

IN THE CIRCUIT COURT

OF
BALTIMORE CITY

958
B

1920

Jesse Herbert Myers

vs.

Mary Myers.

Bill for Divorce
A vinculo matrimonii.

Mr. Clerk,
Please file.

W.M.C.
Davis & Bishop
Solicitors For Complainant

B 21925

(1)

DAVIS & BISHOP
ATTORNEYS AT LAW
118 E. LEXINGTON STREET
BALTIMORE, MD.

fd 9 Dec 1920

Jesse Herbert Myers

vs.

Mary Myers

*
*
*

In The Circuit Court

Of

Baltimore City.

To The Honorable, The Judge of Said Court:

Your Orator, complaining, respectfully says:

FIRST, That the parties hereto were married on or about June 13th., 1904 in Baltimore City, State of Maryland, by one Rev. Ida Nelson, a Methodist minister and lived together as man and wife until on or about September 15th 1913.

SECOND, That both parties are residents of the City of Baltimore, State of Maryland, and have been for more than two years prior to the filing of this Bill of Complaint.

THIRD, That though the conduct of Your Orator towards his wife has always been kind, affectionate, and above reproach, the Respondent without any just cause or reason abandoned and deserted Your Orator. That the said abandonment and desertion has continued uninterruptedly for more than three years prior to the filing of this Bill of Complaint; that she has declared her intentions not to live with him any longer and that the separation of the parties is deliberate and final and beyond any reasonable hope or expectation of reconciliation.

FOURTH, That Your Orator has never condoned said offense of desertion and abandonment.

FIFTH, That there is one child, Jesse Herbert Myers, Jr age fifteen years, born as a result of this marriage.

WHEREFORE YOUR ORATOR PRAYS:

- a- A divorce a vinculo matrimonii from the respondent.
- b- Care and Custody of the minor child Jesse Herbert Myers.
- c- Such other and further relief as the case may require.

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

As in duty bound he will ever pray etc.

Jesse H. Myers.

Complainant.

Danno Bishop

Solicitors for Complainant.

419

958

Ct. Ct.

192 Dec

Docket No.

Myers

Myers
214 N Mount St

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pr

B

No. 21925
(2)

Filed 13 Dec 1920

Darr & Bishop
SOLICITOR

13

Summoned and a copy of the process left with
the defendant.

Thomas J. McMurtry
Sheriff

(Ring) 12/11/20 Fees \$0.80

EQUITY SUBPOENA

The State of Maryland

To

Mary Myers SP. 12/11/20

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said City, on the second Monday of *December* 192*0*, to answer the complaint of

Jesse H Myers

against you in said Court exhibited.

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 *8* day of *November* 192*0*

Issued the *9* day of *December* in the year 192*0*

Chas R. Whiteford Clerk.

Notice to the person summoned:

"Personal attendance in Court on the day named in the above writ is not required; but unless within fifteen (15) days after the return day, legal defense is made in the above mentioned suit a Judgment by default may be entered against you."

758

Ct. Ct.

1920

Docket

Jesse Herbert Myers

vs.

Mary Myers.

Decree Pro Confesso.

Saff
B 21925
No.

3

Filed

30 Dec 1920

Jesse Herbert Myers
vs.

Mary Myers.

IN THE
Circuit Court
OF
BALTIMORE CITY.

November Term, 1920

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 30th day of December in the year nineteen hundred and twenty 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.

Robert F. Stanton

STATE OF MARYLAND,
BALTIMORE CITY, SCT :

I hereby certify that on this 29th day of December 19 20 before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City aforesaid, personally appeared Jesse Herbert Myers, — 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.

Arthur D. Rogers

Notary Public.

Jesse H. Myers,

5/12/1915

Doc. 73 758
1920

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Jesse D. Myers

vs.

Mary Myers

No. 2192573

PLAINTIFF'S COSTS

Examiners \$ 8⁰⁰

Copies _____

Sheriff _____

Stenographer 2⁰⁰

\$ _____

DEFENDANT'S COSTS

Examiners \$ _____

Copies _____

Sheriff _____

Stenographer _____

\$ _____

Ad 19 Jan 1921

Jesse H. Myers

vs.

Mary Myers

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 thirtieth day of December 1920, met on the thirty-first day of December in the year nineteen hundred and twenty at my office, in the City of Baltimore, in the State of Maryland, and assigned the third day of January in the same year ¹⁹²¹ at three o'clock in the after-noon 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:—

82-13

1

MYERS

VS

MYERS

Testimony taken at the office of Messrs. Davis and Bishop, 118 East Lexington Street, Baltimore, Maryland, on Monday, January 3rd, 1920, at three o'clock, p. m.

JESSE H. MYERS, the plaintiff in this case, produced on his own behalf, having been first duly sworn, deposes and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name, residence and occupation?

A. Jesse H. Myers, 204 Otterbein Street; chauffeur.

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

A. I am the plaintiff, and my wife is the defendant.

BY MR. BISHOP:

1 Q. When and where were you married?

A. I was married June 13th, 1904, in the City.

2 Q. Baltimore City?

A. Yes, Baltimore City.

3 Q. State of Maryland?

A. Yes.

Jesse H. Myers

4 Q. By whom?

A. By the Reverend Mr. Nelson.

5 Q. Methodist or Baptist minister?

A. Methodist minister.

6 Q. And you lived with your wife until how long?

A. Up until September 15th, 1913.

7 Q. You are a resident of the State of Baltimore?

A. Yes.

8 Q. And you have been for how long?

A. For the last twenty-one years.

9 Q. Continuously up until the time of the filing of this bill?

A. Yes.

10 Q. And is your wife a resident of Baltimore City?

A. Yes.

11 Q. And has been for a number of years?

A. Yes, she was born here.

12 Q. And she lives here now?

A. Yes.

13 Q. How did you treat your wife?

A. I treated her first class; the best that she could be treated; I treated her like a husband.

14 Q. Did you leave her?

Jesse H. Myers

A. No sir, she left me.

15 Q. On or about the 15th of September, you say?

A. Yes, 1913.

16 Q. Did you give her any cause or reason to abandon and desert you?

A. No sir.

17 Q. Has that abandonment and desertion continued uninterruptedly since the time of her abandonment of you on September 15th, 1913?

A. Yes.

18 Q. And for more than three years prior to the filing of this suit?

A. Yes.

19 Q. Has she ever told you whether she intended to come back or not?

A. She told me once that she never intended to come back.

20 Q. As far as you are concerned is there any reasonable expectation or hope of you ever living together any more?

A. No sir, there is not any hope.

21 Q. Have you ever condoned or forgiven her for deserting you, or have you ever lived or cohabited with her?

A. No sir.

Jesse H. Myers

22 Q. There is a child, isn't there?

A. Yes.

23 Q. A boy or a girl?

A. A boy.

24 Q. What is the boy's name?

A. Jesse.

25 Q. How old?

A. Fifteen years old.

26 Q. Do you want the Court to grant you the custody of the child?

A. Yes.

27 Q. Just state exactly what happened on the day that she left you?

A. On the day that she left me I was at work, and when I came home I found my clothes packed in the house in a suitcase, in the middle of the floor and the house was empty, and this young man here came and explained it to me, and said that she had sent for him and he told me what had happened; I did not know anything about it until I had come home from work.

28 Q. She took her stuff and left?

A. Yes, she took her stuff and left; she just left my clothes in a shoe case.

Jesse H/ Myers

29 Q. Did you, after that time, try to get her to come back to you?

A. I did; I tried once and she told me that she would never live with me any more.

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

Jesse H. Ingers

~~W~~EDDY MYERS, a witness of lawful age, produced on behalf of the plaintiff, having been first duly sworn, de-
poseth and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name, residence and occupation?

A. ~~W~~eddy Myers, 804 Pierce Street; I do washing.

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

A. Yes, he is my son.

BY MR. BISHOP:

1 Q. You were not present at the marriage?

A. No sir.

2 Q. But you know that they were married in Baltimore City?

A. Oh, yes; I saw the license a dozen of times; it was hanging in the house.

3 Q. And you lived above them on the same street, did you not?

A. Yes, and they were getting along very nicely until she started to run around.

4 Q. Did Mr. Myers leave his wife, or did she leave him?

A. She left him.

5 Q. When?

A. Let's see, - it was in September, wasn't it.

Reddy Myers

6 Q. What year?

A. It has been about six or seven years ago.

7 Q. He has alleged that it was in September, 1913; can you state whether or not that is about the time?

A. Yes.

8 Q. Both your son and his wife have lived in Baltimore City, Maryland, up until the present time?

A. Yes.

9 Q. And that has been for more than two years prior to the filing of this suit?

A. Yes.

10 Q. And they both live here now?

A. Yes.

11 Q. And you had an opportunity to observe his conduct towards his wife during the time you frequently visited them, &c.; tell us what that was?

A. He got along with her splendidly; there was not any bad behavior.

12 Q. He provided for her well?

A. Yes, plenty.

13 Q. And his conduct was that as it should be?

A. Yes,,I thought it was very nice until she got running around.

Betty Myers

14 Q. Did he give her any reason or cause to desert him?

A. No sir, not that I know of.

15 Q. How do you know that she left him?

A. Why, she left the things in the house and she was gone. When the boy came home she was gone then he came and told me.

16 Q. Did you ever have a talk with her after the separation?

A. Yes.

17 Q. What did she say with reference as to which left the other?

A. She said that she had left him, and I asked her whether she was ever going back to him and she said never.

18 Q. Now, they have one child as the result of this marriage?

A. Yes.

19 Q. A boy, wasn't it?

A. Yes.

20 Q. He is a boy fifteen years old, you say; that is right, is it not?

A. Yes.

Beddy Myers

21 Q. Do you think your son is the fit and proper party to have the care and custody of the child?

A. Yes.

22 Q. Has this abandonment continued uninterruptedly since September, 1913?

A. Yes.

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

A. Yes.

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

A. No sir.

25 Q. You know that your son and his wife were married, and that they lived together as husband and wife, and were always known and recognized in the community in which they lived as such?

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.---

W

Debley

*Per
& Myers
mark*

List:

Robert M. Galt

CHESTER MYERS, a witness of lawful age, produced on behalf of the plaintiff, having been first duly sworn, deposes and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name, residence and occupation?

A. Chester Myers, 602 Jasper Street; laborer.

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

A. Yes.

BY MR. BISHOP:

1 Q. You know that they were married and lived in Baltimore, and you visited their house during the time they lived together?

A. Yes.

2 Q. And everybody knew them to be husband and wife?

A. Yes.

3 Q. And that was about 1904 that they were married?

A. Yes.

4 Q. you visited them frequently?

A. Yes.

5 Q. And you had an opportunity to observe the conduct of the plaintiff towards his wife?

A. Yes.

6 Q. How did he treat her?

A. The best that he knew how; the best that he could;

Chester Myers

everything was going fine while I was there.

7 Q. You know about the time of the separation?

A. Yes.

8 Q. Which left the other?

A. She left him.

9 Q. She left him?

A. Yes, she came down to the house and told me, - she said for me to get the boy and I took him up to the house and she said that she did not want her husband and more, and when he came his clothes would be backed in a box and when he came from work I told him, and I have seen her several times since then.

10 Q. It is alleged that the separation took place September 15th, 1913; do you know whether that is correct?

A. Yes.

11 Q. Both Mr. and Mrs. Myers live in Baltimore City, - they live here now, and they have lived here for more than two years prior to the filing of this suit?

A. Yes.

12 Q. As a matter of fact she was born here?

A. Yes.

13 Q. And has lived here all her life?

A. Yes.

Chester Myers

14 Q. As far as you were able to observe he gave her no cause to leave him?

A. No sir, not that I know of.

15 Q. Has this abandonment continued uninterruptedly for at least three years prior to the filing of this suit?

A. Yes, there has never been any change; they have never gone back together.

16 Q. Nor have they lived or cohabited together?

A. No sir.

17 Q. Nor has he ever condoned any of her offenses or forgiven her?

A. No sir.

18 Q. You have talked with her since the separation?

A. Yes.

19 Q. What has she told you since the separation?

A. She said that she would never go back any more, and I have seen her with a friend of hers in the market, and she said that he was not the only man in Baltimore.

20 Q. Meaning her husband?

A. Yes.

21 Q. This friend that you talk about was a male companion of hers?

Chester Myers

A. Yes.

22 Q. They have one child as the result of this marriage?

A. Yes.

23 Q. Boy or girl?

A. Boy.

24 Q. What is his name?

A. Jesse.

25 Q. How old?

A. Fifteen.

26 Q. State whether or not said abandonment was deliberate and final on her part; did she deliberately and finally abandon and desert her husband?

A. Yes.

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

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.---

W

Wreston Myers

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 January 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

758
19 20

Docket No.

Myers

vs.

Myers

Order of Reference
and Report

Coe

B 21925

No.

5

Order Filed 31 day of Jan 1920

Report Filed day of 19

Jesse H. Myers

vs.

May Myers

IN THE
Circuit Court

OF

BALTIMORE CITY

Jan

Term, 1921

31st/₄

This case being submitted, without argument, it is ordered by the Court, this day of January, 1921, 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 and for the custody of the minor child of the parties filed by the husband against his wife on the ground of abandonment. Code 1911, Art. 16, secs. 36-41.

Defendant summoned.

Residence of both parties 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. Cox

Auditor and Master.

Fee \$9 paid.

February 2nd, 1921.

CIRCUIT COURT

B-758-

1920.

No. 60 Docket

JESSE HERBERT MYERS

VS.

MARY MYERS

Decree of Divorce

B 21925

B No.

6

At 2 February 1921

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

Ward B. Cox

Auditor and Master.

Decree of Divorce

IN THE

Circuit Court

OF

BALTIMORE CITY

JESSE HERBERT MYERS

VS.

MARY MYERS

January Term, 1921.

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

It is thereupon, this *Second* day of *February*, A. D. 1921, by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said - - - - - Jesse Herbert Myers - - - - - the above named Complainant be and he is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, the said Mary Myers.

AND IT IS FURTHER ORDERED that said complainant shall have the guardianship and custody of Jesse Herbert Myers, Jr., the minor child of the parties in the proceedings mentioned, until the further order of this Court.

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

Charles H. Hunsler