

446
1924
B-611

IN THE CIRCUIT COURT OF
BALTIMORE CITY.

SAMUEL H. HEATH

VS.

MARY P. HEATH

BILL FOR DIVORCE

Mr. Clerk:-

Please file.

B-27227
Davis & Evans
ATTORNEYS FOR PLAINTIFF.

(1-2)

J. STEWARD DAVIS
ATTORNEY AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

Ad 9th July 1924

SAMUEL H. HEATH

:

IN THE CIRCUIT COURT

VS.

:

OF

MARY P. HEATH

:

BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully says:-

(1)

That he was married to his wife, Mary P. Heath on the 28th day of March, 1910 and with whom he resided until the 12th day of June 1924, when the defendant deserted the plaintiff.

(2)

That ever since said marriage your Orator has behaved himself as a faithful, chaste and affectionate husband toward the said Mary P. Heath.

(3)

That the said Mary P. Heath has on divers days and times since said marriage committed the crime of adultery with divers, lewd and abandoned men, whose names to your Orator are unknown, and said offense has not been condoned by your Orator.

(4)

That there are no children as issue of said marriage.

(5)

That your Orator has not lived or co-habited with the said defendant since he discovered said misconduct.

(6)

That your Orator is a citizen of the State of Maryland, having resided in Baltimore City for more than three years prior to the filing of this bill, but that the defendant is a non-resident of the State of Maryland and when last heard of was in Asbury Park, New Jersey.

TO THE END, THEREFORE:

(a) That your Orator may be divorced a Vinculo Matrimonii from the said Mary P. Heath.

(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 Order of Publication directed against the said Mary P. Heath, a non-resident of the State of Maryland aforesaid, 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.,

Davis & Evans
SOLICITORS FOR COMPLAINANT.

DAVIS & EVANS, SOLICITORS

215 ST. PAUL PLACE.

IN THE CIRCUIT COURT OF BALTIMORE CITY.

SAMUEL H. HEATH VS. MARY P. HEATH

ORDER OF PUBLICATION

The object of this Bill is to procure a Divorce A Vinculo Matrimonii by the plaintiff from the defendant.

The bill states that the parties were married on the 28th day of March, 1910 and that they lived together until the 12th day of June, 1924, when the defendant deserted the plaintiff; that there are no children as issue of said marriage. That the defendant has on divers days and times since said marriage committed the crime of adultery with divers, lewd and abandoned men and said offense has not been condoned by the plaintiff. That the plaintiff is a resident of the State of Maryland and has been for more than three years last past, but that the defendant is a non-resident and when last heard of, was in Asbury Park, New Jersey.

It is thereupon this 9th day of July, 1924, ordered by the Circuit Court of Baltimore City that the plaintiff by causing a copy of this order to be published in Baltimore City once in each of four successive weeks, before the 12th day of August 1924, give notice to ^{Mary P. Heath} the absent defendant of the object and substance of this bill, warning her to be and appear in this Court in person or by Solicitor, on or before the 28th day of August 1924, to show cause, if any she may have, why a decree should not be passed as prayed.

Charles F. Deane

446
192... *Bl*cket No.....

Hall

vs.

Joseph

Certificate of Publication

B 27227

(3)

THE DAILY RECORD
Filed *28* day of *Aug* 192*4*

THE DAILY RECORD

Baltimore, AUG 2 - 1924, 192.....

Davis & Evans, Solicitors,
215 St. Paul Place.

IN THE CIRCUIT COURT OF BALTI-
MORE CITY—(446—1924)—Samuel H.
Heath vs. Mary P. Heath.

ORDER OF PUBLICATION.

The object of this bill is to procure a
divorce a vinculo matrimonii by the plain-
tiff from the defendant.

The bill states that the parties were mar-
ried on the 28th day of March, 1910, and
that they lived together until the 12th day
of June, 1924, when the defendant deserted
the plaintiff; that there are no children as
issue of said marriage. That the defendant
has on divers days and times since said
marriage committed the crime of adultery
with divers lewd and abandoned men and
said offense has not been condoned by the
plaintiff. That the plaintiff is a resident
of the State of Maryland and has been for
more than three years last past, but that
the defendant is a non-resident and when
last heard of, was in Asbury Park, New
Jersey.

It is thereupon this 9th day of July, 1924,
ordered by the Circuit Court of Baltimore
City that the plaintiff by causing a copy
of this order to be published in Baltimore
City once in each of four successive weeks
before the 12th day of August, 1924, give
notice to Mary P. Heath, the absent de-
fendant, of the object and substance of this
bill, warning her to be and appear in this
Court in person or by solicitor, or on be-
fore the 28th day of August, 1924, to show
cause, if any she may have, why a decree
should not be passed as prayed.

CHARLES F. STEIN.

True Copy—Test:

CHAS. R. WHITEFORD,

Jy12,19,26au2

Clerk

We hereby certify that the annexed advertise-
ment of Order Publication Circuit Court

of Baltimore City, Case of

Samuel H. Heath,
vs. Mary P. Heath

was published in THE DAILY RECORD, a daily news-
paper published in the City of Baltimore, once in each of

Four successive weeks before the
12th day of Aug, 1924

First insertion July 12th, 1924

THE DAILY RECORD

Per R. M. Tittel

446 B64 Ct. Ct.
192 4 Docket

Samuel H. Heath

vs.

Mary P. Heath

Decree Pro Confesso.

B 27227

No.

~~Sept~~ (4)

Filed

W. E. H. 192 4

IN THE
Circuit Court
OF
BALTIMORE CITY.

Samuel Heath

vs.

Mary P. Heath

September Term, 1924

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 *22nd* day of *September* in the year nineteen hundred and twenty *four* 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.

Charles T. Stue

446 Ct. Ct.
1924 B Docket 64

Saml H. Heath

vs.

Mary O. Heath

Decree Pro Confesso.

B-27227

No. (4)
(Supp)

Filed 72nd Sept 1924

446

Samuel H. Heath

vs.

Mary D. Heath

IN THE
Circuit Court

OF
BALTIMORE CITY.

Sept Term, 1924

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 24th day of September in the year nineteen hundred and twenty four 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.

Charles F. Steer

Doc. B 446
1924

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Samuel H. Heath

vs.

Mary Heath

No. 27227 B.

PLAINTIFF'S COSTS

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

DEFENDANT'S COSTS

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

Heath,

v.

Heath.

Testimony taken at the office of Mr. Davis,
Baltimore, Maryland, September 22nd., 1924, at
two O'clock P. M.

Samuel W. Heath, the Plaintiff in this case,
produced on his 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. Samuel W. Heath, 1500 McCulloh Street; waiter.
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. When were you married?
A. March 28th., 1910.
2 Q. Were you married by a Minister of the Gospel?
A. By a Magistrate.
3 Q. Where?
A. In Atlantic City, New Jersey.
4 Q. Were you legally married according to the Laws of
New Jersey?
A. Yes.
5 Q. And was the Magistrate that married you a Re-
gularly authorized Magistrate to perform marriage cere-
monies in New Jersey at that time?

Samuel H. Heath.

A. Yes. He places his seal and everything on the certificate.

6 Q. Have you been a resident of Baltimore City, State of Maryland, for more than two years prior to the filing of this suit?

A. Yes.

8 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 her?

A. I treated her nicely.

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

A. Yes.

11 Q. Are you and your wife living together now?

A. No sir.

12 Q. Which left the other; did you leave her or did she leave you?

A. She left me.

13 Q. When?

A. June 12th., 1924.

15 Q. You charge your wife with adultery; do you know anything personally about that?

Samuel H. Heath.

A. Only her own conversions herself; she expressed to me and admitted it to me on different occasions that she had committed adultery with other men.

16 Q. State the circumstances of her admissions of adultery to you.

A. Well, when she would get cross and all, she would bring up those things, and she would tell me that she did not have to depend on me, that she had other men that she was going with that would give her money.

17 Q. And was this the cause of the separation?

A. Yes.

18 Q. Now, have you lived or cohabited with her since June 12th., 1924?

A. No sir.

18 Q. Have you lived or cohabited with her since she admitted her adultery to you?

A. No sir.

19 Q. Have you forgiven or condoned her offense in any way?

A. No sir.

GENERAL QUESTIO

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.
Samuel N. Hewitt

CIRCUIT COURT

446
1924

DOCKET No. 64 B

Samuel H. Heath

vs.

May P. Heath

Order of Appearance

Mr. Clerk,
Please file.

G. P. Rudolph

Solicitor for

B No. 27227
4/7

Filed 7 day of May 1929

Samuel N Heath

vs.

Mary P Heath

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

TERM, 192

MR. WHITEFORD, CLERK:

Enter my appearance for Defendant.

J. P. Rudman

Solicitor.

Serve on
Davis and Evans.
Sols

Mar 19, 1929 Service admitted
J. Stentman

MAR 16 1929 12 51 PM

446-1929

In the Circuit
Court of Baltimore
City B 446

Samuel & Healt

vs
Mary P. Healt

B 27227
(5) (7)

Petition to vacate
order dated 22nd
Sept. 1924

W.R. Clark
Please file
& R. P. Healt
Sols for Petitioner

Filed April 1929

G. L. PENDLETON
ATTORNEY-AT-LAW

14 E. PLEASANT STREET

BALTIMORE, MD.

406 St Paul St

FILED 16 March 1929

THE DAILY RECORD CO., BALTIMORE, MD.

Copy of the within Petition and Order of Court served
on Davis & Evans Solicitors in the 21st day of March
1929 in the presence of George G. Bordenick.

John C. Pyle
Henry

J. C. P. 75

SAMUEL H. HEATH, *
 *
 VS *IN THE CIRCUIT COURT OF BALTIMORE CITY
 *
 MARY P. HEATH, *

To the Honorable, the Judge of said Court:

The petition of Mary P. Heath, defendant in the above entitled case respectfully says:

1. The plaintiff in this case filed a Bill of Complaint in the above entitled cause, praying an absolute divorce against her alleging adultery, which when said cause comes on for hearing it will be seen same is destitue of foundation.
2. An order of publication was published under the rule of this Honorable Court, upon which a certificate was filed in these proceedings on the 25th day of August 1924 and a decree pro confesso was obtained on the 22nd day of September 1924, when, she the defendant was a resident of Baltimore City, Maryland at the time and during the period of said publication.
3. The defendant, Mary P. Heath, has a good defence to said charges of adultery which would have made but for the said order of publication.
4. This Court is without proper jurisdiction of the defendant whereof at the time of the period of said publication whereof she is a resident of said city and State.

Your petitioner therefore prays an order vacating the order passed in this cause on the 22nd day of September 1924, so that she may be permitted to make her defence to said Bill of Complaint.

And such other and further relief as her case and equity shall require.

And as in duty bound etc

P. P. Rutter
 Solicitor for Patitiiner.

STATE OF MARYLAND. BALTIMORE CITY: Set.

I hereby certify that on this 15th day of March 1929, before me the subscriber a Notary Public of the State of Maryland, personally appeared Mary P. Heath defendant and petitioner in the above entitled case and made oath in due form of law that the mattwrs. and things set out in the aforegoibg are true to the best of her knowledge and belief.

Witness my habd and Notarial Seal.

Minnie B. Lewis
 Notary Public.

Upon the aff aforgoing petition and affidavit by the Circuit Court of Baltimore City this being 15th day of March 1929 leave done and the same is hereby granted as prayed; unless cause to the contrary be shown on or before the first day of April 1929 - a copy of this order to remain on the plaintiff's file & return on or before the 21st day of March 1929
Charles F. Stevenson

Source of copy
admitted Mex 16, 1929
Rev. M. Brown
P.O. # 4

A copy of the foregoing order having been served upon the defendant as is shown by the Sheriff's return hereon, and no cause to the contrary having been shown, it is this 4th day of April, 1929, ordered by the Circuit Court of Baltimore City that the same be, and it is hereby made absolute and final.

Julius Hand

446-1929

IN THE
CIRCUIT COURT OF BALTIMORE
CITY

B 446
1929

SAMUEL HL HEATH

VS

MARY P. HEATH

B 27227
46

ANSWER TO THE BILL OF
COMPLAINT.

Mr. Clerk,
Please file etc
G. L. Pendleton
Solicitor for Complainant.

G. L. PENDLETON
ATTORNEY-AT-LAW
14 E. PLEASANT STREET
BALTIMORE, MD.

FILED 4 April 1929

MARY P. HEATH, *
*
VS *
SAMUEL H. HEATH,*

IN THE
CIRCUIT COURT OF BALTIMORE
CIYY

To the Honorable, the Judge of said Court:
The answer to the Bill of Complaint in this cause
respectfully ssyd:

1. That she admits, the marriage and all other allegations therein contain except that she denies the allegation of any adultery charge in said Bill against her exhibited and says her moral conduct respecting her marriage vows is above any reproach in any respect.
2. That he conduct as a wife towards the defendant has always been that of a wife with unremitting devotions except when his conduct became such that she could not longer stand it.

Having answered the Bill of Complaint all that is material to be answered prays to be dismissed with her reasonable costs.
And as in duty bound etc

L. P. Quilley

Solicitor for Defendant.

446-1924

IN THE
CIRCUIT COURT OF BALTIMORE
CITY

B 446
1924

MARY P. HEATH

VS

SAMUEL H. HEATH

CROSS-BILL OF COMPLAINT

B 27227
(8)

Mr. Clerk,

Please file and issue
for the defendant if service
of a copy of same is not
admitted by the Defendant's
Solicitor

G. L. Pendleton
Solicitor for Complainant

Services of the copy of the
Bill of Complaint is admitted

George Swans
Solicitor for Defit.

G. L. PENDLETON
ATTORNEY-AT-LAW
14 E. PLEASANT STREET
BALTIMORE, MD.

FILED 30 April 1929

Mary P. Heath *

vs *

Samuel H. Heath *

IN THE
CIRCUIT COURT OF BALTIMORE
CITY

To the Honorable, the Judge of said Court:

The Cross-Bill of Complaint respectfully says:

1. Having answered the Bill of Complaint in this cause, she now prays leave to file her Cross-Bill of Complaint against her husband, Samuel H. Heath, defendant.

2. That the plaintiff and defendant were lawfully married 28th of March 1910 and lived together as husband and wife until on or about the 31st of December 1925 when the defendant abandoned and deserted the plaintiff as will be herein shown.

3. That the plaintiff has lived in Baltimore City, Maryland for more than three years next before this suit was filed.

4. That the conduct of the plaintiff since the said separation or abandonment and desertion has been that of a wife towards her husband and that her conduct respecting her marriage vows is above any reproach.

5. No child was born to the parties by reason of said marriage.

5. That the defendant in the month of December 1925 without any just cause or reason against her abandoned and deserted her, that such abandonment and desertion which has continued uninterrupted for more than three years next before this suit was filed, the defendant has declared his intention to live with her no longer; that such abandonment is now deliberate, final and beyond any hope of any reconciliation between the parties.

To the end therefore, the plaintiff will ever pray:

1. That she be divorced a vinculo matrimonii from the defendant Samuel H. Heath.

2. That the defendant be made to pay the costs of these proceedings.

3. And such other and further relief as her case and equity shall require.

May it please your Honor to grant unto her the writ of subpoena directed to Samuel H. Heath, commanding him to be and appear in this Court on some certain day to be named therein and to appear and answer the Bill of Complaint in person or by Solicitor and to show good and sufficient cause, if any, he may have why the prayers of said bill should not be granted as therein prayed.

And as in duty bound etc


Solicitor for complainant.

446

Ct. Ct.

1924

Docket

Mary P. Heath

vs.

Samuel H. Heath

Cross Bell

Decree Pro Confesso

Frick

B No. 27227
(9)

Filed

27 June

1929

Mary P. Health

vs.

Samuel H. Health

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Term, 192

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 27th day of July in the year nineteen hundred and twenty ^{min} 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.

Arthur H. Hays

446-1924

Circuit Court

B446
1924

Docket No. _____

Mary P Heath

vs.

Samuel H Heath

Order of Reference
and Report

in case

Co

B No. 27227
(11)

Order Filed 24 day of March 1930
Report Filed 15 day of April 1930

Mary P. Heath

vs.

Samuel H. Heath

IN THE

Circuit Court

OF

BALTIMORE CITY

March

Term, 192

This case being submitted, without argument, it is ordered by the Court, this 24th day of March, 1930, that the same be and it is hereby referred to Ward B. Cox, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Ward B. Cox

Report of Auditor and Master

Bill for divorce a vinculo matrimonii filed by the husband against his wife on the ground of adultery; and cross bill by wife against husband for same relief on the ground of abandonment. Code Art. 16, secs. 37-42.

Defendant to original bill answers by solicitor. Copy of cross bill served on defendant's solicitor and in default of answer, a decree pro confesso was passed against defendant to cross bill. Testimony thereupon taken on behalf of plaintiff in the cross bill.

Residence of plaintiff in cross bill in Baltimore City for more than two years proven.

The marriage proven.

The abandonment by defendant to cross bill for three years, its finality and the irreconcilability of the parties proven.

More than thirty days have elapsed since default decree against defendant to cross bill and the case has also been submitted by counsel for the respective parties and is now ready for decree.

Ward B. Cox

Auditor and Master
April 12, 1930

copy

446
1924

Circuit Court

B Docket 64

Samuel Heath

vs

Mary Heath

In cross bill

vs.

Mary Heath

vs

Samuel Heath

SUBMISSION FOR DECREE.

Mr. Clerk,

Please file.

M. L. Audeter

Solicitor for Plaintiff.

in cross bill

No. 27227

(12)

Filed 15 April 1930

Samuel Heath
vs
Mary Heath
In cross Bill
vs
Mary Heath
vs
Samuel Heath

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.

Davis Evans
By George Evans

Solicitor & for Plaintiff, in
original Bill - Defendant
in cross Bill -

H. L. O'Brien

Solicitor for Defendant, in
original Bill
and Plaintiff in
cross bill

11
CIRCUIT COURT

B 446
1924 No. Docket

SAMUEL H. HEATH

vs.

MARY P. HEATH

~~XXXX~~

MARY P. HEATH

vs.

SAMUEL H. HEATH

Recorded

File 76 1930

Decree of Divorce

B No. 27227
(13)

Filed 16th April 1930

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

Ward B. Coe

Auditor and Master

Circuit Court

OF

BALTIMORE CITY,

March Term, 19~~2~~30

SAMUEL H. HEATH

vs.

MARY P. HEATH

~~vs.~~

(CROSS BILL)

MARY P. HEATH

vs.

SAMUEL H. HEATH

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

It is thereupon, this 16th day of April, A. D. 19~~2~~30

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

MARY P. HEATH,
in the Cross Bill,
the above named Complainant/be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, to the Cross Bill, the said SAMUEL H. HEATH; and that the original bill of Samuel H. Heath vs. Mary P. Heath be and the same is hereby dismissed.

And it is Further Ordered, That the said Samuel H. Heath pay the cost of this proceeding.

Walter J. Dawkins

3/13/1930

DOCKET B. 446/1924
IN THE CIRCUIT COURT.....

Samuel H. Heath

vs.

Mary P. Heath
& Cross Bill.

DEPOSITIONS

13 No. 27227

PLAINTIFF'S COSTS

Examiner \$
Copies
Notices
Sheriff
Stenographer

\$

DEFENDANT'S COSTS

Examiner \$
Copies
Notices
Sheriff
Stenographer

\$

GEORGE ARNOLD FRICK, Examiner

Filed 10 day of March 1930

TESTIMONY taken at the office of George Arnold Frick,
the Examiner, on Thursday, June 27th, 1929, at two-thirty
in the afternoon.

Present: G. L. Pendleton, Counsel for the Plaintiff in
the Cross Bill of Complaint.

Thereupon:

MARY P. HEATH, the Plaintiff in the cross Bill
of Complaint, produced as a witness on her own behalf,
being first duly sworn according to law, deposeth and
saith as follows - that is to say -

BY THE EXAMINER:

1 Q- State your name, residence and occupation?

A- Mary P. Heath, 1838 Westwood Avenue, Domestic.

2 Q- You are the Plaintiff in the Cross Bill of Com-
plaint?

A- Yes.

3 Q- How long have you known the Defencant in the Cross
Bill, Samuel H. Heath?

A- Twenty years.

BY MR. PENDLETON:

Mary P. Heath

4 Q- Are you married or single?

A- I am married.

5 Q- When and by whom were you married?

A- By a Justice of the Peace, Williams, in Atlantic City, March 28th, 1910.

6 Q- You had a civil marriage?

A- I did.

7 Q- Have you always come out in the community aid society in which you lived with your husband as husband and wife?

A- We did.

8 Q- And you were so regarded and respected by the people in the community as such?

A- Yes.

9 Q- Are you living with your husband at this time, if no, when did the separation take place?

A- I am not. We separated December 31st, 1925.

10 Q- Which left the other?

A- He left.

11 Q- Was there any cause which led up to the separation and abandonment between you two?

A- He abandoned me.

12 Q- What was the cause?

A- He was cruel. He struck me, come home and take the covers off of me at night and drank.

Mary P. Heath

13 Q- How often would that occur in the course of a week?

A- As often as several nights.

14 Q- For how long did that continue?

A- For more than two years.

15 Q- Now then, how did you treat him after your marriage and before the separation and abandonment took place?

A- I was kind and considerate.

16 Q- Did you wash his clothes or did he have any complaint to make about anything that you did?

A- No, he did not.

17 Q- Were you faithful to him?

A- Yes.

18 Q- You had the beds ready and his meals ready?

A- Yes.

19 Q- Did he have any cause to complain about that?

A- Absolutely nothing.

20 Q- How did he treat you after the marriage and before the separation?

A- Well, he was cruel and bothersome, got drunk and neglected his bills. I never knew when my rent was going to be paid and never know when I going to get anything to eat.

21 Q- Were you always devoted to him?

A- Yes, I certainly was.

22 Q- And outside of the fact that you were devoted and

Mary P. Heath

faithful to him he was cruel and bothersome to you,
is that right?

A- Yes, he certainly was.

23 Q- Have you been back to live with the Defendant or
has he been back to live with you since the separation
took place?

A- I have not nor has he.

24 Q- Were there any children born as the result of this
marriage to you two?

A- No.

25 Q- How long have you lived in Baltimore before April
30th, 1929?

A- Twelve years.

26 Q- Do you think, in your opinion, that the separation
and abandonment between you and your husband was his
deliberate and final act and without any hope or expecta-
tion of a reconciliation between you two?

A- I do.

27 Q- What is the reason that you give?

A- Well, his conduct and his actions and his period
of time that he was away from me and I have lost my love
and affection for him.

28 Q- Has that abandonment and desertion continued
uninterruptedly for more than three years prior to the fil-
ing of this Cross Bill of Complaint on April 30th, 1929?

A- Yes.

QUESTION BY THE EXAMINER:

Do you know or can you state any other matter or thing that may be of benefit or advantage to 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.

Answer:

No.
Mary P. Heath.

ANNIE HEATH, produced as a witness on behalf of the Plaintiff in the Cross Bill of Complaint, being first duly sworn according to law, deposes and saith as follows - that is to say -

BY THE EXAMINER:

1 Q- State your name, residence and occupation?

A- Annie Heath, 1838 Westwood Avenue, Domestic.

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

A- Yes, the Plaintiff in the Cross Bill of Complaint is my sister-in-law.

BY MR. PENDLETON:

3 Q- Are they married or single, the Plaintiff in the Cross Bill and the Defendant in the Cross Bill?

A- Married.

4 Q- When and by whom were they married, if you know?

A- By a Justice of the Peace.

5 Q- You weren't there?

A- No, I was not present at the marriage.

6 Q- Shortly after you heard that they were married. How long after that was it that you saw them?

A- Two years.

7 Q- Didn't you see them after they got married?

A- No, I didn't see them until two years afterwards.

8 Q- Did they always live together as man and wife, both

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of them?

A- Yes.

9 Q- Have they always been regarded as husband and wife in the circle and society in which they lived?

A- Yes.

10 Q- Never been regarded as otherwise?

A- No.

11 Q- How often did you see them after the marriage and before the separation and abandonment took place?

A- I seen them every week.

12 Q- How did the Plaintiff treat her husband for the period of them that they lived together during their married life?

A- She was kind and loving.

13 Q- Did she wash his clothes and fix his meals and have the beds ready at all times?

A- She did.

14 Q- How did he treat her during the same period, if you know?

A- He got drunk and paid his bills.

15 Q- What did he do to her?

A- He was abusive to her.

16 Q- How was he abusive?

A- He fought her.

17 Q- Did he strike her?

A- Yes, he struck her. -7-

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18 Q- What was his conduct in reference to sobriety-- was he drunk or sober?

A- Drunk.

19 Q- How often was he drunk?

A- Often come home drunk.

20 Q- Now, then when did the separation and abandonment take place?

A- December 31st, 1925.

21 Q- Were you around the house at the time?

A- Yes, I was.

22 Q- Were you there about the time that the separation took place?

A- I was.

23 Q- What, if anything, did he do or say, or she said in reference to the time he left--what did he do, say anything or indicate that he wasn't going to return anymore?

A- He said he was not going to return anymore.

24 Q- How often did you see the Plaintiff, your sister-in-law, since the abandonment and desertion took place?

A- Every day. She lives in the same house.

25 Q- Since the abandonment and desertion took place?

A- Yes.

26 Q- Has he been back to her, to live with her as husband and wife during the period you were with her everyday?

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A- No.

27 Q- How long has she lived in Baltimore before April 30th, 1929?

A- Twelve years.

28 Q- What has been her conduct with respect to her marriage vows during the time from the date of her marriage down to the present time?

A- She has always been that of a lady.

29 Q- She hasn't been running around with other men, has she?

A- No, sir.

30 Q- And you see her everyday, is that right?

A- Yes.

31 Q- I understand you saw her everyday since when?

A- Since the abandonment took place.

32 Q- Do you think the abandonment and desertion is beyond any hope or expectation of a reconciliation between the two at this time. If you say no, give your reasons for it?

A- Yes, because for the long period of time he has been away and he was cruel to her and she has lost her love for him.

33 Q- Was that his deliberate and final act when he left?

A- Yes.

34 Q- Has that abandonment and desertion continued uninterruptedly for more than ^{three} years prior to the filing

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of this Cross Bill of Complaint?

A- Yes.

QUESTION BY THE EXAMINER:

Do you know or can you state any other matter or thing that may be of benefit or advantage to 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.

Answer: *Yes.*

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No other witnesses being named or produced before me, I then at the request of the Solicitor.....of the Plaintiff in Cross Bill..... closed the depositions taken in said cause, and now return them closed under my hand and seal on this tenth.....day of March.....in the year of our Lord nineteen hundred and thirty....., at the City of Baltimore, in the State of Maryland.

George Arnold Frick
Examiner. (SEAL)

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

Defendant'sExhibit.....

George Arnold Frick
Examiner.

I, GEORGE ARNOLD FRICK, 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 in Cross Bill....., and on none..... by the defendant.....

George Arnold Frick
Examiner.