

Gray v. Gray

Transcription

(This manuscript was transcribed and edited on FromThePage, December 2023.)

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Be it remembered that on the 21st day of May in the year of our Lord one thousand eight hundred and forty six Martha M. Gray by her next friend filed in the Court of Chancery at Hayneville in Lowndes County State of Alabama her bill of complaint against Joshua Gray in the words & figures following, to wit,

Bill of Com of Martha M. Gray vs pro ami Joshua Gray } The State of Alabama To the Honorable Anderson Crenshaw Chancellor of the Southern Chancery Division of said State

Your Oratrix Martha M. Gray of Lowndes County, by her next friend, James Porter, humbly complaining sheweth unto your Honor, that, on the thirteenth day of February 1840, she was by solemn marriage, according to the laws of said State united in matrimony to one Joshua Gray, in the County of Autauga of said State, the defendant herein after named, who she believes is still within this State; but his permanent residence, if he has one, is unknown to Oratrix. She has lately been informed, that, at this time he is probably in Monroe County of said State, but upon what residence if any she is not informed. Oratrix knows from information that he has not been permanent at any particular place for several years.

Oratrix charges that they lived together a short

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time, perhaps two or three months after their intermarriage in harmony, and she did not up to that period doubt his affection for her, or entertain any but the fondest anticipations of connubial felicity in the society of said defendant. All this however, soon after their intermarriage turned out to be a mere delusion; for the said defendant began to exhibit very soon a vicious disposition towards her.

The first overt act on the part of defendant, in hostile feeling, was manifested by denying oratrix the inestimable privilege of all intercourse with her parents, brothers and sisters, and other relations, both in person, and by letters, not having or assigning any reason whatever for a course so harsh and unnatural. And because your oratrix attempted to reason with him, and to implore his compassion on the subject, he became angry, and proceeded to inflict upon Oratrix several severe strokes. This treatment however, he, upon cooling off, regretted, or pretended to regret, and making concessions to oratrix, in great apparent sincerity, she cheerfully pardoned him, in the hope that such an act would not again occur between them. In this however Oratrix was most unhappily mistaken, and all the changes in his deportment towards her grew, from that time forth, worse and worse. The deft sought most deliberately, after the said occurrence, to torture, grieve and distress your Oratrix, by ways and contrivances too devious to be set out in this Bill of Complaint. But Oratrix will barely state as a sample of many of his other doings his deportment in two respects.

Said defendant, for no cause whatever, would frequently pass several days at a time without ever speaking to or ~~ever~~ noticing your Oratrix in any manner whatever, or assigning any reason for such conduct whatever.

And, in the other case, the defendant oftentimes would unexpectedly, and suddenly, leave home, without taking leave of ~~your~~ Oratrix, or giving her any intimation as to where he was going, on what business, or when he

might be expected to return home; and remaining for several days absent in this mysterious manner, for no other purpose, that she could ever see, or learn, than to torture and distress her.

Charges further that Deft frequently, during the summer after their marriage, struck Oratrix, and on one occasion kicked her with so much violence that it was with difficulty she could walk about for some days afterwards

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causing bruises that remained upon her several weeks, Sometimes defendant would threaten desertion and propose a separation giving as a reason that a wife was a trouble, although he knew and often admitted that he was satisfied that Oratrix was willing to make any sacrifice for his happiness.

Oratrix is in person feeble, and could make no resistance to his violence, she was also in a strange land, having left her parents, relations and friends in a distant state, and come to this State to seek her better fortune, considerations which greatly influenced her to use the best efforts to reconcile Deft to her as his wife. Oratrix had as long as she possibly could concealed from the world his brutal abuse in the hope that he would surely see his errors and correct them

During all the time aforesaid they lived in Perry County of said State in the business of School teaching.

On the 7th of October 1841 Oratrix was delivered of a daughter, and greatly hoped that this event would have a tendency to allay Deft's violence and animosity towards her, but in this she she was entirely deceived, but rather the contrary as it turned out to increase his means of annoyance. Deft became more ill and harsh & spoke of a separation as certain, spoke of going to Ohio and other distant countries and to make the torture more keen Deft threatened to deprive Oratrix of her said infant by taking it off with himself, although he manifested for the child the most perfect indifference, and disregard

Charges further that some time after the birth of their child, Deft on one night became very angry and inflicted a severe blow upon one of the eyes of Oratrix, which nearly put it out _ he also seized her by the throat, and held her for several minutes in a state of strangulation. This treatment alarmed Oratrix very much, and she afterwards proposed to Deft that she would consent to a separation upon condition ~~consideration~~ that she should retain the child. Deft agreed to this, and told her that, if she would then separate from him that he would in writing cede her the child, but if she refused this that he would separate from her, and take the child also and carry where she should never see it again, this being agreed to, the gentleman with whom they were boarding was called in to witness the deed of separation But from the urgent persuasions of the gentleman so called in we were induced to decline a separation. Deft then admitting his violence, and his turbulent temper & promising for the future

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to act differently towards Oratrix

Two or three weeks passed by and Deft seemed wavering, and undetermined; and some little difficulty occurring between Deft and his patrons, he left the neighborhood suddenly - for what period, and for what destination were alike unknown to Oratrix. Months passed, and Oratrix still remained where he left her. In the time she received one letter from him, in few words, telling her to remain where she was, although he had made provision for the support of her and child but short time then remaining. Oratrix heard by accident that Deft was settled at Vernon in Autauga County. And after a time Deft's brother came to her place of abode, by order of Deft, and took off all Deft's clothing, and other effects, and the nurse, leaving Oratrix & child without making any provision for their support whatever. Oratrix was then convinced that said Deft had determined on leaving

her permanently. Driven however by necessity, and a vain hope of a reconciliation, she determined to go with her child to Vernon, and to see the deft once more upon the subject. Accordingly she went to Vernon, and saw the Deft, but she met with a cold reception at his hands, in fact the deft then refused to receive her as his wife altogether, and she was compelled to seek a home for herself and child, and has done so from thence hitherto. This being in the early part of the Summer of 1842. By the advice of friends oratrix shortly afterwards sent a request to deft that he would assist her in supporting the child, the only answer to this reasonable request was a gross insult. And from the time of the short interview in Vernon above stated Oratrix has not seen deft

Oratrix has permanently resided in this State since her said marriage in 1840, and for some time previous thereto. Charges that she was a faithful, dutiful and kind wife to said Deft to the best of her ability; and that she is fully able to establish to this Honorable Court both this and a good character in every respect, by the most respectable witnesses

Oratrix charges that her said husband has never sought to return to her, or in any wise to treat her as his wife since he left her in Perry County as above stated. And that he has left her by the space of three years with intention of abandonment

All which actings and doings are contrary to equity and good conscience. In tender consideration whereof and forasmuch as oratrix has no remedy except in this Honorable Court

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Prayer of Com To the end therefore, that the said Deft may answer this her Bill of Complaint, May it please your Honor to grant her the writ of subpoena, commanding the said deft to appear and answer the same before this Honorable Court within thirty days after service of the same, and the next term of said Court at Hayneville. And may it please your Honor to order and decree that Oratrix for the causes aforesaid, may be henceforth divorced from the bonds of matrimony heretofore solemnized and subsisting between her and the said deft as above stated according to the laws of said state And that your Honor be pleased to order and decree the guardianship, custody, and tuition of the said child to your oratrix during its minority. And for such other general relief as your oratrixes care requires, and as to justice shall appertain, and in duty bound oratrix will ever pray

book for plff

Filed in Office 21st May 1846 E.H. Herbert Regr

Subpoena The State of Alabama Lowndes County } Southern Chancery Division 12th Chancery District, at Hayneville. To any Sheriff of the State of Alabama - Greeting We command you, that you summon Joshua Gray personally to be and appear before our Chancellor, in our Court of Chancery, or the Register, at his office in Hayneville within thirty days from the service of this writ, then and there to make answer, under oath, to a Bill of Complaint, lately exhibited by Martha M Gray by her next friend, and said Defendant, and to answer the same; and further to do and perform what our Chancellor shall direct and order in this behalf, the said Defendant shall in no wise omit, under penalties, &c. And we further command, that you have this writ, with your endorsement thereon, at our next Court of Chancery, to be holden at Hayneville, in the County of Lowndes on the 5th Monday of June next

Witness Edw^d H. Herbert, Register of our said Court of Chancery at Office in Hayneville this 21st day of May A.D. Eighteen hundred and forty six, and of American Independence the 70th year Issued 21 day of May 1846 E.H. Herbert Register

Order Martha M. Gray vs pro ami Joshua Gray } June Term 1846 - This cause is continued by consent and the Defendant is to answer the Bill on or before the 2^d Monday in August next

Defendants Answer The State of Alabama To the Hon Anderson Crenshaw Chancellor of the Southern Chancery Division of the State of Alabama

Answer of Joshua Gray Respondent to the Bill of Complaint of Martha M. Gray by her next friend.

This Respondent reserving unto himself all benefit and advantage of exception to said Bill which may, or can be taken for answer to such parts thereof as this Respondent is advised are necessary for him to answer, answering says, that he and Complainant were married on the 13th day of Febriary 1840 at the house of D^f Zachary Pope of Autauga County. Respondent denies ever living with Complainant in the County of Perry; but says they lived at the house of D^f ~~Zachary~~ Pope of Autauga County from the time of their said Marriage till the first of January 1841, when they removed to the house of John P. DeJarnette of Autauga County, where they lived during the year 1841 - that on the second day of January 1842, they removed to the house of Lewis C. Gaines of Dallas County. Respondent further says that the birth of Complainants daughter was at the house of John P. DeJarnette of Autauga County, and not in the County of Perry, as charged in said Bill of Complaint

Respondent says that at the time of said marriage both Respondent and Complainant were very poor - he Respondent, having made advances in money to Complainant to enable her to Come to this State; and that it was necessary for them to labor and practice economy to make a living.

Respondent was a school teacher, and followed that occupation assiduously for about three years previous to said marriage, and during all the time that Complainant, and Respondent lived together.

That on the 20th day of March 1842, owing to an interruption in his school in Dallas County, on a consultation with his wife, said Complainant, it was by both thought advisable for Respondent to quit that school, and seek a situation elsewhere, in which he could prosecute his business with more comfort to himself and family, and with that view alone, and with the expressed approbation of his wife, he left Dallas, and left his earnings more than one hundred dollars, for his wife to use at her discretion. Respondent says he left Dallas County with the avowed purpose of returning to Autauga Couty, where during the four preceding years he had pursued his business agreeable to himself, and satisfactorily to his employers

That on his return to Autauga County Respondent could obtain no situation immediately as a teacher, and he made a contract with D^f J.A. Thomason, and Lewis Simpson of Vernon Autauga County to ride and collect for them till a situation as teacher should offer. Respondent left his wife in Dallas County with the expectation that she was to teach a portion of Respondents scholars at the house of Lewis C. Gaines - that such was the understanding between respondent, his wife, and said Gaines. This agreement was entered into because your Respondent, Complainant, and said Gaines, did not suppose that at that season of the year, your Respondent could easily find a situation as teacher, or that the Creeks, and the rising condition of the prairie region would soon permit Respondent to remove his family from that neighborhood.

When your Respondent left Dallas County as aforesaid, he left with Complainant a negro girl which he had previously purchased, and about the time of said contract with said Thomason and said Simpson, your orator purchased another negro. Soon after Respondent returned to Autauga County, he wrote Complainant a letter informing her of his situation, to which he received an answer May 10th 1842, a copy of which is marked exhibit A, and which he prays may be considered a part of his answer. Respondent notwithstanding, Complainants letter, wrote her a kind answer, told her that in purchasing said negro in Autauga County he had

involved himself in unexpected pecuniary difficulties, and advised her to accept, for their mutual benefit, the situation spoken of in her said letter

Respondent after riding for said Thomason and Simpson till about the middle of May 1842 (during which time he made journies to the Counties of Coosa, Macon, Lowndes, and Perry) obtained and commenced a school in Lowndes County on the 16th day of May in the the same year; and during all this time respondent was endeavoring to obtain a situation suitable for his family. Respondent says it was no part of his intention to abandon complainant by leaving her in Dallas County - that till the time she followed him to Vernon he had supposed she was teaching in Dallas County, nor did your respondent suppose that, in his circumstances, that he was doing her any injustice or even committing any outrage upon her feelings to permit her to remain as long as he did

Respondent and Complainant, from the time of their marriage till he left her as above stated in Dallas County

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had boarded out in different families, to wit, from their marriage to the end of 1840, in the family of D^r Pope of Autauga County - during the year 1841 in the family of John P. DeJarnette of the same County, and from the second day of January, 1842 till the 20th day of March same year in the family of Lewis C. Gaines of Dallas County. But respondent had become dissatisfied with living in that way, and had often importuned his wife to keep house as more independent, comfortable, and economical, but she had uniformly refused. For these reasons this respondent came to the conclusion that his success and happiness depended upon a change in this particular and having purchased a negro girl he determined it was necessary to cease boarding and commence housekeeping; and when they met in Vernon as charged in Complainants Bill, he informed his wife of his determination, and requested her to accept a situation which he had provided for her in the family of W^m Terry, a healthful and pleasant situation in Autauga County, about five miles from where respondent was teaching, where respondent requested her to remain till he could make preparation for housekeeping. But Complainant refused to comply with this request, which seemed the more unreasonable to respondent, as she had the year previous solicited the same situation, where she would have been as far from Respondent, and had expressed a strong desire on several occasions to take school when she would have been compelled to live separate from respondent, alledging as a reason that she could dress more fashionably than the limited means of respondent would allow.

Respondent became convinced from complainants conduct on the day they met at Vernon, that she had no intention of living with him any longer and accordingly she went to a distant part of the County where respondent requested her not to go, and where for various reasons respondent did not wish her to go.

And on the 12th day of July following an account was presented to respondent for goods said to have been delivered to his wife on the day before amounting to the sum of eighty five dollars and fifty two cents, a copy of which is annexed, marked exhibit B, which respondent prays may be considered a part of his answer And respondent has been informed and believes that complainant expended and received in money nearly all his wages for the winter of 1842 in Dallas County. Said account marked exhibit B seemed to respondent unnecessary for her condition, and wholly unsuited to his circumstances; and which seemed an earnest that she was about to put her oft repeated threat into execution that she could run respondent in debt five hundred dollars, and

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he would have it to pay

Answer Respondent says that, during all the time they lived together he abundantly supplied Complainant all her necessities of food and raiment, and even purchased for her more than a due regard to his pecuniary circumstances seemed to justify, and in a proportion far beyond what he purchased for himself

Respondent denies all the charges of cruelty or ill treatment as charged by Complainant and in said Bill of Complaint. Respondent says that for three years previous to said marriage complainant was afflicted with what is known as a white swelling, and being unable to come South had postponed the marriage. During these three years of ill health of complainant, she constantly importuned respondent to bring her South, assuring him, in many letters now in her possession, unless destroyed by her, that her physician believed that her disease would terminate in consumption, and that he believed the only thing that would save her life, was to come South.

Respondent went to the State of Maine in the Spring of 1839, of which State both respondent and complainant were natives, for the express purpose of bringing complainant South; but found her unable to come and her family reduced to extreme poverty. Yet respondent sacrificed every selfish pecuniary consideration to be faithful to one who years before, in youth and health, had promised to make him happy; and in the winter of 1840, as soon as she was able she came South, and the marriage was consummated Respondent has been thus particular in describing complainants afflictions, as they were the sole cause of the feebleness of which she complains in her said Bill of Complaint. Respondent says that Complainant often boasted that the climate of the South acted as a charm upon her health, and respondent for the last year they lived together knew of no feebleness only a difficulty in walking the effect of said disease upon one of her limbs

Respondent says that Complainant soon after their said marriage, either from her previous ill-health, from her natural disposition, or from having but little employment, became proud and insolent using to respondent insulting and abusive language, and seemed to cull the vocabulary of abuse for epithets best calculated to annoy, irritate, and wound the feelings of respondent; and if at any time respondent refused to answer her questions, it was to avoid an altercation, or on account of previous abuse. Respondent says that Complainants

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treatment towards him was variable, and to every one else deceptive. he says that all the variableness of his conduct towards Complainant was caused by variableness in her conduct and abusive treatment of him. Respondent says that after abusing him in private, complainant would frequently go in company, smiling on all she met, and would lavish upon respondent the most loving expressions. But respondent says she was not always thus guarded, for in company she sometimes insulted him, and wounded his feelings - that on two occasions she so far forgot herself and her education, that she applied to respondent the coarse and insulting epithet of fool - that she sometimes quarrelled with him in presence of his pupils, and it seemed her greatest delight to contrast him with her favorite men.

Respondent says he always endeavored to avoid altercations with Complainant; and that he usually endured her abuse in silence, or got beyond the sound of her voice, and that there was no quarrelling, crimination, or recrimination which ever took place between them, which was not of her own seeking. Respondent does not pretend that he was entirely free from fault, or from those weaknesses especially to which human nature is liable under repeated and gross insults. he admits that on one occasion, at the house of Lewis C. Gaines in Dallas County he struck complainant with his hand one time and one time only. But respondent most solemnly avers that he was provoked to do it by a torment of abuse from complainant charged with more than usual bitterness and acrimony. It happened about the first of February 1842. Hitherto respondent on such occasions had retreated to some other room to escape her abuse; but unfortunately this house afforded no unoccupied room where respondent would be unobserved. After respondent and complainant had retired to their room for the night complainant commenced abusing respondent. At first he resolved to endure it in silence, but she continued her abuse, respondent believes, for more than an hour, which his silence only seemed to aggravate till at last her abuse rose above all endurance, and in an unguarded moment respondent inflicted the blow. But

respondent, in a moment, recollected himself, and begged her pardon for the offence but told her that he was unwilling to have his patience put to such tests, and he thought they had better separate. This was agreed to, but through the interference of said Gaines the parties became reconciled, each forgave the other, and from that time; some six or seven

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weeks till respondent left Dallas respondent and complainant lived on good terms. Respondent denies emphatically that he ever injured complainants eye, or kicked her, or seised her by the throat as charged in said Bill of Complaint. He denies that he ever beat her only as stated above, and he says that all her charges of cruelty are the work of fancy.

Respondent denies that he prohibited complainant from corresponding with her relations in any way she chose, except her brother Louis O. Cowan, who was very obnoxious to respondent and entertained principles so abhorrent to the Southern people that he deemed it unsafe to allow a correspondence between Complainant and said Cowan. Respondent denies that he ever sought to torture, grieve, or distress complainant. Respondent says in answer to complainants charge, that he would pass several days absent from her that he never left his business while the parties lived together, unless compelled by sickness, or unavoidable business

Respondent would deny all of complainants charges respecting his child, if he knew any language strong enough to express how far they are from every feeling, and every act of his He says he ever felt for his child the strongest affections.

Respondent says that complainant was not to him an obedient and dutiful wife, but says she was frequently disobedient and undutiful - that in the winter of 1841 complainant left him against his wishes, while he was sick, and remained from him three weeks. Respondent again denies abandoning complainant, and says that her whole conduct from the time he left Dallas County in the Spring of 1842 has added proof after proof that she sought the separation, and has ever since persevered in it. As soon as complainant was competent from residence in this State which was the winter of 1843 she filed a Bill for a divorce in the Chancery Court at Wetumpka, making nearly the same ~~same~~ charges contained in the Bill before this Court, except that in her said Bill at Wetumpka she charged respondent with kicking her so violently about three weeks before the birth of her child that she was unable to get up and down stairs, and was compelled to keep her room. Said Bill was dismissed by Complainant, and another of the same tenor filed in the Fall of 1843, which was not disposed of when the Bill before this Court was filed; and though many witnesses were examined, and every effort made in the power of respondent to bring the Bill to a hearing, yet it was continued at every Term by complainant, as respondent believes

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for the purpose of harassing respondent. Even after the present Bill was filed, but before respondent was served with process, at the last Term of the Chancery Court at Wetumpka an attempt was made to continue the cause, showing an intention to harass respondent with two suits at the same time. Respondent says notwithstanding all the ill treatment of complainant he has retained for her a strong affection. that he has ever been willing for a reconciliation; but for various reasons he has always thought it could not be accomplished. Respondent during the years 1842 and 1843 called frequently to see his child, and would have been glad to have proposed a reconciliation had complainant allowed him any opportunity. Respondent says that Complainant never appeared in his presence and in the Fall of 1843 she even prevailed upon the man where she lived, and who had the brutality to forbid respondent the privilege of seeing his child. Under such circumstances respondent deemed it would be a hopeless, and most unmanly act to attempt a reconciliation. Respondent solemnly avers that he

neither gave her nor any one else any reason to refuse him the privilege of seeing his child. Respondent says he was to complainant a kind husband, and that he is a peaceable, industrious, and temperate man, and this he will establish by the most respectable witnesses. Respondent again solemnly denies abandoning complainant, and denies all the charges of cruelty in said Bill not particularly referred to. Therefore he prays to be dismissed &c, and prays that this his answer may be also be taken as a demurrer to said Bill Thos J. Judge Sol for Respondent

Affidavit to Answer The State of Alabama Monroe County } Personally came before me Samuel Kelly, an acting Justice of the Peace for Monroe County Joshua Gray, who being duly sworn deposes and saith that that the facts stated as of his own knowledge in the foregoing Bill of Complaint are true; and that the facts, ~~and that the facts~~ which he has stated from the information of others he believes to be true Joshua Gray Sworn to and subscribed before me this 18th day of August 1846 Samuel Kelly JP }

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Exhibit A Exhibit A

M^r Gaines May 10th

Joshua It is now near two months since you left, and I have received but one letter dated April 7th, stating that you should write again in a few days. As you might expect I feel unsettled and anxious why you should delay writing or coming to see your family I can not imagine and of your intentions I know not. Miss Ludington is married, and left a vacancy at M^{rs} Triggs, and it is possible that I may have the offer of a teachers place there, but in the situation I am in I shall not know whether to accept it or not. If you expect to come or send for me soon it would not be worth while for me to take the school. Write immediately so that I may know what to do
Yours Martha

Exhibit B Joshua Gray per Lady July 11th 1842 To L. Simpson & Co D^r || |—————| |—————|
|—————| |—————| || | To one Leghorn Bonnet \$9 | 8 yds calico a 2/6 | \$11.50 || To 2 1/2 yds calico for \$0.77
| 2 " bar cambric 2/. | \$1.27 || To 1 1/2 yds black silk \$2.44 | 2 1/2 worsted plaid \$2.50 | \$4.94 || To 1 pair calf
shoes \$2.50 | 1 pair slippers 16/. | \$4.50 || To 1 ball cord 1/. | 1 tooth brush 4/. | \$.62 || To 1 pair side combs 8/. |
1 pocket knife 7/. | \$1.88 || To 1 card buttons 5/. | 1 paper needles 1/. | \$.75 || To 1 bunch braid 1/. | 1 silver
thimble 4/. | \$.64 || To 3 yds bonnet ribbon 5/. | 1 Lawn handkerchief 16/. | \$3.88 || To 2 1/2 yds ribbon 4/. | 2
1/2 yds calico 5/. | \$1.87 || To 1 phial paragoric 2/. | 1 pair gloves 10/. | \$1.50 || To 3 yds muslin \$2.63 | 4 yds
edging 4/. | \$4.63 || To 2 1/2 yds thread edging 8/. | 1 worked collar \$6. | \$8.50 || To 2 1/2 yds lawn 4/. | 2 yds
calico 2/6 | \$1.81 || To 1 corded skirt 12/. | 6 yds flannel \$5.06 | \$6.56 || To 8 yds calico 3/6 | 10 yds white
cambric 8/. | \$13.50 || To 2 yds merino 12/. | 5 1/4 yds Alapacca \$9.19 | \$12.19 || To 13 yds domestic \$2.44 | 3
spools thread 1/. | \$2.82 || To 2 pair childrens hose 2/. | 2 pair childrens shoes \$1.66 | \$2.13 || | \$85.52 | Filed
in office 10th Sept 1846 E.H. Herbert Regr

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Order Martha M. Gray vs pro ami Joshua Gray } February Term 1847 Continued by consent

Interrogatories to Jno. DeJarnette, Eli Robinson & Lewis Tyres Filed 2nd Jany 1847.

The State of Alabama Lowndes County }

Martha M Gray pro ami vs. for Divorce Joshua Gray }

In Chancery at Hayneville Interrogatories to be exhibited to John DeJarnette Eli Robinson Lewis Tyres witnesses to be produced sworn and examined in the above stated cause in behalf of the complainant.

Interrogatory 1st Do you know the parties above named In 2nd If you know when the defendant returned to Autauga County in 1841 or '42, from Perry or Dallas County where he had been living for a time, be pleased to State the time of his return as well as you can recollect _ and state also whether or not he brought the plff his wife back with him. In 3rd If you know be pleased to state how long the deft J. Gray had been about Autauga before his wife came there. In 4th If you know when the plff M^{rs} Gray, came to Vernon - State whether or not the Deft received her, or took charge of her in any manner - and whether or not he remained with her any length of time - & how long. State whatever took place between them within your knowledge during her stay in Vernon at the time referred to. In 5th If you know _ State how - and by what means - M^{rs} Gray got back to Vernon - and particularly whether or not the Deft Gray provided the means for her. In 6th How long did M^{rs} Gray remain in Vernon at that time - where did she go to from Vernon - and who carried or went off with her - did the deft do it. In 7th Did the Deft Gray live with the plff, or associate with her, after her return to Autauga - or not - within your Knowledge. If he did - State. when where, & how long a time.

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In 8th If you Know State by what means, & by whom was M^{rs} Gray Supported after her return, while she lived in Autauga. In 9th If you Know any thing of a Store account made at Wilkersons in Autauga by M^{rs} Gray, State whether the account has been paid or any part of it & by whom & whether the Deft. has paid it, or agreed, or refused to pay it. In 10th did either of you hear the Deft Gray say at any time before her return to Autauga, & after he left her in Dallas or Perry, - or at any time shortly after her return _ any thing upon the subject of separating from his wife the plff. If yea, State when & where it was said - & particularly all that he said at the several time or times. In 11th what is the private character of M^{rs} Gray: what is her Capacity and qualification for business; How is she in money matters, and matters of economy - as to industry. In 12th Has she the ability & qualification to maintain & educate her child or not _ or is she suitable or unsuitable for that State _ please answer and give your reasons pro or con. In 13th If you Know any other matter or thing which would benefit the plff be pleased to State the same as fully & particularly as if you were thereto expressly asked _ and particularly if you know of any violence, or other harsh treatment committed by the Deft upon the person or character or feelings of plff _ or any fact indicating his malice or tyranny to plff Cook for the plff

Notice to Deft To Thomas. J Judge Esq^r Solicitor of Record for Deft _ You will take notice that plff has filed the foregoing Interrogatories and after you shall have had ten days notice a commission will issue to to take the testimony of said witnesses. Jan 2nd 1847 N. Cook for Compl

Shffs return Executed on Thomas. J. Judge Jay 2nd 1846 J.M. Cole Shff

Cross Intrgs for Jno. P. DeJarnette The State of Alabama Lowndes County } In Chancery at Hayneville

Martha M Gray vs Joshua Gray } Cross Interrogatories for John P. DeJarnette a witness in the above stated

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case _

Cross Interrogatory first should you state in your examination in chief any conversations between yourself and Joshua Gray in relation to the separation of ~~the~~ between parties please state all that was said as near as you can recollect, the time, when, and where _ Please state particularly whether Joshua Gray ever spoke of a separation between himself and wife previous to her return from Dallas County to Vernon in the Spring or Summer of 1842 referred to in the direct interrogatories: was not the first time Joshua Gray ever spoke to you of a separation between the parties on the day she came to Vernon; was it not at your plantation? Did he or did he not then tell you that he had provided a place for her at William. R. Terrys and that she had refused to go? Did he

ask your advice what to do; If yea what was your advice? Cross Inter Second How long had you then known the defendant? How long had he lived in your family? what occupation did he follow? was he attentive to his business Cross Inter Third what year did Joshua Gray and Martha Gray live in your family? was their child born at your house and about what time: was complainant hard to please and did she make any requests which you thought ill timed, and which you did not grant? Did she request of you a short time before she was confined to give up to her the only room in which your family could Stay down stairs, and to move your family up Stairs for her accommodation. Cross Inter Fourth _ Is Joshua Gray a quarrelsome or peaceable man was he kind or unkind to his wife? Did he or did he not provide well for her. Cross Inter 5th Did not Joshua Gray always tell you that he did not abandon his wife? and that it was on account of a difficulty in his School that he left Dallas County. Cross Inter 6th If you state any thing of an account made at Vernon in the Summer of 1842 by Martha. M. Gray state at whose Store it was made? was it not at Simpsons & Hightowers and not at Wilkinsons? was there an attachment issued against Joshua Gray for that account returnable to the County Court of Autauga County? How long after the account was made before the attachment was issued? were you garnisheed to pay that account

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17 17.

Did you ever see the account? was it reasonable? was it made before or after she came to Vernon from Dallas? how much did the account amount to? Did you ever advise Joshua Gray not to pay the account? and did you tell him it showed that complainant wanted to make the breach between her and defendant as wide as possible? Cross Inter 7th what is the private character of Joshua Gray? do you know of any thing that would unfit him ~~from having~~ to have charge of his child? Cross Inter eighth where was Joshua Gray living when complainant came to Vernon was it in a healthy or sickly place? was he living at William Robinsons in Lowndes County? Did said Robinson move to your neighborhood and spend the summer. How did Joshua Gray employ his time from the time he left Dallas County in the Spring of 1842 till he commenced teaching for said Robinson? Cross Inter ninth. How long had Joshua taught School in your county, and what was his reputation as a teacher? Cross Inter Tenth. Do you recollect of Martha. M. Gray trying during the year they lived at your House to take a School in the neighborhood of William. R. Terry? How far was that from your house? how far was it from the residence of said William Robinson? Thos. J. Judge sol for Deft

Defendant objects to direct interrogatory tenth because it asks for the confessions of defendant Tho^s J Judge for Defendant

Cross Intgs to Lewis Tyres The State of Alabama Lowndes County }

Martha M. Gray vs. Joshua Gray } In chancery at Hayneville

Cross Interrogatories for Lewis Tyres in the above stated case.

Cross Interrogatory First. should you state any conversation or conversations between you and Joshua Gray in relation to the Separation between the parties state particularly when it took place; when did Martha Gray go to your house to live? Did you ever have any conversation with Joshua Gray about said separation before said Martha went to your house to live? Cross Inter Second. Please state whether all your

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statements are from your own knowledge? If not from whom did you derive you informaton, was it from said Martha? Cross Inter Third did Martha M Gray, or did She not at any time request you to forbid Joshua Gray going to your house? and did you ever forbid his going to your house? Did Martha Gray or did she not when she first went to live in your family request you to not let him see his child; and was he at first permitted to see it.

*Cross Inter Fourth. who interfered to procure defendant the privilege of seeing his child? how long was he permitted to see it? and did you afterwards forbid his going to your house? and at whose instance did you forbid him? was it or was it not at the instance of complainant? Cross Inter Fifth How long did Martha Gray live in your family? How did she conduct towards defendant when he was there? Did she ever to your knowledge go into the room where he was, or give him any opportunity to Speak to her? Did she or did she not always as far as you knew keep out of his sight? and did you ever know of any opportunity when he could have spoken to her? Did you or did you not advise said Martha not to speak to her husband. Cross Inter Sixth should you say any thing of an account made by said Martha in the summer of 1842, state whether it was of your own knowledge or not? Cross Inter Seventh. State whether you had any knowledge of what passed between Joshua Gray and his wife at the time she came from Dallas to Vernon except what you derived from ~~from~~ others? Tho^s J Judge Sol. for Defendent

Defendant objects to direct interrogatory tenth because it asks for the confessions of Defendant. Defendant objects to direct interrogatory thirteenth because it is in part too general, and in part unsupported by any allegation in complainants Bill of Complaint. Tho^s. J. Judge Sol for Defendant

Cross Intys to Eli Robinson

The State of Alabama Lowndes County }

Martha. M. Gray vs Joshua Gray } In Chancery at Hayneville

Cross Interrogatories for Eli Robinson a witness in the above stated case. Cross Interrogatory 1st If you state any conversation

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between yourself and Joshua Gray in relation to the separation between said Gray and wife, state whether any such conversation occurred before said Martha came from Dallas to Vernon in the Spring or Summer of 1842. when was your first conversation with him, was it on the day she came from Vernon? Did he say any thing about his providing a place for her at William R Terrys? where was Joshua Gray living at that time and what was he doing? was he teaching for your brother William Robinson? was said William living at a healthy or a sickly place where did said William spend that summer, and where did said Gray? How far was said William living from said Terry when complainant came to Vernon from Dallas? How far was the Summer residence of said William Robinson from said Terrys House Cross Interrogatory Second. Did you ever at any time hear Martha. M. Gray use any insulting or provoking language to her husband? If yea, state when, and where, and what it was. Did you ever hear her apply any coarse epithet to her husband. If yea, state what it was, when it was? Did you or did you not ever hear Martha. M. Gray call her husband a fool, or use a similar epithet, and state what provoked her to apply any coarse or insulting epithet to him? Cross Inter Third How long have you know Joshua Gray, what has been his character? what has been his reputation as a teacher? Cross Inter Fourth If you State any conversation with Joshua Gray about his wife state all he said in his behalf Defendant objects direct interrogatory tenth because it asks for the confessions of Defendant Thomas. J. Judge Solicitor fo Defendent

Cross Inter Fifth. Did you know any thing of an account made by Martha Gray and charged to her husband at the Store of Simpson & Hightower in Vernon after complainant came from Dallas to Vernon? If yea, State about what time it was made? how much did it amount to? was it reasonable or unreasonable? did you advise him to pay it or not to pay it? was there an attachment issued

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founded upon that ~~that~~ account against Joshua Gray and returnable to the County Court of Autauga County were you garnisheed in that attachment? how long after the account was made was the attachment issued? Did you ever know Joshua Gray to be sued at any other time for any debt of his own contracting what disposition was made of said attachment? Cross Inter Sixth Did you ~~ever~~ know of Joshua Gray buying a negro in the Spring of 1842 after he came from Dallas? Did you know of his being much perplexed to make a payment for said negro between the time he came from Dallas in 1842, and the time that said Martha came to Vernon? Cross Interrogatory 7th Is Joshua Gray a quarrelsome or a peaceable man? Did he or did he not provide well for his wife? was he or was he not attentive to his business? Do you know of any thing that would unfit him to have the custody of his child. T.J. Judge for Defendant

Com to take Depositions The State of Alabama To Henry B. Jones Esquire. Know ye, That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorise you, at such time and place as you may appoint, to call before you and examine John P. DeJarnette Eli Robinson & Lewis Tyres as Witnesses in a cause pending in our Chancery Court of Lowndes County, wherein Martha. M. Gray by her next friend is Complainant and Joshua Gray is Defendant on Oath to be by you administered, upon Interrogatories annexed to this Commission, to take and certify the Deposition of the Witnesses and return the same to our said Court, to be holden on the 3rd Monday in the present month under your hands & seals Witness Edw^d H. Herbert Register of our said Court of Chancery, at Office, in Hayneville this 4th day of Febuary A.D. Eighteen hundred and Forty Seven and of American Independence the 71st year E.H. Herbert Register

Issued 4 day of Feb 1847.

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Testimony of Eli. T. Robinson

Depositions of a witness Sworn and examined the 6th day of Febuary in the year 1847 - at the residence of Eli T Robinson, County of Autauga and State of Alabama, under and by virtue of a Commission issued out of the Chancery Court of the State of Alabama for Lowndes County, in a certain cause therein depending between Martha. M. Gray Complainant and Joshua Gray Respondent.

Eli T. Robinson being duly sworn and examined on the part of the Plaintiff doth depose and say as follows To interrogatory 1st I do. To interrogatory 2nd I do not remember the time of his return, and my impression is that he did not bring the complainant back with him when he did return. To interrogatory 3rd I do not know positively but think he was in Autauga at least two years previous to her arrival. To interrogatory 4th I know nothing respecting the matter here interrogated. To interrogatory 5th I do not know any thing of either To interrogatory 6th I do not know To interrogatory 7th I do not know To interrogatory 8th I do not know To interrogatory 9th I do not know whether the account has been paid. I only know that the merchants in Vernon, either Simpson & Hightower or Simpson & Co told me that the complainant had made an account with them, and I think I have heard the respondent speak of the account, but do not remember whether he said that he would or would not pay it. To interrogatory 10th He did not speak to me on that subject that I remember, at or about that time. To interrogatory 11th I do not know enough of her private character to answer ~~to answer~~ respecting it, nor of her qualifications for business; I know nothing of her capacity in money matters, her economy nor industry To interrogatory 12th I do not know To interrogatory 13th I can answer nothing that would benefit or injure the Pliff, and know nothing of his treatment of her, except as Stated in my answer to cross interrogatory 2nd

To Cross interrogatory 1st I never had any conversation with him about a separation from his wife, as regards the remainder of the interrogatory I can only say that M^r Gray once

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taught for William Robinson when I do not remember. The summer residence of W^m Robinson is five or six miles from William R Terrys To Cross interrogatory 2^d I heard her call him a fool at William P DeJarnettes, when I do not remember. He was going to Smoke, had procured a pipe for that purpose, he was playfully moving about to keep out of her way, she for a time seemed to be in play too, but afterwards got mad & either called him a "fool", or said to him, " "I would not make myself a fool" To Cross interrogatory 3rd I have known him several years, and untill this difficulty between him and his wife I thought him inoffensive, his reputation as a teacher has been good. To Cross interrogatory 4th I remember having had a conversation with him in regard to some matters respecting his wife, but do not remember any thing of the particulars of it, To Cross interrogatory 5th I knew the existence of an account as stated in my answer to interrogatory 9th but know nothing of any process being issued & founded upon that account, and do not remember whether I was or was not garnisheed. I never knew Joshua Gray to be sued on any account. To Cross interrogatory 6th I knew of his buying a negro girl, but at what time I do not remember, also that he lacked some money of paying for the negro but at what time I cannot state. To Cross interrogatory 7th I should say he was a peaceable man, I know nothing of the manner in which he provided for his wife. I only knew him as a teacher and in that capacity he had the character of being attentive to his business. I know nothing which would unfit him to have the custody of his child. E. T. Robinson

The above examination was made, reduced to writing, sworn to and subscribed this 6th day Febuary AD 1847 before me as witness my hand and seal. Henry. B. Jones {LS} Commissioner

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Testimony of John. P. DeJarnette

Depositions of a witness sworn and examined this 4th day of May AD 1847 - at Vernon Autauga County, State of Alabama, under and by virtue of a commission issued out of the Chancery Court of the State aforesaid, for the county of Lowndes, in a certain case, therein depending between Martha M Gray pro. ami. Complt. and Joshua Gray Respondent. John. P. DeJarnette being duly sworn and examined on the part of the Complainant doth depose and say as follows. To Interrogatory 1st he says, I do. To Interrogatory 2nd he says. He returned some time in the Spring of 1841 or 1842. He did not bring his wife back with him. To interrogatory 3rd he says. He had been here several weeks. To interrogatory 4th he says. He did not receive her. and did not take charge of her in any manner. He came to Vernon with me from my house, and while he was here his wife arrived, on the same day he came to me at my plantation near Vernon, and seemed very much excited. he then told me that his wife had followed him from below where he had left her in charge of a School, which he expected her to teach in order to support herself, that he had, had a quarrel with her, and had struck her over the eye, and the blow had bruised her face, that he had left her and never intended to live with her again. I then told him that he had married his wife and therefore that I thought it was his duty to take her back to her connexions. that he ought to give her one of the two negroes which he said he had. he replied that he never would live with her, nor do anything more for her, To interrogatory 5th he says - I do not know. To interrogatory 6th he says - She stayed here but a very short time, and went from Vernon to D^r Popes or M^r Gordons, I think the Deft Gray did not go with her. To interrogatory 7th he says - He did not associate with her that I know. To interrogatory 8th he says - I think she was supported either by D^r Pope or M^r Gordons family for a while, and afterwards went to Maj Tyres and supported herself by a school there. To interrogatory 9th he Says - There was an account made at Simpsons. When Wilkerson was Clerk - by M^{rs} Gray when on her way from D^r Popes to Maj Tyres - which account

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M^r Gray refused to pay. To interrogatory 10th he says - I have answered this as fully as I can in my answer to interrogatory 4th To interrogatory 11th he says. While they lived at my house I saw much to blame in both of them. I thought she was peevish and hard to please. her character was respectable in society so far as I know. She seemed to be industrious - and economical. I knew nothing of her capacity for business. To interrogatory 12th he says. I think she is competent to maintain and educate her child, and know nothing that would unfit her for the charge of her child. To interrogatory 13th he says. I know nothing more than what I have already stated.

To Cross interrogatory 1st he says. For the particulars of the conversation deponent refers to his answer to interrogatory 4th (direct) He then spoke for the first time of his separation from her; He told me that he could get a place for her at W^m R Terry's and that she had refused to go; I think he asked my advice and I told him to go and live with his wife. Cross Interrogatory 2^d he says - I had known him then two or three years. he had lived in my family nearly two years, was a School teacher, and attentive to his business, To Cross interrogatory 3^d he says - I think it was in 1841, their child was born at my house in the Fall of the year, She made a request for a room adjoining my wifes room, where our children slept, a request I thought unnecessary as I ~~thought~~ she was comfortably situated up stairs, I thought she required more than persons in her situation ought to require, and that she was rather hard to please, To Cross interrogatory 4th he says - I do not think he was kind to her, I think he was a peevish, and fretful man in his family, though not quarrelsome elsewhere. I think he provided as well for her as he could. To Cross interrogatory 5th he says When he first came to my house he told me that he had left Dallas on account of a difficulty in his School there, and that his wife had taken the school or in part, sometime afterwards when his wife came to Vernon he told me that he had left her, had parted with her and never intended to live with her again, and that he parted with her after the quarrel mentioned in interrogatory 4th in Dallas or Perry or wherever they had been living

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To Cross Interrogatory 6th he says. I have already stated that it was at Simpson & Hightowers. There was an attachment issued. I do not know to what Court returnable. I do not know how long it was before the attachment was issued. I do not remember whether I was garnisheed or not. I saw the account, and thought it was extravagant. it was made after she came from Dallas, was between sixty and eighty dollars as I think. I do not remember advising him not to pay - but think I said in his presence, that the account was extravagant, and that Simpson ought never to have let her have those things - or at least a great number of them, and I said nothing to him of its having been made to widen the breach between them. To Cross interrogatory 7th he says. So far as I know his private character is good - and I know nothing that would unfit him for the charge To Cross interrogatory 8th he says. He was living at William Robinsons in Lowndes County, it is a sickly place, Robinson spent the summer in my neighborhood. He, Gray, was frequently at my house, and spent part of his time there, tho. I do not know how he spent all of his time. To Cross interrogatory 9th he says. He taught School for me two years and one for D^r Pope, and was an excellent teacher. To Cross interrogatory 10th he says. I do not recollect. John. P. Dejarnette

The above examination was made, reduced to writing, and sworn to, and Subscribed this 4th day of May 1847- before me as witness my hand and seal. Henry. B. Jones {LS} Commissioner

Interrogatories to M^{rs} Mary Long; Filed 26 Jany 1847.

The State of Alabama Lowndes County } Martha M Gray vs Joshua Gray } In chancery at Hayneville
Interrogatories to be propounded to M^{rs} Mary Long, a witness to be produced sworn, and examined at the instance of the defendant in the above stated case.

Interrogatory 1st Do you know the parties above named? Inty 2nd How long have you known Complainant? did she board with you during the year 1846? and what opportunities had you for observing her temper and disposition? describe her

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temper and disposition? Intery 3rd If Complainant ever made any request of you in relation to permitting or not permitting Defendant to visit at your house, state what it was, and what was your reply? Intery 4th State whether you consider complainant a person of truth or not? Intery 5th State whether you did or did not at any time know of Defendants making Complainant an offer of reconciliation? If yea State when and where? Intery 6th If you know any other matter or thing which would benifit Defendant please state all you know as particularly as if especially interrogated thereto Tho^s J Judge Sol for Defendant

Interrogatories for A.C. Thomason. Filed 26th Jan 1847.

The State of Alabama Lowndes County } Martha M Gray vs Joshua Gray } In chancery at Hayneville

Interrogatories to be propounded to A.C. Thomason a witness to be produced, sworn, and examined at the instance of the Defendant in the above stated case.

Interrogatory 1st Do you know the parties above named? Intery 2nd How long have you known Complainant? where did Complainant board during the year 1846? where did you board during that year? Intery 3rd what was your occupation during that year 1846? and what was Complainants employment? Did you both pursue your occupation in the same house? Intery 4th what were your opportunities of observing the temper and disposition of complainant? State whether she is a person of even temper, mild and conciliatory, or peevish, petulant, and passionate. or otherwise? If she exhibited any bursts of passion, petulance, or ill temper state them, and the manner in which complainant conducted herself? Intery 5th State whether you consider complainant a person of truth? whether she is yielding or

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unyielding in her disposition? and whether she is a person who would, or who would not receive mistreatment quietly from any person? Intery 6th Please to state all you know that would benifit Defendant

Intys for Joshua A Thomason Filed 26 Jany 1847.

The State of Alabama Lowndes County } Martha. M. Gray v.s. Joshua Gray }

In chancery at Hayneville Interrogatories to be propounded to Joshua A Thomason, a witness to be produced, sworn and examined by the Defendant in the above stated case.

Interrogatory 1st Do you know the parties above named? Intery 2nd Did you employ the Defendant to ride and collect for you in the Spring of 1842? If yea state about what time he commenced such service for you? how long did he continue in your service? was he while in your employment seeking other employment? If yea what? state what journies he made while in your employment? when did he go and what occupation did he engage in when he quit your employment? was he or was he not attentive to his business while in your service? Intery 3rd Did you know any thing of defendants purchasing a negro in the Spring of 1842? was he or was he not embarrassed in his pecuniary matters during the spring of 1842? Intery 4th Did you know any thing of complainants coming to Vernon about the first of June 1842? where did she go when she left Vernon. where did you reside at that time, what was your profession, was the situation of defendant a healthy or sickly situation. Did William R Terry live at a healthy or sickly situation? Tho^s J Judge Sol for defendant

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Com to take Depositions.

The State of Alabama To H. B. Jones Esquire. Know Ye, That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you, and examine M^{rs} Mary Long, A.C. Thomason & Joshua. A. Thomason as witnesses in a cause pending in our chancery Court of Lowndes County, wherein Martha M Gray pro ami is Complainant and Joshua Gray is defendant, on oath to be by you administered, upon Interrogatories annexed to this Commission, to take and certify the Depositions of the witnesses and return the same to our said Court, to be holden on the 3rd monday in the present month under your Hands and Seals Witness, Edw^d H. Herbert Register of our said court of chancery, at Office, in Hayneville this 11th day of Feby A.D. Eighteen hundred and Forty seven and of American Independence the 71st year EH Herbert Register

Issued 11 day of Feby 1847.

Testimony of A. C. Thomason. Depositions of witness sworn and examined the 18th day of June in the year 1847 - at Mt Willing County of Lowndes and State of Alabama, under, and by virtue of a commission issued out of the chancery Court of the State of Alabama, for Lowndes County, in a certain cause therein depending between Martha M Gray Complainant and Joshua Gray Respondent.

A.C. Thomason of Lowndes County being duly sworn and examined on the part of the Respondent doth depose and say as follows - To Interrogatory 1st he saith - I do To Interrogatory 2nd he saith I have known M^{rs} Gray three years. M^{rs} Gray and myself boarded at M^{rs} Long's Mt. Willing - Lowndes County in 1846 To Interrogatory 3rd he saith. M^{rs} Gray and I taught School during that year in the same house. To Interrogatory 4th he saith. My opportunities for observing her temper and disposition were good, She has a temper that is easily excited, and as easily reconciled. I do not think her peevish and petulant, I do not recollect any burst of passion

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or ill temper; She conducted herself with propriety so far as I knew. To Interrogatory 5th he saith. I have no reason to doubt her veracity. She seemed to have a great deal of firmness in her disposition tho' I do not think it amounted to obstinacy. I have never known her to receive mistreatment without resenting it in a proper manner. To Interrogatory 6th he saith. I know nothing further than I have answered to previous interrogatories. A.C. Thomason

This examination was taken, reduced to writing, sworn to, and subscribed this 18th day of June A.D. 1847. before me as witness my hand and seal H.B. Jones {LS} Commissioner

Testimony of Mary M. Long

Deposition of witness sworn and examined the 18th day of June in the year 1847 at Mt. Willing, County of Lowndes and State of Alabama, under, and by virtue of a Commission issued out of the Chancery Court of the State of Alabama for Lowndes County in a certain cause therein depending between Martha. M. Gray Complainant and Joshua Gray Respondent.

Mary. M. Long of Lowndes County being duly sworn and examined on the part of the Respondent doth depose and say as follows. To Interrogatory 1st She saith. I do. To Interrogatory 2nd I have been well acquainted with Complainant for two years. She boarded with me in 1846. I had such opportunities for observing her temper and disposition as persons usually have with their boarders. I do not think her temper unusually bad altho' I tried to avoid any difficulty by yielding to her wishes as far as possible, when she did get angry at anything she generally came herself to talk the matter over with me, and became apparently reconciled and was as friendly as ever. this occurred however only once or twice; in her disposition generally, she was overbearing and rather inclined to dictate, and when she expressed an opinion she adhered to it with the utmost decision, and could

not be persuaded out of it. To Interrogatory 3rd She saith. She told me that if he called to see her, she wished that I would not permit

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him to remain. I replied, That I kept a public house for travelers, and could not turn off any person so long as they behaved themselves as gentleman should. To interrogatory 4th she saith - I do not think she has the disposition wilfully to pervert the truth. To interrogatory 5th she saith. He made her an offer of reconciliation some time last year, at my house, he offered to give her any instrument of writing that she asked, and make any acknowledgements that she required. M^r Gray told me that he was willing to do this, and M^{rs} Gray told me that he had made her such an offer but that she did not think him sincere tho' I did not hear it made. To Interrogatory 6th she saith. I do'nt think of any thing more than what is stated in previous answers. M.M. Long

This examination was taken, reduced to writing, sworn to and subscribed this 18th day of June A.D. 1847. before me as witness my hand and seal. HB Jones {LS} Commissioner

Testimony of J. A. Thomason.

Deposition of a witness sworn and examined the 19th day of June A.D. 1847. at Lowndesboro. Lowndes County State of Alabama, under, and by virtue of a Commission issued out of the Chancery Court of the State of Alabama for Lowndes, County in a certain cause therein depending between Martha M. Gray Complainant and Joshua Gray Respondent.

Joshua A. Thomason of Lowndesboro being duly sworn and examined on the part of Respondent doth depose and say as follows. To Interrogatory 1st he saith, I do. To Interrogatory 2nd he saith, I did employ him, it was sometime in April I think, I can not say how long he continued in my employ. I think he was seeking other employment at that time. I do not know what the kind of services he desired. I am of opinion that he did make a journey about that time - whether before, or during the time he was with me, or soon after I am not able to say. I do not know where he went or what occupation he engaged in when he left my service. He was attentive.

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To Interrogatory 3^d he saith. I know nothing personally respecting his purchasing a negro. when I settled with him, I paid him more than his wages due, because he said he needed money - and for this I still hold his note. To Interrogatory 4th he saith. I cannot answer the first query. I resided in Vernon Autauga County, I was a physician, In the spring it was a healthy situation tho' in Autumn it was considered sickly. I do not know where I recollect Where, W^m R Terry lived at that time. J.A. Thomason

This examination was taken, reduced to writing, sworn to, and subscribed this 19th day of June A.D. 1847. before me as witness my hand and seal. H.B. Jones {LS} Commissioner

Interrogatories to Henly Brown & James Clepper Filed 31st Jan 1848

Martha M Gray v.s. Pro ami Joshua Gray }

In chancery at Hayneville Interrogatories to be propounded to Henley Brown Judge of the County Court of Autauga County; and to James Clepper Sheriff of said County? witnesses to be produced sworn and examined at the instance of the defendant in the above stated case

Interrogatory first, Do you know the parties, how long have you known Joshua Gray, during what years?
Interrogatory 2nd what were the habits of Joshua Gray as to temperance and industry while you knew him? what reputation did he bear in the community? Judge for Respondent

Commission to take Depositions

The State of Alabama To Jesse R Jones Esquire Know ye, That we, having full faith in our prudence and competency, have appointed you commissioners, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Henly Brown & James Clipper as witnesses in a cause pending in our Chancery Court of Lowndes County, wherein Martha M Gray pro ami is complt and Joshua Gray is deft on oath to be by you administered

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upon Interrogatories annexed to this Commission, to take and certify the Depositions of the Winesses and return the same to our said Courts to be holden on the 4th monday in May next under your hands and Seals. Witness, Edw^d H. Herbert Register of said Court of Chancery, at Office, in Hayneville this 16th day of Feby A.D. Eighteen hundred and Forty Eight and of American Independence the Seventy second year. E.H. Herbert Register

Issued 16 day of Feb 1848.

Testimony of H. Brown & J Clipper

Depositions of witnesses Sworn and Examined the 13th day of March in the year 1848 at Kingston under and by Virtue of a commission Issued out of the chancery Court of Lowndes County and State of Alabama in a certain cause therein depending between Martha M Gray pro ami complainant and Joshua Gray Defendant.

Henley Brown Henley Brown being sworn and examined on the part of the respondent doth depose and say as follows To the 1st Interrogatory he saith. I know Joshua Gray but I never was acquainted with Martha M Gray I have known Joshua Gray from about the years 1839 or 1840, I was more particularly acquainted with him during the years 1842, 1843 & 1844. To the second Interrogatory he saith: That the habits of Joshua Gray were temperate and industrious, His reputation was that of an honest & honorable man. Henly Brown

James Clipper James Clipper being sworn and Examined on the part of the Respondent doth depose and say as follows: To the first Interrogatory he saith: I know Joshua Gray but I was never acquainted with Martha. M. Gray, I have known Joshua Gray from about the years 1839 or 1840, I was more particularly acquainted with him during the years 1842, 1843 & 1844. To the Second Interrogatory he saith: That the habits of Joshua Gray were temperate & industrious. His reputation was that of an honest and honorable man J Clipper, J^r

The foregoing Examination of witnesses was taken reduced to writing subscribed and sworn to before me on this 13th day of March AD 1848 Witness my hand and Seal Jesse. R. Jones Commissioner

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Interrogatories L Tyres, Ja^s Price, Jn^o Price M^{rs} F. DeJarnett. D^r Pope & M^{rs} Pope Filed 15th Jan 1848

The State of Alabama 12th Dis So. ch. Div at Hayneville

Martha M Gray vs Joshua Gray } Interrogatories to be exhibited to Lewis Tyres, James Price, John Price Mr^s Fanny DeJarnett D^r Pope & M^{rs} Pope witnesses. To be produced Sworn and examined in behalf of the complainant M. M. Gray in the above Stated cause.

To all the witnesses 1st In. Do you know the parties to the suit above stated.

To Lewis Tyres 2nd In. Did or not M^{rs} Gray the plff teach at any time in your family. If yea - state when, and about how long. 3rd In. If J. Gray the deft visited your house during the stay of his wife there. If yea. State how often in the whole time - and state whether or not he made any advances towards a reconciliation with her. State what deft said or done about taking from plff their infant at any of his visits. State defts conduct in this particular. 4th In. How was M^{rs} Gray & her child supported while at your house. Did she or not receive any assistance from Deft in the time. what was the State of health of Deft & child while with your family. 5th In. Do you know any thing of a Store account made by plff with one Lewis Simpson. If yea. State who paid that account or any part of it & how much, & state whether deft. paid, or agreed to pay or refused to pay said account 6th In What was & remains the character of M^{rs} Gray for Morality & industry 7th In. Did you ever at any time hear deft speak of having his wife in a fit of passion. If yea. State what he said, when and where. 8th In. What were the defts habits when he lived about your county, as to temperance or intemperance in the use of spirits 9th In. If you know any other Matter or thing which would benefit

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the plff in the above suit be pleased to state the same.

To James & John Price 10th In. Do you know whether or not the plff came to the house of James Price in year 1842. If yea. please to state about what time she came there - and how long she remained there - where she went when she left there, & by what conveyance and whether her child was with her, and what was the state of the childs health. 11th In. where was the deft Gray during the plffs Stay at James Price's. If he called upon his wife, state how long he remained with her - and whether or not he left her there. and where he went to. state whether or not said Deft said any thing about being at the time seperated from her and what he did say as to that. Did he make any provision for his wife or child at that time.

To D^r & M^{rs} Pope In 12th Did M^{rs} Gray the plff or not reside at your house any part of the year 1842. If yea. state how long. state who supported her & her child. and what she followed for their support. Did or not the deft aid her in the means of living 13th In. where did deft live during the plffs residence at your house Did or not the plff M^{rs} Gray during her residence at your house, make any request of the deft to assist her or his child in any manner, or did she or not in any manner seek of deft a reconciliation. state all you may know of this and fully defts replies to such applications by plff. 14th In. Is or not the plff capable of raising and educating her daughter. give your opinions upon her capacities in this matter.

To M^{rs} Fanny DeJarnette 15th In Did you ever know of any ill treatment of Deft Gray to M^{rs} Gray. If yea be pleased when or about what time it took place. and particularly what he did, or said to distress insult or punish the plff. State any ill usage by him before the birth of their child or any thing which he said as to the treatment she would have received at his hands if they had been living to themselves. 16th In what is the disposition of Plff and her habits as to industry Cook for Plff

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Notice to Deft or Thomas J. Judge

Martha M Gray vs Joshua Gray } In chancery Southern Division 12th District at Hayneville

To Joshua Gray or his solicitor of Record Thomas J. Judge Esq^r You will take notice that the complt has filed in my Office Interrogatories to be propounded to Lewis Tyres James Price, John Price, M^{rs} Fanny DeJarnett D^r Pope & M^{rs} Pope, (a copy of which accompanies this notice) and ten days after you shall have been served with

this notice & said copy a commission will issue to take the depositions of said witnesses. Registers office in Hayneville Jan 15th 1848 E.H. Herbert Register

Shffs Return Executed a copy on Tho^s J. Judge Esq^r 21st Jan 1848 Ja^s M Newman Shff M.C. pr S. W. Hughes

Cross Inty^s for L Tyres, Jn^o & Ja^s Price D^r Pope & wife M^{rs} Fanny DeJarnette Filed 31st Jan. 1848

The State of Alabama Martha M Gray vs Joshua Gray }

12th Dis. So. ch. Div. at Hayneville

Cross Interrogatories to be exhibited to Lewis Tyres, James Price, John Price M^{rs} Fanny DeJarnette D^r Zachary Pope and his wife

1st Cross. Inty to Lewis Tyres When did complainant Martha M. Gray commence living in your family, and how long did she reside in your family? Did Respondent Joshua Gray ever visit your house while complainant lived there. Did comp ever to your knowledge give Respondent an opportunity to speak to her at your house? Did complainant ever Request or importune you to forbid Joshua Grays visiting your house? Did you ever forbid his visiting your house? If yea. at whose instance: was it at the instance of said Martha? Did not said Martha upon her first going to your house request you to not let respondent come there or see his child? Did your wife ever intercede with you or said Martha to let respondent see his child? How many and at what times did said Martha importune you to forbid Respondent access to your house or to his

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child? If you ever did forbid him access to your house, state when and at whose instance. Cross Inty 2nd What are your habits as to temperance or intemperance and do you ever gamble, or did you during the time said Martha lived in your family? Cross Inty 3rd Did you ever hear Martha Gray say she would or would not speak to Joshua Gray while living in your family? whether she would or would not become reconciled to him? did said Martha ever consult you about applying for a divorce? how soon after she went to your house did she consult you? did you employ attorneys, and who, and when? Did she commence a suit while at your house? If the law would have permitted it would she not have commenced her suit sooner, and what prevented it. State all you heard said Martha say about speaking to her husband or living with him: or about obtaining a divorce? Cross Inty 4th State all you know of your own knowledge of the account at Simpsons?

Cross Intys for Ja^s & Jno. Price Cross Inty 5th Have you testified in your examination in chief from your own knowledge or from the information of others Cross Inty 6th Please State what were the habits of Joshua Gray while he lived in your vicinity as to temperance industry & morality?

To D^r. Z Pope & wife Cross Inty 7th what were the habits of Joshua Gray as to temperance, industry and morality while he lived in your family? what was his occupation; and did he attend well to his business? was he or was he not a good teacher? Cross Inty. 8th In your examination in chief have you testified from your own knowledge or from the information of others? Have you ever been examined in a suit between the parties before? If yea State when? who was complainant and who respondent where was that suit pending and what was the object of that suit: Did Martha ever consult you or either of you upon commencing suit for a divorce against Respondant: If yea state when and where.

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37 37.

Cross Inty 9th If you or either of you ever heard Martha M Gray say any thing about a reconciliation. State when it was; State what was done? State whether it ever came to the knowledge of Respondent? Did you or either of

you at your previous examination tell Respondent that Martha Gray did write a letter soon after their separation to him: Did you know what said Martha ever did with that letter? Do you know that she ever sent it to him? Inty 10th State whether you ever knew of your own knowledge any mistreatment of said Joshua to his wife: How long did they live in your family? would you have permitted any mistreatment

To M^{rs} Fanny DeJarnette Cross Inty 11th were you ever examined before in a suit between the parties? If yea State when? where was that suit pending? who was complainant and who Defendant? Please State fully and particularly your testimony in said examination. Cross Inty 12th Did you ever live in a State of separation from your husband? If yea how long? what was the cause of that Separation? If it was on account of any disease in your family please state what that disease was Cross Inty 13th If you know of any mistreatment of Joshua Gray to his wife, please state particularly what? Did you not State in your previous examination that you thought it cruel treatment in Joshua Gray to turn his head away from his wife and refuse to look at her work? If yea what had he been doing that day, and what had said Martha been doing? State particularly all you stated before about the walk from Eli. T. Robinsons? Was Abul V Gray along at that time? Cross Inty 14th If you State any conversation between you and Joshua Gray, state all that was said? were you ever requested by Martha Gray to converse with Joshua Gray on their separation, and to charge your memory with all he said, and did you not charge your memory very particularly with all admissions which he made, without trying to recollect what he said in his behalf, as to the provocations he received. Judge Sol for Respondent

Respondent requires notice of the time and place of

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examination of the aforementioned witnesses, vis. Lewis Tyres. James and John Price. D^r Pope & wife, and M^{rs} Fanny DeJarnette. Joshua Gray Jan 31st 1843

Com to take Depositions The State of Alabama To William H. Northington Esquire Know ye, That we, having full faith in your prudence and competency, have appointed you commissioners and by these presents do authorize you at such time and place as you may appoint, to call before you and examine Lewis Tyres, James Price, John Price, Mr^s Fanny DeJarnette, D^r Pope & M^{rs} Pope as Witnesses in a cause pending in our Chancery Court of Lowndes County, wherein Martha M Gray is Complt and Joshua Gray is Defendent, on Oath to be by you administered upon Interrogatories annexed to this commission, to take and certify the Depositions of the Witnesses and return the same to our said court, to be holden on the 4th Monday in May next, under your hands and Seals.

Witness Edw^d H Herbert Register of our said Court of Chancery, at Office, in Hayneville this 5th day of Febuary A.D. Eighteen hundred and Forty Eight and of American Independence the Seventy Second Year EH Herbert Register Issued 5 day of Feb 1848

Depositions Depositions of witnesses, sworn and examined, the 3rd day of May in the year of Our Lord One thousand Eight hundred and forty Eight, under, and by virtue of a Commission issued out of the Chancery Court of the State of Alabama, for Lowndes County, in a certain cause therein depending, between Martha M Gray Complainant, and Joshua Gray Respondent.

Testimony of D^r Z Pope D^r Z Pope of Autauga County and State of Alabama, being duly sworn and examined on the part of the Plaintiff doth depose and say as follows: 1st Inty To the first Interrogatory, he saith. he knows the parties to said suit.

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12th Inty To the Twelfth Interrogatory he saith. the Plaintiff M^{rs} Gray did reside at his house during the year 1842. Some four or six weeks, and that he supported her and her child during that time, and that she did nothing for a support but was seeking business. he saith the defendant did nothing towards supporting her to his knowledge. To 13th Interrogatory he saith, he does not know where the defendant was living during the time the Plff lived at his house. he saith ~~that~~ he does not know that She applied to the Defendant to assist her or his child during her stay at his House, but that she wrote to the Defendant Gray requesting a reconciliation and directed the letter to the defendant - and that he (the witness), put the letter in the post Office himself. he saith that he does not Know that the Plaintiff ever received any answer to said letter. To the 14th Interrogatory he saith he considers the Plaintiff very capable of raising and educating her daughter.

To the 7th Cross Interrogatory he saith - that the defendant so far as he Knew was temperate moral and sufficiently industrious for the occupation in which he was engaged which was that of a teacher. he saith that he was generally attentive to his business, and that he Considered him a good teacher. but that he was rather too petulent. To the 8th Cross Interrogatory he saith that in his examination in chief he testified from his own Knowledge. he saith he has been examined in a suit between the same parties before, but does not recollect the exact date, but thinks it was after the 1st of January 1843. and that Martha Gray was Complainant and Joshua Gray was Respondent in said suit - but that he does not know where said suit was pending. he saith that the object of the suit was to obtain a divorce. he says that he does not recollect that Martha Gray ever consulted him in relation to obtaining or commencing a suit for a divorce against Respondent. To the 9th Cross Interrogatory - he saith he did not hear Martha Gray speak of reconciliation - during

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the year 1842. that she wrote to respondent but does not Know that it ever came to the Knowledge of Respondent. he says that in his previous examination he did tell Respondent that Martha Gray wrote to him Soon after their separation. and that she gave the letter to himself (the witness) and that he put in the post Office at Washington directed to Joshua Gray Zachary Pope

Examination taken reduced to writing sworn to and subscribed this 3rd day of May 1848 before me as witness my hand and seal W^m H. Northington {Seal} Commissioner

Testimony of M^{rs} Matilda F. Pope.

M^{rs} Matilda F Pope of the County of Autauga and State of Alabama being duly sworn and examined on the part of the Plaintiff doth depose and say as follows. To the 1st In. she answers yes To the 12th Interrogatory she saith that M^{rs} Gray did reside at her house during the year 1842 about a month or six weeks. and that she was supported by D^r Pope. that she followed no business for a support during her stay with them she did Sewing for the family during her visit. She saith Deft done nothing towards supporting Plaintiff to her Knowledge To the 13th Interrogatory - she saith she does not know where defendant lived during the time that the Plaintiff resided with them and that she does not Know that the Plff M^{rs} Gray ever made an application to deft to assist her or her child. she saith that the Plaintiff wrote to the deft: requesting a reconciliation and that she gave the letter to D^r Pope and directed him to put it in the post Office. she says she does not Know that the Plaintiff ever received an answer to said letter To the 14th Interrogatory She saith. She does consider the Plaintiff capable in every Respect of raising and educating her daughter.

To the 7th Cross Interrogatory She Saith that the deft Joshua Gray was temperate industrious and moral so far as she knew while living in her family. She saith that he was a teacher and attended regularly to

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his business _ says she knows but little about his management or mode of teaching _ but thinks he gave evidence of cruelty while teaching in her family. To the 8th Cross Interrogatory she saith, that in her examination in chief She answers from her own knowledge she saith she has been examined in a suit pending between the same parties before _ say she does not recollect the exact date but since the 1st Jany 1843, and that Martha Gray was Complainant and Joshua Gray Respondant. says she does not Know where that suit was pending. Says the object of said suit was to obtain a divorce Says she does not recollect that Plaintiff ever consulted her in relation to commencing a suit for divorce against Joshua Gray To the 9th Cross Interrogatory She saith that she heard Plaintiff speak of a reconciliation soon after the separation of the parties. and that the Plaintiff wrote to the deft requesting a reconciliation. says she does not Know whether it ever come to the knowledge of Respondant or not. says she did tell Respondent on her previous examination that said Martha wrote to him soon after their separation. and that said Martha directed it to deft: and sent it to the Post Office, _ To the 10th Cross Interrogatory she saith that she never Knew the deft: to treat the Plaintiff cruelly. but saith that she hath witnessed frequent instances of unkindness on his part. she says they Lived in her family some ten or Eleven Months. She says she would not have permitted any mistreatment if it had been in her power to prevent it. Matilda. F. Pope

Examination taken reduced to writing sworn to and and subscribed this 3rd day of May 1848, before me as witness my hand and seal. W^m. H. Northington {Seal} Commissioner

Testimony of M^{rs} Fanny DeJarnette M^{rs} Fanny DeJarnette of the County of Autauga and State of Alabama being duly sworn and examined on the part of the Plaintiff doth depose ~~and~~

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as follows. To the 1st Interrogatory she saith she does know the parties to said suit. To the 18th Interrogatory She saith she hath frequently witnessed acts of contempt and unkindness in Deft Gray towards his wife M^{rs} Gray. she says she does not recollect the precise date but thinks it was about six or seven years since. She saith that on One Occasion M^{rs} Gray and herself Walked to M^r Eli Robinsons, on a visit, and that when returning, accompanied by the defendant Gray, that the Plaintiff M^{rs} Gray, who was lame; became very much fatigued, and was unable to get along well without assistance, in this situation she requested her husband, Joshua Gray to assist her, three times; to her first request he seemed to reply playfully, but finally left her in a very unfeeling manner unassisted. She saith that on another occasion, when deft Gray was about to start off from (her the witnesses) house to a vilage in the neighborhood that the Plaintiff, called him several times for some purpose, and he, though in hearing treated her with silent contempt and did not answer her calls. She saith that at another time while the parties were on a visit at her house the Plaintiff approached the defendant in a very affectionate manner offering to show him Some work which she had just completed, apparently for the purpose of calling forth his approbation; but that he spurned her in a very contemptuous manner. She saith that she has witnessed various instances of unkindness indifference and neglect on the part of the deft towards complainant; that she has frequently Known him to refuse to speak when spoken to by complainant. She says she has heard the defendant say since the separation of the parties that he would have whiped the complainant frequently if they had been living to themselves instead of boarding in the house of another. To the 16th Interrogatory. She saith that she has ever considered the Plaintiff a Lady of very amiable disposition and remarkably industrious. To the 11th Cross Interrogatory, she saith she was examined once before in a suit between the parties. but

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does not recollect exactly when, but thinks it was three or four years ago. says she does not know where that suit was pending she says that she understood that M^{rs} Gray was Complainant and Joshua Gray Defendant, she says, she does not recollect what her evidence was in answer to the 12th Cross Interrogatory or any other

interrogatory of a particular number on her previous examination. To the 12th Cross Interrogatory she says she considers it insulting and irrelevant and in obedience to the instruction of her husband refuses to answer it. To the 13th Cross Interrogatory she saith that she stated all she Knew of the mistreatment of deft to his wife in answer to the 18th interrogatory; She does not recollect whether or not in her previous examination she said she considered it cruel treatment in Joshua Gray to turn his head from his wife and refuse to look at her work. she says does not recollect particularly all she said in her previous examination in relation to the walk from Eli T. Robinson; but refers you to her answer to the 18th Interrogatory in which has given the substance. she says that Abeil Gray was along a part of the time. To the 14th Cross Interrogatory she saith she does not recollect that M^{rs} Gray ever requested her to converse with Joshua Gray in relation their Separation nor does she recollect any other request made by Complainant referred to in said Interrogatory. Fanny DeJarnette

Examination taken, reduced to writing sworn to and subscribed this the 5th day of May 1848, before me as Witness my hand and seal W^m H. Northington {Seal} Commissioner

Testimony of Lewis Tyres Mjr Lewis Tyres of the County of Autauga and State of Alabama, being duly sworn and examined on the part of the plaintiff doth depose and answer as follows. To the first Interrogatory he saith that he does know the parties to the suit mentioned. To the Second Interrogatory, he saith that M^{rs} Gray did teach in his family as well as he now recollects a part of the year 1842 & 1843, and he thinks about

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fifteen or sixteen months during those two years. To the 3rd Interrogatory he saith that the deft visisted his House three or four times during the time which the plaintiff lived there: and that he might have done so oftener as he (the witness) was frequently absent he saith that the Defendant never made any advances towards a reconciliation with his wife, to his knowledge; he Saith that he has no recollection at present of what the deft. said or did about taking from Plaintiff their infant. To the fourth Interrogatory he saith that when M^{rs} Gray first came to his House, She taught School in his family for the first four or five months for the bourd of herself and child and he furnished a nurse for her child and the next year he gave her two hundred Dollars & Bourd, and he furnished a nurse for her child; he saith that the Plaintiff never received any assistance from the Defendant during her stay at his (witnesses) house; he saith that M^{rs} Gray & her child were both in bad health when they first came to his house & continued so for some time, but that the health of both had improved very much before they left; To the fifth Interrogatory he saith that he Knows that Lewis Simpson had an account against Plaintiff and that he (the witness) paid forty Dollars of said account as well as he now recollects, at the request of M^{rs} Gray, and with her money, or with money due her from him. and Simpson told him Deft refused to pay said account. To the 6th Interrogatory he saith that M^{rs} Gray was moral and industrious during the time she resided in his family; he saith that he does not think that he has seen her more than twice since she left his House; but that he has never heard any thing against her character morally or industry in any respect whatever; To the 7th Interrogatory, he saith he does not recollect ever having heard Deft. say any thing in relation to leaving his wife in a fit of passion. To the 8th Interrogatory, he saith he Knows but little of the Defts habits of his own Knowledge

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as he was but seldom in his company; he saith he has Seen him drink spirits; and that he does not Know that he ever saw him refuse when he was invited to drink. that he has frequently heard of his being intoxicated; but has no recollection of ever having seen him in that situation, To the 9th Interrogatory saith he knows that Plaintiff was abandoned by her husband, and thrown upon the charity of the world in bad health with a sickly infant and without means of support except her own exertions, and I employed her as a teacher in his family, through the solicitation and recommendations of M^{rs} J.M. Gordon a Lady whom he had the utmost confidence, who told

him of the destitute situation of the Plaintiff, and also, that she thought her well qualified to teach his children, that he never saw M^{rs} Gray to Know her untill She arrived at his house to take charge of his children.

To the 1st Cross Interrogatory he saith that Martha M Gray commenced living at his house according to the best of his recollection in July 1842, and left about the 1st of December 1843. he saith that Joshua Gray visited his house two or three times during that time, and that he might have done so oftener during his absence from home. Says he does not Know whether complainant ever gave respondent an opportunity to Speak to her or not or whether he ever wished to do so or not. I know that he might have had an interview with her at any time had he wished it. he saith that he knows that when he came to his House that Plaintiff always sent the child to him if she was not at the House his wife sent it to him. that complainant never did request him to forbid Deft visiting his House. he says he thinks that Complainant did say to him once that she would rather that he would not come, as she was fearful that he would Steal her child. he says he did forbid said Joshua Grays visiting his House. but not at the request of M^{rs} Gray, but on the ground of an Insult offered him by saed Deft; in having a writ of Habeas Corpus Served on him and an other reason, was that he was unwilling for a man

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of his character to visit his House To the 2nd Cross Interrogatory. he saith that he always considered himself a temperate man, and the only difference between respondent and himself as regards temperance or intemperance is that he (witness) drinks whenever it suits him and he (respondent) whenever he can get it. he says he plays cards whenever it suits him and he doubts not did so during the time that M^{rs} Gray lived in my family not for the purpose of gain, but merely to pass off time and for the amusement of my friends To the 3rd Cross Interrogatory. he saith he has no recollection of hearing Martha Gray say She would not speak to Joshua Gray, nor that she would not become reconciled to him. neither did she ever consult him in relation to applying for a divorce untill after he suggested it to her himself which was a long time after she had been at his house, and after he had understood from M^r DeJarnette and others that said Joshua never intended living with her again. he says he delivered an instrument of writing (which she drew up herself) to Thomas Mays of the firm of Mays & Hogue upon which the suit was commenced. he says he does not recollect the precise time - nor the time at which the suit was commenced. he says he does not Know whether she would have commenced the suit sooner if the Law had permitted. nor what prevented it. he says he does not recollect all he heard said Martha say about speaking to her husband on living with or about obtaining a divorce To the 4th Cross Interrogatory he saith he knows nothing of his own knowledge of the account at Simpsons, he saith that he paid Forty Dollars of said account - at the request of M^{rs} Gray and that Simpson told him that Defendant refused to pay any of it Lewis Tyres

Examination taken reduced to writing, sworn to and subscribed this 6th day of may 1848 before me as witness my hand and seal. W^m H. Northington {Seal} Commissioner

Testimony of Jas Price M^r James Price of the County of Autauga and State of Alabama being duly sworn and examined on

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the part of the Plaintiff doth depose and say as follows To the 1st Interrogatory - he saith he does Know the parties to the suit mentioned. To the 10th Interrogatory he saith the Plaintiff did come to the House of James Price - and thinks it was during the year 1842 says he does not recollect exactly what time she came there. thinks she remained there some three of four days. he thinks she went from there to J.M. Gordons or D^r Popes. thinks M^r Gordon carried her away in his carriage. and that her child was with her and in delicate health. To the 11th Interrogatory, he saith the Deft was in Vernon a part of the time, and that he called on the Plaintiff once

during the time she was at Ja^s Prices House. say he remained with her but a very short time and that he left her at the house of said Price. says he does not Know where deft went when he left. Says he does not recollect hearing the Deft say any thing in relation to being Separated from Plaintiff. says the Deft made no provision for his wife at that time. To the 5th Cross Interrogatory he saith that in his examination in chief he testified from his own Knowledge. To the 6th Cross Interrogatory he saith he knows but very little of of the deft's habits. says he knows nothing good of him. James H Price

Examination taken, reduced to writing, Sworn to, and subscribed this the 6th day of May 1848. before me, as witness my hand and and seal W^m. H. Northington {Seal} Commissioner

Testimony of Jn^o. W. Price John W. Price of the County of Autauga and State of Alabama being duly sworn and examined, on the part of the Plaintiff doth depose and say as follows To the 1st Interrogatory he saith that the Plaintiff came to M^{rs} Cathrine Prices House in the year 1842 according to the best of his recollection and that James Price might have been Staying there at the time, but says he does not Know that it was regarded as his house. thinks it was the spring of said year. says she remained there three or four days. thinks when she left there she went to J.M.

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Gordons or D^r Popes. thinks she went in D^r Popes Carriage. says her child was with her and in delicate health. To the 11th Interrogatory he saith, that Deft was in Lowndes County during the Plaintiffs stay at M^{rs} Prices, or a part of the time. he saith deft did call on his wife during her stay there. thinks he did not remain with her more than one hour. saith that he left her there. he saith when Deft left his wife he remarked to her that they were two persons from that time. says Deft made no provision for his wife or child at that time.

To the 5th Cross Interrogatory he saith that in his examination in chief that he answered from his own Knowledge. To the 6th Cross Interrogatory he saith he knew but little of the habits of deft. says he thinks he was temperate and industrious. says he was a man of violent passions. John W Price

Examination take reduced to writing, sworn to, and subscribed this 18th May 1848 before me as witness my hand and seal. W^m. H. Northington {Seal} Commissioner

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Interrogatories to N. MUNDIN Filed 7th Jany 1847

The State of Alabama Lowndes County } Martha M. Gray vs Joshua Gray }

In Chancery at Hayneville Interrogatories to be propounded to Neadam MUNDIN a witness to be produced, sworn and examined in the above stated cause at the instance of the defendant

Intgy first Do you know the parties in this suit?

Intgy 2^d Did you live at the house of Lewis C. Gaines in the winter ~~and Spring~~ of 1842? Did the parties live there? At what time did they come to said Gaines, state as nearly as you can recollect? how long did the parties live together at said Gaines.

Intgy 3^d How did the parties live together was it affectionately or otherwise. State as nearly as you can what their treatment was to each other, and did you live there during the whole time the parties did? Did you know of any disagreement between the parties while they lived at Lewis C. Gaines, if yea, state how you know it? how long after it occurred did you know it?

Intgy 4th If you saw any injury inflicted upon either or both state what caused you to notice it? would you have noticed it had not your attention been drawn to it? how long did you notice it. State fully the extent of the injury, where inflicted? If the eye of Martha M. Gray had been injured would you have been likely to have noticed it? If yea why would you have noticed it

Intgy 5th If you heard any uncivil, uncourteous, or provoking language used by either party, state which used it, and on what occasion or occasions?

Intgy 6th How did Joshua Gray provide for his wife? Did he provide well for her, or did he not?

Inty 7th Were you much in the company of Joshua Gray? If yea was he quarrelsome or peaceable? was he kind and obliging, or was he unkind a disobliging? Did he appear satisfied or discontented with his location? was there a difficulty in his school, if yea, was it such as to render his situation unpleasant?

Intgy 8th Should you say a difficulty did occur, and that you

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first heard it spoken of by the family, state what time of the year it occurred, was in warm or cold weather, by whom was it mentioned to you first? how was it spoken of at the time by the family? State whether it was spoken of as unprovoked ill treatment of Joshua Gray to his wife, or as a quarrel in which both parties had taken part, and in which both were to blame?

Intgy 9th Was Martha M. Gray even tempered, or was she peevish and petulant? If you ever heard her reproach her husband state on what occasions, with what language, and in what manner she did it?

Intgy 10th When did Joshua Gray and wife come to Lewis C. Gaines to live, when did Joshua Gray leave, and when did his wife

Intgy 11th At the time you and the parties lived at said Gaines, what were the habits of said Gaines in regard to drinking ardent spirits? Did he or did he not keep it constantly? Did he use it moderately or immoderately? How much do you think he drank a day? State particularly his habits of using spirituous liquors himself, and of administering it to his family? Did Complainant ever partake of it with the family, if yea say whether she appeared easily elevated by it? T.J. Judge Sol for Defendant

Exceptions to the Ints to N Mundin

~~Martha~~ M. Gray vs Joshua Gray }

Exceptions and Cross Interrogatories to the witness Neadham Mundin introduced by Deft

The plff excepts to the 7th Inter by Deft as being impertinent, irrelevant, leading & otherwise illegal

Excepts also to the 8th Inter by Deft, for the same reasons & for the seeking hearsay evidence

Excepts to the 9th In by Deft being leading

Excepts to Defts 11th In as being wholly illegal and excepts to answers to all said questions Cook for Deft

X Ints to N Mundin

Cross Interrogatory by plff to said Mundin X In 1 - If you saw the signs or bruises upon the face of M^{rs} Gray be pleased to describe the appearance of the side of the face particularly, and how long it remained?

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X 2 Was not M^{rs} Gray at the time very feeble and infirm in her person, had she the activity or strength to avoid or resist such violence as he chose to inflict upon her? was she not in fact quite lame, and apparently decrepit, and was not Gray a young man of at least ordinary ~~strength~~ bodily powers?

X In 3 Did not the Deft withdraw from the school & leave the plff & her child, and go away without ever returning to see them, or take them away?

X In 4th How long did they remain there after he left; and by what means did M^{rs} Gray get away when she left

X In 5th Did not the Defts brother after he left come to where M^{rs} Gray lived, and take off with him the nurse & such things as Gray had left, still leaving the plff destitute Filed in office 26th January 1847 Cook for plff E.H. Herbert Repr

Notice To Nat Cook Sol of record for Compl. Take notice that the foregoing Interrogatories are on file, and that after you have had ten days notice of the same, as the law directs a commission will issue to take the testimony of the witness therein named. Janry 7th 1847 T.J. Judge Sol for Defendant

Shffs Return Executed on N. Cook 20th Jany 1847 J.M. Cole Shff By J A. Branch DS

Inter to A. Brame Filed 7th Jany 1847

The State of Alabama Lowndes County }

Martha M. Gray vs Joshua Gray }

In Chancery Court at Hayneville Interrogatories to be propounded to Alexander Brame, a material witness for the respondent in the above stated case

Intgy first. Do you know the parties to the above stated case? when did you become acquainted with Joshua Gray, when with his wife, and about what time did they commence boarding at Lewis C. Gaines?

Intgy 2^d What occupation did Joshua Gray follow while boarding with Lewis C. Gaines? how far did you live from said Gaines,

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were you one of M^r Grays employers? If you answer that Joshua Gray taught school in your neighborhood, state when he commenced and when he quit teaching. Were you present when the contract was made with Joshua Gray to teach in your neighborhood? What was that contract? were the parties at liberty to end the contract or was it absolute and unconditional - State particularly the contract?

Intgy 3^d Was there any dissatisfaction among the employers of Joshua Gray? who were his employers? who were dissatisfied? were you at any time notified that his employers would meet in relation to that dissatisfaction? by whom were you notified? what was the proposed object of that meeting? where was it to be held? was the dissatisfaction such as to render the situation of M^r Gray unpleasant? Please state the times and circumstances particularly referred to in this Interrogatory

Intgy 4th Did you think the reports in relation to M^r Gray as a teacher correct or incorrect? was M^r Gray a good teacher? From your acquaintance with him, did you consider him a quarrelsome or peaceable man?

Intgy 5th In what County did Lewis C. Gaines live when the parties boarded with said Gaines? Was Joshua Gray attentive or inattentive to his business?

Intgy 6th Describe the roads in the winter and Spring in your section of the country - Was there any circumstances which rendered it difficult to pass through your section of the country in the winter and Spring with a carriage

Intgy 7th Did Joshua Gray apply to you at any time or times about his wages? State when & where? Was any money paid to Martha M. Gray by said employers out of the wages of Joshua Gray? If yea state when and how much?

Intgy 8th Had Lewis C. Gaines any property of his own except the undivided share of his wife in the estate of her former husband? State what you told said Gray in relation to making any money by law out of Lewis C. Gaines T.J. Judge Sol for Defendant

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53 53 53.

Notice To Nat Cook Sol of Record for complt - Take notice that the foregoing Interrogatories are on file and that after you have had ten days notice of the same as the law directs a Commission will issue to take the testimony of the witness therein named Jany 7th 1847 T. J. Judge Sol for Defendant

Filed in office 7th January 1847 E. H. Herbert Regr

Executed on N Cook 20th January 1847 J. M. Cole Shff By J. A. Branch D. S

Exceptions and Cr Ints to Ints to A Brame

Gray vs pro ami Gray }

Exceptions by plff, and cross interrogatories to Alexander Brame The Complt excepts to the 2 3 4 6 7 8 interrogatories by Deft on the grounds that they are severally irrelevant impertinent, leading, hearsay, and in other respects illegal. And to all answers thereto - We object to all that was said about any thing in his wifes absence

X In 1 How far was Gaines from the line of Perry County How far from Hamburg? Is Hamburg in Perry County and was that the nearest Post Office

X In 2 Did the Deft Gray go away from that place & leave his wife & child there?

X In 3 Did ever J Gray go back to that place to collect money from the patrons of the school?

X In 4 Did the Deft Gray give the patrons of that school any authority to pay his wife money on account of his supposed claims

X In 5 Dont you know that the patrons generally disputed paying Deft Gray any thing for his services.

X In 6 How long did Deft teach the school? Did not M^{rs} Gray also teach?

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X In 7 If you know of any money being paid M^{rs} Gray, do you not know that it was a mere voluntary thing, and that it was done because she was in a strange place & entirely destitute; and not because the deft had arranged it for her, or because deft had a legal demand for the money Cook for Com

Filed in Office Jany 26th 1847 E H Herbert Regr

Commission

The State of Alabama To Isham W Garrott, Hugh Davis and A. B. Moore Esqrs

Know ye that we, having full faith in your prudence and competency, have appointed you Commissioners and by these presents do authorise you or any or more of you, at such time and place as you may appoint, to call before you, and examine Alexander Brame & Neadam Mundin as witnesses in a cause pending in our Chancery Court of Lowndes County wherein Martha M. Gray pro ami is Complt and Joshua Gray is Deft, on oath to be by you administered, upon interrogatories annexed to this Commission to take and certify the Depositions of the witnesses, and return the same to our said Court to be holden on the 3^d Monday in February next under your hands and seals

Witness E. H. Herbert Register of our said Court, at office in Hayneville this 30th day of Jany AD eighteen hundred and forty seven and of American Independence the 71st year Issued 30 day of Jany 1847 E. H. Herbert Register

deposition of N Mundin & A Brame

The State of Alabama Perry County }

By virtue of a Commission hereto attached issued by E. H. Herbert Register in the Chancery Court at Hayneville on the 30th day of January AD. 1847 in a certain cause now pending in said Court wherein Martha M. Gray pro ami is Complt & Joshua Gray is Deft I Isham M Garrott one of the Commissioners therein named have caused the said Alexander Brame & Needam Mundin

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to come before me on this the 10th day of February AD 1847. The said Mundin being first sworn deponeth and says as follows

To the 1st Int he says - That he knew a man in Dallas County Ala in 1842 by the name of Joshua Gray whose reported wife deponent believes was named Martha

To the 2nd Int He answers. That according to his best recollection he commenced living at the house of Lewis C. Gaines in Dallas County Ala in the month of January or February 1842 & so continued until about the first of October 1842. The said Joshua & Martha Gray lived there also a part of the time - according to his best recollection they came to said Gaines in February or March 1842 & lived together in the house of said Gaines from one to three months

To the 3rd Int he answers That he made the house of said Gaines his home during the time the said parties remained there that the conduct of the said parties towards each other so far as deponent observed was such as deponent believes is common between hubands and wives, respectful and friendly & if deponent had not heard from said Gaines and his family that there had been a brush of a fight between them deponent never would have suspected any thing wrong between them - Deponent knows of no disagreement between said parties of his own knowledge. but states that in some short time after he had heard that a disagreement had taken place between said parties he saw a slight bruise under one of the eyes of M^{rs} Gray which had the appearance of having been caused by a blow.

To the 4th Int he answers That his attention was drawn to the bruise above mentioned by M^{rs} Gaines, but cannot say whether he would have noticed it without that or not. He noticed it for some three or four days. The bruise was slight not calculated to inflict any lasting injury. The place was well before M^{rs} Gray left the house of M^r Gaines & deponent did not hear any complaint of injury by M^{rs} Gray from said bruise. Deponent believes if the eye of M^{rs} Gray had been injured that he would have noticed it after once having had his attention drawn to it

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To the 5th Int he answers. That he has no recollection of ever having heard any uncivil, uncourteous, or provoking language used at any time by either of said parties.

To the 6th Int he answers That if M^{rs} Gray wanted any thing at any time, witness does not know it.

To the 7th Int he answers. That during the time deponent was at the house of M^r Gaines with M^r Gray, he was generally in his company from Saturday ~~night~~ evening until Monday morning of each week. M^r Gray did not seem to be quarrelsome, or unkind, so far as deponent saw. M^r Gaines lived on prairie soil & the witness heard said Gray express dissatisfaction at the mud but nothing else as well he now recollects. Witness heard that there was a difficulty in the school of M^r Gray, but knows nothing of it of his own knowledge. whether it was such as to render the situation of M^r Gray unpleasant or not he does not know

To the 8th he answers That the difficulty above alluded to occurred some time in the early part of the Spring of the year 1842, it was mentioned to witness by M^{rs} Gaines it was spoken of by her as well as witness recollects as if Gray was in fault

To the 9th he answers That he knows nothing of the temper of M^{rs} Gray & does not now recollect that he ever heard her reproach her husband

To the 10th he answers That M^r and M^{rs} Gray came to the house of Gaines according to deponents best recollection some time about the last of January or first of February 1842. Gray left in April and M^{rs} Gray some time in May as well as witness recollects.

To the 11th he answers That M^r Gaines generally kept ardent spirits while M^r & M^{rs} Gray lived with him. M^r Gaines generally took three moderate drinks per day, one before each meal and no more, as witness believes on an average. Witness never saw Gaines the least

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intoxicated in his life. He sometimes gave his wife and children drams & in cold wet weather he gave his negroes liquor, but it was always used in moderation. M^{rs} Gray did sometimes take a little toddy, but always by solicitation of M^{rs} Gaines & always seemed rather reluctant to drink at all. Witness has heard M^{rs} Gray say that her head was easily affected by liquor but he never heard her say or do any thing amiss from its effects within his recollection.

Answers to Cross Interrogatories

To the 1st Cr Int he answers - That he has answered as well as he can this Cr int, in his answer to the 4th direct Int

To the 2^d Cr Int he answers M^{rs} Gray at the time of the bruise on her face was in her usual health. She was a delicate and infirm woman & lame & apparently decrepit She was in witness opinion at the time able able to avoid or resist any severe violence which M^r Gray might think proper to inflict on her. Gray was some 25 or 30 years of age & something under the medium strength of men

To the 3rd Cr Int ~~Cr Int~~ he answers That M^r Gray in consequence's of some disagreement about his school, as witness was told, left M^{rs} Gray & her child in April at M^r Gaines & did not return for them or take them away. M^{rs} Gray took her child & went in search of Gray as witness was informed

To the 4th Cr Int he says That M^{rs} Gray & her child remained from 4 to 6 weeks after Gray left & witness was told that M^r Gray Gaines sent them as far as Hamburg Perry Co about 6 miles on their way. How they got from there witness does not know

To the 5 Cr Int he says that he knows nothing of the matters inquired about in this Int of his own knowledge. He understood that the nurse & such things as Gray had left were carried off by his brother N. H. Mundin

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Deposition of A Brame

Alexander Brame being duly sworn says on oath as follows. To the interrogatories proposed to him

To the first interrogatory he answers. That he knows the parties to the above suit, became acquainted with Joshua Gray according to his best recollection in January or February 1842 - with his wife in February 1842 & in February 1842 they commenced boarding at Lewis C. Gaines as well as witness now remembers

To the 2nd Int he says The professed occupation of Joshua Gray was teaching school while at Gaines. He lived about one mile from said Gaines. Gray commenced teaching school in his neighborhood, as well as witness recollects in Febry 1842 & quit teaching as well He ~~as witness recollects~~ remembers some time in March 1842. Witness does not recollect whether he was present, or not, when the contract was made with Gray for teaching school although he was one of his employers, nor does know the nature of the contract

To the 3rd he says. There was dissatisfaction as witness was informed among some of the employers of Gray. His employers were Lewis C. Gaines, Thomas Turnbow, Wade H Watson dec^d & witness. Witness was told that Messrs. Turnbow and Watson were dissatisfied. Witness does not recollect any thing of the remaining matters inquired about in this interrogatory

To the 4th he says He does not recollect enough about the reports concerning the qualifications of M^r Gray as a teacher to give any definite opinion as to their correctness. Witness considered M^r Gray a good teacher & from his acquaintance with him a peaceable man or in other words not a quarrelsome man

To the 5th he says That Gaines lived in Dallas County where Gray & his wife boarded with him & Gray as far as witness knew was attentive to his business

To the 6th he says That the soil of the section of the country in which said Gaines and witness resided at the time above spoken of was prairie soil & in winter & Spring

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was in the condition usual with such soils, bad and difficult for carriages to pass through

To the 7th he says He does not recollect that Gray applied to him until some 12 or 18 months after he had left the neighborhood of witness as well he recollects for witness, portion of his wages. The application was made in Perry County

~~To the 8th he says~~ That he paid M^{rs} Gray five dollars which he understood was to be taken out of his share of Grays wages & he also understood that the other employers of Gray also paid M^{rs} Gray some money in the same way, some time in the Spring of 1842 in Perry or Dallas Co but does not know how much

To the 8th he says That Gaines had no property except such as he might have gotten by his wife of his own within the knowledge of witness. Does not recollect that he ever said anything to Gray about making money out of Gaines

To the Cross Interrogatories he says

To the 1st he says that Gaines was two or three hundred yards from the line of Perry County. About 4 or 5 miles from Hamburg. Hamburg is in Perry Co & was the nearest Post Office to Gaines

To the 2nd he says Gray went away from Gaines, and left his wife and child there

To the 3rd He did not come back for that purpose as witness was told about 12 or 18 months after

To the 4th he says Gray did not within witness knowledge

To the 5th The patrons of the school as witness understood was willing to pay Gray for the time he taught. Gray asked more than that & the patrons refused to pay more

To the 6th ~~he says~~ Witness has stated as well as he recollects the time Gray taught in his answer to the 2nd direct

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Interrogatory. M^{rs} Gray did not teach. To the 7th

The money that was paid M^{rs} Gray by the patrons of the school was paid without the authority or direction of M^r Gray as far as witness knew & he was told that the object of its being paid to her was to enable her to get to her friends in Autauga County. Witness cannot decide upon the lgality of Grays demand for the money Alexander L Brame

Examination of witness Mundin taken reduced to writing, sworn and subscribed on the 10th & of witness Brame on the 11th of February AD. 1847, before me. As witness my hand and seal on this the 11th day of February 1847 J. W Garrott {seal} Com^r.

I, J. W. Garrott the Commissioner above named do hereby certify that the above witness Mundin has sworn that he has attended to give his testimony in the above case one day & that he had & would have travelled to and from the place of taking the same 24 miles. And the witness Brame sworn that he attended two days for the same purpose. Witness my hand and seal on the day and date J. W. Garrott {seal}

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Interrogatories to A W Gray

The State of Alabama Lowndes County }

Martha M Gray vs Joshua Gray }

In Chancery at Hayneville Interrogatories to be propounded to Abiel W Gray a witness to be produced, sworn and examined at the instance of the defendant in the above stated cause

Interrogatory First Do you know the parties, and what relationship do you bear to defendant

Intgy 2^d How long did the parties live together as husband and wife? State the families in which they lived, how long they lived in each family, the time when and in what Counties

Intgy 3^d Was Martha Gray kind and respectful to her husband or unkind and disrespectful? If you heard her use any uncivil or disrespectful language to her husband, or about her husband state when it was as near as you can recollect, and when and where she used it? What is the temper and disposition of Complainant

Intgy 4th State all that occurred between the parties while returning from Eli T. Robinson's to John P. DeJarnette's one evening in the Summer of 1841? Who else was present? What was the condition of the road, was it rough or smooth? State what occurred after their return to the house of John P. DeJarnette

Intgy 5th Did you ever hear Joshua Gray propose to his wife to go to housekeeping; and in what manner did she treat his request and reply to it

Intgy 6th If you ever heard Complainant say any thing about running Defendant in debt state what she said, and when and where?

Intgy 7th What occupation did you follow during the year 1842. Did your business call you frequently through the neighborhood of Lewis C. Gaines of Dallas County. About what time did defendant and his wife go to live at said Gaines? When did Joshua Gray quit his occupation in the neighborhood of said Gaines? What was his occupation? Why did he quit it? When did Complainant follow him to Autauga County? Did you see Complainant while she remained at said Gaines after defendant left? Did defendant make any provision for the

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support of his wife after he left said Gaines? Were you directed by defendant to make any provision for his wife during that time? Why did he ask you to do it instead of going, and doing it himself? Did you bear any message from defendant to any one to provide for his wife? If yea to whom, and what was the message? Did defendant ever ask you to make any provision

Intgy 8th Which of the parties spoke to you first of a separation Did you ever hear Joshua Gray speak of a separation before Complainant came to Vernon in 1842? Were the declarations directions to you about his wife while she remained in Dallas County, or any thing else in his conduct which indicated an intention to abandon his wife

Intgy 9th If you took a negro girl away from Complainant while she was in Dallas County, state all the circumstances of your taking her away? Had Joshua Gray at that time any other servant? State his pecuniary circumstances? If defendant was embarrassed in his pecuniary affairs in the Spring of 1842, state why he was embarrassed

Intgy 10th State who owned said negro girl when you took her from Complainant? Did you offer to let Complainant keep her? State her reasons for refusing? Did she afterwards and how long afterwards request of you to let her keep the servant, and what was your reason for refusing

Intgy 11th How did Joshua Gray employ his time from the time he left his wife in Dallas County, till she followed him to Vernon in Autauga County? Where did ~~the~~ defendant live the remainder of the year 1842 after Complainant came to Vernon? Where did he live and what did he follow during the year 1843? Where did he live and what occupation did he follow during the year 1844? Where has he lived, and what has he followed since the year 1844? Where do you reside, and how long have you resided where you now do? Has defendant any relations in this state except yourself and family

Intgy 12th Do you know any thing of an account made by Complainant against defendant at the store of Simpson and Hightower in Vernon in the Summer of 1842. After

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complainant came from Dallas? If yea, was it reasonable or unreasonable? Was it consistent with the means of her husband? Did you know of any attempt made to compel payment of said account from Defendant? If yea how was the attempt made, and how long after the account was made? Had you before the account was made cautioned Defendant to beware of such accounts? If yea, state why you gave him that caution? Intgy 13th Did you ever have a conversation with Lewis C Gaines about a disagreement between the parties while they lived together at his house? If yea, state what that conversation was, the time when and place where? Intgy 14th If you know any other matter or thing which would benefit the defendant please state it as fully and particularly as if particularly interrogated thereto. Tho^s J Judge Sol for Defendant

Int filed Filed in Office 22^d Jany 1847 E. H. Herbert Regr

Notice

To M^{rs} Martha M. Gray or her Solicitor of record N Cook Esquire You will take notice that the Deft has filed the foregoing interrogatories in the Registers Office, and ten days after you shall have been served with a copy of the same, a commission will issue to take the testimony of said Witness Jany 22^d 1847 Tho^s J. Judge Sol for Deft

Executed on N Cook 22^d January 1847 J M. Cole Shff By J A Branch DS

Commission

The State of Alabama To William H. Rogers and James A Rabb Esqrs Know ye. That we, having full faith in your prudence and competency, have appointed you Commissioners, and by these presents do authorize you or any one or more of you

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at such time and place as you may appoint, to call before you, and examine A W. Gray, as witness in a cause pending in our Chancery Court of Lowndes County, wherein Martha M. Gray pro ami is Complt and Joshua Gray is Deft on oath to be by you administered upon interrogatories annexed to this Commission, to take and certify the deposition of the witness, and return the same to our said Court to be holden on the 3^d Monday in February next

Witness E H Herbert Register of our said Court of Chancery, at office in Hayneville this 30th day of Jany AD. eighteen hundred and forty seven, and of American Independence the 71st year E. H. Herbert Register Issued 30 day of Jany 1847

Deposition of Abiel W Gray

The State of Alabama Monroe County }

Sworn and examined the eighth day of February 1847 at Pineville in the County of Monroe and State of Alabama, under and by virtue of a commission issued out of the Chancery Court of Lowndes County and State aforesaid, in a certain cause therein pending wherein Martha M. Gray pro ami is plaintiff and Joshua Gray is defendant. The said Abiel W Gray being duly sworn and examined on the part of the defendant doth depose and say as follows

To the first Interrogatory he saith I do know the parties and the defendant is my brother To second Intgy He saith, the parties lived together as husband and wife a little more than two years. I think they were married in Feb 1840. They lived in the family of D^r Pope of Autauga Co the remainder of that year. The year 1841 they

lived in the family of John P DeJarnette of Autauga Co. I think all the year. And from ~~from~~ the first of Jany 1842 until sometime in March of the same year they lived in the family of Lewis C. Gaines of Dallas County

To third Intgy he saith Martha M. Gray was frequently unkind & disrespectful to her husband. I have often heard her use disrespectful language to her husband

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65 65 65.

At D^f Tho^s Friths in Autauga Co in the fall of 1840. Deft had been to a store, and bought some Kentucky geans for pantaloons. When plaintiff saw the cloth she threw it on the floor in a very angry manner and told Deft if he would wear such stuff as that he might get some body else to make it up for she would not. In the Spring of 1841 Deft was about ten miles from his boarding house one day surveying land. I was with him all day. He did not finish till about sunset. I invited him to go to my boarding house which was only two miles, and stay all night. He did so and the next morning I accompanied him to his boarding house M^f J. P. DeJarnetts. When we arrived there plaintiff gave Deft a severe reprimand for not returning the night before and told him that D^f Pope did not leave his family all night in that way. She often told him in my hearing that he was not so kind to her as D^f Pope & M^f Gordon were to their families. At many other times she used uncivil language to him. I consider Complainant very peevish and petulant in disposition

To Intgy 4th he saith - One evening in the Summer of 1841, plaintiff, Deft, myself and several others were at Eli T. Robinsons in Autauga County on a visit. On our return to John P. De Jarnetts, Plaintiff rode a part of the way with M^f & M^{ss} Gordon in a buggy. When their road turned from ours, I requested plaintiff to ride with me on my horse. She said she had rather walk as it was but a short distance, and the rest were walking. She soon approached Deft, and took hold of his arm. Deft in a playful manner Sprang from her. They both laughed, and the same was repeated two or three times in the same playful manner when plaintiff commenced crying and appeared very angry and upbraided Deft with unkindness for not offering his arm to her, and continued reproaching him until bed time that night. I think W^m DeJarnetts wife was present I dont recollect any body else. The road was smooth and level.

To Intgy 5th he saith, I have heard Joshua Gray propose to his wife to go to housekeeping, but she invariably objected to it very strenuously.

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To Intgy 6th he saith Complainant told me twice in a threatenng maner that she could run Deft in debt five hundred dollars, and he would have it to pay. She told me so once at Lewis C. Gaines, and once at D^f Popes in Autauga County

To Intgy 7th he saith. I was agent for Daniel Pratt & Co of Autauga Co during the year 1842. My business did call me frequently through the neighborhood of Lewis C. Gaines of Dallas Co. ~~I think~~ I think Deft and his wife went to said Gaines to live about the first of Jany 1842 I think Joshua Gray quit his occupation in that neighborhood, some time in the month of March 1842. School teaching was his occupation. I think some misunderstanding between him and his employers was the cause of his quitting. As near as I can recollect Complainant followed him to Autauga Co. in June 1842. I did see Complainant while she remained at said Gaines. After defendant left plaintiff and Lewis C. Gaines both told me that Deft made an arrangement with said Gaines, when he left to provide her with every thing she needed. I was directed by Deft to make some provision for his wife during that time. It was much more convenient for me to do it than for him to as my business led me into that immediate neighborhood, and his business required his attention from seventy five to a hundred miles from there. I did bear a message to Lewis C Gaines to provide Complainant with every thing she

needed. Said Gaines told me that he would do so. He said he was owing Deft, and he would as soon pay him in that way as any

To Intgy 8th he saith. Plaintiff spoke to me first about a separation. To the remainder of this Interrogatory he saith there was nothing in the declarations or conduct of Joshua Gray that caused me to think he intended to abandon his wife while she remained in Dallas County or at any other time

To Intgy 9th he saith. I did take a negro girl away from Complainant while she was in Dallas County. I had bought the girl from Deft, and paid him for her, several weeks

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before, but was willing for Complainant to keep her until Deft should move his family to Autauga Co; and before informing Complainant that I had bought the negro girl, I made an arrangement with Lewis C. Gaines to board the said negro girl while Complainant remained at his house. I gave strict orders that the negro girl should be under the exclusive control of Complainant. that she should not be required to render any service to said Gaines or his family. And for her board I was to pay said Gaines one dollar per week. When I informed Complainant that I had purchased the said negro girl of Deft, and of the arrangement I had made with Lewis C. Gaines for the board of said negro Complainant told me she did not want to keep the negro if I had bought her. She said that she had nothing to do only to nurse her babe, and she did that the most of the time anyhow; and if I had bought the negro girl she had rather I would take her away. She appeared very angry about the girls being sold. I then went into Perry County and hired the said girl out, and in a few days I returned to Lewis C. Gaines. The man to whom I had hired the negro girl sent a man with me to carry the negro to his house When I arrived at the said Gaines Complainant objected to said negro girls being taken away. She said she should go to Autauga Co. in a short time, and would want a servant while on the boat from Selma to Vernon. She still said she did not need her only while on the boat. My reasons for refusing were 1st I knew Complainant would be on the boat but a few hours to go to that distance. 2nd I knew there were always a plenty of servants on boats to wait on passengers 3^d I did not wish or intend to disappoint the gentleman who had hired the negro. 4th I knew it would take me near a week to go to Autauga Co to get the negro girl and carry her back to Perry Co, which I knew would be very prejudicial to the interests of my employers, besides being quite expensive to me, and as I thought very unnecessarily. 5th I had become fearful that if I left the said negro girl with Complainant that she would dispose of ~~her~~ clandestinely her in a clandestine manner, as she had spoken of leaving her husband of running him in debt &c. Joshua Gray had another servant at that time in Autauga Co. He was very much embarrassed in a pecuniary point of view in the Spring of 1842. He had not at that time paid all the debts he contracted while in

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Collge, and I think he was disappointed in collecting some money that was owing to him which prevented him from meeting his contracts, and caused him to sell the negro girl to me to enable him to do so.

To Intgy 10th he saith. The answer is comprised in the answer to the 9th interrogatory

To Intgy 11th he saith. Joshua Gray was collecting for D^r Thomason of Vernon Autauga Co, and for the firm of Simpson & Hightower of the same place; but I think a short time before Complainant followed him to Vernon he commenced teaching school at W^m Robinson's in Lowndes County near Vernon. I think deft lived at W^m Robinson's the remainder of the year 1842. He lived in Wetumpka most of the year 1843, and studied law He lived at Turnbull in Monroe County, and taught school in 1844. He has lived at Monroeville in Monroe Co, and has been practicing law since 1844. I reside in Pineville Monroe Co. I moved to this place in January 1844. Deft has no relations in this State except myself, and family, and his wife, and child

To Intgy 12th he saith I do know something of an account made by Complainant against Deft at the Store of Simpson & Hightower in the Summer of 1842 I think it was unreasonable. I think was inconsistent with the means of her husband. An attempt was made to compel payment of said account from Deft, by swearing out an attachment, and levying on every thing the Sheriff could find belonging to Deft. This attempt was made in a few days after the account was made I had cautioned deft to beware of such apt, or had told him I believed she would run him in debt. I believed so from her manner when she told me that she could run him in debt five hundred dollars

To Intgy 13th he saith. I did have a conversation with Lewis C. Gaines about a disagreement between the parties while they lived together at his house. Said Gaines told me that they were both to blame, and he thought about equally to blame. He said that

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69 69.

Complainant was too importunate and dictatorial and Deft was of too hasty a temperament. Said conversation was at his home after Deft left. Said conversation was at the house of said Gaines

To Intgy 14th he saith. Deft always provided well for his family, and paid strict attention to his business Abiel W Gray

Examination taken reduced to writing by the witness sworn to and subscribed this eighth day of February 1847 before me James A Rabb one of the Commissioners a Justice of the Peace in and for Monroe County and State of Alabama as witness my hand and seal

James A. Rabb Com {seal}

Interrogatories for Elisa DeJarnette

The State of Alabama Lowndes County }

In Chancery at Hayneville

Martha M. Gray vs Joshua Gray }

Interrogatories for Elisa De Jarnette wife of John P. DeJarnette, a witness to be produced, sworn and examined at the instance of Defendant in the above stated cause

Interrogatory first Do you know the parties to the above stated cause, and when did you become acquainted with each of the parties

Inter second Did Joshua Gray ever live in your family if yea how long? Did Joshua Gray and his wife Martha M. Gray ever live in your family? If yea how long, and in what year? Did they have a child when living in your family? If yea when and where was it born?

Inter third what occupation did Joshua Gray follow while he lived in your family? was he or was he not attentive to his business

Inter fourth How did Joshua Gray treat his wife was it kindly or unkindly? Did he or did he not provide well for his wife?

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Inter fifth Did you or did you not at any time hear Martha M. Gray use any insulting language to her husband? If yea state where it was, and what it was?

Inter sixth Did you or did you not ever hear Martha M Gray call her husband a fool? If yea state whether Joshua Gray gave his wife any cause to use such language? Did you ever reprove her for any language you heard her use to her husband? If yea, state in what language you reproved her

Inter seventh Did you or did you not ever hear ~~her~~ any quarrel between the parties when they were together in their room? If yea, what was it about? If you should answer that you heard any quarrel between ~~the parties~~ them in their room, did you hear either tell the other a falsehood, and what was that falsehood, if any such you heard?

Inter eighth State all you know about Martha M. Grays leaving her husband in the winter of 1841 to go to D^e Popes was he sick or well, was she absent with or without his consent? how long was she absent? Did you advise her to go or not to go? Did you ever hear her tell him you did or did not advise her to be absent? what did you hear her tell him about it, where were the parties when you heard it? and was it true or false what you heard

Inter ninth Did you know any thing of Martha Grays trying to get a school to teach in the neighborhood of William R Terry in the year 1841? If yea, state what you know about it

Inter tenth If in your answer to interrogatory seventh you should answer that you heard a quarrel between the parties in their room was it by night or day? was Complainant or was she not very angry? Did she or did she not appear to quarrel willingly?

Inter eleventh Was Martha M Gray even tempered, or was she peevish and petulant? were her occupations suitable to the means of her husband? Did you or did you not ever hear her object to keeping house? Did Complainant while she lived at your house ever complain of ill treatment from her husband. How did she always represent his treatment

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to her during the time they lived with you? Please confine your answers to her statements made while living in your family Tho^s J. Judge Sol for Defendant

Notice

To M. M. Gray or Nat Cook her Sol of Record. Take Notice that the foregoing interrogatories have been filed, and after you have had ten days notice of the ~~time and place~~ same a commission will issue to take the testimony of said witness T. J. Judge Sol for Deft

Filed in Office 12th Jany 1847 E. H. Herbert Regr

Executed on M. M. Gray Jany 15th 1847 J. M. Cole Shff

Intys to Mrs Tyus

The State of Alabama Lowndes County }

In Chancery at Hayneville

Martha M. Gray vs Joshua Gray }

Interrogatories to be propounded to Mary Tyus wife of Lewis Tyus a witness to be produced sworn and examined at the instance of the Defendant in the above stated case

Interrogatroy First. Do you know the parties to the above stated case

Interrogatory second Did Complainant Martha M. Gray ever reside in your family? If yea, from what time, to what time? What occupation did she follow? Did she complain of any feebleness? If yea, of what?

Interrogatory third Did Joshua Gray call at your house while Complainant lived in your family? If yea, how many times to the best of your recollection? How did Martha Gray conduct herself towards defendant? State whether she ever to your knowledge afforded him any opportunity to speak to her? Did you hear her make any request of your husband Lewis Tyus whether he should or should not

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permit Joshua Gray to come to his house to see his, defendants child? was he permitted to see said child when Complainant first lived in your family, if yea by whose ~~interference~~ intercession and interference? If your husband at any other time forbade defendant visiting his child at your house, state by whose request it was made, when it was made? Did Joshua Gray visit his child during the latter part of the time Complainant lived in your family? If he did not, do you know of any cause for it? Did you keep Joshua Gray ordered away from your house while he was with his child If yea, by whom was he so ordered, and at whose instance? was it at the instance of complainant

Interrogatory fourth What was the conduct of Joshua Gray when he visited your house? Did you know of any conduct that justified the treatment he received Did you ever remonstrate against the treatment Defendant received at your house? If yea, with whom did you remonstrate

Interrogatory fifth What is the disposition and temper of Martha M Gray? Is she even tempered or is she peevish and petulant? Is she a person of truth and veracity? Is she easily pleased, or is she difficult to please? Did she while living with you demand much or little attention

Interrogatory sixth If you objected to her remaining longer than she did at your house please state the reasons of your objections.

Interrogatory seventh State as particularly every matter and thing within your knowledge that would benefit defendant, as if particularly interrogated to every such thing or matter? T. J. Judge Sol for Defendant

Notice

To Martha M. Gray or Nat Cook her Sol of Record

Take notice that interrogatories has been filed in the office of the Register by Deft to M^{rs} Mary Tyus

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and after you have had ten days notice thereof a commission will issue to take the testimony of said witness Janry 13th 1847 T. J. Judge Sol for Deft

Filed in Office 12th Janry 1847 E. H. Herbert Regr

Executed on M. M. Gray January 15th 1847 J. M. Cole Shff

Inter to Robert Simpson

The State of Alabama Lowndes County }

In Chancery at Hayneville

Martha M. Gray vs Joshua Gray }

Interrogatories to be propounded to Robert W Simpson, a witness to be produced, sworn and examined at the instance of the defendant in the above named case

Interrogatory 1st Do you know the parties above named?

Inter 2^d Were you Clerk in the Store of Simpson and Hightower in Vernon Autauga County during the Month of July 1842? If the Complainant about the 11th day of July 1842 made an account for goods at said store, and had the goods charged to defendant please refer to the books in which said account was charged, and set it out fully and accurately in your answer to this interrogatory?

Inter 3^d Was the defendant consulted ~~about~~ to your knowledge about said account before it was made

Inter 4th Was there any attempt made to compel the defendant to pay said account

Inter 5th Should you in your answer to interrogatory fourth answer that there was an attempt made state what attempt was made?

Inter 6th If you answer that an attachment was issued out against the defendant to compel payment

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of said account, state to what Court it was ~~made~~ returnable, and what disposition was made of said Attachment Tho^s J Judge Sol for Defendant

Notice of the filing of Int to R W Simpson

To M^{rs} Martha M. Gray of to N. Cook Esquire her Attorney of Record

You will take notice that the Deft has this day filed in the Office of the Register in Chancery the foregoing interrogatories, and ten days after you shall have been served with a copy of the same a commission will issue to take the testimony of said witness Jany 22^d 1847 Tho^s J. Judge Sol for Deft

Certificate of Commissioner

The name of Robert W. Simpson was was inserted in there interrogatories, and in the Commission accompanying after the issuance of the latter by the consent of Complainant and Respondents Solicitors H. B. Janes Commissioner

Filed in Office 22^d Jany 1847 E. H. Herbert

Executed 22 January 1847 on N. Cook Esqr J M Cole Shff By J. A. Branch DS

Cr Int to R. W. Simpson

Gray vs Gray }

Cross Interrogatories to Robert W Simpson

X In 1 Did not the Deft Gray dispute the account and did he ever pay it, or any part of it

X In 2 Had not M^{rs} Gray a child of the Defts and was she not poor & afflicted Cook for Com

Filed in Office 27th Jany 1847 E H. Herbert Repr

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Interrogatories to W^m R Terry

The State of Alabama Lowndes County }

In Chancery At Hayneville

Martha M. Gray vs by next friend Joshua Gray }

Interrogatories to be propounded to William R. Terry, a witness to be produced, sworn and examined at the instance of the Defendant in this case

Interrogatory first Do you know the parties in this case?

Intgy Second Did you know the parties during the year 1841? If yea where did they live

Intgy third If there was any negotiation between you and either or both of the parties in relation to complainants taking a school in your neighborhood, state what complainant said to you about it? Did Complainant or did she not solicit the situation? Where was she to have boarded had the school been made up? State the reason why the school was not made up.

~~Intgy fourth Did Complainant during any other year make an engagement to teach a school in your neighborhood? If yea state when as near as you can recollect? Where was Joshua Gray~~

Intgy fourth Did Complainant during any other year and after the separation of the parties solicit a school in your neighborhood? If yea? ~~If yea~~, state where she was to have boarded had said scholl been made up for her

Intgy fifth Did the defendant at any other time make an engagement for Complainant to teach a school in your neighborhood? If yea, state when, as near as you can recollect? Where was Joshua Gray living at that time, and what was he doing? how far did he live from your house?

Intgy sixth Should you state that Joshua Gray engaged a situation for complainant to teach in your neighborhood during the Summer of 1842? State where the ~~engagement~~ agreement was for her to board? Where had she been living previously

Intgy seventh If you know any thing of Martha Gray coming from Dallas County to Vernon in the Summer of 1842 state about what time it was? Were you at Vernon the day

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she came to Vernon? Was it, or was it not on that day that Joshua Gray made said engagement with you for his wife to teach school in your neighborhood? Was any thing said about furnishing Complainant with a servant, and who was to furnish the servant

Intgy 8th What time in the day was said agreement made? had you received any message previously from Joshua Gray in relation to his wifes living at your house If yea from whom did you receive it, and how long previous Did you or did you not make any preparation to take complainant to your house that evening of the engagement Was any conversation passed between you and Joshua Gray late that evening in relation to complainants going or not going to your house? State all of that conversation as fully as you can recollect? Please state what gave rise to that conversation.

Intgy 9th Did you live in a healthy or sickly location Was the location healthy or sickly where Joshua Gray was then living? Did you think the arrangement made with you by Joshua Gray for his wife to go to your house (in his circumstances) a prudent or an imprudent arrangement? Did you discover in the defendant in making that

arrangement any disposition to not provide for his wife, or to neglect her? Give you reasons pro or con as to the propriety or impropriety of said arrangement in view of the pecuniary, and all other circumstances of the parties

Intgy 10th In your answer to interrogatory fourth state whether complainant afterwards attempted to make with you a similar arrangement? If yea in what year

Intgy 11th How did Joshua Gray employ his time during the Spring of 1842 after he left Dallas County till complainant came to Vernon from Dallas? How long had you then known defendant, what was his private character in your County, and what was his reputation as a teacher

Intgy 12th If you know any other matter or thing that would benefit defendant, state it as fully as if you were particularly interrogated thereto Tho^s J Judge Sol for Defendant

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Notice

To Nat Cook Sol for Complainant

Take notice that the foregoing interrogatories are on file in the Registers Office, and ten days after you have notice of the same a commission will issue to take the testimony of said witness Tho^s J. Judge Sol for Deft

Filed in office 22nd Jan 1847 E H Herbert Regr

Executed on N Cook 22th January 1847 J. M. Cole Shff By J A Branch DS

X Ints to W R Terry

Gray vs Gray }

Cross interrogatories to the witness William R Terry

The Complainant objects to all of defts conversations unless complt was knowing to them, and present at the time

X In 1 Did not the deft Gray tell you on the day that M^{ts} Gray arrived at Vernon that he and his wife were separated

X In 2 Was it indispensable that M^{ts} Gray should have gone that day to take the school, if any was made up.

X In 3 What portion of the conversations between yourself and Gray was ever communicated to M^{ts} Gray if any state what it was

X In 4 If you know any other thing which would benefit the complainant in this suit you are requested to state the same as fully as if you were thereto expressly interrogated Cook for Com

Filed in Office 27th Jany 1847 E. H. Herbert Regr

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Interrogatories to J. G. Graham

The State of Alabama Lowndes County }

In Chancery at Hayneville

Martha M. Gray vs Joshua Gray }

Interrogatories to be propounded to John G. Graham a witness to be produced, sworn and examined at the instance of the defendant in the above stated case

Interrogatory first Do you know the parties to this suit?

Interrogatory second Do you remember of Meeting with Joshua Gray the defendant in this suit at Rockford in Coosa County during the Spring Term of the Circuit Court of Coosa County for the year 1842? If yea about what time of that year was it? Was there any negociation between you and said Gray in relation to his taking a school for the remainder of that year in your neighborhood? Did said Gray propose to furnish a female teacher to teach with him, and whom did he propose to furnish? Did he say any thing about his wife during that negociation? Did he propose to make any and what provision for her? Where did he say she was then was, and what did he say she was doing? State by whom that negociation was broken off? Was it either by you or said Gray, or was it by some other person or persons

Interrogatory second If you should answer that Joshua Gray in said negociation proposed to furnish his wife as a female teacher, say whether his solicitation was on his part or yours? Judge Atty for Defendant

To Martha M. Gray or Nat Cook her Sol of Record

Take notice that Defendant has filed the foregoing interrogatories; and after you have had ten days notice of the same a commission will issue to take the testimony of said witness Tho^s J Judge Sol for Deft

Filed in Office 12th Jany 1847 E H. Herbert Regr

Executed on M. M. Gray January 15th 1847 J. M. Cole Shff

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Gray vs Gray }

Exceptions and Cross Interrogatories to John G Graham a witness of the Deft by Com

Exceptions

The complt excepts to the whole of the second and third interrogatories as being evidence made by the deft & as sayings and doings of the Defts unknown to Complt, and being in other respects incompetent & illegal She also excepts to the answers of the witness unless he states that complt was present or knew the facts at or about the time, and also unless the witness can swear that it was before the Deft left the Complainant in Dallas or Perry at Gaines Cook for Com

Filed in Office 26th Jany 1847 E. H. Herbert Regr

Interrogations to M M^cQueen

The State of Alabama Lowndes County }

In Chancery at Hayneville

Martha M. Gray vs Joshua Gray }

Interrogatories to be propounded to Murdock M^c Queen, a witness to be produced, sworn and examined at the instance of the defendant in this suit.

Interrogatory first Do you know the parties to this suit? If yea how long have you known them?

Interrogatory second - When did you first become acquainted with the Defendant Joshua Gray? What occupation did he then follow, and how long did you know him to follow that occupation

Interrogatory third - Should you answer that his occupation was that of school teaching, were you at any time his student. How long were you his student, where did he teach at that time, and where did he board

Interrogatory fourth Should you answer that he boarded at the home of John P DeJarnette, answer in what relationship John P DeJarnette stands to you

Interrogatory fifth Did you know the parties to live together as husband and wife, how long and where did they live

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80 80

did they live in the same family with you at any time, if yea in what family? in what County, how long, and in what year when and where was their child born

Interrogatory sixth What were your opportunities of observing the conduct of the parties towards each other? how did Joshua Gray conduct towards his wife? how did she conduct towards him Did you know of any cruel, unkind, or uncivil treatment of either towards the other. If you at any time heard any uncivil, uncourteous or abusive language from either party to the other relate particularly what it was on what occasion it was used, what cause if any was given for it

Interrogatory seventh How did Joshua Gray provide for his wife? Was he attentive or inattentive to his business Is he quarrelsome or peaceable? Was Martha M. Gray even tempered, or was she peevish and petulant

Interrogatory Eighth If you at any time at the table heard Martha M. Gray apply to her husband any opprobrious or insulting epithets, state particularly what they were and whether you saw in him any provocation for them Did you at any other time hear her use any insulting language

Interrogatory ninth How did Martha M. Gray employ her time while you knew her? State in what manner she did employ her time? Were her employments consistent with the means of her husband? Did you ever hear him object to the manner in which she employed her time? Was she always dutiful and obedient

Interrogatory tenth Did Martha M. Gray during the year 1841 attempt to get a school to teach, if yea where, was it in the neighborhood of William R Terry? How far was that from where said Joshua Gray was teaching? Where was Joshua Gray teaching in the Spring of 1842 when Martha Gray came from Dallas to Autauga, and how far was that from the home of William R. Terry

Interrogatory eleventh Should you answer that Joshua Gray was teaching for William Robinson of Lowndes County in the Spring or Summer of 1842 when said Martha came from Dallas to Autauga County? State whether said Robinson lived at a sickly or healthy place? Whether said Robinson

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moved to any other place and passed the summer. And into what neighborhood did he move, and did Joshua Gray move with him, and continue to teach for him

Interrogatory twelfth State the general character of Joshua Gray in the community where he was known previous to his marriage, and while the parties lived together? What was his reputation as a teacher

Interrogatory thirteenth State what you know about Martha M. Grays leaving her husband in the winter of 1841, and going D^f Popes? how long was she absent? was it with or without his consent? Who went with her to D^f Popes, who brought her back

Interrogatory fourteenth State all you know that would benefit Defendant as fully as if you were particularly interrogated thereto Tho^s J. Judge Sol for Defendant

Notice

To Martha M. Gray or Nat Cook her Sol of record

Take Notice that the foregoing interrogatories have been filed, and after you have had ten days notice of the same a Commission will issue to take the testimony of said witness. Tho^s J. Judge Sol for Deft

Filed in Office 12th Jany 1847 E. H. Herbert Reagr

Shff Return Executed on M M. Gray Jany 15th 1847 J. M. Cole Shff

Cr Ints to M. McQueen

Gray vs Gray }

Cross Interrogatories to Murdock M^cQueen a witness produced by the Deft

X In 1 About what age were you in 1841

X In 2 Is M^f John P DeJarnette or any of his family with whom M^f Gray boarded, or any portion of them still living. if they are whereabouts do they live

X In 3 Had not M^f DeJarnette and his family much better means of knowing how the parties lived together & acted towards each other than you had

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X In 4 If you say that you that M^f Gray provided for his family state what that provision was & whether you saw him buy or pay for those provisions, and to what amount

X In 5 If you ever heard M^{ts} Gray use at table any improper expressions to M^f Gray? State what it was & what gave rise to it & whether the expression was true or untrue? State every body else that heard the same & state precisely the time or as near as possible

X In 6 What opportunities had you of knowing how M^{ts} Gray employed her time? had you the means of knowing whether her employments were consistent with the means of her husband, or not. Had you at that time a knowledge of the proper dutifulness & obedience due from wives to their husbands? State all the facts upon which your Judgments were formed

In 7 Do you know of your own knowledge whin M^{ts} Gray came from Dallas or Perry in 1842. If yea state the time

In 8 Do you not know that D^f Pope & family had been kind and hospitable to M^{ts} Gray before the time referred to in Defts 13th interrogatory, and that M^{ts} Gray being invited went to D^f Popes to visit a few days & attended a marriage of a daughter of the family. And dont you know that M^f Gray himself accompanied M^{ts} Gray on the way to the place & that he never went to bring her back, but in fact permitted her to remain there until she was brought back by others perhaps M^f De Jarnettes family? State all that you recollect upon the subject? Was not D^f Pope and family all respectable

In 9 What means had of knowing the character of Deft Gray among the people at large? Did you converse with the people generally about his character Do you not know that a great many people disliked him & spoke ill of him Cook for Com

Filed in Office 27th Jany 1847 E H Herbert Regr

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83 83. 83

The commission to taken the Depositions of the last named witnesses has been lost or mislaid E H Herbert Regr

Deposition of Elisa DeJarnette

Deposition of a witness sworn and examined this 4th day of May AD. 1847 at Vernon Autauga County Alabama, under and by virtue of a commission issued out of the Chancery Court of the state aforesaid for the County of Lowndes, in a certain case therein depending between Martha M. Gray pro ami Complainant and Joshua Gray Respondent

Elisa De Jarnette being duly sworn and examined on the part of the Respondent, doth depose and say as follows

To interrogatory 1st she says. I do. I became acquainted with M^r Gray about the year 1839 and M^{rs} Gray about the year 1841

To interrogatory 2^d He did for two years. M^r Gray and his wife lived in my family from January to November 1841. They had a child born at my house in October 1841

To interrogatory 3^d she says he was teaching school and was attentive to his business

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84 84. 84

To interrogatory 4th He was not an affectionate husband. I should not from my observations of his treatment of her call him a kind husband. He provided for M^{rs} Gray as well as he was able so far as I saw

To interrogatory 5th she says during a quarrel at the table at my house I heard her call him a fool

To interrogatory 6th she says After the language stated in my answer to interrogatory 5th she asked me if I blamed her for any thing she had said to him. I replied that I did not think she had said any thing wrong except her calling him a fool. The cause of her using such language was as well as I can recollect as follows They M^r & M^{rs} Gray were returning from a neighbors he came home a few minutes before she did. When she came in her feelings seemed wounded, they did not I think meet in the house until they came to the table, she then asked him why he left her on the hill. I thought it at first said in a joke, and remarked to M^{rs} Gray - Oh we dont expect to be gallanted here among the hills - She replied But M^{rs} DeJarnette I am a poor cripple and need help M^r Gray made some reply. I do not remember the words. but he showed that he was angry. then she replied well Joshua I would not act like a fool. And I do not think it was in an angry tone.

Interrogatory 7th One night after supper I heard loud words between them in their room, and fearing that he might be doing her some violence I ran up to the head of the stairs, saw them sitting in chairs near the fire and I heard him call her an old broken down hag, or an old worn out hag, or something of that sort. I do not remember any thing of any falsehood passing between them

To interrogatory 8th she says She went in the Spring of 1841 to D^r Popes to attend a wedding. I think he was not willing that she should go. But he finally consented and went with her she went about a fortnight before the wedding. he returned and during her absence he had chills. she was absent about two weeks. I do not think that I

gave her any advice about it tho I did remark to her that I did not see why he did not wish her to go. that Miss Pope was her best friend and she had no domestic affairs to keep her at home. I do not know that remember that she or he said any thing about it in my hearing

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85 85. 85

To interrogatory 9th she says I only know that there was a talk of her teaching there, but I do not remember any of the particulars

To interrogatory 10th I do not remember to have heard her say any thing at that time

To interrogatory 11th she says I do not think that she was peevish and petulant, her health was very bad while she was at my house, and I do not think she was any more peevish than any woman would have been in the same situation. She was generally industrious, and her occupations were I thought suitable to her means, and intended to be useful to him. I have heard her say they were poor, had no servant, and that she was a cripple, and in bad health, and she did not feel able to do the drudgery of a home, and therefore preferred boarding She never complained to me of ill treatment, tho often found fault with his ways. his not doing as she wanted him to I do not remember that she said any further about his treatment of her. Elisa W. DeJarnett

The above examination was made reduced to writing and sworn to, and subscribed this 4th day of May 1847 before me as witness my hand and seal Henry B. Janes {LS} Commissioner

Deposition of M. L. Tyus

Deposition of witness sworn and examined this 6th day of February in the year 1847 at Lewis Tyus, residence in Autauga County State of Alabama under and by virtue of a commission issued out of the Chancery Court of the State of Alabama Lowndes County, in a certain case therein depending between Martha M Gray pro ami Complainant and Joshua Gray Defendant

Mary L. Tyus being duly sworn and examined on the part of the deft does depose and say as follows

To interrogatory 1st she saith I know Martha M. Gray. But have only a slight acquaintance with the defendant Joshua Gray

To interrogatory 2^d She did she came to reside in my family in July 1842 and continued to reside with me until December 1843. She was a school teacher, she was feeble, frequently complaining of hemmorrhage at the lungs

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86 86. 86

To interrogatory 3^d He did, either three or four times. The complainant never afforded him any opportunity to speak to her, but avoided him. I do not recollect that I ever heard her make such a request of my husband. He was permitted to see his child, as well as I can ~~recollect~~ remember, through the intercessions of various members of the family with complainant. She expressed a fear that if an opportunity was afforded him (Gray) he would take the child from her. In the latter part of the year 1843 she requested my husband to forbid him to come to the house. I do not know for what reason, and my husband did forbid him accordingly. After he was forbidden to come he never visited his child while she was living in our family in consequence as I presume of his having been forbidden by my husband. I did hear him ordered away from the house by my husband while he was with his child, but do not know at whose instance the order was given, though from various circumstances I believe it was at the instance of the Complainant

To Interrogatory 4th When he visited our house he conducted in a gentlemanly manner. I knew of no conduct on his part that justified the treatment he received. I did not re remonstrate with any one in regard to the treatment he received at my house

To interrogatory 5th I think she is not even tempered but rather peevish and petulant. I think she is a person of truth and veracity. She was very hard to please when she lived with us. She required considerable attention more than ladies ordinarily do

To interrogatory 6th I did object to her remaining longer than she did, because I thought her cross toward my children, and she was generally an unpleasant woman for me to live with

To Interrogatory 7th My acquaintance with the Defendant was limited to his visits to my house, and at such times, I saw nothing objectionable in him, tho, his visits were always short. Farther than this I can not state respecting him Mary L. Tyus

The above examination was made, reduced

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87 87. 87

to writing, and sworn to and subscribed this 6th day of February AD. 1847 before me as witness my hand and seal

Henry B. Janes {LS} Commissioner

Deposition of R. W Simpson

Deposition of a witness sworn and examined this 4th day of May in the year of our Lord 1847 at Vernon Autauga County State of Alabama under and by virtue of a Commission issued out of the Chancery Court of the state aforesaid for the County of Lowndes in a certain case therein pending between M^{rs} Martha M. Gray pro ami complt and Joshua Gray Respondent

Robert W Simpson being duly sworn and examined on the part of the Respondent doth depose and say as follows

To Interrogatory 1st he says I do

To interrogatory 2nd he says. I was not acting as their regular Clerk at that time, but had previously been their Clerk; and as an accommodation to my brother L Simpson of the firm of Simpson and Hightower, I assisted in selling to M^{rs} Gray the goods referred to in this interrogatory. The account as shewn by the books of Simpson & Hightower was made on the 2^d day of July AD 1842, and is as follows, to wit,

To merchandise 8/.	1 Leghorn Bonnet \$9.00	\$10.00
8 yds Calica 2/6	2 1/2 yds Calico 2/6	3.28
2 yds brow Camk 2/.	1/2 yds bk silk 13/.	2.95
21/2 yds worsted plaid 8/.	1 pr calf shoes \$2.50	5.00
1 pr slippers 16/.	1 ball cord 1/.	2.12
1 Tooth brush 4/.	1 pr side combs 8/.	1.50
1 pocket knife 9/.	1 card Buttons 5/.	1.50
1 pap Needles 1/.	1 bunch braid 1/.	.25
1 silver thimble 4/.	3 yds Cont Ribbon 5/.	2.88

1 Lawn Hdkf 16/.	21/2 yds Ribbon 4/.	3.25
1 Vial paragoric 2/.	1 pr Gloves 10/.	1.50
3 yds check muslin 7/.	4 yds edging 4/.	4.63
21/2 yds Thd Edging 8/.	1 workd Collar 48/.	8.50
21/2 yds Lawn 4/.	2 yds Calico 2/6	1.87
1 Corded Skirt 12/.	63/4 yds flannel 6/.	6.56
8 yds calico 3/6	10 yds Cambric 8/.	13.50

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2 yds Cambric 12/.	51/4 yds Alapaca cloth 14/.	\$12.19
13 yds domestic 2/6	3 spools thread 1/.	4.44
2 pr Childrens hose 2/.	1 pr Childrens shoes 5/.	1.13
1 pr childrens shoes 8/.	21/2 yds calico 2/.	1.63
	whole amt	\$88.19

account viz - Merchandise ^{8/} was for articles bought by Gray himself that day before his wife came in, the remainder was M^{rs} Grays, and she ordered them charged to him, or asked if she could make a bill in his name & on being told that she could purchase the articles with the understanding that they were to be charged to him

To interrogatory 3^d he says He was not

To interrogatory 4th & 5th There was. there was an attachment taken out against him

To interrogatory 6th he says. I do not, as it regards that know what disposition was made of it, nor to what Court it was returnable

To Cross Interrogatory 1st he says. The Clerk who presented the account to M^r Gray told me that he, Gray, did dispute the account, and on that I, as agent for my brother L Simpson ordered an attachment issued, and I do not think he has ever paid the account - as it stands open against him on the books

To Cross interrogatory 2^d he says She had a child, and was a poor woman, was lame, but I do not know that she was otherwise afflicted R.W. Simpson

The above examination was made, reduced to writing, and sworn to, and subscribed this 4th day of May 1847 before me as witness my hand and seal Henry B. Janes {LS} Commissioner

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89 89 89.

Deposition of W^m R. Terry

Deposition of a witness sworn and examined this 8th day of February in the year of our Lord 1847 at W. Wetumpka Autauga County, State of Alabama, under and by virtue of a commission issued out of the Chancery Court of the State of Alabama aforesaid for the County of Lowndes in a certain case therein depending between Martha M. Gray pro ami complainant and Joshua Gray Respondent

William R. Terry being duly sworn and examined on the part of the Respondent doth depose and say as follows

To Interrogatory 1st I do

To interrogatory 2nd I knew them at that time but do not remember where they lived

To interrogatory 3^d Some time in the month of June, and my belief is in the year 1842, though I cannot positively state the year, Joshua Gray applied to me for a ~~situation for~~ a school for his wife in my neighborhood some 2 1/2 miles North from Vernon Autauga County. M^{rs} Gray said nothing to me respecting a school at that time. Had the school been made up she was to have boarded at my house. This conversation with the respondent Gray took place in the morning and my understanding then was that she was to come out to my house in the evening of the same day. I called on M^r Gray to know if M^{rs} Gray had concluded to take the school he replied I have concluded to quit her for she does not seem disposed to do any thing that I wish her to do

To interrogatory 4th Sometime in the Spring of 1844 the complainant was at my house, trying to make up a school, in the neighborhood of the Gholsons, a mile or so above me. I do not know where she was to have boarded

To interrogatory 5th I do not know that the defendant ever made any other engagement for his wife to teach in my neighborhood

To interrogatory 6th She was to board at my house. I do not know positively where she had been living but my impression is that M^r Gray told me that they had been living in Dallas County

To interrogatory 7th She came about the day that he made the engagement for her tho I can not state positively that it was the same day. nor whether I was at Vernon the day that she came there. The engagement was made in Vernon. M^r Gray

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was to furnish the complainant with a nurse for the child

To interrogatory 8th It was made in the fournoon. I think I had received no message from him previously. I did not make any preparation to take her home with me. I only called to see whether she was going. The conversation that passed was the reply stated in my answer to interrogatory 3^d one That he had concluded to quit her for she did not seem disposed to do any thing that he wished her to, and that she wished to go to M^r Gordons, but he would not permit her to, as he considered M^{rs} Gordon his bitter enemy

To interrogatory 9th It was considered healthy. I do not know where he was then living; I cannot say whether it was a prudent or imprudent arrangement as I did not and do not know enough of his circumstances to enable me to determine. I thought he was making the arrangement for the sake of providing her with a home, and that he seemed disposed to provide for her and not to neglect her

To interrogatory 10th She made no attempt with me

To interrogatory 11th I think he was then unemployed up to June. I had known him intimately for several years previous and he had a good character so far as I knew, his reputation as a teacher was very good

To interrogatory 12th I know nothing else than what I have stated to his benefit

Cross Ints

To Cross interrogatory 1st he saith. I do not know that It was on the day of her arrival, but he told me so about the time of her arrival

To Cross interrogatory 2^d I did not think it was

To Cross interrogatory 3^d There was none communicated to her by me

To Cross interrogatory 4th Sometime after the conversation with me respecting a school for his wife, say two or three months afterwards. M^r Gray the defendant stated to me

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that he was glad of the separation, because he was poor and he was fearful that this increase of his family would always keep him so, and further deponent saith not W R Terry

The above examination was made, reduce to writing and sworn to and subscribed this 8th day of February AD 1847, before me, as witness my hand and seal. Henry B. Janes {LS} Commissioner

Deposition of J. G. Graham

Deposition of a witness sworn and examined the 8th day of February in the year 1847, at the Penitentiary of the State of Alabama, under and by virtue of a Commission issued out of the Chancery Court of the State of Alabama for Lowndes County in a certain cause therein pending between Martha M. Gray Complainant and Joshua Gray Respondent

John G. Graham being duly sworn and examined on the part of the Respondent doth depose and say as follows

To interrogatory 1st I have a slight acquaintance with the Respondent, but do not know his wife

To interrogatory 2^d I remember meeting him at Court in the year 1842, but can not say what time in the year. There was a conversation between said Gray and myself in regard to a school in my neighborhood. I think he proposed to take the school, and to bring his wife as a teacher if necessary. he stated that she was then teaching in Autauga County or Dallas or Perry. I do not remember that he said any thing of making provision for her. The negotiation was broken off by myself and D^r J. H. Thomas

To interrogatory 3^d The proposition was made by Gray J. G. Graham

The ~~answers~~ examination contained in the foregoing pages was made, reduced to writing, sworn to and subscribed this 8th day of February AD 1847 before me as witness my hand and seal Henry B. Janes {LS} Commissioner

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Cr Int & Exceptions

To exceptions by complainant the witness says the Complainant was not present and did not know the facts. I cannot state that it was before the Deft left the Complainant in Dallas or Perry J. G. Graham

The above answer to exceptions and cross interrogatories was made, reduced to writing, sworn to and subscribed this 8th day of February AD 1847 before me as witness my hand and seal Henry B. Janes {LS} Commissioner

Deposition of M. M^cQueen

Deposition of witness sworn and examined the 5th day of February in the year 1847 at Vernon - County of Autauga - State of Alabama, under and by virtue of a Commission issued out of the ~~Court~~ of Chancery Court of

the State of Alabama for Lowndes County in a certain cause therein depending between Martha M. Gray pro
ami Complainant and Joshua Gray Defendant

Murdoch M^cQueen being duly sworn and examined in the part of the Deft doth depose and say as follows

To interrogatory 1st he saith I do. I have known Joshua Gray since 1837, and Martha M Gray for three or four
years

To interrogatory 2^d In the fall of 1837. he was then a school teacher, and followed that occupation I think from
three to five years

To interrogatory 3^d I was his student for two years or more, he then taught near M^r J. P. DeJarnettes, and
boarded in his family

To interrogatory 4th John P DeJarnette is my step father

To interrogatory 5th I knew the parties to live together as husband and wife for six months or more at D^r Popes
and at M^r J. P. DeJarnettes for 12 months. They lived with me in M^r DeJarnettes family in Autauga County for
twelve months. I do not remember in what year. Their child was born during their residence at DeJarnettes the
month and year I do not remember

To interrogatory 6th I was frequently with the family and had good opportunites for observing the conduct of the
parties towards

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each other. his treatment of her at times was unkind. She treated him kindly. I thought she acted foolishly
sometimes, but I think it was through kindness to him. I have never known any cruel treatment of the defendant
toward his wife. but have thought him at times unkind and uncivil in his manner of refusing to answer questions
which she has asked him, as when she asked him where he was going he would sometimes turn away and
sometimes repulse her rudely, and many similar instances I knew her at one time to call him a fool. We were
sitting at the table at DeJarnetts, she expressed a wish to go to D^r Popes. he seemed unwilling to have her go. in
the course of the conversation at this time she called him a fool. I do not think he intentionally gave her any
cause to do so. She also, at one time, as M^r we M^r Gray and myself, were leaving the house, requested me to
watch him and let her know whether he went to W^m Terrys or not he had previously told her he was going to
Terrys

To interrogatory 7th I do not know how he provided for her. He was attentive to his business. I think him
naturally a peaceable man. she was even tempered so far as I know, but I have seen her in a passion

To interrogatory 8th Witness answers this interrogatory by the answer to interrogatory 6th

To interrogatory 9th I do not know how she employed her time. I do not know of any instance that would enable
me to decide whether she was dutiful and obedient except the one mentioned in answer to interrogatory 6th in
her wish to go to D^r Popes when she went contrary to his wishes

To interrogatory 10th I have an indistinct recollection of M^{rs} Gray attempting to get a school at D^r Popes or W^m
Terrys during the year she lived at my step fathers, but can say nothing positively, and illegible cannot answer
further to this interrogatory

To interrogatory 11th During the time defendant was teaching for William Robinson he lived in a healthy place.
When defendant commenced living with teaching for Robinson he (R) lived in a sickly place, but about the

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commencement of the sickly season he moved to DeJarnetts neighborhood about 8 miles from Vernon Autauga County, a healthy location, and Defendant came with him and continued to teach for him. Tho, I do not recollect the year

To interrogatory 12th Previous to his marriage he stood fair in the community in which he lived. Subsequently to his marriage he became somewhat unpopular. He was considered an excellent teacher

To interrogatory 13th I cannot answer

To interrogatory 14th I can make no further answer to this interrogatory than what is included in previous answers, save that M^r Gray and myself were always very friendly

Cr Int to M. M^cQueen

To Cross interrogatory 1st I was about 17 years old

To Cross interrogatory 2^d John P. DeJarnette and his family are still living in this place (Vernon) W^m Ormsby who was a fellow boarder with M^r Gray lives in Prattville Autauga County. Joseph DeJarnette his son lives in this County

To Cross Interrogatory 3^d M^r DeJarnette had

To Cross interrogatory 4th I know nothing of his providing for her

To Cross interrogatory 5th As stated in interrogatory 6th in my answer thereto. she called him a fool, during a conversation which occurred at table respecting her going to D^r Popes in which he seemed to be jesting until she called him a fool after which, I think, he said nothing. M^{rs} Elisa DeJarnette was at the table at the time, and other persons whose names I do not remember

To Cross interrogatory 6th I do not know how she employed her time. I do not think myself fully competent to judge of the relative duties of man and wife

To Cross interrogatory 7th I do not.

To Cross interrogatory 8th I heard M^{rs} Gray state before the wedding referred to that M^r Popes family had been kind to her

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M^{rs} Gray attended the wedding but I do not know who went with her or who brought her back, tho, I think M^r W^m DeJarnett did. D^r Pope and family are respectable

To Cross Interrogatory 9th My knowledge of defendants character was obtained from the remarks which I heard individuals ~~make~~ in the community make to each other about him. I did not converse with any one particularly in regard to his character A great many people disliked him and spoke ill of him, especially in reference to a difficulty which occurred between Deft and a M^r Wilkinson then resident in this place, about some purchases his wife was said to have made of the latter M. M^cQueen

The above examination was taken, reduced to writing sworn to and subscribed this 5th day of February AD 1847 before me as witness my hand and seal Henry B. Janes {LS} Commissioner

Record of previous Suit at Wetumpka

The State of Alabama Autauga County }

To The Honorable Joshua L. Martin Chancellor of the Middle Chancery Division of the State of Alabama humbly complaining sheweth unto your Honor your Oratrix Martha M. Gray of the State and County aforesaid that on the 13th day of February in the year 1840 your oratrix was married to Joshua Gray in the County aforesaid, who your oratrix is informed and believes is now a resident of the County of Coosa

Your Oratrix shews that this marriage on her part was one solely of affection, and she confidently hoped would greatly promote the happiness and interest of both parties, that for some short time subsequent to the marriage they lived harmoniously and agreeably together But that after the space of two months or thereabouts his conduct and deportment towards your Oratrix assumed altogether a different character. That he became unkind

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and harsh in the extreme, alledging as his excuse his determination to cut off all intercourse between your Oratrix and her parents & brothers and sisters. Your Oratrix would shew that so improper was his conduct and so violent was his anger that for no other cause than this he actually inflicted a blow upon her For this he professed to be repentant asking the pardon of your oratrix, and urging her to excuse it upon the ground of passion and haste. Your Oratrix would show that she endeavored to forgive this and other indignities which he had inflicted upon her, and for some short time they lived upon terms somewhat more agreeable

That his conduct soon became variable and unsteady, sometimes kind, and more frequently unkind. That without any cause whatever so far as she could observe he would frequently refused to speak to her, and would leave her for several days, and return in the same mood. That he continued to grow more unkind towards her until he seemed to be destitute of all affection for her

That in the Summer of 1840 after her marriage he repeatedly and on various occasions struck her, and on one occasion, he kicked her with so much violence that it was with difficulty she could walk for some days afterwards. That before this and after and during the whole time they lived together

Your Oratrix demeaned herself as an affectionate and dutiful wife to the said Joshua Gray

Your Oratrix would further shew that he continued to be unkind to your Oratrix, and frequently threatened to abandon her. That in the Spring succeeding to wit, 1841, she found herself in a situation to become a mother. This circumstance contrary to the reasonable hopes of your oratrix instead of producing a change in his disposition and feelings towards her seemed only to increase his unkindness and brutality, that he frequently indulged in gross personal abuse of your oratrix & repeatedly threatened to abandon her on account of her condition. that about three weeks before the birth of her infant he used such violence towards her, your oratrix & in such a manner as to produce serious apprehensions of a premature birth and thus endanger her health

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and perhaps life. When your oratrix would remonstrate with him upon such conduct, and point out to him the probable consequences of it, he would reply that he hoped he should destroy the child, as he wanted none.

Your oratrix would further shew that shame and mortification at such conduct on the part of her husband and the hope that he would still change caused her to conceal his treatment towards her. that she was far removed from her parents, no relations within a thousand miles of her with ~~with~~ whom she could confer, in a land of comparative strangers to her, and with no home to seek as a refuge under these circumstances and unable to determine what other course to persue, she continued to hope for better things ~~to~~ until the birth of her infant which event occurred on the 7th day of October 1841 in Perry County; that this circumstance had no effect upon his temper & conduct. that he continued harsh and became violent in his passions with scarcely a redeeming act

of affection. She would farther shew that she became alarmed at his frequent & ungovernable fits of anger, which no caution or prudenc on her part could prevent, fearing that he might kill your oratrix or do some other great bodily harm, as he seemed at such times to exercise no control over himself she would shew, would shew that on one occasion at night he became

Violently angry with your oratrix, struck her a severe blow with his fist, so severe as to nearly destroy one of her eyes. seized her by the throat, holding her for some moments in a state of suffocation; this conduct so violent and alarming to your oratrix, so cruel barbarous and inhuman ocurred at the house of one Lewis C Gaines in Perry County at which plae your oratrix and the said Joshua Gray and their child were then boarding

She would also shew that some two weeks after ~~after~~ this the said Gray left the house of the said Gaines leaving your oratrix to support herself and her infant as she could. She has been compelled to seek a home among her friends in the County of Autauga and to rely upon her own exertions for the support of herself and child that she has ~~been~~ seen him once at Vernon, but he refused to treat her as a wife. that on one occasion she wrote to him to allow

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her something for the support of the child, and the only return she received was an insulting answer. She would further shew unto your Honor that she has been a resident of Alabama for more than three years to wit, since the 4th February 1840. that during the whole of the term of their union she has been a dutiful & affectionate wife, that his conduct has been unkind towards her and characterized by a total want of Affection for her, from a short time subsequent to their marriage up to the day of his abandonment of her. that she is now teaching school in the County of Autauga for the support and maintainance of herself and child, while he is living as she is informed and believes in the County of Coosa

Your Oratrix would expressly charge that notwithstanding her uniform kindness and obedience to him - notwithstanding her defenceless and dependent situation ~~situation~~ - notwithstanding she was the mother of his child, his treatment to her is and has been cruel barbarous and inhuman

All of which actings and doings are contrary to good conscience & equity, and tend to the great wrong and injury of your oratrix. In tender consideration whereof and forasmuch as your oratrix can only have relief in a Court of equity where such matters are properly cognizable and relievable.

She prays your Honor to grant her a writ of subpoena commanding the said Joshua Gray to be and appear before your Honor at the Court to be holden in Wetumpka at its next sitting, and to answer the matters and things herein charged as fully as if especially interrogated thereunto and especially whether he has not on various occasions stricken your oratrix, whether he has not abandoned her, and whether he is now contributing any thing to the support of his child; and may it please your Honor to grant your Oratrix a decree dissolving the bonds of matrimony now subsisting between her and the said Joshua Gray

And may it please your Honor furthermore to decree that the custody and education of the child shall be committed to your Oratrix and

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and that your Honor may grant such other and and further relief as under the circumstances may to your Honor seem meet and your oratrix will ever &c Mays & Hayne Sols for Complt

The State of Alabama Coosa County } Court of Chancery at Wetumpka 18th District and Middle Chancery
Division of said State

I James W Graham Register of said court do hereby certify that the foregoing is a true and correct copy of an original bill filed in my office this 25th day of April 1843 James W Graham Register

Subpoena

The State of Alabama Court of Chancery, at Wetumpka, Middle Chancery Division and eighteenth District of said State

To any Sheriff of the State of Alabama. Greeting You are hereby commanded to summon Joshua Gray personally to be and appear under the penalty of the Case before our Honorable Chancellor, at our next Chancery Court to be holden at Wetumpka on the first Monday after the fourth Monday in May AD 1843, then and there full, true direct, and perfect answer make to all and singular the charges, allegations and statements contained in a bill of complaint filed in said Court against him by Martha M. Gray, and further to stand to and abide by and perform such order or decree as may be rendered in the premises by his Honor the Chancellor

And the Sheriff will serve a copy of the original bill herewith sent on each defendant and execute this writ, and make due return to our said Court Witness James W. Graham Register

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of our said Court at office this 25th day of April One thousand eight hundred and forty three and of American Independence the 67th year Issued 25th day of April 1843 James W Graham Register

Certificate of Register

The State of Alabama Coosa County } Chancery Court at Wetumpka 18th District Middle Chancery Division of the State of Alabama

I Malcom D. Graham Register and Master of said Court hereby certify that the foregoing pages numbering from one to seven inclusive are a full true and correct transcript of a subpoena and Bill for divorce on file in said Court in which Martha M. Gray is Complainant and Joshua Gray is Defendant in said cause as appears by the original of the same on file in my said office

Witness my hand and private seal having no seal of Office this 17th day of May AD 1848 Malcom D. Graham Register &c

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Transcript from Wetumpka

State of Alabama Autauga County }

To the Honorable Joshua. L. Martin Chancellor of the Middle Division of the state of Alabama, Humbly complaining, sheweth unto your Honor Your Oratrix Martha M. Gray, wife of Joshua Gray, a defendant herein after named, by Lewis Tyres her next friend of the State and County aforesaid, that on the 13th day of Febuary in the year 1840, your Oratrix was married to Joshua Gray in the County aforesaid, who your Oratrix is informed and believes is now a resident of the County of Coosa. Your Oratrix shews that this marriage on her part, was solely of affection and she confidently hoped would greatly promote the happiness and intrest of both the parties. That for some time subsequent to the marriage they lived harmoniously and agreeably together _ But that after the space of two months or thereabouts, his conduct and deportment towards your Oratrix, assumed altogether a different character. That he became unkind and harsh in the extreme alleging as his excuse his determination to cut off all intercourse between your Oratrix and her parents, and Brothers and Sisters, Your

Oratrix would shew that so improper was his conduct, and so violent was his anger, that for no other cause than this he actually inflicted a blow upon her. For this he professed to be repentant asking the pardon of your Oratrix, and urging her to excuse it upon the ground, of passion and haste. Your Oratrix would shew that she endeavoured to forgive this and other indignities, which he had inflicted upon her, and for some short time they lived upon terms somewhat more agreeable. that his conduct however soon became variable and unsteady. sometimes kind & more frequently unkind. That without any cause whatever, so far as she could observe _ he would frequently refuse to speak to her, and would leave her for several days and return in the same mood. That he continued more unkind towards her untill he seemed to be destitute of all affection for her. That in the summer of 1840 after her marriage he repeatedly and on various occasions struck her with so much violence that it was with difficulty she could walk for some days afterwards. That before this and after and during the whole time they lived together Your Oratrix demeaned herself as an affectionate and

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dutiful wife to the said Joshua Gray. Your Oratrix would further shew that he continued to be unkind to your Oratrix and frequently threatened to abandon her. That in the Spring succeeding (viz) 1840, she found herself in a situation to become a mother. This circumstance contrary to the reasonable hopes of your Oratrix instead of producing a change in his disposition and feelings towards her seemed only to increase his unkindness and brutality. That he frequently indulged gross personal abuse of your Oratrix, and repeatedly threatened to abandon her on account of her condition. That about three weeks before the birth of the child he used such violence towards your Oratrix and in such a manner as to produce serious apprehensions of a premature Birth. and this endanger her health and perhaps life. When your Oratrix would remonstrate with him upon such conduct and point out to him the probable consequences of it, he would reply that he hoped he should destroy the child as he wanted none

Your Oratrix would further shew that shame and mortification, at such conduct on the part of a husband, and the hope that he would still change caused her to conceal his treatment towards her, That she was far removed from her parents, no relation within a thousand miles of her, with whom she could confer, in a land of comparative Strangers to her, and with no home to seek as a refuge under these circumstances and unable to determine what course to pursue, she continued to hope for better things untill the birth of her Infant which event occurred on the 7th Oct 1841 in Perry County. That this circumstance had no effect on his temper and conduct, That he continued harsh and became violent in his passions with scarcely a redeeming act of affection she would further shew that she became alarmed as his frequent and ungovernable fits of anger, which no caution or prudence on her part could prevent, fearing that he might kill your Oratrix or do some other great bodily harm as he seemed at such times to exercise no control over himself, she would shew that on One occasion at night, he became violently angry with your Oratrix, struck her a severe blow with his fist, so severe as nearly to destroy one of her eyes, seized her by the

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Throat holding her for some moments in a state of suffocation. This conduct so violent and alarming to your Oratrix. so cruel barbarious and inhumane occurred at the House of one Lewis C. Gaines in Perry County, at which place your Oratrix and said Joshua Gray and their child were then boarding; She would also shew that some two weeks after this the said Gray left the House of said Gaines leaving Your Oratrix to support herself and her infant as she could. she has been compelled to seek a home among her friends in the County of Autauga and to rely upon her own exertions for the support of herself and child. That she has seen him once at Vernon, but he refused to treat her as a wife. That on One occasion she wrote to him to allow her something for the support of the child, and the only return she received was an insulting answer. She would further shew unto your Honor that she has been a resident of Alabama for more than three years to wit since 4th February 1840 -

that during the whole of the term of their union she has been a dutiful and obedient wife, that his conduct has been unkind towards her and characterised by a total want of affection for her, from a short time subsequent to their marriage up to the day of his abandonment of her, That she is now teaching School in the county of autauga for the support and maintainance of herself and child while he is living as she is informed and believes in the county of Coosa. Your Oratrix would expressly charge that notwithstanding her uniform kindness and obedience to him notwithstanding her defenceless and dependant situation, notwithstanding she was the mother of his child, his "treatment to her is and has been cruel, barbarious and inhuman". All of which actings and doings are contrary to good conscience and equity, and which tend to the great wrong and injury of your Oratrix In tender consideration whereof and for as much as Your Oratrix, can only have relief in a Court of equity where such matters are properly cognisable and relievable she prays Your Honor to grant her a writ of Subpoena Commanding the said Joshua Gray to be and appear before Your Honor at the Court to be holden at Wetumpka at its next sitting and to answer the matters and things herein charged as fully, as if especially interrogated thereto and especially whether he has not on various occasions

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stricken your Oratrix; whether he has not abandoned her, and whether he is now contributing to the support of his child. And may it please your Honor to grant your Oratrix, a decree dissolving the Bonds of matrimony, now subsisting between her and the said Joshua Gray, And may it please your Honor, further to decree that the custody and education of the child shall be committed to your Oratrix, and further that your Honor may grant such other and further relief, as under the circumstances may to your Honor seem meet. And your Oratrix will ever &C Mays & Hayne for Complt

Filed in Office Nov 21st 1843 James. W. Graham Register

The State of Alabama Court of Chancery at Wetumka, middle chancery division and 18th District of said State

To any Sheriff of the State of Alabama Greeting You are hereby commanded to summon Joshua Gray personally to be and appear under the penalty of the Law, before our Honorable Chancellor, at our next Chancery Court to be holden at Wetumpka on the first Monday after the fourth monday in may A.D. 1844 then and there full, true, direct and perfect answer make to all and singular the charges, allegations and statements contained in a bill of Complaint filed in said Court against him by Martha M. Gray by her next friend Lewis Tyus and further to stand to, abide by and perform such order or decree as may be rendered in the premises by his Honor the Chancellor. And the Sheriff will serve a copy of the original bill herewith sent on such defendants and execute this writ, and make due return to our said Court

Witness James W Graham Register of our said Court at office this 19th day of December one thousand eight hundred and forty three, and of American Independence the 68th year James W Graham Register Issued 19th Dec 1843

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Martha M Gray vs by her next friend Divorce Joshua Gray }

This cause came before me on a motion to dismiss the Bill for want of prosecution having been regularly called & Complainants not appearing to prosecute the Complaint & it appearing from the minutes of the Court that this case has been before dismissed

It is therefore ordered, adjudged, and decreed that said Bill of Complaint be herein dismissed and that Complainant pay the cost of this suit to be taxed by the Register for which execution may issue Wiley W Mason Chancellor

Attest N Smith Graham Register & Master

Court of Chancery at Wetumpka } 18th District & Middle Chancery Division of the State of Alabama

I. N. Smith Graham Register and Master of said Court hereby certify that the foregoing pages contain a true copy of the Bill for divorce on file in said Court together with full and correct copy of the final decree of the Chancellor at the last Term of said Court being the first Monday after the fourth Monday in May last past

In witness whereof I have hereunto set my hand & private seal having no seal of office this 3^d day of Feby AD 1847 N. Smith Graham {LS} Reg & Master &c

The State of Alabama Coosa County }

Martha M. Gray vs by next friend Joshua Gray }

Chancery at Wetumpka 18th District Middle Chancery Division of said

State of Alabama I Malcom D Graham Register and Master of said Court hereby certify that the foregoing pages numbering from page one to twenty five are a full true and correct transcript of a bill for Divorce on file in said Court in which Martha M. Gray by her next friend is Complainant and Joshua

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Gray is Respondent together with a full and correct transcript of the final Decree of the Chancellor at the regular term of said Court for the year 1846, holden on the first Monday after fourth Monday in May also a full, true and correct transcript of the Commissions, Interrogatories Cross Interrogatories, and the examination of John P DeJarnette and M^{rs} Frances DeJarnette wife of William DeJarnette taken in said Cause of Martha M. Gray vs Joshua Gray as appears by the original of the same on file in my said office in said cause

Witness my hand and private seal being no seal of Office This 19th day of May 1848 Malcom D. Graham Register and Master

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Interrogatories to N. Cook & E. H. Herbert Filed 8th Feb. 1848

The State of Alabama }

Martha. M. Gray vs. pro ami Joshua Gray }

In Chancery at Hayneville 11th Dist So. Ch Div of Ala

Interrogatories to be propounded to Nathaniel Cook and E. H. Herbert witnesses to be produced sworn and examined at the instance of the Respondent in the above stated case

Interrogatory first Do you know the parties above stated Complainant and Respondent.

Interrogatory Second Do you know Lewis Tyres of Autauga County? If yea, is he the same person to whom interrogatories have been propounded in this suit

Interrogatory 3rd If said Tyres has in any manner become responsible for the costs of this suit, please state to whom he is responsible? in what manner he has made himself responsible? when and how did he become responsible? was this suit brought in the name of James Porter, as next friend, by his consent, or not? T Judge Sol for Respondent

Service accepted 19th Febry 1848 N. Cook

Intys. to Ja^s Porter Filed 16. Feb 1848.

The State of Alabama Lowndes County }

Martha M Gray v.s. Joshua Gray }

In chancery 11th Dist So. ch. Division of the State of Alabama at Hayneville.

Interrogatories to be propounded to James Porter a witness to be produced sworn and examined at the instance of the Defendant in the above state case.

Interrogatory first Do you know the parties above named Complainant and Respondent

Interrogatory Second. Did Complainant ever live in your neighborhood if yea when and how long? Did you ever know of respondents making a proposition to complainant that the parties should become reconciled and live together? If yea when? through whom was it made? in what manner was it received by Complainant? what was her reply? and with what temper was her reply made

Interrogatory third what is the temper and disposition of said Complainant? If you ever saw her exhibit fits of passion and petulance state when and where

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Interrogatory fourth Have you been by any one released from liability for the costs of this suit? or indemnified by any One for said costs? How came you to be made a party to this suit? was it with or without your consent? Did you know before the suit was instituted that you were to be made a party? when did you first learn that you was made a party? Judge Sol for Res

Service accepted 18th Feb 1848 N Cook

Com. to take Depositions

The State of Alabama

To William A Rice & George C. Thurber. Know Ye, That we, having full faith in your prudence and competency, have appointed you Commissioners, and by these presents do authorize you, or any one or more of you, at such time and place as you may appoint, to call before you, and examine Nat Cook Esq^r E. H. Herbert & James Porter as witnesses in a cause pending in our Chancery court of Lowndes County, wherein Martha M Gray pro. ami. is complainant & Joshua Gray is Deft. on oath to be by you administered, upon Interrogations annexed to this Commission, to take and certify the Depositions of the witnesses and return the same to our said, to be holden on the 4th Monday in May next under your Hands and Seals.

Witness Edw^d H Herbert Register of said Court of Chancery, at Office, in Hayneville this 12th day of April A.D. Eighteen hundred and Forty Eight and of American Independence the Seventy second year. E. H. Herbert Register

Issued 12 day of Ap^l 1848

Testimony of E. H. Herbert

Depositions of witnesses sworn and examined the 13th day of April 1848 at Hayneville, under and by virtue of a commission issued out of the chancery court of the State of Alabama for Lowndes County in a certain cause therein depending between Martha. M. Gray pro ami. Complainant and Joshua Gray defendant.

E. H. Herbert of Lowndes County Alabama being duly sworn and examined on the part of defendant, doth depose and say as follows,

To the first Interrogatory he saith, I know the parties

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To the Second, he saith, I have no acquaintance with Lewis Tyres. but Interrogatories was filed in my office to take the Depositions of a man by the name of Lewis Tyres said to live in Autauga County.

To the third he saith, I Know noth of said Lewis Tyres becoming Responsible to any One for the costs in said suit: Witness does not know whether this suit was brought by the consent of James Porter as next friend or not
E. H. Herbert

Testimony of Jas Porter

James Porter of Lowndes County Alabama, being duly sworn and examined on the part of the Defendant doth depose and say as follows

To the 1st Interrogatory he saith. I know the parties.

To the Second Interrogatory he saith, Complainant lived my neighborhood about One year, being 1846. some time in said year 1846 Respondent made a proposition through me to complainant to become reconciled with him, and live with him. Complainant on my making said proposition said she would not live with respondent under any circumstances whatever, that she could not be reduced in circumstances low enough to make her live with him. all of which was said in a bad temper.

To the third Interrogatory he saith, I believe complainant to be a Woman of high temper and exceedingly contrary. I do not recollect of ever seeing complainant exhibit fits of passion or petulance, except at the time I made the proposition above referred to.

To the fourth Interrogatory he saith. I have not been released from any liability for the costs of this suit, or indemnified by any One for the same, as far as I know. I was made a party to this suit without my consent or Knowledge, but after said suit was commenced I, agreed that it might go on provided complainant would indemnify me against all costs, which complainant agreed to, but never has to my knowledge done so, I never Knew I was made a party to the same until some time after said suit was commenced. James Porter

Examination taken reduced to writing sworn to subscribed this 15th May 1848

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before me, as witness my hand and seal. W. A. Rice {Seal} Com^r

Hon N Cook refuses to answer on the grounds that he knows nothing only as attorney W. A. Rice Com

Interrogatories to Rufus. C. Torrey, Sam^l G. Portis Daniel M^cCall Cha^s H Foster Filed 31st Jany 1848

Martha M Gray v.s. Joshua Gray }

In chancery at Hayneville

Interrogatories to be propounded to Rufus. C. Torrey Judge of the County Court of Monroe County Ala, Samuel. G. Portis Sheriff, of said county, Daniel M^cCall Circuit clerk of said County, and Charles. H. Foster Clerk of the County court of said county, witnesses to be produced sworn and examined in behalf of the defendant in the above stated case.

Interrogatory first Do you know the parties? How long have you know the Defendant, where has he resided since you knew him, and what is his character as to temperance, industry, morality, and integrity

Interrogatory 2^d what is his profession, and how does he conduct himself in his business Judge Sol for Respondent.

Com to take Depositions

The State of Alabama To Edmond W Roberts Esq^r Know Ye, That we having full faith in your prudence and competency, have appointed you commissioners, and by these presents do authorize you, at such time and place as you may appoint, to call before you, and examined Rufus. C. Torrey Samuel G Portis, Daniel M^cCall & Charles H Foster as witnesses in a cause pending in our chancery Court of Lowndes County wherein Marth. M. Gray pro ami. is Complainant and & Joshua Gray is Defendant on oath to be by you administered, upon Interrogatories annexed to this commission, to take and certify the Depositions of the Witnesses and return the same to our said Court, to be holden on the 4th monday in May next under your hands and seals.

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Witness Edw^d H Herbert, Register of said Court of Chancery, at Office in Hayneville this 16th day of Febuary A.D. Eighteen hundred and Forty Eight and of American Independence the Seventy second year E. H. Herbert Register

Issued 16 day of Feb 1848

Depositions of witnesses sworn and Examined on the ___ day of April in the year 1848 at Monroeville, Monroe County Alabama, and by virtue of a commission issued from the chancery court of Lowndes County, Alabama in a certain cause therein depending between Martha M Gray Complainant and Joshua Gray Respondent.

Testimony of Rufus C Torry

Rufus C Torry of Monroe County being duly sworn and examined on the part of the respondent deposes and says as follows

To the 1st Interrogatory he says, that he knows the respondent. but knows nothing of the complainant has known Joshua Gray about three years perhaps more during which time said Gray has resided at Monroeville the County seat of Monroe County. Witness has had much intercourse with Gray during his residence at Monroeville and has never heard or known his Character for temperance industry morality or integrity impeached but in all these respects regards his character as above suspicion.

To the 2nd he saith. respondent is an attorney at Law and his professional acts and conduct are marked with ability integrity and a high sense of honor Rufus. C. Torrey

Testimony of Samuel G. Portis

Samuel. G. Portis Monroe County being duly sworn and examined on the part of the Respondent doth depose and say as follows

To the 1st Interrogatory he sayeth that he knows respondent, but knows nothing of the complainant that he has known Joshua Gray three years or more during most of which time he has resided at Monroeville the County seat of Monroe County, witness has had much intercourse with said Gray during his residence in the county and has never known or heard of his character for industry temperance morality or integrity being impeached

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but in all these respects regards his character as above suspicion.

To the 2nd he sayeth that respondent is an attorney at law by profession and so far witness knows his (respondents) professional acts are marked with ability integrity and a high sense of honor Jam^s. G. Portis

Testimony of Cha^s H. Foster.

Charles. H. Foster of Monroe County being duly sworn and examined on the part of the respondent doth depose and say as follows

To the first Interrogatory he saith that he knows the respondent but knows nothing of the complainant has known Joshua Gray about two years perhaps more during most of which time said Gray has resided at Monroeville the County seat of Monroe County, witness has had much intercourse with said Gray during his residence at Monroeville and has never heard or known his character for temperance industry integrity or morality impeached but in all these respects regards his character as above suspicion

To the 2nd he saith that respondent is an attorney at law and his professional acts are marked with ability integrity and a high sense of honor C. H. Foster

Testimony of Dan^l M^cCall.

Daniel M^cCall of Monroe County being duly sworn and examined on the part of the respondent doth depose and say as follows.

To the 1st Interrogatory, he saith that he knows the respondent but knows nothing of the complainant has known Joshua Gray about three years perhaps more, during most of which time said Gray has resided at Monroeville the County seat of Monroe County, Witness has had much intercourse with Gray during his residence at Monroeville, and has never heard or known his character for temperance industry morality or integrity impeached but in all these respects regards his character as above suspicion

To the 2nd he saith respondent is an attorney at Law and his professional acts are marked with ability integrity and a high sense of honor. Daniel M^cCall

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Examination taken reduced to writing sworn to and subscribed this 1st day of April A.D. 1847 before me as witness my hand and seal EW Roberts {seal} Commissioner

~~State of Alabama Autauga County To the Honorable Joshua. L. Martin Chancellor of the middle Division of the State of Alabama, Humbly complaining, sheweth unto your Honor Your Oratrix Martha. M. Gray, wife of Joshua Gray, a defendant herein after named, by Lewis Tyres her next friend of the State and County aforesaid, that on the 13th day of Febuary in the year 1840, your Oratrix was married~~

Order May Term 1848

M. M. Gray pro ami vs S Gray }

In this cause on motion of complts: It is Ordered that the Testimony of both complainant and Defendant be published. and James Porter the next friend of Complainant moves the Court to have his name stricken from the Bill as such next friend, on the ground that he was made the next friend therein without his consent, and by consent of both parties it is Ordered that his name be stricken out. and that the name of John M. Cole be inserted therein as the next friend of Complainant: the said John M Cole appearing in open Court and consenting thereto, and consenting to assume all the costs in said cause which may be Decreed against Complainant in the further progress or on the final hearing of the same. And on objection of. Defendant that the Bill of Complainant is multifarious for having therein embraced two distinct grounds for relief (viz) Legal cruelty and thru years abandonment, by consent, Complainant elects to abandon the ground of Legal Cruelty, and to rely for relief upon the ground of thru years abandonment alone.

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Decree Rendered May Term 1848

Martha M Gray v.s. Joshua Gray }

This cause was heard on the Bill answer and proofs, and was ably argued by the learned counsel to whom the parties have committed the important results and painful interests it involves. The case seems to have awakened a great deal of sympathy in the community; and the duty that now devolves upon me is certainly far from pleasing.

I trust that as I shall always be the last person in the State to countenance, in my private capacity a dissolution of the marriage ties for light or trivial causes, so I shall be the last in the discharge of the responsible powers intrusted to me over this important subject to extend the Law beyond its true meaning, and beyond those limits which a just regard to public virtue and private happiness manifestly prescribe, undoubtedly the source and fountain of all social virtue is in the family union - the union of those smaler communities that make up the great community of mankind, and which held together by the strongest of all the earthly ties acknowledged among men from so many links of a great chain that binds society together in harmony, peace, and happiness. The latitude and facility of our Laws, with regard to divorce, are, I think, greatly to be regreted.

There can be no doubt, (and my own short experience in this court abundantly confirms it) that these Laws have already wrought and are still working much mischief to society - that the marriage tie, in this State has lost in no slight degree, that sanctity in the eyes of the married pair, and that religious respect in the eye of the world which offered the surest safeguard to the virtue and happiness of individuals, - and the best guaranty, therefore for the well-being and prosperity of States.

With these opinions I feel the full force and beauty of the eloquent expression of Sir William Scott in the celebrated case cited at the Bar that "humanity is the second virtue of courts, but justice is the first." My prejudices and first impressions, therefore, if I were free to indulge them, on the present occasion, would certainly not be with the complainant, although her situation must assuredly command whatever of sympathy it is proper for a court

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of justice to bestow But I have always hitherto acted, and shall continue to act, on the principle, that a party, no matter of which sex, who seeks to dissolve the marital relation, under any of the provisions of our Statutes must make out the right to relief by clear and unquestionable evidence, and must show, that he or she has not wilfully

and culpably provoked the wrong recognized by the Statute as sufficient ground for the application. Whether the complainant has brought herself within this rule, is the question which I am now called upon to decide.

I had determined after the case was first argued to reserve it for further advisement at chambers, but as I feel clear in the conclusion at which I have arrived, I think the happiness of the parties, and the ends of justice will be best consulted, by announcing, at once, an opinion which is not likely to be changed, and thus afford the earliest opportunity of correcting, in another tribunal, any error I may commit.

With this view, I shall content myself by stating my conclusions from the evidence, and as briefly as possible, in so important a case, some of the reasons on which those conclusions are founded.

I think it must be evident to all who have heard the Testimony, that so far as the loss of happiness and affection is concerned, neither of these parties have been blameless; and, perhaps, if more of their painful history had been revealed both would appear, as is commonly the case in these unhappy quarrels, deeply in fault. That they were Once fondly and deeply attached can be doubted by no one. The early period of that attachment - its continuance through a long separation previous to the marriage, while both were buffeting in indigence with the uncertain fortunes of life - and their subsequent reunion under the circumstances stated in the answer - all afford strong, and, I may add, pathetic evidence of this. In the conduct and character, too, of both, there is much to admire and commend, and I think it can hardly be doubted that the wreck of all that once promised so well and happily, was to some extent, the fatal work of both the parties who would now hold each other to a sole responsibility; - that in short to their own mutual faults and infirmities of

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temper is, in some degree at least, to be ascribed that heavy misfortune which no court can ever repair.

Thus far I concur with the course of argument pursued by the Defendants counsel; but I can not assent to the proposition that the evidence shews that such was the bad temper, want of conformity, and extravagance of M^{rs} Gray, as justly to provoke him to a separation, and thus to render her, under the authorities cited from the ecclesiastical Reports, an unworthy applicant for relief in this court. I do not think the argument used or the authorities cited applicable to such a case as this: otherwise I should feel it incumbent upon me to go into a detailed statement and examination of the evidence, to vindicate the decree I am about to pronounce, by weighing the faults and offences of the one party against those of the other, But this task, (the most delicate and difficult that a court can undertake,) appears to me unnecessary.

It may be readily admitted that the temper of M^{rs} Gray was not the most amiable - that it was even stiff and exacting; and that from portions of the evidence it might be inferred, that her disposition was prone to rebellion, and wanted that gentle spirit of compliance which goes so far to disarm unkindness, and to secure the peace and happiness of the wife, when she has the misfortune to encounter a stubborn or peevish disposition on the part of her husband. This I think was M^{rs} Grays misfortune. Her husband, as his character and conduct has been presented in the evidence, would, perhaps, in other respects, have appeared unexceptionable; but for the absence of any proof whatever, that during their separation, for the last five or six years, he has contributed any thing to the support of his wife and child. For his sake I hope, and from the evidence regarding his general good character it is not improbable that there may be some explanation of this, not afforded by the evidence. But, in pronouncing between the parties here, I can look only to the testimony; and looking to this, it appears that for more than three years he has lived apart from his wife; that he forsook her without her consent and without adequate cause; that during that time she has been compelled to earn a subsistence for herself and child by her own labor, and that he has contributed nothing whatever to their support.

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After all the excuses that can be urged in his defence, this plain and undisputed fact remains; and when her situation is considered - a feeble and diseased woman, with a helpless infant - entirely destitute of means, among Strangers and in a strange land, with no kindred near, and those who are distant as needy as herself - I say that in view of this I think as strong a case of abandonment has been made out as can well be put. His conduct under these circumstances was a gross disregard of the marital obligation - the obligation of a husband and father; and whatever may have been her want of amiability and exact conformity to his wishes, it affords no excuse no palliation even, for this dereliction of duty. For assuming that he ought not to be severely judged for separating himself from her, yet his failure to provide for a wife and child, whose helpless situation seemed to appeal with effect even to the charity and compassion of strangers, is a fact that remains unexplained and unexcused; and such a failure during a separation of this kind, is, in my Judgment, the chief ingredient in the legal idea of abandonment.

I have looked carefully, and even critically into the evidence with the view of ascertaining whether M^{rs} Grays conduct indicated such a disregard of her duties as a wife, as to render it improper to entertain her prayer for a divorce. I do not think her conduct obnoxious to this objection she appears to have been a woman of naturally firm disposition, and a temper somewhat quick, and rendered irritable by disease. Had her health been quite sound, she would not perhaps have been intirely blameless. Perhaps like many of her sex she never learned that in the ~~weakness~~ meekness of the woman is her strength with her husband; and that in a gentle and submissive spirit, she would find her best defence against his own fretful, indifferent, and at the same time exacting temper, But infirmities such as these are frequently united with the highest moral excellence, and with the best and most exemplary qualifications in other respects, for the discharge of domestic duties; and such I think the evidence fully shows belonged to the complainant. none of the witnesses give her an indifferent character, and some of them accord to her a very high one, Indeed the mere fact that in an

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infirm state of health, afflicted with two chronic diseases at the same time, both of intrinsically dangerous character, and with a puny infant to engage her solicitude and attention, she was willing to work, and did work with her husband for the support of her family, places her in a most favorable light in this controversy. Under these circumstances, her infirmities of temper, had they been far greater, ought in view of the little forbearance shown by her husband, to receive the most charitable construction.

I do not understand the law to be that an irritable temper, and an occasional want of conformity to the wishes of her husband, not coupled with settled malevolence and studied opposition to his will constitute sufficient ground for withholding from the wife a divorce a mensa et thoro under the Ecclesiastical law, nor, under our own statutes for withholding a divorce a vinculo. If such were a sound interpretation of the law, the most brutal ill treatment would in many cases go unredressed, and a virtuous and worthy wife, abandoned by her husband, with little or no provocation on her part, would be left without the relief accorded to other women of far inferior claims upon the interpretation of the Court, for it is not always the most amiable and compliant female that makes the best wife or the happiest and most thriving husband nor can a court, without great danger of injustice and wrong, lay down a very strict or censorious rule with regard to temper, either on the one side or the other we must look to something more tangible, less liable to misinterpretation. to general conduct & deportment. It has been repeatedly laid down in these courts says D^r Suabey (in the case of Best. v. Best 2 Eng. Eccl. R. 163) that no wife can solicit their interference with effect to protect her from (even from ill) treatment which she has drawn upon her by her own misconduct - she must first seek a remedy in the reform of her own manners. If, however it should -appear that even misconduct on the wifes part has produced a return from the husband wholly -unjustified by the provocation, and quite out of proportion to the offence, it might still be the duty of the Court to interfere judicially notwithstanding such the wifes positive misconduct - and again in the case of

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Waring. v. Waring Eng. Eccl. R. 211 Sir William Scott. speaking to the point of legal cruelty, says that the court in interfering presumes the wife "not to have been the -authoress of her sufferings; it is on the presumption that her own conduct has been proper; if not the remedy is in her own power, she has only to change her conduct; otherwise the wife would have nothing to do but to misconduct herself, provoke ill treatment, and then complain. - I do not mean that the law would interfere if this misconduct was visited by the husband with intemperate violence. There may be failings, if inordinately resented, and visited with a harsh and more than due authority, upon which the Court would not decline to interfere. But if her conduct be totally incompatible with the duty of a wife, if it be violent and outrageous, if it justly provoke the indignation of the husband, and causes danger to his person she must reform her own disposition and manners. she must remedy the evil by changing her own measures, and it is to be hoped that the evils will cease with the behaviour which produced them; and if they do not, she may then complain to the Court, and solicit its interference with effect."

These principles, altho' more particularly applicable to another class of cases, are plain and intelligible, and may be safely adopted to guide us on the present occasion. But I cannot assent to the proposition relied on for the defendant, no matter to what extent sustained by authority - that "the wife must be blameless", especially in regard to temper. This would be to require the injured party to pass through an ordeal to which the most exemplary of either sex would be wholly unequal, such a rule, while it would, as before intimated, close the door of justice to many of the best, would open it only to the insensible and happy few who are blessed with entire amiability. It would be a very shallow, if not an inhumane policy which could contemplate such a result.

But was the conduct of M^{rs} Gray, in any proper view of it, such as justly, or even naturally, to provoke her husband to desert her in the first instance? - was it so intolerable that it was unreasonable to expect or require him to relent and return? - was it necessary to his peace of mind that he should live apart from her?-

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could he not otherwise pursue with success the business upon which the support of his family depended: These appear to me, in view of the argument used to justify M^r Gray, to be very pregnant questions; - and they appear to me also, to suggest, under the evidence, their own answer. In the first place his own temper appears to less advantage than his wives, and so far from the necessity of a separation in order to enable him to support his family, he appears to have been actuated by quite other motives, and to have abandoned that first and paramount duty altogether.

Several points in the evidence have been commented upon with great and, I must think, undue severity in order to excuse the Defendant, and to place the Complainant altogether in the wrong. It is due to her, as well as to the views above expressed, that I should notice them.

1st The fact testified to by _____ that on One occasion she called her husband "a fool." This expression was very reprehensible certainly. But the evidence of M^{rs} _____ who gives the circumstances most in detail divests the epithet of the harsh and insulting construction given to it in the argument. In a fit of momentary displeasure at the supposed neglect of her husband she exclaims "Joshua you are a fool" - or "Joshua dont make a fool of yourself." The form of the exclamation commencing with the familiar use of his Christian name, shows that there was no malevolence of intention - and makes the expression rather an offence against good taste, than evidence of a wilful disrespect of the husband, or of a disregard of domestic duty. The use of such language is certainly very unbecoming a woman and a wife, but I can not look upon it, in view of the attendant circumstances, as the monstrous offence it has been represented in the argument. 2^d The Bill contracted by M^{rs} Gray with Simpson and _____ was also much relied upon. But although such a circumstance, (assuming that the articles purchased were unsuitable to her rank and condition in life), furnishes, in my opinion, no ground whatever for his subsequent desertion of her. It would be a sad case if a single imprudence of this kind (assuming it to be such) would have the effect of barring the wife of the relief

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provided by the Statutes, if she appeared to be otherwise entitled to it. Few wives, I apprehend, if such were the case, would appear otherwise than extremely culpable. But further; _ in the absence of all testimony in what manner and to what extent, M^{rs} Gray had been supplied with clothing and other necessaries before this Bill was contracted. it would be very unsafe, if not grossly unjust, to make it an important item in the small account of her misdeeds and infirmities made out after such severe scrutiny of her conduct. Some of the cloths and other articles, appear manifestly, both from the quantity and description, to have been purchased for her child; and in regard to this Bill, her subsequent payment of nearly one half of it shows (like her subsequent solicitude with regard to the impropriety of the epithet above referred to) that she desired to rectify whatever wrong she may, in this respect, have done to her husband. 3^d The letter made an exhibit to the answer is referred to as evincing a haughty and rebellious disposition unsuited to the matrimonial state. I do not think so. It appears to me to be the effusion of a bruised and offended spirit, rather than that of an imperious or malevolent one. No one would go farther than I would in maintaining the just supremacy of the husband, and in so modifying the rules applicable to such cases as to admonish the wife, that he is the head of his family - and that obedience is the first duty. But God forbid, that I should have ever to administer relief in such cases on condition only that the wife had never betrayed those feelings of wronged and offended affection natural to the most ~~to the most~~ patient and submissive of her sex. The Law is not nor ought to be so severe and exacting as this. Nor do I hold that a wife is bound to pursue her husband from place to place for the space of three years soliciting a return to the duties and obligations which without any just cause or excuse, he has abandoned.

I can see no ground whatever for believing that M^{rs} Gray desired the abandonment, in the first instance, or ever ceased to wish a restitution of conjugal rights until her husbands conduct had evinced a settled purpose to leave her, unfriended and unprovided to her own feeble resources for subsistence. The offer of

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reconciliation made by him after the Bill had been filed, and after the legal time entitling her to relief had elapsed, was not at all relied on in the argument, and can of course have no effect whatever upon the case.

A single remark further, and I shall conclude an opinion already extended far beyond what was originally designed.- The contest between the parties in this court, it is apparent, a very unequal one. The Defendant who is a Lawyer, has managed his own case with a degree of ability and industry which would have done him great credit in a better cause, His answer is drawn up with marked ability throughout and contains passages of true eloquence, His own story is told in his own language inspired by his own feelings, and doubtless presents his case as does the evidence elicited by himself to the best advantage, Great allowance is to be made for this; for although the Complainants Counsel have done full justice to their client, it could not be expected that they would discharge this duty, as she herself would have done had she possessed the superior advantages of her husband, and been disposed to use them as he has done on this occasion, Her business in the beginning seems to have been grossly mismanaged, if not neglected. and until it fell into the present hands has never been placed in a shape to be heard by a Court of Equity with effect. On the whole I feel the clearest conviction that the relief prayed in this case ought to be granted. I shall accordingly decree the Divorce, but leaving the child where, I understand from his Counsel, M^r Gray is not unwilling it should remain with the complainant; but with the privilege which he desires, of enjoying its occasional society

It is proper to add with the view of putting the case as presented here in the same shape as to evidence for revision in the Supreme Court, that the duly certified Transcripts of the Record of two suits between the same parties in the Court of Chancery of the 18th District of the Middle Division setting at Wetumpka were

introduced by the Defendant as a portion of his Testimony; and also that the Exhibits to the answer were proved at the hearing

The following is the formal decree in the case

In this case it is ordered and decreed that the Bonds of Matrimony heretofore subsisting between

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the complainant Martha M Gray and the Defendant Joshua Gray be henceforth and forever dissolved, and said Martha M Gray be divorced from the said Joshua; and it is further ordered that said Martha may retain the custody and contrroll of her infant daughter Alice Gray until the further order and direction of this Court; but with full liberty, in the mean time to the said Joshua Gray to visit the said child and to enjoy its society at all suitable times; and further that he pay the costs of this suit.

And the said Joshua Gray now in open Court praying an appeal from this Decree to the Supreme Court of the State of Alabama The same is granted accordingly Lesesne Chancellor.

The State of Alabama Lowndes County }

I Edward H. Herbert Register in Chancery for the Twelfth Chancery District of Said State at Hayneville in Said County do hereby Certify that the foregoing pages ~~contain~~ numbering from one to one hundred and twenty four inclusive contain a full true and perfect transcript of the record & proceedings (except one commission to take testimony as noted in the Margin and one or perhaps two notices of the filing of Interrogatories lost or mislaid) had in the case of Martha M Gray pro ami against Joshua Gray lately de termined in our Said Court of Chancery. held on the 4th Monday in May 1848.

Given under my hand and private seal having no seal of office, at office in Hayneville this 21st day of June A.D. 1848 E. H. Herbert Register

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Gray vs Gray }

Supreme Court ~~June~~ January Term 1849.

And the Appellant Plff in Error in the annexed stated cause comes and says there is manifest error in the Record _ and assigns for Error: _

1st _ That the Chancellor erred in not dismissing the Bill at the hearing: & particularly because there is no sufficient & Specific charge of abandonment.

2nd _ In rendering a Decree for complainant, upon insufficient evidence.

3rd _ In rendering a decree without proof of the Allegations of the Bill. _

4th _ In Decreeing a Divorce for complainant, use on the entire evidence in the cause. _

5th _ In rendering a Decree for complainant, when there was no correspondence between the allegata et probata, as to the time and place of the alleged abandonment. _

6th _ In not Decreeing the costs against the next friend of complainant which was incurred by the allegation of legal cruelty in the Bill, when complainant abandoned said ground, as is shown by the Record. _

7th _ In not decreeing the custody of the child to Appellant, the natural Guardian thereof _

8th _ And that the entire Decree of the Chancellor is erroneous. ___

Thomas J. Judge. ~~For Appellant.~~ For plff in Error

There is no error in the record J. M. Boling _ I. B. Stone

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Writ of Error

The State of Alabama Lowndes County }

To the Register of the Chancery Court for the twelfth Chancery District of said State in the County aforesaid.

Because in the record of proceedings, and also in rendering the decree in a suit which in our Chancery Court for the District aforesaid at the May Term thereof in the year A.D. 1848 between Martha M. Gray Complainant & Joshua Gray Defendant as it is said manifest error hath intervened to the great damage of the said Joshua Gray as by his complaint we are informed: We being Willing that the error if any there be, should in due manner be corrected, and full & speedy justice to the parties aforesaid in this behalf; do command you, that you distinctly and fully send to us under your seal the record and proceedings, with all things concerning the same, together with this writ, so that we may have them at the next term of the Supreme Court to be holden at Montgomery, that the record and proceedings aforesaid being inspected we may further cause to be done thereon what of right according to the laws of the State ought to be done for correcting that error

Witness Edward H Herbert Register of said Court at Office in Hayneville this 10th day of July AD 1848 and of American Independence the 73^d year E.H. Herbert Regis. {Seal} Issued 10th July 1848

Notice of Writ of Error

The State of Alabama Lowndes County }

To any Sheriff of the State of Alabama. Greeting You are hereby commanded to summon Isaac B Stone & James M. Bolling Solicitors in Chancery to appear at the Supreme Court on the first Monday in January next to defend and answer to a writ of error which Joshua Gray has this day sued out returnable to said Term to reverse said Decree which the said Martha M. Gray recovered against him in the Chancery Court for the twelfth Chancery District of said State at the May Term AD Eighteen hundred and forty eight Therein fail not, and have you then and there this writ with your endorsement thereon

Witness Edward H. Herbert Register of said Chancery Court at Office in Hayneville this 10th day of July AD 1848, and of American Independence the 73^d year E H Herberd Register

Issued 10 July 1848

Received and executed July 10th 1848 B Harrison Shff

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The State of Alabama Lowndes County }

I. Edward H. Herbert, Register in Chancery, for the Twelfth Chancery District of said State at Hayneville in said County, do hereby certify that the foregoing pages, numbered from one to one hundred and twenty five inclusive contain a full, true, and perfect transcript, of the record and proceedings, (except one Commission to take testimony as noticed in the margin; and one perhaps two notices of the filing of interrogatories, lost or

mislaid,) together with the writ of Error and notice of Error had in the case of Martha M. Gray pro ami against Joshua Gray lately determined in our said Chancery Court at Hayneville at a Court begun and holden on the fourth Monday in May AD. 1848 __ Given under my hand and private seal, having no seal of office at office in Hayneville, this fourth day of August AD 1848

{Seal} E. H. Herbert Register

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~~2606~~ S. E. 2646

Joshua Gray v Martha M. Gray per pro ami

Filed 26 June 1848

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Reversed & Rendered

Feby. 16th 1849.

Chilton J