

378/1923

In the Circuit Court,
No. 2,
Baltimore City.

ELSIE B. BYRD

VS.

BERNARD BYRD.

*Employee of Kahun
Clothing House - 11 So. Howard
St*

Bill for divorce,
A VINCULO MATRIMONII.

No 22,500 B

Mr. Clerk:--

Please file &c.,

Roy S. Bond
Sol. for Complainant.

ROY S. BOND
ATTORNEY AT LAW
215 ST. PAUL PLACE
BALTIMORE, MD.

FILED *16 February 1923*

ELSIE B. BYRD

VS.

BERNARD BYRD

In the Circuit Court,

No. 2,

Baltimore City.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix, Elsie B. Byrd complaining, respectfully says:

(1) That she was married to her husband, Bernard Byrd, in Baltimore City, State of Maryland, on or about the 14th day of April, 1912, with whom she resided until on or about the 13th day of October, 1913.

(2) That both parties are residents of Baltimore City, State of Maryland, and have been for more than two years prior to the filing of this Bill of Complaint.

(3) That though the conduct of your oratrix, Elsie B. Byrd, towards her said husband, has been kind, affectionate, and above reproach, he without any just cause or reason, abandoned and deserted her and has declared his intentions to live with her no more; that such abandonment has continued uninterruptedly for more than three years, is deliberate and final, and the separation of the parties is beyond any reasonable hope or expectation of a reconciliation.

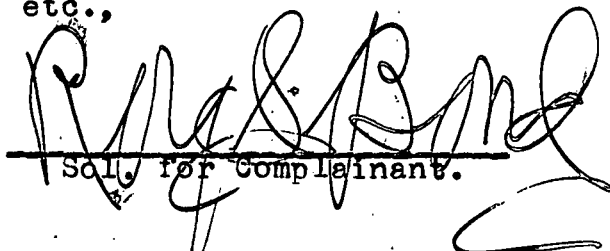
(4) That there is one ^{minor} child as issue of said marriage, Thelma Byrd,

WHEREFORE YOUR ORATRIX PRAYS:

- a- A divorce, A Vinculo Matrimonii, from the defendant, Bernard Byrd,
- b- The care and custody of minor child, Thelma Byrd,
- c- Such other and further relief as the case may require.

May it please your Honor, to grant unto
your oratrix, Elsie B. Byrd, the writ of subpoena,
directed unto the said defendant, Bernard Byrd, an
employee of Kahn's Clothing House, 11 So. Howard Street,
commanding him to be and appear in this court, in person
or by solicitor, on some day certain to be therein named
and perform such decree as may be passed in the premi-
ses.

As in duty bound, etc.,


Sol. for Complainant.

11 S. Howard St
507

Ct. Ct. No 2

78
1923 B Docket No. 32

Bynd
vs.

Bynd in r.

Subpoena to Answer Bill of Complaint

Pro

No. 22500 B

2

Copies = copied

Filed 23 February, 1923
Ray S. Bond
Solicitor.

9

Summons and a copy of the process left with
the defendant.

Thomas A. McKeeth
Shiff

(Plaintiff)
3/20-23

EQUITY SUBPOENA
The State of Maryland

To

Bernard Byrd. sp 2/20/23

Employed at Mahns Clothing House
11 S. Howard St

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 March, next, cause an appearance to be entered for you, and your Answer to be filed to the Complaint of

Oliver B. Byrd

against you exhibited in the CIRCUIT COURT No. 2 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 8 day of January, 1923

Issued the 16 day of February, in the year 1923

John Peasants
Clerk.

MEMORANDUM:

You are required to file your Answer or other defence in the Clerk's Office, Room No. 235, in the Court House, Baltimore City, within fifteen days after the return day. (General Equity Rule 11.)

IN THE CIRCUIT COURT NO. 2

OF

BALTIMORE CITY.

ELSIE BYRD

VS.

BERNARD BYRD

RESPONDENT'S ANSWER.

Mr. Clerk:-

Please file.

J. Steward Davis
ATTORNEY FOR RESPONDENT

No 22500 B
3

DAVIS & BISHOP
ATTORNEYS AT LAW
BANNEKER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.

By 27 February 1923

ELSIE BYRD : IN THE CIRCUIT COURT NO. 2
VS. : ? OF
BERNARD BYRD : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The answer of the respondent in the Bill of Complaint in the above case exhibited is as follows:-

- (1) He admits statements as contained in the Complainant's first paragraph.
- (2) He admits statements as contained in the Complainant's second paragraph.
- (3) He denies with great emphasis the third paragraph of the Complainant's Bill.
- (4) He admits the statement as contained in the fourth paragraph of the Complainant's Bill.

Wherefore your respondent prays that the Complainant's bill be dismissed.



ATTORNEY FOR RESPONDENT.

Circuit Court No. 2

192

78.
Docket *328.*

Elsie B. Byrd

vs.

Bernard Byrd.

Bappa
Petition for leave to take
Testimony and Order of
Court thereon.

No. *22500 B*
H

Filed *2nd March*, 192*3*

Elsie B. Byrd

vs.

Bernard Byrd.

IN THE

Circuit Court No. 2,

OF

BALTIMORE CITY.

To the Honorable the Judge of the
Circuit Court No. 2 of Baltimore City:

THE PETITION OF Elsie B. Byrd,

Plaintiff,

in this case, respectfully shows that she desire s to take testimony in this case, and
respectfully pray s that leave be granted her to do so before one of the Standing
Examiners of this Court.

[Handwritten Signature]
Solicitor for Plaintiff.

ORDERED, this 2nd day of March, 1923, that
leave be granted to the parties to the cause, to take testimony, as prayed, before any one of the
Standing Examiners of this Court.

[Handwritten Signature]

Doc. B $\frac{78}{1923}$

In the Circuit Court, *No. 2*
OF BALTIMORE CITY

DEPOSITIONS

Elie B. Byrd

vs.

Bernard Byrd

No. 22,500B

PLAINTIFF'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

\$.....

DEFENDANT'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

\$.....

Ed 16 March 1923

3/18/19/96

Elsie B. Byrd

vs.
Bernard Byrd

In the Circuit Court No. 2.
OF BALTIMORE CITY.

The above cause being at issue
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
second day of March 1923, met on
the sixth day of March in the year nineteen
hundred and twenty-three at my office, in the City of Baltimore, in the State
of Maryland, and assigned the seventh day of March
in the same year at two o'clock in the afternoon and the
office of Roy Bond, 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:

8-2 B

Byrd,

v.

Byrd.

Testimony taken at the office of Roy S. Bond, Esq., March 1923, at two o'clock P. M.

Elsie B. Byrd, the Plaintiff in this case, produced on her own behalf, having been first duly sworn, deposeseth and saith as foallows, that is to say:

By the Examiner:

1 Q. State your name residence and occupation?

A. Elsie B. Byrd, 324 North Pine Street; day's work.

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

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

By Mr. Bond:

1 Q. When, where and by whom were you married?

A. I was married by the Reverend Mr. Norwood.

2 Q. When and where?

A. 208 Northth Bruce Street.

3 Q. In what City.

A. Baltimore, Maryland.

3 Q. What year?

A. 1912.

4 Q. When about.

A. Thanksgiving time; about that time.

Elsie B. Byrd.

5 Q. Thanksgiving was about when?

A. November 25th.

6 Q. November 25th., 1912?

A. Yes.

7 Q. And the Reverend that married you, was he a regularly Ordained Minister of the Gospel?

A. Yes.

8 Q. Where were you married?

A. At home.

9 Q. In the presence of your home folks?

A. Yes.

10 Q. And thereafter you lived together as husband and wife.

A. Yes.

11 Q. Are you living with him now.

A. No sir.

12 Q. Did you leave him or did he leave you?

A. He left me.

13 Q. When?

A. About October 13th., 1913.

15 Q. State the circumstances under which he left you on that date.

Elsie B. Byrd.

A. He used to drink and he came home on that ate, and he was very abusive to me, and I was living with my father, and my father spoke to him about it, and, of course he wanted to go any how, and he left and he left his clothes and all.

16 Q. Dont you mean his trunk?

A. Yes; he took his clothes.

17 Q. And what else did he leave; was the child botn at that time?

A. Yes.

18 Q. How old was the child?

A. About a year old.

19 Q. What is her name?

A. Thelma.

20 Q. Have you any other children?

A. No sir.

21 Q. Who raised that child?

A. I did.

22 Q. Who has provided for its support since then?

A. I have.

23 Q. I think that you told me that the only thing that he gave her was a Christmas present?

A. Yes.

24 Q. After he left you the 13th., October 1913, did he ever come back?

Elsie Byrd.

43 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.

44 Q. Has this abandonment of you continued uninterruptedly for at least three years prior to the filing of this suit?

A. Yes.

45 Q. Was his going away his deliberate and final act?

A. Yes.

46 Q. Is there any hope or expectation of your living with him again?

A. No sir.

47 Q. You have asked for the care and custody of your child; how old is she.

A. About twelve years old.

48 Q. If granted the same will you do a mother's part by the child in every particular and take care of her.

A. Yes.

46 Q. Do you want any support for the child?

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. ---

Eric B. Byrd.

Eric B. Byrd

William E. Parker, a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposes and says as follows, that is to say:

By the Examiner:

1 Q. State your name residence and occupation?

A. William E. Parker, 518 North Mount Street; laborer.

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

A. Yes.

By Mr. Bond:

1 Q. Do you remember when the parties to this suit lived together as husband and wife?

A. Yes.

2 Q. Do you remember when they were known in society and among the people as husband and wife and introduced accordingly?

A. Yes.

3 Q. Were they married in Baltimore City by the Reverend Mr. Nowood?

A. Yes.

4 Q. About Thanksgiving 1912 as she has expressed here?

A. Yes.

5 Q. Did you have occasion to visit them.

William E. Parker.

A. Time and time again; I often went to the house.

6 Q. How did they get along?

A. She seemed to be a good affectionate wife.

7 Q. How did he treat her.

A. It was very seldom that I saw him home; very seldom.

8 Q. Did he leave her or did she leave him?

A. He left her.

9 Q. When.

A. About the 13th., of October 1913.

10 Q. How long was he away before he got in trouble?

A. About five or six months.

11 Q. He had only left her about five or six months before he got in trouble?

A. Yes.

12 Q. Did he ever come back to the house since the 13th, October 1913?

A. Not to my knowing; I never met him there after that.

13 Q. How long did he stay in the Penitentiary?

A. Five years.

14 Q. Did he ever come back after that?

A. No sir; not to my knowing; I have never met him

William E. Parker.

15 Q. And you have been there frequently?

A. Yes.

15 Q. Are they related to you.

A. Yes

16 Q. What relation?

A. My niece; my sister's child.

17 Q. Have the parties to this suit both been residents of Baltimore City, State of Maryland, for more than two years prior to the filing of this suit?

A. Yes.

18 Q. Have they both been separated for a period of more than three years uninterruptedly and continuously since the time that he left her?

A. Yes.

19 Q. How did she treat her husband; was she always a kind and true wife?

A. Yes; she seemed to be.

20 Q. Was her conduct above reproach in all respects both before and since the separation?

A. Yes.

21 Q. Did she give her husband any just cause or reason to abandon and desert her?

A. No sir; as far as her conduct is concerned it was all right,

William E. Parker.

22 Q. Has he shown by his acts that he does not intend to live with his wife any more.

A. Yes; he has shown that.

23 Q. Was his going away his own deliberate and final act?

A. Yes.

24 Q. Is there any hope or expectation of a reconciliation, or of them living together any more?

A. No sir.

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

A. One.

26 Q. And in your opinion is the Plaintiff a fit and proper party to have the care and the custody of the child?

A. One.

26 Q. And is she able to support, educate and rear the child.

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. ---

Yes
Jm P. Tucker
mark

Test
Robt. M. Carters

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.....*17th*..... day of.....*March*..... in the year of Our Lord nineteen hundred and.....*twenty-three*..... at the City of Baltimore, in the State of Maryland.

A. de Russey Sappington (SEAL).
Examiner.

There are.....*no*..... 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.

78
191 1923- Cir. Ct. No. 2.
Docket No. B

Elsie B. Byrd

vs.

Bernard Byrd.

SUBMISSION FOR DECREE.

Mr. Clerk,

Please file.

R. M. Bone
Solicitor for Plaintiff.

No. 22500 B

Filed 12 March 1923

Elsie B. Byrd

vs.
Bernard Byrd

In the Circuit Court No. 2
Of Baltimore City.

Law, TERM 1912-3

To the Honorable

The

Judge of Said Court:

The above cause is respectfully submitted for
decree and the 43rd General Equity Rule is hereby waived.

Raymond

Solicitor for Plaintiff.

Arthur H. H.

Solicitor for Defendant.

Ct. Ct. No. 2

48
1923

B Docket No. 32

Byrd
vs.

Byrd

**Order of Reference
and Report**

Robt

No. 22500 B

7-8 ✓

Order Filed 13 day of March 1923
Report Filed 20 day of March 1923

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

Elsie B. Byrd
vs.

Bernard Byrd

March Term, 1923

This case being submitted, without argument, it is ordered by the Court, this *13*

day of *March*, 1923, that the same be and it is hereby referred to
Alexander W. Robertson, Esq., Auditor and Master, to report the
pleadings and the facts, and his opinion thereon.

Subscribed

Report of Auditor and Master

Bill filed by wife against husband for a divorce A VINCULO MATROMONII for abandonment for three years, Code Art. 16 Sec. 36. Defendant summoned and answers. Proof shows marriage, residence and abandonment for three years continuous, deliberate, final and without hope of reconciliation. The care and custody of the minor child Thelma Byrd be awarded to the plaintiff. Case ready for decree.

Alex W. Robertson
Auditor and Master.

Circuit Court No. 2

B

⁷⁸
192

No. 32 Docket

Byrd

vs.

Byrd.

DECREE OF DIVORCE

Pd
P.

R

No. 22500 B.

9

copy - copied ✓

Filed 21 March, 1923

This is a proper decree.
Alex W. Robertson
Auditor and Master.

DECREE OF DIVORCE.

Elsie B. Byrd

vs.

Bernard Byrd

IN THE

Circuit Court No. 2

OF

BALTIMORE CITY.

~~January~~ March TERM, 1923.

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

It is thereupon, this 21st day of March, Anno Domini, one thousand nine hundred and twenty three by the CIRCUIT COURT No. 2 OF BALTIMORE CITY, *Adjudged, Ordered and Decreed*, that the said Elsie B. Byrd

the above named complainant be, and she is hereby DIVORCED A VINCULO MATRIMONII, from the defendant. Bernard Byrd and the care and custody of the minor child Thelma Byrd to be awarded to the plaintiff.

And it is further Ordered, that the said Defendant pay the cost of this proceeding.

John Pleasants

I, JOHN PLEASANTS, Clerk of the Circuit Court No. 2 of Baltimore City, do hereby certify that the above is a true copy of the decree taken from the record of proceedings in said cause.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the said Court, this _____ day of _____ 1923