

Dwight Burdett
63 B 534

Baltimore Md
923

Elizabeth Johnson

W

Herbert Johnson
(Parents)
Algonquin Apartments
111 Chase St

Belfor Jones
A U member

Mr Clark Pearson

~~John~~ Jones

B 25 468

(1)

DAVIS & BISHOP
ATTORNEYS AT LAW
BANNEKER BUILDING
12 E. PLAZA
BALTIMORE, MD.
Ad 14 August 1923

ELIZABETH JOHNSON :: IN THE CIRCUIT COURT
 Vs. :: OF
HERBERT JOHNSON :: BALTIMORE CITY.

TO THE HONORABLE; THE JUDGES OF SAID COURT:-

Your Oratrix complaining respectfully says;

- (1) That she was married to her husband Herbert Johnson on or about the 21st. day of November 1916 By the Rev. R. W. S. Thomas, and lived with him in the city of Baltimore until about the 18th. day of November 1918.
 - (2) That ever since said marriage your Oratrix has behaved herself as a faithful chaste and affectionate wife towards the said Herbert Johnson.
 - (3) That the said Defendant abandoned and deserted the Plaintiff about the 18th day of November 1918 without cause or provocation
 - (4) That there are no children as result of said marriage.
 - (5) That both your Oratrix and Defendant are citizens of the State of Maryland, having resided in Baltimore city for more than two years prior to the filing of this bill.
 - (6) Your Oratrix further states that she is destitute and without funds to defray the expenses of this litigation; further that she is without means of support for herself. She is advised by counsel that she is permitted to petition this Honorable Court that the defendant shall be compelled to contribute a reasonable amount as alimony pendente lite towards the support of your Oratrix, and that she will also be awarded an amount in order to compensate her Solicitor.
- ^{The}~~Your~~ defendant is employed and earns an average of Twenty-five Dollars a week.

To the end thereof

a. That your Oratrix may be divorced a Vinvulo Matrimonii from said Herbert Johnson.

(b) That she may have such other and further releif as her case may require.


(c) That this Honorable Court may decree that the defendant pay a reasonable sum as alimony pendent~~lite~~^{and} an additional sum of counsel fee.

(d) Permanent alimony.

(e) Right to resume maiden name, Williams.

May it please your Honor to grant unto your Oratrix the Writ of Subpoena^{IT} directed against the said Herbert Johnson commanding him and requiring him 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.



SOLICITOR FOR COMPLAINANT.

419

534263
1923

Ct. Ct.

Docket No.

Johnson

Johnson
Janitor

11 Chase St

SUBPOENA TO ANSWER BILL OF COMPLAINT

B. P. W.
No. 25768

(2)

Filed 22 August 1923

J. S. Davis

SOLICITOR

10-4

Summored and copy of the Process
left with the defendant Thomas F. McSally
(Moylan) 8/16/23 Sheriff

EQUITY SUBPOENA

The State of Maryland

On

Robert Johnson

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

Elizabeth Johnson

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 **9th** day of **July** 192**3**

Issued the *14.* day of **August**, 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.)

63 B Docket 534
1923

CIRCUIT COURT.

Johnson
vs.
Johnson

Order for Alimony

Pendente Lite

ORDER

B No. 25768
(3) (4)

Fd. 16 Aug 1923
" 30 Aug "

\$25 a week
10-4

Now Est. Thomas F. McSully
(Moglan) 8/27/23 Sheriff

Copy of the Within Order of Court
Served on Herbert Johnson on
September 4th 1923 in the presence
of John Moglan Thomas F. McSully
Sheriff

Fees \$ 0.50

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Elizabeth Johnson
vs

Robert Johnson
Sanato
Algonquin Apartments
11 Chase St.

July TERM, 1923
August 16th 1923

ORDERED BY THE COURT this day of August 1923

that the defendant

Robert Johnson
Elizabeth Johnson
eight

pay to the plaintiff

the sum of

Dollars per week, during the continuance of this suit accounting from the

day of August 1923 to the said plaintiff

Elizabeth Johnson
16
31

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

day of August 1923, provided a copy of this Order be served on the said defendant

Robert Johnson

on or before the

25

day of August 1923

Duke K...

TRUE COPY,—TEST:

CLERK

The foregoing Order having been returned "Non Est" as appears by the Sheriff's return thereon; it is Ordered by the Circuit Court of Baltimore City this 30th day of August 1923, that the time for showing cause under said Order be extended to the 14 day of September 1923, and the time for service of a copy of the same be extended to the 8 day of September 1923

Kenneth Duff

In the
Circuit Court
of
Baltimore City

534
1923

ELIZABETH JOHNSON

v.

HERBERT JOHNSON

Answer to Bill of Com-
plaint and Order Nisi.

Mr. Clerk:

Please file, etc.

Howard Sweeten
Solicitor for Defendant.

Q2 5768

(5)

Pl 14 Sept 1923

J. Howard [unclear]

534
1923

534063

Ct. Ct.

1923 No.

Docket

Elizabeth Johnson

vs.

Herbert Johnson

MOTION FOR HEARING

B 25768

No.

167

Filed 24 day of Sept 1923

Howard [unclear]

Elizabeth Johnson

vs.

Herbert Johnson

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

The plaintiff
has

by J. Edward Davis

Solicitor, applies to have the above entitled cause placed on the Trial Calendar.

for hearing on alimony pendente lite & counsel
fee

in conformity with the First Equity Rule.

Solicitor for

~~Herbert Johnson~~
plaintiff

Serve on
Howard Sweeten

B-534
192 3 No. Ct. Ct. Docket

JOHNSON

vs.

JOHNSON

NOTICE OF HEARING

B No. 25768
7

Filed No. 24 day of Sept 192 2

Copy of the within notice served on
Howard Sweeten Solicitor on the
28th day of September 1923 in presence of Harry B. Gray
Thomas as F^m Magistrate
Sheriff
Fees \$ 0.50

ELIZABETH JOHNSON

VS

HERBERT JOHNSON

IN THE

CIRCUIT COURT

OF BALTIMORE CITY

Upon application made by the Solicitor for the PLAINTIFF

the above entitled cause has been placed upon the trial calendar in accordance with the provisions of the First Equity Rule, and the same will stand for hearing on ALIMONY PENDENTE LITE & COUNSEL FEE

when reached in due course on said calendar.

CHARLES R. WHITEFORD

Clerk Circuit Court.

Circuit Court

534
1923

B

No.

Docket.

Elizabeth Johnson

vs.

Herbert Johnson

Final Order, Counsel Fee and Alimony
Pendente Lite.

No. 25768 B.
LST

Filed 1 October 1923

Elizabeth Johnson
vs.
Robert Johnson

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY.

September Term, 1923

This cause coming on to be heard upon the petition for Alimony *pendente lite* and Counsel fee, and the answer thereto, and testimony taken, and having been submitted by the solicitors for the respective parties;

ORDERED by the Circuit Court of Baltimore City this 10th day of October 1923, that the Defendant pay to the Plaintiff the sum of Five ⁰⁰/₁₀₀ Dollars, ~~as counsel fee for the Solicitor of the~~ and that he ~~further pay the sum of~~ Dollars per week, to the said Plaintiff as Alimony *pendente lite* accounting from the 10th day of October 1923 and continuing until the day of 1923, (should this suit be ~~so long pending) or until the~~ further order of this Court.

Henry Duggan

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

63 *P 534*

1923

ELIZABETH JOHNSON

VS.

HERBERT JOHNSON

% Calgonquin apartments

P 25-768
AMENDED BILL

Mr. Clerk:-

8/12
Please file.

J. Steward Davis
SOLICITOR FOR COMPLAINANT

J. STEWARD DAVIS

ATTORNEY AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

A. S. Hall 1923

ELIZABETH JOHNSON : IN THE CIRCUIT COURT
VS. : OF
HERBERT JOHNSON : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

1. That on or about the *14* day of *August* 1923 your Oratrix filed in this Honorable Court a bill of complaint, praying among other things a divorce a Vinculo Matrimonii, alleging desertion.
2. That your Oratrix failed to insert the proper allegations in paragraph three.

WHEREFORE your Oratrix prays leave to amend the aforementioned paragraph of the original bill of complaint by inserting the necessary allegation in paragraph three that it may read as follows:

That the said defendant abandoned and deserted the plaintiff about the 18th day of November, 1918 without cause or provocation, and has declared his intentions to live with her 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.

AND as in duty bound, etc.

J. Steward Davis

SOLICITOR FOR COMPLAINANT.

ELIZABETH JOHNSON : IN THE CIRCUIT COURT

VS. : OF

HERBERT JOHNSON : : BALTIMORE CITY

Ordered this 8 day of December 1923, by the Circuit
Court of Baltimore City that the aforementioned bill of complaint
be amended as prayed.

Henry Duff

ELIZABETH JOHNSON : IN THE CIRCUIT COURT

VS. : OF

HERBERT JOHNSON : : BALTIMORE CITY

Ordered this day of 1923, by the Circuit
Court of Baltimore City that the aforementioned bill of complaint
be amended as prayed.

CIRCUIT COURT

534
19 23 1363 Docket No.

Johnson
vs.

Johnson

Order

19

Sapp.

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

✓ 225768
No.

Sapp [9]

Fd

8 Dec 1923

Elizabeth Johnson

vs.

Herbert Johnson

IN THE
Circuit Court
OF
BALTIMORE CITY

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

THE PETITION OF *Elizabeth Johnson*

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

J. Steward Davis
Solicitor for *Plaintiff*

ORDERED, this *8* day of *November* 19 *22*, 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.

Henry Duff

534
1923

In the Circuit Court of
Baltimore City.

ELIZABETH JOHNSON

v.

HERBERT JOHNSON

Answer to Amended Bill
of Complaint.

Mr. Clerk:

Please file, etc.

Howard Sweeten
Solicitor for Defendant.

B 25768

(11 1/2)

fd 23 Jan 1924

534
1923

Circuit Court

Docket 638.

Elizabeth Johnson

Herbert Johnson^{vs}

=====
SUBMISSION FOR DECREE.
=====

Mr. Clerk,
Please file,

Steward Davis
Solicitor for Plaintiff.

B 25768

No. 12

23 Jan
Filed _____ 1924

Elizabeth Johnson

Herbert ^{vs.} Johnson

*In the Circuit Court
of Baltimore City*

_____ TERM 19__

To the Honorable

Judge of Said Court:

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

J. Steward Davis

Solicitor for Plaintiff,

Howard Asprey

Solicitor for Defendant.

Circuit Court

534
1923

β Docket No. 63

Elizabeth Johnson

vs.

Herbert Johnson

Order of Reference
and Report.

925768

No.

13
Robertson

Order Filed 23 day of Jan 1923
Report Filed day of 1923

Elizabeth Johnson

vs.

Herbert Johnson

IN THE
Circuit Court

OF
BALTIMORE CITY

January

Term, 1924

23

This case being submitted, without argument, it is ordered by the Court, this day of January, 1924, that the same be and it is hereby referred to Alexander H. Robertson, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Charles F. Hester

Report of Auditor and Master

Bill filed by wife against husband for divorce a vinculo matrimonii on the ground of abandonment for three years, Code Article 16, Section 36. Defendant summoned and answered. Proof shows marriage, residence and abandonment of the Plaintiff for at least three years, continuous, deliberate, final and without hope of reconciliation. Case submitted and ready for decree.

Alex. H. Robertson

Auditor and Master.

CIRCUIT COURT

B 534
1923 No. Docket

ELIZABETH JOHNSON

VS.

HERBERT JOHNSON
Recorded

Folio 26 1924

Decree of Divorce

B No. 25768
(147)

6.1
1924
Jd 30" January 1924

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

Wm. A. Johnston
Auditor and Master.



IN THE

Circuit Court

OF

BALTIMORE CITY

ELIZABETH JOHNSON

VS.

HERBERT JOHNSON

JANUARY

Term, 192 4.

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

It is thereupon, this *30th* day of JANUARY, A. D. 192 4.

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

ELIZABETH JOHNSON

the above named Complainant be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, HERBERT JOHNSON.

The Plaintiff is hereby permitted to resume her maiden name, Elizabeth Williams.

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

I, CHARLES R. WHITEFORD, Clerk of the Circuit Court 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 192

Clerk Circuit Court of Baltimore City

Doc. B 594
1923

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Elizabeth Johnson

vs.
Hubert Johnson

No. *25768 B*

PLAINTIFF'S COSTS

Examiners..... \$ *5.00*
Copies
Sheriff.....
Stenographer
\$ _____

DEFENDANT'S COSTS

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

At 23 Jan 1924

3/17/1/25

Elizabeth Johnson

vs.

Herbert Johnson

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 eighth day of December 1925, met on the thirteenth day of December in the year nineteen hundred and twenty-three at my office, in the City of Baltimore, in the State of Maryland, and assigned the fourteenth day of December 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:—

9-3^B

Johnson,

v.

Johnson.

Testimony taken at the office of Mr. Davis,
Baltimore, Maryland, December 1923, at three O'clock
P. M.

Elizabeth Johnson, 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. Elizabeth Johnson, 407 West Biddle Street; laun-
dry.

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

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

By Mr. Davis:

1 Q. When were you married?

A. 1916.

2 Q. What month?

A. November.

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

A. Yes.

4 Q. In Baltimore City?

A. Yes.

Elizabeth Johnson.

5 Q. By a Religious Ceremony?

A. Yes.

6 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.

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

A. No.

9 Q. What was your conduct towards your husband while living together; how did you treat him?

A. Well, I treated him as kind as I could.

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

A. Yes.

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

A. No sir.

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

A. He left me.

13 Q. When?

A. He left me along about,-- during the time of this year.

Elizabeth Johnson.

14 Q. What year?

A. 1918.

15 Q. Was it summer time or winter time; you have stated that it was November 1918; is that about the time?

A. Yes.

16 Q. What did he say and what did he do at that time?

A. He did not say anything any more than he went away with his clothes, and went to his sister's and did not see him any more, and when I came back - he -- when I saw him again he acted so fully---

Counsel interrupting: Tell me what he did and what he said on the day of the separation; that is the question I asked you.

Counsel: He just packed his clothes and went.

18 Q. What did he say?

A. He said that he was going to Philadelphia.

19 Q. What did he say about your going with him; what did he say about living with you.

A. He said that he was not going to live with me any more.

20 Q. And you tell this Court that this was November 1918?

A. Yes.

21 Q. Did you try to get him to stay and live with you and do as a husband should at that time?

Elizabeth Johnson.

A. Yes.

22 Q. And notwithstanding that you say that he left you?

A. Yes.

22 Q. After that time did you communicate with him, and try to get him to come back and live with you and do as a husband should?

A. No sir; not since he left me.

24 Q. Has he provided or offered to provide a home for you since he abandoned and deserted you?

A. No sir.

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

A. No sir.

26vQ. Has his abandonment and desertion of you continued uninterruptedly since November 1918?

A. Yes.

26 Q. That is, have you lived or cohabited with him since that time?

A. No sir.

27 Q. State whether or not his abandonment and desertion of you was deliberate and final; did he deliberately and finally abandon and desert you?

A. Yes.

Elizabeth Johnson.

28 Q. State whether or not there is any reasonable expectation of a reconciliation; do you ever expect the 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

Elizabeth ^{James} Johnson
morr
Test
Walter M. Carpenter

Evelyn Ferguson, 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. Evelyn Ferguson, 407 West Biddle Street; maid.

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. 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.

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

A. No.

5 Q. What was her conduct towards her husband while living together; how did she treat him?

E. Ferguson.

A. Kind and affectionately, and as a wife should treat a husband.

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

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. November 1918

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

A. No sir.

11 Q. What did he say and what did he do at the time he left her; were you present?

A. No.

12 Q. How do you know that he left her.

A. She came to my house very shortly afterwards and told me that he had left her.

13 Q. Have you been in close touch with her since?

A. Yes.

E. Ferguson.

14 Q. Does she live at your house now?

A. Yes.

15 Q. How long has she been there?

A. About [✓]right years; off and on.

16 Q. She has been there ever since he left her, at any rate.

A. Yes; practically so.

17 Q. How long did she continue to live in the house in which her husband abandoned and deserted her after the desertion?

A. She stayed there a couple of months after that.

18 Q. Did you visit her during those couple of months?

A. I went there once.

19 Q. Did he return to her on those two months?

A. No sir.

20 Q. Why did she have to leave there.

A. Well, she was living with his sister, and she got a room and moved.

21 Q. Why?

A. As far as I knew they had a misunderstanding about her husband leaving her, and Mrs. Johnson said that his people made it unpleasant for her there after he had left her, and she had to get another home.

E. Ferguson.

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

A. No sir.

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

A. No sir.

24 Q. Has his abandonment and desertion of his wife continued uninterruptedly since November 1918?

A. Yes.

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

A. No sir.

26 Q. State whether or not his abandonment and desertion of her was deliberate and final?

A. Yes.

27 Q. Did he deliberately and finally abandon and desert his wife?

A. Yes.

28 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
only M. Ferguson.

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 22nd day of January..... in the year of Our Lord nineteen hundred and twenty-four..... at the City of Baltimore, in the State of Maryland.

..... (SEAL).
Examiner.

There are no..... Exhibits with these depositions, to wit:

Plaintiff's..... Exhibit /.....

Defendant's..... Exhibit /.....

.....
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 each..... of which I was employed by the Plaintiff....., and on none..... by the Defendant.....

.....
Examiner.