

EVIE LOU CHAVERS,

Complainant

-vs-

MARVIN CHAVERS,

Respondent

EQUITY

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes Marvin Chavers, Respondent in the above styled cause and for answer to the Bill of Complaint says that he admits Paragraph One thereof, he admits Paragraph Two thereof, and he denies Paragraph Three thereof and demands strict proof thereof and he further admits Paragraph Four of the Bill of Complaint.

Respondent hereby waives service and notice of and demand for oral examination of the Complainant's witnesses, of the issue of commission to take testimony, notice of the time and place of the taking of the same and of the right to cross examine or introduce evidence in his own behalf; and he further consents that this cause may be submitted for final decree at any time on the pleadings of the Complaint's evidence as noted by the Register.

The Respondent hereby requests of this Honorable Court that he be given the right to marry again if he so desires upon the issuance of this final decree.

WITNESS:

Leon Smith

Byrd Johnson

Marvin Chavers
Respondent

| | | |
|-------------------|---|---|
| EVIE LOU CHAVERS, |) | |
| |) | |
| Complainant |) | IN THE CIRCUIT COURT OF BALDWIN COUNTY, |
| |) | |
| -vs- |) | ALABAMA. |
| |) | |
| MARVIN CHAVERS, |) | IN EQUITY. |
| |) | |
| Respondent |) | |

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA: IN EQUITY:

Comes your Complainant, Evie Lou Chavers, and humbly complaining against the Respondent, Marvin Chavers, respectfully represents and shows unto your Honor and Honorable Court as follows:

ONE: That your Complainant and the Respondent are both over the age of Twenty One years and are both residents of Foley, Baldwin County, Alabama, and both reside at the said County and State at this time also;

TWO: That your Complainant and Respondent were married in Monroville, Alabama on the 17th day of July, 1926 and lived together as husband and wife until on or about the 13th day of June, 1940 and have not lived together since that date.

THREE: That the Respondent is a man of ungovernable temper; that on or about June 13th, 1940 and various times prior thereto the Respondent has cursed, abused and threatened Complainant; and on to-wit; June 13th, 1940 he did actual violence to her person by striking her on the face and on the shoulder; and his conduct is such that your Complainant has every reasonable apprehension to believe and does actually believe that if she continues to live with him he will continue to carry out his threats to do further violence to her person which will necessarily endanger her life and-or health.


FOUR: There were three children born to your Complainant and the Respondent of this marriage, namely, Dorothy Chavers, a girl, age nine, Millard Ray Chavers, a boy, age eight, Margarette Chavers, a girl, age five. These children spend part of their time with the Complainant and part with the Respondent.

WHEREFORE, THE PREMISES CONSIDERED, the Complainant prays that your Honor will by proper process make the said Marvin Chavers party Respondent to this Bill of Complaint requiring him to plead, answer or demur to the same within the time and under the penalty prescribed by law and the practice of

this Honorable Court.


Complainant prays that on final hearing of this cause that this Honorable Court will give and grant unto her a decree of absolute divorce forever barring the bonds of matrimony existing between her and the Respondent Marwin Chavers, that your Honor will further grant unto her the right to the control of the three children, namely Dorothy Chavers, Millard Ray Chavers, and Margarett Chavers for half time and that the Respondent be given control for half time and further that your Honor will decree that the Respondent is to support the three children during the time that they are with the Complainant as well as during the time they are with the Respondent. Your Complainant further prays that upon the issuing of the final decree that the Complainant will be given the right to marry again should she so desire.


Complainant


Solicitor for Complainant

FOOT NOTE: The Respondent Marwin Chavers is requested to answer each and every allegation of the foregoing complaint numbering paragraphs one to Four inclusive but not under oath, oath hereby being expressly waived.


Complainant


Solicitor for Complainant

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EVIE LOU CHAVERS

Complainant

VS.

MARVIN CHAVERS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on ANSWER AND WAIVER and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said EVIE LOU CHAVERS is forever divorced from the said

MARVIN CHAVERS

for and on account of CRUELTY

It is further ordered, adjudged and decreed by the Court that the custody of the three children named Dorothy Chavers, Millard Ray Chavers, and Margaret Chavers be vested in both the Complainant and Respondent, the Respondent being given control of the children one-half the time and the Complainant being given control in custody for one-half the time. And it is further ordered, adjudged and decreed that the Respondent is to support all three children at all times.

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 that EVIE LOU CHAVERS AND MARVIN CHAVERS be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that MARVIN CHAVERS the Respondent pay the cost herein to be taxed, for which execution may issue.

This 29th day of May, 1941.

J. M. Hare

Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the _____ day of _____, 19____

Register of Circuit Court, in Equity.

RECORDED

ANSWER AND WAIVER

EVIE LOU CHAVERS,

Complainant

-vs-

MARVIN CHAVERS,

Respondent

Filed May 28, 1941
R. S. Duch, Register

ORVIS M. BROWN
Robertsdale, Alabama

RECORDED

No. Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

EVIE LOU CHAVERS

vs. Complainant.

MARVIN CHAVERS

Respondent.

DIVORCE DECREE

Filed June 2, 1941
R.S. Duesch, Register

The State of Alabama Baldwin County

Circuit Court in Equity

Approved by the Hon. Judge P. M. ...
Judge of the Circuit Court of Baldwin County, Alabama.
Witness my hand and the seal of said Court at Baldwin County, Alabama, this ... day of ... 1941.

Attest my hand and the seal of said Court at Baldwin County, Alabama, this ... day of ... 1941.

CLERK OF THE CIRCUIT COURT

RECORDED
STATE OF ALABAMA
COMPLAINTS

EVILE LOU CHAVERS,

Complainant

-vs-

MARVIN CHAVERS,

Respondent

Filed May 28, 1941
R. S. Dush, Register

ORVIS M. BROWN
Robertsdale, Alabama

The State of Alabama } Circuit Court of Baldwin County, Alabama,
Baldwin County } (In Equity)

EVIE LOU CHAVERS

COMPLAINANT

vs.

MARVIN CHAVERS

RESPONDENT

I, Willie Mae Hobbs

as Register and Commissioner

have called and caused to come before me Evie Lou Chavers and Clara Johnson

witnesses named in the Requirement for Oral Examination, on the 28 day of May

1941, at the office of Orvis M. Brown

in Robertsdale, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Evie Lou Chavers and

doth depose and say as follows:

TESTIMONY OF EVIE LOU CHAVERS

My name is Evie Lou Chavers. I am the Complainant of this divorce procedure against Marvin Chavers. We are both residents of Foley, Baldwin County, Alabama, and have been for the past Thirteen (13) years. We are both over the age of Twenty One (21) years and were at the time we were separated. I married the Respondent in Monroville, Alabama on or about the 17th day of July, 1926 and we lived together as husband and wife until on or about the 13th day of June, 1940 and we have not lived together as husband and wife since that date. The Respondent is a man of ungovernable temper and on or about June 13th, 1940 and various times prior thereto the Respondent has cursed and abused and threatened your Complainant, and specifically on June 13, 1940 did actual violence to me by striking me about the face and shoulder and his conduct has been such that I have every reason to believe and do actually believe that if I continue to live with him that he would continue to do actual violence to my person and to my health. I would attempt to live with him but under the circumstances of such violence I could not live him further.

There was born to us three children. The oldest a girl Nine (9) years of age, named Dorothy Chavers, a boy about Eight (8) years of age, named Millard Ray Chavers and a girl about Five (5) years of age named Margarette Chavers. These children since our separation have spent part of their time with my and part of the time with their father. I have no objections to the children spending part of their time with their father if they so desire. I have no means of support and as the Respondent is an able bodied man capable of working and is working I feel that he should support support the children and I have asked this Court to so request that he at least furnish them the essentials of life. It was no fault of mine that we were separated and no fault of mine that he was cruel to me.

Evie Lou Chavers

ORAL EXAMINATION

I, WILLER MAE HOBBS, as Register and Commissioner hereby certify that the foregoing deposition ... on Oral Examination was taken down in writing by me in the words of the witness... and read over to them and they signed the same in the presence of myself ORVIS M. BROWN at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^{es} or had proof made before me of the identity of said witness^{es}; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 28th day of May 1941.

Willer Mae Hobbs (L. S.)

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The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

EVIE LOU CHAYERS

COMPLAINANT

vs.

MARTIN CHAYERS

RESPONDENT

ORAL DEPOSITION

Filed May 28, 1941

R.S. Dunch, Register

RECORDED IN

Record

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See page 15 14

TESTIMONY OF CLARA JOHNSON

My name is Clara Johnson. I am a sister of Evie Lou Chavers. I am over the age of twenty one (21) years and a resident of Foley, Baldwin County, Alabama. I am married and have been married for nearly five (5) years. I know that my sister was married during the month of July 1926 at Monroville, Alabama and that she married Marvin Chavers. I know further of my own personal knowledge that she and Marvin Chavers are both residents of Foley, Baldwin County, Alabama and are both over the age of twenty one (21) years. I know further of my own personal knowledge of this marriage there was born three (3) children, the oldest a girl of nine (9) years of age or there about; a boy about eight (8) years of age named Millard Ray Chavers, and a girl about five (5) years of age named Margarette Chavers. Since they have been separated which was about June 13, 1940 these children have been spending part of their time with their father Marvin Chavers and part of their time with their mother Evie Lou Chavers. Marvin Chavers is an able bodied man able to work and is working and capable of earning sufficient funds to support the three (3) children and works at all time. The Respondent is a man of ungovernable temper. On or about June 13th, 1940 and various times thereto he has abused and threaten'd Evie Lou Chavers and did actual violence to her person by striking her on the face and about the shoulder and his conduct is such that Evie Lou Chavers has every reason to believe and does actually believe that if she continues to live with him that he would continue to carry out his threats to her person and endanger her life and health and she has not lived with him since after last act of violence which occurred on June 15th, 1940 and states that she will not live with him further. They are both very agreeable about the children and neither one has any objection to the children visiting with the other party.

Clara Johnson

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EVIE LOU CHAVERS

VS.

MARVIN CHAVERS

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Answer and Waiver, Note of Testimony and Testimony of Evie Lou Chavers
and Clara Johnson

and in behalf of Defendant upon Answer and Waiver

R. S. Dush

Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Spring _____ Term, 1941 _____

EVIE LOU CHAVERS

Complainant

Vs.

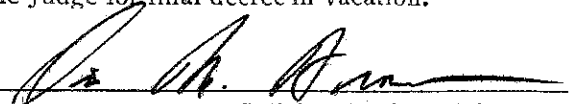
MARVIN CHAVERS

Defendant

To Honorable R. S. Duck _____, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Orvis M. Brown

_____ Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.


Solicitor for Complainant.

RECORDED

No. _____ Page _____

The State of Alabama,
Baldwin County.
CIRCUIT COURT, IN EQUITY

EVIE LOU CHAVERS

Vs.

MARVIN CHAVERS

**REQUEST FOR DECREE IN
VACATION**

Filed May 28, 1941

R.S. Duch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

EVIE LOU CHAVERS

VS.

MARVIN CHAVERS

NOTE OF TESTIMONY

Filed in Open Court this 28th

day of May 1941

R. S. Deuch

REGISTER

No. 176 May 28 1941

RECEIVED FROM David M. Brown
Five and no/100 DOLLARS

Commissioner's 11⁹⁰ Erie Law

Amount Paid \$ 5.00 Chancery Division

Balance Due \$ By Willard Mac Hobbs