

Dec 13

230

IN THE CIRCUIT COURT OF
BALTIMORE CITY

B191
1927

OLIVIA ELIZABETH HILBURN

VS.

JAMES H. HILBURN

1944 Druid Hill Ave

BILL FOR DIVORCE.

B 31732

Mr. Clerk:-

17

Please file.

Dec 11/27

Davis & Evans

ATTORNEYS FOR PLAINTIFF

DAVIS & EVANS
ATTORNEYS AT LAW

Filed 23 April 1927

OLIVIA ELIZABETH HILBURN : IN THE CIRCUIT COURT

VS. : OF

JAMES H. HILBURN : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

1. That she was married to her husband, James H. Hilburn on the 10th day of September, 1908 and with whom she resided until the 21st day of April, 1927.
2. That for some years past the said James H. Hilburn, her husband, has treated her with great cruelty, harshness and brutality, at times striking and beating her and that his conduct has now become so intolerable that she can endure it no longer.
3. That ever since said marriage your Oratrix has behaved herself as a faithful, affectionate and chaste wife towards the said James H. Hilburn, and her entire conduct has always been above reproach.
4. That there is one child, Ida Hilburn, age eighteen months.
5. That her husband, the said James H. Hilburn, is seized and possessed of a large amount of real and personal estate in this State, while your Oratrix is without means of support, except from her own labor and the charity of her friends.
6. That your Oratrix is wholly destitute of means of supporting herself during the pendency of this suit, or of defraying the costs and expenses attending the prosecution of the same.

TO THE END, THEREFORE:

- (1) That your Oratrix may be divorced A Mensa et Thora from the said James H. Hilburn, her husband.
- (2) That your Oratrix may have the guardianship and custody of the infant child, Ida Hilburn.
- (3) That your Oratrix may be declared to be entitled to receive, by way of alimony, such an allowance out of her said husband's estate as may be proportioned to the means and station in life of her said husband.
- (4) That, in the meantime, the said James H. Hilburn may be required to pay unto your Oratrix a reasonable sum for her support and maintenance during the pendency of this suit, and such sum or sums of money as may enable your Oratrix to employ counsel to prosecute this suit and to defray the necessary costs and expenses thereof.
- (5) That your Oratrix may have such other and further relief as her case may require.

May it please your Honor to grant unto your Oratrix the Writ of Subpoena directed against the said James H. Hilburn, commanding 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.

Bessie O. Hilburn
PLAINTIFF

(J. D. Jones)
ATTORNEYS FOR PLAINTIFF

STATE OF MARYLAND, BALTIMORE CITY, to wit:-

I HEREBY CERTIFY, that on this 22nd day of April, in the year nineteen hundred and twenty seven, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid personally appeared Olivia Elizabeth Hilburn and made oath in due form of law that the matters and facts in the foregoing bill are true as therein stated.

AS WITNESS my hand and Notarial Seal.

Helen C. Fisher
NOTARY PUBLIC.

P 136

Ct. Ct.

B-191

192 7

Docket No.

Olivia Elizabeth Hilburn

vs.

James H. Hilburn

SUBPOENA TO ANSWER BILL OF COMPLAINT

No. B-31732

(2)

Filed 27 April, 1927

Davis & Evans

SOLICITOR

11

Summoned and a copy of Process left
with the Defendant
Lyett
(4/23/27)
J. P. P. \$0.80

RECEIVED AT
THE SHERIFFS OFFICE

APR 23 1927 1 05 PM

EQUITY SUBPOENA

The State of Maryland

To James H. Hilburn

1944 Dryid Hill Ave.

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

Olivia Elizabeth Hilburn

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 14th day of March 1927. Issued the 23rd day of April, in the year 1927.

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.

RECEIVED AT
THE SHERIFFS OFFICE

APR 23 1927 1 05 PM

B Docket 191
1927

CIRCUIT COURT.

Olivia E Hilburn

vs.

James H. Hilburn

Order for Alimony

Pendente Lite

ORDER

B No. 31732
() 3 4

Fd: 23 April 1927
" 9 June 1927

*Copy of the within Order of Court served on
James H Hilburn on the 23rd day of April 1927.
in Presence of Joseph E Lycutt*

*John E Postee
Sheriff*

Fee \$0.50

Olivia E. Hilburn

vs.

James H. Hilburn

IN THE
CIRCUIT COURT

OF
BALTIMORE CITY

March TERM, 1927

ORDERED BY THE COURT this *23rd* day of *April* 1927

that the defendant *James H. Hilburn*

pay to the plaintiff *Olivia E. Hilburn*

the sum of *Seventy-five*

Dollars per week, during the continuance of this suit, accounting from the *Twenty-third*

day of *April* 1927 to the said plaintiff *Olivia E. Hilburn*

as alimony, *pendente lite* unless cause to the contrary be shown on or before the *9th*

day of *May* 1927, provided a copy of this Order be served on the said defendant

James H. Hilburn on or before the *2nd*

day of *May* 1927

H. Arthur Stump

TRUE COPY—TEST:

CLERK

@ 517
1927

Minutes of Board
Book 24
Folio 947

@ 2452
{47}

Ed 29" Sept 1927

No. _____
CIRCUIT COURT

vs

To _____

The above case in which you appear as solicitor, is
in the assignment for hearing on _____
at 10 A. M.

WM. M. CARSON,
Clerk.

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 9 day of June 1927, ordered by the Circuit Court of Baltimore City that the same be, and it is hereby made absolute and final.

H. Arthur Stamp

191-1927

Ct. Ct.

192

Docket

Olivia Elizabeth Hilburn

vs.

James Hilburn

Decree Pro Confesso.

no fit
B 31732
(5)

No.

Filed 9 June 1927

Olivia Elizabeth Hilburn

vs.

James Hilburn

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 9th day of June in the year nineteen hundred and twenty seven 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.

H. Arthur Stump

DOC. 67 191
19 27

IN THE CIRCUIT COURT

No.

OF BALTIMORE CITY

Olivia E. Hilburn

vs.

James H. Hilburn

PLAINTIFF'S EXHIBIT

EXAMINER No. 1

No. 31732 B
17

FILED WITH THE EXAMINER

June 20, 1927
A. deR. SAPPINGTON

EXAMINER
7d 30 Nov 1927

163 W. 145th Street
New York City
Tuesday -
2/22/27. Chas. Riley
apt 9 -

Well old dear,

I know you think it surely
take me a long time to make up
my mind to write to you, but I
did send you a New Year Card
I am not sure if I addressed
it right for I have lost sight
on every thing in Balto. I cannot
remember any ones address. you
know I am stupid. your Card
was one of the greatest surprises
that I have had in years yet
it was a welcome one. and as you
may know I set and began to think
of times gone by. for some
reason I liked you more than
I had a right too.

it is true that I were always blamed
for you: and for my part I had nothing
to care for or loose but you did
so I had to swallow a bit - of
a lot - but I can stand lots and
always keep a secret. I am thinking
strongly of coming back to Batto to live
that is if I thought I could stay there
peacefull if that devil of mine
were like I am. but he like to be
a torment to me - and I would have
to do the next best thing and I dont
feel as if he is worth of me spending
my hard earned money on. he told
a friend of mine that she wanted
to see me but no one will
give him my address. all I have to
say is I hope to meet the one that gets
fresh enough to give it to him -
you are usually in way things I am
wondering if you are mixed up with the
numbers - I used to work inside with
a banker. but I am not now

The law was so³ bad here I thought it
best to get outside - will old dear
it would be great to see you
once more. I think I look just the
same. some day when you have time
write me a long letter and
tell me all about your self. I
mean the fact & good - now
smile. I know you are just the
same old sweet bad boy - I
hope you can spell this over enough
to know what it is - I think I have
said enough for this time hoping
you are well - as I am O.K. lots
of luck and best wishes
as that is all I can send through
mail - be sure and destroy
this - fondly
M.S.J.

DOC. 67 191
1927

IN THE CIRCUIT COURT

No.

OF BALTIMORE CITY

Olivia E. Hilburn

vs.

James A. Hilburn

PLAINTIFF'S EXHIBIT

EXAMINER No. 2

No. 31732 B
(8)

FILED WITH THE EXAMINER

June 20, 1927

A. deR. SAPPINGTON
EXAMINER

7d 30 Nov 1927

Prairie View, Texas.

July 28, 1925.

My own Buster:—

Both of your letters came at once. They were all that was necessary to tide me over here these remaining hot days.

I had thought I would leave before hearing from you again, but at last today my heart was made happy, putting it mild, when the mail girl called twice Lura Johnson Stewart.

A glance was all that was needed your penmanship has the same bearing on me mine has on you. I know it any where. It is too familiar for any questioning.

I left the scene after answering, went into seclusion

2

read and reread. My soul drank every phrase, every clause as the thirsty soil drinks the rain after a long drought.

Yes, most vividly I do remember the incident in Mrs Fairchild's room, the sitting on the rock under the umbrella, and others, as if they were yesterday.

Nineteen cruel years, no not all cruel, because those we spent together were heavenly. Were they not? But God, all powerful has willed our meeting again thro mail and hope to meet personally soon.

I have dreamed of you so often, awoke and went to sleep again and finished my dream, the happiness moment of my life since

our reparation. Your letters prove telepathy, the transference of thoughts from one mind to another. You have lived in thoughts and dreams of me and I of you.

You are the most wonderful man I have ever known, you did the most wonderful thing ever done to me the morning, Vera, Whit, you and I met in the sewing room, at S.H.C.

No, no children, but I love them dearly, if you and I had married I would have had some, but Oh, how different every thing would have been.

No, I do not love my husband, he is nice to me. He is an ordinary laborer

he works in a garage now, but does any kind of manual labor. He is about my age, my color, tall and weighs about 163 lbs.

No, he has not gotten one iota of the love I have for you.

I say to you as in a Spanish Ballad, love comes but once, lets hope it is not too late. That once is my love for you.

I am willing if you are to put an end to discord and clear up all static. Hope to tell you all soon.

My love, I am as anxious as you are to get together, but can not say positively now whether I can meet you Xmas or not in Detroit. We have sold our old home and bought

5
two lots and built a hotel near
the school, a two story with
a cafe on first floor and rooms
on second. I promised to pay
\$60.67 for 6 months, making
payments in six notes, so
you see \$60.67 each month
for six ^{month} beginning Sept. I
will have very little left out
of \$80 per month.

I am just as anxious as you
are my love, and will if pos-
sible, am as anxious as a
child is for Santa's visit. Do I
love my Buster? Does a cat like
cream? Just as soon as I read
where you said save your pen-
nies and come last next
summer, I began thinking
planning my way out.

If possible I must leave Texas
and go elsewhere for Summer
School, because it is too hot

here equal to the calms of Africa.

Did not say all about going to Detroit, getting away is a match I am boss, but the means is the question. I would say I was going to a teachers meeting, which convenes during the holidays.

We will plan and think may be we can meet there.

Trying to out numerate your amount of kisses sent I am sending Eugene kisses, is it spelled correctly?

I am leaving here Saturday Aug. 8th for Victoria. If you want to make me happy let me find a letter there from the man I love, you my Buster. I will buy those two songs when I get home if they have them. Must say

7
night, night. address me.
Lura Johnson Stewart
Little Stuart Inn.
508 E. Convent St.
Victoria
Texas.

P.S. Oh, yes, the hotel is
named Little, Hunk is Little's
and I am Stewart, in name
only, so I gave it the name
above. Please excuse this
paper and pencil.

Sure wish I had a diplo-
ma from Spanish I would
apply for the work there.

I am going to specialize
in Spanish.

Circuit Court

191
1927

Docket No. B67

Olivia Elizabeth Hilburn

vs.

James H Hilburn

Order of Reference
and Report

Syons

B No. 31732
(9)

Order Filed 30 day of Nov 1927

Report Filed 12 day of Dec 1927

Olivera Elizabeth Hilburn

vs.

James H. Hilburn

IN THE
Circuit Court

OF
BALTIMORE CITY

nov Term, 1927

This case being submitted, without argument, it is ordered by the Court, this *30th* day of *November*, 1927, that the same be and it is hereby referred to *William P Lyons*, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

H. Arthur Plump

Report of Auditor and Master

Bill for divorce a mensa et thoro, filed by the wife against her husband on the ground of cruelty. Code Art. 16; Sec. 37-42.

Defendant summoned but failed to answer.

Plaintiff's residence in Baltimore City at the time of the filing of the bill proved; also that cause of divorce occurred in Baltimore city proved.

The marriage proved.

Cruelty of the defendant proved.

Case made for awarding the guardianship and custody of the minor child of the parties to the plaintiff, and charging the defendant with the maintenance and support of said child.

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

Case ready for decree.

William P Lyons
Auditor and Master.

Dec. 12, 1927

17 / 110

CIRCUIT COURT

B -191
1927 No. Docket

OLIVIA ELIZABETH HILBURN

VS.

JAMES H. HILBURN
Recorded

Folio 374 1927

Decree of Divorce

B No. 31732
(10)

fd 13 Dec 1927

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

William P. Lyons
Auditor and Master

Circuit Court

OF

BALTIMORE CITY,

.....OLIVIA ELIZABETH HILBURN.....

VS.

.....JAMES H. HILBURN.....

.....Term, 192.....

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

It is thereupon, this 13th day of December, A. D. 1927

by the Circuit Court of Baltimore City, **Adjudged, Ordered and Decreed**, that the said - - - - -
OLIVIA ELIZABETH HILBURN - - - - - ~~VINCULO MATRIMONII~~ ^{MENSA ET THORO}
the above named Complainant be and she is hereby DIVORCED A ~~VINCULO MATRIMONII~~ from the
Defendant, JAMES H. HILBURN.

.....AND it is further ordered that the guardianship and custody of.....
IDA HILBURN, minor child of the parties be and they are hereby awarded
to the Complainant, OLIVIA ELIZABETH HILBURN, and the Defendant, JAMES
H. HILBURN be and he is hereby charged with the maintenance and support
of said child and shall pay therefor and as alimony to the said Complain-
ant, the sum of \$35.00 per week, all subject to the further order of....
of this Court.....

.....And it is Further Ordered, That the said Defendant, JAMES H. HILBURN.....
pay the cost of this proceeding.

H. Arthur Stump

IN THE CIRCUIT COURT OF

BALTIMORE CITY

191-1927

OLIVIA ELIZABETH HILBURN

VS.

JAMES H. HILBURN

1944 Druid Hill
av

1100

PETITION & ORDER THEREON.

1231232

Mr. Clerk:

(11)

Please file.

Davis & Evans
ATTORNEYS FOR PLAINTIFF

DAVIS & EVANS
ATTORNEYS AT LAW

Feb 21 Feb 1928

BAUMGARTEN & CO., INC.

copy of the within Order of Court served on
James. H. Hilburn on the 23rd day of February
1928 in Presence of Joseph. E. Lynch

John E. Potee
Shuff

of the 20th

FEB 21 1928 2 49

OLIVIA ELIZABETH HILBURN : IN THE CIRCUIT COURT

VS. : OF

JAMES H. HILBURN : BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

(1) That on or about the 13th day of December, 1927 she was granted a divorce a mensa et thoro from the respondent, James H. Hilburn.

(2) That your Oratrix has not been able to pay the usual attorney's fees to counsel for representing her; that the respondent is a registered pharmacist, the proprietor of a prosperous drug store at Druid Hill Avenue and Presstman Street; that the respondent is also possessed of several valuable pieces of real estate in Baltimore City.

WHEREFORE your petitioner prays that this Honorable Court will allow a just and adequate counsel fee to her attorneys, Davis and Evans to compensate them for the services performed in this proceeding.

Davis & Evans

ATTORNEYS FOR PLAINTIFF

Ordered this 21 day of Feb 1928 that the re-
spondent pay Twenty-five to Davis and Evans as
counsel fee in the above case. *left to be notified & sent copy
of this order.*

Eugene O'Dunne

Serve on

James H. Hilburn
1944 Druid Hill Ave

Ct. Ct. ✓

B 191
1927

O. Elizabeth Hilburn

vs.

James H. Hilburn

ORDER OF COURT

B 31732
12

No. B.

Filed 7 March 1928

M 1330

Copy of the within Certificate of Court served on
James H. Hilburn on the 10th day of March 1928
in presence of Joseph E. Lyett

John E. Postee
Sheriff

Dec 10-75

MAR 8 1928 10 08 AM

THE SHERIFF'S DEPARTMENT

CLERK OF THE COURT
CITY

Olivera Elizabeth Hilburn

vs.

James H. Hilburn

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Ordered by the Circuit Court of Baltimore City this *7* day of *March* 192*8*
that the *Defendant* appear before this Court in person,
on the *12* day of *March*, 192*8* at 10 o'clock A. M., and then and there show cause,
if any he may have, why he should not be punished for contempt of this Honorable Court in not obeying the
Order of this Court passed on the *21st* day of *Feb*, 192*8* directing the
payment of ~~Alimony, pendente lite~~ *Counsel fee* by him to the *Davis Evans*
provided a copy of this Order be served on the said *James H Hilburn*
on or before the *10th* day of *March* 192*8*

Davis Evans
attys for plaintiff

Lyman O. Dunning

Serve on

James H Hilburn
1944 Druid Hill ave

Ct. Ct.

B. 191
192 7

O Elizabeth Hilburn

vs.

James H Hilburn

1944 Druid Hill ave

ORDER OF COURT

No. 31732 B.

(13)

Filed 27th July 1928
11

JUL 28 1928 12 31 PM

RECEIVED AT
THE SHERIFFS OFFICE IN

Copy of the within Order of Court served on
James H. Hilburn on the 28th day of July 1928
in presence of Joseph E Lyett

John E Potter
shury

Dec 10/28

Olivia Elizabeth Hilburn

vs.

James H. Hilburn

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Ordered by the Circuit Court of Baltimore City this 27th day of July 1928
that the Defendant appear before this Court in person,
on the 6th day of August, 1928, at 10 o'clock A. M., and then and there show cause
if any he may have, why he should not be punished for contempt of this Honorable Court in not obeying the
Order of this Court passed on the 21st day of Feb, 1928, directing the
payment of ~~Alimony, pendente lite~~ Counsel fee by him to the Davis Edwards
provided a copy of this Order be served on the said James H. Hilburn
on or before the 2nd day of August 1928

critmas

Serve on

James H. Helburn
1944 Dr. Hill Ave
corner pressman

Ct. Ct.

B 67 B 191
1927

J. Elizabeth Helburn

vs.

James H. Helburn

ORDER OF COURT

No. 31732 B.
(15)

Filed 10th May 1929

John E. Potee
Shurf

Iron End
(Lycest)

RECEIVED BY
THE SHERIFFS OFFICE
MAY 11 1929 3 48 PM

O. Elizabeth Helburn

vs.

James H Helburn

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Ordered by the Circuit Court of Baltimore City this ^{10th} day of May 1929
that the Defendant appear before this Court in person,
on the 6th day of May, 1929, at 10 o'clock A. M., and then and there show cause
if any he may have, why he should not be punished for contempt of this Honorable Court in not obeying the
~~Order~~ ^{decree} of this Court passed on the 13th day of December, 1927 directing the
payment of Alimony, ~~pendente lite~~, by him to the plaintiff
provided a copy of this Order be served on the said Defendant
on or before the 4th day of May 1929

35⁰⁰ per week.

[Signature]

nothing paid since
13th Dec 1927
O. Evans

Serve on

Ct. Ct.

B

192

vs.

ORDER OF COURT

No. B.

Filed 192

O Elizabeth Hilburn

vs.

James H Hilburn

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Ordered by the Circuit Court of Baltimore City this 10 day of May 1929
that the Defendant appear before this Court in person,
on the 6th day of May, 1929, at 10 o'clock A. M., and then and there show cause
if any he may have, why he should not be punished for contempt of this Honorable Court in not obeying the
~~Order~~ Decree of this Court passed on the 13 day of December, 1927, directing the
payment of Alimony, *pendente lite*, by him to the plaintiff
provided a copy of this Order be served on the said Defendant
on or before the 4th day of May 1929

Wuke Bond.

35 per wk
nothing paid since
13th Dec 1927
G. W. Evans.

TRUE COPY
TEST,

Charles R. Whiteford CLERK

Doc. 67 B ¹⁹¹/₁₉₂₇

**In the Circuit Court,
OF BALTIMORE CITY**

DEPOSITIONS

Olivia C. Hilburn

vs.

James H. Hilburn

No. 31732 B
167

PLAINTIFF'S COSTS

Examiners \$

Copies

Sheriff

Stenographer

\$ _____

DEFENDANT'S COSTS

Examiners \$

Copies

Sheriff

Stenographer

\$ _____

Ad 30 Nov 1927

3/13/3/37

Olivia E. Hilburn

vs.
James H. Hilburn

In the Circuit Court

OF BALTIMORE CITY.

A decree pro confesso having been passed in the above 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 *ninth* day of *June* 19*27*, met on the *nineteenth* day of *June* in the year nineteen hundred and *twenty-seven* at my office, in the city of Baltimore, in the State of Maryland, and assigned the *twentieth* day of *June* in the same year at *two* o'clock in the *after* noon and the office of *Messrs. Davis & Evans* 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:—

:

OLIVIA ELIZABETH HILBURN : In the Circuit Court of

VS. :

Baltimore City.

JAMES H. HILBURN :

Testimony taken before me, A. deRussy Sappington, Examiner, in the offices of Messrs. Davis & Evans, in Baltimore, on June 20th, 1927, at 2:00 P. M.

Mr. J. Stewart Davis appeared for plaintiff.

Thereupon---

OLIVIA ELIZABETH HILBURN,

the plaintiff, of lawful age, produced on her own behalf, being duly sworn, testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A Olivia Elizabeth Hilburn, 1402 Madison Avenue, housewife.

Q Do you know the parties to this suit?

A Yes, I am the plaintiff and my husband is the defendant.

By Mr. Davis:

Q When were you married?

A On September 10th, 1908.

Q You say your husband has treated you with great cruelty and harshness. State briefly some of those acts?

A When we were in Detroit, Michigan, there was a lady on the operating table in the back of the Doctor's office and he was back there with her between two and three o'clock in the morning and was getting ready to have intercourse with her and I interrupted it and he came home and we quarreled and then he beat me and I came home to Baltimore and returned again to Detroit. Then we had another fight in Detroit about a woman.

Q About when was that?

A Prior to January, 1916, and then we moved to Texas.

Q What occurred there?

A He had a girl up in the room that time and the same thing happened.

Q What do you mean, the same thing happened?

A Fighting. Then I came home and he wrote for me to come back again. The next time was in Baltimore and he struck me several times here.

Q Where were you living at the time?

A At 2030 Druid Hill Avenue.

Q Do you remember being struck after having an operation performed?

A I was on a lounge and he dragged me to the steps and tried to throw me down.

Q What was your condition then?

A I had just had an operation performed.

Q How long before?

A Six weeks.

Q Had you recovered from that operation?

A No.

Q When was the next time?

A At his store, at the drugstore, and he beat me severely and he ran me up Druid Hill Avenue into my mother's house.

Q What parts of your body did he beat?

A My face; I had a swollen face and my eye was black for about a week.

Q You say you were run from the store up to your mother's home?

A Yes, about a block above.

Q Did your mother or father have to treat you?

A Yes, they had to wash the blood off my face.

Q Were there any other instances after that?

A Once he came home in the morning and I refused to let him get in the bed and he threw me out of the bed. He hurt my eye.

Q What had been your conduct towards your husband, kind, faithful and affectionate?

A Yes.

Q Did you give him any cause or reason to treat you as he did?

A No, sir.

Q Were any children born as a result of the marriage?

A One child, Ida, about eighteen months old.

Q Who has the care and custody of the child?

A I have.

Q Do you want the care and custody of the child?

A Yes.

Q I understand you and your husband have agreed that thirty-five dollars would be a fair amount of alimony. Is that agreeable to you?

A Yes.

Q And you ask that amount?

A Yes, sir.

Q Have there been any other actions of brutal treatment that you have not told about?

A He called me a very hard name.

Q What was the occasion for that?

A I got after him about having women in the drugstore; his actions weren't very becoming and he called me a common bitch.

Q Did he ever use any other profanity to you?

A Yes, frequently.

Q I have here two letters. Where did you get those letters. Where did you get this one from New York, dated February 22nd, 1927?

A From his pocket.

(We offer the letter. Filed and marked "Plaintiff's Exhibit, Examiner's No. 1").

Q Where did you get the other one?

A The same place.

(We offer the letter. Filed and marked "Plaintiff's Exhibit, Examiner's No. 2").

Q Did he deny they were written to him?

A No, he didn't.

Q What was said about that?

A We fussed about it.

Q When did you separate?

A April 21st, 1927.

Q Have you forgiven or condoned his offense since
then?

A No.

Q Have you lived or cohabited with him since?

A No.

- - - -

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*

Bessie E. Holliman

Thereupon---

JOSIAH DIGGS,

a witness, of lawful age, produced on behalf of the plaintiff, being duly sworn, testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A Josiah Diggs, 2040 Druid Hill Avenue, Manager of theatre.

Q Do you know the parties to this suit?

A Yes, Mrs. Hilburn is my daughter.

By Mr. Davis:

Q Mrs. Hilburn has just testified as to several beatings administered by her husband. Did you ever see her at anytime after those beatings?

A One time.

Q When was that?

A She ran to my house and we had to wash the blood off her face. He ran her from the drugstore to our house.

Q What was her condition?

A Bleeding and her face was swollen.

Q Did you have any conversation with Hilburn relative to that beating?

A Yes, I told him never to hit her again and he promised he wouldn't.

Q Did he deny he struck her?

A No.

Q Did you ever see her after any other beatings?

A She came to our house and told us he beat her.

Q What was the condition of her face at that time?

A I don't know; I don't remember.

Q What was Mrs. Hilburn's conduct towards her husband?

A She is my daughter, but I think she has been an ideal wife.

Q Was she a kind, faithful and affectionate wife?

A Yes.

Q Did she give him any cause to treat her like he did?

A No, except for criticising him about other women.

Q There is one child; she has the child, is that right?

A Yes.

Q Is she a fit and proper person to have the child?

A Yes.

- - - -

GENERAL QUESTION

Do you know or can you state any other matter or thing that may be to the benefit or advantage of the parties to this suit, or either of them, or that may be material to the subject of this, your examination, or the matters in question between the parties? If so, state the same fully and at large in your answer.

A. ~~-----~~

No
Josiah Wigg

Thereupon---

ADELE CARR,

a witness, of lawful age, produced on behalf of the plaintiff, being duly sworn, testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A Adele Carr, 2034 Druid Hill Avenue, housewife.

Q Do you know the parties to this suit?

A Mrs. Hilburn is my sister.

By Mr. Davis:

Q Mrs. Hilburn has testified to several beatings administered to her by the defendant, James Hilburn.

Did you ever have occasion to see her after these beatings?

A Yes, I have seen her afterwards.

Q What was the condition of her face and body?

A Her eye was swollen and dark.

Q What is commonly known as a "black eye"?

A Yes.

Q Did you have any conversation with Hilburn afterwards relative to those beatings?

A Yes, I asked him why he hit her and told him he ought not do that and he said he was angry and was very sorry

Q Did he deny he beat her?

A No, he practically admitted it.

Q She states she was married on September 10th, 1908;
is that correct?

A Yes.

Q What was her conduct towards her husband?

A Perfectly all right.

Q Was she a kind, faithful and affectionate wife to
him?

A Yes.

Q Did she give him any cause or reason to treat her
as he did?

A Only getting after him about women and late hours
and things like that.

Q There is one child, that's right?

A Yes.

Q Is your sister a fit and proper person to have the
care and custody of the child?

A Yes, sir.

Q She states she lived with her husband until April
21st, 1927. To your knowledge, has she forgiven or condoned
his offense or lived with him since that date?

A No.

- - - -

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

Adelle Carr.

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 thirtieth..... day of November in the year of Our Lord nineteen hundred and twenty-seven at the City of Baltimore, in the State of Maryland.

A. de Russy Sappington (SEAL)
Examiner.

There are two..... Exhibits with these depositions, to wit:
Plaintiff's..... Exhibit s, Examiner's Nos. 1 and 2.

Defendant's..... Exhibit

A. de Russy 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 Russy Sappington
Examiner.