

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

B 126
1926

SIDNEY BUTLER

VS.

OLIVIA BUTLER., alias
GOULD

2039 Madison Ave.

BILL FOR DIVORCE.

B 30508

Mr. Clerk:-

Please file.

Mds
Davis Evans

ATTORNEYS FOR PLAINTIFF.

DAVIS & EVANS,

~~ATTORNEYS AT LAW~~
ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

Filed 18 Mch 1926

SIDNEY BUTLER : IN THE CIRCUIT COURT
^
VS. : OF

OLIVIA BUTLER , alias : BALTIMORE CITY.
GOULD

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully says:

1. That he was married to his wife, Olivia Butler on the 2nd day of September, 1919 and with whom he resided until the 10th day of April, 1923 when the defendant deserted the plaintiff.
2. That though the conduct of your Orator toward the said Olivia Butler 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 ever since said marriage your Orator has behaved himself as a faithful, chaste and affectionate husband toward the said Olivia Butler.
4. That the said Olivia Butler has on divers days and times since said marriage, committed the crime of adultery with divers, lewd and abandoned men, whose names are unknown to your Orator and said offense has not been condoned by your Orator.
5. That your Orator has not lived or co-habited with the said defendant since he discovered said adulteries and since said desertion.
6. That there are no children born as issue of said marriage.

7. 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 of Complaint.

TO THE END, THEREFORE:

- (a) That your Orator may be divorced A Vinculo Matrimonii from the said Olivia Butler.
- (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 Olivia Butler, 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.



ATTORNEYS FOR PLAINTIFF.

P 473

Ct. Ct.

B-126

1926

Docket No.

Sidney Butler

vs.

Olivia Butler, alias

Gould

2039 Madison Ave

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro

No.

B-30508

(2)

Filed

24 Mar

1926

Davis & Evans

SOLICITOR

11

Summoned and a copy of Process left with the Defendant by cut (3/19/26) Fees \$0.80

EQUITY SUBPOENA

The State of Maryland

On OLIVIA BUTLER, alias GOULD

2039 Madison Avenue

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

SIDNEY BUTLER

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 8th day of March, 1926 Issued the 18th day of March, in the year 1926.

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.

B126

Ct. Ct.

192

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Docket

Sidney Butler

Olivia Butler

Decree Pro Confesso.

Morfit

No.

B 30508
(13)

Filed

16 March 1927

Sidney Butler
vs.
Olivia Butler

IN THE
Circuit Court
OF
BALTIMORE CITY.

March Term, 1927

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 *16* day of *March* in the year nineteen hundred and twenty *seven* 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.

James P. Gorter

126-1926
Circuit Court

19

Docket No. _____

Sidney Butler

vs.

Olina Butler

Order of Reference
and Report

Syons

B. No. 30508
(5)

Order Filed 27 day of Mar 1928

Report Filed 24 day of Apr 1928

Sidney Butler

vs.

Olina Butler

IN THE
Circuit Court
OF
BALTIMORE CITY

Term, 1928 ✓

This case being submitted, without argument, it is ordered by the Court, this 27th day of March, 1928, that the same be and it is hereby referred to Wm P Lyons, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Eugene O. Dunne

Report of Auditor and Master

Bill for divorce a vinculo matrimonii, filed by the husband against his wife on the ground of adultery. Code Art. 16; Sec. 37-42.

Defendant summoned but failed to answer.

Plaintiff's residence in Baltimore City for more than two years prior to the filing of the bill proved.

The marriage proved.

Adultery proved.

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

Case ready for decree.

William P. Lyons
Auditor and Master.

April 7, 1928

1
CIRCUIT COURT

B -126
1926 No. Docket

SIDNEY BUTLER
715 1/2 Mount St.

VS.

OLIVIA BUTLER, -alias GOULD
Recorded

Folio 131 1928

Decree of Divorce

B No. 30508
(6)

gd 24 April 1928

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

William P. Lyons
Auditor and Master.

Circuit Court

OF

BALTIMORE CITY

SIDNEY BUTLER

VS.

OLIVIA BUTLER, alias GOULD

March Term, 1928

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

It is thereupon, this 24th day of April, A. D. 1928

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

the above named Complainant be and he is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, OLIVIA BUTLER.

And it is further Ordered, That the said Complainant, SIDNEY BUTLER pay the cost of this proceeding.

[Handwritten signature]

3/3/27

Doc. B $\frac{126}{1927}$

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Sidney Butler
vs.
Oliver Butler

No. 30508B
147

PLAINTIFF'S COSTS

Examiners \$
Copies
Sheriff
Stenographer
\$ _____

DEFENDANT'S COSTS

Examiners \$
Copies
Sheriff
Stenographer
\$ _____

FD 27 Mch 1928

Sidney Butler

vs
Olivia Butler

In the Circuit Court

OF BALTIMORE CITY.

A 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 ROSSY SAMPINGTON~~, ^{Mason P. Morfit} ~~one~~ of the ~~standing~~ ^{Special} 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 sixteenth day of March 1927, met on the twenty-seventh day of March in the year nineteen hundred and twenty-seven at my office, in the city of Baltimore, in the State of Maryland, and assigned the twenty-eighth day of March 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:—

SIDNEY BUTLER)	
	:	In the Circuit Court of
VS.)	
	:	Baltimore City.
OLIVIA BUTLER, alias)	
Gould)	

Testimony taken before me, Mason P. Morfit,
 Special Examiner, in the offices of Messrs. Davis &
 Evans, in Baltimore, on March 28, 1927, at 2:00 P. M.

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Thereupon---

SIDNEY BUTLER,

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

By the Examiner:

Q State your name, residence and occupation?

A Sidney Butler, 715 North Mount Street, Baltimore,
 hospital orderly.

Q Do you know the parties to this suit?

A Yes, I am the plaintiff and my wife is the
 defendant.

By Mr. Davis:

Q When, where and by whom were you married?

A On September 2, 1919, in Baltimore City, by
 Father Neese.

Q How long did you live with your wife?

A Until April 10, 1923.

Q Where were you living then?

A In Bridgeton, New Jersey.

Q Which left the other?

A I left.

Q Why did you leave?

A Because she was running with this man Gould,
I caught him in the house.

Q Where did you catch him?

A On the lounge in the parlor.

Q What were they doing?

A Having sexual relations.

Q And you left immediately?

A Yes.

Q When did you come to Baltimore?

A The week after I discovered this.

Q What was your conduct towards your wife?

A As a married man should be and I made a home for her.

Q Were you always a kind, faithful and affectionate
husband?

A Yes, sir.

Q Did you give her any cause to be untrue to you?

A No, sir.

Q Did you support her?

A Yes, sir.

Q Have you lived or cohabited with her since you discovered her adultery?

A No, sir.

Q This separation has continued more than three years?

A Yes, sir.

Q Is there any hope of a reconciliation?

A No, sir.

Q were any children born as a result of the marriage?

A No.

Q Have you been a resident of the City of Baltimore, State of Maryland, for more than two years prior to the filing of your Bill of Complaint?

A Yes, sir.

Q Where is your wife now?

A Living under the name of Gould with this man Gould at 2039 Madison Avenue, Baltimore.

Q Have you been there?

A Yes, sir.

Q And you know she uses the name of Gould?

A Yes, is his common law wife.

Q And she is now a resident where?

A 2039 Madison Avenue, Baltimore.

Q Have you ever forgiven or condoned your wife's
offense?

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

Sidney Butler

Thereupon---

OSCAR CARRINGTON,

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

By the Examiner:

Q State your name, residence and occupation?

A Oscar Carrington, 524 St. Paul Place, Baltimore, porter.

Q Do you know the parties to this suit?

A Yes.

By Mr. Davis:

Q Did you attend their wedding?

A No, sir.

Q Were they married and lived together as husband and wife?

A Yes, sir.

Q What was Mr. Butler's conduct towards his wife, how did he treat her?

A All right as far as I know.

Q Was he kind, faithful and affectionate and was his conduct above reproach?

A Yes, sir.

Q Did he give her any cause for being untrue to him?

A No, sir.

Q Were any children born as a result of the marriage?

A No, sir.

Q Are they living together now?

A No.

Q When did they separate?

A In April, 1923.

Q Has Mr. Butler been a resident of the City of Baltimore, State of Maryland, for more than two years prior to the filing of his Bill of Complaint?

A Yes.

Q Is Mrs. Butler a resident of the State of Maryland?

A Yes, she lives at 2039 Madison Avenue in Baltimore.

Q Is she living with anyone?

A With Gould.

Q What name does she use?

A Gould.

Q Have you visited there?

A Yes.

Q How does she go around the neighborhood?

A As the man's wife.

Q Has she been living there sometime?

A Quite a while.

Q And she is reputed to be Mrs. Gould?

A Yes.

Q Has Mr. Butler lived or cohabited with her since discovering her adulteries?

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
Oliver Covington

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-sixth day of March in the year of Our Lord nineteen hundred and twenty-eight 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 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 Russy Sappington
Examiner.