

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

No. 91.

CIRCUIT COURT, IN EQUITY.

Joseph W Weaver

Complainant.....

vs.

Carrie Weaver

Defendant.....

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso

and testimony as noted by the Register; and, upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in.....

his.....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 the said.....

Joseph W Weaver

is forever divorced from the said

Carrie Weaver,

for and on account of

Adultery,

.....as alleged in said Bill of Complaint;

It is further ordered, that the said Joseph W Weaver

be, and.....he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Joseph W Weaver

pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Carrie Weaver

It is further ordered, adjudged and decreed that said Joseph W Weaver

shall not again marry except to said Carrie Weaver

until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Carrie W Eaver during the pendency of said appeal.

This 13<sup>th</sup> day of September

1918

*W. G. Gable*

Judge of the Circuit Court of Baldwin County.

No. 91.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.  
BALDWIN COUNTY, ALA.

Joseph W Weaver

vs.

Carrie Weaver.

DECREE OF DIVORCE.

Filed in office this

14<sup>th</sup>

day of

Sept

1918

T. W. Richardson

Register.

E. O. M.

Decree Recorded in  
Minutes.

OFFICE OF  
G. W. SALLEY  
PHYSICIAN AND SURGEON

ATMORE, ALA.

Sept 7<sup>th</sup> 1911 J.

Mr. T. W. Richerson Register  
Bay Minette Ala.

Dear Sir:-

Did you send the papers to Judge, A. E. Gamble for a decree in case of Jos. W. Weaver vs. Carrie Weaver, and if so did the Judge grant the divorce?

Mr. W. M. Catlett of Perdido, is to pay all Court costs & he has already paid me my fee & the costs of the Commissioner R. F. Lowrey, who took the proof on oral examination here. I presume the Complainant who is in the Army will want a certified copy of the Decree of divorce. Let me hear from you  
yours truly W. H. Ellis

Aug. 19/1918  
Atmore, Ala.

Mr. J. W. Dickerson Register  
Bay Minette, Ala.

Dear Sir: I am enclosing motion for a decree pro confesso, for the Complainant and against the Defendant, in the Case of Joseph W. Weaver vs. Carrie Weaver, which I wish you would grant, provided the defendant, has not filed any plea, answer, or demurrer, to the Bill of Complaint in said Cause, within the time required by law. It has been more than 30 days, since she was served with a summons, which was on July 14<sup>th</sup> 1918.

When we get ready to take the testimony in said case, will we have to go to Bay Minette, or can you come here, or appoint a Commissioner here to take the testimony in Atmore? Let me hear from you as to these matters & very much obliged.  
Yours truly,

J. W. Ellis  
Sol's for Complain't

Monroe, Ala.  
Aug 24/18.

Mr. L. N. Richardson Register  
Bay Minette Ala.

Dear Sir:-

Jos. W. Keaver }  
W. Keaver }  
Carrie Keaver }

Did you receive my motion  
for a decree pro confesso and a decree  
granting same in the above styled Cause.  
If so did you grant same and is  
the case now ready for the Complainant  
to take his proof. I suggest that it  
might be less expensive to have the witnesses  
come before a Commissioner here, who can  
take the proof, but if you had rather  
have the depositions taken before you  
at your office let me know & I will have  
them to meet me at Bay Minette. Let me hear  
from you. If you appoint a  
Commissioner here, I would suggest you  
appoint either L. F. Lounney J.P. or else Mr.  
D. Baggett N.P.

Yours truly,

J. W. Ellis  
Sol'r for Complain't.

Dee 27/20 1918;  
W. M. Dickinson  
Register

\*\*\*\*\*  
Joseph W. Weaver,  
Complainant,

In the Circuit Court- Equity Side,  
State of Alabama, Baldwin County.

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VS.

Carrie Weaver,  
Defendant.  
\*\*\*\*\*

To the Honorable, the Circuit Court of Baldwin County, Alabama,  
Equity Side, and the Honorable A. E. Gamble, Judge thereof, sitting in Equity:

Your Orator, Joseph W. Weaver, files this his Bill of Complaint for  
Divorce, from the said Carrie Weaver, whose maiden name was Foster, and  
respectfully represents and shows to your Honor;

**FIRST.**

That Orator is over the age of Twenty-One Years, and is a resident and  
Citizen of Baldwin County, State of Alabama, residing near Perdido, Alabama;  
and that said Carrie Weaver, is also over the age of Twenty-One years,  
and a resident of said Baldwin County, in the State of Alabama.

**SECOND.**

That Orator in the year 1912, intermarried with said Carrie Weaver,  
whose maiden name was Carrie Foster, and that they lived together as  
Husband and wife about three years, in the County and State aforesaid, and  
and that your Orator is a bona fide resident of the State of Alabama, and  
has resided in said County and State for more than three years next be-  
fore the filing of this bill of Complaint.

**THIRD.**

That more than three years ago, your Orator learned that said Carrie  
Weaver his said wife was guilty of the abominable crime of adultery, com-  
mitted with one John Hadley, who was then a single man and lived near the  
place where Orator and said Carrie Weaver his wife resided,; and that as  
soon as Orator became convinced that she had been having sexual inter-  
course with said John Hadley, that he then and there separated himself  
from her, and left his home and her company, and that she then took up  
with her said paramour and she lived with him as his mistress. Orator  
will further show to the court that he has not connived at nor condoned  
said shameful and unfaithful conduct on the part of his said wife, but  
on the contrary he has not lived with nor co-habited with her since he  
learned that she had committed adultery, He/ therefore charges her with  
adultery.

**FOURTH.**

FOURTH.

The premises considered, Orator prays that a summons be issued and directed to the said Carrie Weaver, requiring her to appear and plead to, answer or demur, to the bill of complaint, within the time required by law, and the practice of this court, or in default that the allegations of said bill will be held and taken as confessed.

Prayer for Relief.

Upon a final hearing of this cause, Orator prays that your Honor will grant unto him an absolute decree of Divorce from the said Carrie Weaver, and for such other relief as in equity and good conscience, he may be entitled to receive.; and as in duty bound he will ever pray &.etc.etc.

*J. W. Ellis*  
Solicitor for Complainant.

FOOT NOTE:- The Defendant ,Carrie Weaver, is required to answer each and every paragraph of the foregoing Bill of Complaint from "FIRST" to FOURTH", both inclusive, but not under oath, answer under oath being hereby expressly waived.

*J. W. Ellis*  
Solicitor for Complainant.

*Joseph W. weaver*  
~~Complainant~~



THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Carrie Weaver

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Joseph W Weaver

against said

Carrie Weaver

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 9th day of May

1918.

*T. W. Richerson*  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

2nd Original

Serve on Carrie Weaver

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No. 90

SUMMONS.

Joseph W Weaver

vs.

Carrie Weaver.

G.W.Ellis, of Atmore,  
Solicitor for Complainant.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this \_\_\_\_\_  
day of \_\_\_\_\_ 191\_\_\_\_\_

Sheriff.

Executed this 14 day of  
July 1918

by leaving a copy of the within Summons with  
Carrie Weaver

Defendant

C E Embanks

Sheriff

By S J Shiver

Deputy Sheriff.

Jos. W. Weaver }  
Carrie Weaver. }

Now comes the Complainant Jos. W. Weaver by his Solicitor & moves the Court to grant him a decree pro-confesso against the defendant Carrie Weaver she having failed to plead to, answer or demur to the Bill of Complainant exhibited against her within the time required by law & the practice of this Court.

G. W. Ellis  
Solicitor for Complainant.

10  
Jos. W. Weaver  
vs.  
Carrie Weaver.

Motion for  
decreo pro-confesso.

Filed 8/17-18

J. W. Weaver  
Register

State of Alabama } In the Circuit Court  
Baldwin County } of Baldwin County  
Equity Side.

Joseph W. Heaven }  
vs. }  
Carrie Heaven. }

Comes on for hearing the motion of the Complainant, for a decree pro confesso against the defendant Carrie Heaven, and it having been made known to the Register of this Court, that the Defendant was duly summoned to appear and plead to answer, or demur to the Bill of Complaint in this cause, within 30 days, from the service of the summons on her, or by the 14<sup>th</sup> day of July 1918, as required law & the practice of this Court, and that said defendant has failed to plead, to answer, or demur to said Bill of Complaint, it is therefore considered that said motion be granted, and it is accordingly ordered, adjudged, decreed that the allegations of said bill be, & they are hereby held and taken as confessed against said Defendant.  
Ordered & taken this the 19 day of  
Aug. A.D. 1918.

T. W. Richardson  
Register Circuit Court  
Baldwin Co. Ala.

4 No  
Jos. W. Weaver }  
Carrie Weaver. }

Seen for copy

Filed + Entered  
Aug 19<sup>th</sup> 1918.

For Reclamation Register

Joseph W Weaver

vs.

Carrie Weaver

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, .....  
and ~~testimony~~ & Deposition by witnesses , .....

and in behalf of Defendant upon .....

*T. W. McCremon*

Register

No. 91

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

*Joseph Weaver*

vs.

*Barrie Weaver*

NOTE OF TESTIMONY.

Filed in Open Court this 9/9

day of \_\_\_\_\_ 1918

*J. M. ...*

Register



Almore Ala  
Aug. 26/18.

Mr. T. W. Richardson Register  
Bay Minette Ala.

Dear Sir:- your enclosing Commission to  
R. F. Lowrey and Blank deposition rec'd.

As I have no office Copy of the Bill  
and will need it to frame questions to  
witnesses, I will thank you to send me the  
Bill of Complaint, at my expense, and will  
return same to you when the witnesses have  
been examined.

Yours truly  
Geo. W. Ellis

Atmore Ala  
May 8/18.

Register in Chancery  
Bay Minette Ala

Dear Sir:— I am enclosing herewith  
a Bill for divorce in Case of Joseph W.  
Weaver vs. Carrie Weaver. Please file same  
in Court & issue a summons for the  
Defendant and hand same to the Sheriff  
to be served & returned. My information  
is that she resides near Percicle in Baldwin  
County. Your prompt attention to  
this matter will very much oblige  
Yours truly,

J. H. Ellis  
Soli for Compt.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

To Hon. R.F. Lowery,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioners, and by these presents do authorize you, ~~or any one or more of you~~, at such time and place as you may appoint, to call before you and examine

*W.M. Estrett*  
*and*

as witnesses in behalf of *the* Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Jos W. Weaver

*is* Complainant

and

Carrie Weaver, *is* Respondent,

on oath to be by you administered, ~~upon interrogatories~~ Oral examination to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 26th day of August 19 18

*J.W. Reardon*  
Register.

**DIRECTIONS FOR EXAMINATION OF WITNESSES UPON INTERROGATORIES.**

1. If the time and place of executing the Commission are named therein, or in a notice appended thereto, the testimony must be taken at the time and place designated; if no time and place are designated, the Commissioners will call the witness before them at such time and place as they may appoint, and administer to him an oath to speak the truth, the whole truth, and nothing but the truth, in answer to the interrogatories to be propounded to him. The time and place of examining witnesses should be stated in the caption of the deposition.

2. The caption and deposition should be as follows:

THE STATE OF ALABAMA, }  
 .....County. }

Deposition of Richard Howe, a witness sworn (or affirmed, as the case may be) on the.....day of.....19....., at.....in said State and County, under and by virtue of a commission issued out of the.....

Court of.....in a certain cause therein pending between James Jones, the plaintiff (or complainant), and Samuel Young, defendant (or respondent). The said Richard Howe, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first interrogatory he saith: (Here write the answer of the witness as nearly as may be in the language of the witness, using the first person where he uses it).

To the second direct interrogatory he saith: (Write the answer to this interrogatory, and all others, as directed above).

If there are cross or rebutting interrogatories, go through with them in the same manner, thus:

To the first cross interrogatory he saith, etc.

To the second cross interrogatory he saith, etc.

To the first rebutting interrogatory he saith, etc.

Neither party should be permitted to put to the witness, during his examination, any verbal question or suggestion; and if anything of the kind is done by either party, the Commissioner should write it down in the deposition just as it occurred.

The testimony may be written down by any one or more of the Commissioners, by the witness himself, or by any disinterested third party in the presence of the Commissioners, and be read over to the witness if he desire it, and must be subscribed by him.

3. The Commissioners must then add their certificate, as follows:

We, (or I, if only one acts), the undersigned, Commissioners in said commission named, hereby certify that we are not of counsel or of kin to any of the parties to this cause, nor in any manner interested in the result thereof; that we are personally acquainted with said witness, J———K———, and know him to be the identical person named in said commission (or have had proof made before us of the personal identity of the witness, and that he is the identical person named in said commission); that he was sworn and examined as above stated; and that his evidence was taken down, as near as might be, in his own language, and was subscribed by him in our presence on the.....day of.....19....., at the place above stated.

[L. S.] E. F.  
 [L. S.] G. H.  
 Commissioners.

If the Commissioners are not personally acquainted with the witness, they must have proof made before them that he is the identical person named in the commission, and so certify.

If the witness claims for his attendance, the Commissioners should state in their certificate the number of miles traveled, the number of days the witness attended, ferriage paid, if any, etc.

4. If any exhibits, writings, or papers are produced and used as evidence by the witness, they shall be annexed to the deposition to which they relate, and shall be identified by suitable letters or marks.

If the testimony cannot be taken in one day, the Commissioners, noting the same, may continue from day to day until completed.

5. The Commissioners will fold the depositions, commission, interrogatories, and exhibits, in a packet sealed with three seals. They will write their name or names across each seal, and direct thus:

A B } Mailed the.....day of.....19.....  
 vs. }  
 C D } To (give name and style of Clerk, Register, or Judge of Probate, as the case may be),  
 Depositions of J K and L M } .....County, Alabama.

If sent by private conveyance, should be endorsed: "Forwarded by R A, the.....day of.....19.....  
 The package must be delivered to the officer to whom it is directed. The person bringing the deposition will be required to take an oath that it has not been opened or altered since he received it.

The Commissioner must return the commission.

No.....

THE STATE OF ALABAMA,  
 Baldwin County,  
 CIRCUIT COURT, IN EQUITY.

Jos W Weaver

Complainant.....  
 vs.  
 Carrie Weaver

Defendant.....

COMMISSION TO TAKE DEPOSITION  
 ON INTERROGATORIES.  
 Oral examination.  
 COMMISSIONERS:  
 Hon. R. F. Lowery,

WITNESSES:  
 X

THE STATE OF ALABAMA, } No. ....  
*Baldwin* County. }  
 CIRCUIT COURT IN EQUITY.  
 vs.  
*Joseph W. Weaver* Complainant  
*Carrie Weaver* Defendant

DEPOSITION OF .....

By virtue of the Commission hereto annexed, issued by the Register for said Court of said County, in the above stated cause pending in said Court of said County,

I, *R. F. Lowrey* the Commissioner named in said Commission,

have called and caused to come before me *W. M. Catsett*  
*and B. A. Arnett and J. W. Arnett*



the witness named in the Commission, and having first sworn the said witness to speak the truth, the whole truth and nothing but the truth, the said witness deposes and says as follows:

*The said W. M. Catsett deposed as follows:*

My name is W. M. Catsett, age 47, reside in Baldwin County Ala. about 5 miles north of Perdido. - I have known the Complainant nearly ever since he was born, and have known Carrie Weaver about eight years. - I know that said parties were married and lived together as husband and wife for several years. ; They are not living together now as husband and wife but are separated.

The complainant Joseph W. Weaver, is now in the service of the United States, stationed at Camp Wheeler, Ga. -

I know that Carrie Weaver the respondent, took up and stayed with one John Hadley who was then a single man, and lived right back of my field about 1/4 of a mile from my place, when her husband Joseph Weaver, would be away from his home at work, this respondent Carrie Weaver, would receive this man John Hadley, in her home and he would tittle after time stay with her all night, and later on ~~she~~ and later on this man Hadley came and got her and carried her to his father's home and kept her with him when he stayed at his father's home and then they would come back to Joseph W. Weaver's home, and stay together until the Complainant Joseph Weaver, would return home from his work. I also know that as soon as he Joseph W. Weaver, learned that Carrie Weaver, was living with said John Hadley, that he then left her, and never lived with her any more. - nor had anything to do with her, and that she has a young baby begotten and born since the said Joseph Weaver left her. There are no children of this marriage.

*J. W. Arnett*

*W. M. Catsett* his mark.

Sworn to and subscribed before me this the 31st day of August, 1918.

*R. F. Lowrey*  
Commissioner.

The said B/A. Arnett, being duly sworn deposed as follows:

My name is B. A. Arnett, age 60, years reside in Baldwin County, Alabama, - I know the Complainant and Defendant in this case, I lived for two years within a quarter and a half of a mile from



from where Joseph W. Weaver lived, - I know, said parties were married and lived together as husband and wife, and I know that they have not lived together for about two years and a half ago, and that she said Carrie Weaver, would stay with this man John Hadley, at the home of Joseph W. Weaver, nearly all the time while Joseph Weaver her husband was away from home at work.

I also know that John Hadley the paramour of Carrie Weaver, came to Joe. Weaver's home and carried Carrie to his father's house and she gave up her own home, and moved into the home of Dude Hadley's home, and said John hadley and Carrie Weaver, lived together permanently at the Home of Dude Hadley's, the father of John Hadley.-

I further know that when the complainant Jos. W. Weaver, learned that his wife was keeping company with and following up and living with said John Hadley, he then left her, and never to my knowledge, afterwards, lived with nor had anything to do with said Carrie Weaver. I am not related to either party and have no interest in the result of this case.

*J.W. Arnett*

*J.W. Arnett* <sup>his</sup> <sub>mark</sub>

Sworn to and subscribed before me this the 31st, day of August, 1918.

*R. F. Lowrey*  
Commissioner.

J.W. Arnett, being sworn, deposed as follows:

My name is J.W. Arnett, age 29 years. reside near Perdido in Baldwin County, Alabama, I know the parties in this case., I have known Joseph Weaver the complainant about 5, years, I live between a quarter and a half mile from the home of the said Joseph W. Weaver.- I know that I often went to the home of Joseph Weaver to see him on business, but learned that he was off at work, and would most always find John Hadley at her home with her, - and I know that some time about as near as I can recollect two and a half years ago, that said John Hadley, came to Joe's home, and he got Carrie Weaver, to go to the home of John Hadley's father Dude Hadley's, and she took all her clothing, and personal effects, bedding Etc., with her, and that she lived there with said John Hadley, and that she never returned to the home of the Complainant Joseph W. Weaver, and I also know that Joseph W. Weaver, never lived with nor had anything to do with her since he learned that she was living with and co-habiting with said John Hadley.

*J. W. Arnett*

Sworn to and subscribed before me this the 31st, day of August, 1918.

*R. F. Lowrey*  
Commissioner.

I, R. F. Lowrey, the said Commissioner, hereby certify that the foregoing testimony was taken down in writing by me, or under my direction, in the words of the witness, and were read over to them, that they assented, swore to and subscribed the same in my presence, the 31st. day of August, 1918. at the office of G. W. Ellis, Atmore, Alabama; that I have personal knowledge of, or had proof made before me of the identity of the witness, and that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof.

And I enclose the said Deposition, together with the Commission and Interrogatories, Direct and Cross, and documents which were deposed to, in an envelope properly indorsed and sealed and returned to the Register for said Court of said County.

Given under my hand and seal, this the 31st. day of August, 1918. 1918.

R. F. Lowrey (L. S.)  
Commissioner.

WITNESS' FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

Witness <u>W. M. Carnett</u>	<u>1.</u>	Days attendance at \$1.50 per day,	\$ <u>1.50</u>
		<u>2.0</u> Miles traveled at 5 cts. per mile,	<u>1.00</u>
<u>G. A. Arnett</u>	<u>1.</u>	<del>1</del> Days attendance at \$1.50 per day,	<u>1.50</u>
		<u>18</u> Miles traveled at 5 cts. per mile,	<u>.90</u>
<u>J. H. Arnett</u>		Days attendance at \$1.50 per day,	<u>1.50</u>
		<u>20</u> Miles traveled at 5 cts. per mile,	<u>1.00</u>
		Days attendance at \$1.50 per day,	<u>1.50</u>
		Miles traveled at 5 cts. per mile,	<u>.40</u>

COMMISSIONER'S FEES.

Commissioner <u>Fees</u>	Days at \$1.50 per day,	\$ <u>3.50</u>
	Words at 20c per 100,	<u>7.40</u>
		<u>\$10.90</u>

No. .... Page .....

THE STATE OF ALABAMA,  
Dale County.

CIRCUIT COURT, IN EQUITY.

Geo. W. Stewart vs.

Carric Steam

DEPOSITION TAKEN BEFORE  
COMMISSIONER

Testimony  
DEPOSITION OF

W. M. Carnett  
G. A. Arnett

for Campbell

Filed 19  
Published by order of Court, Atty  
9/6 1918

W. M. Arnett Register.

August 26 1918

Mr Tom Rickman is now  
summoned to be at the court  
house in thirty days  
and is not able to come  
I can not fill my place  
with in thirty days

Trusting you will excuse  
this and understand  
I am not able to  
quit there

Barrie W. Lacer  
Peddie Ala





Mr Tom  
Mitchum

Bayzomette

Ala