

Harford Co

In The Circuit Court
of Baltimore
Baeb ^{of B} 295
1921

Ellen May Butler

vs

Samuel Butler

Bill for Divorce & Alimony

Wife (Child) pleases file

(B. J. J. J.)

B 22573

17

DAVIS & BISHOP

ATTORNEYS AT LAW

BANNEKER BUILDING

14 E. PLEASANT STREET

BALTIMORE, MD.

Ed June 1921

Lillie May Butler

In The Circuit Court

vs

of

Samuel F. Butler

Baltimore City.

To The Honorable, The Judge of Said Court:

Your oratrix complaining respectfully states:-

FIRST, that the parties hereto were married on or about February 10th. 1908 by Rev. Boysley Boyce at Edgewood Maryland and lived together as man and wife until on or about the 30th. of October 1911.

SECOND, that both parties are residents of the State of Maryland and have been for more than two years prior to the filing of this bill of complaint.

THIRD, that though the conduct of your oratrix toward her husband has always been kind, affectionate and above reproach, he without any just cause or reason abandoned and deserted your oratrix. That the said desertion has continued uninterruptedly for more than three years prior to the filing of this bill of complaint. That the said defendant has declared his intentions to live no longer with your oratrix. That the said separation of the parties are beyond any reasonable hope or expectation of reconciliation.

FOURTH, that your oratrix has never condoned nor forgiven the said desertion, that she has never cohabited with the said respondent since the desertion.

FIFTH, that there are no children born as a result of said marriage.

a-a A divorce a vinculo matrimonii from the respondent.
b-b Such other and further relief as the case may require.



Attorney For Complainant.

295-361
1921 No.

Ct. Ct.
Docket

non-est.

Wm. O. Wertubaker
Sheriff.

Butter
Butter

Received 11th day of June 1921
and forthwith delivered to the Sheriff of
Frederick County.

SUBPOENA TO ANSWER BILL OF COMPLAINT

Test:
Eli G. Hough Clerk.

B 22573
No.
(2)

Filed 14 June 1921
J. A. Carrs
Solicitor

EQUITY SUBPOENA

The State of Maryland

To

Samuel F. Butler

Of Frederick County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of June 19 21 to answer the complaint of

Lillie M. Butler

against you in said Court exhibited.

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

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 9 day of May 19 21

Issued the 9 day of June in the year 19 21

Clerk Whiteford
Clerk

Ct. Ct.

19

No.

Docket

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed..... 19

.....
Solicitor

EQUITY SUBPOENA

The State of Maryland

Un

Samuel F. Butler

L.S.

Of Frederick County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of June 19 21 to answer the complaint of

Lillie M. Butler

against you in said Court exhibited.

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

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 9 day of May 19 21

Issued the 9 day of June in the year 19 21

Clark Bluford
Clerk

295 ^{B61}
19 21 No. Ct. Ct. Docket

Butler
Butler

SUBPOENA TO ANSWER BILL OF COMPLAINT

Received 16th day of June 1921
and forthwith delivered to the Sheriff of
Frederick County.

Test:
Eli S. Hargh Clerk.

No. ^B
22573

Filed ³ 16 July 19 21
J. S. Lacey Solicitor

EQUITY SUBPOENA

The State of Maryland

On

Samuel H. Butler

Of *Frederick* County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of *July* 19 *21* to answer the complaint of

Lillie M. Butler

against you in said Court exhibited. HEREOF fail not, as you will answer the contrary at your peril.

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *9* day of *May* 19 *21*

Issued the *15* day of *June* in the year 19 *21*

Clerk

Ct. Ct.

19

No.

Docket

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed..... 19

.....
Solicitor

EQUITY SUBPOENA

The State of Maryland

On

Samuel G. Butler



of *Fredrick* County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of *July* 19^{*21*} to answer the complaint of

Lillie M. Butler

against you in said Court exhibited.

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

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *9* day of *May* 19^{*21*}

Issued the *15* day of *June* in the year 19^{*21*}

Chas R Whiteford
Clerk

WM. O. WERTENBAKER

SHERIFF FOR FREDERICK COUNTY.

FREDERICK, MARYLAND.

July 9, 1921.

Mr. Charles R. Whiteford,
Clerk of Circuit Court,
Baltimore, Md.

Dear Sir:-

I have sent the enclosed summons into every district in Frederick County, and have been unable to locate this man.

From the address given I feel sure that this party is not in Frederick County as there is no place by the name of Deer Creek in this County.

yours very respectfully,

Wm. O. Wertenbaker.

Sheriff.

WOW/JRM

Received 22 day July 1921
and forthwith delivered to the Sheriff
of Harford County.

Test, John A. Robinson

95 B61

Ct. Ct.

19 21

No.

Docket

Now est.

Robt. S. Atkin
Sheriff

Butler

Butler

SUBPOENA TO ANSWER BILL OF COMPLAINT

B
No. 22573

4

Filed 19

J. S. Davis

Solicitor

EQUITY SUBPOENA

The State of Maryland

To

Samuel H. Butler

Of *Harford* County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of *August* 19 *21* to answer the complaint of

Lillie May Butler

against you in said Court exhibited.

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

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *11* day of *July* 19 *21*.

Issued the *21* day of *July* in the year 19 *21*

Chas R Whiteford
Clerk

Ct. Ct.

19

No.

Docket

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed..... 19

.....
Solicitor

EQUITY SUBPOENA

The State of Maryland

To

Samuel F. Butler



Of Harford County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of August 19 21 to answer the complaint of

Lillie May Butler

against you in said Court exhibited.

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

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 11 day of July 19 21

Issued the 21 day of July in the year 19 21

Chas R. Whitford
Clerk

Received 11 day Aug 1921
and forthwith delivered to the Sheriff
of Harford County.
Test, John A. Robinson: CLERK.

NON EST
R. D. Atkin
Sheriff

295-61 Ct. Ct.
19 21 No. Docket



Butler
Butler

SUBPOENA TO ANSWER BILL OF COMPLAINT

B
No. 22573

(5)

Filed 13 Sept 1921
J. S. Davis Solicitor

EQUITY SUBPOENA

The State of Maryland

To

Samuel R. Butler

Of Harford County, Greeting:

WE COMMAND AND ENJOIN YOU, that, all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of September 19 21 to answer the complaint of

Lillie M. Butler

against you in said Court exhibited.

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

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 11 day of July 19 21

Issued the 9 day of August in the year 19 21

Clark

Clerk

Defendants address
Samuel F. Butler (colored)
The Rock,
Near Creek, Md.

~~1194~~
1194

Received 11 day August 1878
and forthwith delivered to the Sheriff
of Harford County.

Test, John A. Robinson:
CLERK

Ct. Ct.

19 No. Docket

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed.....19

Solicitor

Handwritten notes:
Subpoena
is returned
to the
sheriff
to be served
on the
defendant
at the
place
of his
residence
on the
11th day
of August
1878
at Harford
County
Maryland
John A. Robinson
Clerk

EQUITY SUBPOENA

The State of Maryland

To

Samuel F. Butler



Of Stamford County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of September 21 1921 to answer the complaint of

Lillie M. Butler

against you in said Court exhibited.

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

WITNESS the honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 11 day of July 1921

Issued the 9 day of August in the year 1921

Chas R. Whiteford
Clerk

3/12/14/32

Doc. B 295
1921

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Lillie M. Butler

vs.

Butler

No. 22573

PLAINTIFF'S COSTS

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

DEFENDANT'S COSTS

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

8-2-10 Do not return
295
1921 22573

Butler,

v.

Butler.

Testimony taken at the office of Mr. Davis,
Pleasant Street, Baltimore, Maryland, January 3rd.,
1922, at eleven O'clock A. M.

LILLIE MAY BUTLER, the Plaintiff in this case,
produced on her own behalf, having been first duly sworn
deposeth and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name residence and occupation?

A. Lillie May Butler, 1113 North Dallas Street;
household work.

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

A. I am the Plaintiff and my husband is the De-
fendant.

BY MR. DAVIS:

1 Q. When were you married?

A. February 10th., 1908.

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

A. Yes.

3 Q. In Baltimore, Maryland?

A. No; at Edgewood, Maryland.

4 Q. Were you married according to a Religious
Ceremony?

A. yes.

Lillie May Butler.

5 Q. Have you been a resident of Baltimore City, state of Maryland, for at least two years prior to the filing of this suit?

A. Yes.

6 Q. How long.

A. I have lived in Baltimore altogether seven years.

7 Q. And your husband: Is he a resident of the State of Maryland?

A. Yes.

8 Q. And has he been a resident of the State of Maryland for the last two years prior to the filing of this suit?

A. Yes.

9 Q. Are there any children of this marriage?

A. No sir.

10 Q. What was your conduct towards your husband while living together?

A. I was always kind, and always tried to do what was right towards him.

11 Q. State whether or not you were always a kind, affectionate and faithful wife?

A. I was always kind and faithful to him, and I did whatever I could do towards helping him up, and I did not do anything that was displeasing to him.

Lillie May Butler.

12 Q. Are you and your husband living together now?

A. No sir.

13 Q. Which left the other; did he leave you or did you leave him?

A. He left me.

14 Q. When did he leave you?

A. He left me the last time the last part of October 1911.

15 Q. Did he have any just cause or reason to abandon and desert you at that time?

A. No sir; he did not have any reason or cause that I know of.

16 Q. What happened on the day that he left you?

A. There wasn't anything that happened at all; he just said that he had gotten a letter from his brother at Deer Creek, and that he was very sick, and that he wanted to go up and see how his brother was.

17 Q. And did he go?

A. Yes.

19 Q. What happened after that?

A. Well, then, during the week on Sunday he came back and he said that his brother was all right, and he stayed until Monday morning, and then he went away Monday morning, stating that he thought that he would

Lillie May Butler .

stay up there for the Winter, and he went up there and stayed, and I did not see him any more.

20 Q. When he remained away from you, did you make any attempt to get him to come back to you or to allow you to come to him, so that you could live together as husband and wife should?

A. Yes.

21 Q. And what was his reply?

A. He did not say anything whatever;- whether he would come back or no.

22 Q. Have you ever seen him personally so that you could talk to him?

A. No sir.

23 Q. Did he always know where he could locate you if he wanted to come back to you or if he wanted you to come to him so that you could live together as husband and wife?

A. Yes.

24 Q. As a matter of fact you wrote a number of letters trying to get him to come back to you and these letters were ignored by him; is'nt that true?

A. Yes.

25 Q. Has this abandonment continued uninterruptedly since Octobe 30th., 1911?

A . v^u.

Lillie May Butar.

26 Q. State whether or not said abandonment was deliberate and final; did he deliberately and finally abandon and desert you?

A. Yes.

27 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.

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

Lillie May Butler

LAVINIA PEAKER, a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposeth and saith as follows, that isto say:

BY THE EXAMINER:

1 Q. State your name residence and occupation?

A. Lavinia Peaker, 1113 North Dallas Street; washing.

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

A. Yes.

BY MR: DAVIS:

1 Q. Are you related to either of the parties to this suit?

A. She is my daughter.

2 Q. Are the parties to this suit husband and wife?

A. Yes.

3 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; they were married at my house.

4 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.

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

Lavinia Peaker.

A. No sir.

6 Q. What was her conduct towards her husband while living together?

A. Well, she tried to treat him all right.

7 Q. State whether or not she was always a kind, affectionate and faithful wife?

A. Yes.

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

A. No sir.

9 Q. Which left the other?

A. He left her; he left her without a bit of cause at all.

10 Q. When?

A. October 1911.

11 Q. Were you living in the same house with them at the time he left her?

A. Yes.

12 Q. What happened when he left her?

A. Nothing did not happen; he just went away on his own account; there was not a thing between them at all.

13 Q. Do you know as a matter of fact that your daughter has written to her husband and tried to effect a reconciliation with him?

Lavinia Peaker.

A. Yes; she told me that she wrote to him and I also saw the letters. Of course, I did not read them because I can not read very well.

14 Q. Has he provided or offered to provide a home for his wife since he abandoned and deserted her?

A. No sir.

15 Q. Was there anything to prevent him doing so if he had wanted to?

A. Not a thing at all, sir.

16 Q. State whether or not said abandonment has continued uninterruptedly since October 1911; have they lived or cohabited together since October 1911?

A. No sir; they have not.

17 Q. State whether or not said abandonment was deliberate and final; did he deliberately and finally abandon and desert his wife?

A. Yes.

18 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.

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

which
(S) Jaw

Per
Lawrence Peaker
mark

CARRIE PEAKER, a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposeseth and saith as follows, that isto say:

BY THE EXAMINER:

1 Q. State your name residence and occupation?

A. Carrie Peaker, 1113 North^h Dallas Street; household work.

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

A. Yes.

BY MR. DAVIS:

1 Q. Are they husband and wife?

A. Yes.

2 Q. Are they related to you?

A. Mrs. Butler is my sister.

3 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, your sister, been a resident of Baltimore City, State of Maryland, for at least two years prior to the filing of this suit?

A . Yesz

5 Q. Arre there any children as the result of this marriage?

A. No sir.

6 Q. What was her conduct towards her husband while

Carrie Peaker.

living together?

A. Always faithful and kind.

7 Q. State whether or not she was always a kind, affectionate and faithful wife?

A. Yes.

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

A. No sir.

9 Q. Which left the other?

A. He left her.

10 Q. When?

A. October 1911.

11 Q. Did he have any just cause or reason to abandon and desert his wife at that time?

A. No sir.

12 Q. Were you living in the same house in which they lived at the time that he left his wife?

A. Yes.

13 Q. State what happened at the time that he left his wife?

A. Nothing at all happened.

14 Q. Explain what you mean by that; what did he say or do on that occasion when he left.

A. He said that he was going to Deer Creek to see

Carrie Peaker.

his brother.

15 Q. After he left his wife in that way, do you know whether or not his wife wrote to him and attempted to get him to come back and live with her or have him send for her so that she could go and live with him.

A. Yes; she wrote to ~~xx~~ him.

16 Q. Was she successful in bringing him back?

A. No sir.

17 Q. Has he provided or attempted to provide a home for his wife since he abandoned and deserted her?

A. No sir.

18 Q. Was there anything to prevent him coming back if he had wanted to.

A. No sir; nothing at all prevented him from coming back.

19 Q. State whether or not said abandonment has continued uninterruptedly since October 1911?

A. Yes.

20 Q. State whether or not said abandonment was deliberate and final; did he deliberately and finally abandon and desert his wife?

A. Yes.

Carrie Peaker.

21 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.

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 Carrie Peaker