

Served on
Wm H. Wharton
840 George St

B 661/1928

IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY.

ALVERDA WHARTON

VS.

WILLIAM H. WHARTON.

~~Geo George St.~~

BILL
OF
COMPLAINT.

1928

Mr. Clerk:-

Please file.

Markell & Bennett

Solicitors for
Complainant.

No 30509 B.

217 237
Copy on 217
Bicycle

FILED

12 - December 1928

THE DAILY RECORD CO., BALTIMORE, MD.

Copy of the within Order of Court served on William
H. Wharton on the 14 day of December 1928 in Presence
of August. J. Bishop

Yes \$0.75

John E. Potee
Sheriff

ALVERDA WHARTON

vs.

WILLIAM H. WHARTON.

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IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY.

TO THE HONORABLE JUDGE OF SAID COURT.

Your oratrix, humbly complaining, respectfully represents:-

I.

That she was married to the said William H. Wharton on the 2nd. of November 1920, with whom she resided until on or about the 20th. of April 1928.

II.

That there are no children born as the issue of said marriage.

III.

That, though the conduct of your oratrix towards her husband, the said William H. Wharton, has always been kind, affectionate and above reproach, the said William H. Wharton has, without any just cause or reason, abandoned and deserted her, and has declared his intention to live with her no longer, and that such abandonment has continued uninterruptedly since the 20th. day of April 1928, is deliberate and final, and the separation of the parties beyond any reasonable expectation of reconciliation.

IV.

That your oratrix has been a resident of Baltimore City, Maryland, for more than two years prior to the filing of this, her bill of complaint.

V.

That the said William H. Wharton conducts his own establishment as a barber and earns a net income of from \$40 to \$60 per week, while your oratrix is wholly without means of support, except from her own labor and the charity of her friends.

VI.

That your oratrix is wholly destitute of means of supporting herself during the pendency of this suit, or of defraying the costs and expenses attending the prosecution of the same.

VII.

That the fixtures used by the defendant in his barber establishment were partly paid for by your oratrix, said fixtures being now fully paid for, and that the said defendant has been making efforts to sell the same for the sum of \$400, which he will dispose of at once unless he is restrained from so doing by this Court. That should the said defendant sell said fixtures the sum of money which your oratrix has applied towards the purchase of the same will be lost to her and that the said defendant will appropriate the proceeds of the sale of said fixtures to his individual use and will leave the State of Maryland.

To the end, therefore.

(a). That your oratrix may be divorced a mensa et thoro from the said William H. Wharton.

(b). That the said William H. Wharton may be required to pay unto your oratrix a reasonable sum for her support and maintenance during the pendency of this suit, and permanently thereafter, and such sum or sums of money as may enable your oratrix to employ counsel to prosecute this suit and to defray the necessary costs and expenses thereof.

(c). That the said William H. Wharton may be restrained and enjoined from disposing of the barber fixtures aforementioned until this case can be heard.

(d). That your oratrix may have such other and further relief as her case may require.

May it please your Honor to grant unto your Oratrix the writ of subpoena, directed to the said William H. Wharton, residing in Baltimore, Maryland, commanding him to be and appear in this Court at some certain day, to be named therein, and answer the premises

and abide by and perform such decree as may be passed therein.

And as in duty bound &c.

Washell & Fomoff
Solicitors for Complainant.

Sworn to before me, this 12th. day of December 1928.

George J. Fomoff
Notary Public.

On the foregoing petition and affidavit thereto, it is hereby ordered by the Circuit Court No. 2 of Baltimore City, this *13*- day of December 1928, that the said William H. Wharton do and he is hereby restrained and enjoined from disposing of the barber fixtures mentioned in the above bill of complaint, unless cause to the contrary be shown on or before the *28* day of *December* 1928, provided a copy of this order be served on the said defendant on or before the *18* day of *December* 1928.

Joseph M. Mullan

1616

Circuit Court No. 2

661
1928 B DOCKET No. 37

Wharton

vs.

Wharton

~~Geo George 108~~

SUBPOENA TO ANSWER BILL OF COMPLAINT

Law

No. 30509B

227

copy-learned

Filed 21- day of Dec 1928

Dashell and Fornoff
Solicitor.

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Summoned and a copy of the process left with the defendant

Bridg 12/14/28
John E. Potee Sheriff
Dec 10-95

EQUITY SUBPOENA

The State of Maryland

To

William H. Wharton
~~840 George 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

Alverda Wharton

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 ~~JAMES P. CORTER~~ SAMUEL K. DENNIS, Chief Judge of the Supreme Bench of Baltimore City the 13 day of November, 1928
Issued the 13 day of December, in the year 1928

John Pleasant

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.)

SERVE ON

William H. Wharton
840 George St

B ⁶⁶¹/₁₉₂₈ Docket 37

Circuit Court No. 2

Wharton

vs

Wharton

Order Counsel Fee and Alimony
Pendente Lite

ORDER

No. 30509 B.
447

Copy-Required

Filed 13 - December 1928

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*Copy of the within Order of Court served on
William H. Wharton on the 14th day of December 1928
in Presence of August J. Bichy*

John E. Potalé
Sheriff

Dec 10-28

IN THE
CIRCUIT COURT No. 2

OF
BALTIMORE CITY

November TERM, 192*8*

Alverda Wharton

vs.

William H. Wharton

ORDERED BY THE COURT, this *13-* day of *December*, 192*8*,

that the defendant *William H. Wharton*

pay to the plaintiff *Alverda Wharton*

the sum of *Sixteen*

Dollars per week, during the continuance of this suit as Alimony, *pendente lite*, unless cause to the contrary be shown on or before the *28-*

day of *December*, 192*8*, provided a copy of this Order be served on the said defendant

William H. Wharton on or before the *18-*

day of *December*, 192*8*, the question of Counsel fee being reserved

for the further determination of this court.

Joseph W. Bluman

TRUE COPY—TEST:

No child. \$50. per week.

Clerk.

IN THE CIRCUIT COURT No. 2

OF

B 661 / 1928

BALTIMORE CITY.

ALVERDA WHARTON

VS.

WILLIAM H. WHARTON

RESPONDENT'S ANSWER

Mr. Clerk:

Please file.

J. Edward Davis
ATTORNEY FOR RESPONDENT

No 30509 B.

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DAVIS & EVANS
ATTORNEYS AT LAW

Filed 18 - December 1928

ALVERDA WHARTON : IN THE CIRCUIT COURT NO.2
VS. : OF
WILLIAM H. WHARTON : BALTIMORE CITY.

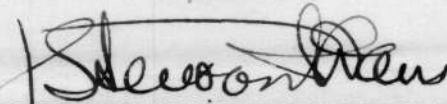
TO THE HONORABLE, THE JUDGE OF SAID COURT:

The respondent answering the ^{Bill of Complaint} ~~petition~~ of the complainant, respectfully says:

1. That he *admits* the allegations as contained in the first paragraph of the Bill of Complaint.
2. That he *admits* the allegations as contained in the second paragraph of the Bill of Complaint.
3. That he ^{neither denies nor} *admits* the allegations as contained in the third paragraph of the Bill of Complaint.
4. That he *admits* the allegations contained in the fourth paragraph of the Bill of Complaint .
5. That he *denies* the allegations as contained in the fifth paragraph of the Bill of Complaint.
6. That he denies that the Complainant contributed any funds towards outfitting the barber shop as mentioned in the Bill of Complaint; that the Complainant is not destitute but rather that the home in which the Complainant resides is recorded in the name of the Complainant alone and that most of the money paid on the ~~pequity~~ equity of the Complainant was paid by the respondent; that the respondent has realized a profit of not more than ten dollars per week for the last several months; that the Complainant received from the rent of rooms in the aforementioned house, more than enough to pay the expenses of

the house.

WHEREFORE your respondent prays that the Bill of Complaint be dismissed with cost to the Plaintiff.



ATTORNEY FOR RESPONDENT

IN CIRCUIT COURT No. 2 B661
OF BALTIMORE CITY 1928

Wharton

v.

Wharton

Order to dismiss case

No 30509 B.

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Ad 26. December, 1928

ALBERTA WHARTON

VS.

WILLIAM H. WHARTON

IN THE CIRCUIT

COURT NO. 2 OF BALTIMORE

CITY

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Mr. Clerk:

Please dismiss the above case, the plaintiff having
paid the costs.

B
for

Dashiell + Fornoff
Solicitors for plaintiff.