

Grand Junction, Colorado
August 24, 1954

Mrs. Clara Belle Frazier
862 Ute Avenue
Grand Junction, Colorado

Dear Madam:

This is to advise that at the meeting of the Board of Trustees of the Policemen's Pension Fund of Grand Junction, Colorado held on August 23, 1954, of which the City Attorney gave you notice on August 17, 1954, the Board found that you are no longer entitled to pension payments by reason of the fact that it appears that you have contracted a common law marriage and a motion was adopted that your pension payments cease as of August 1, 1954.

Yours very truly,

Secretary, Board of Trustees
Policemen's Pension Fund,
Grand Junction, Colorado

MINUTES OF MEETING OF BOARD OF TRUSTEES

of

THE POLICEMEN'S PENSION FUND OF GRAND JUNCTION, COLORADO

Held at the Office of the City Clerk in the
City Hall at Grand Junction, Colorado, on
August 23, 1954 at 3:00 o'clock p.m.

There were present all members of the Board as follows: W. D. Toyne, City Manager, Helen C. Tomlinson, City Clerk, Fred E. Hagie, City Treasurer, and H. M. Patterson, Member from the Police Department. The Chairman, W. C. Toyne, called the meeting to order.

James K. Groves, City Attorney, stated that pursuant to order of the Board he transmitted by registered mail on August 17, 1954 to Clara Belle Frazier a letter, a copy of which is attached to these minutes, and that he has received a return receipt signed by Clara Belle Frazier disclosing that she has received such letter.

The Chairman announced that the hearing would commence as to whether the pension payments to Clara Belle Frazier should continue or should terminate. Thereupon the following were duly sworn under oath and the following testimony ensued:

MR. GROVES: State your name, please.

MR. DICKEY: John H. Dickey.

MR. GROVES: What is your position?

MR. DICKEY: Captain, Police Department, Grand Junction, Colorado.

MR. GROVES: Are you acquainted with Clara Belle Frazier?

MR. DICKEY: I am.

MR. GROVES: She was the wife of whom?

MR. DICKEY: Of Albert F. Frazier.

MR. GROVES: A deceased officer of the Grand Junction Police Department?

MR. DICKEY: That is correct.

MR. GROVES: Are you acquainted with Lloyd Clinton Waller?

MR. DICKEY: I am.

MR. GROVES: Will you discuss any words or statements of which you have knowledge bearing on the question of whether there is any marriage relationship between Clara Belle Frazier and Lloyd Clinton Waller?

Mr. Dickey: We have had Mr. Waller in at two or three different times on complaint from Clara Belle Frazier. Now, on the 30th day of March, 1954 I was called over to the Sheriff's office on a complaint from Mr. Waller being made to Officers Mancuso and Kovacic of the Sheriff's department. At that time he made a statement to Officers Mancuso and Kovacic - not in my presence, but he made the statement that he was going to get him an attorney and sue for a divorce. Now on that occasion I had occasion to talk to Mrs. Frazier about this situation. She was doing the complaining. I didn't get too much information out of her, but that he was staying up there at 862 Ute where Mrs. Frazier also lives. On April 1, 1954 Mrs. Frazier made a complaint against Mr. Waller about driving a car and not having a driver's license. They had been having a disagreement and she was trying to get him moved out. She made statements that they were living together as man and wife. After I questioned her about it some, she told me that they had come to the agreement to live together as man and wife on last Halloween, a year ago. She also made the statement during our conversation that she hoped that that business wouldn't mess up her pension that she was drawing from the Police Pension Fund.

Mr. Groves: When do you mean when you say "last Halloween, a year ago"?

Mr. Dickey: At that time it was the first of April, so it would have been in October of 1952, Halloween of 1952, when they were supposed to make the agreement.

Mr. Groves: Who was present at the time she made this statement?

Mr. Dickey: Her and I were talking in the little office at the south side of the squad room, just her and I.

Mr. Groves: Do you have any other information?

Mr. Dickey: On April 24th this year, around 1:00 a.m. in the morning, we received a call that a lady at the corner of 9th and Colorado was screaming for help. We immediately went to 9th and Colorado and saw Mrs. Frazier, and she led us to the house where her and Mr. Waller were staying. They had had quite a row; she had stabbed him in the arm with a knife; there was blood all over everything. I talked a little bit and told him to get his jacket and we'd go. He wanted to change clothes. He asked Mrs. Frazier where was his shirt and things, all his wearing apparel. She gathered it up in the house where they both live - there is only one bed - and she gathered up his things and I sent him down to the station with the other boys. Then I took her down and locked both of them up for disturbing the peace. From what I observed they were both living in the same house. Mr. Waller made the statement on one occasion before that, sometime around the last of March, that she told him that if he would build or fix up the garage they were living in as living quarters that he could have a home for as long as he wanted. I believe Officer Mancuso can enlighten us about what took place before I arrived that night. I haven't been in their home at any other time. There is nothing else that bears on this right now.

Mr. Patterson: You brought Mrs. Frazier to the Police Station and also Waller - who booked them; how were they booked?

Mr. Dickey: They were booked as Clara Belle Waller and Lloyd Clinton Waller.

Mr. Patterson: Did she tell you her name was Clara Belle Waller?

Mr. Dickey: I asked no questions; they were living together and I booked them that way, under that name. I understand the next morning she put up quite a fuss and was rebooked as Clara Belle Frazier; I wasn't there when it came up, I just told the desk man to book her as Clara Belle Waller.

Thereupon Charles Mancuso testified as follows:

Mr. Groves: State your name, please.

Mr. Mancuso: Charles Mancuso.

Mr. Groves: What is your position?

Mr. Mancuso: Patrolman with the City Police, Grand Junction, Colorado.

Mr. Groves: Are you acquainted with Clara Belle Frazier? and Lloyd Clinton Waller?

Mr. Mancuso: Yes, sir.

Mr. Groves: Will you state what you know about them and their conduct bearing on the question of whether there is a marriage relationship between Clara Belle Frazier and Lloyd Clinton Waller.

Mr. Mancuso: It started one evening awhile back; we had a call to come into the station and as we pulled up to the station Waller came running out and said, "Let's go." I said, "Where?" And he said, "To get my clothes." I told him to wait a minute 'til I could find out what it was all about. He said he had his clothes at Mrs. Frazier's house that belonged to him; he said she was running him off. I said, "Are you married to Mrs. Frazier?" He said, "No." I told him I wasn't about to go get his clothes if he wasn't married to her. He said, "I built them houses and she said I had a home as long as I wanted." He didn't come right out and say at the time that he was married. I told him I was not going to get his clothes, so we left; he left before us. About fifteen minutes later we had a call to go to the Sheriff's office. Roy Rupp called. We got there and there was Waller again. We questioned him again, and he wanted us to go get his clothes. I asked again if he was married and he said, "Do I have to answer that?" And I said, "Yes." I wanted to know what I was getting into. Then he admitted he was married to Mrs. Frazier. He said that everything was going along good until Mrs. Frazier's daughter and her husband came to the house and then the daughter and Waller were having trouble. We started having a talk at the Sheriff's office and I was getting disgusted and called and had Dickey to come to the Sheriff's office. I told Dickey what he told me and Dickey talked to him then.

Mr. Groves: Have you ever been inside the premises that have been occupied by Mrs. Frazier and apparently Mr. Waller?

Mr. Mancuso: No.

Mr. Groves: When Mr. Waller told you he had been married and was married to Mrs. Frazier, did he indicate how long prior to that time that it took place?

Mr. Mancuso: He said, but I can't recall. It had been some time.

Mr. Groves: What date did he make these statements?

Mr. Mancuso: I don't recall exact dates, it was this year - it was in March, 1954, the last of the month.

Mr. Groves: Do you have any knowledge of any other matters bearing on this hearing?

Mr. Mancuso: No, sir.

Mr. Groves: Has Mrs. Frazier, or Mrs. Waller, made any statements to you?

Mr. Mancuso; No, she has not.

Thereupon H. M. Patterson testified as follows:

Mr. Groves: Will you please state your name and occupation.

Mr. Patterson: H. M. Patterson, Captain, Grand Junction Police Department, Grand Junction, Colorado.

Mr. Groves: Do you know Clara Belle Frazier?

Mr. Patterson: I do.

Mr. Groves: She is the widow of Albert F. Frazier, a former lieutenant on your Police Department?

Mr. Patterson: That is right.

Mr. Groves: Approximately when did Lt. Frazier die?

Mr. Patterson: I'd have to look it up; the date was August 26, 1949.

Mr. Groves: When did this Board authorize a pension to Mrs. Frazier?

Mr. Patterson: Well, the Board authorized the pension on September 12, 1949.

Mr. Groves: Was that retroactive?

Mr. Patterson: It was beginning September 1, 1949.

Mr. Groves: What had been the amount of that pension?

Mr. Patterson: \$30.00.

Mr. Groves: That is still continuing?

Mr. Patterson: Yes.

Mr. Groves: State what you know about the conduct of Mrs. Frazier and Lloyd Clinton Waller bearing on the subject of this hearing.

Mr. Patterson: I first notices them in the fall of '51, sometime in the fall or winter, as chasing around together; they were seen together quite frequently in the wee hours of the morning. We eat on this midnight-to-8 shift at the Blue Crane restaurant; once or twice a week at 4 o'clock in the morning her and him would be in there. I didn't pay a lot of attention to it. I received a call from her around sometime in January, I don't know the exact date, of '52. She wanted to know if she got married again if her pension would end and I told her it would. She told me at that time that there had been a mistake made at the square-dance club she and Mr. Waller belonged to, they had accused her of being married and asked her about it. I asked her what she told them and she said she told them it was none of their business. I asked her if she was married and she said, "No," but that she and Waller were living together there in the little house he had made over in the rear of her property at 862 Ute Avenue. I contacted the Chief about it and a little later on I tried to find out from some of the members at this square-dance club what took place; I wasn't very successful. I know I thought maybe she had gone someplace else and got married. I looked it up at other places like Moab, but they had not, there was no record there. Later on when this deal came up that we had them in jail, that Mr. Dickey was talking about, I realized that we were going to have to do something and I had better get as much evidence as I could. So I decided to contact some of the members of this square-dance club; and it so happened that my neighbor, Emmett Boydston, told me that they had had a big party on them out there. He said, "We had a big square dance in honor of them getting married, we played the wedding march." I tried to find some member that she had introduced him to as her husband but could find none. Anyway, the marriage was announced out there.

Mr. Groves: Did you learn whether there was any objection on the part of Mrs. Frazier and Mr. Waller as to the announcement at that time?

Mr. Patterson: No, she went right along with it, and him, too.

Mr. Groves: Anything else?

Mr. Patterson: We had him in jail earlier on a drunk charge and I questioned him and he said he was never married to her. I said, "You are living up there, aren't you?" He said, "We come to an agreement to live together as man and wife." That's about all. I understand she has bought merchandise and charged it under the name of Mrs. Waller but I have never been able to verify it.

Mr. Groves: Do you know whether they have resided together in the same residence?

Mr. Patterson: Yes, since '51 in the fall.

Mr. Groves: So far as you know, Mrs. Waller has no other existing marriage?

Mr. Patterson: As far as I know, no, he has not.

Thereupon Charles Kovacic testified as follows:

Mr. Groves: State your name and position.

Mr. Kovacic: Charles Kovacic; I am a patrolman on the Grand Junction Police Force.

Mr. Groves: Are you acquainted with Clara Belle Frazier?

Mr. Kovacic: I am.

Mr. Groves: Will you tell what you know about the matter under discussion here?

Mr. Kovacic: On the night of March 30, 1954 we were called by radio to report to the Police Station. Upon arrival at the Police Station Lloyd Waller was there and wanted Officer Mancuso and me to go with him so he could get in the house and get his clothes. He was told by Mancuso that we would not go there as he said they were not married at the time. About an hour later we got a call to report to the Sheriff's office. Upon arriving there we again saw Waller. It was at that time, when he was asked by Officer Mancuso several times, he stated that he was married to Mrs. Frazier by common law marriage. That's about all I can say about it.


STATEMENT BY MR. GROVES:

Members of the Board, reading from Volume 55 of Corpus Juris Secundum, at Page 818: "A common-law marriage need not be solemnized; all that is required is that there should be an actual and mutual agreement to enter into a matrimonial relation, between parties capable in law of making such a contract, consummated by their cohabitation as man and wife or their mutual assumption openly of marital duties and obligations." Common law marriages, as defined in this statement, are recognized in Colorado, and, once two people who are capable of contracting marriage agree to be man and wife and if they cohabit thereafter under such agreement, they are then as much married in this state as any other couple who have a formal marriage. There is testimony in this record which would justify a finding of common law marriage, although it is not within my province to pass upon the weight of the evidence - that is for you. It is the law that under the Colorado pension statutes involved here, if a person contracts a common law marriage and that person has theretofore been receiving a widow's pension, the pension should thereupon cease.

A motion was made by Mrs. Tomlinson that, after due consideration of the evidence, the Board finds that the pension of Clara Belle Frazier should be discontinued, and that it cease as of August 1, 1954. The motion was seconded by Mr. Hagie and, upon vote, unanimously adopted.

The Board discussed at some length the matter of whether pension payments previously made to Mrs. Frazier should be returned and, if so, the procedure to be taken. A motion was made by Mr. Patterson to table the matter until a later date. The motion was seconded by Mrs. Tomlinson and, upon vote, unanimously adopted.

There being no further business to come before the meeting, the meeting adjourned.


Secretary

I, Anita Streff, do hereby certify that the foregoing is a full, true and correct transcript of the proceedings had in the meeting of the Police Pension Board of Grand Junction, Colorado, on August 23, 1954 commencing at 3:00 o'clock p.m.

Notary Public