

The State of Alabama }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

John T. Smith, COMPLAINANT

VS.

Eugene Smith, RESPONDENT

I, Joyce Ganus

as Register and Commissioner

have called and caused to come before me John T. Smith and Mary F. Smith

witness ES named in the requirement for Oral Examination, on the 13th day of October

1937, at the office of Orvis M. Brown, Attorney

in Robertsdale, Alabama, and having first sworn said witnessES to speak the

truth, the whole truth, and nothing but the truth, the said John T. Smith and

Mary F. Smith, doth depose and say as follows:

TESTIMONY OF JOHN TO SMITH

My name is John T. Smith. I am the Complainant in the suit against Eugene Smith which is a bill for divorce and I further state that I am over the age of twenty one years and that Eugene Smith is also over the age of twenty one years and that I am a resident of Baldwin County, Alabama and have been for the past three years next preceeding the filing of this bill of complaint. I further certify to this Honorable Court that the Respondent, Eugene Smith, and I were married on or about the 18th day of September, 1900 in the State of Georgia and that there were born to us four children who are now all married and who have families of their own.

We lived together as husband and wife from the 18th day of September, 1900 until on or about the Spring of 1929 at which time the Respondent Eugene Smith left me without any cause of fault on my part and she has never returned to me and lived with me as husband and wife since 1929 until this date and that I have often tried to persuade her to live with me but she has always refused and still continues to refuse to do so. And I further show unto this Honorable Court that it was not by any fault of mine that she left me and it was of her own free will and accord and I have always been ready and willing to accept her back.

John T. Smith

ORAL EXAMINATION

I, Joyce Ganus, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and Orvis M. Brown at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses, or had proof made before me of the identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 13th day of October 1937.

Joyce Ganus (L. S.)

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THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

JOHN P. SMITH

COMPLAINANT

vs.

EUGENE SMITH

RESPONDENT

ORAL DEPOSITION

Filed October 13, 1937

H. S. Brock, Register.

RECORDED IN

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Register

TESTIMONY OF MARY F. SMITH

My name is Mary F. Smith. I have known John T. Smith for a number of years and am acquainted with the family of John T. Smith who now live at La Grange, Georgia, and I know of my own personal knowledge that all of the children of this couple are now married and have families of their own and both John T. Smith and Eugene Smith are both over the age of twenty years. I do not know exactly how many children there are as the children were all grown before I knew the family. I do know of my own personal knowledge that John T. Smith and Eugene Smith have not lived together as husband and wife for the past three years. The children of John T. Smith told me that he had tried to get his wife Eugene Smith to return to him but that she always refused to do so and told them that she would never return to him again and that she had not lived with him since 1929 at which time she left him.

Over the period of time that I have known John T. Smith I have always found him to be a very courteous gentleman and a person who is easy to get along with and a person who always tried his best to do only the things that were right.

Mary F. Smith