

Inherent Court  
of  
Baltimore City

Nelson (1919)

vs

Nelson

Brief for J. Steward A. Davis

Mr. Clerk please file

(J. Steward A. Davis)

319959

(1)

J. STEWARD DAVIS

ATTORNEY AT LAW

118 E. LEXINGTON STREET

BALTIMORE, MD.

At 16 September 1919

Madison Nelson

In The Circuit Court

vs.

of

Ella Nelson

Baltimore City

-----  
To The Honorable, The Judge of Said Court:

Your Orator complaining, respectfully states:

FIRST: That the parties hereto were married in Baltimore city, state of Maryland, by rev. *Jones*, a minister of the gospel/on or about the 15<sup>th</sup> day of Feb. in the year 1910 and lived together as man and wife until on or about August 15, 1911.

SECOND: That Your Orator is a resident of the city of Baltimore, state of Maryland and has been for more than two years prior to the filing of this bill of complaint. That the defendant is also a resident of the city of Baltimore, state of Maryland.

THIRD: That though the conduct of Your Orator towards his wife has always been kind affectionate and above reproach, she, without just cause or reason, abandoned and deserted him and has declared her intentions to live with him no longer: that such abandonment has continued, uninterruptedly for more than three years prior to the filing of this bill of complaint, and was deliberate and final and beyond any reasonable hope or expectation of reconciliation.

FOURTH: That Your Orator has never condoned nor forgiveness on the desertion, nor has he cohabited with the defendant since the said desertion.

FIFTH: That there are no children born as a result of said marriage.

WHEREFORE YOUR ORATOR PRAYS:

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

-b- such other and further relief as the case may require

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

As in duty bound etc.

<sup>his</sup>  
Madison X Nelson  
-----  
complainant

*(P. F. J. Paris)*  
-----  
Solicitor for complainant.

Witness -  
Arthur W. Rogers,

State of Maryland            )  
  )    To Wit.  
Baltimore city                )

I hereby certify that on this 11th day of Sept in the year of Our Lord, nineteen hundred and nineteen, before me the subscriber, a Notary Public, in and for the county of Baltimore, state aforesaid, personally appeared Madison Nelson, the complainant in the foregoing bill and made oath in due form of law that the matter contained therein was true to the best of his knowledge and belief.

*Arthur W. Rogers*  
-----  
Notary Public.

165-  
65  
825  
65  
2475  
165  
20  
140

306 LK

610 B59 Ct. Ct.

191 9 Docket No.

Writ to Keller

Nelson  
635 N. Central Ave.

Nelson  
1415 Milliman St.

**SUBPOENA TO ANSWER BILL OF COMPLAINT**

*Put*

No. 319959

(2)

Filed 14 Oct 1919

J. Stewart Lewis  
SOLICITOR

SP 3473 3

*Thomas F. Mc Nulty*  
*Sheriff*

*Non Est.*  
*(Finkelstein)*



EQUITY SUBPOENA

The State of Maryland

On

*Olla Nelson*

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 *October* 191 *9* to answer the complaint of

*Madison Nelson*

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 *Sept* 191 *9*

Issued the *16* day of *Sept* in the year 191 *9*

*Chas R. Whitford* Clerk.

Notice to the person summoned:

“Personal attendance in Court on the day named in the above writ is not required; but unless within such number of days thereafter as the law limits, legal defence is made in the above mentioned suit a Judgment by default may be entered against you.”

**Ct. Ct.**

**191**

**Docket No.**

**SUBPOENA TO ANSWER BILL OF COMPLAINT**

No.

Filed . . . . . 191

**SOLICITOR**

EQUITY SUBPOENA

The State of Maryland

To

*Illa Nelson*



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 *October* .191*9*, to answer the complaint of

*Madison Nelson*

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 *Sept* 191*9*

Issued the *16* day of *Sept* in the year 191*9*

*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 such number of days thereafter as the law limits, legal defence is made in the above mentioned suit a Judgment by default may be entered against you.”

355 LK

610  
1919

D 59

Ct. Ct.

Docket No.

Nelson

vs.

635 Centre Ave

Nelson

14 N Williamson St

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro

11/6/19

No.

D 19959

(3)

Filed

8 Nov

1919

Steward Davis  
SOLICITOR

BP 3473-1-3

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

Thomas J. McInulty  
Sheriff.

(Finkelstein) 11/9/19

Fee \$0.50.



EQUITY SUBPOENA

The State of Maryland

To

*Ella Nelson*

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 *November* 19*19*, to answer the complaint of

*Madison Nelson*

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<sup>th</sup>* day of *Sept* 19*19*

Issued the *17* day of *October* in the year 19*19*

*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 such number of days thereafter as the law limits, legal defence is made in the above mentioned suit a Judgment by default may be entered against you"

3/12/12/74

610  
1919

In the  
Circuit Court  
of  
Baltimore City.

-----  
Madison Nelson  
Vs  
Ella Nelson  
-----

Answer of Defendant  
to Bill of Complaint.

-----  
Mr. Clerk:  
Please file.

*Howard Sweeten*

Solicitor for Defendant.

B 19959

(4)  
A 12 Nov 1919



*Mr. Cant*  
610 Cir. Ct.  
1919 *BSG* Docket No. ....  
*Madison Nelson*

vs.

*Ella Nelson*

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GENERAL REPLICATION

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Mr. Clerk,

Please file,

*C. J. Fair*

*B* Solicitor for Plaintiff.

No. *19959*

*57*  
Filed *17 Nov* 191*9*



Madison Nelson

vs.

Ellen Nelson

In the CIRCUIT COURT  
of Baltimore City

Sept

TERM 1917

The Plaintiff join issue on the matters alleged in the answer of

defendant

so far as the same may be taken to deny or avoid the allegations of the bill

(E. W. Davis)

Solicitor for Plaintiff.

**CIRCUIT COURT**

610  
1919 *BS* Docket No.

*Melba Melan*

vs.

*Ellie Melan*

Order 19

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

*BS*  
No. 19959

(6)

Fd 17 Nov 1919

Madison Nelson

vs.

Ella Nelson

IN THE  
Circuit Court  
OF  
BALTIMORE CITY

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

THE PETITION OF Madison Nelson

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

(Sam) Davis  
Solicitor for complainant

ORDERED, this 17 day of November 1919, that  
leave be granted to the parties to the cause, to take testimony, as prayed, before any one  
of the Standing Examiners of this Court.

James P. Gorter

610  
1919 *B 59* Circuit Court  
Docket No. \_\_\_\_\_

Madison Nelson

*Eda* vs.  
*Madison Nelson*

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

Mr. Clerk, *lev*

Please file,

*(John) Day*

Solicitor for Plaintiff.

No. *B 19959*  
*(5)*

Filed *27 April* 19 *20*



Madison Nelson

\_\_\_\_\_  
\_\_\_\_\_  
vs.  
Ella Nelson  
\_\_\_\_\_

*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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

P. E. Dani

Solicitor for Plaintiff,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Howard Sweeten

Solicitor for Defendant.

Circuit Court

610  
19 19 BJ9 Docket No.

Nelson

vs.

Nelson

---

Order of Reference  
and Report

---

B. Col  
19959  
No

(9)

Order Filed 27 day of June 19 20  
Report Filed        day of        19

Madison Nelson

vs.

Illa Nelson

IN THE  
Circuit Court

OF

BALTIMORE CITY

March

Term, 19

20

This case being submitted, without argument, it is ordered by the Court, this 27 day of April, 1920, that the same be and it is hereby referred to Ward B. One, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Robert F. Stumm

Report of Auditor and Master

Bill for divorce a vinculo matrimonii filed by the husband against his wife on the ground of abandonment. Code 1911, Art. 16, secs. 36-41.

Defendant summoned and answers by solicitor.

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.

More than thirty days have elapsed since the filing of the bill.

Case submitted and ready for decree.

Ward B. One

Auditor and Master.

Fee \$9 paid.

April 28th, 1920.

104

# CIRCUIT COURT

B-610-  
1919.

No. 59 Docket

MADISON NELSON

VS.

ELLA NELSON.

## Decree of Divorce

B 19959  
B No. (10)

At 28 April 1920

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

*Mand B. Cox*  
Auditor and Master.



11

Decree of Divorce

IN THE

**Circuit Court**

OF

BALTIMORE CITY

MADISON NELSON

VS.

ELLA NELSON

Term, 19.20.

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

It is thereupon, this 28<sup>th</sup> day of April, A. D. 1920, by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said Madison Nelson the above named Complainant be and he is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, the said Ella Nelson.

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

*Robert F. Stanton*

Docket B. 610/1919

IN THE CIRCUIT COURT

Madison Nelson

vs

Ella Nelson

DEPOSITIONS

13 No. 19959

PLAINTIFF'S COSTS

Examiner \$ 8.00

Copies

Notices

Sheriff

Stenographer 1.50

\$ 9.50 Paid.

DEFENDANT'S COSTS

Examiner \$

Copies

Notices

Sheriff

Stenographer

\$

ALFRED J. CARR, Examiner

Filed 24 day of Dec 19 19 19

\_\_\_\_\_

Madison Nelson

vs.

\_\_\_\_\_

Ella Nelson

\_\_\_\_\_

In the Circuit Court

OF BALTIMORE CITY

\_\_\_\_\_

The above entitled cause being at issue

and notice having been given me by the Solicitor for the Plaintiff

of a desire to take testimony in the same, I, ALFRED J. CARR, 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 \_\_\_\_\_

17th \_\_\_\_\_ day of November \_\_\_\_\_ 19 19 \_\_\_\_\_, met on the \_\_\_\_\_

10th \_\_\_\_\_ day of December \_\_\_\_\_ in the year nineteen hundred and nineteen \_\_\_\_\_ at my office, in the City of Baltimore, in the State of Maryland, and assigned the \_\_\_\_\_

17th \_\_\_\_\_ day of December \_\_\_\_\_ in the same year at \_\_\_\_\_

1.30 \_\_\_\_\_ o'clock in the \_\_\_\_\_

after \_\_\_\_\_ noon and the office of the Examiner, \_\_\_\_\_ 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 Solicitors \_\_\_\_\_ of the \_\_\_\_\_

respective parties \_\_\_\_\_ to take the following deposition, that is to say:

MADISON NELSON, the Plaintiff, produced as a witness on his own behalf, being duly sworn, deposes and saith as follows- that is to say-

BY THE EXAMINER:

1 Q- State your name, residence and occupation?

A- Madison Nelson, 522 N. Eden St., Baltimore; laboring work.

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

A- I am Madison Nelson and Ella Nelson is my wife.

BY MR. DAVIS: :

3 Q- In your bill of complaint you allege you were married on the 15th of February, 1910, is that true?

A- Yes sir, I was married on Aisquith St., Walsh's church, by Rev. Dr. Sephas.

4 Q- Were there any children?

A- No sir.

5 Q- How long have you and your wife continuously, prior to November, 1919, been a resident of the City of Baltimore, State of Maryland?

A- I have been a resident of the city of Baltimore for sixteen years, and my wife since we were married, and before.

6 Q- What was your treatment and conduct towards your wife during the whole of your married life?

A- I did the best I could for her, but she wasn't any wife to me. I did the best I could for her. I was kind, affectionate and true to her, and provided her with a home.

Madison Nelson.

7 Q- How did she treat you?

A- She wasn't any wife to me at all. She was gone night and day. I had to do for myself, just like I am doing now.

8 Q- Are you and your wife living together now?

A- No sir.

9 Q- When did you separate and which one left the other?

A- After she said she wouldn't live with me, she said didn't want me, then she left me.

10 Q- Where were you living at the time of the separation?

A- On Sterling St., Baltimore City.

11 Q- What, if anything, did she say the day she abandoned you?

A- She said she didn't want to live with me any more.

She wouldn't live with me any more, she didn't want anything more to do with me.

12 Q- When was that?

A- August 15th, 1911.

13 Q- Since August 15th, 1911, have you lived with or cohabited with your wife?

A- No sir.

14 Q- Since your wife abandoned you in 1911, have you seen her or had any talk with her?

A- No sir. I think I seen her about three times since then. I met her on the street, she passed on, didn't have any talk with her at all.

15 Q- Has she, at any time, requested you to take her back



Madison Nelson.

and live with you?

A- No sir.

16 Q- Do you know where she is living?

A- No sir, she is kind of a traveling woman; first one place then the other.

17 Q- Has the abandonment of you by your wife continued uninterruptedly for more than three years prior to the 12th day of November, 1919?

A- Yes, much over three years; ever since she left me in 1911.

18 Q- Was her abandonment of you her own deliberate and final act?

A- She went because she wanted to go. She said she wouldn't live with me any more or have anything to do with me.

19 Q- What cause, if any, did you give her?

A- Not any to my knowing.

20 Q- In your opinion, is there any reasonable hope of you being reconciled and living together again?

A- No sir, never.

- - - - -

Mr. Sweeten: No Questions.

- - - - -

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.*

*W. Madison Nelson*  
*Wm. N.*

PETE NELSON, a witness produced on behalf of the Plaintiff, being duly sworn, deposes and saith as follows-  
that is to say-

BY THE EXAMINER:

1 Q- State your name, residence and occupation?

A- Pete Nelson, 1245 Edward St., charge of a shipping department, Government Quartermaster.

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

A- I have been knowing him all his life; he is my father and the defendant is his second wife, my step-mother.

BY MR. DAVIS:

3 Q- Are your father and the defendant in this case man and wife, and if they are, state how you know it?

A- I didn't see them get married. He showed me his license, he was going to get married, and they lived together as man and wife, and that was their reputation.

4 Q- Did you visit them?

A- No sir, I never visited them while they was together.

5 Q- How did your father treat his wife, if you know?

A- I couldn't tell you nothing about that at all, sir, I didn't visit them, but I am sure he treated her all right. I know he gave her a good home, as far as I know.

6 Q- Are they living together now?

A- No sir, because I visit him often myself.

7 Q- Which one left the other and when?

A- I know that she left him about August 15th, 1911, and

Pete Nelson.

he was around the house and told me she had left him. He was by himself again.

8 Q- You know they were living on Stockton St.?

A- Yes sir, and after she left him, he moved down on Eden St.

9 Q- Have they lived or cohabited together since you know she had left him?

A- No.

10 Q- How long ago is it since she left him?

A- 1911.

11 Q- Any children born of this marriage?

A- No sir.

12 Q- Have your father and step mother been residents of the City of Baltimore for more than two years prior to September, 1919?

A- Yes, they have been here over that. My father has been here for sixteen years, and she has been here since I knew of her, when she married him.

13 Q- Has the separation and abandonment between these parties continued uninterruptedly for at least three years prior to November, 1919?

A- Yes, ever since she left him; that's back in 1911.

14 Q- Was it her own deliberate and final act?

A- Yes, it was.

15 Q- Is there in your opinion any reasonable hope or expectation of reconciliation?

Pete Nelson.

A- No sir.

Mr. Sweeten: No Questions.

- - - - -



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.*

*J. Nelson*

LUTHER NELSON, a witness produced on behalf of the Plaintiff, being duly sworn, deposeth and saith as follows- that is to say-

BY THE EXAMINER:

1 Q- State your name, residence and occupation?

A- Luther Nelson, 1420 McElderry St., I work for a commission merchant.

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

A- Yes sir, the plaintiff is my father, and the defendant is my step-mother.

BY MR. DAVIS: :

3 Q- Are they man and wife, and if you say they are, tell me how you know it?

A- I only know by him telling me he was going to get married and showing me the license, and after that they lived together as man and wife.

4 Q- Did you visit them?

A- I remember visiting them once in Sterling St., I went to visit my father, and she wasn't there.

5 Q- What was their general reputation among their friends and acquaintances and the people in the neighborhood in which they lived?

A- They were considered man and wife.

6 Q- Were there any children?

A- Not to my knowing. I haven't known them to have any children since they are married.

Luther Nelson.

7 Q- Have or not your father and your step-mother been residents of the city of Baltimore, state of Maryland for more than two years prior to September, 1919?

A- My father lived here since 1905, since he lived in Baltimore, and I know she lived here since he had the license and got married.

8 Q- Which one left the other?

A- My father told me she left him. They were living at that time on Sterling St., and then he moved after she left him to Eden St., and I know he has not had anything to do with her or lived with her since that.

9 Q- Has the abandonment of the plaintiff by the defendant continued uninterruptedly for more than three years prior to September, 1919?

A- Oh, yes sir.

10 Q- Was or not the abandonment of your father by his wife her own deliberate and final act?

A- From the treatment, the way she used to treat him, must have been the cause, because he used to always tell us the way his wife used to treat him, she left him of her own accord.

11 Q- In your opinion, is there any reasonable hope that they would live together again?

A- I don't think there is any possible chance of them living together again.

Mr. Sweeten: No Questions.

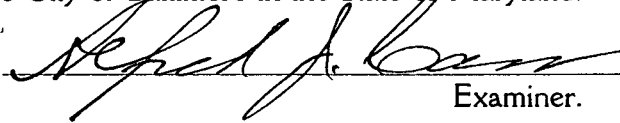

Question by the Examiner:

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.*

*Luther Nelson*

No other witnesses being named or produced before me, I then, at the request of the solicitor s of the respective parties closed the depositions taken in said cause, and now return them closed under my hand and seal, on this 24th day of December in the year of our Lord nineteen hundred and nineteen at the City of Baltimore in the State of Maryland.

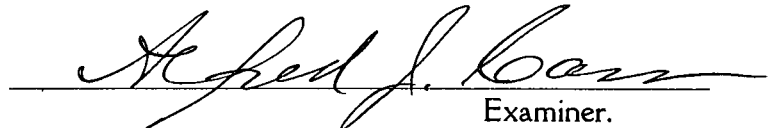
   
Examiner.

There are no Exhibits with these depositions, to wit:  
Plaintiff's          Exhibit

Defendant's          Exhibit

  
Examiner.

I, ALFRED J. CARR, 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         .

  
Examiner.