

B430
1920

IN THE CIRCUIT COURT
NO. 2
BALTIMORE CITY.

Oliver M. Spence

VS.

Mattie Spence.
No. 19533 B

Bill for Divorce, -
A VINCULO MATRIMONII.

Mr. Clerk: ---

Jul 17 August 1920

Please file &c.,

Ray Bond

Sol. for Plaintiff,
215 St. Paul Place.

July 17 1920

*

Oliver M. Spence

*

VS.

IN THE CIRCUIT COURT
NO. 2
BALTIMORE CITY.

*

Mattie Spence

*

TO THE HONORABLE, THE JUDGE OF SAID COURT;

Your Orator complaining respectfully says:

FIRST: That the parties hereto were married in Baltimore City, State of Maryland, on or about the 16th day of March 1917, and lived together as man and wife until on or about the 1st day of September 1919.

SECOND: That both parties are residents of Baltimore City, State of Maryland, and have been for more than two years prior to the filing of this Bill of Complaint.

THIRD: That the defendant has on divers days and times since the said marriage, committed the crime of adultery in Baltimore City, with divers lewd men, whose names will be disclosed on the day of trial, and that the said acts were committed without his procurement, connivance, or consent, and that he has not lived or co-habited with the defendant since he discovered the same.

FOURTH: That the conduct of your Orator during and since the said marriage, has been above reproach in all respects having always been a kind and affectionate husband to the said defendant.

FIFTH: That there are two children as issue of said marriage, Golda Spence aged three years and Daniel Spence aged one year five months respectively.

WHEREFORE YOUR ORATOR PRAYS:

- a- A divorce, A Vinculo Matrimonii,
from the defendant.
- b- The care and custody of the minor
children.
- c- Such other and further relief as
the case may require.

May it please your Honor, to grant unto your Orator, the writ of subpoena, directed unto the said defendant, commanding her to be and appear in this Court, in person or solicitor, on some day certain to be therein named and perform such decree as may be passed in the premises.

Oliver N. Spence
Plaintiff
86

Raymond
Sol for Plaintiff

112 Na

Ct. Ct. No. 2

430

1920

D

Docket No. 29.

Spence

vs.

Spence

Subpoena to Answer Bill of Complaint

903 S Sharp St
Pro

No. 19533 B

2

Copy = copied

Filed

W. H. DeStevens
Roy S. Bond

Solicitor.

8

Wm Cox

(Bunn)

Thomas W. McTulley
Sheriff

EQUITY SUBPOENA
The State of Maryland

To

Mattie Spence

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you be in your person before the Circuit Court No. 2 of Baltimore City, at the Court House in said city, on the second Monday of *September*, 192*0*, to answer the complaint of

Oliver M. Spence

against you in said Court exhibited, HEREOF fail not, as you will answer to the contrary at your peril:

WITNESS, the Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *12* day of *July*, 192*0*

Issued the *17* day of *August*, in the year 192*0*

John Pleasant

Clerk.

NOTICE TO THE PERSON SUMMONED:

“Personal attendance in Court on the day named in the above Writ is not required; but unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit a judgment by default may be entered against you.”
“The Defendant is required to file his Answer or other Defense in the Clerk’s Office within fifteen days after the return day.”

Ct. Ct. No. 2

430

192 0

B

Docket No. 29

Spence

vs.

Spence

Subpoena to Answer Bill of Complaint

Copy

No.

Filed, 192

Solicitor.

EQUITY SUBPOENA
The State of Maryland

To



Mattie Spence

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you be in your person before the Circuit Court No. 2 of Baltimore City, at the Court House in said city, on the second Monday of September, 1920, to answer the complaint of

Oliver M. Spence

HEREOF fail not, as you will answer to the contrary at your peril: against you in said Court exhibited,

WITNESS, the Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 12th day of July, 1920

Issued the 17th day of August in the year 1920
John Pleasanto
Clerk.

NOTICE TO THE PERSON SUMMONED:

“Personal attendance in Court on the day named in the above Writ is not required; but unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit a judgment by default may be entered against you.”
“The Defendant is required to file his Answer or other Defense in the Clerk’s Office within fifteen days after the return day.”

TRUE COPY TEST

John Pleasanto

CLERK.

153

Ct. Ct. No. 2

430

1920

Docket No. 24

Spencer

vs.

Spencer

Subpoena to Answer Bill of Complaint

912-1000 SA

Pro

No.

19533 B

3

Copy - kept

Filed

W. S. Bond

1920

Solicitor.

8

Wm Cox
(Clerk)
Thomas F. McVally
Chicago

EQUITY SUBPOENA
The State of Maryland

To

Mattie Spence
903 S Sharp St

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you be in your person before the Circuit Court No. 2 of Baltimore City, at the Court House in said city, on the second Monday of *October*, 192*0*, to answer the complaint of

Olin M. Spence

against you in said Court exhibited, HEREOF fail not, as you will answer to the contrary at your peril:

WITNESS, the Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *14th* day of *September*, 192*0*

Issued the *23rd* day of *September*, in the year 192*0*

John Pleasant
Clerk.

NOTICE TO THE PERSON SUMMONED:

"Personal attendance in Court on the day named in the above Writ is not required; but unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit a judgment by default may be entered against you."

"The Defendant is required to file his Answer or other Defense in the Clerk's Office within fifteen days after the return day."

Ct. Ct. No. 2

430 B
192 0

Docket No. 29

Spence

vs.

Spence

Subpoena to Answer Bill of Complaint

Olney

No.

Filed, 192

Solicitor.

EQUITY SUBPOENA
The State of Maryland

To



Matthew Spencer

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you be in your person before the Circuit Court No. 2 of Baltimore City, at the Court House in said city, on the second Monday of *October*, 192*0*, to answer the complaint of

Oliver M. Spencer

against you in said Court exhibited, HEREOF fail not, as you will answer to the contrary at your peril:

WITNESS, the Honorable MORRIS A. SORER, Chief Judge of the Supreme Bench of Baltimore City, the *14th* day of *September*, 192*0*

Issued the *23rd* day of *September* in the year 192*0*
John Pleasant
Clerk.

NOTICE TO THE PERSON SUMMONED:

“Personal attendance in Court on the day named in the above Writ is not required; but unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit a judgment by default may be entered against you.”
“The Defendant is required to file his Answer or other Defense in the Clerk’s Office within fifteen days after the return day.”

TRUE COPY TEST.
John Pleasant
CLERK.

239

Ct. Ct. No. 2

430
1920

Docket No. 29

Spencer

vs.

Spencer

Subpoena to Answer Bill of Complaint

Per

No. 19533 B

H

Copy = Leaped

Filed 13th December 1920
Roy S. Bond
Solicitor.

8.

non est
(Bunn)
Thomas v. McQuilly
Sherriff



NOTICE TO THE PERSON SERVED
This subpoena is issued to you in accordance with the provisions of the Code of Civil Procedure, and you are hereby notified that you are required to appear in court on the day named in this subpoena and to answer the bill of complaint filed in this case.

EQUITY SUBPOENA
The State of Maryland

To

Mattie Spence

914 S Strong St

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you be in your person before the Circuit Court No. 2 of Baltimore City, at the Court House in said city, on the second Monday of *December*, 192*0*, to answer the complaint of

Oliver M. Spence

HEREOF fail not, as you will answer to the contrary at your peril: against you in said Court exhibited,

WITNESS, the Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *8* day of *November*, 192*0*

Issued the *2nd* day of *December*, in the year 192*0*

John Pleasants

Clerk.

NOTICE TO THE PERSON SUMMONED:

“Personal attendance in Court on the day named in the above Writ is not required; but unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit a judgment by default may be entered against you.”

“The Defendant is required to file his Answer or other Defense in the Clerk’s Office within fifteen days after the return day.”

Ct. Ct. No. 2

130 B
192 0 Docket No. 29

Spence

vs.

Spence

Subpoena to Answer Bill of Complaint

Copy

No.

Filed., 192

Solicitor.

EQUITY SUBPOENA
The State of Maryland

To



Mattie Spence

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you be in your person before the Circuit Court No. 2 of Baltimore City, at the Court House in said city, on the second Monday of December, 1920, to answer the complaint of

Oliver M. Spence

HEREOF fail not, as you will answer to the contrary at your peril: against you in said Court exhibited,

WITNESS, the Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 8th day of November, 1920

Issued the 2nd day of December, in the year 1920

John Pleasant

Clerk.

NOTICE TO THE PERSON SUMMONED:

"Personal attendance in Court on the day named in the above Writ is not required; but unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit a judgment by default may be entered against you."

"The Defendant is required to file his Answer or other Defense in the Clerk's Office within fifteen days after the return day."

John Pleasant

272
Ct. Ct. No. 2

430
1920

Docket No. 29

Spence

vs.

Spence

Subpoena to Answer Bill of Complaint

CV

No. 19533B
6

Copy - copied

Filed 10 January 1921
Roy S. Bond
Solicitor.

8

Summoned and a copy of the Process left with
the defendant

(Bunn)
1-6-21
Thomas J. McAuliffe
Sheriff
Fees \$0.80

EQUITY SUBPOENA

The State of Maryland

To

Madie Spence
914 S Sharp St

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you do within the time limited by law, beginning on the second Monday of *January*, next, cause an appearance to be entered for you, and your Answer to be filed to the Complaint of

Oliver M. Spence

against you exhibited in the CIRCUIT COURT NO. 2 OF BALTIMORE CITY.

HEREOF fail not, as you will answer the contrary at your peril:

WITNESS, the Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *8* day of *January*, 192*0*

Issued the *4* day of *January*, in the year 192*1*

John Pleasants
Clerk.

MEMORANDUM:

You are required to file your Answer or other defence in the Clerk's Office, Room No. 235, in the Court House, Baltimore City, within fifteen days after the return day. (General Equity Rule 11.)

[DECREE PRO CONFESSO.]

Oliver M. Spence

vs.

Mattie Spence

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

January Term 1921

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

Mattie Spence,

It is thereupon this *1st* day of *February* in the year nineteen hundred and *twenty-one* by the Circuit Court No. 2 of Baltimore City ADJUDGED ORDERED and DECREED, that the complainant is entitled to relief in the premises, and that the Bill of Complaint be and is hereby taken pro confesso against said defendant.....

Mattie Spence

But because it doth not certainly appear to what relief the plaintiff is entitled, it is further ADJUDGED and ORDERED, that one of the Examiners of this Court, take testimony to support the allegations of the Bill.

H. Arthur Stump

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I HEREBY CERTIFY, That on this *31st* day of *January*, 19*21*, before the subscriber, a *Notary Public* of the State of Maryland, in and for Baltimore City, personally appeared *Oliver M. Spence* the plaintiff in this action, and made oath in due form of law that *Mattie Spence* the defendant is not in the military service of the United States.

Oliver M. Spence

Eleanna S. Wright
Notary Public

✓
Ct. Ct. No. 2.

430
192

Docket. 29B-

Oliver M. Spence
vs.

Matthe Spence

Decree Pro Confesso

Says

No. 19533 B
6

Filed 1st February

1921

DOC. B 430
1920

IN THE CIRCUIT COURT

No. 2

OF BALTIMORE CITY

Oliver M. Spence

vs.

Mattie Spence

PLAINTIFF'S EXHIBIT
EXAMINER No. 1

No. 195337B

FILED WITH THE EXAMINER
Feb. 8, 1921
A. deR. SAPPINGTON
EXAMINER

70

15

35-0

70

10.50

Personal
Notes

350
175
225-

400

350

4 1/2

200

51

250

7

20 7/8

1919
Oct. 29

Baltimore

Mr Oliver Spence I will
write and let you know
while you are spreading
it around I am not leav-
ing by you say I run
with doctor Baruley
Because I have a little
better offer and so I
though while I had
the chance I should take
it I call to get ~~some~~
~~prescriber~~ for medicine
so he told me about it
But I am not living
with no man but I
has one to take care
of me and don't have
work home and away
and not get any thing

And I am going to
Philadelphia with
him soon and so you
need not fret it is not
Doctor Baruley so I
though I would let
you know so you could
tell the truth some time
hoping my children
are well I am leaving
them in the hands of
the Lord and I know
it so I will leave you
before you leave and
so I have no more
to say
I m attie W

DOC. 73 430
1920

IN THE CIRCUIT COURT

No. 2

OF BALTIMORE CITY

Olive M. Spence

vs.

Mattie Spence

PLAINTIFF'S EXHIBIT
EXAMINER No. 2

No. 1953373

FILED WITH THE EXAMINER

Feb 8, 1921.

A. deR. SAPPINGTON
EXAMINER



Mr Oliver Spence
137 M Hill St
Baltimore Md

Balto. 1919

Sept 1.

Doctor As I am thinking
about you I will send you
a word, or two, and tell you
that I am still thinking of
you, if you are not thinking
about me I guess you think
I have a nerve, But I will
tell you I think I have to
but, if I could only go out
with you, when I want you

H. B. Ct. Ct. No. 2
1920 Docket No. *29*

Spence
vs.

Spence

**Order of Reference
and Report**

Robertson

No. *19533 B*
8-9

Order Filed *10* day of *March* 192*1*
Report Filed *17* day of *March* 192*1*

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

Oliver M. Sence
vs.
Mattie Sence

January Term, 1921

107

This case being submitted, without argument, it is ordered by the Court, this
day of March, 1921, that the same be and it is hereby referred to
Alexander K. Robinson, Esq., Auditor and Master, to report the
pleadings and the facts, and his opinion thereon.

H. Arthur Lump

Report of Auditor and Master

Bill filed by husband against wife for divorce A Vinculo
Matrimonii for adultery of defendant and custody of two minor children.
Code Article 16, Section 76.

Defendant summoned, no answer, decree Pro Confesso, thirty
days elapsed. Proof shows marriage, residence and adultery of de-
fendant. The two minor children to be awarded the plaintiff. Case
ready for decree.

Alexander K. Robinson

Auditor and Master.

Circuit Court No. 2

B. 430
1920 B No. Docket

Oliver M. Spence

vs.

Mattie Spence

DECREE OF DIVORCE.

17 March 1921

Pd *P*

No. 190133
10

Keyes - copied

Filed 17 March 1922

DECREE OF DIVORCE.

IN THE

Circuit Court No. 2

OF

BALTIMORE CITY.

Oliver M. Spence

vs.

Mattie Spence

March TERM, 1921.

This is a proper decree.

Alex. S. ... Auditor and Master.

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

It is thereupon, this 1st day of March, Anno Domini, one thousand nine hundred and twenty-one by the Circuit Court No. 2 of Baltimore City, Adjudged, Ordered and Decreed, that the said Oliver M. Spence

the above named complainant be, and he is hereby DIVORCED A VINCULO MATRIMONII, from the defendant. Mattie Spence; and that the two minor children, Golda and Daniel Spence, be awarded the plaintiff.

And it is further Ordered, that the said plaintiff pay the cost of this proceeding.

H. Arthur Pleasants

I, JOHN PLEASANTS, Clerk of the Circuit Court No. 2 of Baltimore City, do hereby certify that the above is a true copy of the decree taken from the record of proceedings in said cause.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the said Court, this day of 1921.

Clerk Circuit Court No. 2 of Baltimore City.

Serve on

Oleiver M. Spence
137 W. Hill St

In Court Book
Nov B 430
A Babbely 1920

Oleiver Spence

or

Matthe Spence

Petition to ~~Seize~~ ^{Seize} ~~Seize~~ ^{Seize} ~~Seize~~ ^{Seize}
for Deed of Violence

Wm (Ker) Spence

~~Wm Spence~~

No 19530 B
11.

Copy or as = copied

DAVIS & BISHOP
ATTORNEYS AT LAW
BANNEKER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.

Feb 24 February 1922

Copy of the within Petition and Order of Court served on
Oleiver M. Spence on the 27th day of February 1922
in presence of George L. Robinson
Thomas W. Spence
Fees \$0.50

OLIVER SPENCE

IN CIRCUIT COURT NO. 2

VS

OF

MATTIE SPENCE

BALTIMORE CITY.

.....

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of Mattie Spence in the above entitled case, respectfully shows:

FIRST, That Oliver Spence filed 17th day of ^{Aug.} 1920 a bill for Divorce A Vinculo from your petitioner, alleging adultery.

SECOND, On the 16 day of Oct. 1920 a decree pro confesso was filed and on the 16 day of Oct. 1920 depositions were taken.

THIRD, On the 17th. day of March 1921, a decree divorcing Oliver Spence from your petitioner and granting unto Oliver Spence the custody of Golda and Daniel Spence was signed by this Honorable Court.

FOURTH, That during the continuance of the aforementioned proceeding, the said Oliver Spence continued to visit your petitioner and to co-habit with your petitioner frequently; and that upon being summoned in the aforementioned proceeding, your petitioner questioned the aforementioned Oliver Spence as to the purport and meaning of the subpoena and the said Oliver Spence answered that he was not pursuing any such action as indicated by the said subpoena and that the said Oliver Spence advised your petitioner to ignore the said subpoena; that your petitioner never received any notice as to the date or hour of a hearing in the aforementioned case; and not being learned in the law and depending entirely upon the representations of the said Oliver Spence, your petitioner did not consult counsel; Your petitioner also relied upon the continuance of the marital relations as between herself and the said Oliver Spence during the whole time that the aforementioned suit was pending.

FIFTH, That desiring the custody of her children and

not knowing that the Court had granted said custody to the said Oliver Spence, the petitioner took the children from the home of the sister of Oliver Spence, the said Oliver Spence then cited your petitioner for contempt of court; it was not until your petitioner attended the contempt proceedings that your petitioner knew that she had been divorced from Oliver Spence.

SIXTH, That the testimony of the said Oliver Spence and his witnesses before the examiner was that your petitioner had committed adultery. Your petitioner denies this and avers that she stands prepared to disprove any such allegations.

SEVENTH, That the testimony of the said Oliver Spence and that of his witnesses before the examiner, was that the said Oliver Spence, at the time of testifying and since the discovery of the alleged adultery, had not co-habited with your petitioner. This is untrue. Oliver Spence was at that time co-habiting with your petitioner and did not discontinue said co-habitation until July 1921.

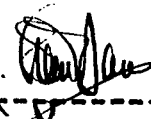
EIGHTH, That the testimony of the said Oliver Spence to the effect that he was true to your petitioner. Your petitioner is prepared to submit abundant testimony to the effect that the conduct of the said Oliver Spence prior to March 17, 1921 was extremely adulterous.

WHEREFORE YOUR PETITIONER PRAYS:

That the decree for Divorce A Vinculo Matrimonii and all proceedings subsequent be stricken out.

That your petitioner be allowed to file an answer that she may have her day in court.

Such other and further relief as the case may require.



ATTORNEY FOR PETITIONER.

STATE OF MARYLAND } TO WIT
BALTIMORE CITY }

I HEREBY CERTIFY THAT ON THIS 11th DAY OF Feb,
1928, BEFORE ME THE SUBSCRIBER, A NOTARY PUBLIC IN AND FOR BALTI~~M~~
MORE CITY, STATE OF MARYLAND, PERSONALLY APPEARED MATTIE SPENCE,
THE COMPLAINANT IN THE FOREGOING BILL AND MADE OATH IN DUE FORM
OF LAW THAT THE MATTER CONTAINED IN THE SAME WAS TRUE TO THE
BEST OF HER KNOWLEDGE AND BELIEF.

Mrs Mattie Spence

Caroline Murray.
NOTARY PUBLIC.

Upon the foregoing petition and affidavit it is this

24th day of *February* 1922, by the Circuit Court Number 2 of Balti-
Oliver Spence a law case as terminated set out by
more City, adjudged, ordered and decreed that, the decree *a Vincu-*

lo Matrimonii passed the 17th. day of March, 1921, in this cause,

together with the decree Pro Confesso and ~~the same be hereby stri-~~

~~cked out and declared to be of no effect unless cause to the con-~~
should not be stricken out

~~trary be shown on or before the day of 1922, provided a copy of~~
11th March
^ ^

this order be served on the said Oliver Spence on or before the *18*
day of *March 1922.*

Charles F. Otter

B 430/1920

In the Circuit Court, No. 2

of

Baltimore City.

Oliver Spence

vs,

Mattie Spence.

ANSWER TO PETITION.

No 19533-B
12

Mr. Clerk:

Please file etc.

Roy S. Bond
Sol. for Respondent.

ROY S. BOND
ATTORNEY AT LAW
215 ST. PAUL PLACE
BALTIMORE, MD.

FILED

11 March 1922

Oliver Spence () In the Circuit Court, No.2
vs. (of
Mattie Spence) Baltimore City.

To the Honorable, the Judge of said Court:

Your Respondent, Oliver Spence, in answer to the Petition filed against him, respectfully shows:

FIRST. He admits the 1st, 2nd and 3rd paragraphs of said Petition.

SECOND. He most emphatically denies the 4th, 5th, 6th, 7th and 8th paragraphs in so far as any of the allegations therein contained, may be used against him. He admits however, that the children in question, in this case were brought into Court, under His Honor, Judge Dobler, and awarded to him after they had been stolen away by his wife, and that it was called to her attention that she was in contempt of Court, and she was told to leave the children where the Court had placed them, and further that she could not expect to be an adultress and retain the custody of the children in this cause.

THIRD. He emphatically denies that he has cohabited with his wife, since the date of separation, as named in his original bill.

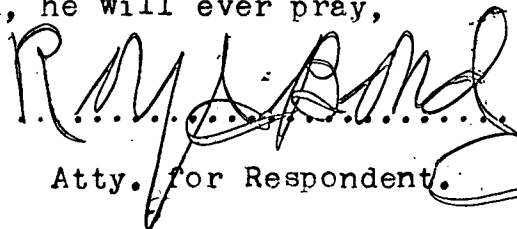
FOURTH. He denies that he committed adultery and to the contrary says, he was always a good, true husband to his wife.

Having answered all the allegations contained in the Petition, filed against him, in so far as he is advised is necessary,

HE RESPECTFULLY PRAYS:

That the Petition be dismissed.

As in duty bound, he will ever pray,


.....
Atty. for Respondent.

STATE OF MARYLAND ()
BALTIMORE CITY () TO WIT

I hereby acknowledge on this *11th* day of *March* 1922, before me the subscriber, a Notary Public, in and for Baltimore City, State of Maryland, personally appeared, Oliver Spence, the Respondent in the foregoing Answer, and made oath in due form of law, that the matter contained in the same, was true to the best of his knowledge and belief.

Heber C. Fisher
.....

Notary Public

Oliver Spence
.....

Respondent.

SERVE ON

Mattie Spence -
114 Henrietta St -
3rd floor -
West

430
CT. CT. No. 2. B. 29-
19

Oliver Spence

vs.

Mattie Spence

ORDER OF COURT NISI
For Contempt

Order:

No. 19533 B.
13

Copy Copied

Filed 13 October, 1923

8

Thomas O. McQuilly
Sherriff
now Est
(Dunn)

Oliver Spence

vs.

Mattie Spence

IN THE
Circuit Court No. 2

OF

BALTIMORE CITY.

Ordered by the Circuit Court No. 2 of Baltimore City this 13 day of October, 1923 —
that the defendant, Mattie Spence appear before this Court in person,
on the 19 day of Oct-, 1923, at 10 o'clock A. M., and then and there show
cause, if any, he may have, why she should not be punished for contempt of this Honorable Court
in not obeying the Order of this Court passed on the 19th day of March, 1921,
regarding the custody of children
~~directing the payment of Alimony pendente lite, by him to the~~ ; provided, a
copy of this Order be served on the said Mattie Spence on or before the 18 day
of October, 1923

D. K. Bond

Judge.

True Copy: Test

.....
Clerk.

SERVE ON

430
CT. CT. No. 2.

B. 29
19

Oliver Spence

vs.

Mattie Spence

**ORDER OF COURT NISI
For Contempt**

Order:

No. B.

Copy

Filed, 19

Oliver Spence

vs.

Mattie Spence

IN THE
Circuit Court No. 2

OF

BALTIMORE CITY.

Ordered by the Circuit Court No. 2 of Baltimore City this 13th day of October, 1923 that the defendant, Mattie Spence appear before this Court in person, on the 19th day of October, 1923, at 10 o'clock A. M., and then and there show cause, if any he may have, why he should not be punished for contempt of this Honorable Court in not obeying the Order of this Court passed on the 17th day of March, 1921, regarding the custody of children directing the payment of Alimony, pendente lite, by him to the _____; provided, a copy of this Order be served on the said Mattie Spence on or before the 18th day of October, 1923

Duke Bond

Judge.

True Copy: Test

John Pleasants

Clerk.

Deuce on
Mattie Spence
114 N. Henrietta St
3rd floor

570

13⁴

Circuit Court No. 2

Oliver M. Spence

v.

Mattie Spence

Setn of Oliver M.

Spence order -

No 19533 B

Mr. Clerk:

Please file &c

Henry M. Dinneen

Copies - copied

BENZINGER & DINNEEN

ATTORNEYS AT LAW

345 ST. PAUL PLACE

BALTIMORE, MD.

FILED

13 November 1943

The Daily Record Print, Baltimore, Md.

Tom Est
(Dunn)
Thomas O. Mully
Sheriff

OLIVER M. SPENCE

:

IN THE

:

vs

:

CIRCUIT COURT NO. 2 OF BALTIMORE CITY

MATTIE SPENCE

:

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of Oliver M. Spence respectfully shows unto your Honor:


First: That on the 17th day of March, 1921, by decree of this Court duly entered in the premises, your petitioner was divorced from Mattie Spence, and the custody of the two minor children born of said marriage to wit: Golder and Daniel Spence, was awarded to your petitioner

Second: That despite the fact that the aforesaid decree is still in full force and effect, the said Mattie Spence has by artifice and subterfuge, deprived your petitioner of the custody of the said two children, and refuses to either disclose their whereabouts or return them to your petitioner.

Your petitioner therefore prays:

An order may be passed in the premises directing the said Mattie Spence to show cause why she should not be required to comply with the terms of said decree, and also be punished as for a contempt for her conduct in depriving your petitioner of said children.

And as in duty bound, &c.,


Solicitors for Petitioner.



STATE OF MARYLAND, CITY OF BALTIMORE, SCT:

I HEREBY CERTIFY, that on this *10th*, day of November, 1923, before me the subscriber a Notary Public of the State of Maryland, in and for the City of Baltimore, personally appeared Oliver M. Spence, and made oath in due form of law that the matters and facts stated in the foregoing petition are just and true as therein stated, to the best of his knowledge, information and belief.

As witness my hand and Notarial Seal.

Loretta Wenger.

Notary Public.

The foregoing petition and affidavit being read and considered it is thereupon this 13th day of November, 1923, by the Circuit Court No. 2 of Baltimore City, ordered that Mattie Spence be and appear in person in this Court on the 29th day of November, 1923, and show cause if any she hath why she should not forthwith relinquish the custody of the infant children referred to in said petition, and also be punished for contempt for violating the decree heretofore passed in this Court, provided a copy of the within petition and this order be served on the said Mattie Spence on or before the 19th day of November, 1923.

Walter Bond

OLIVER M. SPENCE

IN THE

vs

MATTIE SPENCE

CIRCUIT COURT NO. 2 OF BALTIMORE CITY

After 6 P.M. ~~114~~

114 N. Hea -
Mattie 3^d floor -

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of Oliver M. Spence respectfully shows unto your Honor:

First: That on the 17th day of March, 1921, by decree of this Court duly entered in the premises, your petitioner was divorced from Mattie Spence, and the custody of the two minor children born of said marriage to wit: Golder and Daniel Spence, was awarded to your petitioner

Second: That despite the fact that the aforesaid decree is still in full force and effect, the said Mattie Spence has by artifice and subterfuge, deprived your petitioner of the custody of the said two children, and refuses to either disclose their whereabouts or return them to your petitioner.

Your petitioner therefore prays:

An order may be passed in the premises directing the said Mattie Spence to show cause why she should not be required to comply with the terms of said decree, and also be punished as for a contempt for her conduct in depriving your petitioner of said children.

And as in duty bound, &c.,

Hayden

Solicitors for Petitioner.

STATE OF MARYLAND, CITY OF BALTIMORE, SCT:

I HEREBY CERTIFY, that on this 10th day of November, 1923, before me the subscriber a Notary Public of the State of Maryland, in and for the City of Baltimore, personally appeared Oliver M. Spence, and made oath in due form of law that the matters and facts stated in the foregoing petition are just and true as therein stated, to the best of his knowledge, information and belief.

As witness my hand and Notarial Seal.



Notary Public.

T

The foregoing petition and affidavit being read and considered it is thereupon this 13th day of November, 1923, by the Circuit Court No. 2 of Baltimore City, ordered that Mattie Spence be and appear in person in this Court on the 29th day of November, 1923, and show cause if any she hath why she should not forthwith relinquish the custody of the infant children referred to in said petition, and also be punished for contempt for violating the decree heretofore passed in this Court, provided a copy of the within petition and this order be served on the said Mattie Spence on or before the 19th day of November, 1923.

John Pleasant

Duke Bond.

SERVE ON

Mattie Spence
114 W. Henrietta St

CT. CT. No. 2.
29B.

B. 430
19 20

OLIVER M. SPENCE

vs.

MATTIE SPENCE.

114 W. Henrietta
Street

**ORDER OF COURT NISI
For Contempt**

Order:

No. 19533 B.
15

Copy - kept

Filed *A December*, 1923

8

*Copy of the within Order of Court served
on Mattie Spence on the 6th day of
November 1923. In presence of George L. Dunn,
Thomas J. McQuilly
Shirley*

Fees \$0.50

OLIVER M. SPENCE

IN THE

Circuit Court No. 2

vs.

MATTIE SPENCE

OF

BALTIMORE CITY.

Ordered by the Circuit Court No. 2 of Baltimore City this 4 day of December, 1923
 that the def. Mattie Spence, appear before this Court in person,
 on the 7 day of December, 1923, at 10 o'clock A. M., and then and there show
 cause, if any he may have, why he should not be punished for contempt of this Honorable Court
 in not obeying the Order of this Court passed on the 18th day of March, 1921,
~~directing the payment of Alimony, pendente lite, by him to the~~
relative to the custody of the minor children;
 provided, a
 copy of this Order be served on the said Mattie Spence on or before the 6 day
 of December, 1923.

Superior

Judge.

True Copy: Test

Clerk.

Served on

Oliver M. Spence

or
Roy S. Bond

appointed

210

Service Admitted
Jan. 2 1924
R.S. Bond

B430/920

IN THE
CIRCUIT COURT OF BALTIMORE
CITY.

OLIVER M. SPENCE,

914 Sharp St
VS. or
137 W. Hill St

MATTIE SPENCE.

PETITION. Order

MR. CLERK:

PLEASE FILE, ETC.

Arthur R. Padgett
SOLICITOR FOR PETITIONER.

No 19533 B

Copy order - copied

ARTHUR R. PADGETT
ATTORNEY AT LAW
170 E. LEXINGTON ST.
BALTIMORE

Jan 2, January 1924

LUCAS BROS., INC., BALTIMORE

4-8

Copy of the within Petition and Order of Court served on
Oliver M. Spence on the 4th day January 1924 in presence

of Dennis J. Mitchell

John E. Pater

Sheriff

Fees - \$ 0.50

Mitchell
1/4/24

OLIVER M. SPENCE, : IN THE
 : ^{No. 2}
 : CIRCUIT COURT OF BALTIMORE
VS. :
 : CITY.
MATTIE SPENCE. :

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of Mattie Spence, the above named defendant, by Arthur R. Padgett, her solicitor, respectfully represents;

1. That on March 17, 1921, this Honorable Court signed a decree of divorce a vinculo matrimonii in the above matter and awarded the custody of the two minor children of the parties to the said Oliver M. Spence.

2. That your petitioner was never served with a subpoena in this matter, although the sheriff's return shows that she was served; that your petitioner was therefore not represented at any stage of the above proceeding prior to the signing of said decree and had no notice nor knowledge of the same and your petitioner further avers that the testimony taken before the examiner was untrue.

3. That as soon as your petitioner learned the above facts, she employed J. Stewart Davis, Esq., a member of the Baltimore Bar, to file a petition to strike out said decree; said petition was filed and an answer was filed thereto by the solicitor for the said Oliver M. Spence, but this matter was never set down for a hearing by either solicitor for the said parties.

4. That your petitioner has always had said children in her custody, as a matter of fact, since the time of their birth and this with the consent of the said Oliver M. Spence; that the said Oliver M. Spence told your petitioner on numerous occasions that they were not divorced and as a result of his representations, they lived together as man and wife on numerous occasions since

the signing of said decree, the last occasion being on October 3, 1923.

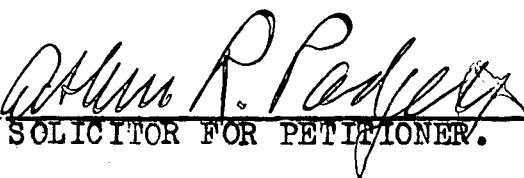
5. That since the filing by your petitioner of the aforesaid petition to strike out said decree, the said Oliver M. Spence has remarried and your petitioner avers that the said Oliver M. Spence does not really desire the custody of these children, and if he gets them, he will turn them over to his sister and your petitioner further avers that he is not fit to have the custody of said children as he is a hard drinker, and has been convicted of the crime of larceny and paroled in 1917; that your petitioner is well able to take care of said children.

Wherefore your petitioner prays:

(1) That the decree of March 17, 1921, be amended so as to award to her the custody of said children.

(2) And for such other and further relief as may be proper in the premises.

And as in duty bound, etc.


SOLICITOR FOR PETITIONER.


PETITIONER.

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this ^{17th} day of December, 1923, before me, the subscriber, a Notary Public of the State of Maryland in and for the City aforesaid, personally appeared Mattie Spence, and made oath in due form of law that the matters and facts above stated are true to the best of her knowledge and belief.

AS WITNESS my hand and Notarial Seal.


NOTARY PUBLIC.

Upon consideration of the foregoing petition and affidavit, it is by the Circuit Court No. 2 of Baltimore City, this ^{January 1924} 2nd day of ~~December~~, ~~1923~~, Ordered that the decree dated March 17, 1921, in the above entitled case be and the same is hereby amended and the custody of the children mentioned in said decree is hereby awarded to Mattie Spence, the above named defendant, subject to the order of this Court, unless cause to the contrary be shown on or before the 17th day of ~~December~~ ^{January} 192~~3~~⁴, provided a copy of said order be served upon said Oliver M. Spence, or Roy S. Bond, his solicitor, on or before the ^{7th day of January 1924} ~~19th day of December, 1923.~~

James P. Gorter

B430/1920

In the
Baltimore City, No. 2,
Baltimore City.

OLIVER N. SPENCE
VS.
MATTIE SPENCE.

Answer to Amended Petition.
Petition.

Mr. Clerk:--

Please file &c.,
Roy S. Bond
Sol. for Respondent.

No 19533 B
17

ROY S. BOND
ATTORNEY AT LAW
215 ST. PAUL PLACE
BALTIMORE, MD.

FILED *16 January 1924*

OLIVER N. SPENCE

VS.

MATTIE SPENCE

In the
Circuit Court, No. 2,
Baltimore City.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Answer of the Amended Petition of Mattie Spence hereafter filed respectfully shows:

- (1) That he admits paragraph ONE.
- (2) That he denies the allegation as to his former wife never having been served with a subpoena in these proceedings and to the contrary says she was served but at that time, she was very much infatuated with another man and did not care as to what might be the outcome of his divorce. He denies the remainder of paragraph TWO.
- (3) He denies paragraph THREE and to the contrary says that the decree was signed a very long time before she started any proceedings to regain the custody of the children in this case and further that she abandoned her petition to strike out, as hereafter filed.
- (4) He denies paragraph FOUR, and to the contrary says that his former wife has never had the custody of the children in this case since she abandoned and deserted them and also her husband prior to the time this divorce was filed except when she stole them contrary to the Order of this Honorable Court. That the said Mattie -Spence has always treated the Order of this Honorable Court with utter contempt and that this case has already been reopened and gone into thoroughly by his Honor, Judge Dobler and his Honor, Chief Judge Gorter and that these children again and again have been taken away from her for the betterment of their welfare. Your respondent denies all further allegations contained in paragraph FOUR.
- (5) Your respondent admits that he has remarried since the granting of his divorce. He denies most emphatically all further allegations contained in paragraph FIVE with the exception that he was parolled in 1917, but ever since that time, he has lived up to his parole and he has been a good, faithful father to his children.

He denies any other allegation in this petition that may be used against him.

WHEREFORE YOUR RESPONDENT PRAYS:

- a- That the Amended Petition to which he has fully answered be dismissed and the Order thereon vacated.

As in duty bound, etc.,

Oliver M. Spence
Respondent.

Raymond
Sol. for Respondent.

STATE OF MARYLAND, BALTIMORE CITY, to wit-

I hereby certify that on this 16th day of January 1924, before me the subscriber, a Notary Public, of the State of Maryland, in and for Baltimore City, personally appeared Oliver M. Spence, Respondent, in the foregoing proceedings, and made oath in due form of law, that the matters and facts set forth in this, his answer, is true to the best of his knowledge and belief.

As witness my hand and Notarial Seal.

Eleanor S. Wright
NOTARY PUBLIC.

Roy J. Bond

29

✓

27

Cir. Ct. No. 2

430

1920

Docket No. 29B

Oliver M. Spence

vs.

Mattie Spence

MOTION FOR HEARING

19503

No. 195-33B
18

Filed, 5 May 1924

Arthur R. Padgett

Oliver M. Spence
vs.
Matter Spence

IN THE
CIRCUIT COURT, No. 2
OF
BALTIMORE CITY.

Upon application made by the Solicitor for the *Defendant*
the above entitled cause has been placed upon the Trial Calendar in accordance with the provisions
of the First Equity Rule, and the same will stand for hearing on *Pleasant filed*
January 2, 1924 for modification of decree and
answer thereto

when reached in due course on the said calendar.

JOHN PLEASANTS,
Clerk Circuit Court No. 2.

Serve on

Ray B. Bond
Solicitor

No 79

Cir. Ct. No. 2

430
1920

B

Docket No. 29

Spence

vs.

Spence

NOTICE AS TO HEARING

1 copy

No. 19533 B

Copy - Colwell

Filed 5 May, 1924

Jaffer

Copy of the within Notice served on Ray Bond,
Solicitor on the 5th day of May, 1924 in
the presence of Maurice L. Jaffer
(Fees \$ 0.50) John E. Potee
Sheriff

Olivier M. Spence

vs.

Mattie Spence

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

The *Defendant* by *Arthur R. Padgett*

Padgett Solicitor, applies to have the above entitled cause placed in the

Trial Calender for hearing on *Petition filed Jan. 2, 1924 and*

answer thereto modification of decree

In conformity with the First Equity Rule.

Arthur R. Padgett

Solicitor for *Defendant*

Spence on
Oliver M Spence
137 Hill St

IN THE CIRCUIT COURT NO. 2

of

BALTIMORE CITY.

B 430
1920

OLIVER M. SPENCE

VS.

MATTIE SPENCE.

137 Hill St

PETITION AND ORDER.

(Order)

Mr. Clerk:

Please file, etc.

~~Arthur R. Padgett~~
Solicitor for Petitioner.

No 19533 B
21

Copy order copied

ARTHUR R. PADGETT
ATTORNEY AT LAW
110 E. LEXINGTON ST.
BALTIMORE

FILED

1st October 1920

THE DAILY RECORD CO., BALTIMORE, MD.

Copy of the within Order of Court served on
Oliver M. Spence on the 1st day of October 1920
in presence of Dennis J. Mitchell
John E. Potee
Sheriff
Fee \$0.50

19533

1-8

OLIVER M. SPENCE : IN THE CIRCUIT COURT NO. 2
VS. : OF
MATTIE SPENCE : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The petition of Mattie Spence, by Arthur R. Padgett, her Solicitor, respectfully represents:-

(1) That by a decree of this Honorable Court dated March 17th, 1926, the said Oliver M. Spence was divorced a vinculo matrimonii from the defendant, and the custody of the two minor children of the parties hereto, to wit: Goldie and Daniel Spence was awarded to the said plaintiff.

(2) That by an order dated May , 1924, this Honorable Court continued the custody of the said minor children with the said plaintiff and further ordered that the defendant should have the children with her at certain times.

(3) That during the month of May, 1926, the said plaintiff brought the children to the said defendant and left them with her and told her that she could keep them as they were not getting the proper attention.

(4) That on or about the 1st of September, 1926, the said plaintiff took away from the said defendant one of said children, to wit: Goldie Spence and left the other child, Daniel Spence, with her.

(5) That Goldie Spence is now nine years of age and Daniel Spence seven years of age and that said children are not properly cared for while in the custody of their said father; that your petitioner is desirous of having the children with her in order to give them a mother's care.

WHEREFORE your petitioner prays that an order may pass awarding the custody of said children to her and charging the said plaintiff with their support.

And as in duty bound, etc.

SOLICITOR FOR PETITIONER

Mattie Spence

STATE OF MARYLAND,

City of Baltimore, To wit:

I Hereby Certify, that on this day of September, 1926, before me the subscriber a Notary Public in and for the City and State aforesaid personally appeared Mattie Spence, and made oath in due form of law that the matters and facts above set forth are true to the best of her knowledge and belief.

As witness my hand and Notarial Seal.


Notary Public.

Upon consideration of the foregoing petition and affidavit it is this 1st day of *October*, 1926, by the Circuit Court No. 2 of Baltimore City ordered that the decree in the above entitled case and the order dated May 14th, 1924, be and the same are hereby amended and the custody of the children mentioned in said decree is hereby awarded to Mattie Spence, the above named defendant, subject to the further order of this Court, unless cause to the contrary be shown on or before the 16th day of *October*, 1926, and provided a copy of this order be served upon Oliver H. Spence, #137 Hill Street, Baltimore, Maryland, on or before the 6th day of *October* 1926.

Richard H. Spence

B 430/1920

IN THE
--CIRCUIT COURT NO. 2--
BALTIMORE CITY.

OLIVER M SPENCE

VS.

MATTIE SPENCE.

ANSWER TO
PETITION.

1/0 19 5 3 3 B
22

Mr: Clerk:

Please file &c.

Roy S. Bond
Sol: for Respondent.

ROY S. BOND
ATTORNEY AT LAW
220 ST. PAUL PLACE
BALTIMORE, MD.

FILED

THE DAILY RECORD COMPANY
Baltimore, Md.

19533

OLIVER M SPENCE

IN THE

VS.

--CIRCUIT COURT NO. 2--

MATTIE SPENCE

BALTIMORE CITY.

TO THE HONORABLE- THE JUDGE OF SAID COURT:

Your Respondent- OLIVER M SPENCE- to the petition heretofore filed respectfully says:

(1) That he admits the allegations contained in paragraph -ONE- and further avers that the divorce was obtained on the ground of adultery.

(2) That he admits the allegations contained in paragraph -TWO.

(3) That he denies the allegations contained in paragraph -THREE.

(4) That he neither admits nor denies the allegations contained in paragraph FOUR.

(5) That he emphatically denies the allegations contained in paragraph- FIVE.

HAVING ANSWERED in so far as he is advised is necessary, he respectfully prays that the petition of Mattie Spence be dismissed and the order thereon vacated.

AS IN DUTY BOUND, etc.,


SOLICITOR FOR RESPONDENT.

Ct. Ct. No. 2

725
1920 No. 29 Docket B

Spencer

vs.

Spencer

Summons for Witness

No. 19553 B
76.

Filed 7 day of May 1924

In the Circuit Court No. 2 of Baltimore City

March Term, 1924

The Sheriff will please summon the following witnesses,

returnable on Friday the 9 day of May 1924 at 10 o'clock A. M.

- 8 Martha Bishop, ^{SP} 202 Hamburg street,
- 8 Lizzie Webb, ^{SP 31 Seadenhall st} 172 Hamburg street,
- 8 Estella Turner, ^{sd} 212 Emory street,
- 8 Samuel Johnson, ^{SP} 172 Hamburg street,
- 3 Lizzie Wheeler, ^{sd} 823 Hillen street,
- 8 Marion Jennings, ^{sd} 912 Sharp street,
- 8 Jim Wallace, ^{sd} 912 Sharp street,
- 8 Hannah Wallace, ^{sd} " " "
- 8 Carrie Wallace, ^{sd} " " "
- 8 J. Rosenbaum, ^{SP} 522 S. Sharp street,
- 8 Beatrice Custis, ^{sd} 108 W. Henrietta street,
- 8 Biddella Spence, ^{sd} 914 Sharp street,
- 8 Oliver Spence, ^{sd} 914 Sharp street,

to testify for Defendant
in the case of Spence vs. Spence

John Keasants
Clerk of Circuit Court No. 2 of Baltimore City.

B 430/1920

IN The
- Circuit Court, No. 2 -
Baltimore City.

OLIVER M. SPENCE
VS.
MATTIE SPENCE

- FINAL ORDER OF COURT. -

10195-33 B

Mr. Clerk:--

Please file &c.,

Roy S. Bond
Sol. for Plaintiff.

ROY S. BOND
ATTORNEY AT LAW
215 ST. PAUL PLACE
BALTIMORE, MD.

FILED
14 May 1924

OLIVER M. SPENCE

IN THE

VS.

- CIRCUIT COURT NO. 2-

MATTIE SPENCE

BALTIMORE CITY.

UPON consideration of the petition filed on or about February, 4th, 1922, by the defendant, Mattie Spence, to have the decree in this case stricken out and the petition filed on or about January, 2nd, 1924, to have the decree passed in this case amended and for the custody of the minor children and answers thereto, it is by the Circuit Court, No. 2 of Baltimore City, this 14th day of May, 1924, ordered that the abovementioned proceedings are hereby dismissed and the custody of the children mentioned in the decree of divorce in this case, shall remain with their father, Oliver M. Spence.

It is further ordered that the children mentioned in this cause shall be brought to the mother, Mattie Spence and shall remain with her every Thursday from 3:00 p.m., to 8:00 p.m., and every Sunday from 9:00 a.m., to 8:00 p.m., subject to the further order of this Honorable Court.

Mattie J. Dawkins

Doc. B

3/12/1921

In the Circuit Court, No. 2,
OF BALTIMORE CITY

DEPOSITIONS

Oliver M Spence

vs.

Mattie Spence

No. 19533B

PLAINTIFF'S COSTS

Examiners.....\$ 8⁰⁰

Copies.....

Sheriff.....

Stenographer.....1⁰⁰

\$ _____

DEFENDANT'S COSTS

Examiners.....\$ _____

Copies.....

Sheriff.....

Stenographer.....

\$ _____

Feb 25 February 1921

8 March 1921

Olive M. Spence

vs.

Mathie Spence

In the Circuit Court *No. 2.*

OF BALTIMORE CITY.

Decree Pro Confesso having been passed in said cause and notice having been given me by the Solicitor for the *plaintiff* of a desire to take testimony in the same, I, A. de RUSSY SAPPINGTON, one of the Standing Examiners of the Circuit Courts of Baltimore City, under and by virtue of an order of the above named Circuit Court, passed in said cause on the *first* day of *February* 19*21*, met on the *seventh* day of *February* in the year nineteen hundred and *twenty-one* at my office, in the City of Baltimore, in the State of Maryland, and assigned the *eighth* day of *February* in the same year at *two-thirty* o'clock in the *after-*noon and the office of *Woy S. Bond, Esq.* in the City and State aforesaid, as the time and place for such examination of witnesses in said cause; at which last mentioned time and place I attended, due notice of such meeting having been given, and proceeded in the presence of the Solicitor of the *plaintiff* to take the following depositions, that is to say:—

8-1

1

SPENCE

VS

SPENCE

Testimony taken at the office of Roy S. Bond, Esq.,
215 St. Paul Place, Baltimore, Maryland, on Tuesday, Feb-
ruary 8th, 1921, at two-thirty o'clock, p. m.

OLIVER M.SPENCE, the plaintiff in this case, produced
on his own behalf, having been first duly sworn, deposes
and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name, residence and occupation?

A. Oliver M. Spence, 137 West Hill Street; porter.

2 Q. Do you know the parties to this suit?

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

BY MR. BOND:

1 Q. Now, Mr. Spence, when were you married?

A. March, 1917.

2 Q. On what date?

A. March 16th.

3 Q. In what City and State?

A. In the City of Baltimore, State of Maryland.

Oliver M. Spence

4 Q. Who married you?

A. The Reverend Mr. Stewart.

5 Q. Was the Reverend Mr. Stewart a regularly ordained minister of the Gospel?

A. Yes.

6 Q. Of what faith?

A. The Ebenezer A. M. E. Church.

7 Q. Are you living with your wife now?

A. No sir.

8 Q. Did you leave her, or did she leave you?

A. She left me.

9 Q. When?

A. 1919.

10 Q. On what date?

A. On the 1st of September.

11 Q. Why?

A. On account of paying attention to other men.

12 Q. Have both you and your wife been residents of Baltimore City, State of Maryland, for more than two years prior to the filing of this **suit**, and the suit was filed about the 17th of August, I think.

WITNESS: August, 1920?

COUNSEL: Yes.

A. Yes.

Oliver M. Spence

13 Q. Have you been a resident of Baltimore City, State of Maryland, for at least two years prior to the filing of this suit?

A. Yes.

14 Q. How long have you both been in Baltimore?

A. I have been living in Baltimore all my life.

15 Q. How long has she been living in Baltimore?

A. Four or five years that I know of.

16 Q. How did you treat your wife?

A. To the best of my knowledge I treated her nicely in a manly behavior, and she did not have to work and I did a husband's part by her.

17 Q. Was your conduct above reproach in all respects as a husband?

A. Yes.

18 Q. Were you always a faithful and true husband to her?

A. Yes.

19 Q. Are there any children living as the result of this marriage?

A. Yes, two.

20 Q. What are their names and ages?

A. Daniel is about a year and seven months old, and

Oliver M. Spence

Golda is about three years old.

21 Q. Where are these children at the present time?

A. They are with me.

22 Q. How long have you had them?

A. I have had them ever since she deserted me.

23 Q. Did she take them away from you at any time?

A. Yes.

24 Q. How long did she keep them?

A. For ten or fifteen days and then she brought them back and gave them to me.

25 Q. Did you visit the children during that time?

A. Yes.

26 Q. When was it?

A. It was November.

27 Q. What year?

A. 1919.

28 Q. What did you find?

A. I went there to see the children, and I saw the children, - I carried the children some clothes and she was upstairs at the time I went in and the lady asked me to come in and I took one of the children on my lap and about that time she came down stairs; she thought that I was going to take the children from her and she

Oliver M. Spence

screamed and hollered and a man came running down the stairs behind her at the time, and she was only dressed in a kimono and the man came in between me and my wife.

29 Q. Were she and the man coming down stairs together?

A. Yes, she and the man were coming down together; I could hear them coming down before I saw them, and she came in and screamed and hollered like I was going to take the children out, and away from her, and this man took her part and jumped in between us.

30 Q. Now, do you know the reputation of that house; is it a good or bad, - the house that she was living in?

A. Bad.

31 Q. Where was she living?

A. 556 West Barre Street.

32 Q. Have you heard other people discuss that house?

A. Yes.

33 Q. What do they say about it?

A. It is a disorderly house; you could take a woman off the street and take her in there for immoral purposes.

34 Q. When was it that she was coming down the stairs with nothing but a kimono on, --

WITNESS: Do you mean what date?

Oliver M Spence

COUNSEL: yes, when was it?

A. November.

35 Q. What year?

A. 1919.

36 Q. What number was the house?

A. 556 West Barre Street.

37 Q. What wearing apparel did she have on?

A. A kimono.

38 Q. What was she doing?

A. She was buttoning it up as she came into the room; I was facing her and this man was right behind her; he jumped in between me and my wife.

39 Q. Was suitably attired to be in the company of this man?

A. No sir, not for any respectable woman.

40 Q. Was he with her?

A. Yes, they were right close together when I saw them.

41 Q. Were they upstairs?

A. Yes.

42 Q. Do you know what they were doing upstairs?

A. I cannot say.

43 Q. Had you received a letter prior thereto?

A. Yes.

Oliver M. Spence

44 Q. That is concerning she and a man?

A. Yes, concerning she and this man; that they were going somewhere.

45 Q. Was she living in the same house then on Barre Street?

A. Yes, she was living in the same house at the time I received the letter.

46 Q. Is this the letter that you received from your wife?

A. Yes.

47 Q. Is that your wife's handwriting?

A. Yes, she signed her name "Mattie Wallace".

48 Q. In this letter she makes reference to a man that is doing everything for her, and she says that he is able to do for her?

A. Yes.

49 Q. Is that the same man that was coming down the stairs with her that you make reference to?

A. Yes.

NOTE: Letter referred to produced and filed with the Examiner marked Plaintiff's Exhibit Examiner No. 1.

50 Q. Now, what other escapades have you known your wife to indulge in?

Oliver M. Spence

A. She sent me word to come and see her once concerning the children; she was living at that time, - I judge it was about February, 1919, at 902 Sharp Street, -
COUNSEL INTERRUPTING: You were not separated until the first of September?

WITNESS: Well, this was the next year; the following year, 1920.

51 Q. Well, go on?

A. At that time I went to the house and she was not home, and I was asked by the party to come in, and I went in and I sat down and was waiting for her, and after a while she and another man came in and she and the man went right upstairs.

52 Q. Where was this?

A. 902 Sharp Street.

53 Q. What rooms were furnished down stairs?

A. A sitting room or a parlor or a waiting room; whatever you chose to call it.

54 Q. And with whom did she come in?

A. With a man.

55 Q. Who was this man?

A. Samuel Johnson.

56 Q. Where did she go with him?

Oliver M. Spence

A. Right upstairs.

57 Q. Was there a bedroom upstairs?

A. As far as I know; I was not upstairs; there wasn't any beds downstairs.

58 Q. How long did you stay there?

A. I did not care to have anything to do with her, and I did not care to talk with her after I saw this, and I did not wait until she came down; I did not want to have anything to do with her, and I did not wait until she came down to have a talk with her.

59 Q. She went upstairs with this man in your presence?

A. Yes.

60 Q. With Samuel Johnson?

A. Yes, with Samuel Johnson.

61 Q. Was she living with this man; was she living with a man by that name?

A. I cannot say that she was living with him, but I saw her in the bedroom with him every night when I was home. I know that is not right; I mean, - I did not see them in the bedroom together, but a friend of mine that lived right across the street saw them in the bedroom.

62 Q. Were these acts procured with your consent or connivance?

Oliver M. Spence

A. No sir.

63 Q. Or your forgiveness?

A. No sir.

64 Q. Have you ever forgiven her?

A. No sir.

65 Q. Have you ever lived with your wife since you discovered her adulteries?

A. No sir, I don't care to live with her any more.

66 Q. Now, did you have a fuss about a matter when your wife left you, or about that time?

A. I walked in the house one time and I saw her writing a letter, and had been staying out all night and I demanded to see the letter, and she would not let me have it and I took it away from her and that is the letter that you have there.

67 Q. This is the letter?

A. Yes.

, stating that she wished that she could go out with him when she wanted to.

68 Q. Is that the letter that you took from her?

A. Yes.

69 Q. That is the letter?

A. Yes, she could not finish it; she did not finish

Oliver M.Spence

it because I took it away from her.

NOTE: Letter referred to produced and filed with the
Examiner marked Plaintiff's Exhibit Examiner No. 2.

70 Q. you ask for the care and custody of the children?

A. yes.

71 Q. If you are awarded their and custody, will you do
a father's part by them?

A. Yes.

GENERAL QUESTION

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

A.---

No

Oliver M. Spence

HARRY GRAY, a witness of lawful age, produced on behalf of the plaintiff, having been first duly sworn, deposed and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name, residence and occupation?

A. Harry Gray, 756-1/2 West Saratoga Street; chauffeur.

2 Q. Do you know the parties to this suit?

A. Yes.

BY MR. BOND:

1 Q. When, where and by whom were they married?

A. They were married by the Reverend Mr. Stewart.

2 Q. When?

A. March 15th, 1917.

3 Q. The plaintiff, Mr. Spence, alleges that it was March 16th; is that correct?

A. Yes, it was the 16th.

4 Q. How do you know that they were married?

A. I saw the marriage certificate.

5 Q. Do you know the minister that married them?

A. Yes.

6 Q. Is he a regularly ordained minister of the Gospel?

A. Yes.

7 Q. Are these folks living together now?

A. No sir.

Harry Gray

8 Q. Did he leave her, or did she leave him?

A. She left him.

9 Q. When?

A. September 1st, 1919.

10 Q. Did you ever see Mrs. Spence write?

A. No sir.

11 Q. Have both of the parties to this suit been residents of Baltimore City, State of Maryland, for more than two years prior to the filing of this suit?

A. Yes.

12 Q. Mr. Spence alleges that his wife has committed adultery; can you tell us anything about that?

A. Yes.

13 Q. What can you tell us?

A. I was with him on the occasion that he was at the house 556 West Barre Street.

14 Q. Do you know when it was?

A. Yes, it was in November, 1919.

15 Q. What did you see?

A. He went there one day and I went with him; he carried the children some clothes and we were there about ten minutes, and I picked up one of the children and I had it in my arm and I saw her and the man coming

Harry Gray

down the stairs and he started a row, and started to take the children away from us; she thought that we had come to take the children away from her, and this man jumped in between she and her husband thinking probably that they were going to fight.

16 Q. What clothes did she have on while coming down the stairs in the house?

A. She had on a loose kimono.

17 Q. Did she have on any shoes?

A. Carpet slippers I believe.

18 Q. Any stockings?

A. I did not notice.

19 Q. Do you know who this man was?

A. No, but I can identify him if I saw him any more.

20 Q. What clothes did he have on?

A. He was in his shirt sleeves and his suspenders were hanging down.

21 Q. In other words they came down stairs to see what was going on down there?

A. Yes, they came down stairs to see what was going on.

22 Q. Was Mr. Spence ever lived or cohabited with his wife since that time?

Harry Gray

A. No sir, not that I know of.

23 Q. Was he ever procured or connived or consented to her adulteries and conduct?

A. No sir.

24 Q. How did he treat his wife?

A. He treated her faithfully and was loving as any husband should be as far as I know.

25 Q. Was his conduct above reproach in all respects?

A. Yes.

26 Q. Are there any children as the result of this marriage?

A. Two.

27 Q. Where are these children now?

A. At the father's home.

28 Q. Have you had occasion to visit that home?

A. Yes.

29 Q. Are they being properly cared for now?

A. Yes.

30 Q. Who do you think is the proper party to have the custody and care of these children?

A. Mr. Spence.

31 Q. The father?

A. Yes.

Herry Gray

32 Q. Was Mr. Spence ever forgiven his wife, or consented to her conduct in any way, or has he connived or procured this adulterous conduct on the part of his wife in any way, shape or form?

A. No sir.

33 Q. Has he ever lived or cohabited with his wife since he discovered his adulteries?

A. No sir, he has not as far as I know of.

GENERAL QUESTION

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

A. ---

No

Harry A. Gray

No other witnesses being named or produced before me, I then, at the request of the Solicitor.....of the plaintiff..... closed the depositions taken in said cause and now return them closed under my hand and seal, on this 25 day of February in the year of Our Lord nineteen hundred and twenty-one at the City of Baltimore, in the State of Maryland.

A. de Russey Sappington (SEAL).
Examiner.

There are two Exhibits with these depositions, to wit:
Plaintiff's Exhibit Examiners Nos 1 & 2

Defendant's Exhibit 1

A. de Russey Sappington
Examiner.

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

A. de Russey Sappington
Examiner.