

THE STATE OF ALABAMA, }
Baldwin County.

No. 690

Circuit Court, In Equity

ELOISE W. EBERT,

Complainant

vs.

JOHN A. EBERT,

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the 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 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 Complainant is forever divorced from the Defendant.

IT IS FURTHER ORDERED that Complainant have the custody and control of the minor child, Tommie Ebert, subject to further orders of this Court;

It is further ordered that the said ELOISE W. EBERT and JOHN A. EBERT are be, and they ~~are~~ hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said JOHN A. EBERT, the Respondent, 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 be issued against the said

ELOISE W. EBERT,

It is further ordered, adjudged and decreed that said ELOISE W. EBERT shall not again marry except to said JOHN A. EBERT until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said JOHN A. EBERT,

during the said pendency of appeal.

This 8th day of March 1941.

J. M. Stare
Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }
Baldwin County.

Circuit Court, In Equity.

I, _____ Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____ 193__ in the cause of _____

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____ 193__

Register

690

ELOISE W. EBERT,
Complainant,

vs.

JOHN A. EBERT,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY, No. _____

BILL FOR DIVORCE

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

ELOISE W. EBERT, Your Complainant, by this, her Bill of Complaint presented against JOHN A. EBERT, the Respondent, respectfully shows:

1. That Your Complainant is a resident of this State and County, where she has resided and been a bona fide resident citizen all of her life, and that she is over twenty one years of age.

2. That the Respondent is also a resident of this State and County, residing at Foley, Baldwin County, Alabama, and that he is over twenty one years of age.

3. That Your Complainant and the Respondent were married at Pensacola, Florida, on, to-wit: the 1st day of May, 1937, and that they lived together as husband and wife in Foley, Baldwin County, Alabama, until, to-wit: January 10, 1941, when and where she left the said Respondent for the causes hereinafter alleged, which were without fault on her part.

4. That since said marriage, to-wit: in the last past several months, the Respondent has become addicted to habitual drunkenness in that he drinks to excess practically all of the time, at which times his conduct in his own/home is such as to make home life unbearable and intolerable and impossible of continuance on a compatible basis, and for this conduct on his part, Your Complainant found it necessary to leave him; and that said habitual drunkenness continues up to the time of filing this Bill.

5. That at various times, and on to-wit: August, 1940, the Respondent threatened to strike Your Complainant with his hand, and used threatening and abusive words toward her;

and that from h&s said conduct, the said Respondent has placed Your Complainant in reasonable apprehension of violence to her person, attended with danger to her life or health, all in such a manner as to cause the said Complainant to reasonably apprehend violence to her person, attended with danger to her life or health.

6. That Complainant and Respondent have one child by their said marriage, a son, to-wit: Tommie Ebert, who will be three years of age in March, 1941; that said child is now in the actual custody of Your Complainant; that Complainant alleges that the Respondent is not a fit and proper person to have the custody and care of said minor child; that said child, being an infant of tender years, would be better cared for in the custody of its mother, Your Complainant; that Your Complainant is able to work, is willing to do so for the support of said child, and that she has been working, and is able to care for the said minor child in the manner he should be cared for.

THE PREMISES CONSIDERED, Your Complainant prays that the said JOHN A. EBERT, of Foley, Baldwin County, Alabama, be made a party Respondent to this Bill of Complaint; that proper notice be served on him; that he be notified to answer within the time prescribed by law, and to abide by such orders as may be made in the premises.

Complainant further PRAYS that upon the submission of this Cause, a decree may be rendered in her favor forever divorcing her from the Respondent, granting her the right to re-marry should she so desire.

Complainant further prays that the Court may make an order or decree granting her the right to the custody of the said Minor Child, Tommie Ebert, until further order of the Court.

And if Complainant has not asked for the proper relief, she prays that the Court may grant such further, additional, other, and different relief as to your Honor may seem meet, just, and right and proper, in Equity.


Solicitor for the Complainant.

The State Of Alabama } Circuit Court of Baldwin County, In Equity.
Baldwin County }

To Any Sheriff of the State of Alabama—GREETINGS:

WE COMMAND YOU, That you summon JOHN A. EBERT

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

ELOISE W. EBERT

against said JOHN A. EBERT

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, R. S. Duck, Regiser of said Circuit Court, this 18th day of January, 194 1.

R. S. Duck, Register

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

THE STATE OF ALABAMA, }
Baldwin County }

CIRCUIT COURT

TO H. EMBREE SMITH:

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Elouise W. Ebert and Vivian W. Christensen

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

ELOUISE W. EBERT,

is Complainant

and JOHN A. EBERT,

is Defendant,

on oath to be by you administered, upon them

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness " 28th day of February, 19 41.

R. S. Duck

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

ELOISE W. EBERT, COMPLAINANT

vs.

JOHN A. EBERT, RESPONDENT

I, H. Embree Smith

as ~~Register~~ Commissioner

have called and caused to come before me Eloise W. Ebert and Vivian W. Christensen,

witness es named in the requirement for Oral Examination, on the 28th day of February, 1941, at the office of Leslie Hall, Attorney at Law, in Baldwin, Alabama, and having first sworn said witness es to speak the truth, the whole truth, and nothing but the truth, the said Eloise W. Ebert

doth depose and say as follows:

I am the Complainant in this case. The respondent, John A. Ebert, and I were married in Pensacola, Florida, on May 1, 1937, and have lived together as husband and wife since that time, in Foley, Baldwin County, Alabama. I am a resident of Foley, Baldwin County, Alabama, and have been for many years. We lived together as husband and wife until January 10, 1941, when I left my husband because he had become addicted, since our marriage, to habitual drunkenness. For the last several months, he has been drinking to the point of drunkenness practically all of the time, and his conduct on such occasions is such as to make our home life unbearable. For that reason, I found it necessary to leave him on January 10, 1941. I am more than twenty one years of age, and my husband is also more than twenty one years of age. He lives at Foley, Baldwin County, Alabama. I am and have been a bona fide resident citizen of the State of Alabama all of my life. In about August, 1940, my husband threatened to strike me with his hand, and his manner of threatening was such that I had reasonable fear that he would commit actual violence on my person, attended with danger to my life or health. I had to leave him because I could not longer stand to live with him. We have one child, a little boy, Tommie Ebert, who will be three years of age in March. The father, because of his conduct, is unfit to have the custody of this little boy, and he, being a child of tender years, would be better cared for in my custody. I am able to work, and have been working, and am able to care for the child.

Having Eloise W. Ebert

And the said Vivian W. Christensen having been likewise sworn, she doth depose and say:

I am the sister of Eloise W. Ebert, and live at Elberta, in Baldwin County, Alabama. I have often had occasion to observe my sister and her husband, John A. Ebert, and know that

ELOISE W. EBERT,
Complainant,

vs.

JOHN A. EBERT,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

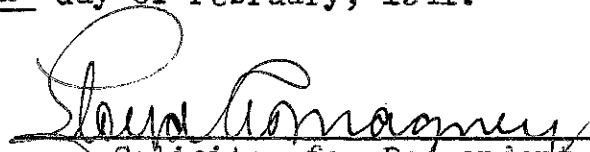
IN EQUITY

ANSWER AND WAIVER OF RESPONDENT

Comes now JOHN A. EBERT, Respondent in the above-styled cause, in his own proper person, and for answer to the Bill of Complaint filed in said cause, says:

1. He admits that he is over 21 years of age, and a resident of Foley, Baldwin County, Alabama;
 2. He admits that Complainant is also over 21 years of age, and a resident of Foley, Baldwin County, Alabama, and that she has been a bona fide resident citizen of Baldwin County, Alabama, all of her life;
 3. He admits that he and complainant were married on, to-wit: May 1, 1937, and have lived together as husband and wife until, to-wit: January 10, 1941.
 4. He denies each and every other allegation of the Bill of Complaint, separately and severally, and demands strict proof thereof.
 5. And for further answer, the Respondent says that he is not in the Military or Naval service of the United States.
- And the Respondent hereby expressly waives service of process.

Dated this 13th day of February, 1941.


Solicitor for Respondent.

RECORDED

No. 690

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.

ELOISE W. EBERT,

Complainant,

VS.

JOHN A. EBERT,

Respondent.

DECREE OF DIVORCE

Filed in office this

11th

day of

March

1941

A. S. Duck
REGISTER

H. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama.
(In Equity)

ELOISE W. EBERT, COMPLAINANT

vs.

JOHN A. EBERT, RESPONDENT

I, H. Embree Smith

as ~~Registered~~ Commissioner

have called and caused to come before me Eloise W. Ebert and Vivian W. Christensen,

witness es named in the requirement for Oral Examination, on the 28th day of February, 1941, at the office of Leslie Hall, Attorney at Law, in Baldwin, Alabama, and having first sworn said witness es to speak the truth, the whole truth, and nothing but the truth, the said Eloise W. Ebert

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Having Eloise W. Ebert

And the said Vivian W. Christensen having been likewise sworn, she doth depose and say:

I am the sister of Eloise W. Ebert, and live at Elberta, in Baldwin County, Alabama. I have often had occasion to observe my sister, and her husband, John A. Ebert, and know that

I, H. Embree Smith 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 es and read over to them and they signed the same ~~in the presence of say~~

~~in the presence of say~~

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 29th day of ~~February~~ February 1941.

H. Embree Smith (L. S.)
As commissioner.

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

Eloise W. Ebert,

COMPLAINANT

John A. Ebert,

RESPONDENT

ORAL DEPOSITION

Filed March 1, 1941

R. S. Duck, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

since their marriage, in fact, in the last few months, John A. Ebert has become addicted to habitual drunkenness, and that he drinks just about all of the time, making his home unbearable for his wife and child.

At various times, I have heard John say very rough things to his wife, and that his manner of speaking was at such times threatening.

Their little boy, Tommie, is young and would be best provided for in his mother's care. She is able to care for him in the way he should be, and it would be a detriment for him to be brought up in the custody of his father.

Virvan W. Christensen

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 690 March Term, 1941

ELOISE W. EBERT

, Complainant

Vs.

JOHN A. EBERT

, Defendant

To 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 H. E. Smith,

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.

H. E. SMITH

Solicitor for Complainant.

 ELOISE W. EBERT,

 vs. Complainant,

 JOHN A. EBERT,

 Respondent.

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 of the Respondent; Testimony of Eloise W. Ebert,
 and Vivian Christensen; Request for Decree;

and in behalf of Defendant upon Answer and Waiver.

R. S. Rush

Register.

RECORDED

No. 690

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 7th

day of March 1981

R. S. Smith

REGISTER

UNRECORDED

No. _____ Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Vs.

**REQUEST FOR DECREE IN
VACATION**

Filed March 7, 1981

R.S. Level
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

690
RECORDED
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ELOISE W. EBERT,

Complainant,

vs.

JOHN A. EBERT,

Respondent.

ANSWER AND WAIVER OF RES-
PONDENT

*Filed February 14, 1941,
R. S. Dorch, Register*

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

W. R. STUART, Sheriff

RECORDED
ELOISE W. EBERT,
Complainant,

vs.

JOHN A. EBERT,
Respondent.

BILL FOR DIVORCE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed in office this 13
day of January, 1941.

R. S. Dusk
Register.

Lesmie Hall
Attorney at Law
Bay Minette, Ala.

Deputy Sheriff

Sheriff

NO ANSWER

RETURNED TO SHERIFF'S OFFICE

By Leslie Davis Deputy Sheriff

Sheriff

W. R. Stuart

John A. Ebert

Completed on

1941

1-21