

In The Circuit Court
of B 212
Baltimore A K 1921

James Cook

vs

Vivian Cook

Petition for Divorce A Decree

Not Clerk please file

(Signature)

B 22414

1

DAVIS & BISHOP
ATTORNEYS AT LAW
BANNER BUILDING
147 E. PEEBLES STREET
BALTIMORE, MD.
(Signature) 1921

James Cook

In The Circuit Court

vs.

of

Viola Cook

Baltimore City

To The Honorable, The Judge of Said Court:

Your orator complaining, respectfully says:

FIRST, that the parties hereto were married on or about January 29th. 1910, by Rev. Washington a minister of the gospel, and lived together as man and wife until on or a- June 15th. 1915. Said marriage occurred in Baltimore City, State of Maryland.

SECOND, That both parties are residents of the city of Baltimore, 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 orator toward his wife has always been kind, affectionate and above re- proach, she without any just cause or reason abandoned and de- serted your orator to live in open adultery with lewd and aban- doned men whose names are unknown to your orator. That the said desertion has continued uninterruptedly for more than thre e years prior to the filing of this bill of complaint. That the said defendant has declared her intentions to live no longer with your orator; that the said separation of the parties are beyond any reasonable hope or expectation of reconciliation.

FOURTH, That your orator has never condoned nor forgiven the said desertion and adultery, that he has never co- habited with the said respondent since the desertion and adul- tery.

FIFTH, That there are no children born as a re- sult of said marriage.

THEREFORE YOUR ORATOR PRAYS:

a-a A divorce a vinculo matrimonii from the respondent.

b-b Such other and further relief as the case may require.

~~e-e-That-your-orator~~

May it please Your Honor to grant unto your Orator a writ of Subpoena, directed unto the said respondent, commanding her to be or appear in this Court on some day certain to be named therein to perform such decree as may be passed in the premises.

As in duty bound etc.

Complainant.



Solicitor for Complainant

46

212 Bl 1

Ct. Ct.

192 /

Docket No.

Cook

Cook

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro

B

No.

22414

2

Filed

9 May

192 /

J. Edward Davis

SOLICITOR

B

Now Ex. Thomas L. M. Mully
Sheriff

EQUITY SUBPOENA

The State of Maryland

To

Viola Cook

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

James Cook

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 MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 14th day of March 1921

Issued the 27 day of April, in the year 1921

CHAS R. WHITEHEAD

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.)

Ct. Ct.

192

Docket No.

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed 192

SOLICITOR

EQUITY SUBPOENA

The State of Maryland

On

Viola Cook



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

James Cook

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 MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 24th day of March 1921

Issued the 24 day of April, in the year 1921

CHAS R. WALTERS 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.)

IN THE CIRCUIT COURT
BALTIMORE CITY.

B 212
1921

James Cook

vs.

Viola Cook.

PETITION FOR ALIMONY, PEN-
DENTE LITE AND COUNSEL FEE.

Mr. Clerk:--

Please file &c.,

B 22414

Roy S. Bond

Sol. for Petitioner.

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

FILED

30 April 1921

James Cook

vs.

Viola Cook

IN THE CIRCUIT COURT
OF
BALTIMORE CITY.

-TO THE HONORABLE, THE JUDGE OF SAID COURT:-

Your Petitioner represents as follows:

-FIRST-

That on or about the 27th day of April 1921, her husband, James Cook filed a bill for divorce, A Vinculo Matrimonii, against her in this Honorable Court, and that the allegations therein contained are false and without foundation as will appear in her answer hereinafterwards filed.

-SECOND-

That your Petitioner is without means to defray the expenses of this litigation nor is she able to support herself and minor child, Thomas Leroy Cook aged nine (9) years, and that her husband is capable of earning Twenty Five (\$25) Dollars per week.

WHEREFORE YOUR PETITIONER PRAYS:

- a- Alimony Pendente lite.
- b- Counsel fee in such a sum as this Honorable Court may think reasonable and proper.
- c- Such other and further relief as the case may require.

As in duty bound etc.,

Viola Cook
Petitioner.

Raymond Bond
Sol. for Petitioner.

State of Maryland
Baltimore City - to wit-

I hereby certify that on this *29th* day of April
1921, before me the subscriber, a Notary Public,
of the State of Maryland, in and for Baltimore City,
personally appeared *Viola Cook*,
the Petitioner, in the foregoing proceedings and
made oath in due form of law, that the matter contain-
ed in the foregoing petition is true to the best of
her knowledge and belief.

As witness my hand and Notarial Seal.

Eleanora S. Wright
-NOTARY PUBLIC.-

B 61 Docket 212
1921

Circuit Court

Cook

vs.

Cook

Order Counsel Fee and Alimony

Pendente Lite

No. 22414

(4)

\$25-a Week

1 child

pd 2 may 1921
B

Now Ent Thomas J. McAuley
Sherriff

-IN THE-
CIRCUIT COURT

-OF-
BALTIMORE CITY

James Cook

vs.

Viola Cook

March TERM

ORDERED BY THE COURT this 3rd day of May 1921

that the Plaintiff James Cook

pay to the Defendant Viola Cook

the sum of Twenty five Dollars as Counsel Fee for the

Solicitor of the Defendant and that he further pay the sum of Ten

Dollars per week, during the continuance of this suit, to the said Defendant Viola Cook

as Alimony, *pendente lite*, unless cause to the contrary be shown on or before the 17

day of May 1921, provided a copy of this Order be served on the said Plaintiff

James Cook on or before the 12

day of May 1921

H. Arthur Stamp

TRUE COPY-TEST:

CLERK

Docket.....

Circuit Court

vs.

Order Counsel Fee and Alimony

Pendente Lite

No.

Copy

—IN THE—
CIRCUIT COURT

—OF—
BALTIMORE CITY

James Cook

vs.

Viola Cook

March

TERM

ORDERED BY THE COURT this 2nd day of May 19 21

that the Plaintiff James Cook
pay to the Defendant Viola Cook
the sum of Twenty Five Dollars as Counsel Fee for the
Solicitor of the Defendant and that he further pay the sum of Ten
Dollars per week, during the continuance of this suit, to the said Defendant Viola Cook
as Alimony, *pendente lite*, unless cause to the contrary be shown on or before the 17th
day of May 19 21 provided a copy of this Order be served on the said Plaintiff
James Cook on or before the 12th
day of May 19 21

H. ARTHUR STUMP

TRUE COPY—TEST:

CHAS. R. WHITEFORD

CLERK

IN THE CIRCUIT COURT
-OF-
BALTIMORE CITY ²¹³

B (1921)

James Cook

vs.

Viola Cook.

-ANSWER TO BILL OF COMPLAINT.

Mr. Clerk:--
B 22414

Please file &c.,
5

Roy S. Bond
Sol. for Defendant.

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

FILED *3 May 1921*

James Cook

vs.

IN THE CIRCUIT COURT
OF BALTIMORE CITY.

Viola Cook

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Respondent in answer to the Bill of Complaint before this Court exhibited respectfully shows:

-FIRST-

She admits the first and second paragraphs of the Plaintiff's Bill.

-SECOND-

She most emphatically denies the third and fourth paragraphs and to the contrary says she has always behaved herself as a good kind, true, and affectionate wife to her husband.

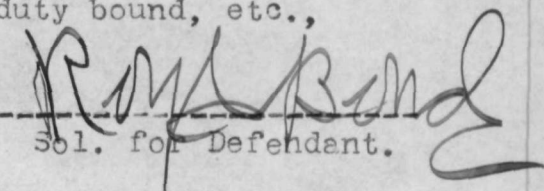
-THIRD-

She denies the fifth paragraph and to the contrary says that one child, Thomas Leroy Cook, aged ten (10) years was born as the result of said marriage and has been in her custody ever since.

WHEREFORE YOUR RESPONDENT PRAYS:

- a- That the Plaintiff 's bill be dismissed.
- b- Permanent alimony for the support of their minor child.
- c- Such other and further relief as the case may require.

As in duty bound, etc.,


Sol. for Defendant.

✓
CIRCUIT COURT

ntv
19 *21* / *B61* Docket No.

James Cook
vs.

Ucola Cook

Order

19

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

[Signature]
No. *22414*

Sat <6>

Fd

4 May

19*21*

James Cook

vs.

Ocola Cook

IN THE
Circuit Court
OF
BALTIMORE CITY

To the Honorable the Judge of the
Circuit Court of Baltimore City:

THE PETITION OF *Plaintiff*

in this case, respectfully shows that *he* desires to take testimony in this case, and respectfully pray *it* that leave be granted *him* to do so before one of the Standing Examiners of this Court.

[Signature]
Solicitor for

ORDERED, this *4th* day of *May* 19*21*, 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.

[Signature]

69

Ct. Ct.

212
1921

B Docket No. 61

Cook

Cook

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro

No. B 22414

4

Filed 13 June 1921

Steward Davis SOLICITOR

Thomas J. McNulty
Sheriff

Non Est

EQUITY SUBPOENA

The State of Maryland

To

VIOLA COOK

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

JAMES COOK

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 MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1921

Issued the 13 day of May, in the year 1921

Clerk.

CHAS. R. WHITEFORD

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.)

Ct. Ct.

192

Docket No.

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed 192

SOLICITOR

EQUITY SUBPOENA

The State of Maryland

To

VIOLA COOK



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

JAMES COOK

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 MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the **9th** day of **MAY** 192**1**

Issued the **13** day of **MAY**, in the year 192**1**

CHAS. B. WHITFIELD

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.)

In the Circuit Court
- of -
Baltimore

City. *212*
1921

James Cook

vs.

Viola Cook.

-AGREEMENT AS TO CUSTODY
AND MAINTENANCE OF MINOR CHILD-

Mr. Clerk:--

Please file &c.,

B 22414

8

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

FILED

21 May 1921

James Cook ,
vs. ,
Viola Cook ,

IN THE CIRCUIT COURT OF
BALTIMORE CITY.

AGREEMENT AS TO CUSTODY AND MAINTENANCE OF MINOR CHILD-

It is agreed by and between the parties of the above entitled cause, that in the event that a decree of divorce, A Vinculo Matrimonii, be passed in said cause, the permanent care, custody and guardianship of Thomas Leroy Cook, aged ten years, the infant child of the parties of this cause be awarded Viola Cook, the mother of said infant with whom it has always resided, and that the father, James Cook, shall contribute Three (\$3) Dollars per week for the support and maintenance of the said minor child pending the further order of the Court.

It is expressly understood that this agreement is made subject to the approval of this Honorable Court.

Viola Cook,
Mother.

Russell Bond
Sol. for Respondent

James Cook
Father.

C. W. Jones
Sol. for Complainant.

3/12/14/33

Doc. 70 212
1921

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

James Cook

vs.

Viola Cook

No. 22414B
[9]

PLAINTIFF'S COSTS

Examiners \$ 8⁰⁰

Copies

Sheriff

Stenographer 2⁰⁰

\$ 10.00

DEFENDANT'S COSTS

Examiners \$

Copies

Sheriff

Stenographer

\$

Ad 7" Sept 1927

James Cook

vs.

Viola Cook

In the Circuit Court

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 *fourth* day of *May* 1921, met on the *twelfth* day of *May* in the year nineteen hundred and *twenty-one* at my office, in the City of Baltimore, in the State of Maryland, and assigned the *eleventh* day of *May* in the same year at *four* o'clock in the *after-*noon 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:—

8-2

Cook,

v:

Cook.

Testimony taken at the office of Messrs Davis and Bishop, Baltimore, Maryland 1921, at 4 O'clock P. M.

JAMES COOK, 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. James Cook, 681 West Mulberry Stret; Hotel 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. You were married when?

A. 1⁹11; January 29th.

2 Q. By whom?

A. By the Reverend Mr. Washington.

3 Q. A Minister of the Gospel?

A. A Minister of the Gospel on Saratoga Street.

4 Q. You an your wife lived together until June 15th., 1915?

A. Yes.

5 Q. And you were married in Baltimore City, State of

James Cook

Maryland.

A. Yes.

6 Q. And you lived together where and at what address?

A. 738 Woeshher Street.

7 Q. You did not live there all the time; did you.

A. No sir.

8 Q. Where were you living at the time she left you?

A. 738 Woeshher Street.

9 Q. There was a separation; did you leave her or did she leave you?

A. She left me.

10 Q. How did she come to leave you?

A. She left to go to the sea shore to Ocean City, New-Jersey, and when it was time for her to come home she would not return.

11 Q. When was the time for her to return?

A. In September.

12 Q. She was to return in September 1915.

A. Yes; but she did not do it.

13 Q. Did you write to her and ask her to return?

A. Yes.

14 Q. What did she tell you?

A. She said that she was not ready to come at the

James Cook.

present time.

15 Q. What did she say?

A. She said that the people that she was working for did not want her to go, and wanted her to stay until after Thanksgiving, and I said that I was flat keeping and that if she did not come that I was going to put the furniture in storage because it was no use to me.

16 Q. What did she say to that?

A. She said that if I could not wait, that I could suit myself.

17 Q. I suppose you wrote to her asking her to come back?

A. Yes; I wrote to her asking her to come back, and after I put the things in storage, I got the things out of storage and again asked her to come back and look over the misfortune and to come back, but she refused.

18 Q. And still refuses?

A. Yes.

19 Q. Did your wife ever tell you that she indulged in sexual intercourse with men other than yourself?

A. Yes.

20 Q. How often has she told you that; on more than one occasion?

A. Yes.

James Cook.

21 Q. Your wife is a resident of Baltimore City, state of Maryland, and has been for more than two years prior to the filing of this suit?

A. Yes.

22 Q. And you are a resident of Baltimore City, State of Maryland, and have been for more than two years prior to the filing of this suit?

A. Yes.

23 Q. What was your conduct towards your wife; were you always a kind, affectionate and true husband?

A. Yes.

24 Q. and did you support her?

A. Yes.

25 Q. Did you give her any cause or reason to leave you?

A. No sir; none whatever.

26 Q. Has the desertion of your wife continued uninterruptedly for more than three years prior to the filing of this Bill of Complaint.

A. Yes; it has continued for six years.

27 Q. Is there any reasonable hope or expectation of a reconciliation?

A. No sir.

James Cook.

28bQ. Have you ever lived with or cohabited with your wife since the desertion or since you discovered that she had committed the crime of adultery?

A. No sir. I can not say that I have.

29 Q. You have never forgiven her?

A. No sir.

30 Q. You allege in your Bill of Complaint that there are no children as the result of this marriage? That is a mistake.

A. Yes.

31 Q. There is one - Thomas ten years old.

A. Yes.

32 Q. you have signed an agreement in which you state that you are willing to contribute three dollars a week towards his support?

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
James Cook

SARAH TYLER, 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. Sarah Tyler, 681 W. Mulberry Street; dress-maker.
- 2 Q. Do you know the parties to this suit?
A. Yes.

BY MR. DAVIS:

- 1 Q. He is your nephew, is'nt hea
A. Yes.
- 2 Q. Were you present at the wedding?
A. No sir; they went away and got married.
- 3 Q. But I think You got the license?
A Yes.
- 4 Q. You know that he was married January 29th. 1911?
A. Yes.
- 5 Q. By the Reverend Mr. Washington, a Minister of the Gospel.
A. Yes; on Saratoga Street.
- 6 Q. Did you visit themwhile living together as husband and wife?
A. Yes.
- 7 Q. And you know that their reputation in the community was husband and wife?

Sarah Tyler.

A. Yes.

8 Q. And he held her out as his wife?

A. O, yes.

9 Q. They lived together as husband and wife until June 15th., 1915?

A. Yes.

10 Q. Who caused the separation; did he leave her or did she leave him.

A. No sir; she went to Ocean City and she was to return in September, and she did not.

11 Q. How do you know that she went to Ocean City? She borrowed a trunk from you, did'nt she?

A. Yes.

12 Q. To take to Ocean City with her?

A. Yes.

13 Q. And she was supposed to return to her husband in September?

A. Yes.

14 Q. Did she ever return

A. No sir.

15 Q. She did not return until a year and four months---

WITNESS INTERRUPTING: She did not return until a year and four months after she left.

Sarah Tyler.

16 Q. And when she returned she did not return to her husband, did she?

A. No sir.

17 Q. And she is now living separate and apart from her husband.

A. Yes.

18 Q. The Plaintiff is a resident of Baltimore City, State of Maryland, and has been formore than two years prior to the filing of this suit

A. Yes.

19 Q. And the defendant is also.

A. Yes.

20 Q. His conduct towards his wife, -mwas he kind and affectionate and was it above reproach?

A. Yes.

21 Q. And did he support her?

A. Yes, a

22Q. Did he give her any cause or reason to leave him?

A. No sir.

23 Q. And has the desertion of the Plaintiff by the Defendant continued uninterruptedly for more than three years prior to the filing of this suit?

A. yes.

Sarah Tyler.

24 Q. And there is no hope or expectation of a reconciliation?

A. No sir.

25 Q. And the Plaintiff has never lived with or cohabited with his wife since he discovered, - I mean since her desertion of him?

A. No sir.

26 Q. And there is one child as the result of this marriage, Thomas, aged ten years?

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.*

Sarah Tyler.

No other witnesses being named or produced before me, I then, at the request of the Solicitor *and nothing having been done for the past 6 years* of the *plaintiff* closed the depositions taken in said cause and now return them *for safe keeping* closed under my hand and seal, on this *sixth* day of *September* 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.