

The State of Alabama, }  
Baldwin County.

No. 806

Circuit Court, in Equity.

Clara Avery Ewald, Complainant

vs.

H.M. Ewald 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 Cruelty, of H.M. Ewald toward Clara Avery Ewald,...

It further orderd, that the said Clara Avery Ewald be, and s. 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 Clara Avery Ewald 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

H.M. Ewald

It is further ordered, adjudged and decreed that said Clara Avery Ewald shall not again marry except to said H.M. Ewald until sixty days after this date, and that if an appeal is taken within sixty days s. he shall not marry again except to said H.M. Ewald.

and that Complainant be and is hereby authorized to resume her former married name of Clara Avery during the said pendency of appeal

This 23<sup>rd</sup> day of May 1929

F. N. Hance  
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 \_\_\_\_\_ 192\_\_\_\_, 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 \_\_\_\_\_ 192\_\_\_\_

Register

Foley, Ala., *May 14* 1929

*Mr. T. W. Richerson,*  
*Bay Minette, Ala.*  
IN ACCOUNT WITH

# BARCHARD PUBLISHING CO.

The Foley Onlooker

Robertsdale American

HIGH QUALITY JOB PRINTING

Balance as shown in last statement

*Mar. 28*      *Legal 4-t*      *9.81*

## Legal Advertisements

### NOTICE TO NON-RESIDENT

The State of Alabama,  
Baldwin County,  
Circuit Court in  
Equity. This the 24th  
day of March, 1929.  
Carl Mason, No. 805, vs. Hettie  
Barlow Mason.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Carl Mason that the defendant, Hettie Barlow Mason, is a non-resident of the State of Alabama and to his best knowledge and belief is a resident of Chesterfield, South Carolina, and further, that, in the belief of said Affiant, the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in The Onlooker, a newspaper published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Hettie Barlow Mason to answer or demur to the Bill of Complaint in this cause by the 27th day of April, 1929, or after thirty days therefrom a decree Pro Confesso may be taken against the said Hettie Barlow Mason.

T. W. Richerson, Register.  
Hon. F. F. Nelson,  
Atty for 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

H.M. Ewald

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

Clara Avery Ewald.

against said

H.M. Ewald,

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 27th day of March 1929.

*T. W. Richerson* 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.

No. 806

CIRCUIT COURT, IN EQUITY

Clara Avery Ewald

Complainant.

vs.

H. M. Ewald

Defendant

In this cause it appears to the Register  
that a Summons requiring the Defendant H. M. Ewald

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the  
service of said Summons upon H. M. Ewald  
was served upon him by the Sheriff of Baldwin County, Alabama, on the  
28th day of March 1929

And the said Defendant ... having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as  
confessed against the said H. M. Ewald

Defendant aforesaid.

This 6th day of May 1929

*T. W. Rice*

Register.

STATE OF ALABAMA  
COUNTY OF BALDWIN

IN CIRCUIT COURT  
IN EQUITY

Clara Avery Ewald, Complainant,

vs.

C E R T I F I C A T E

H. M. Ewald, Defendant.

I, G. E. Perkins, the Commissioner named in the attached Commission, hereby certify that, in pursuance of said commission, I did, on Tuesday, May 7th, 1929, call and cause to come before me at the offices of Attorney Edward P. Totten in the State Bank Building at Fairhope, Ala., the witnesses and Complainant, Mrs. Clara Avery Ewald, and Mrs. Raymond Newman and Mrs. Lillian B. Totten, in said commission named and, after being duly sworn by me, they did testify and make the oral depositions hereto annexed as set down above their signatures.

I further certify that the answers of said witnesses are set down as near as might be in their own language and they subscribed their names thereto in my presence after having read the same.

I further certify that I am neither of counsel nor of kin to any of the parties to this suit, nor am I in any manner interested in the result thereof.

Dated at Fairhope, Ala., this 7th day of May, 1929.

  
\_\_\_\_\_  
Commissioner.

STATE OF ALABAMA COUNTY  
COUNTY OF BALDWIN

IN CIRCUIT COURT  
IN EQUITY

Clara Avery Ewald, Complainant,

vs.

ORAL DEPOSITIONS

H. M. Ewald, Defendant.

TESTIMONY OF CLARA AVERY EWALD, Complainant,

Q.- Are you the Complainant in this cause, over the age of 21 years, and have you lived at Fairhope, Baldwin county, Alabama, for more than one year next preceding the date of commencement of this action?

A.- I am. Yes.

Q.- Is the Defendant, H. M. Ewald, over the age of twenty one years, a resident of Baldwin county, Ala., and were you and he married to each other on the 8th day of July, 1922? at Pawnee, Oklahoma?

A.- Yes.

Q.- How has the Defendant treated you during the time you have been living with him as his wife?

A. He has been cruel, unkind, and has abused me by striking me with his hands and by choking me, and has at different times thrown sticks of wood and other objects and articles at me with intent to injure me. On many occasions he has called me an unchaste woman, a harlot, ~~an~~ a beast, and other names. During May, 1928, he waked me in the night with threats of injury and, in a fit of rage, he drove me out of the house and I was obliged to seek shelter at a neighbor's in my night clothes. In the Fall of 1927, October or November, he rushed at me in anger with a razor in his hand and threatened to cut my throat. On several other occasions he has threatened me with a razor, or threatened to kill me, and has repeatedly obliged me to seek shelter from his violence, in the middle of the night, at the home of one of my neighbors. I have suffered both mentally and physically from his actions and am afraid of being injured or killed when Defendant is in one of his fits of ungovernable fury. My health has suffered by reason of his actions and threats, and I am afraid of him.

---

six times during the past year, coming there in her night clothes, and stating to me at such times that her husband was abusing her and threatening her life. On one occasion her foot was injured and swollen, which she said was caused by her having to hurry from the home in the middle of the night to escape injury from her husband. I saw him once recently fly into a fit of passion over nothing, while I was with Mrs. Ewald.

A.- (continued) Six weeks ago Mrs. Ewald came to my home at about eight o'clock in the evening and asked to stay with us all night, stating to me and my husband that she was afraid to stay at her own home that night on account on the abuse and threats of her husband. One night since then she came to our house in a terrific downpour of rain, saying she was afraid to stay with her husband, and stayed all night at our house.

Q.- Is the Defendant H. M. Ewald an able-bodied man, in good health, and capable of earning a living?

A.- Yes, I think so, from my knowledge of him.

Mrs. Raymond Newman

TESTIMONY OF MRS. LILLIAN B. TOTTEN

AQ.- Is your name Mrs. Lillian B. Totten and how long have you lived as a near neighbor of Mr. and Mrs. Ewald?

A.- Yes; have lived as a near neighbor to them all the time they have been in Fairhope, three years or more.

Q.- Are you well acquainted with both Mrs. and Mr. Ewald?

A.- Yes.

Q.- How has Mrs. Ewald been treated by the Defendant Ewald during the time you have known them?

A.- Very harshly and brutally on some occasions, of my own knowledge. We live near enough so that we have been able to hear his raging and storming at his wife and I recall that one night we were awakened in the middle of the night by his shouting and storming at her. He has by his rough treatment and threats driven her from her home several times and on one occasion she sought shelter in her nightclothes at our home in the middle of the night, stating that she was afraid of his injuring her. It was a very cold night and she was chilled through and it was some time before she was warmed. I know him to be a man of a hot, ungovernable temper and Mrs. Ewald has told me that he has threatened her life and that she is afraid to live with him.

Mrs. Lillian B. Totten

COMMISSION TO TAKE ORAL DEPOSITION

STATE OF ALABAMA  
BALDWIN COUNTY.

IN THE CHANCERY COURT OF BALDWIN  
COUNTY, ALABAMA.

To Hon. G. E. Perkins, who reside in Fairhope,  
Baldwin County, State of Alabama, Greeting:

Know you, that we, reposing confidence in your  
integrity, skill and ability, have appointed you commissioner  
to take the testimony of Mrs. Raymond Newman and Mrs. Lillian  
B. Totten, <sup>Clara Avery Ewald,</sup> material witnesses in a suit now pending in our  
Chancery Court of Baldwin County, wherein Clara Avery Ewald is  
Plaintiff, and H. M. Ewald is Defendant; and we hereby authorize  
and empower you to call and cause to come before you the said  
witnesses and depositions on oath to take, as well as for the  
Plaintiff as for the defendant, touching knowledge of the mat-  
ters and things in controversy in said suit, which deposition  
when so taken shall be signed by said witnesses and certified  
by you as such commissioner as herein; and you are further  
commanded that the deposition when so taken, with this commis-  
sion, to return under your hand and seal to the ~~clerk~~ (~~clerk~~  
register) of said court, with all convenient speed.

Witness my hand, this the 6th day of May, 1929.

T. McKeown

Clerk (or Register)

The commissioner will please name the amount of  
his fee and witnesses' fees.

Commissioner's fees \$ <sup>5.00</sup>.....

Witness fees \$.....

STATE OF ALABAMA,  
Baldwin County

To Hon. G. E. Perkins, Commissioner:

You are required to give notice of the time  
and place of taking the deposition of the within witnesses  
to Hon. E. P. Totten, solicitor of record.

T. McKeown

Clerk (or Register)



8581 NOTE OF TESTIMONY

Clara Avery Ewald.....

.....

.....

vs.

H.M. Ewald.....

.....

.....

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,.....  
... Service on Defendant, decree pro confesso and testimony of.....  
Clara Avery Ewald, Mrs. Raymond Nelson and Mrs. Lillian Totten,...

and in behalf of Defendant upon.....

*T. W. Richardson*

Register.

LAW OFFICES OF  
EDWARD P. TOTTEN  
BANK BUILDING  
FAIRHOPE, ALABAMA

May 30th, 1929.

Hon. T. W. Richerson,  
Register of Circuit Court,  
Bay Minette, Alabama.

Dear Mr. Richerson:-

In re. EWALD vs. EWALD 806

Decree of Court and Bill of Costs  
in above matter is received and you will find herewith  
enclosed check for \$21.85 to cover.

The Decree recites that "the Court  
is of the opinion that the Complainant is entitled to  
the relief prayed for in said Bill" but, as entered,  
it does not give all of the relief sought. By re-  
ferring to complaint, you will notice that "restoration  
of her previous married name of Clara Avery" is sought  
by the complainant, in addition to judgment against  
the Defendant for one hundred dollars as counsel fees  
and expenses of suit, and "permanent alimony in such  
sum, monthly, as shall seem to the Court just and  
equitable in the premises".

As the Defendant was served person-  
ally with Summons in this county? I can see no reason  
why we are not entitled to a judgment against him for  
the alimony prayed, as well as counsel fees and costs,  
in amount stated. If there is something in the  
equity practice preventing this relief, I should be  
very glad to be enlightened in the matter. If, on  
the other hand, we are entitled to it, under the rules  
and practice of the Court, I should appreciate your  
calling Judge Hare's attention to these omissions  
and endeavoring to have a decree entered conforming  
to the prayer of the Bill.

Requesting that you will give this  
your kind attention at your earliest opportunity and  
let me hear from you in the premises, I am, with all  
good wishes,

Yours very sincerely,

F/IM

  
Edward P. Totten

STATE OF ALABAMA  
COUNTY OF BALDWIN

IN CIRCUIT COURT  
IN EQUITY

Clara Avery Ewald,  
Complainant,

vs.

BILL OF COMPLAINT FOR DIVORCE

H. M. Ewald, Defendant.

To the Honorable F. W. Hare, Judge of said Court:

Your Orator, Clara Avery Ewald,

respectfully shows unto your Honor, as follows:

First-

That she is now and, for more than one year next preceding the filing of this Bill, has been an actual resident in good faith of the state of Alabama, in the county of Baldwin, at the town of Fairhope therein, and that the Defendant is also a resident of the said county, town and state;

Second-

That your Orator and the Defendant are each over the age of twenty one years and that, on the 8th day of July, 1922, your orator and the Defendant were legally married at Pawnee, Oklahoma, and ever since have been, and now are, lawful husband and wife;

Third-

That, beginning with the month of December, 1922, and continuing down to the present time, the Defendant has been guilty of extreme cruelty toward your orator in that the said Defendant has committed actual violence on her person, attended with danger to her health, by striking her with his fist and choking her and, on many occasions, has thrown various articles at the complainant with intent to injure her person, and on many occasions during said period has applied vile and opprobrious epithets toward this complainant; that the Defendant is a man of violent and ungovernable temper and by his outbursts of passion keeps the complainant in a constant state of fear for her health and life, and that the Defendant has, on several occasions, threatened to kill your

Orator, and that in consequence of such acts and threats of the Defendant the health of the Complainant has suffered and she is frequently made to feel by the Defendant in danger of her life; that, by reason of the mental and physical suffering inflicted upon her by the Defendant, and the almost constant apprehension of serious bodily injury or death, longer living with the Defendant has become utterly intolerable;

Fourth-

That the Defendant is a large, strong, able-bodied man, in good health, and has a lucrative trade or profession by which he is able to earn from one hundred fifty to two hundred dollars per month, but has always spent his earnings carelessly and has never acquired any property for the support of himself and this complainant;

Fifth-

That your Orator has at all times demeaned and conducted herself properly and has always acted toward her said husband as a faithful and dutiful wife and is entirely without fault in the premises; that she has given the Defendant no cause or provocation whatever for his acts and threats of violence and cruelty toward her;

THE PREMISES CONSIDERED, your Orator respectfully prays that the said Defendant, H. M. Ewald, be made party Respondent to this Bill of Complaint by the usual process of this Honorable Court and that he be required to demur, plead to or answer the same within the time and under the penalties as provided by law, or that the same be forever confessed;

PRAYER FOR RELIEF:

Wherefore, your Orator prays that, upon the final hearing of this cause, the bonds of matrimony now and heretofore subsisting between herself and Mr. M. Ewald, the Defendant, be wholly dissolved and that she be granted an absolute divorce therefrom, and that she be allowed and decreed the restoration of her previous married name of Clara Avery; that

the Defendant be ordered, adjudged and decreed to pay your Orator permanent alimony in such sum, monthly, as shall seem to the Court just and equitable in the premises upon a consideration of the entire matter; that, during the pendency of this action and suit, there may be allowed to the complainant, and Defendant be ordered and required to pay to her, as temporary alimony, for her support and maintenance, the sum of fifty dollars per month and that this Court forthwith allow to complainant the sum of one hundred dollars, from Defendant, as Solicitor's fees and expenses of this suit; that your Orator may have such other and further relief as may to the Court seem just and equitable if she has in anywise prayed or asked amiss.

Dated at Fairhope, Alabama, this 27th day of March, 1929.

*Edward P. Totten*

Solicitor for Complainant

NOTE:

The Respondent above named is required to answer every allegation contained in the foregoing Bill, paragraphs One to Fifth inclusive, but not under oath; answer under oath being hereby expressly waived.

*Edward P. Totten*

Solicitor for Complainant,  
Fairhope, Alabama.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,  
Baldwin County.

}

No. 806.

CIRCUIT COURT, IN EQUITY.

April 30th

1929

Clare Avery Ewald

vs.

Complainant

H.M. Ewald

Defendant

To T.W. Richerson,

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 Edward P. Totten 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.

Edward P. Totten

Solicitor for Complainant.


That your Orator and the Defendant of twenty one years and that, on the 8th day of July, orator and the Defendant were legally married at Pawnee, Oklahoma, and ever since have been, and now are, lawful husband and wife;

Third-

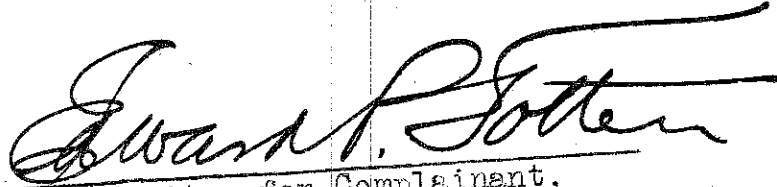
That, beginning with the month of December, 1922, and continuing down to the present time, the Defendant has been guilty of extreme cruelty toward your orator in that the said Defendant has committed actual violence on her person, attended with danger to her health, by striking her with his fist and choking her and, on many occasions, has thrown various articles at the complainant with intent to injure her person, and on many occasions during said period has applied vile and opprobrious epithets toward this complainant; that the Defendant is a man of violent and ungovernable temper and by his outbursts of passion keeps the complainant in a constant state of fear for her health and life, and that the Defendant has, on several occasions, threatened to kill your

the Defendant be ordered, adjudged and decreed to pay your Orator permanent alimony in such sum, monthly, as shall seem to the Court just and equitable in the premises upon a consideration of the entire matter; that, during the pendency of this action and suit, there may be allowed to the complainant, and Defendant be ordered and required to pay to her, as temporary alimony, for her support and maintenance, the sum of fifty dollars per month and that this Court forthwith allow to complainant the sum of one hundred dollars, from Defendant, as Solicitor's fees and expenses of this suit; that your Orator may have such other and further relief as may to the Court seem just and equitable if she has in anywise prayed or asked amiss.

Dated at Fairhope, Alabama, this 27th day of March, 1929.

  
Solicitor for Complainant

**NOTE:** The Respondent above named is required to answer every allegation contained in the foregoing Bill, paragraphs One to Fifth inclusive, but not under oath; answer under oath being hereby expressly waived.

  
Solicitor for Complainant,  
Fairhope, Alabama.

**RECORDED**

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806

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama,  
Baldwin County**

**Circuit Court In Equity**

Clara Avery Ewald

vs.

H. M. Ewald

**Decree Pro Confesso On  
Personal Service.**

Issued May 6 1929

*J. M. [Signature]*

Register.



2 Original

SERVE ON

Circuit Court of Baldwin County  
In Equity.

No. \_\_\_\_\_

SUMMONS

Clara Avery Ewald.

vs.

H.M. Ewald.

Fairhope Alabama.

~~Mr. Dwyer  
see Mr. Ewald  
return from J.C.~~

Edward P. Totten

Solicitor for Complainant

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

RECORDED

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this March 27th

~~1928~~ 192 9

W. J. Brown  
Sheriff.

Executed this 28th day of

March 192 9

by leaving a copy of the within Summons with

H.M. Ewald.

Defendant.

W. J. Brown  
Sheriff.

By B. O. Wiggins  
Deputy Sheriff.

**RECORDED**

NO. 80 6

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY,  
BALDWIN COUNTY, ALA.

Clara Avery Ewald

vs.

H.M. Ewald.

DECREE OF DIVORCE.

Filed in office this

*23rd*

day of

May

, 192

9

*T. W. Richmond*  
Register.

E. O. M.