

BEEBE, HALL & BEEBE
LAWYERS
BAY MINETTE, ALABAMA

W. C. BEEBE
H. M. HALL
J. P. BEEBE

July 7, 1939.

Hon. F. W. Hare,
Monroeville, Ala.

Dear Judge Hare:-

IN RE LOW VS. LOW - ON EXCEP-
TIONS TO THE REPORT OF THE REGIS-
TER AWARDING COMPLAINANT ALIMONY
PENDENTE LITE.

We have before us copy of complainant's brief in the above matter.

We have no desire to burden you with a reply brief. The law is well settled and your Honor is fully conversant with the law. The statement as to the value of respondent's property holdings, contained in complainant's brief, is based entirely upon complainant's testimony. We would respectfully call your Honor's attention to the fact that complainant's testimony shows that she has no means of knowing the value of respondent's property and no experience upon which she could pass judgment thereon; that complainant's witnesses Peteet and Nihart also disclosed that their valuations are wild guesses and not based upon any facts. Respondent and respondent's witnesses testified clearly and distinctly. Respondent's statement of values is based upon actual knowledge after inventory and appraisal of his stock of goods and notes and upon actual cost of the other properties. In this he is supported by witnesses who testified clearly and distinctly and who have experience and knowledge of conditions existing at this time. We particularly refer to the value of lands as testified by witness Cooney, whose testimony discloses that his valuation is based upon actual sales and offers of sales at this time.

Respondent's testimony upon inventory shows that his stock of goods appraises at approximately \$11,000.00^{actual} cost; that his notes and accounts actual face value is approximately \$11,000.; that these have an actual value of approximately \$8,000.00 each. He testifies that the house and lots and buildings on the same at Robertsdale cost approximately \$3500.00; that his 7½ acre property at Bear Point is worth not over \$1500.00; his boat and stock in Building & Loan Association are worth approximately \$1,000.00; that he has approximately \$3,000.00 in the Bank; his automobile and trucks are worth approximately \$1,000.00; that the store-house and lot at Robertsdale is not worth over \$500.00 or \$600.00; that his interest in his father's estate at the present market value of the same is not over \$2,000.00; that he has outstanding bills payable of approximately \$3600.00. We especially call your attention to the fact that his cash in Bank is less than his outstanding bills and that the great part of his collections for this year are already paid; that any excessive award of alimony at this

Hon. F. W. Hare #2.

7/7/39.

time would seriously cripple respondent's operations and perhaps put him in position where he could not meet his obligations, not only to his detriment, but to the detriment of the complainant herself. Special attention is called to the fact, as disclosed by the evidence in the case, that respondent's properties, exclusive of his immediate management, are not income producing.

We respectfully submit that under the testimony before the court, the finding and report of the Register is grossly in excess of the needs of complainant and respondent's ability to pay the same.

Yours very truly,

BEEBE, HALL & BEEBE,

By



WCB/T

cc - Messrs. Hybart & Chason,
Bay Minette, Alabama.

DOROTHY LOW,
Complainant,
-vs-
ELVIN G. LOW,
Respondent.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, John J. Ganus, a Notary Public
in and for said State and County, personally appeared Dorothy
Low, who is known to me and who, after being by me first duly and
legally sworn doth depose and say under oath as follows:-

That she has filed her Bill of Complaint for Divorce
against Elvin G. Low in the Circuit Court of Baldwin County,
Alabama, in Equity, on the grounds of cruelty; that she has a good
cause of action, but she does not own any separate estate and
has no means of support nor means to pay her Attorneys for the
prosecution of said suit.

Dorothy Low

Seen to and subscribed before
a Notary Public whose seal
has been affixed, this 2nd
February, 1939.

J. Ganus
Notary Public,
Baldwin County,
Alabama.

*My Commission Expires
16th 1939*

522

DOROTHY LOW,	)	IN THE CIRCUIT COURT OF
)	
Complainant,	)	BALDWIN COUNTY, ALABAMA,
vs.)	
	)	IN EQUITY.
ELVIN G. LOW,)	
)	
Respondent.)	

This Cause coming on to be heard was submitted upon the Bill of Complaint, Answer of Respondent and Testimony as noted by the Register and upon consideration thereof, the Court is of the 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 Mrs. Dorothy Low and Elvin G. Low be and the same are hereby dissolved and the said Dorothy Low is forever divorced from the said Elvin G. Low for and on account of cruelty.

And in further appearing to the Court from a stipulation of the parties dated July 31st, 1939, that all Alimony, Pendente Lite, Permanent Alimony and Attorneys fees for prosecuting the suit have been settled between the parties;

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that the order of this Court dated July 17th, 1939, fixing Alimony Pendente Lite be and the same is hereby vacated and is to be held for naught.

It is further ORDERED, ADJUDGED AND DECREED, by the Court that neither party to this suit shall again marry, except to each other until sixty days after the rendition of this Decree and that if an appeal is taken within sixty days, neither party shall again marry, except to each other during the pendency of said appeal.

It is further ORDERED that Dorothy Low and Elvin G. Low be and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ORDERED that Elvin G. Low pay the costs herein to be taxed for which execution may issue.

Dated this 31st day of July, 1939.

J. W. Store
JUDGE

DOROTHY LOW,

VS.

E. T. LOW.

9

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY.

ON EXCEPTIONS TO THE REPORT OF THE REGISTER
ALLOWING MRS. DOROTHY LOW, COMPLAINANT, THE
SUM OF \$100.00 PER MONTH AS ALIMONY PENDENTE
LITE.

As declared in Smith vs. Smith, 45 Alabama, page 264-268: "The allowance contemplated by a statute is something more than a mere substitute for the current maintenance and support normally due from the husband to the wife during their joint lives and the continuance of the marriage relation. The standard adopted subject to various qualified circumstances is the proximate value of the wife's interest in the husband's estate if she were his surviving widow."

215 Alabama, page 583.
Smith v. Rogers,

230 Alabama, page 541,
Sharp vs. Sharp.

SECTION 7417 CODE. "The Court must make allowance for support of the wife out of the estate of the husband suitable to his estate and conditions in life of the parties."

"The allowance for the support for the wife out of the estate of the husband pending the suit was not a matter of discretion but of right in favor of the wife."

Sharp vs. Sharp 230 Alabama, page 451.

The records in this case discloses that at the beginning of the year, 1939 the defendant had goods and money as follows:

Stock of goods and notes and money aggregating	\$30,000.00
House and lot, Robertsdale	5,000.00
Store house and Lot, Robertsdale	4,000.00
7½ acres of Beach property	4,000.00
Boat and Building and Loan Stock	1,000.00
Cash surrender value insurance	3,090.00
Automobile and Truck	1,000.00

A one-third interest in lands inherited from father, 199 acres, Beach property	\$15,000.00
7½ acres Beach property	4,000.00
House and land at Robertsdale	<u>3,500.00</u>
JOINT PROPERTY AGGREGATING	\$22,500.00

This one-third interest is owned subject to the dower of Respondent's step mother. Dividing \$22,500.00 in four equal parts, which would be a fair way to ascertain respondent's interest in the joint property would amount to \$5,500.00. Adding this to the value of the other property heretofore mentioned would make Respondent worth at least \$53,500.00. He says he has an indebtedness of \$3500.00. Deducting this \$3,500 from \$53,500. would leave the net value of his property \$50,000.00, out of which under the law, she would be entitled to a child's part in the personal property, a dower interest in real estate and \$1,000.00 exemptions in personal property and a homestead of the value of \$2,000.00. This is the scale laid down by the Courts in ascertaining the amount that should be allowed the complainant.

The record further discloses that during this proceeding that the respondent has paid to the complainant the sum of \$80.00 per month. Her testimony discloses, and it is not contradicted, that she was unable to live on this sum; that it would take at least \$100.00 per month for such purpose.

Under the record in this case we think that the Register has been much more generous with the Respondent than he has with the Complainant.

In the case of Windham vs. Windham, 234 Alabama, page 309, the estate was valued at about \$25,000.00. The Court, in fixing the permanent alimony, through Justice Brown, fixed the same at \$100.00 per month.

In the case of Ex Parte Chance, 96 Southern, page 246, the estate was worth about \$100,000.00. The wife was allowed \$350.00 per month alimony and the use of the house.

According to that scale we should have \$175.00 per month.

"A husband's earning capacity should be considered in awarding alimony."

Plunket vs. Plunket,
223 Alabama, page 400.

"A husband's ability to pay temporary alimony is to be determined with reference to his earning capacity as well as his capital."

Ex Parte, Whitehead,
179 Alabama, page 652.

"The finding of the Register of the facts adduced on oral examination of the witness has the effect of a jury's verdict, and if there is a reasonable doubt as to whether it is correct, the same will be resolved in favor of the finding and it will not be disturbed."

103 Southern, page 558,
Ex Parte, Jackson.

"The rule applicable is that the finding of the Register is accorded the weight of the verdict of a jury, and will not be disturbed unless the court on a review of the evidence is convinced that it is plainly and palpably wrong."

114 Southern, page 185,
Bailes v. Bailes.

"In passing upon the issues here the case is within the rule that the Register's finding should be sustained, unless, upon the evidence, we would overturn the verdict of a jury; that is, unless the evidence is such that despite the presumption we are convinced the findings of the Register were clearly and palpably wrong."

106 Southern, page 338,
Adalex Construction Co. Vs. Atkins, et al.

The word palpably by reference to dictionary means,
"Grossly, plainly, obviously".

Dorothy Low,
Complainant,)
vs.)
Elvin G. Low,
Respondent.)

In the Circuit Court of
Baldwin County, Alabama,
In Equity.

This Cause is submitted for Decree on Exceptions to the Register's Report, fixing temporary Alimony to be paid to Complainant; and, upon consideration of said Exceptions, and the testimony taken before the Register at the hearing, I am of the opinion that said Exceptions are not well taken.

It is Therefore Ordered, Adjudged and Decreed, by the Court, that said Exceptions to said Report be, and they hereby, are overruled and denied.

And it further appearing to the Court that from the 28th day of January, 1939, the Complainant is entitled to recover of the Respondent, as Alimony Pendente Lite, up until June 28th., 1939, as shown by said Register's Report, the sum of Three Hundred Forty Dollars.

It is Ordered, Adjudged and Decreed that Complainant recover of the Respondent the said sum of Three Hundred Forty Dollars together with the costs of the Reference, for which let Execution issue.

It is further Ordered, Adjudged and Decreed that the Respondent, Elvin G. Low, pay into the Register of this Court, on the 28th day of July, 1939, and on the 28th day of each succeeding month, the sum of One Hundred Dollars, per month, as Alimony Pendente Lite, for Complainant, and until the further orders of this Court.

And it is further Ordered, Adjudged and Decreed that, on the failure of the said Respondent, Elvin G. Low, to pay into the Register of this Court, the sum of One Hundred Dollars, as Alimony for the Complainant, on the 28th day of July, 1939, and the further sums of One Hundred Dollars, on the 28th day of each succeeding month, until the further orders of this Court, that the said Register is directed, in case of default in said payments, as Alimony Pendente Lite, to immediately issue Execution against the Respondent for said sum of

One Hundred Dollars, in each and in every default in the payment of the same by the said Elvin G. Low, the Respondent in this Cause.

It is further Ordered, Adjudged and Decreed that, on the payment of the several sums of money herein mentioned, by the said Elvin G. Low, into the Register of this Court, or collected by the Sheriff of Baldwin County, Alabama, on Execution against the said Elvin G. Low and paid into the Registry of this Court, that the Register pay over to the Complainant, Dorothy Low, or her Solicitors of Record, said several sums of money so paid or collected, taking a receipt for the same from her, or her said Solicitors of Record.

Dated this the 17th day of July, 1939, at Monroeville, Alabama.



Judge.

DOROTHY LOW,

Complainant,

-VS-

ELVIN G. LOW,

Respondent.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, John J. Ganus, a Notary Public

in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:-

That she has filed her Bill of Complaint for Divorce against Elvin G. Low in the Circuit Court of Baldwin County, Alabama, in Equity, on the grounds of cruelty; that she has a good cause of action, but she does not own any separate estate and has no means of support nor means to pay her Attorneys for the prosecution of said suit.

Dorothy Low

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 2nd day of February, 1939.

John J. Ganus
Notary Public, Baldwin County,
State of Alabama.

*My Com. Expires
March 16, 1939*

CHANCERY EXECUTION

BILL OF COSTS

No. 522

Dorothy Law,

VS. *Elvin D. Law,*

~~PLAINTIFF~~

Complainant

Respondent

~~DEFENDANT~~

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$ 20 05
Filing each bill and other papers (17)	\$ 10	1	70	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40			Each notice sent by mail to creditor	15
Entering each return thereof	15			Filing receipting for and docketing each claim, etc.	25
For each order of publication	1 00			For all entries on subpoena docket, etc.	50
Issuing Writ of injunction	I 50			For all entries on commission docket, etc.	50
For each copy thereof	50			Making final record, per 100 words	15
Entering each return thereof	15			Certified copy of decree	1 00
Issuing Writ of Attachment	I 00			Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15			TOTAL FEES OF REGISTER	30 50
Docketing each case (2)	1 00			FEES OF SHERIFF	
Entering each appearance	25	50		Serving and returning subpoena on deft.	\$ 1 50
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica	1 00			Levying attachment	3 00
Each order appointing guardian	I 00			Entering and returning same	25
Any other order by Register (3)	50	1 50		Selling property attached	
Issuing Commission to take testimony	50	50		Impaneling Jury	75
Receiving and filing	10	10		Executing Writ of possession	2 50
Endorsing each package	10	10		Collecting execution for costs	1 50
Entering order submitting cause	50			Serving and returning sci. fa., each	65
Entering any other order of court (2)	25	50		Serving and returning notice	65
Noting all testimony	50			Serving and returning writ of injunction	1 50
Abstract of cause, etc.	I 00			Serving and returning writ of exeat	1 50
Entering each decree	75	75		Taking and approving bonds, each	75
For every 100 words over 500	15			Collecting money on execution	
Taking account, etc. on reference	3 00	3 00		Making Deed	2 50
Taking testimony, etc.	15	2 50		Serving and returning application, etc.	1 00
Each report, 500 words or less	2 50			Serving attachment, contempt of court	1 50
For every 100 words over 500	15			TOTAL FEES OF SHERIFF	12 65
Amount claimed less than \$500, etc.	2 00			RECAPITULATION	
Issuing each subpoena 12	25	3 00		Register's Fees	27 00
Witness certificate, each 10	25	2 50		Sheriff's Fees	14 00
Issuing execution, each	75	75		Commissioner's Fees	42 50
Entering each return	15	15		Solicitor's Fees	35 00
Taking and approving bond, each	1 00			Witness Fees	43 00
Making copy of bill, etc.	15			Guardian Ad Litem	
Each notice not otherwise provided for (5)	50	2 50		Printer's Fees	
Each certificate or affidavit, with seal	50			Trial Tax	3 00
Each certificate or affidavit, no seal	25			Recording Decree in Probate Court	
Hearing and passing on application, etc.	3 00			TOTAL	160 10
Each settlement with Receiver, etc.	3 00				157 10
Examining each voucher of Receiver, etc.	10				161 60
Examining each answer, etc.	3 00				
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc.	25				
For all other ser relating to such proceedings	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent					
Sub Total Carried Forward		20 05			

The State of Alabama,
Baldwin County

No. 522
Circuit Court, In Equity *July* Term, 1939

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of Elvin D. Law Defendant
you cause to be made the sum of Three Hundred Forty (340.00) Dollars,
which Dorothy Law Plaintiff
recovered of Elvin D. Law on the 17 day of July 1939
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of One Hundred Sixty & 10/100 (160.10) Dollars,
costs of ~~the~~ reference and have the same to render to the said R.S. Duch
and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection.
Witness my hand, this 22 day of July 1939
R.S. Duch Register

CHANCERY EXECUTION BILL OF COSTS

No. Dorothy Low

VS. Elvin G. Low

PLAINTIFF

DEFENDANT

	Dollars	Cents		Dollars	Cents
FEES OF REGISTER			Brought Forward	\$	2 45-
Filing each bill and other papers	\$	10	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof		40	Each notice sent by mail to creditor	15	
Entering each return thereof		15	Filing receipting for and docketing each claim, etc.	25	
For each order of publication	1	00	For all entries on subpoena docket, etc.	50	50
Issuing Writ of injunction	1	50	For all entries on commission docket, etc.	50	
For each copy thereof		50	Making final record, per 100 words	15	2 00
Entering each return thereof		15	Certified copy of decree	1 00	
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50	
Entering each return thereof		15	TOTAL FEES OF REGISTER		4 95-
Docketing each case	1	00	FEES OF SHERIFF		
Entering each appearance		25	Serving and returning subpoena on deft.	\$1 50	
Issuing each decree pro confesso on per ser.	1	00	Serving and returning subpoena for witness	65	
Issuing each decree pro confesso on publica	1	00	Levyng attachment	3 00	
Each order appointing guardian	1	00	Entering and returning same	25	
Any other order by Register		50	Selling property attached	75	
Issuing Commission to take testimony		50	Impanelling Jury	75	
Receiving and filing		10	Executing Writ of possession	2 50	
Endorsing each package		10	Collecting execution for costs	1 50	1 50
Entering order submitting cause		50	Serving and returning sci. fa., each	65	
Entering any other order of court		25	Serving and returning notice	65	
Noting all testimony		50	Serving and returning writ of injunction	1 50	
Abstract of cause, etc.	1	00	Serving and returning writ of exeat	1 50	
Entering each decree		75	Taking and approving bonds, each	75	
For every 100 words over 500		15	Collecting money on execution		
Taking account, etc.	3	00	Making Deed	2 50	
Taking testimony, etc.		15	Serving and returning application, etc.	1 00	
Each report, 500 words or less	2	50	Serving attachment, contempt of court	1 50	
For every 100 words over 500		15	TOTAL FEES OF SHERIFF		1 50
Amount claimed less than \$500, etc.	2	00	RECAPITULATION		
Issuing each subpoena		25	Register's Fees		4 95-
Witness certificate, each		25	Sheriff's Fees		1 50
Issuing execution, each		75	Commissioner's Fees		
Entering each return		15	Solicitor's Fees		
Taking and approving bond, each	1	00	Witness Fees <u>Respondents</u>		16 50
Making copy of bill, etc.		15	Guardian Ad Litem		
Each notice not otherwise provided for		50	Printer's Fees		
Each certificate or affidavit, with seal		50	Trial Tax	3 00	3 00
Each certificate or affidavit, no seal		25	Recording Decree in Probate Court		
Hearing and passing on application, etc.	3	00	TOTAL		25 92-
Each settlement with Receiver, etc.	3	00			
Examining each voucher of Receiver, etc.		10			
Examining each answer, etc.	3	00			
Recording resignation, etc.		75			
Entering each certificate to Supreme Court		50			
Taking questions and answers, etc.		25			
For all other ser relating to such proceedings	1	00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent					
Sub Total Carried Forward					

The State of Alabama,
Baldwin County

No. 5-22
Circuit Court, In Equity del. Term, 1939

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of Elvin G. Low Defendant

you cause to be made the sum of \$ 25.95 Dollars,
which Dorothy Low Plaintiff
recovered of _____ on the 13 day of July 1939
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,

costs o' suit, and have the same to render to the said _____
and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1939 to date of collection.
Witness my hand, this 6 day of Oct. 1939

R.S. D... Register

167.10
25.95
193.05

DOROTHY LOW,
Complainant,

-vs-

ELVIN G. LOW,
Respondent.

)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

)
) IN EQUITY

)
) DAY OF _____,
) 1939

ORDER OF REFERENCE.


This cause coming on to be heard on this day on the motion of Complainant for a Reference to the Register to ascertain by reference and report for confirmation by this Court what would be a suitable amount to allow Complainant as alimony pendente lite, attorney's fees and Court costs;

It is ordered and decreed by the Court that said matters are hereby referred to the Register of this Court to ascertain as follows:

1. To ascertain and report for confirmation what would be a suitable amount to allow Complainant as alimony pendente lite;
2. To ascertain and report for confirmation what would be a suitable amount to allow Complainant as attorney's fees;
3. To ascertain and report for confirmation what would be a suitable amount to allow Complainant as Court costs.

And this cause is reserved by the Court for further orders.

This the 10th day of February, 1939.


Chancellor of the Circuit Court
of Baldwin County, Alabama.

DOROTHY LOW,
Complainant,
vs.
ELVIN G. LOW,
Respondent.

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

Comes the respondent in the above styled cause, and demurring to Complainant's bill of complaint, says:

FIRST: There is no equity in the bill.

SECOND: Said bill is multifarious.

THIRD: Said bill prays for inconsistent relief.

Beebe, Hall & Beebe.
Solicitors for respondent.

DOROTHY LOW,

Complainant,
vs.

ELVIN G. LOW,

Respondent.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

for Reference
This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Admissions in Answer, Motion to Order Reference, Affidavit of _____
Dorothy Low filed February 6th, 1939, Order of Reference, Notice _____
of Day Set for Hearing Reference, Orders of Continuance, Notice _____
of Reference filed May 18th, 1939, Testimony of Ernest G. Cleverdon, _____
Mrs. Dorothy Low, Proctor Bradley, R. A. Hail, Frank B. Nihart, _____
Claude Peteet, Mrs. A. P. Pruitt, Mrs. W. L. Hammond and Erwin Poos, _____
together with the exhibits attached to said testimony;
and in behalf of Defendant upon _____

R. S. Ducker

Register.

By - Pauline Thompson
Deputy Register

DOROTHY LOW,)
Complainant,)
vs.)
ELVIN G. LOW,)
Respondent.)

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

It is hereby stipulated and agreed, by and between Messrs, Hybart & Chason, as Solicitors of Record for Mrs. Dorothy Low, Complainant in the above styled cause and Messrs. Beebe, Hall and Beebe, as Solicitors of Record for Elvin G. Low, Respondent in the above styled cause, that the above styled cause be submitted for Final Decree on July 31st, 1939 on the pleadings and proof as noted by the Register.

It is further stipulated and agreed by and between the parties hereto, acting through their respective Solicitors of Record, that all questions of Alimony Pendente Lite, Permanent Alimony and Attorneys fees for prosecuting suit, have been settled between the parties.

Dated this 31st day of July, 1939.

Hybart & Chason
Attorneys for Complainant
Beebe Hall & Beebe
by W. C. Beebe
Attorneys for Respondent

DOROTHY LOW,
Complainant,

Vs.

ELVIN G. LOW,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 522.

REGISTER'S REPORT ON REFERENCE.

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

Under and by virtue of an order of reference in this cause, rendered by Your Honor on the 10th day of February, 1939, to ascertain a suitable amount to be allowed Complainant, as alimony pendente lite; and a suitable amount to be allowed to Complainant as Attorneys' fees, the Register of this Court begs leave to report as follows:-

1. A reference was held at Bay Minette, Alabama, and testimony in behalf of both the Complainant and the Respondent, was taken. Upon consideration of this testimony, the Register so finds and reports for confirmation, that a suitable amount to allow Complainant, as alimony pendente lite, is the sum of \$100.00 per month, commencing on the 28th day of January, 1939; the Register further finds that the Respondent, Elvin G. Low, has paid to the Complainant, Dorothy Low, the sum of \$160.00 on account of such alimony pendente lite; that the total amount now due the Complainant by the Respondent, as alimony pendente lite, to the date of this report, is the sum of \$340.00; the Register further finds and reports for confirmation, that the further sum of \$100.00 per month, is due the Complainant by the Respondent, during the further pendency of this suit;

2. The Register further finds and reports for confirmation that no attorneys' fees pendente lite are due by the Respondent to attorneys for the Complainant, as this amount has been settled by agreement between the parties to this cause;

Respectfully submitted, this the 28th day of June, 1939.

R. S. DUCK, Register of the
Circuit Court of Baldwin
County, Alabama.

By: *Nathan Thompson*
Deputy Register.

DOROTHY LOW,

Complainant,

VS.

E. G. LOW,

Respondent.

)
IN THE CIRCUIT COURT OF

)
BALDWIN COUNTY, ALABAMA,

)
IN EQUITY.
)

Comes E. G. Low, Respondent in the above styled cause, and excepts to the report and findings of the Register of this Court, filed on the 28th day of June, 1939, and assigns the following causes therefor:

1. Said Report and findings are contrary to the law and the evidence in said cause.
2. The Complainant has not shown facts sufficient to entitle her to a divorce on the grounds alleged in the complaint, viz: Cruelty, hence she is not entitled to alimony pendente lite. See the testimony of the Complainant, pages 12, 17, 18, 19 and 20; the testimony of Complainant's witnesses: Bradley and Hail; the testimony of E. G. Low, pages 2, 3, 40, 41 and 42; the testimony of witnesses, Dorla Bell Low, J. W. Clark and Hubert Low, all of which testimony shows that there were no acts of violence attendant with danger to the life and health of Complainant, and no threats or other conduct on the part of the Respondent to cause Complainant to reasonably apprehend danger to her life or health.

3. The alimony pendente lite awarded to Complainant in said report and findings are excessive and oppressive: See the testimony of Complainant, pages 24, 25, 26, 37, 41, 42, 43; Testimony of E. G. Low, pages 11, 12, and 8; all of which testimony shows that the maximum need of the Complainant are: Board, which can be had for a maximum of Thirty (\$30.00) Dollars a month, clothes which Complainant testifies that cost heretofore Five (\$5.00) Dollars per month and spending money which Complainant testifies has not been over Two and 50/100 (\$2.50) Dollars per month. Complainant testifies that she wants the additional amount, namely, the difference between the above sum and One Hundred (\$100.00) Dollars to buy an automobile and to maintain and enlarge her social contacts.

And the said Respondent, E. G. Low prays the judgment of this Court, if his exceptions are not well taken.


Beebe Hall Beebe
Solicitors for Respondent.

RECORDED

DECREE

DOROTHY LOW,
Complainant,

vs.

ELVIN G. LOW,
Respondent.

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

Filed
~~Issued~~ this 16 day of August
1939.

R.S. Deich
Register
By: [Signature]
[Signature]

APPENDIX.

DOROTHY LOW,
Complainant,
-vs-
ELVIN C. LOW,
Respondent.

Respondent.

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Filed February 6, 1939.

N. S. Dyer
Notary Public.

By - Maurice Thompson
Dyer

Before me, John L. Warner, a Notary Public

in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn both depose and say under oath as follows: -
That she has filed her Bill of Complaint for Divorce against Elvin C. Low in the Circuit Court of Baldwin County, Alabama, in Equity, on the grounds of cruelty; that she has a good cause of action, but she does not own any separate estate and has no means of support nor means to pay her attorneys for the prosecution of said suit.

Sworn to and subscribed before me, a Notary Public whose seal is hereunto affixed, this 5th day of February, 1939.

John L. Warner
Notary Public, Baldwin County,
State of Alabama.

M. C. Warner
March 1st 1939

Dorothy Low

Buch
8-57

RECORDED

AFFIDAVIT.

DOROTHY LOW,

Complainant,

-VS-

MELVIN G. LOW,

Respondent.

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

Filed February 6, 1939

R. S. Buch
Register.

B. H. Hallie
Deputy

[Faint, illegible text and signatures]

minutes 2
RECORDED page 474

Review the Legislative Report
on Reference

Filed July 19, 1939
R.S. Dool, Reporter
By: Charles Thompson,
Deputy Reporter

No. 522

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

Dorothy Lee, Complainant
vs.
Elvin G. Lee, Respondent

CHANCERY EXECUTION
Fi. Fa.

\$ 35.95

Total \$ _____

Fee Book David Page 522

Execution Docket _____ Page _____

Complainant's Solicitor

THE STATE OF ALABAMA
Baldwin County.

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this 6th

day of Oct 1939

W.R. Stuart
Sheriff

Execution Docket _____ Page _____

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied this the 10th day of
October 1939 collected the within named
Costs and paid same to R.S. Deuch Clerk
W.R. Stuart Sheriff
By John R. Davis D.S.

No. 522

THE STATE OF ALABAMA

Baldwin County.

Circuit Court, In Equity

Pratt, Complainant

vs.

Elwin H. Laws, Respondent

CHANCERY EXECUTION Fi. Fa.

Chancery Judgment Lira \$ 348.00
Costs & Expenses 160.10
7 8/10

Total \$ 508.10

Fee Book *Conrad* Page 522

Execution Docket " Page " "

Wheeler & Cleaver
Complainant's Solicitor

Pratt, Hall & Pratt
Respondent's Solicitor

1860
780

mail Mr Laws last bill
marked paid

THE STATE OF ALABAMA

Baldwin County.

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this _____

day of _____ 193 _____

Sheriff

Execution Docket _____ Page _____

Returned this the 16th day of
August, 1939 by collecting
the within costs of reference,
and turning the same over to
R. S. Duck, Clerk.

W. R. Stuart,
Sheriff
BY: *John R. Stone*
Deputy Sheriff

The State of Alabama, } Baldwin County

By virtue of the within execution I have levied _____

18781

90 071

47

*over D
8, 59*

RECORDED

DOROTHY LOW,
Complainant,

vs.

ELVIN G. LOW,
Respondent.

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

DEMURRER.

Filed February 13, 1939.

R. S. Reed
Register.

*By - Neville Thompson,
Deputy Register.*

8-5-39

2-23-39

RECORDED

DOROTHY LOW,

Complainant,

vs.

ELVIN C. LOW,

Respondent.

ORDER OF REFERENCE.

Filed February 11, 1939

R. S. Luck, Register

*By - Arthur Thompson
Register - Register*

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 17

day of June 1939

R. S. Duch

REGISTER

MOORE PRINTING CO., BAY NINETTE, ALA.

Deputy

STIPULATION

DOROTHY LOW,
Complainant,
vs.
ELVIN G. LOW,
Respondent.

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

Filed July 31st, 1939

R. S. Dault
Register

By M. H. Thompson, Deputy

REGISTRAR'S REPORT ON
REFERENCE.

DOROTHY LOW,
Complainant,

Vs.

ELVIN G. LOW,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY, NUMBER 522.

Filed this 28th, day of
June, 1939.

R. S. DUCK, Registrar,
BY: *Willie Henderson*
Deputy Registrar.

EXCEPTIONS TO REPORT OF
REGISTER.

DOROTHY LOW,

Complainant,

VS.

E. G. LOW,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed June 29, 1919

R. S. DUCK

clerk - register

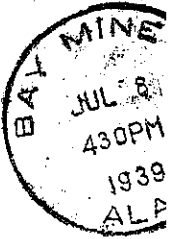
By Andrew H. Thompson
Deputy

BEEBE, HALL & BEEBE
LAWYERS
BAY MINETTE, ALABAMA

Law
73
Law

Hon. F. W. Hare,
Monroeville,
Alabama.

Brief -



DOROTHY LOW,
Complainant,
-vs-
E. G. LOW,
Respondent.

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

Comes E. G. Low, Respondent in the above styled cause, and excepts to the report and findings of the Register of this Court, filed on the 28th day of June, 1939, and assigns the following causes therefor:

1. Said Report and findings are contrary to the law and the evidence in said cause.
2. The Complainant has not shown facts sufficient to entitle her to a divorce on the grounds alleged in the complaint, viz: Cruelty, hence she is not entitled to alimony pendente lite. See the testimony of the Complainant, pages 12, 17, 18, 19 and 20; the testimony of Complainant's witnesses: Bradley and Hall; the testimony of E. G. Low, pages 2, 3, 40, 41 and 42; the testimony of witnesses, Dorla Bell Low, J. W. Clark and Hubert Low, all of which testimony shows that there were no acts of violence attendant with danger to the life and health of Complainant, and no threats or other conduct on the part of the Respondent to cause Complainant to reasonably apprehend danger to her life or health.
3. The alimony pendente lite awarded to Complainant in said report and findings are excessive and oppressive; See the testimony of Complainant, pages 24, 25, 26, 37, 41, 42, 43; Testimony of E. G. Low, pages 11, 12 and 8; all of which testimony shows that the maximum need of the Complainant are: Board, which can be had for a maximum of Thirty (\$30.00) Dollars a month, clothes which Complainant testifies that costs heretofore Five (\$5.00) Dollars per month and spending money which Complainant testifies has not been over Two and 50/100 (\$2.50) Dollars per month. Complainant testifies that she wants the additional amount, namely, the difference between the above sum and One Hundred (\$100.00) Dollars to buy an automobile and to maintain and enlarge her social contacts.

(page two)

And the said Respondent, F. G. Low prays the judgment of this court, if his exceptions are not well taken.

Solicitors for Respondent.

DOROTHY LOW,

Complainant,

-vs-

ELVIN G. LOW,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes your complainant, Dorothy Low, and exhibits this, her Bill of Complaint for divorce against Elvin G. Low, and shows unto your Honor and unto this Court as follows:-

FIRST:

That your Complainant and Respondent are both over the age of twenty-one years, and are bona fide residents of Baldwin County, Alabama, residing at Robertsdale; that they have both been such residents for more than ten years next preceding the filing of this Bill of Complaint.

SECOND:

That your Complainant and the Respondent were married on, heretofore, to-wit, August 5th, 1927, and have lived together as man and wife since that time and until, on account of the matters hereinafter complained of, your Complainant was compelled to leave the Respondent and live separate and apart from him; that on, to-wit, January 28th, 1939, that said Respondent struck your Complainant in the face with his fist, and committed other actual violence on her person, attended with danger to her life or health.

THIRD:

That your Complainant has no estate in her own name, and has no means of livelihood; that the Respondent is an able bodied and active man, able to earn a living for himself and his dependents; that he owns real estate in his own name; that he has a substantial bank account; that he holds secured notes for a very substantial amount wherein others are indebted to him; that he is interested in his father's estate which Estate owns considerable property; that, at the time of the marriage of your Complainant to said Respondent

(page two)

that he owned very little property, but that this property has been accumulated through the efforts not only of the Respondent but also of your complainant.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your complainant prays that the above named Elvin G. Low be made a party defendant to this cause by the usual process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that this Honorable Court order a reference to be held for the purpose of fixing a suitable amount to be allowed your complainant as alimony pendente lite, as provided for in Section 7417, 1923 Code of Alabama; that at said reference there shall also be determined a suitable attorneys' fee pendente lite; that upon a final hearing of this cause that your complainant be granted a divorce from said Respondent, and that in the Decree granting said divorce that this Court will make an allowance to your Complainant out of said Respondent's estate for the support of your Complainant, as provided for in Section 7419, Code of Alabama, 1923. *and also, as reasonable attorneys fee for the prosecution of this cause.* Should your Complainant be mistaken in the relief prayed for that there be granted to her such other, further and different relief to which she may be entitled, and as in duty bound she will ever pray.

Worthy Low
Complainant.

FOOT NOTE:-

Respondent is required to answer each and every paragraph of the foregoing Bill of Complaint from "First" to "Third", inclusive, but answer under oath is hereby expressly waived.

Debert & Reason
Solicitors for Complainant.

W. A. Reason
Solicitors for Complainant.

(page three)

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, Mary E. Green, a Notary Public
in and for said State and County, personally appeared Dorothy
Low, who is known to me and who, after being by me first duly and
legally sworn doth depose and say under oath as follows:-

that she is the complainant in the above styled cause;
that all the matters and facts therein alleged are true; that
she does not own any separate estate and has no means of support
nor means to pay her Attorneys for the prosecution of this suit
for divorce.

Dorothy Low

Sworn to and subscribed before
me, a Notary Public whose seal
is hereto affixed, this 30th
day of January, 1939.

Mary E. Green
Notary Public, Baldwin County,
State of Alabama.

DOROTHY LOW,

Complainant,

-vs-

ELVIN G. LOW,

Respondent.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Comes the complainant in the above styled cause and shows unto the court that on February 1st, 1939, she filed her Bill of Complaint for Divorce against Elvin G. Low in this Honorable Court, on the grounds of cruelty, and prayed that the court allow her alimony pendente lite and Attorneys' fees pendente lite, and permanent alimony and Attorney's fees upon the granting of the divorce.

Complainant now moves the court to order a reference before the Register of said court to ascertain what would be a suitable amount to allow said complainant as alimony pendente lite, Attorneys' fees pendente lite and Court costs, and that the Register report his findings to this Honorable Court for confirmation.

Dorothy Low
Complainant.

W. J. ...
W. J. ...
AS SOLICITORS FOR COMPLAINANT.

DOROTHY LOW,

Complainant,

-vs-

ELVIN G. LOW,

Respondent.

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

Comes Dorothy Low, the Complainant in the above styled cause, and moves the Court to compel by proper order Elvin G. Low, the above named Respondent, to produce at the hearing to be held in said cause before the Register on February 23rd, 1939, at 10 o'clock A. M., the following papers, documents and other instruments in writing, viz:-

1. All Notes or other negotiable instruments held or owned by said Respondent, or in which the said Respondent is named as payee;
2. All books of accounts showing or in any way dealing with the transaction of the business by the Respondent, Elvin G. Low, for the past three years;
3. All bank statements, deposit books, check books, and any and all other papers showing, or in any way dealing with, the accounts which said Respondent, Elvin G. Low, may have in any Bank;
4. All papers, receipts or evidence of any account with, deposit in or stock in the Baldwin County Building & Loan Association;
5. Copies of Income Tax Reports for 1936, 1937 and 1938, filed with the United States Government and with the State of Alabama; by said Respondent;
6. Any and all insurance policies on the life of Elvin G. Low or E. G. Low, whether the same be payable to a particular beneficiary or to his Estate, together with all receipts showing premiums which have been paid on the same;
7. The original of all deeds of conveyance to Elvin G. Low or E. G. Low, the title to which property has not been conveyed by the said Respondent prior to the filing of the suit in this cause;
8. Copies of all Tax Assessments by the said Elvin G. Low or E. G. Low for the years 1937, 1938 and 1939, on property owned by him in Baldwin County, Alabama, or elsewhere;
9. Copies of Tax Assessments made by Elvin G. Low or E. G. Low, as one of the heirs of H. M. Low or Hart M. Low, Deceased, in which the said Elvin G. Low or E. G. Low is interested;
10. Any and all Life Insurance Policies in the possession of Respondent on the life of Dorothy Low;

11. Inventories showing stock of goods, hardware and equipment on hand at the close of the years 1936, 1937 and 1938;

12. Any and all papers, deeds, documents or other instruments in writing in any way dealing with the business now being run or which has heretofore been operated by the said E. G. Low or Elvin G. Low, showing all business transactions had by him and showing all accounts carried by him in any Bank or Building & Loan Association, and list of any and all property owned by E. G. Low or Elvin G. Low, or in which he has an interest, and all records showing amount of net earnings for the past three years;

and shows unto this court as follows:—

1st. That such books, documents or writings contain evidence pertinent to the issue and will be material evidence for the complainant in said cause.

2nd. That the said Respondent has the possession, custody, control or power over such books, documents and writings.

3rd. That said Complainant has this day given notice to said Respondent of the filing of this Motion by mailing a copy of the same to Messrs. Beebe, Hall & Beebe, as the Attorneys of Record for the Respondent in said cause, and by filing the original Notice of the filing of such Motion, together with a copy of the same in this Honorable Court, said original to be served upon the said Respondent by the proper authorities.

Dorothy Low
As Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:—

That her name is Dorothy Low, and that she is the Complainant in that certain cause of action for divorce now pending in the Circuit Court of Baldwin County, Alabama, in Equity, against Elvin G. Low; that she executed the foregoing Motion, after having read the same, and that all the matters and facts stated therein

(page three)

are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on February 23rd, 1939.

Rosothy Law

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 16th day of February, 1939.

Mary E. Green
Notary Public, Baldwin County,
State of Alabama.

DOROTHY LOW,
Complainant,
vs.
ELVIN G. LOW,
Respondent.

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

This cause is submitted on behalf of the respondent on:

1st. Respondent's answer;

2nd. Depositions of respondent's witness, Elvin G. Low,
and exhibits thereto attached, and witnesses, Dorla Belle Low,
W. E. Cooney, J. W. Clark, Jr., and Hubert M. Low; and

3rd. Agreement of submission.

This the 31st day of July, 1939.

R. S. Duck

Register.
Ray - Houbert - Hanger
Deputy Register

DOROTHY LOW,
Complainant,
-vs-
ELVIN G. LOW,
Respondent.

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

Now comes Dorothy Low, Complainant in the above styled cause, and states that in her belief that the testimony referred to by E. G. Low in his Exception to the Register's Report does not fairly and truly present the question for decision upon his second ground of exception, viz:- "That the Complainant has not shown facts sufficient to entitle her to a divorce on the grounds alleged in the complaint, and hence she is not entitled to alimony pendente lite", and respectfully calls the court's attention to the Testimony of Mrs. Dorothy Low on her Direct Examination appearing on pages 1, 2 and through page 16 and her Re-direct Examination appearing upon pages 35 through 39 and her Re-direct Examination appearing upon pages 43 to 46, inclusive; also, the Testimony of Proctor Bradley on Direct Examination appearing on pages 1, 2, 3 and 4 and on Re-Direct Examination appearing on pages 5 and 6; also, Testimony of R. A. Hail Jr., on Direct Examination, see pages 1, 2 and 3, and Re-direct Testimony of R. A. Hail Jr., on pages 3 and 4; also, see Direct Testimony of Mrs. A. P. Pruitt, page 1, Direct Testimony of Mrs. W. L. Hammond, pages 1 and 2 and Direct Testimony of Mr. Ervin Poos, pages 1, 2 and 3;

Dorothy Low, Complainant, further states in her belief that the testimony referred to by E. G. Low in his exception to the effect that alimony pendente lite awarded to Complainant in said report and findings is excessive and oppressive, does not fairly and fully present the question for decision, and respectfully calls the court's attention to the Testimony of Mrs. Dorothy Low on Direct Examination on pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 36, 37, 38, 39; also see Testimony of Frank B. Nihart on Direct Examination, pages 1, 2 and 3, and Re-Direct on pages 9 and 10, and Re-re-Direct on page 11; also, see testimony of Claude Peteet on pages 1, 2, 3, 4, 8, 9, 10 and 11; see also testimony of Mrs. Dorothy

(page two)

Low taken on the 6th day of June, 1939, together with Exhibit "H" thereto; see also Exhibits "A", "B", "C", "D", "E" and "F" to the Testimony of E. G. Low appearing on pages 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68, taken by Ida M. Turnbull, Commissioner; See also Testimony of Ernest G. Cleverdon, pages 1 and 2, together with Exhibits "A", "B", "C" and "D" thereto.

Wespart & Hase
~~Attorneys for Complainant.~~

DOROTHY LOW,

Complainant,

-VS-

ELVIN G. LOW,

Respondent.

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

Filed June 30, 1939

R.S. Beck
Register.

By - Wallace J. ...
Agent

DOROTHY LOW,

Complainant,

vs.

ELVIN G. LOW,

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, _____
Admissions in answer, Testimony of Ernest G. Cleverdon, Mrs.

Dorothy Low, Proctor Bradley, R. A. Hail, Frank B. Nihart, Claude
Peteet, Mrs. A. P. Pruitt, Mrs. W. L. Hammond and Erwin Poos,

together with the Exhibits attached to said testimony; *and*

Agreement of Submission.

and in behalf of Defendant upon _____

R. S. Dush

Register.

*By: Shadrach Henson
Deputy Register*

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON E. G. CLEVERDON,
Cashier of Merchants National Bank, Mobile, Alabama,

at the instance of the Complainant, if he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
House in Bay Minette, Ala. to wit: on Tuesday, the day of May 23rd, 1939,

at 10 o'clock A.M. and to bring with him and produce, at the time and place aforesaid, to be used as evi-
~~(all bank statements, savings accounts books & other documents of writing~~
~~(showing the accounts of E. G. Low or Elvin G. Low of Robertsdale Ala.,~~
~~dence) for the past two years~~ (here describe it), and then and there testify and the truth

to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writ-
ing doth import of, and concerning, and concerning a certain suit now pending and undetermined in said Court,

wherein DOROTHY LOW, is Complainant Plaintiff
and ELVIN G. LOW, is Respondent Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this
writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 18th day of May 1939.

R.S. Dorch
By Andlice Thompson Clerk, Register
Deputy Register

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON E. G. CLEVERDON
Cashier of Merchants National Bank, Mobile, Alabama.

at the instance of the Complainant, if he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
House in Bay Minette, Ala., to wit: on 22 Thursday, the day of Feb. 23, 1939

at 10 o'clock, and to bring with him and produce at the time and place aforesaid, to be used as evi-
dence all bank statements, savings accounts books & other documents of writing
showing the accounts of E. G. (here describe it) and then and there testify and the truth
Low, or Elvin G. Low, of Robertsdale, Ala. for the past 2 years
to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writ-

ing doth import of, and concerning, and concerning a certain suit now pending and undetermined in said Court,
wherein DOROTHY LOW, is Complainant --Plaintiff--
and ELVIN G. LOW, is Respondent --Defendant--

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this
writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 17th day of February

1939
R. S. DUCK
clerk, - register

By [Signature] Clerk
Deputy

Chancery

~~CIVIL~~ SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA }
BALDWIN COUNTY }

S.D. Page No.

CIRCUIT COURT

Case No. *522*

Feb. 23 Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *Proctor Bradley, Dick*
Hail, & Mrs. Julia Perrin.

if to be found in your County, at the instance of the *complainant*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by *10* o'clock of the forenoon, on the *23rd* day of *February* 193*9*

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein *Dorothy Law, complainant* Plaintiff

and *Elin Law, Respondent* ~~Defendant~~

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *17th* day of *February* 193*9*.

R. S. Duck Clerk.

CHANCERY

~~CIVIL~~ SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. *522*

CIRCUIT COURT

Spring Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *Dick Nail and Proctor Bradley*

if to be found in your County, at the instance of the *Complainant*
to be and appear before the honorable, the *Register* ~~Judge~~ *in equity* of the Circuit Court of Baldwin County, at the Court House thereof,
by *10:00* o'clock of the forenoon, on the *23* day of *May* 193*9*

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to
say, in a certain cause pending, wherein *Dorothy Low* *Complainant* Plaintiff
and *Elvin C. Low,* *Respondent* Defendant

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *18* day of *May* 193*9*

By *R.S. Duch, Register* Clerk
Maude Thompson
Deputy Register

Received in office this 18 day of

May 1939

W.R. Stuart
Sheriff.

I have executed this writ

(W. Rodgers)

By serving - full

W.R. Stuart
Sheriff.

(Signature)

ORIGINAL

No. 522 Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

CIRCUIT COURT

Plaintiff

VS.

Defendant

**CHANCERY
CIVIL SUBPOENA**

Issued this 18 day of

May 1939

R. S. DUCK
clerk, - register Clerk.

By W. H. Thompson
Deputy

Received in office this 17th day of

Feb

1939

W.R. Stuart

Sheriff.

I have executed this writ by

Serving R. Simmons

on

Orator Brockey

Dick Nail, and

Mrs Julia Perrin

ORIGINAL

No. 522

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Dorothy Lee,

Complainant

~~Plaintiff~~

VS.

Elin Lee

Respondent

~~Defendant~~

Chancery

CIVIL SUBPOENA

Issued this 17th day of

February

1939

R. S. Duck

Clerk.

W.R. Stuart

Sheriff.

Stuart

Received RD Day of May 1939
and on RD Day of February 1939
I served a Copy of the within Subpoena Decus Tecum
on E. G. Cleveland

by service on _____

W. H. HOLCOMBE, Sheriff
By M. Bernstein D.S.

15

No. 522 Benn

THE STATE OF ALABAMA
Baldwin County

DOROTHY LOW,
Complainant.

Plaintiff

VS. SUBPOENA DECUS TECUM

ELVIN G. LOW,
Respondent.

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

23rd day of Feb., 1939 192

GILL PTC. CO., MOBILE

Received 19 Day of July 1929
and on 19 Day of July 1929
I served a Copy of the within
on W. H. Holcombe
by service on Cleveland

W. H. HOLCOMBE, Sheriff
By W. H. Holcombe D.A.

Mobile County Original
52
5709/29 No. _____
W. H. Holcombe

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DECUS TECUM

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

_____ day of _____ 1929

GILL PTC. CO., MOBILE

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

DOROTHY LOW,

Complainant

vs.

ELVIN G. LOW,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 31

day of July 1939

R. S. Duck

REGISTER

DOROTHY LOW,

Complainant,

-vs-

ELVIN G. LOW,

Respondent.

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

Comes Dorothy Low, acting by and through her Solicitors of Record in the above styled cause, and moves the Court to compel by proper order Elvin G. Low, the above named Respondent, to produce at the hearing to be held in said cause before the Register on May 23rd, 1939, at 10 o'clock A. M., the following paper, documents and other instruments in writing, viz:-

1. All Notes or other negotiable instruments held or owned by said Respondent, or in which the said Respondent is named as payee;
2. All books of accounts showing or in any way dealing with the transaction of the business by the Respondent, Elvin G. Low, for the past three years;
3. All bank statements, deposit books, check books, and any and all other papers showing, or in any way dealing with, the accounts which said Respondent, Elvin G. Low, may have in any Bank;
4. All papers, receipts or evidence of any account with, deposit in or stock in the Baldwin County Building & Loan Association;
5. Copies of Income Tax Reports for 1936, 1937 and 1938, filed with the United States Government and with the State of Alabama;
6. Any and all insurance policies on the life of Elvin G. Low or E. G. Low, whether the same be payable to a particular beneficiary or to his Estate, together with all receipts showing premiums which have been paid on the same;
7. The original of all deeds of conveyance to Elvin G. Low or E. G. Low, the title to which property has not been conveyed by the said Respondent prior to the filing of the suit in this cause;
8. Copies of all Tax Assessments by the said Elvin G. Low or E. G. Low for the years 1937, 1938 and 1939, on property owned by him in Baldwin County, Alabama, or elsewhere;
9. Copies of Tax Assessments made by Elvin G. Low or E. G. Low, as one of the heirs of H. M. Low or Hart M. Low, Deceased, in which the said Elvin G. Low or E. G. Low is interested;
10. Any and all Life Insurance Policies in the possession of Respondent on the life of Dorothy Low;

(page two)

11. Inventories showing stock of goods, hardware and equipment on hand at the close of the years 1936, 1937 and 1938;

12. Any and all papers, deeds, documents or other instruments in writing in any way dealing with the business now being run or which has heretofore been operated by the said E. G. Low or Elvin G. Low, showing all business transactions had by him and showing all accounts carried by him in any Bank or Building & Loan Association, and list of any and all property owned by E. G. Low or Elvin G. Low, or in which he has an interest, and all records showing amount of net earnings for the past three years;

and shows unto this Court as follows:-

1st. That such books, documents or writings contain evidence pertinent to the issue and will be material evidence for the complainant in said cause.

2nd. That the said Respondent has the possession, custody, control or power over such books, documents and writings.

3rd. That said Complainant has this day given notice to said Respondent of the filing of this Motion by mailing a copy of the same to Messrs. Beebe, Hall & Beebe, as the Attorneys of Record for the Respondent in said cause, and by filing the original Notice of the filing of such Motion, together with a copy of the same in this Honorable Court, said original to be served upon the said Respondent by the proper authorities.


AS Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:-

That her name is Dorothy Low, and that she is the Complainant in that certain cause of action for divorce now pending in the Circuit Court of Baldwin County, Alabama, in Equity, against Elvin G. Low; that she executed the foregoing Motion, after having read the same, and that all the matters and facts stated therein

(page two)

(page three)

are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent will be material evidence for her at the hearing to be had in this Honorable Court on May 23rd, 1939.

Dorothy Low

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 18th day of May, 1939.

Mary J. Green
Notary Public, Baldwin County,
State of Alabama.

DOROTHY LOW,
Complainant,
-vs-
ELVIN G. LOW,
Respondent.

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

Comes Dorothy Low, acting by and through her solicitors of Record in the above styled cause, and moves the Court to compel by proper order Elvin G. Low, the above named Respondent, to produce at the hearing to be held in said cause before the Register on May 23rd, 1939, at 10 o'clock A. M., the following paper, documents and other instruments in writing, viz:-

1. All Notes or other negotiable instruments held or owned by said Respondent, or in which the said Respondent is named as payee;
2. All books of accounts showing or in any way dealing with the transaction of the business by the Respondent, Elvin G. Low, for the past three years;
3. All bank statements, deposit books, check books, and any and all other papers showing, or in any way dealing with, the accounts which said Respondent, Elvin G. Low, may have in any Bank;
4. All papers, receipts or evidence of any account with deposit in or stock in the Baldwin County Building & Loan Association;
5. Copies of Income Tax Reports for 1936, 1937 and 1938, filed with the United States Government and with the State of Alabama;
6. Any and all insurance policies on the life of Elvin G. Low or E. G. Low, whether the same be payable to a particular beneficiary or to his Estate, together with all receipts showing premiums which have been paid on the same;
7. The original of all deeds of conveyance to Elvin G. Low or E. G. Low, the title to which property has not been conveyed by the said Respondent prior to the filing of the suit in this cause;
8. Copies of all Tax Assessments by the said Elvin G. Low or E. G. Low for the years 1937, 1938 and 1939, on property owned by him in Baldwin County, Alabama, or elsewhere;
9. Copies of Tax Assessments made by Elvin G. Low or E. G. Low, as one of the heirs of H. M. Low or Hart M. Low, Deceased, in which the said Elvin G. Low or E. G. Low is interested;
10. Any and all Life Insurance Policies in the possession of Respondent on the life of Dorothy Low;

(page two)

11. Inventories showing stock of goods, hardware and equipment on hand at the close of the years 1935, 1937 and 1938;

12. Any and all papers, deeds, documents or other instruments in writing in any way dealing with the business now being run or which has heretofore been operated by the said E. G. Low or Elvin G. Low, showing all business transactions had by him and showing all accounts carried by him in any bank or building & Loan Association, and list of any and all property owned by E. G. Low or Elvin G. Low, or in which he has an interest, and all records showing amount of net earnings for the past three years;

and shows unto this Court as follows:-

1st. That such books, documents or writings contain evidence pertinent to the issue and will be material evidence for the complainant in said cause.

2nd. That the said Respondent has the possession, custody, control or power over such books, documents and writings.

3rd. That said Complainant has this day given notice to said Respondent of the filing of this Motion by mailing a copy of the same to Messrs. Beebe, Hall & Beebe, as the Attorneys of Record for the Respondent in said cause, and by filing the original Notice of the filing of such Motion, together with a copy of the same in this Honorable Court, said original to be served upon the said Respondent by the proper authorities.


AS Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:-

That her name is Dorothy Low, and that she is the complainant in that certain cause of action for divorce now pending in the Circuit Court of Baldwin County, Alabama, in Equity, against Elvin G. Low; that she executed the foregoing Motion, after having read the same, and that all the matters and facts stated therein

(page two)

(page three)

are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on May 23rd, 1939.

Dorothy Lewis

sworn to and subscribed before me, a Notary public whose seal is hereto affixed, this 18th day of May, 1939.

Mary E. Green
Notary Public, Baldwin County,
State of Alabama.

NOTARY

NOTARY

NOTARY

NOTARY

NOTARY

NOTARY

Handwritten notes and signatures on the right margin, including a vertical line and illegible text.

DOROTHY LOW,

Complainant,

-vs-

ELVIN G. LOW,

Respondent.

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

Comes Dorothy Low, acting by and through her solicitors of Record in the above styled cause, and moves the Court to compel by proper order Elvin G. Low, the above named Respondent, to produce at the hearing to be held in said cause before the Register on May 23rd, 1939, at 10 o'clock A. M., the following paper, documents and other instruments in writing, viz:-

1. All Notes or other negotiable instruments held or owned by said Respondent, or in which the said Respondent is named as payee;
2. All books of accounts showing or in any way dealing with the transaction of the business by the Respondent, Elvin G. Low, for the past three years;
3. All bank statements, deposit books, check books, and any and all other papers showing, or in any way dealing with, the accounts which said Respondent, Elvin G. Low, may have in any Bank;
4. All papers, receipts or evidence of any account with, deposit in or stock in the Baldwin County Building & Loan Association;
5. Copies of Income Tax Reports for 1936, 1937 and 1938, filed with the United States Government and with the State of Alabama;
6. Any and all insurance policies on the life of Elvin G. Low or E. G. Low, whether the same be payable to a particular beneficiary or to his Estate, together with all receipts showing premiums which have been paid on the same;
7. The original of all deeds of conveyance to Elvin G. Low or E. G. Low, the title to which property has not been conveyed by the said Respondent prior to the filing of the suit in this cause;
8. Copies of all Tax Assessments by the said Elvin G. Low or E. G. Low for the years 1937, 1938 and 1939, on property owned by him in Baldwin County, Alabama, or elsewhere;
9. Copies of Tax Assessments made by Elvin G. Low or E. G. Low, as one of the heirs of H. M. Low or Hart M. Low, Deceased, in which the said Elvin G. Low or E. G. Low is interested;
10. Any and all Life Insurance Policies in the possession of Respondent on the life of Dorothy Low;

(page two)

11. Inventories showing stock of goods, hardware and equipment on hand at the close of the years 1936, 1937 and 1938;

12. Any and all papers, deeds, documents or other instruments in writing in any way dealing with the business now being run or which has heretofore been operated by the said E. G. Low or Elvin G. Low, showing all business transactions had by him and showing all accounts carried by him in any Bank or building & Loan Association, and list of any and all property owned by E. G. Low or Elvin G. Low, or in which he has an interest, and all records showing amount of net earnings for the past three years;

and shows unto this Court as follows:-

1st. That such books, documents or writings contain evidence pertinent to the issue and will be material evidence for the complainant in said cause.

2nd. That the said Respondent has the possession, custody, control or power over such books, documents and writings.

3rd. That said Complainant has this day given notice to said Respondent of the filing of this Motion by mailing a copy of the same to Messrs. Beebe, Hall & Beebe, as the Attorneys of Record for the Respondent in said cause, and by filing the original Notice of the filing of such Motion, together with a copy of the same in this Honorable Court, said original to be served upon the said Respondent by the proper authorities.


AS Complainant

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:-

That her name is Dorothy Low, and that she is the complainant in that certain cause of action for divorce now pending in the Circuit Court of Baldwin County, Alabama, in Equity, against Elvin G. Low; that she executed the foregoing Motion, after having read the same, and that all the matters and facts stated therein

(page two)

(page three)

are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on May 23rd, 1939.

Dorothy Low

sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 18th day of May, 1939.

Mary D. Green.
Notary Public, Baldwin County,
State of Alabama.

TO THE CLERK OF THE COURT
IN BALDWIN COUNTY, ALABAMA
FOR THE DEPOSIT OF THIS INSTRUMENT
THIS 18th DAY OF MAY 1939
DOROTHY LOW
MAY 20 1939
MAY 20 1939
MAY 20 1939

DOROTHY LOW,
Complainant,

Vs,

ELVIN C. LOW,
Respondent.

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(
(
(
(
(

IN THE CIRCUIT COURT.

IN EQUITY.

ORDER OF CONTINUENCE.

Reference in the above styled cause is hereby continued
to May 23rd, 1939, at 10 A.M.

DATED This 31st day of March, 1939.

R. S. DUCK, Register,

BY Maubien Thompson
Deputy Register.

DOROTHY LOW,
Complainant

Vs.

ELVIN C. LOW,
Respondent.

)
(
)
(
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)
(

IN THE CIRCUIT COURT
IN EQUITY.

ORDER OF CONTINUENCE.

Reference in the above styled cause is hereby continued
to March 31st, 1939, at ten A. M.,

DATED this 23rd day of February, 1939.

R. S..DUCK, Register,

By: *Harold Hampton*
Deputy Register.

DOROTHY LOW,
Complainant.)
Vs.)
ELVIN G. LOW,
Respondent.)

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

ORDER OF CONTINUENCE OF REFERENCE.

Reference in the above entitled case is hereby continued to May 31st, 1939, at 10 o'clock, A.M., to complete the taking of testimony of witnesses for both Complainant, and Respondent.

DATED May 26, 1939.

R. S. DUCK, Register.

By: *Handwritten Signature*
Deputy Register.

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To MARY GREEN:

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

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

DOROTHY LOW,

is Complainant

and ELVIN G. LOW,

is Defendant,

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

Witness 26 day of May 19 39

R. S. DUCK

clerk, - register

REGISTER

By *Audley Thompson*
Deputy

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

DOROTHY LOW,
Complainant,
vs.
ELVIN C. LOW,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 522.

Comes the respondent in the above styled cause, and answering complainant's bill of complaint, says:

FIRST:

He admits that he and complainant are both over the age of twenty-one years and reside in Baldwin County, Alabama. He admits that they are husband and wife.

SECOND:

He denies that he has committed acts of violence and threats of violence as alleged in the bill of complaint, or that he has in any manner mistreated or abused her, but says to the contrary that he has always been a dutiful husband and has properly cared for and maintained her and been solicitous of her welfare, health and happiness.

THIRD:

Further answering complainant's complaint, respondent says that the complainant without just cause or reasonable excuse voluntarily left the bed and board of your respondent and is now remaining away from the same; that he has always provided a home and reasonable comforts for her and is now ready, able and willing to provide the same.

Having fully answered this bill of complaint, respondent prays that he may go hence with his reasonable costs.

Beche & Hall & Beche
Solicitors for Respondent.

DOROTHY LOW,)	
Complainant,	(	IN THE CIRCUIT COURT OF
)	
Vs.	(	BALDWIN COUNTY, ALABAMA.
)	
ELVIN C. LOW,	)	IN EQUITY. NO. 522.
Respondent.	(
)	

NOTICE OF REFERENCE.

TO BEEBE, HALL & BEEBE, SOLICITORS FOR THE RESPONDENT, ELVIN C. LOW:

Take notice, that the undersigned R. S. DUCK, Register of our said Circuit Court, by Nan Alice Thompson, his duly appointed Deputy Register, will execute the Decree of Reference in this cause rendered on the 10th day of February, 1939, by said Court, at the office of the said Register in Bay Minette, Alabama, on the 23rd day of February, 1939, at 10 o'clock, A. M., at which time and place you will attend if you choose so to do.

WITNESS, R. S. DUCK, Register of said Court, by Nan Alice Thompson, Deputy Register, this the 13th day of February, 1939.

R. S. DUCK, Register,

By: Nan Alice Thompson
Deputy-Register.

DOROTHY LOW,
Complainant,
-vs-
ELVIN G. LOW,
Respondent.

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

TO ELVIN G. LOW OR BETBE, HALL & BEEBE, HIS SOLICITORS OF RECORD:-

You will take notice that we have set down for hearing, in vacation, the Demurrer filed by you to the Bill of Complaint in the aforesaid cause before Hon. F. W. Hare, Judge of the Twenty-first Judicial Circuit at Monroeville, Alabama, on the 29th of May, 1939, at 10 o'clock A. M., in accordance with Rule 167, Chancery Practice.

Dated this 18th day of May, 1939.

DOROTHY LOW,

BY Hyatt & Shanon
Solicitors for complainant.

DOROTHY LOW,)	
Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA.
ELVIN G. LOW,	)	IN EQUITY.
Respondent.)	

TO ELVIN G. LOW, AND TO BEEBE, HALL & BEEBE, AS HIS ATTORNEYS OF RECORD:-

You will take notice that we have this day filed in the circuit court of Baldwin County, Alabama, in Equity, in the above styled cause, the following Motion:-

"DOROTHY LOW,)	
Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA.
ELVIN G. LOW,	)	IN EQUITY.
Respondent.)	

Comes Dorothy Low, the Complainant in the above styled cause, and moves the court to compel by proper order Elvin G. Low, the above named Respondent, to produce at the hearing to be held in said cause before the Register on May 23rd, 1939, at 10 o'clock A. M., the following papers, documents and other instruments in writing, viz:-

1. All Notes or other negotiable instruments held or owned by said Respondent, or in which the said Respondent is named as payee;
2. All books of accounts showing or in any way dealing with the transaction of the business by the Respondent, Elvin G. Low, for the past three years;
3. All bank statements, deposit books, check books, and any and all other papers showing, or in any way dealing with, the accounts which said Respondent, Elving G. Low, may have in any Bank;
4. All papers, receipts or evidence of any account with, deposit in or stock in the Baldwin County Building & Loan Association;
5. Copies of Income Tax Reports for 1936, 1937 and 1938, filed with the United States Government and with the State of Alabama;
6. Any and all insurance policies on the life of Elvin G. Low or E. G. Low, whether the same be payable to a particular beneficiary or to his Estate, together with all receipts showing premiums which have been paid on the same;

(page three)

Before me, the undersigned authority in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:-

That her name is Dorothy Low, and that she is the complainant in that certain cause of action for divorce now pending in the circuit court of Baldwin County, Alabama, in Equity, against Elvin G. Low; that she executed the foregoing Motion, after having read the same, and that all the matters and facts stated therein are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on May 23rd, 1939.

DOROTHY LOW.

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 18th day of May, 1939.

MARY F. GREEN,
Notary Public, Baldwin County,
State of Alabama."

(SEAL)

and you will please comply with this by having said papers, documents and other instruments of writing mentioned in said Motion in court for inspection and use under the direction of the Court at the hearing to be had in said cause May 23rd, 1939, at 10 o'clock A. M.


AS Complainant.

DOROTHY LOW,)	
)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA.
-vs-)	
ELVIN G. LOW,	)	IN EQUITY.
)	
Respondent.)	

TO ELVIN G. LOW, AND TO BEEBE, HALL & BEEBE, AS HIS ATTORNEYS OF RECORD:-

You will take notice that we have this day filed in the circuit court of Baldwin County, Alabama, in Equity, in the above styled cause, the following Motion:-

"DOROTHY LOW,)	
)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA.
-vs-)	
ELVIN G. LOW,	)	IN EQUITY.
)	
Respondent.)	

Comes Dorothy Low, the Complainant in the above styled cause, and moves the court to compel by proper order Elvin G. Low, the above named Respondent, to produce at the hearing to be held in said cause before the Register on February 23rd, 1939, at 10 o'clock A. M., the following papers, documents and other instruments in writing, viz:-

1. All Notes or other negotiable instruments held or owned by said Respondent, or in which the said Respondent is named as payee;
 2. All books of accounts showing or in any way dealing with the transaction of the business by the Respondent, Elvin G. Low, for the past three years;
 3. All bank statements, deposit books, check books, and any and all other papers showing, or in any way dealing with, the accounts which said Respondent, Elvin G. Low, may have in any Bank;
 4. All papers, receipts or evidence of any account with, deposit in or stock in the Baldwin County Building & Loan Association;
 5. Copies of Income Tax Reports for 1936, 1937 and 1938, filed with the United States Government and with the State of Alabama; by said Respondent;
 6. Any and all insurance policies on the life of Elvin G. Low or E. G. Low, whether the same be payable to a particular beneficiary or to his Estate, together with all receipts showing premiums which have been paid on the same;
- (page one)

7. The original of all deeds of conveyance to Elvin G. Low or E. G. Low, the title to which property has not been conveyed by the said Respondent prior to the filing of the suit in this cause;

8. Copies of all Tax Assessments by the said Elvin G. Low or E. G. Low for the years 1937, 1938 and 1939, on property owned by him in Baldwin County, Alabama, or elsewhere;

9. Copies of Tax Assessments made by Elvin G. Low or E. G. Low, as one of the heirs of H. M. Low or Hart M. Low, Deceased, in which the said Elvin G. Low or E. G. Low is interested;

10. Any and all Life Insurance Policies in the possession of Respondent on the life of Dorothy Low;

11. Inventories showing stock of goods, hardware and equipment on hand at the close of the years 1936, 1937 and 1938;

12. Any and all papers, deeds, documents or other instruments in writing in any way dealing with the business now being run or which has heretofore been operated by the said E. G. Low or Elvin G. Low, showing all business transactions had by him and showing all accounts carried by him in any Bank or Building & Loan Association, and list of any and all property owned by E. G. Low or Elvin G. Low, or in which he has an interest, and all records showing amount of net earnings for the past three years;

and shows unto this court as follows:

1st. That such books, documents or writings contain evidence pertinent to the issue and will be material evidence for the complainant in said cause.

2nd. That the said Respondent has the possession, custody, control or power over such books, documents and writings.

3rd. That said Complainant has this day given notice to said Respondent of the filing of this Motion by mailing a copy of the same to Messrs. Beebe, Hall & Beebe, as the Attorneys of Record for the Respondent in said cause, and by filing the original Notice of the filing of such Motion, together with a copy of the same, in this Honorable Court, said original to be served upon the said Respondent by the proper authorities.

DOROTHY LOW,
As Complainant .

(page three)

Before me, the undersigned authority in and for said State and County, personally appeared Dorothy Low, who is known to me and who, after being by me first duly and legally sworn doth depose and say under oath as follows:—

That her name is Dorothy Low, and that she is the complainant in that certain cause of action for divorce now pending in the Circuit Court of Baldwin County, Alabama, in Equity, against Elvin G. Low; that she executed the foregoing Motion, after having read the same, and that all the matters and facts stated therein are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on February 23rd, 1939.

DOROTHY LOW.

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 16th day of February, 1939.

MARY F. GREEN,
Notary Public, Baldwin County,
State of Alabama."

(SEAL)

and you will please comply with this by having said papers, documents and other instruments of writing mentioned in said Motion in court for inspection and use under the direction of the court at the hearing to be had in said cause February 23rd, 1939, at 10 o'clock A. M.

Dorothy Low
AS Complainant.

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

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

ELVIN G. LOW,

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

DOROTHY LOW,

against said ELVIN G. LOWE,

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, Register of said Circuit Court, this 1st day of February, 1939.

R. S. DUCK
clerk, - register

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

MOTION.

DOROTHY LOW,

Complainant,

-vs-

ELVIN G. LOW,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed May 18, 1939

R. S. Duck

Register.

By - Wallace H. Hargis
Register

(page three)

are true; that the papers and other documents referred to in said Motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on May 23rd, 1939.

Carroll J. Lewis

MOTION.

DECLARED IN

Sworn to and subscribed before me a Notary Public whose seal is hereunto affixed, this 18th day of May, 1939.

Carroll J. Lewis
Notary Public Baldwin County, Alabama.

Complainant.

Respondent.

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

Filed May 18, 1939

R. S. Powell
Registrar.

By *Madeline Henry*
Dyck

(page three)

are true; that the papers and other documents referred to in said motion which are now in the possession of the said Respondent, will be material evidence for her at the hearing to be had in this Honorable Court on May 23rd, 1939.

Robert J. Jones

MOTION.

Complainant,
-vs-
Respondent.

Notary Public, Baldwin County,
State of Alabama.

is hereto attested, this 18th day of May, 1939.

Sworn to and subscribed before me a Notary Public whose seal is hereto affixed, this 18th

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

Filed May 18, 1939

R. S. Duck
Registrar.

By William Thompson
Deputy

ORDER OF CONTINUENCE.

Filed March 31st, 1939
R. S. DUCK, Register.
BY: *Waldwick Stangor* Deputy

DOROTHY LOW,
Complainant,

Vs.

ELVIN G. LOW,
Respondent.

ORDER CONTINUING
REFERENCE.

Filed May 26, 1939
R. S. DUCK

clerk - register

By *Pauline Ferguson*
Deputy

ORDER OF CONTINUENCE

Filed February 23rd, 1939
R. S. DUCK, Register.
By: *Walter J. Thompson* Deputy

Answer

Filed May 20, 1939

R.S. Smith, Register

By - Andrew Thompson
Agent

24 W.C. Hester

NOTICE.

DOROTHY LOW,

Complainant,

-vs-

ELVIN G. LOW,

Respondent.

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

Filed May 18, 1939

R. S. Duck
Register.

By - Walter Thompson
Deputy

Executed May 18th 1939
by sending a copy
of this writ to
John O. Beebe as
an attorney of this
firm 2 Park View Road
for Elvin Low
W.C. Hester
Attorney
By John R. Allen
att.

Rec'd by Post

RECORDED

DOROTHY LOW,
Complainant,

vs.

ELVIN G. LOW,
Respondent.

NOTICE OF REFERENCE.

Created this the
14th day of July
1939 by signing
a copy of the
within in case
on W.C. Beck's atty

by W.C. Beck
Attorney

W.C. Beck
Attorney

Done on
W.C. Beck's atty

Specified 5/18/39
by handing a copy of
this writ to J. C. Ruck
as a member of the
firm of Ruck Ruck & Ruck
and a copy to
Blank from
W. H. H. H. H.
My John Ruck's 25.

Ruck

NOTICE OF REFERENCE.

DOROTHY LOW,

Complainant,

-VS-

ELVIN G. LOW,

Respondent.

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

Issued May 18, 1939

R. S. Ruck

Register.

*By - Ruck's Attorney
Dignity*

Check 5/18/39 by
Mending copy of this
will to J. B. Beck
as a member of the
J. B. Beck & Sons
and a copy to
Alvin G. Low -
W. S. Stewart
By John R. Davis, Jr.

NOTICE OF FILING OF MOTION.

DOROTHY LOW,

Complainant,

-VS-

ALVIN G. LOW,

Respondent.

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

Filed May 18, 1939

R. S. Ducek
Register.
By Walter Thompson
Deputy

(original)

Elvin G. Low,
Robertsdale, Ala.

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 522

Summons

DOROTHY LOW,
Complainant,

VS.

ELVIN G. LOW,
Respondent.

HYBART & CHASON,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

9-5-37

RECORDED

THE STATE OF ALABAMA,
Baldwin County

Received in office this 2nd

day of Feb, 1937

W. P. Stewart
Sheriff.

Executed this 7th day of

Feb, 1937

by leaving a copy of the Summons with

Elvin G. Low
Defendant

W. P. Stewart
Sheriff

By *[Signature]*
Deputy Sheriff