

IN THE CIRCUIT COURT OF

BALTIMORE CITY

*B369*

NAOMI SMITH

*1928*

VS.

SYLVESTER SMITH

*Apr. 22*

BILL FOR DIVORCE.

*B 33290*

Mr. Clerk:

*(1) (2)*

Please file.

*Steward Davis*  
ATTORNEYS FOR PLAINTIFF

DAVIS & EVANS  
ATTORNEYS AT LAW

*FD 5 Oct 1928*

NAOMI SMITH

:

IN THE CIRCUIT COURT

VS.

:

OF

SYLVESTER SMITH

:

BALTIMORE CITY

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TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

- (1) That **she** was married to her husband, Sylvester Smith, on the 9th day of August, 1923 and with whom she resided until the 7th day of July, 1924 when the defendant deserted the plaintiff.
- (2) That though the conduct of your Oratrix toward the said defendant has always been kind, affectionate and above reproach, he has, without any just cause or reason, abandoned and deserted her and has declared his intentions to live with her no longer and said abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable hope of reconciliation.
- (3) That your Oratrix has not lived or co-habited with the said defendant since said desertion.
- (4) That there are no children born as result of said marriage.
- (5) That your Oratrix is a citizen of the State of Maryland, having resided in Baltimore City for more than three years prior to the filing of this Bill of Complaint but that the defendant is a non-resident of the State of Maryland and when last heard of was in Ambler, Pennsylvania.

TO THE END, THEREFORE, YOUR ORATRIX PRAYS:

- (a) That she may be divorced A Vinculo Matrimonii from the said Sylvester Smith.
- (b) That she may have such other and further relief as her case may require.

May it please your Honor to grant unto your Oratrix the Order of Publication directed against the said Sylvester Smith, commanding and requiring him to be and appear in this Court on some day certain to be named therein to answer the premises and abide by and perform such decree or order as may be passed therein.

AND as in duty bound, etc.

  
\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

DAVIS & EVANS, SOLICITORS  
215 ST. PAUL PLACE,  
IN THE CIRCUIT COURT OF BALTIMORE CITY.  
NAOMI SMITH VS. SYLVESTER SMITH  
ORDER OF PUBLICATION

The object of this Bill is to procure a Divorce A Vinculo Matrimonii by the plaintiff, Naomi Smith from the defendant, Sylvester Smith.

The bill recites that the parties were married on the 9th day of August, 1923 and lived together until the 7th day of July, 1924 when the defendant deserted the plaintiff. That the plaintiff has been a resident of Baltimore City for more than three years prior to the filing of this Bill of Complaint, but that the defendant is a non-resident of the State of Maryland. That your Oratrix has always been kind, affectionate and above reproach toward the said defendant, but that the defendant has deserted and abandoned her without any just cause or reason and has declared his intentions to live with her no longer and said abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable hope of reconciliation. That your Oratrix has not lived or co-habited with the said defendant since said desertion; that there are no children born as result of said marriage.

It is thereupon ordered by the Circuit Court of Baltimore City this 5<sup>th</sup> day of *October* 1928 that the plaintiff by causing a copy of this order to be inserted in some daily newspaper published in Baltimore City once a week for four successive weeks before the 5<sup>th</sup> day of *November* 1928, give notice to the absent defendant of the object and substance of this bill, warning him to be and appear in this Court ~~in~~ person or by Solicitor on or before the 21<sup>st</sup> day of *November* 1928 to show cause, if any he may have, why a decree should not be passed as prayed.

*Raymond A. Davis*

192 *F B* Docket No. *369*  
*1928*

*Smith*

vs.

*Smith*

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**Certificate of Publication**

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*B 33290*  
*(3)*

THE DAILY RECORD  
Filed *14* day of *March* 192*9*

# THE DAILY RECORD

Davis & Evans, Solicitors,  
215 St. Paul Place.

IN THE CIRCUIT COURT OF BALTI-  
MORE CITY — (B—369—1928) — Naomi  
Smith vs. Sylvester Smith.

### ORDER OF PUBLICATION.

The object of this bill is to procure a  
divorce a vinculo matrimonii by the plain-  
tiff, Naomi Smith, from the defendant,  
Sylvester Smith.

The bill recites that the parties were  
married on the 9th day of August, 1923,  
and lived together until the 7th day of  
July, 1924, when the defendant deserted  
the plaintiff. That the plaintiff has been  
a resident of Baltimore City for more  
than three years prior to the filing of this  
bill of complaint, but that the defendant  
is a non-resident of the State of Maryland.  
That your oratrix has always been kind,  
affectionate and above reproach toward  
the said defendant, but that the defendant  
has deserted and abandoned her without  
any just cause or reason and has declared  
his intentions to live with her no longer  
and said abandonment has continued un-  
interruptedly for more than three years  
and is deliberate and final and the separa-  
tion of the parties is beyond any reason-  
able hope of reconciliation. That your ora-  
trix has not lived or cohabited with the  
said defendant since said desertion; that  
there are no children born as result of  
said marriage.

It is thereupon ordered, by the Circuit  
Court of Baltimore City, this 5th day of  
October, 1928, that the plaintiff, by caus-  
ing a copy of this order to be inserted in  
some daily newspaper published in Balti-  
more City once a week for four successive  
weeks before the 5th day of November,  
1928, give notice to the absent defendant  
of the object and substance of this bill,  
warning him to be and appear in this  
Court, in person or by solicitor, on or be-  
fore the 21st day of November, 1928, to  
show cause, if any he may have, why a  
decree should not be passed as prayed.

EUGENE O'DUNNE.

True Copy—Test:

CHAS. R. WHITEFORD.

Clerk

06,13,20,27

Baltimore, *Oct 27th*, 1928.

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

of Baltimore City, Case of

*Naomi Smith*  
vs. *Sylvester Smith*.

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

*four* successive weeks before the  
*5th* day of *November*, 1928.

First insertion *October 6th*, 1928.

THE DAILY RECORD

Per *C Watkins*

369-1928

B369

Ct. Ct.

1928

Docket

Naomi Smith

vs.

Sylvester Smith

**Decree Pro Confesso**

App  
B No. 33290  
47

Filed

14 March

1929

Naomi Smith

vs.  
Sylvester Smith

IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

Term, 192

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 ~~will~~ (said Order).

It is thereupon this 14<sup>th</sup> day of March, in the year nineteen hundred and twenty ~~two~~, by the Circuit Court of Baltimore City, ADJUDGED, ORDERED and DECREED, that the complainant is entitled to relief in the premises, and that the bill of Complaint be and is hereby taken pro confesso against the defendant. But because it doth not certainly appear to what relief the Plaintiff is entitled, it is further *Adjudged*, and *Ordered*, that one of the Examiners of this Court, take testimony to support the allegations of the bill.

*The testimony taken Nov. 26, 1928, is considered ~~in~~ pro tunc as of this date*

*Wm. Howard*



Doc. 68 B 369  
1928

**In the Circuit Court,**  
**OF BALTIMORE CITY**

**DEPOSITIONS**

*Naomi Smith*

vs.

*Sylvester Smith*

No. 33290 B  
57

**PLAINTIFF'S COSTS**

Examiners ..... \$.....

Copies ..... ..

Sheriff ..... ..

Stenographer ..... ..

\$ \_\_\_\_\_  
\_\_\_\_\_

**DEFENDANT'S COSTS**

Examiners ..... \$.....

Copies ..... ..

Sheriff ..... ..

Stenographer ..... ..

\$ \_\_\_\_\_  
\_\_\_\_\_

*FD 11 April 1929*

.....  
NAOMI SMITH.....

vs.

SYLVESTER SMITH.....  
.....

**In the Circuit Court**.....

OF BALTIMORE CITY.

A decree pro confesso having been issued in the above 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

(Nunc pro tunc)

**fourteenth**..... day of **March**..... 19..29, met on

the **Twenty-sixth**..... day of **November**..... in the year nineteen

hundred and **twenty-eight**..... at my office, in the city of Baltimore, in the State

of Maryland, and assigned the **twenty-sixth**..... day of **November**.....

in the same year at **1:45**..... o'clock in the **after-**..... noon and the

office of **The Examiner**..... in the City and State

aforsaid, 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:—

:

NAOMI SMITH                   :    In the Circuit Court of

VS.                               :

SYLVESTER SMITH               :            Baltimore City.

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Testimony taken before me, A. deRussy Sappington,  
 Examiner, in my offices in the Title Building, Baltimore,  
 on March 14th, 1929, at 1:45 P. M.

Mr. J. Steward Davis appeared for plaintiff.

- - -

Thereupon---

NAOMI SMITH,

the plaintiff, of lawful age, produced on her own behalf,  
 being duly sworn, testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A Naomi Smith, 1806 Madison Street, Baltimore,  
 no occupation at present.

Q Do you know the parties to this suit?

A Yes, sir, I am the plaintiff and my husband is  
 the defendant.

By Mr. Davis:

Q When, where and by whom were you married?

A On August 9th, 1923, in Washington, D. C., by a Minister of the Gospel.

Q How long did you live with your husband?

A Until July 7th, 1924.

Q Which one of you left the other?

A I left him.

Q Why did you have to leave him?

A Because he was cruel to me and didn't provide for me.

Q What do you mean by cruelty to you?

A He beat me and struck me a number of times and I was afraid of him.

Q Did that treatment continue all through your married life?

A Yes, sir, the whole year.

Q Did you have to work and support yourself?

A Yes, sir, I had to go elsewhere for food and clothing and support myself.

Q How did you treat him - were you kind, faithful and affectionate to him?

A Yes, sir, I tried to be a good wife to him.

Q Did you give you any cause or reason to fail to support you or strike you and be cruel to you?

A No, sir.

Q Were any children born as a result of the marriage?

A No, sir.

Q Is there any hope of reconciliation between you and your husband?

A No, sir.

Q Is his abandonment deliberate and final?

A Yes, sir.

Q Has it continued uninterruptedly from July 7th, 1924, up to the present time?

A Yes, sir.

Q Has he contributed anything towards your support since he left you on July 7th, 1924?

A No, sir.

Q Have you been a resident of Baltimore, Maryland, for more than two years prior to the filing of this Bill?

A Yes, sir.

Q Is your husband a resident of Maryland?

A No, sir, he was living in Ambler, Pennsylvania, the last I heard of him.

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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*  
*Naomi D. Smith*

Thereupon---

MATTIE DALE,

a witness, of lawful age, produced on behalf of the plaintiff, being duly sworn, testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A Mattie Dale, 2607 Nicholas Avenue, Southeast, Washington, D. C., housewife.

Q Do you know the parties to this suit?

A Yes, sir, Naomi Smith is my daughter.

By Mr. Davis:

Q Did you attend their wedding?

A Yes, sir, they were married in Washington on August 9th, 1923.

Q When did they separate?

A On July 9th, 1924.

Q What happened then?

A She was forced to leave him because of his cruelty, and non-support. He never supported her properly and she had to go elsewhere for food and living necessities - many a time she had to come to me for food and things and he struck her a number of times and she was afraid of him.

Q How did she treat him?

A Very good - she tried to get along with him.

Q Was she a kind, faithful and affectionate wife?

A Yes, sir.

Q Did she give him any cause or reason to fail to support her or be cruel to her?

A No, sir, she did everything she could to get along with him.

Q Has his abandonment of his wife continued uninterruptedly from July 9th, 1924, down to the present time?

A Yes, sir.

Q Do you believe it is deliberate and final and beyond any hope of reconciliation?

A Yes, sir.

Q Has your daughter, the plaintiff, been a resident of Baltimore, Maryland, for more than two years prior to the filing of this Bill?

A Yes, sir.

Q Is her husband a resident of Maryland?

A No, sir.

Q Where was he when you last heard of him?

A In Ambler, Pennsylvania.

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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*

*Mattie Dale*

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..... eleventh .....day of..... April ..... in the year of Our Lord nineteen hundred and..... twenty-nine .....at the City of Baltimore, in the State of Maryland.

A. de Russey Sappington (SEAL).  
Examiner.

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

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

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.

# Circuit Court

369--  
19 28 \*

Docket No. 68B

Naomi Smith

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vs.

Sylvester Smith.

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## Order of Reference and Report

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*Lyon*

B No. 33290  
267

Order Filed 11 day of April 19 29

Report Filed 24 day of April 19 29

Naomi Smith

vs.

-- Sylvester Smith.

IN THE  
**Circuit Court**  
OF  
BALTIMORE CITY

March----- Term, 1929.

This case being submitted, without argument, it is ordered by the Court, this 11<sup>th</sup> day of April, 1929, that the same be and it is hereby referred to William P. Lyons---, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

*William P. Lyons*

**Report of Auditor and Master**

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

Defendant proceeded against as a non-resident and his non-residence proved.

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

The marriage proved.

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

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

Case ready for decree.

*William P. Lyons*  
Auditor and Master.

April 22, 1929.

# CIRCUIT COURT

**B** -369  
1928 No. Docket

NAOMI SMITH

VS.

SYLVESTER SMITH

Recorded

File 10/1929

## Decree of Divorce

**B** No. 33290  
271

Ed 24 April 1929

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

*William P. Lyons*  
Auditor and Master

IN THE

Circuit Court

OF

BALTIMORE CITY

NAOMI SMITH

VS.

SYLVESTER SMITH

March Term, 1929

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

It is thereupon, this 24th day of April, A. D. 1929, by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said NAOMI SMITH,

the above named Complainant be and s he is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, SYLVESTER SMITH.

And it is further Ordered, That the said Complainant, NAOMI SMITH, pay the cost of this proceeding.

Handwritten signature