

IN THE CIRCUIT COURT OF

BALTIMORE CITY

6372 / 1923

GEORGE A. BOONE

VS.

EVA BOONE

107 W. Biddle St

BILL FOR DIVORCE

Mr. Clerk: -

Please file.

J. Steward Davis
ATTORNEY FOR COMPLAINANT.

B 25305

DAVIS & BISHOP
ATTORNEYS AT LAW
BANNER BUILDING
14 E. LEANING STREET
BALTIMORE, MD.

11 May 1923

GEORGE A. BOONE : IN THE CIRCUIT COURT
VS. : OF
EVA BOONE : BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully represents:

(1) That he was married to his wife, Eva Boone, on or about the 29th day of September, 1910 and with whom he resided until about the 15th day of May, 1914;

(2) That though the conduct of your Orator toward the said Eva Boone has always been kind, affectionate and above reproach, she has, without 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 your Orator has not lived or co-habited with the said defendant since said desertion.

(4) That there are no children as result of said marriage.

(5) That both your Orator 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.

TO THE END, THEREFORE:

(a) That your Orator may be divorced a Vinculo Matrimonii from the said Eva Boone.

(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 Writ of Subpoena directed against the said Eva Boone 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.

J. Steward Davis
SOLICITOR FOR COMPLAINANT.



279-302

295 B 63 Ct. Ct.
192 3 Docket No.

Borne
122 23 Myrtle or

Borne
107 W Biddle St

SUBPOENA TO ANSWER BILL OF COMPLAINT

B Pm
No. 2 5 30 5
(2) (3)

Filed 14 May 192 3
" 14 June " 3
J. Swans SOLICITOR

10

Thomas J. McCullty
Sheriff
Hon. J. Kelly

REISSUED TO JUNE 5/15 192 3
Return Day, 192 3
Charles Whitford

Summoned and a copy of the Process left with
the defendant

(Kelly) 6/1/23
Thomas J. McCullty
Sheriff
Fee \$0.80

EQUITY SUBPOENA

The State of Maryland

To

Eva Boone

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

George A Boone

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 12th day of March 192 3

Issued the 11th day of May, in the year 192 3

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.

(General Equity Rules 11.)

295 1863 Ct. Ct.
1923 Docket

George Boone
vs.

Eva Boone

Decree Pro Confesso.

92 5-305

No.

OP (4)

Filed

4 Jan

192

4

George Boone

vs.

Eva Boone

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 writ, (~~said Order~~).

It is thereupon this ^{4th} day of *January* in the year nineteen hundred and twenty *four* 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.

Charles F. Stein

Doc. 7B 295
1922

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

George A. Boone

Eva ^{vs.} *Boone*

No. 25-305B
57

PLAINTIFF'S COSTS

Examiners..... \$ 5.00

Copies

Sheriff.....

Stenographer

\$ _____

DEFENDANT'S COSTS

Examiners..... \$ _____

Copies

Sheriff.....

Stenographer

\$ _____

Ad 29 Aug 1925

3/13/11/22

George A Boon

vs.

Eva Boon

In the Circuit Court

OF BALTIMORE CITY.

Secree 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 fourth day of January 1924, met on the twenty-eighth day of January in the year nineteen hundred and twenty-four at my office, in the City of Baltimore, in the State of Maryland, and assigned the twenty-ninth day of January in the same year at three o'clock in the afternoon and the office of J. Stewart Davis, Esq., 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:—

83

Boone,

v.

Roone.

Testimony taken at the office of Mr. Davis,
Baltimore, Maryland, January 1924, at three
O'clock P. M.

George A. Boone, the Plaintiff in this case,
produced on his own behalf, having been first duly
sworn, deposeseth and saith as follows, that is to say:

By the Examiner:

1 Q. State your name residence and occupation?

A. George A. Boone, 771 Dover Street; I work at
laboring work.

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

A. I am the Plaintiff and my wife is the Defendant.

By Mr. Davis:

1 Q. When were you married?

A. September 29th., 1910.

2 Q. Were you married by a Minister of the Gospel?

A. Yes.

3 Q. In Baltimore City.

A. Yes.

4 Q. By a Religious Ceremony?

A. Yes.

5 Q. Have you been a resident of Baltimore City,
State of Maryland, for at least two years prior to the

George A. Boone.

filing of this suit

A. Yes.

6 Q. Are there any children as the result of this marriage?

A. No.

7 Q. What was your conduct towards your wife while living together; how did you treat her?

A. I treated her as a husband should treat a wife; I worked for her and provided things for the home.

8 Q. State whether or not you were always a kind, affectionate and faithful husband

A. Yes.

10 Q. Are you and your wife living together now?

A. No sir.

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

A. I left her.

11 Q. When?

A. About May 15th., 1914.

12 Q. Why?

A. Because she would not cook anything for me, and would be out of the house at night when I got there; sometimes out all night long, and lying

George A. Boone.

around the place drunk, and at last she said that she did not want me in there.

13 Q. Then you left her under these conditions, did you.

A. Yes.

14 Q. And after you left her under these conditions, did you go to her and ask her to come back and live with you and do as a good and faithful wife should do?

A. Yes.

15 Q. How soon afterwards?

A. About six months afterwards.

16 Q. And did she refuse or consent to do so?

A. She refused.

17 Q. Describe what her conduct was prior to the separation, and during your married life with her?

A. Drunkenness and running around with men, and refusing to give me anything to eat, and she would not clean the place up.

18 Q. Give us some instances?

A. One time I had to go over on Pennsylvania Avenue near Greenwillow Street after her; I came home about four O'clock in the evening, you know, and there was no supper done, and she was not there, and she had left the place in an awful condition, and I

George A. Boone.

had to go after he, and when I got over there they started an argument and they wanted to throw me out.

19 Q. You went to Pennsylvania Avenue and found her with whom?

A. When I went in there they started an argument and they wanted to throw me out, and I asked her whether she was going home, and she said that she did not care where she was, or whether she was coming home or not; no she was not coming home, and I could do as I pleased, and for me to get away from there.

20 Q. Describe what happened on the day that she left you, and why you left?

A. On the day that I left she was there in the house drunk.

21 Q. And what was going on.

A. A bunch in there drinking and carrying on and I asked her whether she would get them out, and she told me to get out myself.

22 Q. What day of the week was it.

A. On Sunday.

23 Q. Were you sleeping?

A. Yes; trying to sleep.

George A. Boone.

24 Q. And they were downstairs drinking and singing.

A. Yes; dancing and carrying on.

25 Q. And you asked her to stop, and she told you to get out yourself?

A. Yes.

26 Q. How long did this conduct on her part continue prior to the time that you were compelled to get out.

A. That was going on for a year and a half, I guess.

27 Q. And did you endeavor always to try to get her to do what was right?

A. Yes.

28 Q. And finally you were forced to leave her under the circumstances described by you?

A. Yes.

29 Q. And you say that after that time you went to her and tried to get her to come back to you and she refused?

A. Yes.

30 Q. Has she made any claim or demand upon you since she abandoned and deserted you?

A. Yes.

31 Q. Was there anything to prevent her doing so if she had wanted to?

George A. Boone.

A. No sir.

32 Q. When did she abandon and desert you in this manner?

A. 15th., May 1914.

33 Q. Has her abandonment and desertion of you continued uninterruptedly since the 15th., May 1914?

A. Yes.

34 Q. That is, have you lived or cohabited with her since that time?

A. No, sir.

36 Q. State whether or not her abandonment and desertion of you was deliberate and final; did she deliberately and finally do these things without any cause or reason?

A. Yes.

36 Q. State whether or not there is any reasonable expectation of a reconciliation; do you ever expect them to make up and live together again?

A. No sir; we will never make up again.

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.---

George A. Boone.

Margaret Boone, a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposeseth and saith as follows, that is to say:

By the Examiner:

1 Q. State your name residence and occupation?

A. Margaret Boone, Baltimore County; I dont work I am just in my home.

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

A. Yes; he is my son.

BY Mr. Davis:

1 Q. Are they husband and wife?

A. Yes.

2 Q. Did they live together as husband and wife and were they always known and recognized in the community in which they lived as husband and wife?

A. Yes.

3 Q. Has the Plaintiff been a resident of Baltimore City, State of Maryland, for at least two years prior to the filing of this suit?

A. Yes.

4 Q. Are there any children as the result of this marriage?

A. No.

5 Q. What was your son's conduct towards his wife while living together; how did he treat her?

Margaret Bp one.

A. He had been good and faithful as far as I know.

6 Q. State whether or not he was always a kind, affectionate and faithful husband?

A. Yes.

7 Q. Are the parties to this suit living together now?

A. No sir.

8 Q. Which left the other; did he leave her or did she leave him?

A. He left her.

9 Q. When?

A. May 1914.

10 Q. Why did he have to leave her?

A. Well, on account of her going out and staying out all night, and he would not give him anything to eat, and she would not clean the place up, and she would not do as a wife should towards her husband in any way.

11 Q. What had been her conduct prior to this time; how did she treat him before he had to leave her.

A. She always had been carrying on that way and doing bad things.

Margaret Boone.

12 Q. Describe some of this conduct that you saw; tell what you saw?

A. Well, one time I cooked at Jenkins' Shore Line Park, a resort, and she always came down there with a lot of fellows, and she would sit and drink and carry on with them, and she would stay until the last car came up; I saw her when she left because she would have to pass by where I was.

13 Q. Was that before your son had to leave her?

A. Yes; that was before he left.

14 Q. That was her continuous conduct all during her married life, was it.

A. Yes; about a year and a half or more before he had to leave.

15 Q. What happened on the day you was at your son's house, when he got after her about---

Witness interrupting: She had been out all night the night before, and I went there that day and he came from work about three or four o'clock, and he asked her where she had been the night before, and she said that it was not any of his business, for him to get out, and there was not anything in the house that belonged to him any how, and that he could get out, and he had worked and paid for everything that was in the house.

Margaret Boone.

14 Q. And was this just prior to the separation?

A. Yes.

15 Q. After that did your songgo to her and try to get her to come back and live with ~~you~~ ^{him} and do as a good and faithful wife should.

A. Well, I heard him say once or twice that he had been to her and asked her to come back, but she would not come back to him.

16 Q. Have you talked with her since the separation?

A. Yes.

17 Q. What did she say?

A. She said that she had told him to get out and not to stay; she said that she had told him to get out and that everything belonged to her.

18 Q. That is what she told you; is it, after your son was forced to leave her?

A. Yes.

19 Q. And what did she say about living with him again; did she say that she would or would not live with him again?

A. She said that she would never live with him any more.

20 Q. Has she made any claim or demand upon her husband since she abandoned and deserted him in this

Margaret Boone.

manner?

A. No sir.

21 Q. Was there anything to prevent her doing so if she had wanted to?

A. No sir.

22 Q. Has her abandonment and desertion of her husband continued uninterruptedly since the 15th., May 1914?

A. Yes.

23 Q. That is have they lived or cohabited together since that time?

A. No sir.

24 Q. State whether or not there is any reasonable expectation of a reconciliation; do you ever expect them to make up and live together again?

A. No sir.

25 Q. State whether or not her abandonment of her husband was deliberate and final; did she deliberately and finally do these things without any just cause or reason?

A. Yes.

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

her

Margaret X Boone
mark

atk. d.
John J. [unclear]

No other witnesses being named or produced before me, I then, at the request *and nothing having been done Plaintiff for the past 3 years* of the Solicitor *of the*

I closed the depositions taken in said cause and now return *for safe-keeping* them, closed under my hand and seal, on this *twenty-ninth* day of *August* in the year of Our Lord nineteen hundred and *twenty-seven* at the City of Baltimore, in the State of Maryland.

A. de Russey Sappington (SEAL).
Examiner.

There are *one* 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.