

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARTEA NEIL WEAVER

, Complainant

vs.

CLARENCE M. WEAVER

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Consent~~ taken orally before the Court ~~Answer, Stipulation of parties~~ and Testimony ~~as taken 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 Martha Nell Weaver is forever divorced from the said Clarence M. Weaver for and on account of

CRUELTY: The said Martha Nell Weaver is hereby awarded the care, custody and control of the said Clarence Richard Weaver and Calvin Edward Weaver, the minor children of said parties with the right and privilege in the said Clarence M. Weaver to visit said children at reasonable and proper times.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the said Clarence M. M. Weaver shall pay the said Martha Nell Weaver the sum of \$50.00 per month, to be paid \$25.00 on the 8th and 23rd of each month, beginning April 23, 1952, for the maintenance and support of said children.

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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 21st day of April, 1952

Telfair J. Mashburn, Jr.

Judge Circuit Court, In Equity.

I, Alice J. Duck, Register of the Circuit Court of 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 11th day of December, 1952

Register of Circuit Court, In Equity.

No. _____ Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

MARTHA NELL WEAVER

, Complainant

vs.

CLARENCE M. WEAVER

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conesso~~ ~~or~~ ~~Answer, Stipulation of parties~~ and Testimony ~~as taken orally before the Court~~ ~~as taken 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 Martha Nell Weaver is forever divorced from the said Clarence M. Weaver for and on account of cruelty.

The said Martha Nell Weaver is hereby awarded the care, custody and control of the said Clarence Richard Weaver and Calvin Edward Weaver, the minor children of said parties with the right and privilege in the said Clarence M. Weaver to visit said children at reasonable and proper times.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the said Clarence M. Weaver shall pay the said Martha Nell Weaver the sum of \$50.00 per month, to be paid \$25.00 on the 8th and 23rd of each month, beginning April 23, 1952, for the maintenance and support of said children.

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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 21st day of April, 1952

J. J. J. J. J.
Judge Circuit Court, In Equity.

I, _____ Register of the Circuit Court of 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.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

MARTHA NELL WEAVER

Complainant

vs.

CLARENCE M. WEAVER

Respondent

DIVORCE DECREE

*Quia
4-21-92
B. H. H.*

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 Clarence M. Weaver 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 Martha Nell Weaver, as Complainant, against Clarence M. Weaver, as Respondent.

Witness my hand this 26th day of February, 1952.

Alice J. Smith
Register.

MARTHA NELL WEAVER,

Complainant,

vs.

CLARENCE M. WEAVER,

Respondent.

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

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE THEREOF:

Comes your Complainant, Martha Nell Weaver, and files this
her Bill of Complaint for divorce against Clarence M. Weaver, and
shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and Respondent are over the age of
twenty-one years, and are both resident citizens of Baldwin County,
Alabama; that your Complainant has been a resident citizen of the
State of Alabama all of her life.

SECOND:

That your Complainant and the Respondent were married on
heretofore to-wit, November 1, 1943, and lived together as man and
wife until, on account of the matters hereinafter complained of,
your Complainant was compelled to leave the Respondent and live
separate and apart from him; that on, to-wit, February 25, 1952,
the Respondent struck your Complainant with his hand or fist and
and pushed her and threatened to kill her; that your Complainant
has reasonable apprehension that if she continued to live with him
her life or health would be in danger and on February 25, 1952, she
separated from the Respondent in Baldwin County, Alabama.

THIRD:

That there was born to your Complainant and the Respondent
two children, Clarence Richard Weaver, a boy, 7 years of age, and
Calvin Edward Weaver, a boy 6 years of age; that your Complainant is
a fit and proper person to have the care, custody and control of said
minor children and the Respondent is not a fit and proper person to
have the care, custody and control of such minors. That the
Respondent is an able bodied man, earning approximately \$225.00 a

month and that the Complainant does not own any property and has no money or income sufficient to support herself and the above mentioned minor children. That it was necessary that she employ an attorney to institute these proceedings and to that end she has employed the firm of Chason & Stone, Bay Minette, Alabama, as her Solicitors in this cause and she has no property or money with which to compensate said Solicitors for their services in this behalf.

PRAYER FOR PROCESS

The premises considered your Complainant respectfully prays that the above named Clarence M. Weaver be made a party Respondent to this cause by the usual writ or process of this Honorable Court requiring him 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.

PRAYER FOR RELIEF

The premises considered your Complainant respectfully prays that upon a final hearing of this cause that your Honor will enter an order divorcing your Complainant from the Respondent; your Complainant further prays that your Honor will also enter an order or decree awarding the care, custody and control of the said Clarence Richard Weaver and Calvin Edward Weaver to your Complainant and will also order the Respondent to pay to your Complainant an amount each month for the maintenance and support of herself and the two minor children. That this Court will also ascertain and fix a reasonable fee to be paid by such Respondent to Chason & Stone, as Solicitors for the Complainant in this cause. That your Honor will also decree that the Complainant be allowed to remarry if she sees fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Martha M. Weaver
Complainant.

Chason & Stone,
Solicitors for Complainant.

MARTHA NELL WEAVER,

Complainant,

vs.

CLARENCE M. WEAVER,

Respondent,


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


STIPULATION OF PARTIES

It is stipulated and agreed by and between Martha Nell Weaver, the Complainant in the above styled cause, acting by and through John Chason, as one of her Solicitors of record, and Clarence M. Weaver, the Respondent in said cause, acting by and through H. M. Hall, as his Solicitor of record, that said cause shall be set for hearing at 3:00 o'clock P. M., on April 18, 1952, without notice to such parties and that said cause shall be submitted without further notice.

It is further stipulated and agreed between said parties in said cause that the said Clarence M. Weaver shall pay the said Martha Nell Weaver the sum of \$50.00 per month for the support and maintenance of Clarence Richard Weaver and Calvin Edward Weaver, minor children of said parties, said payment to be made \$25.00 on the 8th of each month and \$25.00 on the 23rd of each month, the first payment to be made on April 23, 1952.

Dated this 18th day of April, 1952.


Solicitor for Complainant.


Solicitor for Respondent.

Testimony \$2.20

MARTHA NELL WEAVER,

Complainant,

VS.

CLARENCE M. WEAVER,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2783.

TESTIMONY TAKEN ON A HEARING OF THE ABOVE CAUSE
ON April 18, 1952.

APPEARED:

For Complainant,

Chason & Stone

For Respondent,

H. M. Hall

MARTHA NELL WEAVER, HAVING BEEN FIRST DULY AND LEGALLY
SWORN, TESTIFIED AS FOLLOWS:

ON DIRECT EXAMINATION

By Mr. Chason

Q. What is your name?

A. Martha Nell Weaver.

Q. Are you the wife of Clarence M. Weaver?

A. Yes sir.

Q. Did you file suit for divorce, alimony, custody and support
of your children in this Court on the 26th of February, 1952?

A. Yes sir.

Q. How old are you?

A. I'll be twenty-six the first day of October.

Q. Are you a resident citizen of Baldwin County, Alabama?

A. Yes sir.

Q. Have you resided in the State of Alabama all of your life?

A. Might as well to say. I've been in and out.

Q. You have been away temporarily?

A. Yes sir.

Q. Now, how old is Clarence M. Weaver, your husband?

A. Thirty-two, I think.

Q. He is over twenty-one years of age?

A. Yes sir.

Q. Is he a resident citizen of Baldwin County, Alabama?

A. When he's not out.

- Q. For the purpose of the record, he's employed here and in Mobile, and in various places, but within the State of Alabama, isn't he?
- A. Yes.
- Q. When did you and Clarence M. Weaver get married?
- A. November 1, 1943.
- Q. Now, did you live with him as his wife from that time up until February 25, 1952?
- A. Yes.
- Q. Now, I'll ask you whether on February 25, 1952 he committed any acts of violence on you?
- A. What you mean?
- Q. Did he hit you, or - just tell the Court what he did to you at that time?
- A. Well, he tried to run me off before then and I told him if anyone left, it would be him.
- Q. Well, don't go into the argument prior to that time. On that day what act of violence did he commit?
- A. Well, he hit me with his fist, locked me up in a room, beat me, until my sister said she was going to call the law.
- Q. Was that here in Bay Minette, Alabama?
- A. Yes sir.
- Q. Now, did he make any threats to you?
- A. He told me he was going to kill me if I didn't do like he wanted me to and I wouldn't do it.
- Q. Now, do you have reasonable apprehension, or did you believe if you continued to live with him your life or health would be in danger?
- A. Yes, I did.
- Q. Now, do you have any children born to you and Clarence M. Weaver?
- A. Two boys.
- Q. Is one of them named Clarence Richard Weaver?
- A. Yes.
- Q. Is he seven years of age?

A. Yes.

Q. And do you have a boy named Calvin Edward Weaver?

A. Yes.

Q. Is he six years of age?

A. Yes.

Q. Now, are you a fit and proper person to have the care, custody and control of these two?

A. Yes.

Q. Is your husband a fit and proper person to have their care, custody and control?

A. No.

Q. Now, I might just read into the record here without proving earnings that I have referred to in this bill - I think this is agreeable with all of you: (Reading) It is stipulated and agreed between the attorneys and the parties to this proceeding that with the approval of the Court, the support and maintenance to be paid by Clarence M. Weaver to the said Martha Nell Weaver, as support for her and the minor children shall be the sum of Fifty Dollars per month, to be paid Twenty-five Dollars on the 8th of each month and Twenty-five Dollars on the 23rd of each month, beginning March 23, 1952.

Now, I might state to the Court, my bill also, as to attorney's fee for us as solicitors, they say he hasn't been working regularly and not able to pay that, so we will leave off any proof as to that.

MR. CHASON, to Clarence M. Weaver.

Q. Any question you would like to ask?

A. I guess there's no use.

ODESSA GOINS, HAVING BEEN FIRST DULY AND LEGALLY SWORN,
TESTIFIED AS FOLLOWS:

ON DIRECT EXAMINATION

By Mr. Chason

Q. What is your name, please?

A. Odessa Goins.

Q. Are you the sister of Martha Nell Weaver?

A. Yes.

Q. Where do you live?

A. I live here. I did live in Greenville.

Q. Now, were you living with your sister and her husband, Clarence M. Weaver, on February 25, 1952?

A. Yes sir.

Q. Were you at home there that day or night when there was a difficulty in which he committed some act of violence?

A. Yes sir.

Q. Tell the Court what you saw and heard at that time?

A. I saw Clarence hit Nell, shoved her over on the bed, then he locked the door.

Q. Now, did you hear any noises going on in the room after he locked the door?

A. Yes, she was crying and telling him to stop.

Q. She was crying and telling him - did you hear a sound of any blows being struck?

A. Yes sir.

Q. Now, did you go to the door and say anything to Clarence?

A. No sir, I didn't go to the door.

Q. Well, did you say anything to him or tell him what you were going to do if he didn't quit?

A. Yes sir.

Q. What did you tell him you were going to do?

A. Call the police.

Q. Call the police? Then did he quit and let your sister out?

A. Yes sir.

Q. Do you think that your sister, Martha Nell Weaver, is a fit and proper person to have the care, custody and control of her two minor children?

A. Yes sir.

Q. Do you think that Clarence M. Weaver would be a proper person to have their custody?

A. I just don't know about that.

Q. You don't care to say about that?

A. No sir.

Q. Okay.

TO MR. WEAVER

Q. Do you want to ask her any questions?

MR. WEAVER to witness:

Q. How could I lock the door when the door wouldn't lock?

A. You had the key in the door.

Q. Well, that door wont lock.

A. You had the key.

I, Ora S. Nelson, Court Reporter of and for the Twenty-eighth Judicial Circuit of Alabama, hereby certify that the above and foregoing is a true and correct transcript of the evidence taken on the hearing of the above styled cause on April 18, 1952.

Transcribed and filed this 24th day of April, 1952.

Ora S. Nelson
Court Reporter

MARTHA NELL WEAVER

COMPLAINANT

VS

CLARENCE M. WEAVER

RESPONDENT

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

Now comes the Respondent and admits the allegations contained in the original bill of complaint heretofore filed in this cause as to ages, residences, and marriage, but denies all other allegations contained in the bill of complaint and demands strict proof of the same.


Solicitor for the Respondent