

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

*B 375*  
*1928*

OLIVIA ELIZABETH HILBURN

VS.

JAMES H. HILBURN.

*1944 Wm. Shultz*

BILL FOR DIVORCE.

*B 33300*

Mr. Clerk:

Please file.

*ready*  
*Davis & Evans*  
ATTORNEY FOR PLAINTIFF

DAVIS & EVANS  
ATTORNEYS AT LAW

*Filed 8<sup>th</sup> October 1928*

OLIVIA ELIZABETH HILBURN : IN THE CIRCUIT COURT  
VS. : OF  
JAMES H. HILBURN : BALTIMORE CITY.

---

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

- (1) That she was married to her husband, James H. Hilburn, on the 10th day of September, 1908 and with whom she resided until the 21st day of April, 1927.
- (2) That ever since said marriage your Oratrix has behaved herself as a faithful, chaste and affectionate wife toward the said James H. Hilburn and her entire conduct has always been above reproach.
- (3) That the said James H. Hilburn has on divers days and times since said marriage, committed the crime of adultery with divers, lewd and abandoned women, whose names are unknown to your Oratrix, and said offense has not been condoned by your Oratrix.
- (4) That your Oratrix has not lived or co-habited with the said defendant since she discovered his said adulteries.
- (5) That there is one child, Ida Hilburn, age two years.
- (6) That both your Oratrix and the defendant are citizens of the State of Maryland, having resided in Baltimore City for more than three years prior to the filing of this bill.

(7) That her husband, the said James H. Hilburn is seized and possessed of a large amount of real and personal estate in this State, while your Oratrix is without means of support, except from her own labor and the charity of her friends.

(8) 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.

(9) TO THE END, THEREFORE, YOUR ORATRIX PRAYS:

(a) That she may be divorced A Vinculo Matrimonii from the said James H. Hilburn.

(b) That she may have the guardianship and custody of the infant child, Ida Hilburn.

(c) That your Oratrix may be declared to be entitled to receive by way of alimony, such an allowance out of her said husband's estate as may be proportioned to the means and station in life of her said husband.

(d) That, in the meantime, the said James H. Hilburn may be required to pay unto your Oratrix a reasonable sum for her support and maintenance during the pendency of this suit, and such sum or sums of money as may enable her to employ counsel to prosecute this suit and to defray the necessary costs and expenses thereof.

(e) 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 Writ of Subpoena directed against the said James H. Hilburn, 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.

*Davis & Evans*

ATTORNEY FOR PLAINTIFF

P 880

Ct. Ct.

B-375

192 8

Docket No.

Olivia Elizabeth Hilburn

vs.

James H. Hilburn

**SUBPOENA TO ANSWER BILL OF COMPLAINT**

No. B-33300

(2)

Filed 16 Oct, 1928

Davis & Evans

SOLICITOR

11

OCT 8 1928 3 47 PM

RECEIVED AT THE CLERK'S OFFICE ON

*Summised and a copy of the Proceeding  
with the Defendant  
by  
John E. Potter  
Sheriff  
New York*

EQUITY SUBPOENA

The State of Maryland

To James H. Hilburn,  
1944 Druid Hill Avenue

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 November next cause an appearance to be entered for you and your answer to be filed to the complaint of

Olivia Elizabeth Hilburn

against you exhibited in the Circuit Court of Baltimore City.

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

Samuel K. Dennis

WITNESS, the Honorable ~~JAMES B. GORTER~~, Chief Judge of the Supreme Bench of Baltimore

City, the 10th day of September 19 28

Issued the 8th day of October, in the year 19 28

*Chas. R. Whiteford*  
Clerk

MEMORANDUM: You are required to file your answer or other defense in the Clerk's Office, room 206, in the Court House, Baltimore City, within fifteen days after return day.

CIRCUIT COURT

378  
1928

DOCKET No. 68

Oliver Elizabeth Alden  
vs.

James H. Alden

Order of Appearance

Mr. Clerk,

Please file.

~~James H. Alden~~  
Solicitor for

B No. 33300  
(3)

Filed 1<sup>st</sup> day of Dec 1928.

Olivia Elizabeth Hilburn

vs.

James H. Hilburn

IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

November TERM, 1928

MR. WHITEFORD, CLERK:

Enter my appearance for Defendant.

J. Howard Payne  
Solicitor.

B 375-1928

IN THE CIRCUIT COURT OF  
BALTIMORE CITY

B 375  
1928

OLIVIA ELIZABETH HILBURN

VS

JAMES H. HILBURN

B 33300

(4)

ANSWER

Mr. Clerk:

Please file, etc.

*J. Howard Payne*  
Solicitor for Respondent

J. HOWARD PAYNE

ATTORNEY AND COUNSELLOR AT LAW  
220 ST. PAUL PLACE  
BALTIMORE, MD.

Filed Dec 1928



OLIVIA ELIZABETH HILBURN

"  
"

IN THE CIRCUIT COURT

VS

"  
"

OF

JAMES H. HILBURN

"  
"

BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Answer of James H. Hilburn to the Petition of Olivia Elizabeth Hilburn filed against him in the above entitled case, respectfully shows:

FIRST: That he admits the allegations contained in the first paragraph of said Petition.

SECOND: That he emphatically denies the allegations contained in the second, third and fourth paragraphs.

THIRD: That he admits the allegations contained in paragraphs fifth and sixth.

FOURTH: That he denies the allegations contained in the seventh and eighth paragraphs of said Petition.

WHEREFORE having fully answered said Petition he prays that he may hence be dismissed with his proper costs.

*James H. Hilburn*  
Respondent

*J. Harold Payne*  
Solicitor for Respondent

STATE OF MARYLAND, BALTIMORE CITY: to wit:

I HEREBY CERTIFY that on this 5th day of December, 1928, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared James H. Hilburn, the Respondent in the foregoing Answer and he made oath in due form of law that the matters and facts set forth therein are true to the best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal.

*Marrist L. Burgess*  
Notary Public.

375

IN THE CIRCUIT COURT  
OF

BALTIMORE CITY

*B 375*  
*1928*

OLIVIA HILBURN

VS.

JAMES H. HILBURN

*1944 Armstrong*  
*B 33300*  
*5*

*Petition for Attorney's  
Counsel Fee*

Mr. Clerk:

Please file.

*Stewart Davis*  
ATTORNEY FOR COMPLAINANT

DAVIS & EVANS  
ATTORNEYS AT LAW

*FD 18 Dec 1928*

OLIVIA HILBURN : IN THE CIRCUIT COURT  
VS. : OF  
JAMES HILBURN : BALTIMORE CITY.

---

TO THE HONORABLE, THE JUDGE OF SAID COURT:

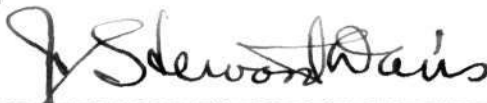
Your Oratrix complaining respectfully says:

That on or about the 8<sup>th</sup> day of Oct 1928 she filed a bill of complaint against the said James Hilburn, praying a divorce A Vinculo Matrimonii, and she desires to further allege that the said James Hilburn is the proprietor of a Drug Store in Baltimore City; that he is sole owner of this business and that the profit derived therefrom amounts to fifty to seventy-five dollars per week; that she is without any means whatsoever and is dependent on her father for support and maintenance; that she is advised by Counsel that she is entitled to petition this Court for alimony pending this suit and for a reasonable amount to compensate her attorney.

WHEREFORE YOUR ORATRIX PRAYS:

- (a) That she may be awarded alimony pendente lite.
- (b) Permanent alimony.
- (c) Counsel fee.

And as in duty bound.

  
\_\_\_\_\_  
ATTORNEY FOR COMPLAINANT

**B** Docket 375  
1928

**CIRCUIT COURT.**

OLIVIA HILBURN

vs.

JAMES HILBURN

**Order for Alimony**

Pendente Lite

ORDER

**B** No. 33300  
(6)

Fd: 19 Dec 1928  
11

*Copy of the within Order of Court served on  
James Hilburn on the 20th day of December 1928  
in presence of Joseph E. Lynch John E. Pater  
Sheriff  
Jes J. J.*

OLIVIA HILBURN

vs.

JAMES HILBURN

#1944 Druid Hill ave

IN THE  
**CIRCUIT COURT**

OF  
**BALTIMORE CITY**

November TERM, 192 8

ORDERED BY THE COURT this 19<sup>th</sup> day of December 192 8

that the defendant James Hilburn

pay to the plaintiff Olivia Hilburn

the sum of fifteen

Dollars per week, during the continuance of this suit, accounting from the 19<sup>th</sup>

day of December 192 8 to the said plaintiff Olivia Hilburn

as alimony, *pendente lite* unless cause to the contrary be shown on or before the 3<sup>rd</sup>

day of January 192 9 provided a copy of this Order be served on the said defendant

James Hilburn on or before the 27<sup>th</sup>

day of December 192 8

*Eugene O. Purse*

TRUE COPY—TEST:

CLERK

*Proprietor of Drug Store  
from \$ 50 to \$ 75 per wk  
, chid*

# Circuit Court

375  
1928

B Docket 68

---

Olivia Elizabeth

Hilburn

vs.

James H Hilburn

---

Sapp -

Petition for leave to take  
Testimony and Order of  
Court thereon

B No. 33300  
(7)

Filed 30 April 1929

*Olivia Elizabeth Hilburn*

vs.

*James H. Hilburn*

IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

To the Honorable the Judge of the  
Circuit Court of Baltimore City:

THE PETITION OF *Olivia Elizabeth Hilburn*

in this case, respectfully shows that *she* desires to take testimony in this case, and respectfully prays that leave be granted *her* to do so before one of the Standing Examiners of this Court.

*Georgew Evans*  
Solicitor for *plaintiff*

ORDERED, this *30<sup>th</sup>* day of *April* 19*29*,

that leave be granted to the parties to the cause, to take testimony, as prayed, before any one of the Standing Examiners of this Court.

*John Thomas*

Davis + Evans  
Geo. W. Evans.

Serve on:

Mrs. OLIVIA ELIZABETH HILBURN,  
1402 Madison Avenue, 1st  
floor apartment.

and  
Geo. W. Evans Sol

Service admitted  
this 1st day of May  
1929

George W. Evans  
Service admitted for  
O. Elizabeth Hilburn  
G.W. Evans

MAY 11 10 44 AM 1929

RECEIVED IN OFFICE ON

CIRCUIT COURT  
MEMPHIS TENN

J. Howard Payne.

# CIRCUIT COURT

375  
1928

Docket No. 68B

OLIVIA ELIZABETH HILBURN  
VS.

JAMES H. HILBURN

(2)

PETITION AND ORDER TO  
TAKE TESTIMONY UN-  
DER 30th RULE

No. 33300  
(8)

Fd. 30 April 1929  
4

Copies of the within Petition and Order of Court served  
on George W. Evans, Solicitor on the 1st day  
of May, 1929, in the presence of Augustus J. Auld  
J. H. R. Auld  
Dec 8/50  
J. H. R. Auld



OLIVIA ELIZABETH HILBURN

VS.

JAMES H. HILBURN

IN THE  
**Circuit Court**

OF  
BALTIMORE CITY

To the Honorable the Judge of the  
Circuit Court of Baltimore City:

Defendant

The ~~plaintiff~~ in this case respectfully shows unto your Honor:

THAT he desires to examine orally, in open Court and in the presence of your Honor, certain witnesses who can testify to the facts and matters relevant to the allegations in the Bill of Complaint filed in this case.

Your petitioner therefor prays your Honor to pass an order, according to the Statutes for such case made and provided.

And as in duty bound will ever pray.

*J. Howard Payne*  
Solicitor for ~~Plaintiff~~  
Defendant

Upon the foregoing Petition and Application it is this 30<sup>th</sup> day of April,  
A. D., 1929, Ordered that the petitioner have leave to take testimony as prayed and that the  
testimony to be offered be taken as required by the 30th Rule of this Court. And it is further Ordered  
that a copy of this petition and order be served on the Plaintiff or her  
Solicitor, on or before the 10 day of May, 1929.

*D. W. Howard*

Davis & Evans

Serve on

~~Geo W Evans.~~

J. Howard Payne,

375  
1928

Ct. Ct.

No. 368 Docket

O. Elizabeth Helburn

vs.

James H. Helburn

MOTION FOR HEARING

B33300  
No. 29

J. Howard Payne

Filed 10<sup>th</sup> day of May 1929

*Olivia Elizabeth Hilburn*

vs.

*James H Hilburn*

IN THE  
**CIRCUIT COURT**  
OF  
BALTIMORE CITY

The *plaintiff* by *Georgew Evans*

*her* Solicitor, applies to have the above entitled cause placed on the Trial Calendar

for hearing *on alimony pendente lite*

in conformity with the First Equity Rule.

*Georgew Evans*  
Solicitor for *plaintiff*

Serve on  
J. H. Payne

*Sewine admitted this  
3<sup>rd</sup> day of May 1929  
J. H. Payne*

RECEIVED  
THE SHERIFF'S OFFICE

MAY 1 1929 3 48 PM

Ct. Ct.

375  
192 8 No. B-68 Docket

Hilburn

vs.

Hilburn

**NOTICE OF HEARING**

*Qapp*

B- No. 33300  
(10)

No.

Filed 1st day of May 192 9

*Copy of the within notice served on J. H. Payne  
Payne Solicitor on the 3<sup>rd</sup> day of May 1929 in  
Presence of Joseph E. Lyett*

*John E. Postes  
Attorney*

*New York*

Olivia Elizabeth Hilburn

vs

James H. Hilburn

IN THE

**CIRCUIT COURT**

OF BALTIMORE CITY

Upon application made by the Solicitor for the .....

Plaintiff .....

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 alimony pendente lite .....

when reached in due course on said calendar.

CHARLES R. WHITEFORD

*Clerk Circuit Court.*

# Circuit Court

375  
1928

B Docket 68

Olivia E Helburn

vs.

James H Helburn

Supp

**Petition for leave to take  
Testimony and Order of  
Court thereon**

B No. 33300  
(11)

Filed 6 May 1929

O Elizabeth Hilburn

vs.

James H. Hilburn

IN THE  
CIRCUIT COURT

OF  
BALTIMORE CITY

To the Honorable the Judge of the  
Circuit Court of Baltimore City:

THE PETITION OF O. Elizabeth Hilburn

plaintiff,

in this case, respectfully shows that she desires to take testimony in this case, and respectfully prays that leave be granted her to do so before one of the Standing Examiners of this Court.

George Evans  
Solicitor for Plaintiff.

I consent to the passage of this order

~~J. McLeod~~  
Attorney for Defendant.

ORDERED, this 6<sup>th</sup> day of May 1929,

that leave be granted to the parties to the cause, to take testimony, as prayed, before any one of the Standing Examiners of this Court.

The order of court granting leave to take testimony under 30<sup>th</sup> rule is hereby rescinded

W. H. Brown

In  
The Circuit Court  
of  
Baltimore city  
375  
1928

Olivia E Helburn  
vs  
James H Helburn

agreement

~~B 33300~~

Mr Clerk, - 427

please file

George W Evans  
atty for plaintiff

Ed 6 May 1929



Olivia Elizabeth Hilburn	} In The Circuit Court of Baltimore City
James H. Hilburn	

It is agreed between the parties to this suit and their counsel subject to the approval of the Court, that the defendant James H. Hilburn pay to the plaintiff, Olivia E. Hilburn, the sum of Three dollars per week as support for Ida A. Hilburn, infant child of the defendant, so long as she is a dependent minor, subject to the further order of the Court, and that all arrearages of alimony past, due and owing to date on account of decree of Court on or about 14<sup>th</sup> day of December 1929 and called for a hearing on May 6<sup>th</sup> 1929 are hereby canceled

Bessie O. Hilburn  
plaintiff

James H. Hilburn  
defendant

Georgew Evans  
attorney for plaintiff

J. ~~W. H. H.~~ Payne  
attorney for defendant

Doc. 68 B  $\frac{375}{1928}$

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

**DEPOSITIONS**

*Helburn*

*Helburn* <sup>T.S.</sup>

*B* No. 33300  
*(13)*

**PLAINTIFF'S COSTS**

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

**DEFENDANT'S COSTS**

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

*Fd 9 May 1929*

Olivia Elizabeth Hilburn

vs.

James H. Bilburn

In the Circuit Court

OF BALTIMORE CITY.

The above cause being at issue,

and notice having been given me by the Solicitor for the plaintiff  
of a desire to take testimony in the same, I, Mason P. Moffit  
Special ~~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  
sixth day of May 1929, met on  
the sixth day of May in the year nineteen  
hundred and twenty-nine at my office, in the city of Baltimore, in the State  
of Maryland, and assigned the sixth day of May  
in the same year at eleven o'clock in the fore-noon and the  
office of the Examiner 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<sup>s</sup> of the  
respective parties to take the following depositions, that  
is to say:—

OLIVIA ELIZABETH HILBURN : In the Circuit Court of  
 VS. :  
 JAMES H. HILBURN : Baltimore City.

-----

Testimony taken before me, Mason P. Morfit, Special Examiner, in my offices in the Title Building, Baltimore, on May 6th, 1929, at 11:00 A. M.

Mr. George W. Evans appeared for plaintiff.

- - -

Thereupon---

OLIVIA ELIZABETH HILBURN,

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 Olivia Elizabeth Hilburn, 1402 Madison Avenue, housewife.

Q Do you know the parties to this suit?

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

By Mr. Evans:

Q When, where and by whom were you married?

A On September 10th, 1908, in Baltimore, Maryland,  
by a Minister of the Gospel.

Q And you and your husband lived together until when?

A June, 1927.

Q What was your conduct towards your husband during  
your married life?

A Kind and faithful.

Q Were you kind, faithful and affectionate and was  
your conduct above reproach?

A Yes, sir.

Q Did you give him any cause to commit adultery?

A No, sir.

Q You charge your husband with adultery. Have  
you ever intercepted any letters written to your husband  
by other women?

A Yes.

Q Did you confront your husband with those letters?

A Yes, sir.

Q Did the letters intimate that he had been  
intimate with other girls?

A Yes, sir.

Q Where are those letters?

A Filed in Court.

(NOTE by Mr. Evans: The letters are filed in the proceedings for partial divorce.)

Q Did he deny being intimate with other girls?

A No, sir.

Q Did you have occasion to see your husband in a compromising position with another girl?

A Yes, at the drugstore at three o'clock in the morning.

Q What drugstore?

A At the drugstore in Detroit.

Q Was he in the act of adultery?

A Yes, or just about to commit it.

Q Have you ever seen your husband go into a house anywhere else?

A Yes, sir.

Q Where was the house?

A In the 1200 block Harlem Avenue.

Q On the north or south side of the street?

A On the south side.

Q What is the reputation of that house?

A Questionable.

Q When you say questionable, do you mean a house where a person can get a room with someone not his wife?

A Yes, sir.

Q How long did your husband stay in that house?

A All night.

Q Did you watch?

A Yes, sir.

Q And the woman was in there?

A Yes, sir.

Q Did he come out?

A No, sir, not until the next morning.

Q And she didn't come out?

A No, she came out with him.

Q Who was with you when you watched this house on Harlem Avenue?

A My sister, Adele Carr.

Q Have you on any other occasions seen your husband?

A No.

Q Have you ever lived or cohabited with him since you discovered these adulteries?

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 Does your husband also live here?

A Yes, sir.

Q Do you wish to resume your maiden name?

A Yes, sir, Olivia Elizabeth Diggs.

Q Do you have any children?

A One girl, Ida, three years old.

Q Do you desire to have the care and custody of the child?

A Yes, sir.

Q There is an agreement entered between you and your husband with reference to alimony. Do you desire to ask for alimony for the child?

A Yes, sir.

Q What do you think is necessary?

A Three dollars a week.

Q Your husband is a druggist and has a drugstore at Druid Hill Avenue and Presstman Street?

A Yes, sir.



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*  
*Olivia Elizabeth Wilburn*

Thereupon---

ADELE CARR,

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 Adele Carr, 1402 Madison Avenue, Baltimore, housewife.

Q Do you know the parties to this suit?

A Yes, sir, she is my sister.

By Mr. Evans:

Q She states they were married in September, 1908.

Is that correct?

A Yes, sir.

Q And do you know they lived together as husband and wife and were known and recognized in the community where they lived as husband and wife?

A Yes, sir.

Q When did they separate?

A In June, 1927.

Q Do you remember having been with Mrs. Hilburn at three o'clock in the morning on Druid Hill Avenue when he came up the street with a woman and Mrs. Hilburn

got after him about it?

A Yes, and he beat her because of it.

Q Where was she living then?

A At 2030 Druid Hill Avenue.

Q Where were you living then?

A At 2034 Druid Hill Avenue.

Q How do you know he beat her?

A He ran her up the street - I saw him.

Q Were you with your sister when she watched the house in the 1200 block Harlem Avenue?

A Yes, sir.

Q Did you see the defendant go in there?

A Yes, sir.

Q Did he go in with a woman?

A Yes, sir.

Q How long did he stay in there?

A All night.

Q What is the reputation of that house?

A It is very questionable.

Q Do you mean the house has the reputation of being a place where a man can take a woman not his wife and occupy a room with her?

A Yes.

Q Did she come out of the house with him?

A Yes, the next morning.

Q When she confronted him with that evidence, did he deny it?

A No, he didn't.

Q You have also seen a lot of letters which she filed in her suit for partial divorce, have you not?

A Yes.

Q And were those letters from women, disclosing intimacies that occurred between the defendant and these women?

A Yes.

Q Did you ever hear his wife confront him with those letters and the contents of them?

A Yes, sir.

Q Did he deny the intimacies spoken of in the letters?

A No, sir.

Q Have you ever seen him go into any other questionable houses?

A No, sir.

Q Do you know as a result of his wife accusing him of adulteries, instead of denying or admitting it, he beat her?

A Yes, sir, twice.

Q Were her injuries severe?

A Yes, sir.

Q What was Mrs. Hilburn's conduct towards him?

A She treated him as a wife should.

Q Was she kind, faithful and affectionate and above reproach?

A Yes, sir.

Q Did she give him any cause or reason to be unfaithful to her or to strike her?

A No, sir.

Q Has she ever lived or cohabited with the defendant since discovering these adulteries?

A No, sir.

Q And you both live in the same house?

A Yes, sir.

Q There is one child?

A Yes, Ida.

Q Do you believe Mrs. Hilburn is a fit and proper person to have the custody of the child?

A Yes, sir.

Q Have both the plaintiff and defendant been residents of Baltimore, Maryland, for more than two years prior to the filing of this Bill?

A Yes, sir.

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*

*Adele Carr.*

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

*Mason P. Morfit* (SEAL).  
Special Examiner.

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

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

*Mason P. Morfit*  
Special Examiner.

Mason P. Morfit,

I, ~~Azitha Missy Sadrington~~ 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.....

*Mason P. Morfit*  
Special Examiner.

Circuit Court

375  
1928

B Docket 68

Olivia Elizabeth Helburn

vs.

James H. Helburn

SUBMISSION FOR DECREE.

Mr. Clerk,  
Please file,

Georgew Evans  
Solicitor for Plaintiff.

No. B 33300

(14)

Filed 9<sup>th</sup> May 1929



*Olivia E. Hilburn*

*James H. Hilburn*<sup>vs.</sup>

In the Circuit Court  
of Baltimore City

*Mar* TERM, 19 *29*

To the Honorable

\_\_\_\_\_  
Judge of Said Court:

The above cause is respectfully submitted for  
decree and the 43rd General Equity Rule is hereby waived.

\_\_\_\_\_  
\_\_\_\_\_  
*George Evans*

Solicitor for Plaintiff,

\_\_\_\_\_  
\_\_\_\_\_  
*J. Howard Payne*

Solicitor for Defendant.

Circuit Court

375  
1928

B Docket No. 68

Olivia E. Hilburn

vs.

James H. Hilburn

Order of Reference  
and Report

Syons

B No. 33300  
(15)

Order Filed 9 day of May 1929

Report Filed 15 day of May 1929

Olivia E. Helburn

vs.

James H. Helburn

IN THE  
Circuit Court

OF  
BALTIMORE CITY

March Term, 1929

This case being submitted, without argument, it is ordered by the Court, this 7<sup>th</sup> day of May, 1929, that the same be and it is hereby referred to Wm P Lyons, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Wm P Lyons

Report of Auditor and Master

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

Defendant summoned and answered.

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

The marriage proved.

Adultery proved.

Case made for awarding the guardianship and custody of the minor child of the parties to the plaintiff and charging the defendant with the payment of alimony.

Thirty days have elapsed since the filing of the bill.

Case submitted for decree and 41st General Equity Rule waived.

Case ready for decree.

William P. Lyons  
Auditor and Master.

May 13, 1929.

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

~~Auditor and Master.~~

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# CIRCUIT COURT

**B** -375 1928 No. Docket

OLIVIA ELIZABETH HILBURN

VS.

JAMES H. HILBURN

Folio 117 1929

## Decree of Divorce

**B** No. 33300  
(16)

Ed 16 May 1929

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

*William P. Lyons*  
Auditor and Master.

Circuit Court

OF

BALTIMORE CITY

OLIVIA ELIZABETH HILBURN

VS.

JAMES H. HILBURN

Term, 192

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

It is thereupon, this 16th day of May, A. D. 1929

by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said OLIVIA ELIZABETH HILBURN,

the above named Complainant be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, JAMES H. HILBURN.

AND it is further ordered that the guardianship and custody of IDA HILBURN, minor child of the parties, be and they are hereby awarded to the Complainant, OLIVIA ELIZABETH HILBURN, and the Defendant, JAMES H. HILBURN, shall pay to the Complainant, OLIVIA ELIZABETH HILBURN, as alimony, the sum of three dollars (\$3.00) a week, subject as to said alimony and as to the guardianship, custody, maintenance and support of said minor child to the further order of this Court.

AND it is further ordered that the name of the Complainant, OLIVIA ELIZABETH HILBURN, be and it is hereby changed to OLIVIA ELIZABETH DIGGS.

And it is further Ordered, That the said Defendant, JAMES H. HILBURN, pay the cost of this proceeding.

Dickinson