the same is hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant pay all costs herein taxed, for which execution may issue.

This 22nd day of February, 1957.


Judge, 28th Judicial Circuit of
Alabama.

FILED

FEB 22 1957

ALICE I. DUCK, Register

RALPH L. GRAVES,
Complainant,
VS.
JOSEPHINE GRAVES,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3935

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

Your Complainant, Ralph L. Graves, respectfully represents
and shows unto your Honor and this Honorable Court as follows:

1.

That your complainant is over the age of twenty-one years
and is a bona fide resident citizen of said State and County and
has been a bona fide resident of said State for more than two years
next preceding the filing of this bill of complaint; that Josephine
Graves is over the age of twenty-one years and resides in Baldwin
County, Alabama;

2.

That your complainant and the respondent were lawfully mar-
ried in Baldwin County, Alabama, on or about, to-wit: the 30th day
of June, 1951; and that they lived together as husband and wife
until on, to-wit: the 1st day of August, 1953;

3.

Complainant further avers that said respondent voluntarily
abandoned the bed and board of complainant for more than one year
next preceding the filing of this bill of complaint, since which
time complainant and respondent have not lived together nor in any
way recognized each other as husband and wife;

4.

Your complainant further avers and alleges that said re-
spondent has been guilty of adultery with divers parties and per-
sons whose names to your complainant are unknown;

5.

That there was born of this marriage one child, a little
girl, Alice Yvonne Graves, age 5 years; that respondent is not a
fit and proper person to have the care, custody and control of
said child; and that your complainant is a fit and proper person

to have the care custody and control of said child; that the respondent has another child, DOLLY ANN VALREE, born January 22, 1954, which child was conceived at a time when your complainant and the respondent were separated and which the respondent has admitted was not the child of your complainant; that respondent came back to live with your complainant after said child was conceived, but that, as soon as your complainant learned that the respondent was pregnant, on, to-wit: the 1st day of August, 1953, complainant and respondent separated and that they have not lived together as husband and wife since that time.

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WHEREFORE, THE PREMISES CONSIDERED, your complainant makes the said JOSEPHINE GRAVES a party respondent to this bill of complaint, and in order that complainant may have the relief hereinafter prayed for, may it please your Honors to cause the State's Writ of Subpoena to be issued, directed to the said JOSEPHINE GRAVES, commanding her to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause your Honor will make and enter a decree divorcing your complainant from the respondent, giving your complainant the permanent care, custody and control of his minor child, ALICE YVONNE GRAVES, declaring that he is not the father of the child of respondent, DOLLY ANN VALREE; and that your Honor will grant such other, further, different or general relief as unto your Honor may seem just and proper, and, as in duty bound, your complainant will ever pray, etc.

Julian A. Madhury
SOLICITOR FOR COMPLAINANT.

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3935

Dec. TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JOSEPHINE GRAVES

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

JOSEPHINE GRAVES, Defendant

by RALPH L. GRAVES, Plaintiff

Witness my hand this 6th. day of December 19 56

Alice J. Duck, Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

RALPH L. GRAVES

Plaintiffs

vs.

JOSEPHINE GRAVES

Defendants

SUMMONS and COMPLAINT

Filed DEC. 6 19 56

Alice J. Duck, Clerk

TELFAIR J. MASHBURN, JR.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
DEPT. IS A VALREE.

DOUGLASSVILLE OR NEAR THERE.

RECEIVED IN OFFICE

12-6, 1956

Sheriff

I have executed this summons

this 12-10, 1956

by leaving a copy with

Josephine Graves
5 Miles East
of B.M.

Sheriff claims 10 miles at
Ten Cents per mile Total \$ 1.00

TAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Taylor Wilkins Sheriff

W.A. Tallent Deputy Sheriff

5 miles East
of B.M.

RALPH L. GRAVES,
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vs.
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Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3925.

Now comes the Respondent in the above styled cause and for answer to the Bill of Complaint heretofore filed in this cause says:

1. She admits the allegations of Paragraph 1 of the Bill of Complaint.
2. She admits the allegations of Paragraph 2 of the Bill of Complaint.
3. She denies each and every allegation of Paragraphs 3 and 4 of the Bill of Complaint and demands strict proof thereof.
4. For answer to Paragraph 5 of the Bill of Complaint she admits that Alice Yvonne Graves was born to this marriage and that the said Alice Yvonne Graves is five years of age; for further answer to Paragraph 5 of the Bill of Complaint she alleges that also was born to this marriage a child, Dollie Ann Graves, Approximately three years of age; she denies each and every other allegation of Paragraph 5 of the Bill of Complaint and demands strict proof thereof.
5. The Respondent, for further answer to the Bill of Complaint alleges that it has become necessary for her to employ an Attorney to represent her in this cause and avers that she is without means to pay her said attorney to represent her and protect her interest in this cause.

The premises considered, your Respondent prays that upon a final hearing of this cause, that the court make and enter an order denying the Complainant's right to a divorce and ascertaining what amount, if any, the Complainant should pay to the Respondent's attorney for his services rendered in this cause.


Solicitor for Respondent.

3925

ANSWER

RALPH L. GRAVES,
Complainant,
vs.
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Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3925.

FILED
JAN 2 1957
ALICE J. DUCK, Register

RALPH L. GRAVES,		IN THE CIRCUIT COURT OF
Complainant,		BALDWIN COUNTY, ALABAMA
vs.		IN EQUITY. NO. 3925.
JOSEPHINE GRAVES,		
Respondent.		

AMENDMENT TO ANSWER

Now comes the Respondent, by her Attorney, and amends the answer heretofore filed in this cause by adding thereto the following:

6. The Respondent, for further answer to the Bill of Complaint heretofore filed in this cause says that the rights, facts and matters in issue in this cause were involved in and directly adjudicated upon by this court in a cause of action between the Complainant and Respondent in case No. 3433 in the Circuit Court of Baldwin County, Alabama, in Equity, in which a final decree was rendered on May 13, 1955, and the merits of this cause were conclusively settled by the said judgment heretofore rendered in said cause all of which appears of record in the Office of the Register of the Circuit Court of Baldwin County, Alabama, in Equity, wherefore, this cause is res judicata.


Solicitor for Respondent.