

was afflicted with a venereal disease, towit: Gonorrhoe. Further that examination was made of your Complainant, and Physician sent the ~~sputum~~^{specimen} of your Complainant to the State Board of Health Labatorie, at Mobile, Alabama, and the return showed that she was free from all or any disease, this certificate bearing # 11277, dated 7/14/35, stateing as follows "No Gram Negative Diplococci found," which Dr. R. A. Hail, states means no germs found.

Upon this discovery your Complainant went to live with her parents, where she has since resided, and has not cohabited

with the Respondent, and that she has never been in the company of the Respondent since the discovery of the disease.

VIOLA FOWLER, Complainant,

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA
IN EQUITY

Vs.

NO. _____

D. O. FOWLER, Respondent,

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Your complainant, Viola Fowler, exhibits this, her bill of complaint against D. O. Fowler and respectfully shows unto your honor as follows:

First:-

That complainant has been a bona fide resident of the State of Alabama for more than three years, next, immediately precedeing the filing of this Bill of Complaint; that both the respondent and complainant are over the age of twenty-one years and that complainant married respondent on or about July 3rd, 1935 in the City of Pensacola, Florida, and that there are no fruits of said marriage.

Second:-

Complainant alleges and avers that the respondent lived with her as husband and wife from July 3rd, 1935 to on 1935 or about the 15th day of July, /at which time the Complainant became aware that the Respondent, the said D. O. Fowler, was afflicted with a venereal disease and was so afflicted when she married him, without her knowledge at the time she become his wife; that your Orator accompanied him to the office of Dr. R. A. Hail, ~~MD.~~, Robertsdale, Alabama, where he received Medical examination and the said physician, said after makeing the examination that the said D.O.Fowler, Respondent

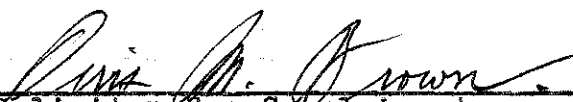
And your complainant prays that upon the final hearing of this cause, this Honorable Court will grant unto ~~her~~ her Alimony as provided for in Section 7418 of Code of Alabama of 1923, the Respondent being a property holder and receiveing a Pension from the United States Government, and your Complainant being destitute.

And your Complainant prays further that this Honorable Court will decree and tax the Cost of Court against the Respondent. And your Complainant further prays that this Honorable Court will decree and levy againsts the Respondent your Complainants Attorney Fee , your complainant being destitute and unable to pay this Fee, and your complainant prays for such other and further relief as in Equity and good conscienceshe may be entitled to in the premises for which she will ever pray.


Solicitor for Complainant

FOOT NOTE

The respondent is required to answer, but not under oath, the same being hereby expressly waived, as to each and every paragraph of the foregoing Bill of Complaint, numbering from one to two both inclusive.


Solicitor 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 D. O. Fowler,

Stapleton, Alabama,,

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

Viola Fowler

against said D. O. Fowler

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, Robert S. Duck, Register of said Circuit Court, this 7th day of October 193 5

Robert 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 of Baldwin County, Alabama,
 (In Equity)

D. O. Fowler COMPLAINANT

VS.

Viola Fowler, RESPONDENT

I, Robert S. Duck,

as Register and ~~Commissioner~~

have called and caused to come before me D. O. Fowler

witness named in the requirement for Oral Examination, on the 23rd day of September 1935, at the office of Robert S. Duck, Clerk & Register, in Bay Minette, Ala, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said D. O. Fowler

doth depose and say as follows:

MR. D. O. FOWLER

My name is D. O. Fowler. My age is 47 years. I reside at Stapleton, Alabbama, in Baldwin County. I have been a bona fide citizen of Baldwin County for 35 years. Viola Fowler, and my self were legally married the 3rd day of July 1935, at Pensacola, Florida. Viola Fowler resides at Stapleton, Alabama, and has been a resident of this County for four years. Myself and Viola Fowler lived together as husband ^{and wife} at Stapleton Alabama, in Baldwin County only ten days after we were married, on to-wit July 3rd, 1935, when she left me and went to reside with her parents where she has since resided. We are both over the age of 21 years and resident citizens of Baldwin County, Alabama,. The Cause of the Separation between myself and the R_espondent, Viola Fowler was that I discovered and became aware that said Respondent was afflicted with the venereal disease, and was s o afflicted when she married him, your Orator, and this without h_{is} knowledge at the time he became her husband. Your Complainant, accosted her ^{with} to the fact of her having this disease when she married him, and she admitted the fact that she did

ORAL EXAMINATION

I, Robert S. Duck as Register ~~and Commissioner~~ hereby certify that the foregoing deposition s 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 myself and S.C. Jenkins 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 28th day of September 19 35.

Robert S. Duck (L. S.)

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No. 157 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

D. D. Fowler

COMPLAINANT

vs.

Walter Fowler

RESPONDENT

ORAL DEPOSITION

Filed Sept. 28, 1935

Robert S. Duck, Register.

RECORDED IN

Record _____

Vol. _____ Page _____

_____, Register

have the disease but did not know it was contagious. Your Orator carried respondent before a physician at ^Robertsdale, namely Dr. R. A. Hale who examined her for this disease and your complainant and Orator heard her admit to the Doctor that she did have this disease. The Doctor took specimens of the discharge and sent it to a laboratory in the medical Hospital in Mobile, and had it examined scientifically and he was shown the the return of the examination and it was written on ^{it} Gonorrhoe. That on the 15th of July, 1935 Respondent ceased to live with your Orator and went to live with her parents; since said separation between your orator and Respondent, the said Viola Fowler, your Orator has not lived with her, the Respondent, and has had no marital relations with her, and he has in no way condoned her since her misconduct as aforesaid.

D. O. Fowler

DEPOSITION OF O. L. FOWLER.

Mr. O. L. Fowler being first duly sworn on his oath the tell the truth, the whole truth, and nothing but the truth doth depose and say as follows:-

My name is O. L. Fowler and I live at Stapleton, Alabama. I am 43 years old. I live one quarter of a mile from D. O. Fowler. I know D. O. Fowler and his wife Viola Fowler. I know about when they were married, July 3rd, 1935, and I know how long they lived together, about 10 days. I know when she left, because I met her as she was leaving. She was headed to her mother's house. Since this separation b/w D. O. Fowler and Viola Fowler, they have not lived together as husband and wife. D. O. Fowler is over 21 years of age and a resident citizen of Baldwin County, Alabama and has been so for the past 40 years and at present resides at Stapleton, Ala. Viola Fowler is a citizen over 21 years, according to her say so, and resides at Stapleton, Alabama. I have heard, and know that D. O. Fowler carried his wife, after he married her to see the Doctor R. A. Hall, examine her for venereal disease and the same day she left his house.

O. L. Fowler

DEPOSITION OF EUGENE FOWLER

My name is Eugene Fowler and I have lived in Baldwin County all ~~in~~ my life except nine years I was in Connecuh County. I am 49 years of age. My home is Stapleton, in Baldwin County. I know D. O. Fowler and Viola Fowler. I have known them ever since they were married. They wer~~e~~ married on or about the 3rd day of July 1935 , and they lived together as husband and wife about 10 days, at the end of which time said Viola Fowler left her home with D. O. Fowler and has not since resided with him. I talked with her the day she was leaving and I saw her things bundled up in her arms. The day before that , to my best recollection, D. O. Fowler had carried her to see D_r. R. A. Hail , at Robertsdale Alabama, to have her examined for Venerial or contagious disease. I have never talked with her, ^{since} but all this is facts that I have stated and was general talk in the neighborhood. That was the cause for the separation between D. O. Fowler and the said Viola Fowler. They have not lived together since the said separation.

I live only a quarter of a mile from D. O. Fowler's house. D. O. Fowler is over 21 years and a citizen of Baldwin County , Alabama. Viola Fowler is about 19 or 20 years old and is also a resident of Baldwin County.

Eugene Fowler