

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,  
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 594

Vacation

Term, 1927

William A. Lowell,

, Complainant

vs.

Eleanor N. Lowell,

, 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 Rickarby Beebe, & Coley,

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.



Solicitor for Complainant.

8581 NOTE OF TESTIMONY

...William A. Lowell,.....

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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 of Deft, Testimony of G. T. Gates and Mrs. Mary Tulley,.....

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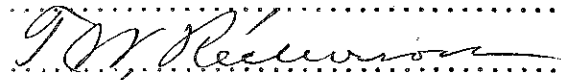
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Register.



594

The State of Alabama, <sup>Baldwin</sup> Mobile County

WILLIAM LOWELL

Complainant

<sup>Baldwin</sup> Circuit Court of Mobile County

No. vs.

IN EQUITY.

ELEANOR N. LOWELL

Defendant

The Complainant.

requests the oral examination of the following named witness es  
on his behalf, viz.:

- David Stapleton,
- William Stapleton,
- Mary Tully
- \_\_\_\_\_ Gates.

said witnesses reside in the County of Baldwin  
State of Alabama.

E. P. Totten  
who reside at Fairhope, Alabama,

is suggested as a suitable person to be appointed Commissioner to take deposition<sup>S</sup> of said  
witness es on such oral examination

*Richard B. Lewis*

Solicitor for Complainant.

No.....

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**Circuit Court of Mobile County**

Mobile, Alabama.

IN EQUITY.

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WILLIAM LOWELL,

Complainant,

vs.

ELEANOR N. LOWELL,

Defendant.

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DEMAND FOR ORAL EXAMINATION

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Filed

*June 1* 192*7*

*T. W. McIlwain*

Register.

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# The State of Alabama, Mobile County

WILLIAM LOWELL,

Complainant

No.

vs.

ELEANOR N. LOWELL,

Defendant

BALDWIN

Circuit Court of Mobile County

IN EQUITY.

The Complainant

requests the oral examination of the following named witness <sup>es</sup>

on his behalf, viz.:

William Lowell,  
Walter Lowell,  
David Stapleton

*William Stapleton*

said witnesses reside in the County of Baldwin

State of Alabama.

F. E. Stevens,

who reside at 905 Van Antwerp Building, Mobile, Alabama,

is suggested as a suitable person to be appointed Commissioner to take deposition <sup>s</sup> of said

witness <sup>es</sup> on such oral examination

*Risking Bess Holey*

Solicitor for Complainant.

No. ....

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**Circuit Court of Mobile County**

Mobile, Alabama.

IN EQUITY.

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WILLIAM LOWELL,

Complainant,

vs.

ELEANOR N. LOWELL

Defendant.

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DEMAND FOR ORAL EXAMINATION

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Filed June 7 1927

*W. R. [Signature]*

Register.

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State of Alabama  
County of Baldwin

In Circuit Court  
In Equity

William A. Lowell, Complainant,

vs.

TESTIMONY

Eleanor N. Lowell, Respondent.

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TESTIMONY OF G. T. GATES:

I have known both parties to this action for a year, and for the last six weeks she, the respondent, has been staying at my house. During this time regularly three nights a week Frank Grumbles has been coming out in his car to see her. I live in Fairhope at the corner of Bancroft St. and Fairhope Avenue. Grumbles comes there between eight and eighty thirty at night and Mrs. Lowell gets in the car with him and drives off, coming back somewhere between ten o'clock and midnight, sometimes earlier and sometimes later. I know when she comes back, as she has to pass through the bedroom in which my wife and I sleep. Mrs. Lowell seems infatuated with Grumbles and he with her. She told my wife and me last week that she had given up her husband and children for Frank Grumbles and that he had to stick to her after what she had done for him.

G. T. Gates

The foregoing testimony was submitted before me, under oath, at my office in Fairhope, Ala., on this 3rd day of June, 1927.

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

TESTIMONY OF MRS. MARY TULLY:

I live in Fairhope and have known Will Lowell and his wife all of their lives. They have been living apart now about a year and a half and during that time she has been going steadily with Frank Grumbles. She seems to be in love with him and he with her, and this is well-known to practically every one of their acquaintance. Whenever she goes to stay at a house, on account of her work, it is only a short time before Grumbles moves there, in the same house if possible, if not, close by. She goes out with him driving, and to parties, as if she were married to him. I have known them to go off together repeatedly into the woods at night and stay there for an hour or more. I have not seen anything of an immoral nature between them, but have seen enough of her devotion to him and her affectionate attitude toward him to know that when they go off into the woods together she is doing things no true wife would do. She has made no secret of her love for Grumbles and in talking to me has repeatedly admitted that she has been sexually intimate with him. They have on more than one occasion been intoxicated together and then would go off together in that condition.

Mary Tully  
The foregoing testimony was submitted before me, under oath, at my office in Fairhope, Ala., on this 3rd day of June, 1927.

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

CERTIFICATE:

I, E. P. Totten, the commissioner named in the foregoing commission, which issued out of the Honorable the Circuit Court of Baldwin County, Alabama, and in a certain cause therein pending wherein William A. Lowell is Complainant and Eleanor N. Lowell is Defendant, do hereby certify that under and by virtue of the power conferred upon me by said commission I caused the said G. T. Gates, Mrs. Mary Tulley, \_\_\_\_\_ and \_\_\_\_\_, who are known to me and whom I know to be the witnesses named in the said commission, to come before me at the times and places hereinafter named, that is to say I caused the said witnesses to come before me at my office in Fairhope, Alabama, on the second day of June, 1927; that said witnesses were first duly sworn by me as stated; that their testimony was by me reduced to writing as given by them and as near as might be in the identical language of the said witnesses, and that after their testimony had been so reduced to writing, it was read over by the said witnesses who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand and seal as commissioner this the 9th day of June, 1927.

  
\_\_\_\_\_  
Commissioner. (SEAL)

WALTER M. LOWELL

I am a brother of the complainant in this cause and live in Fairhope, Alabama. At the time my brother brought his suit in this case he and his wife were both well over the age of twenty-one years. They have been married since June, 1908, and lived together until October, 1925, when he went to Miami where he has been since at work. Eleanor Lowell still lives in Fairhope.

Since William's absence in October, 1925, his wife Eleanor has been spending a great deal of time in company with a man by the name of Frank Grumbles. Both my wife and I have seen them together a number of times, apparently very friendly and intimate. We have seen nothing in the nature of misconduct on the part of either of them but know that wherever she goes to board Frank Grumbles immediately moves to the same house and when she leaves he follows her to the next place. This has happened three different times since last November and he still follows her about. While, as before said, I know nothing of my own knowledge, from the intimacy of these two people I am confident that improper relations are existing between them and this opinion is shared very generally by others in our community.

Walter Lowell

WILLIAM A. LOWELL

I am the Complainant in this cause. I was born and raised in Fairhope of which I am now and have been a bona fide resident all of my life. I was over the age of twenty-one years when I filed this bill and so was my wife. She also lives in Fairhope. We were married on June 29th, 1908, and lived together as man and wife up to October, 1925, when my wife left me. I was then working in Miami, Florida, and she came back to Fairhope where she has been since. I have learned since her return that she has been guilty of immoral relations with one or more men there but do not know this of my own knowledge other than that she admitted this to me. Since I learned of this I have had no marital relations with her whatever.

William A. Lowell

CERTIFICATE:

I, Frances E. Stevens, the commissioner named in the foregoing commission, which issued out of the Honorable the Circuit Court of Baldwin County, Alabama, and in a certain cause therein pending wherein William A. Lowell is Complainant and Eleanor N. Lowell is Defendant, do hereby certify that under and by virtue of the power conferred upon me by said commission I caused the said William A. Lowell and Walter Lowell, who are known to me and whom I know to be the witnesses named in the said commission, to come before me at the times and places hereinafter named, that is to say I caused the said witnesses to come before me at my office, 905 Van Antwerp Building, Mobile, Alabama, on the first day of June, 1927; that said witnesses were first duly sworn by me as stated; that their testimony was by me reduced to writing as given by them and as near as might be in the identical language of the said witnesses, and that after their testimony had been so reduced to writing, it was read over by the said witnesses who assented to and signed the same in my presence.

I further certify that I am not of Counsel or of kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand and seal as commissioner this the third day of June, 1927.

Frances E. Stevens (Seal)  
Commissioner.



The State of Alabama, }  
Baldwin County

CIRCUIT COURT.

To Miss F.E. Stevens,

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 William Lowell, Walter Lowell, David Stapleton, William Stapleton,

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

William Lowell

Complainant

and

Eleanor Lowell,

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ oral examination, to take and certify the deposition of the witness <sup>ES</sup> and return the same to our Court, with all convenient speed, under your hand.

Witness 1st day of June 1927

*J.W. Richardson*  
Register.

Commissioners Fee \$ 5.00

Witness Fee's \$

No. ....

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

William Lowell,

Complainant.

vs.

Eleanor Lowell,

Defendant.

COMMISSION TO TAKE DEPOSITION  
ON INTERROGATORIES. Oral  
examination.

COMMISSIONER:

F. E. Stephens,

WITNESSES:

William Lowell,

Walter Lowell,  
David Stapleton

William Stapleton.



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

Comes WILLIAM A. LOWELL and by this his bill of complaint presented against Eleanor N. Lowell, respectfully shows:

FIRST: That he and the Defendant above named are both over the age of twenty-one years and are now and have been all of their lives bona fide residents of Baldwin County, Alabama. That they were married in the City of Mobile on the 29th day of June, 1908, and have lived together as man and wife up to the month of October, 1925, since which time they have lived separate and apart without marital intercourse up to the present date. That there were born of said marriage five children, three of whom are now under the age of fourteen years.

SECOND: That since November, 1925, and while Complainant was away from Alabama at work, Defendant has been guilty of repeated acts of adultery committed at or near Fairhope, Alabama, but at times and places as yet unknown to Complainant. That she has been maintaining immoral relations with one Frank Grumbles at divers times and places and that these acts of adultery have been in no wise condoned by Complainant who, though he suspected same, only learned of them definitely since his return to Alabama subsequent to the first of April.

THE PREMISES CONSIDERED, Complainant prays that Eleanor N. Lowell be made party defendant to this bill and required to answer same within the time prescribed by law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing him from the said Eleanor N. Lowell, granting him the right to marry again should he so desire, the custody of the children of said marriage, who

are now with him, and such other, further or different relief  
as to equity may seem meet.

*Risley Burt Stealy*  
Solicitors for Complainant

NOTE:

The defendant is required to answer each paragraph of  
the foregoing bill but not under oath.

*Risley Burt Stealy*  
Solicitors for Complainant.

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

WILLIAM A. LOWELL,  
Complainant.

-vs-

ELEANOR N. LOWELL,  
Respondent.

ORIGINAL BILL.

**RECORDED**

Filed April 16, 1926.

T. W. Peterson  
Register.

RICKARBY, BEEBE & COLEY,  
Solicitors for Complainant

The State of Alabama, }  
Baldwin County.

No. 594

CIRCUIT COURT, IN EQUITY

William A. Lowell,

Complainant

vs.

Eleanor N. Lowell,

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,

It is further ordered, that the said William A. Lowell,

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

It is further ordered, that the said William A. Lowell,

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 Eleanor N. Lowell,

It is further ordered, adjudged and decreed that said William A. Lowell,

shall not again marry except to said Eleanor N. Lowell,

until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to

said Eleanor N. Lowell, during the pendency of said appeal

This 16<sup>th</sup> day of August 1927.

John D. Leigh  
Judge of the Circuit Court of Baldwin County

THE 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 1927, 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 1927

Register.

*In* RECORDED

No. 594.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY,  
BALDWIN COUNTY, ALA.

William A. Lowell,

vs.

Eleanor N. Lowell,

DECREE OF DIVORCE.

Filed in office this

*14th*

day of

*Aug*

192*7*

*J. W. Richardson*

Register.

E. O. M.

*FILED*  
*Richardson*  
*Aug 14 1927*



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IN EQUITY.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

WILLIAM A. LOWELL,  
Complainant,

-vs-

ELEANOR N. LOWELL,  
Respondent.

**RECORDED**

ANSWER

*Filed Apr 21/1926*  
*T. W. Richardson*  
*Clerk*