

IN THE CIRCUIT COURT OF

BALTIMORE CITY

64 B 71

1924
JOHN D. GAINNEY

VS.

ALIDA GAINNEY

BILL FOR DIVORCE

Mr. Clerk:-

Please file.

B 26492

J. Steward Davis
SOLICITOR FOR PLAINTIFF.

(1)(2)

J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

A 28 January 1924
11 29 " "

JOHN D. GAINNEY : IN THE CIRCUIT COURT
VS. : OF
ALIDA GAINNEY : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully represents:

1. That he was married to his wife, Alida Gainey Aug. 20, 1901 and with whom he resided until about the 17th day of March, 1917 when the defendant deserted the plaintiff.
2. That though the conduct of your Orator toward the said Alida Gainey has always been kind, affectionate and above reproach, she has, without any just cause or reason abandoned and deserted him and has declared her intentions to live with him no longer and that such abandonment has continued uninterruptedly for more than three years and is deliberate and final, and the separation of the parties is beyond any reasonable expectation of reconciliation.
3. That your Orator has not lived or co-habited with the said defendant since said desertion.
4. That there are no children as issue of said marriage.
5. That your Orator is a citizen of the State of Maryland, residing in Baltimore City for more than three years prior to the filing of this bill of complaint, but that the defendant is a non-resident of the State of Maryland.

TO THE END, THEREFORE:

- (a) That your Orator may be divorced A Vinculo Matrimonii from the said Alida Gainey.
- (b) That he may have such other and further relief as his case may require.

May it please your Honor to grant unto your Orator the Order of Publication directed against the said Alida Gainey, a non-resident of the State of Maryland aforesaid, commanding and requiring her to be and appear in this Court some day certain to be named therein to answer the premises and abide by and perform such decree or order as may be passed therein.

AND as in duty bound, etc.

J. Steward Davis

SOLICITOR FOR COMPLAINANT.

J. STEWARD DAVIS, SOLICITOR

215 ST. PAUL PLACE,

IN THE CIRCUIT COURT OF BALTIMORE CITY

JOHN D. GAINNEY VS. ALIDA GAINNEY

The object of this bill is to procure a divorce a Vinculo Matrimonii by the plaintiff from the defendant.

The bill recites that the parties were married on the 20th day of August, 1901, and that they lived together until about the 17th day of March, 1917 when the defendant deserted the plaintiff. That there are no infant children as issue of said marriage. That the defendant is a non-resident of the state of Maryland and that she deserted her husband without any just cause or reason and has declared her intentions to live with him no longer; that said abandonment has continued uninterruptedly for more than three years and is deliberate and final, and the separation of the parties is beyond any reasonable expectation of reconciliation. That the plaintiff has been a citizen of the State of Maryland for more than three years prior to the filing of this bill of complaint.

It is thereupon this *29* day of *January* 1924 ordered by the Circuit Court of Baltimore City that the plaintiff, by causing a copy of this order to be published in Baltimore City once in each of four successive weeks, before the *1* day of *March* 1924, give notice to the absent defendant, Alida Gainney, of the object and substance of this bill, warning her to be and appear in this Court in person or by Solicitor on or before the *17* day of *March* 1924 to show cause, if any she may have, why a decree should not be passed as prayed.

J. Steward Davis

71
1924

Docket No.....

Ganey

vs.

Ganey

Certificate of Publication

B 26492
(3)

THE DAILY RECORD
Filed..... day of *March* 1924

THE DAILY RECORD

Baltimore, FEB 20 1924, 192

J. Stewart Davis, Solicitor,
215 St. Paul Place.
IN THE CIRCUIT COURT OF BALTI-
MORE CITY—(64B-71-1924)—John D.
Gainey vs. Alida Gainey.

ORDER OF PUBLICATION.

The object of this bill is to procure a divorce, a vinculo matrimonii, by the plaintiff from the defendant.

The bill recites that the parties were married on the 20th day of August, 1901, and that they lived together until about the 17th day of March, 1917, when the defendant deserted the plaintiff. That there are no infant children as issue of said marriage. That the defendant is a non-resident of the State of Maryland and that she deserted her husband without any just cause or reason and has declared her intentions to live with him no longer; that said abandonment has continued uninterruptedly for more than three years and is deliberate and final, and the separation of the parties is beyond any reasonable expectation of reconciliation. That the plaintiff has been a citizen of the State of Maryland for more than three years prior to the filing of this bill of complaint.

It is thereupon this 20th day of January, 1924, ordered by the Circuit Court of Baltimore City that the plaintiff, by causing a copy of this order to be published in Baltimore City once in each of four successive weeks, before the 1st day of March, 1924, give notice to the absent defendant, Alida Gainey, of the object and substance of this bill, warning her to be and appear in this Court in person or by solicitor on or before the 17th day of March, 1924, to show cause if any she may have, why a decree should not be passed as prayed.

True Copy—Test:

CHARLES F. STEIN.

ja30f6.13.20

CHAS. R. WHITEFORD,
Clerk.

We hereby certify that the annexed advertise-
ment of Order *Publication* Circuit Court

of Baltimore City, Case of

John D. Gainey
vs. *Alida Gainey*

was published in THE DAILY RECORD, a daily news-
paper published in the City of Baltimore, once in each of

Four successive weeks before the
1st day of *March*, 1924

First insertion *Jan. 30th*, 1924

THE DAILY RECORD

Per *Alexander Gettel*

71 Ct. Ct.
1924 864 Docket

John D. Gaine
vs.

Alida Gaine

Decree Pro Confesso.

Sept

B26492

No.

Sept (4)

Filed 18 March 1924

John D Gaine
vs.

Alida Gaine

IN THE
Circuit Court

OF
BALTIMORE CITY.

March Term, 1924

The Defendant having been duly summoned (notified by Order of Publication) to appear to the Bill of Complaint, and having failed to appear thereto, according to the exigency of the writ, (said Order).

It is thereupon this 18 day of March in the year nineteen hundred and twenty four by the Circuit Court of Baltimore City, ADJUDGED, ORDERED and DECREED, that the complainant is entitled to relief in the premises, and that the bill of Complaint be and is hereby taken pro confesso against the defendant. But because it doth not certainly appear to what relief the Plaintiff is entitled, it is further *Adjudged*, and *Ordered*, that one of the Examiners of this Court, take testimony to support the allegations of the bill.

Robert F. Stewart

Circuit Court

71
19 24

Docket No. 13 64

John D Garney

vs.

Alida Garney

Order of Reference
and Report

Lyons

No. 26492
(8)

Order Filed 16th day of July 19 26
Report Filed 30th day of Nov 19 26

John D. Gaimey

vs.

Alida Gaimey

IN THE
Circuit Court

OF
BALTIMORE CITY

July Term, 1926

This case being submitted, without argument, it is ordered by the Court, this *16th* day of *July*, 19*26*, that the same be and it is hereby referred to *Wm P Lyons*, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Duke Bond

Report of Auditor and Master

Bill for divorce a vinculo matrimonii filed by the husband against his wife on the ground of abandonment. Code Art. 16, Sec. 37-42.

Defendant proceeded against as a non-resident and her non-residence proven.

Plaintiff's residence in Baltimore City for more than two years prior to the filing of the bill proven.

The marriage proven.

Abandonment uninterruptedly for three years, its finality and the irreconcilability of the parties proven.

Decree pro confesso was passed against the defendant and more than thirty days have since elapsed.

Case ready for decree.

William P. Lyons

July 27, 1926

Auditor and Master

CIRCUIT COURT

B 71
1924 No. Docket

JOHN D. GAINNEY

VS.

ALIDA GAINNEY

Recorded

Folio 325 1926

Decree of Divorce

B B No. 26492.
(10)

Ad 30 Nov 1926

The within is a proper decree to be passed
in this case.

William P. Lyons
Auditor and Master

Decree of Divorce

IN THE

Circuit Court

OF

BALTIMORE CITY

November

~~July~~

Term, 19 26

JOHN D. GAINNEY

VS.

ALIDA GAINNEY

This cause standing ready for hearing and being duly submitted, the proceedings were by the Court read and considered.

It is thereupon, this *30th* day of *November*, A. D. 1926, by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said *JOHN D. GAINNEY*, the above named Complainant be and he is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, *ALIDA GAINNEY*.

And it is further Ordered, That the said Complainant, *John D. Gainney*, pay the cost of this proceeding.

C. J. ...

K. E. FOX
3506 S. STATE ST.,
CHICAGO, ILLINOIS.



B 7/24

Return Receipt Requested
- 3c Fee Paid

REGISTERED
NO. 240558

HON. CHARLES R. WHITEFORD,
CLERK CIRCUIT COURT OF
BALTIMORE CITY, MARYLAND.

B 26492
B 15767

1926.
Chas. R. Whiteford
Clerk
Opened by me B 7/24
this 21st of June 1926

46874 46874

FD # 21 June 1926



P1010

AFTER 5 DAYS, RETURN TO

K. E. FOX

3506 S. STATE ST.
CHICAGO, ILLINOIS

HON. CHARLES R. WHITEFORD,
CLERK CIRCUIT COURT OF
BALTIMORE CITY, MARYLAND.

B 26492
B 15767

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

71
1924

B 71
1924

JOHN D. GAINNEY

VS.

ALIDA GAINNEY

PETITION & ORDER THEREON

B 26492

Mr. Clerk: -

57

Please file.

Davis Evans

ATTORNEYS FOR PETITIONER

J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

FD 10 June 1926

JOHN D.GAINNEY : IN THE CIRCUIT COURT

VS. : OF

ALIDA GAINNEY : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of John D. Gainey, by his attorneys Davis and Evans, is as follows:

I. That there is pending in this Honorable Court a suit in which a decree pro confesso has heretofore been entered and in order that your petitioner may prove his case, it is necessary to take the testimony of N.T. Granberry, 736-63rd St., Chicago, Ill. and which person was unable to appear at the hearing of the above case before the Examiner.

WHEREFORE your petitioner prays that this Honorable Court may grant leave to your petitioner to take the testimony of the said witness before Korressa E. Fox, Notary Public, 3506 State Street, Chicago, Illinois in conformity with Sec. 17. Article 35 of Code of General Laws of Maryland.

Davis & Evans

ATTORNEYS FOR PETITIONER.

JOHN D. GAINNEY : IN THE CIRCUIT COURT
VS. : OF
ALIDA GAINNEY : BALTIMORE CITY.

INTERROGATORIES

1. State your name, present address and occupation.
2. Do you know the parties to this suit, Mr. and Mrs. John D. Gainey?
3. What was their relationship?
4. Did you visit them frequently?
5. Was their reputation in the community that of man and wife?
6. Where were you living and where were the parties to this suit living at the time that you knew them to live together as man and wife?
7. What was the conduct of your complainant towards his wife?
8. Did he support her?
9. Are the parties to this suit living together now?
10. When did they separate and where?
11. State how the separation occurred.
12. Did the complainant, John D. Gainey, give the defendant any cause or reason to refuse to follow him to Chicago.
13. What, if anything, has the defendant said to you relative to her refusing to join her husband in Chicago?
14. Was the complainant able and willing to live with and support his wife in Chicago, if she had joined him?
15. Did the complainant ask his wife to accompany him to Chicago?
16. Have you seen the defendant since the separation?

17. If so, what has she said in reference to living with her husband?
18. Has the complainant requested the defendant to live with him since the separation?
19. Did the complainant give the defendant any cause or reason for deserting him?
20. Has the desertion of the defendant continued uninterruptedly for more than three years prior to the filing of this suit, suit having been filed on or about Jan. 29, 1924?
21. Is the desertion of the defendant her own deliberate and final act?
22. Is the separation of the parties beyond any hope or expectation of reconciliation?
23. Have they lived or co-habited with each other since the said desertion?
24. Are there any children?
25. Where is the defendant now?
26. Where did you last hear of her?
27. Is the complainant a resident of Baltimore, Maryland and has he been for more than two years prior to the filing of this suit?

Upon the foregoing petition it is ordered by the Circuit Court of Baltimore City this 10 day of June 1926 that a commission be issued directed to Korressa E. Fox, 3506 State St., Chicago, Illinois directing and authorizing him to take the testimony of N.T. Granberry, 736-63rd St. Chicago, Illinois on the 15th day of June 1926 at 6 P.M.

W. H. H. H.

KORRESSA E. FOX
3506 S. STATE STREET
CHICAGO, ILLINOIS.

June 18th. 1926.

STATEMENT

For services rendered as Commissioner, Clerk, including
expense of certification, time, postage, furnishing of
one original and ~~one~~ carbon copy of testimony of
Newton T. Granberry, 736 East 63rd. Street, Chicago, Illinois
in the case of John D. Gainey vs Alida Gainey, No. B-26492.
Circuit Court of Baltimore City, Maryland, etc.....\$15.00

Chicago, Illinois,
3506 S. State Street
June 18th. 1926.

Hon. Charles R. Whiteford,
Clerk, Circuit Court of
Baltimore City, Maryland.

Dear sir:-

I am herewith returning testimony, Interrogatories and Commission to take testimony issued Attorney J. Steward Davis, 215 Saint Paul Place, Baltimore, Md. in the case of John D. Gainey vs Alida Gainey, No. B- 26492 in the Circuit Court of Baltimore City, as per instructions of Attorney Davis.

Also find enclosed find my bill for services rendered as Commissioner and Clerk or reporter in this matter.

Trusting that the above mentioned instruments are in proper form and in conformity of the laws of your State, I am

Respectfully yours,



(Korressa E. Fox)

(3 encl.)

Notary Public.

Circuit Court

B 71
1926

No.

Docket.

John D. Gaine

vs.


Alida Gaine

Commission to

Korressa E. Fox Esq.

To take Testimony.

The execution of this commission appears by certain schedules hereunto annexed.

Korressa E. Fox 
Comm'r.

B No. 26492
[6]

Filed 10 day of June 1926

The State of Maryland,

To Korressa E Fox Esq.
3506 State St
Chicago Ill

COMMISSIONER named on the part of the Complainant , and Defendant

Know Ye, that you are appointed COMMISSIONER TO EXAMINE WITNESSES in a case depending in the Circuit Court of Baltimore City, between

John W Gaineey }
Complainant

and
Alida Gaineey }
Defendant

Therefore you are requested, after having taken the oath hereunto annexed, that at such time and place as to you shall seem convenient, after having given due notice to the respective parties or their solicitors, you cause to come before you all such witnesses as shall be named or produced to you, either by the Complainant or Defendant , and that you examine them upon their corporal oaths, to be by you administered on the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid; and having reduced the depositions of the witnesses so taken by you into writing, you send the same with this commission, closed under your hand and seal, to the Judge of the said Court, with all convenient speed.

James P Gorta
Witness, The Honorable ~~MORRIS A. SOPER~~, Chief Judge of the Supreme Bench of Baltimore City, the 10 - day of May 1926

ISSUED the 10 day of June 1926
J. Steward Davis Esq., Complainant's Solicitor.

Esq, Defendant's Solicitor.

Chas R Whiteford
Clerk.

COMMISSIONER'S OATH.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of these parties, take the examinations and depositions of all and every witness and witnesses produced and examined, by virtue of the commission hereunto annexed, upon the interrogatories now, or which may hereafter, before the said commission is closed, be produced to and left with you, by either of the parties—So HELP YOU GOD.

CLERK'S OATH.

You shall truly, faithfully and without partiality to any or either of the parties in this case, take, write down and transcribe the depositions of all and every witness or witnesses, produced before and examined by the Commissioner or
of them named in the commission hereunto annexed, as far forth as
you are directed and employed by the said Commissioner or
of them, to take, write down, and transcribe the said
depositions, or any of them—So HELP YOU GOD.

NO. B 26492

B 71
1924

IN THE CIRCUIT COURT OF

BALTIMORE CITY

JOHN D. GAINNEY

VS

ALIDA GAINNEY

B 26492
(7)

TESTIMONY OF

NEWTON T. GRANBERRY

WITNESS

J. STEWARD DAVIS
ATTORNEY-AT-LAW
215 Saint Paul Place
Baltimore, Md.

4d 21 June 1926

JOHN D. GAINNEY : IN THE CIRCUIT COURT

VS : OF

ALIDA GAINNEY : BALTIMORE CITY.

INTERROGATORIES

NEWTON T. GRANBERRY

a witness called on behalf of the complainant
being first duly sworn was examined and testi-
fied as follows:

BY KORRESSA E. FOX,

COMMISSIONER:

- ^a
1. Q. State your name, present address and occupation? A. Newton T. Granberry; resides at 118 East 44th. Street, Chicago, Illinois; my occupation is a Tailor.
 2. Q. Do you know the parties of this suit, Mr. and Mrs. John D. Gainey? A. Yes.
 3. Q. What was their relationship? A. Husband and wife.
 4. Q. Did you visit them frequently? A. Yes.
 5. Q. Was their reputation in the community that of man and wife? A. Yes.
 6. Q. Where were you living and where were the parties to this suit living at the time that you knew them to live together as man and wife? A. The Gainneys were living at Great Falls, Montana and I was living at Great Falls, Montana.
 7. Q. What was the conduct of your complainant towards his wife? A. As far as I know he was a good husband.

8. Q. Did he support her? A Yes.
9. Q. Are the parties to this suit living together now? A No.
10. Q. When did they separate and where? A I believe it was in the Fall of 1916; they were living at Great Falls, Montana.
11. Q. State how the separation occurred. A Mr. Gainey wanted to live in Chicago and his wife refused to come here with him.
12. Q. Did the Complainant John D. Gainey, give the Defendant any cause or reason to refuse to follow him to Chicago? A Not to my knowledge.
13. Q. What, if anything, has the defendant said to you relative to her refusing to join her husband in Chicago? A She, Mrs. Gainey, stated in my presence that her husband wanted to go to Chicago to live but she would not go there to live unless she could live as her relatives did for they had servants and that she would not break up her home.
14. Q. Was the complainant able and willing to live with and support his wife in Chicago, if she had joined him? A Yes.
15. Q. Did the complainant ask his wife to accompany him to Chicago? A Yes.
16. Q. Have you seen the defendant since the separation? A Yes.
17. Q. If so, what has she said in reference to living with her husband? A She told me, if Jack would come back to Great Falls, Montana, she would live with him but she would not leave Great Falls, Montana as she had her home there.
18. Q. Has the complainant requested the defendant to live with him since the separation? A I do not know.
19. Q. Did the complainant give the defendant any cause or reason for deserting him? A Not to my knowledge.

20. Q. Has the desertion of the defendant continued uninterruptedly for more than three years prior to the filing of this suit, suit having been filed on or about Jan. 29, 1924? A Yes.
21. Q. Is the desertion of the defendant her own deliberate and final act? A Evidently so.
22. Q. Is the separation of the parties beyond any hope or expectation of reconciliation? A Yes.
23. Q. Have they lived or cohabited with each since the said separation? A Not to my knowledge.
24. Q. Are there any children? A Not to my knowledge.
25. Q. Where is the defendant now? A I do not know.
26. Q. Where did you last hear of her? A Great Falls, Montana.
27. Q. Is the complainant a resident of Baltimore, Maryland and has he been for more than two years prior to the filing of this suit? A Yes.

Newton T. Granberry

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

Subscribed and sworn to
by Newton T. Granberry,
before me, this Fifteenth
day of June, A.D. 1926 at
Six O'Clock, P.M. at 736
East Sixty-third Street,
Chicago, Illinois.

Marion B. Fox
NOTARY PUBLIC.

STATE OF ILLINOIS, } ss.
COOK COUNTY. }

I, ROBERT M. SWEITZER, County Clerk of the County of Cook, Do HEREBY CERTIFY that I am the lawful custodian of the official record of Notaries Public of said County, and as such officer am duly authorized to issue certificates of magistracy, that Marion B. Fox, Esq.,

whose name is subscribed to the certificate to the annexed deposition, was, at the time of signing the same, and is now, a Notary Public, in and for Cook County, duly commissioned, sworn and acting as such, and authorized to administer oaths, and take depositions; all of which appears from the records and files in my office; I am well acquainted with his handwriting, and verily believe that the signature to said certificate is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the County of Cook at my office in the City of Chicago, in the said County, this 15th day of June, 1926.

Robert M. Sweitzer COUNTY CLERK.

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

COMMISSIONER'S OATH

I, KORRESSA E. FOX, a Notary Public in and for the County and State aforesaid, did, according to the best of my skill and knowledge, truly, faithfully, and without partiality to any or either of these parties, take the examinations and depositions of all and every witness and witnesses produced and examined, by virtue of the commission hereunto annexed, upon the interrogatories now, or which may hereafter, before the said commission is closed, be produced to and left with me, by either of the parties.

I, KORRESSA E. FOX, did truly, faithfully and without partiality to any or either of the parties in this case, take, write down and transcribe the depositions of all and every witness or witnesses, produced before and examined by me, the Commissioner named in the commission hereunto annexed, as far forth as I was directed (as per Interrogatories hereunto annexed) to take, write down, and transcribe the said depositions, or any of them-- SO HELP ME GOD.

My commission expires

Korressa E. Fox
February 1938

Subscribed and sworn

to before me this

Eighteenth day of June,

A.D.1926

J. P. Dyer
Notary Public
My commission expires
Feb. 6, 1929



STATE OF ILLINOIS, { ss. I, ROBERT M. SWEITZER, County Clerk of the County of Cook, DO HEREBY CERTIFY that I am the lawful custodian of the official records of Notaries Public of said County, and as such officer am duly authorized to issue certificates of magistracy, that

J. P. Dyer
whose name is subscribed to the annexed Jurat, was, at the time of signing the same, a Notary Public in Cook County, duly commissioned, sworn and acting as such, and authorized to administer oaths and to take acknowledgments and proofs of deeds or conveyances of lands, tenements or hereditaments, in said State of Illinois, all of which appears from the records and files in my office; that I am well acquainted with the handwriting of said Notary, and verily believe that the signature to the said Jurat is genuine.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of the County of Cook at my office in the City of Chicago in the said County this

day of *June*, 192*6*

Robert M. Sweitzer
COUNTY CLERK.

3/13/1924

Doc. B $\frac{71}{1924}$

In the Circuit Court, 1.
OF BALTIMORE CITY

DEPOSITIONS

John S. Gainey
vs.
Alida Gainey

No. 26492 B

PLAINTIFF'S COSTS

Examiners..... \$
Copies.....
Sheriff.....
Stenographer.....
\$

DEFENDANT'S COSTS

Examiners..... \$
Copies.....
Sheriff.....
Stenographer.....
\$

Sub. 16" July 1926

John S. Gainey

vs.

Alida Gainey

In the Circuit Court

OF BALTIMORE CITY.

A decree Pro Confesso having been passed in said cause and notice having been given me by the Solicitor for the plaintiff of a desire to take testimony in the same, I, A. de RUSSY SAPPINGTON, one of the Standing Examiners of the Circuit Courts of Baltimore City, under and by virtue of an order of the above named Circuit Court, passed in said cause on the eighteenth day of March 1924, met on the twenty-seventh day of May in the year nineteen hundred and twenty-six at my office, in the city of Baltimore, in the State of Maryland, and assigned the twenty-eighth day of May in the same year at one o'clock in the afternoon and the office of J. Stewart Davis, Esq. in the City and State aforesaid, as the time and place for such examination of witnesses in said cause; at which last mentioned time and place I attended, due notice of such meeting having been given, and proceeded in the presence of the Solicitor of the plaintiff to take the following depositions, that is to say:—

8-4-1
B

JOHN D. GAINNEY

VS.

ALIDA GAINNEY.

Testimony taken before me, A. deRussy
Sappington, Examiner, at the offices of J. S. Davis,
Baltimore, Md. on May 28, 1926, at 1.00 o'clock in
the afternoon.

--

Thereupon---

JOHN D. GAINNEY,

the plaintiff, of lawful age, produced on his own
behalf, having been first duly sworn according to law,
was examined and testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A John D. Gainney, 1515 Druid Hill Avenue,
Assistant Chief Clerk, Railway Mail Service.

Q Do you know the parties to this suit?

A I am the plaintiff and my wife is the
defendant.

By Mr. Davis:

Q When, where and by whom were you married?

A By a Justice of the Peace, whose name I
don't remember, in Glasgow, Montana, on August 20, 1901.

Q Was the Justice of the Peace who married you regularly authorized to perform marriage ceremonies under the laws of Montana?

A Yes, sir.

Q Did you leave your wife or did she leave you, and when did the separation take place?

A She left me about March 17th, 1917, at Great Falls, Montana.

Q Did you give her any just cause to leave you?

A No, sir.

Q Since your marriage have you been a kind, affectionate and faithful husband?

A I have.

Q State the circumstances surrounding the separation?

A I was employed in the Railway Mail Service at the time and I decided to quit the Service and go in business for myself in Chicago, where I thought I could better myself and make more money, and I asked my wife, and she refused to come with me. She said the reason she wouldn't come was she had a cousin in Chicago who had servants and if she couldn't have servants she wasn't going.

Q Did you write to her and ask her to come to live with you after you got to Chicago?

A Yes, sir, and she wrote back and refused and

said she was going to the Coast--further west.

Q Has she constantly refused to live with you since she abandoned you?

A She has.

Q Has the separation continued uninterruptedly for more than three years prior to the filing of this bill?

A Yes, continuously since 1917.

Q Is the separation deliberate and final and beyond any reasonable hope or expectation of reconciliation?

A It is.

Q Are there any children as result of your marriage?

A No, sir.

Q How long have you been a resident of the City of Baltimore, State of Maryland?

A For the last five years.

Q Is your wife, the defendant, a resident of the State of Maryland?

A No, sir.

Q Where was she living when you last heard of her?

A In Great Falls, Montana. That is where the separation took place, and she would never come to live with me after that.

GENERAL QUESTION

Do you know or can you state any other matter or thing that may be to the benefit or advantage of the parties to this suit, or either of them, or that may be material to the subject of this, your examination, or the matters in question between the parties: If so, state the same fully and at large in your answer.

A. ---

No
John D. Gainey

No other witnesses being named or produced before me, I then, at the request of the Solicitor.....of the plaintiff..... closed the depositions taken in said cause and now return them closed under my hand and seal, on this sixteenth day of July in the year of Our Lord nineteen hundred and twenty-six at the City of Baltimore, in the State of Maryland.

A. de Russy Sappington (SEAL)
Examiner.

There are no Exhibits with these depositions, to wit:
Plaintiff's Exhibit \
.....
.....
Defendant's Exhibit \
.....
.....

A. de Russy Sappington
Examiner.

I, A. de RUSSY SAPPINGTON, the Examiner before whom the foregoing depositions were taken, do hereby certify that I was employed in assigning a day, and taking the said depositions upon two days, on both of which I was employed by the Plaintiff....., and on none by the Defendant.....

A. de Russy Sappington
Examiner.

John S. Gainey

vs.

Alida Gainey

In the Circuit Court

OF BALTIMORE CITY.

A Decree Pro Confesso having been passed in said cause and notice having been given me by the Solicitor for the plaintiff of a desire to take testimony in the same, I, A. de RUSSY SAPPINGTON, one of the Standing Examiners of the Circuit Courts of Baltimore City, under and by virtue of an order of the above named Circuit Court, passed in said cause on the eighteenth day of March 1924, met on the twenty-seventh day of May in the year nineteen hundred and twenty-six at my office, in the city of Baltimore, in the State of Maryland, and assigned the twenty-eighth day of May in the same year at one o'clock in the after-noon and the office of J. Stewart Davis, Esq. in the City and State aforesaid, as the time and place for such examination of witnesses in said cause; at which last mentioned time and place I attended, due notice of such meeting having been given, and proceeded in the presence of the Solicitor..... of the plaintiff to take the following depositions, that is to say:—

8-4-1
B

JOHN D. GAINNEY

VS.

ALIDA GAINNEY.

Testimony taken before me, A. deRussy
Sappington, Examiner, at the offices of J. S. Davis,
Baltimore, Md. on May 28, 1926, at 1.00 o'clock in
the afternoon.

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Thereupon---

JOHN D. GAINNEY,

the plaintiff, of lawful age, produced on his own
behalf, having been first duly sworn according to law,
was examined and testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A John D. Gainney, 1515 Druid Hill Avenue,
Assistant Chief Clerk, Railway Mail Service.

Q Do you know the parties to this suit?

A I am the plaintiff and my wife is the
defendant.

By Mr. Davis:

Q When, where and by whom were you married?

A By a Justice of the Peace, whose name I
don't remember, in Glasgow, Montana, on August 20, 1901.

Q Was the Justice of the Peace who married you regularly authorized to perform marriage ceremonies under the laws of Montana?

A Yes, sir.

Q Did you leave your wife or did she leave you, and when did the separation take place?

A She left me about March 17th, 1917, at Great Falls, Montana.

Q Did you give her any just cause to leave you?

A No, sir.

Q Since your marriage have you been a kind, affectionate and faithful husband?

A I have.

Q State the circumstances surrounding the separation?

A I was employed in the Railway Mail Service at the time and I decided to quit the Service and go in business for myself in Chicago, where I thought I could better myself and make more money, and I asked my wife, and she refused to come with me. She said the reason she wouldn't come was she had a cousin in Chicago who had servants and if she couldn't have servants she wasn't going.

Q Did you write to her and ask her to come to live with you after you got to Chicago?

A Yes, sir, and she wrote back and refused and

said she was going to the Coast--further west.

Q Has she constantly refused to live with you since she abandoned you?

A She has.

Q Has the separation continued uninterruptedly for more than three years prior to the filing of this bill?

A Yes, continuously since 1917.

Q Is the separation deliberate and final and beyond any reasonable hope or expectation of reconciliation?

A It is.

Q Are there any children as result of your marriage?

A No, sir.

Q How long have you been a resident of the City of Baltimore, State of Maryland?

A For the last five years.

Q Is your wife, the defendant, a resident of the State of Maryland?

A No, sir.

Q Where was she living when you last heard of her?

A In Great Falls, Montana. That is where the separation took place, and she would never come to live with me after that.

GENERAL QUESTION

Do you know or can you state any other matter or thing that may be to the benefit or advantage of the parties to this suit, or either of them, or that may be material to the subject of this, your examination, or the matters in question between the parties: If so, state the same fully and at large in your answer.

A. ---

No
John D. Gainer

No other witnesses being named or produced before me, I then, at the request of the Solicitor.....of the.....*plaintiff*.....closed the depositions taken in said cause and now return them closed under my hand and seal, on this.....*sixteenth*.....day of.....*July*.....in the year of Our Lord nineteen hundred and.....*twenty-six*.....at the City of Baltimore, in the State of Maryland.

A. de Russy Sappington (SEAL).
Examiner.

There are.....*no*.....Exhibits with these depositions, to wit:
Plaintiff's..... Exhibit.....\.....

Defendant's..... Exhibit.....\.....

A. de Russy Sappington
Examiner.

I, A. de RUSSY SAPPINGTON, the Examiner before whom the foregoing depositions were taken, do hereby certify that I was employed in assigning a day, and taking the said depositions upon.....*ten*.....days, on.....*both*.....of which I was employed by the Plaintiff....., and on.....*none*.....by the Defendant.....

A. de Russy Sappington
Examiner.