

The State of Alabama, }
Baldwin County.

No. 776

Circuit Court, in Equity.

David Ewing

Complainant

vs.

Mary L. Ewing

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.

on account of adultery on the part of the defendant

It further orderd, that the said David Ewing

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

It is further ordered, that the said David Ewing 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

Mary L. Ewing

It is further ordered, adjudged and decreed that said David L. Ewing shall not again marry except to said Mary L. Ewing until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Mary Ewing

during the said pendency of appeal

This 20th day of December 1928

John D. Leigh
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 1928, 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 1928

Register

776
NO. 776

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY,
BALDWIN COUNTY, ALA.

David Ewing

vs.

Mary I. Ewing.

DECREE OF DIVORCE.

Filed in office this 21st

day of December, 1928

Register.

RECORDED

E. O. M.

David Ewing
DAVID EWING,
COMPLAINANT,
vs.
MARY L. EWING,
RESPONDENT,

Mary L. Ewing
IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY.

1. Complainant, David Ewing, respectfully shows unto your Honor that he was married to Mary Louisa Hurley about August 1, 1880, and they have both been residents of Baldwin County since that time.

2. Your orator further shows that his said wife has been guilty of committing adultery, within the last twelve months, and there has been no condonation on his part.

PRAYER.

The premises considered, Complainant prays that the said Mary L. Ewing be made party defendant to this bill of complaint, and be caused to plead, answer or demur to same in accordance with the rules and practice of this Honorable Court, and that such orders be made, and proceedings had as are in conformity with same, and that your orator be granted a decree of divorce from the bonds of matrimony.

Webb & Shepard
SOLICITORS FOR COMPLAINANT.

NOTE: Respondent is required to answer all the allegations of the foregoing bill of complaint, from paragraph 1, to 3, inclusive, but answer under oath is hereby waived.

Webb & Shepard
SOLICITORS FOR COMPLAINANT.

Original Bill

Divorce

Filed Sept 20th/1928
 T W Beckman
 Registrar

RECORDED

Webb & Shepard
 Attorneys for Complainant

IN SENATE
 SENATE OF THE STATE OF CALIFORNIA
 FEBRUARY 21, 1929

REPORT OF THE JUDICIAL OFFICERS IN SENATE

THE JUDICIAL OFFICERS REPORT THAT THE PETITIONER HAS BEEN
 ABSENT FROM HIS HOME FOR A PERIOD OF SEVERAL MONTHS
 AND THAT HE HAS BEEN FOUND IN COMPANY WITH A
 WOMAN WHO IS NOT HIS WIFE AND WHO IS THE
 DAUGHTER OF A MAN WHO IS A MEMBER OF THE
 SAME CHURCH AS THE PETITIONER.

[Handwritten signature]

SEE TO BE ATTACHED TO THIS REPORT OF DEVELOPER OF PETITIONER'S STATE
 AND, OTHERWISE, AS OF A DEPENDENT OF PETITIONER TO LIVE PETITIONER
 ...

[Handwritten signature]

8581 NOTE OF TESTIMONY

David Ewing

vs.

Mary L. Ewing

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 ~~affidavit~~ and testimony of David Ewing.

and in behalf of Defendant upon

T. C. Mc...

Register.

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No. 776

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

David Lewis

VS

Mary Lewis

NOTE OF TESTIMONY

Filed in Open Court this 6th

day of 12th 1928

J. M. [Signature]

Register

DAVID EWING,
COMPLAINANT,
vs.
MARY L. EWING,
RESPONDENT,

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY.
No.

Comes the Respondent, Mary L. Ewing, and
for answer to bill of complaint, says:-

1. She admits that she was married to
David Ewing on August 1st., 1880, and have both been bona fide
residents of said County since that time.

2. Respondent denies the allegations of
the second paragraph, of the bill of complaint.

Respondent waives notice of the filing of
interrogatories in this case, and agrees that same may be taken, at once,
either upon interrogatories or ~~by~~ oral examination, and when
taken, the case may be submitted for final decree at anytime
whether in term time or vacation, as she does not intend to resist
the granting of a divorce in this case, and further agrees
that testimony may be taken without the issuance of a commission
by any Notary Public, Attorney at Law, or Court Stenographer.

Mary L. Ewing
her
mark

STATE OF ALABAMA,)
COUNTY OF MOBILE,)

Before me, *Lillian Javer*, a Notary

Public in and for the State and County aforesaid, personally appear-
ed Mary L. Ewing, whose name is signed to the foregoing answer, and
who is known to me, acknowledged before me on this date, that being
informed of the contents of said answer, she signed the same volun-
tarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand
on this the *28th* day of November, 1928.

Lillian Javer
NOTARY PUBLIC, MOBILE COUNTY, ALA.

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

DAVID EWING,
COMPLAINANT,

vs.

MARY L. EWING,
RESPONDENT.

ANSWER.

*Filed 12/29/928
T.W. Richardson
Register*

RECORDED

STATE OF ALABAMA
COUNTY OF BALDWIN

[Handwritten signature]

[Handwritten signature]

[Faint handwritten notes]

[Handwritten signature]

David Ewing,)
Complainant,)
Vs.)
Mary L. Ewing,)
Respondent.)

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

Under and by virtue of a commission issued to me out of the Circuit Court of Baldwin County, Alabama, in a cause therein pending, wherein David Ewing is complainant and Mary L. Ewing, respondent, I caused to come before me in the office of Webb & Shepard, Mobile, Alabama, David Ewing, a witness examined on behalf of complainant, who being by me first duly sworn to speak the truth, the whole truth and nothing but the truth, did testify as follows:

To the first interrogatory he saith:

My name is David Ewing. I am seventy-two years of age, and have resided in Baldwin County since my birth, and both my wife and I were bona fide residents thereof when this suit was filed, though I went temporarily to Biloxi, Mississippi, to stay until my divorce is granted as I did not wish to drive her out of my home at Shell Bank and could not bear to live in the same house with her after what I saw. However, since this suit was filed she has temporarily gone to Mobile and I expect to return to my home in Baldwin County shortly. My wife was born and has resided in Baldwin County practically ever since her birth.

We were married in Baldwin County, Alabama, in August, 1880, and lived there continuously up to the time of our separation just before this suit for divorce was filed. About twenty-five or thirty years ago she ran away with Horace Walker and lived with him for about two years, but on account of my boy who was a little fellow then, I forgave her and persuaded her to return home. For a number of years I have observed that she was too intimate with Captain Peter Plash and remonstrated with her but to no effect, and as I have always wanted peace in my home I submitted to this.

A few days before I filed this suit for divorce, I went in my house and laid down just after supper and I supposed she

thought I had gone to sleep, but after a time, becoming suspicious, I went into the room of Captain Peter Plash who had lived with us for a number of years, and found her naked in his arms. I told her I was through with her and left home. Captain Plash rented a room for her in Mobile and I have every reason to believe they are continuing their acts of adultery.

David Ewing

I, William J. Goodman, Commissioner in said commission named, do hereby certify that I am not of counsel nor of kin to any of the parties to this cause nor in any manner interested therein; that the foregoing witness was made known to me by Mr. Webb and I believe him to be the identical person named in the interrogatories; that after being duly sworn he testified as above set out and after his testimony had been read over to him assented^{to} and signed the same in my presence, on this the third day of December, 1928.

William J. Goodman
Commissioner.

DAVID EWING,

COMPLAINANT,

vs.

MARY L. EWING,

RESPONDENT,

IN THE CIRCUIT COURT OF BALDWIN

Interrogatories to be propounded to David Ewing in his own behalf.

INTERROGATORY ONE. Give your name, age and place of residence, also that of your wife, Mary Louisa Hurley Ewing. At the time of the filing of this bill of complaint, were you both bona fide residents of Baldwin County, Alabama? If so, how long had you been such residents? When and where were you married and how long did you live together? If you are not living together at this time, when did you separate?

INTERROGATORY TWO. State any facts known to you showing that your wife has not been faithful to her marriage vows, and in what respect.

Webb & Shepard
SOLICITORS FOR COMPLAINANT.

William J. Goodman or Lyman Faith Holland are suggested as suitable persons to act as commissioner in taking the foregoing deposition, and they reside in Mobile, Alabama, where the witness will come to give his testimony.

Webb & Shepard
SOLICITORS FOR COMPLAINANT.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

DAVID EWING,
COMPLAINANT.

vs.

MARY L. EWING,
RESPONDENT.

INTERROGATORIES to be pro-
pounded to DAVID EWING.

*Filed Nov 29/1928,
T. W. Williams
Register*

[Handwritten signature]

[Handwritten signature]

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To William J. Goodman or Faith Holland,

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 David Ewing,

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

David Ewing Complainant

and

Mary L. Ewing Defendant,

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

Witness 29th day of November 1928

T. W. Wislizenus
Register.

Commissioners Fee \$ 5.00

Witness Fee's \$

No.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

David Ewing

Complainant.....

vs.

Mary L. Ewing

Defendant.....

COMMISSION TO TAKE DEPOSITION
ON INTERROGATORIES.

COMMISSIONER:

William J. Goodman or

Faith Holland.

WITNESSES:

David Ewing.

ALIAS?

Summons—Original,

Moore Printing Co. Bay Minette, Ala.

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 Mary L. Ewing

111 1/2 Monroe St, Mobile Ala.

of Mobile, 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

David Ewing

against said Mary L. Ewing

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 2nd day of

Nov 1928

T. W. Richerson Register

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

Original

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SERVE ON

Circuit Court of Baldwin County
In Equity.

No. 776

SUMMONS

David Ewing

11/28 X
vs.

Mary L. Ewing,
111 1/2 Monroe St
Mobile Alabama.

Webb & Shepard,

Solicitor for Complainant

Recorded in Vol. Page

a
11-28-28

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THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 28th
day of November 1928

~~Pat Byrne~~
~~D. H. Gibson~~ Sheriff

Executed this 28th day of
November 1928
by leaving a copy of the within Summons with

Mary L. Ewing

Defendant

Pat Byrne
Sheriff

By ~~A. C. Dabney~~
W. C. Annisley Deputy Sheriff.