

3657

EVA B. O'CONNELL  
Complainant

VS.

JOHN B. D'CONNELL

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
EQUITY. No. 3657

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of all the Pleadings, orders and decrees in the above styled cause which is as follows:

1. Bill of Complaint.
2. Answer of Respondent
3. Plea in Abatement.
4. Withdrawal of Attorney of record of Respondent.
5. Motion for Continuance.
6. Order Denying Motion For Continuance.
7. Respondents Notice of Intention to take Testimony of George A. O'Connell.
8. Order of Temporary Alimony and Attorneys Fees.
9. Order that Respondent be given Notice of his Solicitors withdrawal and Setting Hearing Date.
10. Order overruling Plea in Abatement and setting date of Hearing.
11. Order Sustaining Legal Sufficiency and Setting Hearing Date.

The foregoing being the entire file excepting the testimony and exhibits.

Witness my hand and seal this 9th day of July, 1957.

\_\_\_\_\_  
Register in Equity.

EVE B. O'CONNELL,

Complainant,

VS

JOHN B. O'CONNELL,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY.

This cause coming on to be heard is submitted for a decree upon the motion of the Respondent that this cause be continued for the purpose of enabling the Respondent to perfect his application for mandamus.

It appearing to the Court that this cause was filed on November 21, 1955, and has been continued several times at the instance of the Respondent, and that on each hearing the Respondent has appeared with a different Solicitor, the Court is of the opinion that the Respondent is not entitled to the relief prayed for -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Respondent's motion for a continuance be, and the same is hereby denied.

5/18/56

Julius M. Hooper  
Judge, 26th Judicial Circuit  
of Alabama.

CECIL G. CHASON

ATTORNEY-AT-LAW

FOLEY, ALABAMA

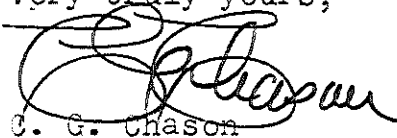
June 28, 1957

Mrs. Alice J. Duck  
Bay Minette, Alabama

Dear Mrs. Duck:

Please send me certified copies of the proceedings in  
the case of O'Connell vs. O'Connell, not including  
testimony.

Very truly yours,

  
C. G. Chason

CGC:dc

EVE B. O'CONNELL,	)	
	Complainant,	) IN THE CIRCUIT COURT OF
VS.		) BALDWIN COUNTY, ALABAMA
JOHN B. O'CONNELL,	)	IN EQUITY
	Respondent.	)

PLEA IN ABATEMENT

Now comes the respondent, by his solicitors, who appear specially and solely and only for the purpose of filing this plea in abatement, and say that this suit should be abated for the following separate and several reasons, to-wit:

1. The complainant is not a resident of Baldwin County, Alabama.
2. The respondent is not a resident of Baldwin County, Alabama.
3. The complainant and the respondent are not residents of Baldwin County, Alabama.
4. The complainant has not been a resident of Baldwin County, Alabama, for one year next preceding the filing of this suit.
5. The respondent has not been a resident of Baldwin County, Alabama, for a period of one year next preceding the filing of this suit.
6. The complainant and the respondent have not been residents of Baldwin County, Alabama, for a period of one year next preceding the filing of this suit.
7. The complainant and the respondent did not reside in Baldwin County, Alabama, when the alleged separation occurred.
8. The complainant and the respondent were not residents of Baldwin County, Alabama, when the alleged separation occurred.

WHEREFORE, respondent prays that this suit be abated. Respondent further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

J. B. Blackburn  
James A. Brice  
 Solicitors for respondent.

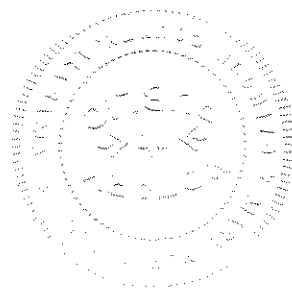
STATE OF ALABAMA )  
                          \*  
CALHOUN COUNTY     )

Before me, the undersigned authority, within and for said County in said State, personally appeared John B. O'Connell, who, after being by me first duly and legally sworn, deposes and says: That he is the respondent named in the above entitled cause; that he has read over the foregoing plea in abatement and that the facts stated therein are true.

John B. O'Connell

Sworn to and subscribed before me on  
this the 9th day of January, 1956.

Mary H. Van Pelt  
Notary Public, Calhoun County, Alabama



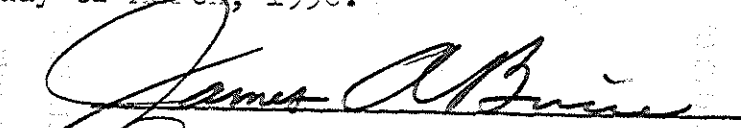
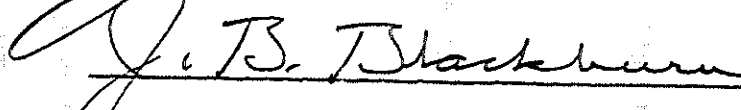
EVE B. O'CONNELL,	)	
	)	IN THE CIRCUIT COURT OF
VS. Complainant,	)	BALDWIN COUNTY, ALABAMA
	)	
JOHN B. O'CONNELL,	)	IN EQUITY
	)	
Respondent.	)	

NOTICE

TO EVE B. O'CONNELL, COMPLAINANT, OR C. G. CHASON, HER SOLICITOR OF RECORD:

You are hereby notified that the respondent will take the testimony of George A. O'Connell, a material witness for the respondent, who resides in Anniston, Alabama, which is more than one hundred miles from Bay Minette, Alabama, computed by the route usually traveled, and who, from infirmity or sickness, is unable to attend court; and the respondent, John B. O'Connell, a resident of Anniston, Alabama, which is more than one hundred miles from Bay Minette, Alabama, computed by the route usually traveled, before Hugh H. West at the office of the Health Department in the City of Anniston, Calhoun County, Alabama, at nine o'clock A. M. on April 3, 1956, as provided in Act No. 375 enacted by the Legislature of Alabama and approved September 8, 1955.

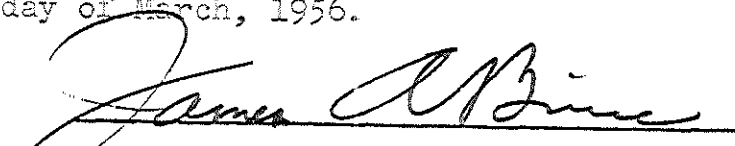
Dated this 19th day of March, 1956.

  
  
 Solicitors for respondent.

STATE OF ALABAMA )  
 \*  
 BALDWIN COUNTY )

I hereby certify that I delivered a copy of the above and foregoing notice to C. G. Chason, solicitor for the complainant, on this the 19th day of March, 1956.

Dated this 19th day of March, 1956.

  
 Of counsel for respondent.

NOTICE

EVE B. O'CONNELL,

Complainant,

VS.

JOHN B. O'CONNELL,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED

MAR 19 1956

ALICE J. DUCK, Register  
12:41 A.M.

EVE B. O'CONNELL,	)	
	)	IN THE CIRCUIT COURT OF
VS. Complainant,	)	BALDWIN COUNTY, ALABAMA
	)	
JOHN B. O'CONNELL,	)	IN EQUITY
	)	
Respondent.	)	

WITHDRAWAL OF APPEARANCE BY SOLICITORS FOR  
RESPONDENT.

Now come James A. Brice and J. B. Blackburn, who have heretofore appeared in this cause as solicitors for the respondent, John B. O'Connell, and for ample, good and sufficient reasons which are known and which have been made known to the said respondent, who has been given written notice by the undersigned that this instrument would be filed on this date, have and do hereby withdraw their appearance as solicitors for the said respondent in this cause.

The undersigned move the Register of this court to give notice to the said respondent that the undersigned have withdrawn their appearance as his solicitors and allow him a reasonable time in which to employ other counsel.

Dated this 12th day of April, 1956.

J. T. Blackburn  
James A. Brice  
Solicitors for respondent.

I hereby certify that I mailed a copy of the above and foregoing notice to the respondent, John B. O'Connell, by first class mail, postage prepaid, addressed to him at 1311 Glenwood Terrace, Anniston, Alabama, on this the 6th day of April, 1956.

J. T. Blackburn



WITHDRAWAL OF APPEARANCE BY  
SOLICITORS FOR RESPONDENT.

EVE B. O'CONNELL,  
Complainant,  
VS.

JOHN B. O'CONNELL,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED

APR 11 1956

ALICE J. DUCK, Register

EVE B. O'CONNELL, )  
Complainant, ) IN THE CIRCUIT COURT OF  
VS. )  
BALDWIN COUNTY, ALABAMA  
JOHN B. O'CONNELL, )  
Respondent. ) IN EQUITY

DECREE

This cause, coming on to be heard on this date by agreement of the parties, is submitted on motion of the respondent to test the legal sufficiency of the plea in abatement filed in this cause by him on January 17, 1956; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The respondent's said plea in abatement is held to be legally sufficient.

2. Nine o'clock A. M. on March 19, 1956, is hereby set as the time for respondent to introduce evidence in support of his said plea in abatement.

ORDERED, ADJUDGED AND DECREED on this the 9th day of March, 1956.

Hubert M. Hall  
Judge

DEGREE

EVE B. O'CONNELL,  
Complainant,  
VS.  
JOHN B. O'CONNELL,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

EVE B. O'CONNELL,

Complainant,

vs.

JOHN B. O'CONNELL,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

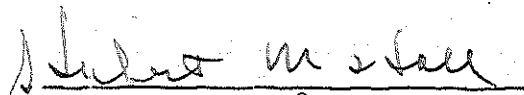
ALABAMA. IN EQUITY.

It appearing to the Court by written instrument filed this day that James A. Brice and J. B. Blackburn, as Solicitors for the Respondent, have withdrawn their appearance and that the Respondent, so far as the record shows, has no Counsel.

IT IS, THEREFORE, ORDERED by the Court that the Register forthwith advise the Respondent of the withdrawal of the said Solicitors, and that the Respondent is given until April 26th. 1956, in which time to employ other counsel, if he wishes.

IT IS FURTHER ORDERED that this cause be set down for a hearing on April 26, 1956, at 10 o'clock A. M., at the Courthouse in Bay Minette, Alabama, at which time the parties are to appear and take testimony, preparatory to a final submission, or make definite arrangements as to a date when such testimony can be taken.

Dated at Bay Minette, Alabama, this 12th day of April, 1956.

  
Judge of the 28th Judicial  
Circuit of Alabama.

EVE B. O'CONNELL,

Complainant,

VS.

JOHN B. O'CONNELL,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY.

NO. 3657

This cause coming on to be heard is submitted upon the plea in abatement filed by the Respondent, and the Court, after considering the matter, is of the opinion that the plea is not well taken and should be overruled -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plea in abatement filed by the Respondent be, and it is hereby overruled and denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this cause be, and it is hereby set down for a final hearing at the Courthouse, in Bay Minette, Alabama, on May 16, 1956, at 10 o'clock A. M., in accordance with an agreement entered into by all parties in open Court.

Dated this 26th day of April, 1956.

*J. Hubert M. Steele*  
Judge, 26th Judicial Circuit

*Filed 4-26-56*  
*Acie J. Newkirk*  
*Reg.*






IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

EVE B. O'CONNELL,  
COMPLAINANT,

VS.

JOHN B. O'CONNELL,  
RESPONDENT.

IN EQUITY

3657

Depositions of John B. O'Connell, the Respondent in this cause, and Dr. G. A. O'Connell, taken on the 3rd day of April, 1956, at or about 9:00 o'clock A.M., in the Public Health Building, in the City of Anniston, County of Calhoun, Alabama, by virtue of Act No. 375, Alabama Law (Regular Session, 1955).

APPEARANCES: Mr. C. G. Chason, Attorney for the Complainant.

Mr. J. B. Blackburn and Mr. James A. Brice, Attorneys  
for the Respondent.

Mr. Hugh H. West, Official Court Reporter for the  
Seventh Judicial Circuit of Alabama.

FILED

APR 10 1956

ALICE L. BARK, Register

HUGH H. WEST  
OFFICIAL COURT REPORTER  
SEVENTH JUDICIAL CIRCUIT  
ANNISTON, ALABAMA

P.O. Box 994  
Anniston, Alabama  
April 6, 1956

Register of the Circuit Court  
28th Judicial Circuit  
County Court-house  
Bay Minette, Alabama

Re: Eve B. O'Connell, complainant vs. John B. O'Connell,  
respondent - In The Circuit Court of Baldwin County,  
Alabama, In Equity.

Dear Sir:

Enclosed are the depositions of Mr. John B. O'Connell,  
the respondent in the above-mentioned cause, and Dr. G. A. O'Connell,  
taken April 3, 1956, in the City of Anniston, County of Calhoun,  
Alabama, under authority of Act No. 375, Alabama Law (Regular  
Session, 1955).

It is the request of the counsel in this cause that  
the enclosed depositions be duly filed in your court.

Yours very truly,

  
Hugh H. West

Encl.



EVE B. O'CONNELL,	:	IN THE CIRCUIT COURT OF
Complainant,	:	BALDWIN COUNTY, ALABAMA.
Versus	:	IN EQUITY - NO. 3657
JOHN B. O'CONNELL,	:	
Respondent.	:	

Now comes John B. O'Connell, respondent in the above styled cause, and herewith files his answer to the bill of complaint heretofore filed against him by Eve B. O'Connell, complainant herein; however, John B. O'Connell does not waive any of the rights or benefits conferred upon him by that certain petition for writ of mandamus heretofore filed by him in the Supreme Court of Alabama, entitled Ex parte John B. O'Connell, 1 Div. 676, and specifically reserves unto himself whatever rights he may be entitled to by reason of the said petition for writ of mandamus:

1. For answer to paragraph 1 of the bill of complaint respondent admits that both complainant and respondent are over the age of 21 years, but respondent specifically denies that either complainant or respondent were resident citizens of Baldwin County, Alabama, on the date said bill of complaint was filed, or for more than one year prior thereto.

2. Respondent admits that complainant and respondent were married on May 25, 1950, and are still husband and wife, however respondent specifically denies all of the remaining allegations of paragraph 2 of the bill of complaint and demands strict proof thereof.

3. Respondent denies all of the material

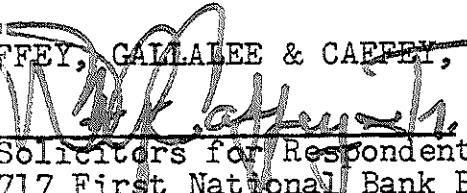
allegations of paragraph 3 of the bill of complaint and demands strict proof thereof.

4. Respondent denies all of the material allegations of paragraph 4 of the bill of complaint and demands strict proof thereof.

5. Respondent denies all of the material allegations of paragraph 5 of the bill of complaint and demands strict proof thereof.

6. Respondent admits that he is now 44 years of age and that he was permanently retired from the United States Army on January 31, 1955, because of 70% physical disability, and as a result of said permanent retirement your respondent receives an income of approximately \$400.00 a month from the United States Government; and respondent denies all further material allegations of paragraph 6 of the bill of complaint and demands strict proof thereof.

And now having fully answered said bill of complaint respondent prays that upon a hearing of this cause your Honor will be pleased to dismiss the bill and allow the respondent to go hence with the reasonable costs in his behalf expended.

CAFFEY, GALLALEE & CAFFEY,  
By   
Solicitors for Respondent,  
717 First National Bank Bldg.,  
Mobile, Alabama.

EVE B. O'CONNELL,	:	IN THE CIRCUIT COURT OF
Complainant,	:	BALDWIN COUNTY, ALABAMA.
Versus	:	IN EQUITY - NO. 3657.
JOHN B. O'CONNELL,	:	
Respondent.	:	

Now comes John B. O'Connell, Respondent,  
by his solicitors who appear specially and solely for the  
purpose of filing this motion, and shows unto this Honorable  
Court as follows:-

Respondent desires, and has instructed his  
solicitors, to make application to the Supreme Court of Ala-  
bama for mandamus to review the ruling of this Honorable  
Court, overruling and denying the plea in abatement filed by  
the respondent in this cause; however, said respondent has  
not had sufficient time to prepare and submit said application  
to the Supreme Court of Alabama;

WHEREFORE, your respondent moves your Honor  
to continue this cause on the docket for the purpose of enabling  
your respondent to perfect his application for mandamus; and  
further moves your Honor to stay all proceedings in this cause  
until the Supreme Court of Alabama has an opportunity to con-  
sider said application and issue its order thereon.

CAFFEY, GALLAGHER & CAFFEY,

By

Solicitors for Respondent.

Solicitors' address:  
717 First National Bank Bldg.,  
Mobile, Alabama.

EVE B. O'CONNELL,

Complainant,

-VS-

JOHN B. O'CONNELL,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY

This cause coming on to be heard is submitted upon the original bill of complaint, the pleadings and testimony in the cause, for a decree fixing alimony pendente lite and Attorney's fees pending a final hearing of this cause.

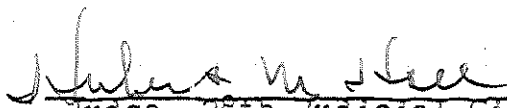
The Court, after considering the pleadings and the evidence, is of the opinion that the Complainant is entitled to the relief prayed for;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Respondent be, and he is hereby required to pay to the Complainant, pending the final outcome of this matter, the sum of ONE HUNDRED FIFTY AND 00/100 (\$150.00) DOLLARS per month.

And it further appearing to the Court that the sum of FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS is a reasonable Attorney's fee to be paid by the Respondent to the Solicitor for the Complainant;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Respondent pay to Hon. Cecil G. Chason, Foley, Alabama, as Solicitor for the Complainant, the sum of FIVE HUNDRED (\$500.00) DOLLARS.

DATED AT BAY MINETTE, ALABAMA, this 18th day of May, 1956.

  
Judge, 28th Judicial Circuit of Alabama.

FILED

MAY 18 1956

ALICE J. DUCK, Clerk

EVE B. O'CONNELL,

Complainant,

-vs-

JOHN B. O'CONNELL,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:

Comes your Complainant, Eve B. O'Connell, and respectfully shows unto this Honorable Court the following:-

1. That she is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, having been such a resident citizen for more than one year. That John B. O'Connell is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, having been such a resident citizen for more than one year.

2. That on, to-wit, the 25th day of May, 1950, Complainant and Respondent were intermarried and are still husband and wife, although, as a result and because of the matters and facts hereinafter complained of, your Complainant has been forced to live separate and apart from the Respondent.

3. That on or about the 2nd day of October, 1955, Complainant was tied in an automobile by the Respondent, was beat, bruised, was threatened and was subjected to severe mistreatment by the Respondent, as a result of which she was confined in a hospital for treatment, and as a result of which she is forced to incur considerable dental expense in and about the treatment of teeth damaged by the Respondent, and was ordered, directed and forced by the Respondent to leave their place of residence, and was directed never to return thereto.

4. Complainant further alleges that for a considerable time the Respondent withheld from her all of her clothing, having stated that all of her clothing would be given to the Salvation Army, but eventually delivered a portion thereof to her; that he withheld from her her jewelry, but has since delivered to her a portion thereof; that he withheld from her and still withholds, numerous

other personal belongings, including, but not limited to, a wallet with the funds contained therein, identification cards, drivers license, social security card, etc., her passport, marriage license, registration certificates on two miniature poodles, automobile title and various other letters and correspondence, a Leika Camera and light meter; a sewing machine, golf clubs and cart, a four-day clock, two (2) registered miniature poodle dogs, various pieces of china and glassware, an antelope bag, silver cigarette cases, dog basket and collars, new letter opener and scissor set, numerous other articles, all of which along with the above enumerated, were her own personal property, whether purchased prior to marriage, purchased with her own individual funds, or given to her as gifts, Respondent also withholds and refuses to deliver to her necessary documents to obtain her furniture from storage out of the Army Warehouse in Charlotte, North Carolina, and has withheld from her, receipts for storage of one (1) shear-ed racoon coat, and one (1) mink stole stored in the White Swan Laundry in Mobile, Alabama, and has notified said laundry not to deliver them to her, both of which articles are her own personal property. Complainant further shows that she and the Respondent are jointly the holders of the title to a Cadillac automobile and of a Jeep, and that it has always been considered and has been by custom established, that although title was in joint names, the Cadillac automobile was her property, was for her use, and was used almost exclusively by her, and that the Jeep was his property, and was for his use, and was used almost exclusively by him.

5. Complainant further shows that prior to her marriage to the Respondent she was gainfully employed, and in addition to the service, love, and affection she has rendered to her husband since marriage, she has contributed a sum in excess of Two Thousand Dollars (\$2,000.00), which she had saved prior to marriage, an additional One Thousand Dollars given to her by her mother, and that she continued working for a year after her marriage and contributed to the marriage a sum of approximately Five Thousand Dollars (\$5,000.00) for this year's employment, being made up of Three Thousand Two Hundred Dollars (\$3,200.00) salary, and approximately

One Thousand Eight Hundred Dollars (\$1,800.00) from rental and maintenance allowance, and that after separation from her employment, she received an additional One Thousand Dollars (\$1,000.00) of which Seven Hundred (\$700.00) was unused leave pay, and Three Hundred (\$300.00) Dollars from her retirement fund; that the contribution and expenditure of these sums by her have left her destitute and with no funds with which to support herself, or with which to pay her medical and dental charges resulting from the mistreatment of the Respondent, and no funds and means on which to live, and is without money to pay her solicitor for his services in this cause.

6. Complainant further shows unto the Court that the Respondent receives an income resulting from his retirement from the U. S. Army of approximately Four Hundred Dollars (\$400.00) per month, and that Respondent being only forty-three years of age, could, should he so desire, increase and augment this retirement pay by obtaining employment or by use of his time and efforts in producing income.

THE PREMISES CONSIDERED, Complainant prays that John B. O'Connell be made a party respondent to this Bill of Complaint by the usual process of this Honorable Court, and the statutes in such cases made and provided, requiring him to plead, answer or demurr within the time and in the manner provided by law, and that pending a final hearing and disposition hereof, that your Honor will hold reference for the purpose of determining what sum is adequate and proper for the Respondent to pay to the Complainant pending a final hearing hereof, that your Honor will determine the properties hereinabove enumerated which shall be immediately turned over and delivered to the Complainant, that your Honor will issue an order restraining the Respondent from obtaining any of the said properties not now in his hands, and will restrain the Respondent from disposing of any of the properties listed in said Complaint which are still in his possession, that your Honor will direct the said Respondent to pay such fee as found to be proper to the solicitor of record for the Complainant, that your Honor will grant such other and further temporary relief as is found to be just and proper.

Complainant further prays that upon a final hearing of this cause, that she shall be granted all of the items of property belonging to her which are in the hands of the Respondent, or which are restrained by order of the Court, that she shall be granted a proper sum as payment for properties disposed of or destroyed by the Respondent, if any, that she shall be granted permanent support commensurate with Respondent's ability to pay, having due regard for her expenses and cost of living, and that there will be granted a sum to be paid by the Respondent for the services of Complainant's solicitor in this behalf, and that there will be granted to her such other, further, different and general relief to which she may be entitled, and as in duty bound she will ever pray.

  
Solicitor for Complainant



3657

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

EVE B. O'CONNELL, )  
Complainant, )  
Vs. )  
JOHN B. O'CONNELL, )  
Respondent. )

In Equity

Depositions of John B. O'Connell, the Respondent in this  
cause, and Dr. G. A. O'Connell, taken April 3, 1956, in the  
City of Anniston, Calhoun County, Alabama.

Reported by:

Hugh H. West  
Official Court Reporter  
7th Judicial Circuit of  
Alabama.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

EVE B. O'CONNELL,	)	
Complainant,	)	
	)	
vs.	)	
	)	Equity Case
JOHN B. O'CONNELL,	)	
Respondent.	)	

APPEARANCES: Mr. C. G. Chason, Attorney for the  
Complainant

Mr. J. B. Blackburn and Mr. James A.  
Brice, Attorneys for the Respondent

Mr. Hugh H. West, Official Court Reporter  
for the Seventh Judicial Circuit of Alabama.

- - - - -

By virtue of Act No. 375, Alabama Law (Regular Session, 1955), and also by virtue of a written notice, duly served by the Respondent upon the Complainant in this case, through their respective attorneys, I, Hugh H. West, Official Court Reporter for the Seventh Judicial Circuit of Alabama, and the Commissioner named in said agreement, have called and caused to come before me, Mr. John B. O'Connell, the Respondent in this cause, and Mr. G. A. O'Connell, and having duly cautioned and sworn the said witnesses to speak the truth, the whole truth, and nothing else but the truth, the following transpired, all on the 3rd day of April, 1956, at or about 9:00 o'clock A.M., in the Public Health Building, in the City of Anniston, County of Calhoun, Ala.:

MR. JOHN B. O'CONNELL,

the respondent in this cause, was first duly sworn, and testified as follows:

DIRECT EXAMINATION

BY MR. BLACKBURN:

Q. Mr. O'Connell, you are the respondent in this case, are you not?

A. Yes, sir.

Q. Where do you live at this time?

A. 1311 Glenwood Terrace, Anniston.

Q. And what county is Anniston in?

A. Calhoun County.

Q. How long have you been such a resident?

A. Well, let's see, I have been a resident here since the 13th of March, 1955.

Q. Now, going back to the latter part of 1954, and the month of October, 1954, I will ask you whether or not you were in the military service?

A. Yes, sir, I was still in then.

Q. What branch of the military service were you in, Mr. O'Connell?

A. Infantry.

Q. What was your status during the month of October, 1954?

A. Let's see now, I was - - following February 17, 1954, I was on temporary retired status.

Q. Up to when?

A. Up to the 31st of January, 1955.

Q. Now, did you visit Baldwin County at any time during 1954, if so, when?

A. No, sir, I didn't visit there in '54.

Q. Well, now, didn't you come to Baldwin County late in '54?

A. Let's see, yes, sir, I did.

Q. When, Mr. O'Connell?

A. Well, it was, let's see, I am trying to figure it up now - I would say it was on or about the 10th of October.

Q. Was your wife, the complainant in this case, with you at that time?

A. No, sir.

Q. Did she later come to Baldwin County?

A. Yes, sir, she did.

Q. Now, how did she travel in coming to Baldwin County?

A. By train.

Q. To where?

A. To Mobile, Alabama.

Q. I will ask you whether or not you met her in Mobile?

A. Yes, sir, I did.

Q. Where did you all go after you met her in Mobile?

A. We went to Pleasure Island.

Q. Is that to the home that is owned by your father?

A. Yes, sir.

Q. Now, how long did you and your wife remain at your father's place in Baldwin County?

A. We remained there until the date of the infamous inquisition of the 12th of October, 1955.

Q. Now, during the time that elapsed between the time that you met your wife in Mobile and the time of this inquisition proceeding, was your wife continuously in Baldwin County or did she go some where?

A. The last I saw of her she was sitting in the car in front of - -

Q. (Interrupting) Before the trouble that resulted in your separation did she go away on a visit?

A. Yes, sir, with her mother in my car, for a period of about six weeks.

Q. Do you know when she left Baldwin County?

A. I don't remember the date.

Q. Do you recall when she returned?

A. Yes, sir, the 2nd of October, 1955, and from that time back you can figure six weeks.

Q. When did you all separate?

A. We separated when she arrived.

Q. Now, I will ask you if you are a qualified voter anywhere at this time?

A. Yes, sir, I am.

Q. I show you, Mr. O'Connell, a certificate of registration, dated November 17, 1955, please examine that.

A. Yes, sir.

Q. Is that a certificate that was issued to you as a voter in Calhoun County?

A. Yes, sir.

MR. BLACKBURN: We offer this in evidence, and ask that this be identified as Respondent's Exhibit "A" to this witness's testimony.

(Whereupon, the Court Reporter marked the above-mentioned document Respondent's Exhibit "A".)

Q. Now, Mr. O'Connell, were you at any time a registered voter in Baldwin County, Alabama?

A. No, sir.

Q. I will ask you whether or not you ever intended to establish your residence or domicile in Baldwin County, Alabama?

A. Well, let me put it this way, I lived down there to see whether I would like it or not, I was born in this state and lived in it until I was six and after I was put out of the army I came back to this state, I thought I would like it down there and that is why I went there.

Q. But you remained there less than a year?

A. Yes, sir.

Q. Where have you resided since the date of your separation from your wife?

A. 1311 Glenwood Terrace, Anniston, Alabama.

Q. Do you, yourself, own any property, any real property in Baldwin County?

A. No, sir.

Q. Did you put any money in this home your father bought there?

A. No, sir.

Q. Did your wife put any money in that home?

A. No, sir.

Q. And I believe you state that Calhoun County, Alabama, is your true, fixed, and permanent abode, to which when you are absent you expect to return.

A. Yes, sir.

MR. BLACKBURN: Your witness.

CROSS EXAMINATION

BY MR. CHASON:

Q. What was the date of your marriage?

A. May 25, 1951.

Q. Where were you living at that time?

A. London, England.

Q. How long had you been in England, Mr. O'Connell, prior to your marriage?

A. I think it was over a year.

Q. How long have you been in the army, in the service?

A. Well, I had been in altogether, I only take credit for eighteen years, I served more than that, but I only take credit for eighteen.

Q. Where did your father live at the time you joined?

A. Anniston, Alabama.

Q. Where did you go from London, England, after your marriage?

A. Fort Bragg, North Carolina.

Q. How long were you there?

A. Let's see - I have to stop and think now - I guess I was

there over a year, I think.

Q. Did you spend any time at Anniston while you were at Fort Bragg?

A. Only to visit.

Q. Where did you go from Fort Bragg?

A. Korea.

Q. Did you ever stay in Albuquerque, New Mexico?

A. On leave before going to Korea.

Q. Did your wife live in Albuquerque, New Mexico?

A. She lived with her sister named Isabelle, while I was in Korea.

Q. Do you have any knowledge as to whether or not she registered to vote in Albuquerque, New Mexico?

A. No.

Q. Did you not on certain official army papers give Albuquerque, New Mexico, as your permanent address?

A. No, sir.

Q. You don't have any recollection of any official documents having given Albuquerque, New Mexico, as your address?

A. No, sir.

Q. Did you have a Standard and a Texaco courtesy card?

A. Yes, both, yes, sir.

Q. Did not those courtesy cards show your address as being Albuquerque, New Mexico?

A. I don't recall it if they did.

Q. Where did you leave from when you came to Baldwin County in October, 1954?



A. Where I left from?

Q. Yes, sir.

A. When I came to Baldwin County in October, 1954?

Q. Yes, sir.

A. Albuquerque, New Mexico.

Q. Did you bring along with you certain items such as furniture, and household effects with you at that time?

A. No, sir.

Q. Did you have any furniture or household effects shipped?

A. That was the plan, but my wife had them impounded.

Q. After you came to Baldwin County you had your address changed on your two courtesy cards, did you not?

A. Those courtesy cards are good only for certain periods of time, after that period of time they are renewed.

Q. Let me ask you this - - will you look at this slip, is that the type slip that comes with a Standard courtesy card?

A. I couldn't tell you, there is no identification on it.

Q. Did you get from the oil companies, Standard and Texaco, either or both, notification that your permanent address is supposed to be shown on your card?

A. A notification - no, I haven't received any notification.

Q. Did you notify the Standard Oil Company to change your address on your courtesy card to Gulf Shores ~~or~~ to some other location in Baldwin County?

A. Not that I recall.

Q. Did your standard courtesy card show your residence as Baldwin County?

A. It just gives an address.

Q. What address?

A. Gulf Shores.

Q. How about your Texaco card?

A. It has Anniston, Alabama, 1311 Glenwood Terrace - Anniston, Alabama.

Q. When was it issued?

A. When was it issued - it was issued sometime in '56.

Q. That is after you had left Baldwin County?

A. That's right.

Q. I will ask you if you didn't buy from Foley Butane Company a washing machine on the time payment plan, Mr. O'Connell?

A. My wife did.

Q. Who made the payments on it, Mr. O'Connell?

A. I made the payments on it.

Q. I will ask you if you and your wife didn't go to the Foley Butane Company and talk to a Mrs. Krueger before you purchased the washing machine?

A. We went to an open house they had when they opened the building and talked about the machines - they had a bunch of them on the floor there.

Q. Did you give any information as to your place of residence to Mrs. Krueger?

A. My wife might have.

Q. Did you tell anyone there at Foley Butane Company that your address was Gulf Shores?

A. I didn't say that was my permanent address.

Q. But you told them that you were living at Gulf Shores?

A. I don't recall that I told them that, my wife bought the machine, she handled all the transactions, I don't know whether she told them that or not.

Q. Did she give Mrs. Krueger your address in your presence?

A. No, sir.

Q. I will ask you if you didn't have and open a charge account at Gulf Shores Builders Supply Company on which you showed your address as being at Gulf Shores?

A. That's right, but not permanent address, just my address, it showed my address as Gulf Shores.

Q. Now, from that company you purchased various paints and lumber and that sort of thing which was used to improve the property?

A. Yes, sir.

Q. And you charged the bill for those materials on your charge account?

A. Yes, sir.

Q. I will ask you if you didn't open a charge account at the Jim Brown store there?

A. Yes, sir, that is right.

Q. Did you not give that gentleman your address as being Gulf Shores?

A. Yes, sir.

Q. From that company, among other things, you purchased screws, paints and other items which were used to improve that property there?

A. Yes, sir.

Q. You charged those things to your account?

A. Yes, sir.

Q. And you paid the bill there yourself for those items?

A. Yes, sir.

Q. I will ask you didn't open a charge account at Foley Hardware?

A. Yes, sir.

Q. Did you not purchase there things which were used to improve the value of that property down at Gulf Shores?

A. Yes, sir.

Q. And you paid that bill yourself?

A. Yes, sir.

Q. And you told the person there who granted you credit that your residence was Gulf Shores?

A. No, sir, I just gave my address as Gulf Shores, they asked me my address and I gave it as Gulf Shores.

Q. Did you make an application for a telephone?

A. Yes, sir.

Q. When was that application made?

A. I couldn't tell you, it has been so many months since they first stated that they were going to have phones out there that I couldn't say.

Q. Was it very shortly after you arrived?

A. I couldn't tell you when it was, it was just one of those things, they were talking about what they were going to do and I put my name on the list.

Q. What address did you give them as being your place of residence?

A. I don't recall giving them any address, I just told them where I lived on the Fort Morgan Road.

Q. I will ask you if a telephone was not installed and the number shown in your name in the Foley directory, Mr. O'Connell?

A. I don't have a telephone, the nearest phone to my house is the Calloway Store, there is no phone past there.

Q. (Indicating) I will ask you to look at this last - -

A. (Interrupting) O'Connell, J. B.

Q. Yes.

A. There is no phone out there, you see this has O'Connell, J. B. residence, there is no such phone.

Q. However, you did make an application for a telephone to be installed in your name in that house at Gulf Shores, did you not?

A. I asked them to put me on the list. I don't recall whether I ever filled out a paper or not; I have inquired about it several times and there were no permanent estimates as to when the phones were coming out there.

Q. I will ask you to look at this paper, Mr. O'Connell, I will ask you if that is not a true copy of your application for a license in Baldwin County, Alabama, for the Cadillac automobile which you owned?

A. What is this thing, what is that?

Q. That is a tag application.

MR. BLACKBURN: Just answer his question as best you can.

A. You say this thing here is an application for a tag?

MR. BLACKBURN: Tag for your automobile, right.

A. Well, I wrote for a tag, I wrote to Judge Stewart for a tag, but I don't remember filling out this thing, I wrote him for a tag but I don't remember this thing.

Q. (By Mr. Chason) Is that your signature, Mr. O'Connell (Indicating)?

A. I will be honest with you, I don't recognize that signature.

Q. I will ask you if you did not have issued to you a license for your 1952 Cadillac automobile in Baldwin County?

A. Right.

Q. I will ask you if you did not have a license issued in Baldwin County to you for a Willis Jeep?

A. That's right.

Q. You have only registered to vote since you moved from Baldwin County back up here to Anniston, is that right?

A. That's right.

Q. What is the date that you first arrived in Baldwin County, Mr. O'Connell?

A. Let's see, it was on or about the 13th of October, 1954.

Q. When you came to Baldwin County you were driving the Cadillac automobile and towing the jeep and towing a boat, and talked to a Highway Patrolman named Etheridge, did you not, Mr. O'Connell, on the date you arrived?

A. The description is untrue, I did talk to an Etheridge, Highway Patrolman Etheridge, I didn't know what his name was, but that is the man.

Q. That was on the date of your arrival to Baldwin County from New Mexico?

A. That is right.

Q. Isn't it true, Mr. O'Connell, that you still own certain furniture and appliances in the home in Baldwin County?

A. Right.

Q. You haven't moved your furniture and stuff from that place to this date?

A. From what place?

Q. From the residence at Gulf Shores.

A. No, sir.

Q. I will ask you, Mr. O'Connell, if you did not write to Mr. Roy Appalia and ask him to visit you in Gulf Shores, Alabama, during this winter?

A. I don't recall, no, I don't recall that.

Q. Did any of Mrs. O'Connell's family ever visit you at Gulf Shores?

A. Her mother.

Q. Did you not ask her to return and visit at some other time?

A. I don't recall asking her to return, no.

Q. On the date that Mrs. O'Connell returned from visiting her family did you do anything to her, Mr. O'Connell?

A. I didn't let her get in the house, I just locked the door.

Q. Did you do anything else, Mr. O'Connell?

A. I did.

Q. What?

A. I grabbed her by the wrists like this (indicating). While I was putting the dogs in the house she got out of the car and when I returned from locking the door I asked her to get back in the car, and she didn't so I took hold of her wrists and proceeded to lift her bodily back in the car. When she saw that I meant business she agreed to get in of her own accord, which she did. I backed the car out of the drive-way and proceeded toward Mobile.

Q. Is it true, Mr. O'Connell, that you tied her with a rope?

A. No, that is not true, I did tie the right door of a two door car to prevent her from jumping out of the car on the way to Mobile and later saying that I pushed her out, but I didn't tie her.

Q. You tied the car doors together?

A. It is a two door car, I tied just the one right-hand door.

Q. Did you strike her at all, Mr. O'Connell?

A. After she struck me as I was driving the car and I had my two hands on the wheel; after she started trying to wreck the car and beating on me I did strike her with my open hand. Do you recall that that was on a Sunday and there was a lot of traffic on the road?

Q. What was that date, Mr. O'Connell?

A. Second of October, Sunday, Second of October, 1955.

Q. Did you tell her at that time that you wouldn't allow her to live there with you any longer?



Q. I told her I was taking her to Mobile to put her on a bus to send her back to her mother, I think it was very obvious that she wasn't going to live there any more.

Q. Since you sent her away, Mr. O'Connell, have you paid anything for her support or maintenance?

A. No, sir.

Q. At the time that she and you got married did she not have considerable funds?

A. You would have to ask her, she didn't take me into her confidence.

Q. When you were in Albuquerque, New Mexico, wasn't the checking account joint?

A. It was.

Q. Did you not, about the time of your moving from New Mexico, withdraw the funds you had in the bank and give the funds to your father, Dr. O'Connell?

A. Right.

Q. That money you gave him was to be used in the purchase of the home at Gulf Shores, Alabama, is that right?

A. Let's say that it was money that I owed him.

Q. Did you not employ some carpenters to do some work around that place down there?

A. Correct.

Q. Did you pay the carpenter for that work?

A. I paid him cash.

Q. Did you not put down a well or make some preparations for putting an additional well on that property?

A. I put down a new well.

Q. Did you pay for that, Mr. O'Connell?

A. I paid for it on installments.

Q. I will ask you if the dogs that you referred to as putting in the house were not registered poodles?

A. Yes, sir, they are.

Q. Whose name are they registered in?

A. I don't recall whose name they are in.

Q. Is it not true that Mr. O'Connell owned one of those dogs prior to your marriage?

A. No, she didn't own it.

Q. Where did you acquire the one that was first acquired?

A. London, England.

Q. You bought that dog?

A. I did.

Q. Where did you acquire the second one?

A. By breeding.

Q. The oldest dog is - its official name, Mr. O'Connell, on the registry, what is it, do you know?

A. Napoleon.

Q. What is the name of the youngest dog, Mr. O'Connell?

A. Bobo.

Q. Are those the two dogs that Mrs. O'Connell had with her when she visited her mother?

A. Yes, sir.

Q. Where are the dogs now, Mr. O'Connell?

A. They are at 1311 Glenwood Terrace, Anniston, Alabama.

Q. Have you consistently refused to allow Mrs. O'Connell to have those dogs?

A. Yes, sir.

Q. Whose name was that Cadillac automobile in, Mr. O'Connell?

A. It was in mine until I went to Korea and Mrs. O'Connell, in Albuquerque, New Mexico, had the title changed in the State of New Mexico to her name.

Q. Did you make any objection to that?

A. I was in Korea.

Q. I will ask you if you didn't insert a legal notice in the Foley Onlooker, which is a newspaper in Foley, Baldwin County, Alabama, that you were no longer responsible for any and all expenses or debts not contracted by you in person?

A. Yes, sir.

Q. That notice was run four times, beginning October - -

A. (Interrupting) Right.

Q. (Continuing) Of 1955?

A. Yes, sir.

Q. Was the purpose of that notice to keep credit from being advanced or given to your wife?

A. Yes, sir.

Q. I will ask you if your wife didn't acquire by gift from her family certain items of furniture?

A. The only thing I can recall is a baby grand piano.

Q. Where is that piano, Mr. O'Connell?

A. In storage.

Q. I will ask you if there wasn't various other items such as

the couch and chairs that belonged to Mrs. O'Connell?

A. That is the only thing I can recall is the piano.

Q. Do you claim title or ownership of all the furniture that is in storage, Mr. O'Connell?

A. All except the grand piano.

Q. Are you willing to turn over and deliver to Mrs. O'Connell such items of furniture as were given to her?

A. I said this, I recognized the fact that the grand piano is the only thing I know that her mother gave her.

Q. Are you willing to give that to her?

A. Only after I get items from her that belong to me.

Q. What clothes did Mrs. O'Connell have when you told her to leave and go back to New York?

A. The car was loaded, the car was loaded just like she drove up, it was loaded with her clothes.

Q. What did she have on at that time?

A. She had on shorts.

Q. Have you since that time refused to give her her clothes, Mr. O'Connell?

A. She got them all.

Q. Did you not, immediately following the second day of October, 1955, tell a Mr. Childress that you were going to give her clothes to the Salvation Army?

A. I did not tell him that I was going to give those clothes to the Salvation Army, I repeat, I did not tell him that I was going to give those clothes to the Salvation Army.

Q. Did you make any statements to him regarding those clothes?

A. I did not.

Q. Did you make a statement to anyone regarding the clothes?

A. I did.

Q. To whom was that statement made?

A. To Mr. James A. Brice, my attorney.

Q. I will ask you if you made a statement to Mr. Childress or anyone else that you would kill the dogs before you would let Mrs. O'Connell have them?

A. No, sir.

Q. Did you make objection to Mrs. O'Connell removing from storage certain of her clothing?

A. She got them all, I gave them to her.

Q. Did you make objection to her removing from storage in Mobile certain items of her clothing?

A. It was never brought up.

Q. Did you notify a laundry in Mobile, I believe the White Swan, not to turn over the clothes that were in storage to your wife?

A. Yes, sir.

Q. Did you not have and withhold from her certain items of jewelry and personal effects?

A. I turned them over to my attorney who in turn turned them over to you.

Q. Did you withhold certain identification cards, driver license and personal papers belonging to your wife?

A. Yes, I have got them.

Q. I believe your income is approximately \$400.00 a month, is it not, Mr. O'Connell?

A. Let's just say it is a pension.

Q. Is that sum approximately correct?

A. It is correct.

Q. You had a bank account, I believe, in the Farmers and Merchants Bank of Foley?

A. Yes.

Q. Do you still maintain and have that account, Mr. O'Connell?

A. Yes.

Q. Does your wife have the right to draw checks on that account?

A. No.

Q. To your knowledge, does she have any money or funds of any kind?

A. You will have to ask her that, I don't know what she has stashed away.

Q. Well, to your knowledge, does she have any, any that you know of?

A. I wouldn't know.

Q. You remained in Baldwin County, did you not, until after the commencement of this action, this suit?

A. I came back and forth, and made several trips out and came back, but I will say --- you mean this suit right now?

Q. Yes.

A. No, I didn't, not on that one, there are so many. No not on that one, I didn't stay there.

MR. CHASON: I believe that is all.

RE-DIRECT EXAMINATION

BY MR. BLACKBURN:

Q. Mr. O'Connell, I don't know if I asked you if you have now been discharged from the United States army?

A. Yes, sir, I have.

Q. When were you discharged?

A. The 31st of January, 1955.

Q. Now, Mr. Chason has asked you about your purchasing various items at the Gulf Shore Building Supply Company, and other companies to be used about the house?

A. Yes, sir.

Q. I will ask you whether or not your father later repaid you for the materials that you purchased?

A. No, sir, he didn't, you see because I owed him - I owe him so much that I paid it myself, that goes toward that.

Q. I will ask you if you were indebted to your father when you came to Baldwin County in the fall of 1954?

A. Yes, sir.

Q. Are you indebted to your father at this time?

A. Yes, sir.

Q. I will ask you also if, when you bought these various articles at Gulf Shores Builders Supplies Company, the Foley Butane Company, Jim Brown's Store and the Foley Hardware store, if you were a temporary or a permanent resident of Baldwin County?

A. I was a temporary resident.

Q. Have you ever been a permanent resident of Baldwin County?

A. No, sir.

Q. Now, you mentioned a moment ago that your wife had some property belonging to you, what has she got?

A. She has a signet ring with the family crest on it; she has a duplicate key to my car, and she has some medical papers that were sent to me from William Beaumont General Hospital.

MR. BLACKBURN: That is all.

RE-CROSS EXAMINATION

BY MR. CHASON:

Q. When you went to Baldwin County you had then no personal intention of staying only a short time and then going somewhere else?

A. That is not exactly right, I went down to find out if I would like to live there or not.

Q. And before this trouble came up between you and your wife there was no thought in your mind except that you intended to live there?

A. I hadn't decided that, I had not lived there long enough to find out if I wanted to live there.

MR. CHASON: That is all.

MR. BLACKBURN: Nothing further.

(WITNESS EXCUSED)

DR. G. A. O'CONNELL,

was the next witness called on behalf of the respondent, and



after first being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BLACKBURN:

Q Are you Dr. G. A. O'Connell?

A. I am, sir.

Q. Dr. O'Connell, what is your relationship to the respondent here, Mr. John B. O'Connell?

A. He is my oldest son, he is one of six children.

Q. I will ask you if you own a summer place in Baldwin County, Alabama?

A. I do, sir.

Q. Where is that property, doctor?

A. It is on the Dixie Highway, between Gulf Shores and Fort Morgan.

Q. When did you acquire that property?

A. The 16th day of October.

Q. What year, doctor?

A. 1954.

Q. I will ask you if your son and his wife lived down in that place for awhile?

A. They did.

Q. Did your son or his wife either put any money in that place?

A. They did not.

Q. Where is your son's residence now?

A. In my home at 1311 Glenwood Terrace, Anniston, Alabama.

Q. How long has he been in your residence?

A. Almost constantly since the 13th or 14th day of October, 1955.

MR. BLACKBURN: That is all.

CROSS EXAMINATION

BY MR. CHASON:

Q. Doctor, your son has never resided with you since he first went into the army until October, 1955, is that right?

A. Only on visits.

Q. Prior to October, 1955, he was only at your home with you on - -

A. (Interrupting) On occasions.

Q. Occasions?

A. On occasions.

Q. Since his release from the active duty he has never resided with you either, has he, doctor?

A. Not as a permanent resident.

Q. His residence since his retirement was in your home at Gulf Shores?

A. No, sir.

Q. Was it your intention, doctor, to retire and occupy that property yourself?

A. Not as a permanent resident, but as a summer home, that house is not suitable as a full time home, as I see it.

Q. You didn't make any statements to any of your neighbors that you were going to move down there?

A. I didn't say permanently, I said come there and visit - my grass-roots are here in Calhoun County and Montgomery.

Q. Immediately after your purchase of the property your son went into occupancy with his wife, did he not?

A. In fact he didn't go into occupancy with his wife, she didn't return from Albuquerque, New Mexico, until October 28, 1954.

Q. But your son had been living there since early October?

A. No, he was just there on occasions.

Q. He spent considerable money and made considerable improvements on the property during his occupancy, did he not?

A. He was given credit for that on the account, and, as a matter of fact, on the drilling of the well, I paid for that, and I paid Mr. Ponder and Mr. Rogers for the work they did; in regard to the improvements on the building that you asked me, that was paid by me, and other things, small items, as a matter of fact, he was given credit for that amount.

Q. Did he paint the property?

A. Paint the property?

Q. Yes, sir.

A. He didn't paint it.

Q. The roof was repaired, was it not?

A. I helped him repair it, we both repaired it together, I bought \$1.50 worth of materials and we got on the roof and we both repaired it together.

Q. From the time of his marriage to his present wife he was only home here in Anniston for very short visits?

A. Well, I don't know the exact period, I never kept a calendar on it, but he made frequent visits to us either with or without his wife.

Q. And his residence is in your home?

A. In Anniston.

Q. He is living with you, doctor?

A. Yes, sir.

Q. He does not have a separate home or house here?

A. He does not.

MR. CHASON: That is all.

RE-DIRECT EXAMINATION

BY MR. BLACKBURN:

Q. Doctor, when you acquired this Baldwin County property in 1954, I will ask you if your son maintained it at that time?

A. Yes, sir.

Q. Did your son put any money in that home?

A. He did not put any money in t hat home except the money I reimbursed his account for.

Q. Does he own any interest in that property whatever?

A. None whatever.

Q. Mr. Chason asked you about your son's visits, you are an army man yourself?

A. Yes, sir.

Q. Do you recall the date of your son's discharge from the service?

A. The 31st of January 1955.

Q. Then for many years prior to that date he had been in the military service, had he not?

A. For approximately eighteen years.

Q. Doctor, for what purpose did you acquire the Baldwin County property?

A. I bought the Baldwin County property to be used more or less as an O'Connell community place, as a summer home where I would have priority rights on it as being the owner of that property.

MR. BLACKBURN: That is all.

MR. CHASON: Nothing further.

(WITNESS EXCUSED)

(END OF DEPOSITIONS)

I have read, or had read to me, the above and foregoing statement which I gave on Tuesday, April 3, 1956, at or about 9:00 o'clock A.M., and the statement as shown on pages 2 to 23, inclusive, is true and correct to the best of my knowledge and belief.

This the 4th day of April, 1956.

Witness:

[Signature]

John B. O'Connell

I have read, or had read to me, the above and foregoing statement which I gave on Tuesday, April 3, 1956, at or about 10:00 o'clock A.M., and the statement as shown on pages 24 to 28, is true and correct to the best of my knowledge and belief.

This the 4 day of April, 1956.

Witness:

[Signature]

[Signature]

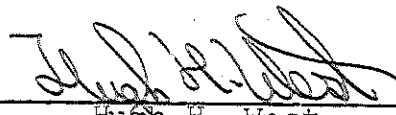
STATE OF ALABAMA )

CALHOUN COUNTY )

I, Hugh H. West, the Commissioner named, do hereby certify that the foregoing testimony, the questions and answers, were taken down and written by me in the words of the questioners and the words of the witnesses, and that I reported the foregoing proceedings in shorthand and reduced the same to typewriting.

I further certify that this deposition, as shown on pages 2 to 28, inclusive, of this proceeding, constitutes a true and correct transcript thereof, to the best of my knowledge, and belief.

Given under my hand this the 4th day of April, 1956.

  
\_\_\_\_\_  
Hugh H. West

OFFICIAL COURT REPORTER  
SEVENTH JUDICIAL CIRCUIT  
ANNISTON, ALABAMA

O'Connell vs. O'Connell

Rec'd  
Ex. A.

H.W.  
4/13/56

CERTIFICATE OF REGISTRATION

STATE OF ALABAMA

By the Board of Registrars in session assembled.

Calhoun County }  
THIS IS TO CERTIFY that John B. O'Connell, who was  
born on the 16 day of April, 1912, and who resides in District No. 10-5 of Pre-  
cinct (or Ward) No. 10-5, particularly at Uniontown Ala.  
(if town or city give street address, and name of town or city; if elsewhere give address known to by applicant)  
in said State and County, this day appeared before said Board and on said applicant being examined under oath touch-  
ing his qualifications, said Board has adjudged him (or her) entitled to be and has on the date hereinafter set forth reg-  
istered him (or her) and issued this certificate of registration. Said John B. O'Connell  
Name of applicant  
if his residence shall remain unchanged, and if he pays all poll taxes due or to become due and is not otherwise disqual-  
ified will be entitled to vote in said precinct (or ward) and county at any election on or after the 17 day of  
Nov., 1955.

Given under our hands this the 17 day of Nov., 1955.

Mrs. Howard Iremmel  
Chairman

Mrs. W. M. Schreiber  
Member

James Buchanan  
Member