

RECORDED

3390

MELBA H. McCawley,
Complainant,
VS.
CLARENCE O. McCawley,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY
NO. 3390

This cause coming on to be heard was submitted upon Bill of Complaint and Amended Bill of Complaint of Complainant, Answer of the Respondent and Testimony of witnesses taken ore tenus, 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 Respondent be, and the same are hereby dissolved and that the said Melba H. McCawley is forever divorced from the said Clarence O. McCawley for and on account of cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant is awarded the care, custody and control of the minor children, Clarence O. McCawley, Jr. and Patricia R. McCawley, subject to the following conditions: The Respondent shall have the right to the custody of the said children the third week-end of each month beginning at 8:00 o'clock on Saturday morning and ending at 5:00 o'clock Sunday afternoon, conditioned that he call for and return the said children to their home; that the Respondent shall have the right to the custody of the said children one month each year, beginning on July 6th of each year and ending August 6th, with the understanding that the Respondent, during the time that he has said children, will, so far as possible, see that they attend Sunday School each Sunday.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay to the Complainant, towards the maintenance and support of said children the sum of ONE HUNDRED (\$100.00) DOLLARS

per month and in addition thereto pay the mortgage notes against the home place in Fairhope, Alabama, in the amount of SEVENTY-ONE and 88/100 (\$71.88) DOLLARS per month, provided that for the month in which Respondent has the custody of the children he shall be relieved from the payment of the ONE HUNDRED (\$100.00) DOLLARS as herein specified.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that in the event of the marriage of the Complainant, the payments due on the mortgage, and which the Respondent is ordered to pay, shall immediately cease and the Respondent shall be relieved from all duties thereunder.

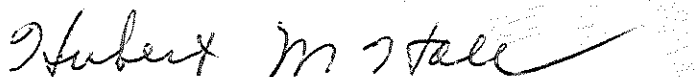
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay to Chason & Stone, as a reasonable Attorneys' fee for representing the Complainant, the sum of TWO HUNDRED FIFTY AND 00/100 (\$250.00) DOLLARS.

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 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 the Respondent, Clarence O. McCawley, pay the cost herein to be taxed, for which execution may issue.

This 1st. day of February, 1955.


Hubert M. Hall
Judge of the 28th Judicial Circuit
of Alabama.

MELBA H. McCAWLEY,
Complainant,
VS.
CLARENCE O. McCAWLEY,
Respondent,

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.
NO. 3390

ANSWER.

Comes now the respondent CLARENCE O. McCAWLEY and for answer to the Bill of Complaint heretofore filed in this cause, says:

1. That the respondent admits the allegations of paragraph one.
2. That the respondent admits that he and the complainant were married on July 20, 1941 and that they lived together as husband and wife until October 4, 1954; that the complainant left the respondent at that time; that the respondent most emphatically denies all the other allegations of paragraph two and demands strict proof of the same.
3. That the respondent admits the allegations of paragraph three with regard to the names and ages of their children and the place of residence of the said children; but he most emphatically denies all the other allegations of said paragraph and demands strict proof of the same.
4. That the respondent admits that he is an able-bodied man and is now employed by the Schloss and Kahn Grocery Company of Montgomery, Alabama, but he denies that he earns \$600.00 per month and he further denies the allegations of said complaint to the effect that he has not sent the complainant any money since their separation and he demands strict proof of the same. As to the allegations with regard to the complainant's financial condition, the respondent, having no knowledge, neither denies nor admits such allegations, but does demand strict proof of the same.

WHEREFORE, the respondent prays that this be accepted as his answer and that, if this court should see fit to grant the complainant a divorce in this cause, this Honorable Court will grant to the respondent the right to visit his children at reasonable times and places and to have them visit him and his family.

Julius A. MacLennan, Jr.
Solicitor for respondent.

FILED

10-25-54

JUDGE J. DUCK, Register

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

NO. 3390

MELBA H. McCAWLEY,
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ANSWER.

FILED

DEC 23 1954

ALICE J. DUCK, Register

mother at 255 South Franklin Street, Mobile, Alabama.

three weeks ago the Respondent has been staying temporarily with his

for more than two years last past; that since the separation about

Alabama, residing at Fairhope, and that they have been such residents

twenty-one years, and are both resident citizens of Baldwin County,

That your Complaint and Respondent are over the age of

FIRST:

shows unto your Honor and unto this Honorable Court as follows:

her Bill of Complaint for divorce against Clarence O. McCawley, and

comes your Complaintant, Melba H. McCawley, and files this

MELBA H. McCAWLEY,	Complainant,	IN THE CIRCUIT COURT OF
CLARENCE O. McCAWLEY,	Respondent.	IN EQUITY
		BALDWIN COUNTY, ALABAMA

Melba H. McCawley
Register.

Witness my hand this 25 day of October, 1954.

complainant, against Clarence O. McCawley, as respondent.

of Baldwin County, Alabama, in Equity, by Melba H. McCawley, as

service hereof, to the Bill of Complaint filed in the Circuit Court

appear and plead, answer or demur, within thirty days from the

You are hereby commanded to summon Clarence O. McCawley to

TO ANY SHERIFF OF THE STATE OF ALABAMA:

STATE OF ALABAMA)	IN THE CIRCUIT COURT - IN EQUITY
BALDWIN COUNTY)	

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SECOND:

That your Complainant and the Respondent were married on heretofore to-wit, July 20, 1941, 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 the Respondent has become addicted after marriage to habitual drunkenness which condition existed at the time of their separation on October 4, 1954; that your Complainant left the Respondent on October 4, 1954, because of such habitual drunkenness on his part and they have not lived together as man and wife since that time.

THIRD:

That there were born to your Complainant and the Respondent two children, Clarence O. McGawley, Jr., who is a boy eleven years of age and Patricia R. McGawley, who is a girl four years of age; that both of such children are now living with your Complainant in Fairhope, Alabama; that your Complainant is a fit and proper person to have the care, custody and control of such children and that your Respondent is not a fit and proper person to have the care, custody and control of such children.

FOURTH:

That the Respondent is an able-bodied man and is now employed by the Schloss and Kahn Grocery Company of Montgomery, Alabama. That he earns as such salesman approximately Six Hundred Dollars (\$600.00) a month. That your Complainant has no money or property with which to support herself and said children and she has no money with which to employ a solicitor to prosecute this suit. That she has employed Chason & Stone as her solicitors to prosecute such suit; that since the Respondent left her, three weeks ago, he has not sent her any money and she has been unable to buy the necessary groceries and clothes for her children.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that the

above named Clarence O. McGawley be made a party Defendant 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

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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 her minor children; that your Honor will also decree that the parties be allowed to remarry if they see fit. That your Honor will also ascertain and fix a reasonable amount of alimony to be paid to your Complainant by the Respondent and a reasonable amount of support to be paid by him for the use and benefit of their minor children. That your Honor will also ascertain and fix a reasonable solicitor's fee to be paid by the Respondent to Chason & Stone as the solicitors for your Complainant. 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.

Melba H. McCawley
Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, J. H. Hudson, a Notary Public, in and for said State and County, personally appeared Melba H. McCawley, who after being by me first duly and legally sworn, says:

That the allegations contained in the foregoing Bill of Complaint are true.

Melba H. McCawley

Sworn to and subscribed before me, this 25th day of October, 1954.

J. H. Hudson
Notary Public, Baldwin County, Alabama.

FILED
10-25-54
ALICE L. BUCK, Register