

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

MILDRED COMMANDER

VS.

EDWARD ARMSTRONG

of Charles S. Rhode House
3rd Ave. Canton

Bill of Complaint

~~AND~~ ORDER OF SEIZURE

Mr. Clerk: (1)

Please file.

9016 Bank
Davis & Beards
ATTORNEYS FOR PLAINTIFF.

214365

(1) (3)

Filed June 1926

Copy of the within Bill of Complaint and Order of Court, served on Edward Armstrong on the 1st day of July, 1926, in the presence of Joseph C. Deegan.

Fees \$0.50

John E. Potee
Sheriff.

MILDRED COMMANDER : IN THE CIRCUIT COURT

VS. : OF

EDWARD ARMSTRONG : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Mildred Commander by her attorneys, Davis and Evans, complaining respectfully says:

1. That in the year of 1926 she purchased a Ford Sedan, 1926 model, purchase price of said car being six hundred and one (\$601.00) dollars; that the car was purchased on the instalment payment plan and that she, the said Mildred Commander, provided the funds, to wit, \$329.00 required as a first payment on the aforementioned car.
2. That for purposes of her convenience, she placed the car in the name of Edward Armstrong, who at the time of the purchase of said automobile, was residing at the residence of said Mildred Commander. That the said Edward Armstrong did not contribute any amount whatsoever to the initial payment on said car; that the said Mildred Commander, until a few days prior to the institution of this suit, paid the monthly storage rent on the said car.
3. That it was never the intention of Mildred Commander to invest the said Edward Armstrong with the ownership of the aforementioned automobile.
4. That the said Edward Armstrong has wrongfully, ^{and} fraudulently taken the aforementioned Ford Sedan from the possession of the complainant and that he refuses to restore the afore-

mentioned automobile to the possession of the complainant.

5. That there are several instalments on the aforementioned purchase price either due or about to become due, which must be paid, otherwise the complainant will forfeit her equity in the aforementioned automobile, unless this Honorable Court intervenes.

TO THE END, THEREFORE, YOUR ORATRIX PRAYS:

(a) That a restraining order be issued against Edward Armstrong enjoining him from disposing of or using in any manner whatsoever, the Ford Sedan, model, 1926, purchased by the said Mildred Commander.

(b) That the said Edward Armstrong be ordered to deliver up the possession of the Ford Sedan, model 1926 to the said Mildred Commander.

(c) That she may have such other and further relief as the case may require.

May it please your Honor to grant unto your Oratrix the Writ of Subpoena directed against the said Edward Armstrong, 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

ATTORNEYS FOR PLAINTIFF.

8608

Ct. Ct.

331 a
1926 Docket No. 66

Commander

vs.

Armstrong

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro
No. 14365

(2)

Filed 6th July 1926
R. W. Evans
SOLICITOR

7

Summoned and a copy of the
Process left with the defendant.

John E. Potee
Sheriff.

Reegan
7/9/26

Fees \$0.80

EQUITY SUBPOENA
The State of Maryland

EQUITY SUBPOENA

The State of Maryland

To Edward Armstrong
G. Mas. L. Rhode & Sons
3rd. Ave. Canton.

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

Michael Commauer

against you exhibited in the Circuit Court of Baltimore City, HEREOF fail not, as you will answer the contrary at your peril.

WITNESS, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the 10th day of May 1926
Issued the 25th day of June, in the year 1926

Charles 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.

(General Equity Rules 11.)

IN THE *a 331*
CIRCUIT COURT *1926*
OF

BALTIMORE CITY

MILDRED COMMANDER

-VS-

EDWARD ARMSTRONG

ANSWER

Mr. Clerk:

Please file,
etc. *a 14365*

Frank L. Caplan

Solicitor for Defendant.

FRANK L. CAPLAN

ATTORNEY AT LAW

1163 ~~7293~~ CALVERT BUILDING
BALTIMORE.

July 3, 1926

MILDRED COMMANDER :

IN THE

:

CIRCUIT COURT

-vs-

:

OF

:

EDWARD ARMSTRONG :

BALTIMORE CITY

To the Honorable, the Judge of said Court:

Your respondent, Edward Armstrong, by Frank L. Caplan, his attorney, answering the bill filed in the above entitled cause respectfully says,

1 Answering paragraph one of the said Bill of Complaint, Your Respondent admits that the Ford Sedan, 1926 Model, was purchased in the year 1926, at and for the sum of Six Hundred and One (\$601.00) dollars, that the said car was purchased on the installment payment plan, but emphatically denies that the said Mildred Commander purchased said automobile and on the contrary avers that your Respondant purchased said automobile and was duly therefore charged, that the said Complainant provided the funds for the purchase of said car but did so in the form of making a valid gift inter vivos completed by delivery unto the said Edward Armstrong of said funds and that said funds were applied by your Respondant on the purchase price of said car.

2. Answering paragraph two of said Bill of Complaint, Your Respondant emphatically denies that the said automobile was purchased for the use of said Mildred Commander and for purposes of her convenience that the title of said car was placed in the name of your Respondant; that he admits that he resided at the residence of the said Mildred Commander. Further answering said paragraph your Respondant emphatically denies that he did not contribute any amount whatsoever on the said car and that the said Mildred Commander a few days prior to the institution of this suit paid the monthly storage rent and demands strict proof thereof, and of the matters and facts herein disputed.

3. Answering paragraph three of said Bill of Complaint Your Respondant emphatically denies the allegations therein contained and demands strict proof thereof.

4. Answering paragraph four of said Bill of Complaint Your Respondant emphatically denies the allegations therein contained and demands strict proof thereof.

5. Answering paragraph five of said Bill of Complaint Your Respondant admits the allegations contained in the first portion of the said paragraph as have reference to unpaid installments on the purchase price of said car, but emphatically denies the second portion of said paragraph and on the contrary avers that the Complainant has no equity or interest in and to the aforementioned automobile.

WHEREFORE, having fully answered said Bill of Complaint Your Respondant prays that the said Bill of Complaint be dismissed and the restraining order appended thereto vacated with his proper costs.

AND as in duty bound, etc.

his
Edward J. Armstrong
RESPONDANT
mark

Frank J. Kaplan
SOLICITOR FOR RESPONDANT

Baltimore City :
State of Maryland: To Wit

I hereby certify that before me, the subscriber, a Notary Public in and for the City and State aforesaid personally appeared Edward Armstrong and made oath in due form of law that the matters and facts stated in the hereinabove answer are true to the best of his knowledge and belief.

WITNESS my hand and seal notarial *July 3, 1928*

Clara E. Schuster
NOTARY PUBLIC



a 331
1926 Ct. Ct.

David Evans

192

No.

Docket

Mildred Commander

vs.

Edward Armstrong

MOTION FOR HEARING

a No. 14365
(5)

Filed *3* day of *July* 192*6*

Frank Kaplan

Mildred Commander

vs.

Edward Armstrong

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

The Defendant by Frank L. Caplan

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

for hearing on ~~Bill, Answer & Order~~

Restraint Order & Answer

in conformity with the First Equity Rule.

Solicitor for Frank L. Caplan
Respondent
116 S Calvert Alley

Serve on *v15 M Paul*
Davis & Evans

Service admitted
July 13th 1926
Davis & Evans

Ct. Ct.

331
1926 No. A-66 Docket

Commander

vs.

Armstrong

NOTICE OF HEARING

A- No. 14365
(6)

No.

Filed 3 day of July 1926

H

*Copy of the within Notice served on Davis and Evans,
Solicitors on the 13th day of July, 1926 in the
presence of Lawrence A. Thwaites. John E. Potee
Sherriff
Rec'd \$0.50*

CIRCUIT COURT

when reached in due course on said calendar

CHARLES R. WHITFIELD

Clerk Circuit Court

Mildred Commander

vs

Edward Armstrong

IN THE

CIRCUIT COURT

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

Restraining Order & Answer

when reached in due course on said calendar.

CHARLES R. WHITEFORD

Clerk Circuit Court.

Davis & Evans
Service admitted
July 13-1926
Davis & Evans

Service on
Davis & Evans
215 St Paul

Frank L. Kaplan

CIRCUIT COURT

331
1926 A

Docket No. 66A

Mildred Commander
VS.

Edward Armstrong

(1)

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

No. 14365
(1)

Fd. 8th July 1926
H

Copy of the within Petition and Order of Court served on
Davis and Evans, Solicitors on the 13th day of July, 1926,
in the presence of Lawrence A. Narak.
John E. Potter
Sheriff
Fee \$0.50

Mildred Commauder

VS.

Edward Armstrong

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~~ ^{made} 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.

Frederic J. Caplan

Solicitor for ~~Plaintiff~~ Defendant

Upon the foregoing Petition and Application it is this 8th day of July

A. D., 1926, 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 19th day of July 1926

H. Arthur Shump

Ct. Ct.

331
1926

A- Docket 66

Mildred Commander

vs.

Edward Armstrong

SUMMONS FOR WITNESSES

R No. 14365

(8)

Filed 12th day of Nov. 1926.

In the Circuit Court of Baltimore City

November

Term, 1926.

The Sheriff will please summon the following witnesses,

returnable Monday Nov. 15/26

at 10 A. M.

Mildred Commander

IN THE CIRCUIT COURT

vs.

OF

Edward Armstrong

BALTIMORE CITY

Mr. Clerk:

Please issue summons for the following witnesses to testify for the defendant in the above entitled case:

- 14 Edward Armstrong *NE*
~~2029 Madison Avenue~~
1112 Calhoun St
- 5 H. Pollack *sd*
5 S. Collington Avenue,
City
- 20 C. E. Hudson *sd*
3413 Elmsley Avenue
City
- 10 Samuel Muffraj *sd*
c/o Kernan Hotel
Franklin and Howard Sts.
City.
- 19 Backus Motor Company *sd*
10-20 E. North Avenue
City

with a subpoena ducas tecum to bring with it all

books, papers, and records which may relate to the purchase of a Ford sedan by the defendant from the Backus Motor Company in March, 1926.

and make same returnable before his Honor Judge Frank, on Monday November 15, 1926.

Frank L. Capley
Solicitor for Defendant

Commander

vs. Armstrong

Chas. R. Whiteford
CLERK OF CIRCUIT COURT OF BALTIMORE CITY

331 a
1926

Ct. Ct.

Docket

Bosman

vs.

Armstrong

SUMMONS FOR WITNESSES

a No. 14365
(29)

Filed 13th day of Nov. 1926

In the Circuit Court of Baltimore City

November

Term, 19*26*

The Sheriff will please summon the following witnesses,

returnable *Monday, Nov. 15, 1926* at 10 A. M.

MILDRED COMMANDER

:

IN THE CIRCUIT COURT

VS.

:

OF

EDWARD ARMSTRONG

:

BALTIMORE CITY

Mr. Clerk:-

Please issue summons for the following persons to appear in this Court and make same returnable Nov. 15, 1926 at 10 A.M.

SP
Mr. Montgomery....Hosbach Motor Co.,
North Ave. & Charles St.

SP
Mr. Hudson.....Hosbach Motor Co.,
North Ave. & Charles St.

Davis & Evans

ATTORNEYS FOR PLAINTIFF.

to testify for

Plaintiff

in the case of

Commander

vs.

Armstrong

Chas. R. Whiteford

CLERK OF CIRCUIT COURT OF BALTIMORE CITY

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

a 331
1924

MILDRED COMMANDER

VS.

EDWARD ARMSTRONG

a 14365

2 219

DAVIS & EVANS
ATTORNEYS AT LAW

H. H. Evans
December 1924

MILDRED COMMANDER

:

IN THE CIRCUIT COURT

VS.

:

OF

EDWARD ARMSTRONG

:

BALTIMORE CITY

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

It is thereupon this 24th day of November, 1926 by the Circuit Court of Baltimore City, adjudged, ordered and decreed that Mildred Commander and Edward Armstrong be joint owners of the Ford Sedan, model, 1926; and it is further adjudged, ordered and decreed that the said Edward Armstrong amend the certificate of title so that it includes the name of Mildred Commander as joint owner with himself, the interest of said Mildred Commander and Edward Armstrong to be subject to any liens or encumbrances that may be properly against the aforementioned automobile, each party to pay the said party's costs
Critchfield