

In The Circuit Court
of Baltimore
Baltimore 1921

Mamma Hayes

vs

Albert Hayes

Before Judge Adams

Mr Clerk please file
(Signature)

B 22528
(1)

DAVIS & BISHOP
ATTORNEYS AT LAW
BANNEKER BUILDING
E. P. BAYNE STREET
BALTIMORE, MD.
fd 2 June 1921

Nannie Hayes

In The Circuit Court-Number **I**

vs.

of

Albert Hayes

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 October 26th. 1910 by Rev. Samuel Braxton in Baltimore City Maryland and lived together as man and wife until on or about November 15th. 1915.

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 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 is one child born as a result of said marriage, whose age is four years and eight months.

SIXTH, That your oratrix is without means with which to defray the expenses of this litigation; that she is advised by counsel that she is entitled to have an order passed by this Honorable Court awarding her a sum certain as alimony during the progress of this suit and a further sum to compensate her solicitor for his services in the cause, *and that the defendant is a laborer making about \$50.00 per week.*

THEREFORE YOUR ORATRIX PRAYS:

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

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

c-c Care and custody of minor child.

d-d Counsel fee, alimony Pendente Lite

e-e To resume maiden name of Nannie Flanner.

↓ Permanent alimony

Nannie Hayes
Complainant

[Signature]
Attorney For Complainant.

State of Maryland)
) To Wit
Baltimore City)

I hereby certify that on this 3/27 day of 1921, before me the subscriber, a notary Public in and for Baltimore City, State of Maryland, personally appeared Nannie Hayes, the complainant in the foregoing bill and made oath in due form of law that the matter contained in the same was true to the best of her knowledge and belief.

Caroline Murray
Notary Public.

90

272 B61

Ct. Ct.

192

Docket No.

Hayes

4

Hayes

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro

No.

B 22528

(2)

Filed

13 June 1921

J. S. Davis

SOLICITOR

10

Thomas J. Mc Multry
Sheriff

Alm. E. Kelly
(Kelly)

EQUITY SUBPOENA

The State of Maryland

To

Albert Hayes

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

Nannie Hayes

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

9th day of,

June, in the year 192 **1**

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.)

Ct. Ct.

192

Docket No.

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed.....192

SOLICITOR

EQUITY SUBPOENA

The State of Maryland

To

Albert Hayes



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

Hannie Hayes

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 *f* day of *JUNE*, in the year 192 **1**

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.)

61 **B** Docket ²⁷²
1921

CIRCUIT COURT.

Hayes

vs.

Hayes

1319 Myrtle Ave

Order for Alimony

Pendente Lite

ORDER

B
B No. 22 528

(3)

(5)

Fd.: 2 June 1921.
" 14 " 10 "

Thomas J. McNulty
Sheriff

Thomas J. McNulty
Sheriff

Non Est
(Kelly)
2 returns
Non Est
Kelly

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Maime Hayes

vs.

Albert Hayes

May TERM, 192 1

ORDERED BY THE COURT this 2nd day of June 192 1

that the defendant Albert Hayes

pay to the plaintiff Maime Hayes

the sum of Fifteen

Dollars per week, during the continuance of this suit, accounting from the 2

day of June 192 1 to the said plaintiff Maime Hayes

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

day of June 192 1 provided a copy of this Order be served on the said defendant

Albert Hayes on or before the 11

day of June 192 1

Charles H. Hester

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 14th day of June 1921, that the time for showing cause under said Order be extended to the 30 day of June 1921, and the time for service of a copy of the same be extended to the 25 day of June 1921.

Charles H. Miller

B Docket.....

CIRCUIT COURT.

.....

vs.

.....

Order for Alimony

Pendente Lite

ORDER

B No.

()

Copy

Fd.:

Nannie Hayes

vs.

Albert Hayes

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

May TERM, 1921

ORDERED BY THE COURT this 2nd day of June 1921

that the defendant Albert Hayes

pay to the plaintiff Nannie Hayes

the sum of Fifteen

Dollars per week, during the continuance of this suit, accounting from the 2nd

day of June 1921 to the said plaintiff Nannie Hayes

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

day of June 1921, provided a copy of this Order be served on the said defendant

Albert Hayes on or before the 11th

day of June 1921
Chas W Newbler

TRUE COPY—TEST:

Chas R Whiteford
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 14 day of June 1921, that the time for showing cause under said Order be extended to the 30 day of June 1921, and the time for service of a copy of the same be extended to the 25 day of June 1921.

TRUE COPY

TEST,

Clark Whiteford

CLERK.

Charles H. Newkirk

163
108

1921 *272* *B61* Ct. Ct.
Docket No.

Hoyes
Hoyes

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro
No. *B22528*
<4> (L)

Filed *14 July* 1921
15 Aug "
J. S. Davis SOLICITOR

14
15
16

Wm. East
(Kelly)
Return
summoned

Thomas F. McQuilty
Sherriff

8/8 *21*
8/8 *21*
ISSUED TO *Sept 10/21* Return Day, 1921
Clark Whiteford

2nd Return
summoned and a copy of the process left
with the defendant
(Kelly) *8-9-21* *See \$0.80* *Thomas F. McQuilty*
Sherriff

14
15

EQUITY SUBPOENA

The State of Maryland

To

ALBERT HAYES

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

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 14 day of June, in the year 192 1

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.)

²⁷²
272 RB 1 Ct. Ct.
1912 Docket

Layles

vs.

Layles

Decree Pro Confesso.

Sup
B 22528
No.

(7)

Filed 29 Sept 1912 1



Nannie Hayes

vs.

Albert Hayes

IN THE
Circuit Court
OF
BALTIMORE CITY.

September

Term, 1921

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 29th day of September in the year nineteen hundred and twenty one 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 said 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.

Mary H. H. H.

STATE OF MARYLAND,
BALTIMORE CITY, SCT :

I hereby certify that on this 8th day of September 1921 before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City aforesaid, personally appeared Nannie Hayes and made oath in due form of law that her (his) husband (wife) the defendant in the above entitled case is not in the Military or Naval service of the United States Government, to the best of her (his) knowledge, information and belief.

As Witness my hand and Notarial Seal.

x Nannie Hayes

Caroline Murray.
Notary Public.



3/12/11 36

Doc. B $\frac{272}{1921}$

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Mamie Hayes

vs.

Albert Hayes

No. 225-28 B

PLAINTIFF'S COSTS

Examiners.....	\$ <u>8⁰⁰</u>
Copies.....	_____
Sheriff.....	_____
Stenographer.....	<u>2⁰⁰</u>
	\$ _____
	=====

DEFENDANT'S COSTS

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

sd 19 October 1921

Mammie Hayes

vs.

Albert Hayes

In the Circuit Court

OF BALTIMORE CITY.

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 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 twenty-third day of September 1921, met on the twenty-third day of September in the year nineteen hundred and twenty-one at my office, in the City of Baltimore, in the State of Maryland, and assigned the twenty-third day of September in the same year at three o'clock in the afternoon and the office of Messrs Davis + Bishop, 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:—

8-2⁷⁰

Hayes,

v.

Hayes.

Testimony taken at the office of Messrs Bishop and Davis , Pleasant Street, Baltimore, Maryland, September 29th., 1921, at 3 O'clock P. M.

NANNIE HAYES, the Plaintiff in this case, produced o^u her own behalf, having been first duly sworn, depose^th and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name residence and occupation?

1 Q. Nannie Hayes, 904 McCulloh Street;

laundry work.

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

A. Yes.

BY MR. DAVIS:

1 Q. When were they married?

A. October 26th., 1910/

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

A. Yes.

3 Q. You and your husband were married by a Minister of the Gospel October 26th., 1910, you say?

A. Yes.

4 Q. In Baltimore City?

A. Yes.

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.

Mamie Hayes.

6 Q. Are there any children of this marriage?

A. No children. O, yes; one child.

7 Q. What is the name and age of the child?

A. Robert.

8 Q. Have you the custody of the child?

A. Yes.

9 Q. Do you want the child's custody?

A. Yes.

10 Q. Are you able and willing to support, educate and rear this child?

A. Yes.

11 Q. What was your conduct towards your husband while living together; how did you behave yourself?

A. Well, I kept myself all right.

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

A. Yes.

13 Q. Are you and your husband living together now.

A. No sir.

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

A. He left me.

15 Q. When?

A. November 15th., 1915.

Mamie Hayes.

16 Q. Did he have any just cause or reason to abandon and desert you?

A. No sir.

17 Q. What happened at that time?

A. Nothing only that he did not come back any more; he went out as if he was going to work and he went off and never came back.

18 Q. Did he ever come back to the house after that?

A. No sir.

19 Q. Did you go to him and try to get him to come back and live with you and do as a husband should?

A. Yes.

20 Q. And what was his reply.

A. That he did not intend to live with me any more.

21 Q. You attempted more than once to try to get ~~him~~ ^{him} to come back and stay with you?

A. Yes.

22 Q. And each time he refused?

A. Yes.

23 Q. Has this abandonment continued ^{un}interruptedly since February 15th., 1915.

A. Yes.

24 Q. State whether or not said abandonment was deliberate and final?

Mamie Hayes.

A. Yes.

25 Q. Did he deliberately and finally abandon and desert you?

A. Yes.

26 Q. State whether or not there is any reasonable expectation of a reconciliation?

A. No sir; there is not.

27 Q. You ask for the right to resume the use of your maiden name; what is your maiden name.

A. Flamer.

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.--- W. Nannie Hayes

CHARLOTTE FLAMER, a witness of lawful age, produced on behalf of the Plaintiff, 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. Charlotte Flamer, 904 McCulloh Street; house work.

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

A. Yes.

BY MR. DAVIS:

1 Q. What relation is the Plaintiff to you.

A. 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 as husband and wife?

A. Yes.

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. There is one child as the result of this marriage, and the Plaintiff has asked for the care and custody of the child; do you think that she is the fit and proper party to have the custody of the child and do you think

Charlotte Flamer.

that she is able and willing to support educate and rear the child.

A. Yes.

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

A. It could not have been any better.

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; did he leave her or did she leave him?

A. He left her.

10 Q. Were you living with them at the time.

A. Yes; they were living with me.

11 Q. What happened at the time that he left her; what did he do.

A. He went to work, and he said that he was camping out, and he did not come back any more and we came to found - to find out that he was living on George Street with another woman.

12 Q. In other words he went to work and never showed up any more

A. Yes.

Charlotte Flamer.

13 Q. Did your daughter go to him and try to get him to come back to her and do as a husband should.

A. Yes.

14 Q. Did you go to him and try to get him to come back to her also.

A. Yes; I talked with him.

16 Q. And what did he say?

A. He said that he did not intend to come back any more.

16 Q. Did he tell you that more than once?

A. Yes.

18 Q. When did he abandon and desert his wife?

A. November 15th., 1915.

19 Q. Has this abandonment continued uninterruptedly since November 1915?

b A. Yes.

20 Q. Have they lived or cohabited together since that time?

A. Yes.

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

A. Yes.

22 Q. State whether or not there is any reasonable expectation of a reconciliation?

Charlotte Flamer.

A. No sir; there is not.

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,

Certain
J. Stewart Davis
142. Pleasant St

by
Charlotte X. Flamer
msh

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 19 day of October in the year of Our Lord nineteen hundred and twenty-one 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.

Circuit Court

472 B61
19 21 Docket No.....

Staves

vs.

Staves

Order of Reference
and Report

Col
B 22528
No.....

9

Order Filed 20 day of Oct 19 21
Report Filed.....day of.....19

Naume Hayes

IN THE

Circuit Court

vs.

Albert Hayes

OF

BALTIMORE CITY

Sept

Term, 19 *21*

20

This case being submitted, without argument, it is ordered by the Court, this day of *October*, 19*21*, that the same be and it is hereby referred to *Ward B Cow*, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Ward B Cow

Report of Auditor and Master

Bill for divorce a vinculo matrimonii, for the custody of the minor child of the parties, for permanent alimony and for the resumption of her maiden name, filed by the wife against her husband on the ground of abandonment. Code 1911 Art. 16 secs. 36-41

Defendant summoned.

Plaintiff's residence in Baltimore City for more than two years proven.

The marriage proven.

The abandonment for three years, its finality and the irreconcilability of the parties proven.

Case made for giving the custody of the minor child to the plaintiff.

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

Case ready for decree.

Ward B. Cow
Auditor and Master

October 31, 1921.

CIRCUIT COURT

B 272
1921

No. 61 Docket

Nannie Hayes

VS.

Albert Hayes

Recorded

Folio 275
~~269~~ 1921

Decree of Divorce

B 225-28

B No. (10)

fd 10 November 1921

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

Maud B. Cox
Auditor and Master.

