

IN THE CIRCUIT COURT OF
BALTIMORE CITY.

2875 B-65
7975
HORACE J. ALLEN

VS.

MARY ALLEN

BILL FOR DIVORCE.

Mr. Clerk:-

Please file.

Davis & Evans
ATTORNEYS FOR PLAINTIFF.

(1) (2)
B-28738

DAVIS & EVANS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

Filed April 1925

BAUMGARTEN & CO., INC.

HORACE J. ALLEN : IN THE CIRCUIT COURT
VS. : OF
MARY ALLEN : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully represents:

1. That he was married to his wife, Mary Allen, on the 3rd day of December, 1912 by a Minister of the gospel, in Washington, D.C., and with whom he resided until the 15th day of June, 1913 when the defendant deserted the plaintiff.
2. That though the conduct of your Orator toward the said Mary Allen has always been kind, affectionate and above reproach, she has, without any just cause or reason, abandoned and deserted him and has declared her intentions to live with him no longer and that such abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable expectation of reconciliation.
3. That there are no children born as issue of said marriage.
4. That your Orator has not lived or cohabited with the said defendant since said desertion.
5. That your Orator 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, but that the defendant is a non-resident of the State of Maryland and when last heard of was in Washington, D.C.

TO THE END, THEREFORE:

(a) That your Orator may be divorced A Vinculo Matrimonii from the said Mary Allen.

(b) That he may have such other and further relief as his case may require.

May it please your Honor to grant unto your Orator the Order of Publication directed to the said Mary Allen, a non-resident of the State of Maryland, aforesaid, commanding and requiring her 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.

DAVIS & EVANS, SOLICITORS,
215 ST. PAUL PLACE,
BALTIMORE, MD.

IN THE CIRCUIT COURT OF BALTIMORE CITY.

HORACE J. ALLEN VS. MARY ALLEN

ORDER OF PUBLICATION

The object of this Bill is to procure a divorce A Vinculo Matrimonii by the plaintiff from the defendant.

The Bill recites that the parties were married on the 3rd day of December, 1912 by a Minister of the Gospel in Washington, D.C. and that they lived together until the 15th day of June, 1913 when the defendant deserted the plaintiff. That there are no children born as issue of said marriage. That the defendant is a non-resident of the State of Maryland and when last heard of was in Washington, D.C. That the defendant deserted the plaintiff without any just cause or reason and has declared her intentions to live with him no longer and that such abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable expectation of reconciliation. That the plaintiff has been a citizen of the State of Maryland for more than three years prior to the filing of this Bill.

It is thereupon this *16* day of *April* 1925, ordered by the Circuit Court of Baltimore City that the plaintiff by causing a copy of this order to be published in a daily newspaper published in Baltimore City, once in each of four successive weeks before the *19* day of *May* 1925, give notice to the absent defendant of the object and substance of this Bill, warning her to be and appear in this Court in person or by Solicitor, on or before the *6* day of *June* 1925, and show cause, if any she may have, why a decree ought not be passed as prayed.

George T. Salter

²⁸²
1925-1365 Docket No.....

Allen

vs.

Allen

Certificate of Publication

B 28 738
(3)

THE DAILY RECORD
Filed 9 day of June 1925

THE DAILY RECORD

Baltimore, MAY 9 - 1925, 192.....

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

of Baltimore City, Case of.....

Horace J. Allen
vs. Mary Allen

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

19th day of May, 1925

First insertion Apr 18th 1925

THE DAILY RECORD

Per [Signature]

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

IN THE CIRCUIT COURT OF BALTI-
MORE CITY—(B—282—1925)—Horace J.
Allen vs. Mary Allen.

ORDER OF PUBLICATION.

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

The bill recites that the parties were
married on the 3rd day of December, 1912,
by a minister of the gospel in Washington,
D. C., and that they lived together until
the 15th day of June, 1913, when the de-
fendant deserted the plaintiff. That there
are no children born as issue of said mar-
riage. That the defendant is a non-resi-
dent of the State of Maryland and when
last heard of was in Washington, D. C.
That the defendant deserted the plaintiff
without any just cause or reason and has
declared her intentions to live with him
no longer and that such abandonment has
continued uninterruptedly for more than
three years and is deliberate and final and
the separation of the parties is beyond any
reasonable expectation of reconciliation.
That the plaintiff has been a citizen of the
State of Maryland for more than three
years prior to the filing of this bill.

It is thereupon this 16th day of April,
1925, ordered by the Circuit Court of Bal-
timore City that the plaintiff by causing
a copy of this order to be published in a
daily newspaper published in Baltimore
City, once in each of four successive weeks
before the 19th day of May, 1925, give
notice to the absent defendant of the ob-
ject and substance of this bill, warning her
to be and appear in this Court in person
or by solicitor, on or before the 6th day
of June, 1925, and show cause, if any she
may have, why a decree ought not to be
passed as prayed.

GEORGE A. SOLTER.

True Copy—Test:

CHAS. R. WHITEFORD,

Clerk.

ap18 25my29

282

1925

Docket B 65 Ct. Ct.

Horace J. Allen

vs.

Mary Allen

Decree Pro Confesso.

B 28738

No.

(4)

Filed

9 June 1925

Horace J. Allen

vs.

Mary Allen

IN THE
Circuit Court

OF
BALTIMORE CITY.

May

Term, 1925

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 writ, (said Order).

It is thereupon this 9 day of June in the year nineteen hundred and twenty five 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.

George A. Salend

65

Doc. B

$\frac{282}{1925}$

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Horace J. Allen

vs.

Mary Allen

No. 28738B

PLAINTIFF'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

5 \$

DEFENDANT'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

\$

fd 31st August 1925

310312/51

Ernest J. Allen

vs.

Mary Allen

In the Circuit Court

OF BALTIMORE CITY.

Decree Pro Confesso having been passed in said 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 *twentieth* day of *June* 19*25*, met on the *twenty-third* day of *June* in the year nineteen hundred and *twenty-five* at my office, in the city of Baltimore, in the State of Maryland, and assigned the *twenty-fourth* day of *June* in the same year at *two* o'clock in the *after-*noon and the office of *Messrs Davis & Evans* 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 depositions, that is to say:—

8-4-25

2

HORACE J. ALLEN

VS.

MARY ALLEN.

Testimony taken before me,
A. deRussy Sappington, Examiner, at the offices
of George Evans, Baltimore, Maryland, on
June 24, 1925 at 2.00 o'clock in the after-
noon.

Thereupon---

HORACE J. ALLEN,

the plaintiff, of lawful age, produced on his
own behalf, having been first duly sworn
according to law, was examined and testified
as follows:

By the Examiner:

1Q Please state your name,
residence and occupation?

A Horace J. Allen , 1620 Collis
Terrace, Laborer.

2Q Do you know the parties to this
suit or either of them?

A Yes , I am the plaintiff and my

wife is the defendant.

By Mr. Evans:

1Q When were you married?

A December 3, 1912.

2Q By a minister of the Gospel?

A By Reverend John G. Taylor.

3Q Where?

A Washington, D.C.

4Q Did you live with your wife?

A One year.

5Q When did you separate?

A In June 1913.

6Q Which left the other; did she leave you or did you leave her?

A She left me.

7Q What did she do and say on the day she left?

A In the morning I got up and ate my breakfast, and I was working for the Government Quartermaster. I had the eight hour shift and worked until half past three, and I came in quarter past four, and I looked for my supper and I found she was not home. I

goes over to her girl friends where she generally goes, and I found her there with a man, and I asked her why hadn't she been home to have my supper ready, and she give me a lot of head, and said, there is supper there for you, you go get it. I asked her if she was coming back home, and she said, she may and may not, and I stayed there three weeks, and have not seen her, and I saw her on the 15 of June, 1913 at the girls house and asked her to come back.

8Q And she told you you may or not not?

A Yes.

9Q Were you always a kind, loving and true husband?

A Yes.

10Q Did you support her?

A Yes.

11Q Did you give her any cause to leave you?

A No, sir.

12Q Any children born of the marriage?

A No, sir.

13Q Have you lived or cohabited with her since the 15th of June, 1913?

A No, sir.

14Q Are you a resident of the State of Maryland and have you been for more than two years prior to the time this case started?

A Oh, yes, all my life.

15Q Is your wife a resident of the State of Maryland?

A No, sir, she is a resident of Washington.

16Q When you last heard of her it was in June 1913?

A Yes, she, in Washington.

17Q Any hope of reconciliation?

A No, sir.

18Q Has she asked you for any money or made any demands on you at all?

A No, sir.

19Q Did you give her any just cause or reason to abandon and desert you?

A No.

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

George J. Allen

Thereupon---

MARY BOSTON,

a witness of lawful age, produced on behalf of the plaintiff, having been first duly sworn according to law, was examined and testified as follows:

By the Examiner:

1Q Please state your name, residence and occupation?

A Mary Boston, 1618 Collis Terrace, domestic.

2Q Do you know the parties to this suit?

A Yes, both of them.

By Mr. Evans:

1Q You are Mr. Allen's sister?

A Yes, sir.

2Q Do you know that the parties were man and wife and lived together as such?

A Yes, sir.

3Q Did you know them after they were married?

A Yes, sir.

4Q They used to visit you in the Summer of 1913?

A In the Summer of 1913, yes, they came over in the Summer months---it was in the early part of June.

5Q Were they known and recognized in the community as husband and wife?

A Yes.

6Q Do you know which left the other?

A She left him.

7Q When?

A In June, 1913.

8Q Where?

A In Washington, D.C.

9Q Were you there at the time she left?

A No, sir.

10Q How did you know she left?

A Because he stayed a while over there and then returned home in about two weeks after she left.

11Q And told you she was gone?

A Yes.

12Q Have you seen her since then?

A Down to the shore at Atlantic City catching the train.

13Q In Atlantic City with another man?

A Yes, sir.

14Q That was when?

A About 1921

15Q Did you ask her about him?

A No, sir.

16Q Did she ask you about him?

A No, sir, but she invited me to see her and I went.

17Q Did she introduce you to her friend?

A No. She said it was her friend.

18Q Is Mr. Allen a resident of the State of Maryland and has he been for more than two years prior to the time this case started?

A Yes, sir, all his wife.

19Q Any children born as a result of the marriage?

A No, sir.

20Q Any hope of reconciliation?

A No, sir.

21Q Have they ever lived or cohabited together since the desertion in 1913?

A No, sir.

22Q You knew about the desertion a couple of weeks after it happened?

A Yes, sir.

23Q Would he have been willing to return to her in 1913 if she would have come back?

A Yes, at that time he would have taken her back, but she wouldn't come back.

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

Mary Boston.

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.....*28th*.....day of.....*August*.....in the year of Our Lord nineteen hundred and.....*Twenty-five*.....at the City of Baltimore, in the State of Maryland.

A. de Russy Sappington (SEAL).
Examiner.

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

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

A. de Russy Sappington
Examiner.

I, A. de RUSSY SAPPINGTON, the Examiner before whom the fore-going 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 Russy Sappington
Examiner.

Circuit Court

B-282

19 20

Docket No.

6572

Horace J. Allen

vs.

Mary Allen

Order of Reference
and Report

Levy

8738

No.

(5)

~~18~~ Aug 25

Order Filed..... day of 19

Report Filed 11 day of Sept 19 25

Horace J. Allen

vs.

Mary Allen

IN THE
Circuit Court

OF
BALTIMORE CITY

July

Term, 1925
28 31

This case being submitted, without argument, it is ordered by the Court, this day of August, 1925, that the same be and it is hereby referred to Ward B. Coe, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Charles F. Steen

Report of Auditor and Master

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

Defendant proceeded against as a non-resident and her non-residence proven.

Plaintiff's residence in Maryland for more than two years and his present residence in Baltimore City proven.

The marriage proven.

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

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

Case ready for decree.

Ward B. Coe

Auditor and Master.

September 11, 1925.

1 ✓
CIRCUIT COURT

B 282
1925 No. Docket

HORACE J. ALLEN

VS.

MARY ALLEN

Recorded

Folio 195 1925

Decree of Divorce

B No. 28738

(7)

Filed 14th September 1925.

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

Mund B. Coe
Auditor and Master.

Decree of Divorce

IN THE

Circuit Court

OF

BALTIMORE CITY

HORACE J. ALLEN

VS.

MARY ALLEN

September

Term, 19 *25*

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 *September*, A. D. 1925.

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

Horace J. Allen

the above named Complainant be and he is hereby DIVORCED A. VINCULO MATRIMONII from the Defendant, *the said Mary Allen.*

And it is further Ordered, That the said complainant *-----* pay the cost of this proceeding.

James P. Gorton