

Order of Pub
IN THE CIRCUIT COURT
OF

BALTIMORE CITY

B 192
1938
+
BLANCHE M. DAVIS

VS.

J. STEWARD DAVIS

B 44168
(1) (2)
BILL FOR DIVORCE

Mr. Clerk:

Please file.

George W. Evans
ATTORNEY FOR PLAINTIFF

GEORGE W. EVANS

ATTORNEY AT LAW

14 EAST PLEASANT STREET

BALTIMORE, MD.

FD 18 May 1938

BLANCHE M.DAVIS

:

IN THE CIRCUIT COURT

VS.

:

OF

J.STEWARD DAVIS

:

BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully represents.

1. That she was married to her husband, J. Steward Davis, on the 26th day of August, 1920 and with whom she resided until 15th day of April, 1929 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 five years, 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 two children born as issue of said marriage; Suzanne, age sixteen and Blanche, age eleven.

5. That your Oratrix is a citizen of the State of Maryland, having resided in Baltimore City for more than two 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 New York City, New York.

TO THE END, THEREFORE, YOUR ORATRIX PRAYS:

(a) That she may be divorced A Vinculo Matrimonii from the said J. Steward Davis.

(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 to and against the said J. Steward Davis, 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

GEORGE W. EVANS, SOLICITOR
14 E. PLEASANT STREET
IN THE CIRCUIT COURT OF BALTIMORE
ORDER OF PUBLICATION

BLANCHE M. DAVIS VS. J. STEWARD DAVIS

The object of this suit is to procure a divorce A Vinculo Matrimonii by the Plaintiff, Blanche M. Davis from the Defendant, J. Steward Davis.

The bill recites that the parties were married on the 26th day of August 1920 and lived together until the 15th day of April, 1929 when the Defendant deserted the Plaintiff and declared his intentions to live with her no longer; said abandonment has continued uninterruptedly for more than five years, is deliberate and final and beyond reconciliation; the Plaintiff has been kind, affectionate and above reproach toward the said defendant; that there are two children, Suzanne, age sixteen and Blanche, age eleven; that the Plaintiff has been a resident of Baltimore City, State of Maryland for more than two years last past but that the Defendant is a non-resident of the State of Maryland and when last heard of was in New York City, New York.

It is thereupon by the Circuit Court of Baltimore City ordered this 18th day of May 1938 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 18th day of June 1938, 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 5th day of July, 1938, to show cause, if any he may have why a decree should not be passed as prayed.

✓
Frank W. Evans

19.....

Docket No. 192
1938

Davis

vs.

Davis

Certificate of Publication

B44168
(3)

THE DAILY RECORD

Filed 14 day of Dec 1938

THE DAILY RECORD

Baltimore, *June 9* 19*38*

We hereby certify that the annexed advertisement of Order of Publication Circuit Court

of Baltimore City, Case of

Blanche M. Davis
vs. *J. Steward Davis*

was published in THE DAILY RECORD, a daily newspaper published in the City of Baltimore, once in each of

four successive weeks before the *18th* day of *June*, 19*38*

First insertion *May 19th*, 19*38*

THE DAILY RECORD

Per *Arthur M. Stevens, 3rd.*

George W. Evans, Solicitor,
14 East Pleasant Street.

IN THE CIRCUIT COURT OF BALTIMORE CITY — (B—192—1938) — Blanche M. Davis vs. J. Steward Davis.

ORDER OF PUBLICATION.

The object of this suit is to procure a divorce a vinculo matrimonii by the plaintiff, Blanche M. Davis, from the defendant, J. Steward Davis.

The bill recites that the parties were married on the 26th day of August, 1920, and lived together until the 15th day of April, 1929, when the defendant deserted the plaintiff and declared his intentions to live with her no longer; said abandonment has continued uninterruptedly for more than five years, is deliberate and final and beyond reconciliation; the plaintiff has been kind, affectionate and above reproach toward the said defendant; that there are two children, Suzanne, age sixteen, and Blanche, age eleven; that the plaintiff has been a resident of Baltimore City, State of Maryland, for more than two years last past, but that the defendant is a non-resident of the State of Maryland and when last heard of was in New York City, New York.

It is thereupon by the Circuit Court of Baltimore City ordered this 18th day of May, 1938, 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 18th day of June, 1938, 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 5th day of July, 1938, to show cause, if any he may have, why a decree should not be passed as prayed.

SAMUEL K. DENNIS.

True Copy—Test:

CHAS. R. WHITEFORD,

Clerk

my19,26,je2,9

Mr. Fick

Circuit Court

B I92

193⁸

DOCKET No.

Blanche M. Davis

vs.

J. Stewart Davis

Decree Pro Confesso

Frick

B No. 44168

(4)

Filed 14 day of Dec, 1938.

[DECREE PRO CONFESSO]

BLANCHE M. DAVIS

vs.

J. STEWART DAVIS

IN THE
CIRCUIT COURT

-OF-

BALTIMORE CITY

November
~~September~~

Term, 1938

The Defendant J. Stewart Davis 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)

It is, thereupon, this 14th day of December, in the year nineteen hundred and thirty-eight, 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 J. Stewart Davis

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.

Samuel Stewart

DOCKET B. 192/1938

IN THE CIRCUIT COURT.....

Blanche M. Davis

vs.

J. Stewart Davis

DEPOSITIONS

B No. 44168

PLAINTIFF'S COSTS

Examiner \$.....
Copies
Notices
Sheriff
Stenographer

\$

DEFENDANT'S COSTS

Examiner \$.....
Copies
Notices
Sheriff
Stenographer

\$

GERALD W. HILL, Special Examiner

Filed 25 day of February 1939

.....
Blanche M. Davis,
.....
vs.
.....
J. Stewart Davis
.....
.....

In the Circuit Court.....
OF BALTIMORE CITY

.....
A Decree Pro Confesso having been passed,
.....
and notice having been given me by the Solicitor for the Plaintiff
.....
of a desire to take testimony in the same, I, GEORGE ARNOLD FRICK, 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
14th day of December, 1938, met on
the 16th day of December in the year nineteen
hundred and thirty-eight, at my office, in the City of Baltimore, in the
State of Maryland, and assigned the 17th day of December
in the same year at 10.30 o'clock in the forenoon 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 of the
Plaintiff
.....to take the following deposition, that
is to say:

TESTIMONY taken at the office of George Arnold Frick, Examiner, on Saturday, December 17th, 1938, at half past ten o'clock in the morning.

Present: George W. Evans, Counsel for Plaintiff.

Thereupon:

BLANCHE M. DAVIS, the Plaintiff, produced as a witness on her own behalf, being first duly sworn, deposeth and saith as follows, that is to say -

BY THE EXAMINER:

1 Q- State your name, residence and occupation?

A- Blanche M. Davis, 1301 Myrtle Avenue, teacher.

2 Q- You are the Plaintiff in this proceeding?

A- Yes, sir.

3 Q- How long have you known J. Stewart Davis?

A- About nineteen years.

BY MR. EVANS:

4 Q- When, where and by whom were you married?

A- I was married at Elkton, Maryland, on August 26th, 1920, by Reverend Roberts.

5 Q- Did you and Mr. Davis live together as man and

Blanche M. Davis

wife?

A- Yes, until April 15th, 1929.

6 Q- During that time, of course, you got along together as husband and wife?

A- Yes.

7 Q- How did you conduct yourself?

A- As a wife should.

8 Q- Faithful, chaste and affectionate?

A- Yes.

9 Q- On April 15th what happened?

A- Mr. Davis left in the morning to go to work and he sent a telegram that afternoon that he had been called out of town on business and I haven't heard from him since.

10 Q- By the way, Mr. Davis was a member of the Bar, was he not?

A- Yes.

11 Q- And had offices at 215 St. Paul Street at the time?

A- Yes.

12 Q- Have you made every effort to locate Mr. Davis since the separation?

A- I have.

13 Q- Have you been successful or not?

A- No.

Blanche M. Davis

14 Q- The telegram you spoke of as having gotten -
from what city did it come?

A- New York City.

15 Q- I believe you went to New York and had an
investigator make some investigation as to what happened?

A- Yes.

16 Q- And your investigation disclosed what?

A- That he had been to the Y.M.C.A. and stayed all
night and checked out the next morning.

17 Q- And that is the last trace you could find of
him?

A- Absolutely.

18 Q- Did you give him any cause to leave you?

A- None at all.

19 Q- Do you know why he left you?

A- I haven't any idea why he left.

20 Q- I believe you have exhausted every means of
locating him?

A- Yes.

21 Q- And given up all hope too, I believe?

A- Yes.

22 Q- Was his abandonment and desertion of you on
April 15th, 1929, his deliberate and final act?

A- I think so.

Blanche M. Davis

23 Q- Were there any children born as a result of this marriage?

A- We have two children, Margaret Suzanne, aged 17 years, and Blanche M. Davis, twelve years old.

24 Q- Who has the care and custody of the children?

A- I have.

25 Q- Have they received any help or support from the father since his desertion?

A- Not any.

26 Q- Are you a fit and proper person to have the care and custody of the children?

A- I surely am.

27 Q- Do you ask for the care and custody of your children?

A- Absolutely.

28 Q- You are a citizen of the State of Maryland, I believe?

A- Yes.

29 Q- How long have you been residing in Baltimore City, State of Maryland?

A- Since I was born.

30 Q- Is your husband now a resident of the State of Maryland?

A- No, he is not.

31 Q- Was your husband a resident of the State of Mary-

Blanche M. Davis

land on May 18th, 1938?

A- No.

32 Q- When last heard of where was he?

A- The last I heard of him he was in New York City, he sent me the telegram.

33 Q- And, of course, your investigation disclosed that he was there?

A- Yes, sir.

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

A- No.

35 Q- Have you lived or cohabited with your husband since the separation?

A- No.

QUESTION BY THE EXAMINER:

Do you know or can you state any other matter or thing that may be of benefit or advantage to 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.

Answer:

No.

Blanche M. Davis.

MARGARET S. MOORE, a witness of lawful age, produced on behalf of the Plaintiff, being first duly sworn, deposes and saith as follows, that is to say -

BY THE EXAMINER:

1 Q- State your name, residence and occupation?

A- Margaret S. Moore, 1301 Myrtle Avenue, Baltimore, housekeeper.

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

A- Yes, sir.

3 Q- How long have you known them?

A- The Plaintiff is my daughter and I have known J. Stewart Davis since they have been married.

BY MR. EVANS:

4 Q- Mrs. Moore, were you present at the marriage of these parties?

A- No.

5 Q- Where were they married?

A- Elkton, Maryland.

6 Q- The date of the marriage is given as August 26th, 1920. Is that about right?

A- Yes, that's about right.

7 Q- Did they live together as man and wife for a while?

Margaret S. Moore

A- Yes.

8 Q- Did they go around as such?

A- Yes, sir.

9 Q- And people recognized them as man and wife?

A- Yes.

10 Q- Are they now living together as man and wife?

A- No, he is not here.

11 Q- Who left the other?

A- He left her.

12 Q- Do you know the date? It is stated as April 15th, 1929?

A- I think that is about right.

13 Q- Do you know what happened?

A- I do not because I didn't live with them.

14 Q- But you know what happened at that time?

A- Well, I know that he left home one morning to go to his office.

15 Q- Was he seen or heard from after that other than by a telegram?

A- Not that I know of.

16 Q- Where was his office?

A- 215 St. Paul Street.

17 Q- Across from the Court House?

A- Yes.

18 Q- You heard about it from your daughter, of course?

Margaret S. Moore

A- Yes.

19 Q- Did your daughter do anything about it after her husband sent the telegram from New York?

A- She went to New York.

20 Q- Did she make some investigation as to her husband's whereabouts in New York?

A- Yes.

21 Q- Was she successful in finding him?

A- No, she wasn't.

22 Q- Have you or your daughter seen or heard of him since the separation other than by the telegram?

A- No.

23 Q- That telegram was sent on the very day he left Baltimore, was it not?

A- Yes.

24 Q- How did Mrs. Davis treat her husband?

A- Well, she treated him all right.

25 Q- Was she a faithful, chaste and affectionate wife?

A- Yes, sir.

26 Q- Did she give her husband any cause to desert and abandon her in April, 1929?

A- No.

27 Q- Was his desertion of her his deliberate and final act?

A- Yes.

Margaret S. Moore

28 Q- Has she lived with him since the separation?

A- No, he hasn't been here since.

29 Q- Is there any reasonable expectation of a reconciliation between them?

A- No.

30 Q- Has he made any contribution to your knowledge or supported the children?

A- No.

31 Q- How long has your daughter lived in Baltimore City, State of Maryland?

A- She was born and raised here and lived here all her life.

32 Q- And is Mr. Davis a resident of the State of Maryland now?

A- No.

33 Q- Was he a resident here on May 18th, 1938, when this suit was filed?

A- No.

34 Q- The last time he was heard of where was he?

A- In New York City.

35 Q- What are the names of the children of these parties?

A- Margaret Suzanne, 17, and Blanche M. Davis, 12.

36 Q- Who has the care and custody of those children?

A- Their mother, my daughter.

Margaret S. Moore

37 Q- Has she had their care and custody since the separation?

A- Yes, ever since.

38 Q- Is she a reasonable and proper person to have the care and custody of the children?

A- Yes.

39 Q- Is she able to provide for them at present?

A- Yes, sir.

QUESTION BY THE EXAMINER:

Do you know or can you state any other matter or thing that may be of benefit or advantage to 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.

Answer: *No.*

Margaret S Moore

NOTE: Testimony having heretofore been taken before the said George Arnold Frick, one of the Standing Examiners of this Court. but not certified to by him because of his illness, the witnesses were recalled before Gerald W. Hill, Esq., Special Examiner, and the testimony heretofore taken was thereupon read to said witnesses, who acknowledged their said testimony to be correct and true, and said witnesses were duly re-sworn.

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 twenty - fifth.....day of February.....in the year of our Lord nineteen hundred and thirty nine....., at the City of Baltimore, in the State of Maryland.

Gerald W. Hill.....**SEAL**
Special Examiner.

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

Defendant'sExhibit.....

Gerald W. Hill.....
Special Examiner.

I, GERALD W. HILL, Special 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.....

Gerald W. Hill.....
Special Examiner.

Circuit Court

B 192
1938

Docket No.

Blanche M. Davis

vs.

J. Stewart Davis

Order of Reference and Report

Satane

B No. 44168

(6)

Order Filed 27 day of July 1939

Report Filed 14th day of March 1939

BLANCHE M. DAVIS

vs.

J. STEWARD DAVIS

IN THE

Circuit Court

OF

BALTIMORE CITY

This case being submitted, without argument, it is ordered by the Court, this 27th day of February, 1939, that the same be and it is hereby referred to James A. Latane, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.



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 proven.

Plaintiff's residence in Baltimore City for more than two years proven.

The marriage proven.

The abandonment for three years, its finality and the irreconcilability of the parties proven.

Case made for giving the custody of the minor children of the parties to the plaintiff.

A decree pro confesso was passed against the defendant and more than thirty days have since elapsed. Case ready for decree.

March 8, 1939



Auditor and Master.

CIRCUIT COURT

B 192
1938 No. Docket

BLANCHE M. DAVIS

VS.

J. STEWARD DAVIS

Recorded

Folio 57 1939

Decree of Divorce

B No. B 44168

(?)

Pa. 14th March 1939

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

Gas. A. Larani
Auditor and Master

CIRCUIT COURT

BALTIMORE CITY

DECREE OF DIVORCE.

BLANCHE M. DAVIS

vs.

J. STEWARD DAVIS

IN THE
CIRCUIT COURT

—OF—
BALTIMORE CITY

March TERM, 1939

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

It is Thereupon, This 14th day of March, A. D. 1939, by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said

----- Blanche M. Davis -----
the above named Complainant, be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, J. Steward Davis.

And it is further ordered that the said complainant shall have the guardianship and custody of Margaret Suzanne Davis and Blanche M. Davis the minor children of the parties in the proceedings mentioned; subject to the further order of this Court in the premises.

And it is Further Ordered, That the said Blanche M. Davis pay the cost of this proceeding.

✓ *Monwell*