

64 B 618  
IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

JOSEPH H. THOMAS, JR.,

VS.

MELINEE R. C. THOMAS.  
1822 Madison Avenue.

B 27564

BILL OF COMPLAINT

(1)

Mr. Clerk:-  
Please file.

*Frank C. Muller*

Attorney for Complainant.

sd 4 Sept 1924

JOSEPH H. THOMAS, JR.,

VS.

MELINEE R. C. THOMAS

IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

---

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

Your Orator, Joseph H. Thomas, Jr., complaining says:-

1. That he was lawfully married to the said Defendant, Melinee R. C. Thomas, October 20, 1913 by Rev. A. L. Gaines, in the City of Baltimore, State of Maryland.
2. That four children were born to the parties as the result of said marriage, viz., Alice Thomas, age ten years, James Thomas, age nine years, Jerome Thomas, age eight years and Dorothy Thomas, age seven years.
3. That ever since the marriage aforesaid your Orator has always been a kind, faithful and affectionate husband.
4. That the said Defendant without any just cause or reason abandoned and deserted your Orator in the City of Baltimore, State of Maryland, on or about May 30, 1921 and declared her intention to live with him no longer; that said abandonment was her final and deliberate act and has continued uninterruptedly to the present time; and that the separation of the parties is beyond any reasonable hope or expectation of reconciliation.
5. That your Orator is a resident of the City of Baltimore, State of Maryland, and has been a resident thereof for more than two years prior hereto.

TO THE END, THEREFORE:-

(a) That your Orator, Joseph H. Thomas, Jr., may be divorced A VINCULO MATRIMONII from the said Melinee R. C. Thomas.

(b) That he may be awarded the care and custody of the said James Thomas, one of the infant children mentioned in these proceedings, and that the said Melinee R. C. Thomas may be awarded the care and custody of the said Alice Thomas, Jerome Thomas and Dorothy Thomas, the other three infant children mentioned in these proceedings.

(c) That your Orator may have such other and further relief as his case may require.

---

MAY IT PLEASE YOUR HONOR to grant unto your Orator, Joseph H. Thomas, Jr., the writ of subpoena directed to the said Defendant, Melinee R. C. Thomas, residing at 1822 Madison Avenue, Baltimore City, State of Maryland, commanding her to be and appear in this Court in person or by solicitor on or before some certain day to be named therein, to answer the premises and abide by and perform such decree as may be passed therein.

AND as in duty bound, etc.



---

Attorney for Complainant.

P-371

618  
192 4 B60 Ct. Ct.  
Docket No.

Thomas J  
Thomas

SUBPOENA TO ANSWER BILL OF COMPLAINT

1827 Madison Ave

No. Ch Curry  
B 27564

Filed 8 Sept 1924  
14 Oct 4  
John N Schmuller SOLICITOR  
331 Belmont B.  
11.

non est  
(Lyett)

John E Patee  
Sheriff

9/8 4

REISSUED TO  
October 1924  
Chas P Whittaker  
SOPK

Summoned and a copy of the Progers left with  
the Defendant  
(Lyett  
9/26/24)  
Fee \$0.80

EQUITY SUBPOENA

The State of Maryland

To

Melnee R. C. Thomas

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

Joseph H. Thomas Jr.

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 14 day of July 1920

Issued the 4 day of Sept, in the year 1920

Clark Whiteford

Clerk

MEMORANDUM: You are required to file your answer or other defense in the Clerk's Office, room 206, in the Court House, Baltimore City, within fifteen days after return day.

(General Equity Rules 11)

618  
1924 B Docket 64 Ct. Ct.

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Joseph H. Thomas, Jr.,

vs.

Melinee R. C. Thomas.

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**Decree Pro Confesso.**

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P 27564  
No.  
4

Filed 31 Oct 1924

[Decree Pro Confesso]

Joseph H. Thomas, Jr.,

vs.

Melinee R. O. Thomas.

IN THE  
**Circuit Court**  
OF  
BALTIMORE CITY.

*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 - - - - *31<sup>st</sup>* - - - - day of - - - - *October* - - 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. Steen*

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

*64 B 619*

JAMES H. THOMAS

*1924*

VS.

MELINEE R.C. THOMAS

RESPONDENT'S ANSWER.

Mr. Clerk:-

Please file.

*Davis & Evans*

ATTORNEYS FOR RESPONDENT.

*B 27564*

*157*  
J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

*Ad 3 Nov 1924*



JAMES H. THOMAS : IN THE CIRCUIT COURT  
VS. : OF  
MELINEE R. C. THOMAS : BALTIMORE CITY.

---

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The answer of your respondent to the bill of complaint in the above entitled case is as follows:

1. That she admits the allegations contained in the first paragraph of the complainant's bill.
2. That she admits the allegations contained in the second paragraph of the complainant's bill.
3. That she denies with great emphasis the allegations contained in the third paragraph of the complainant's bill.
4. That she denies with great emphasis the allegations contained in the fourth paragraph of the complainant's bill.
5. That she admits the fifth paragraph of the complainant's bill.
6. And further answering said bill, your respondent says that she is destitute and without the proper funds to defend this action and support herself and infant children. She is advised by counsel that she may petition this honorable Court that the defendant be required to pay her a reasonable amount as counsel fee for her defense and an amount sufficient to support herself and three children, as alimony pendente lite.
7. Your petitioner is a huckster and makes or ought to make about one hundred dollars per week.

WHEREFORE your respondent prays:

(a) That she may be granted counsel fee and alimony pendente lite, *permanent alimony*

(b) That the bill be dismissed with costs to the complainant.

(c) Such other and further relief as her case may require.

*James T. Evans*  
ATTORNEYS FOR RESPONDENT.

John W. Solmalle

618  
1924

Ct. Ct.

No. 1364 Docket

Joseph Thomas

vs.

Melinae P. C. Thomas

MOTION FOR HEARING

B 27564

No.

4

Filed 7 day of Mar 1924

Davis &  
Swans

Joseph H Thomas Jr

vs.

Melinae R.C. Thomas

IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

The *Defendant* by *Davis T Evans*  
*her* Solicitor, applies to have the above entitled cause placed on the Trial Calendar

for hearing *on alimony pendente lite and counsel fees*

in conformity with the First Equity Rule.

Solicitor for *Defendant*

Serve on  
John W. Lohmuller

Prove admitted  
John W. Lohmuller  
Atty  
March 10/25

618 Ct. Ct.  
~~B-518~~  
1924 No. Docket

JOSEPH H. THOMAS JR.

vs.

MELINEE R.C. THOMAS

**NOTICE OF HEARING**

1 copy

B No. 27864  
287

No. \_\_\_\_\_

Filed \_\_\_\_\_ day of \_\_\_\_\_ 192

Hecht

Copy of the within Notice served on John W. Lohmuller,  
Solicitor on the 10th day of March, 1925 in  
the presence of Louis Hecht  
John E. Patee Sheriff  
Fee \$0.50

ONE WALL  
NEW LEDGER

331  
Calvert  
B

COURT

JOSEPH H. THOMAS Jr.

VS

MELINEE R.C. THOMAS

IN THE

**CIRCUIT COURT**

OF BALTIMORE CITY

Upon application made by the Solicitor for the DEFENDANT

the above entitled cause has been placed upon the trial calendar in accordance with the provisions of the First Equity Rule, and the same will stand for hearing on ALIMONY PENDENTE LITE AND COUNSEL FEE

when reached in due course on said calendar.

CHARLES R. WHITEFORD

*Clerk Circuit Court.*

64B  
61P

# CIRCUIT COURT

19

Docket No.

*Js. H. Thomas Jr*  
vs.

*M. R. C. Thomas*

Order

19

*Sahp*

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

*B 27564*

No.

*Sahp* { 8 }

Fd. *16 Mch* 19*45*

*Jos N. Thomas Jr*

vs.

*M. R. C. Thomas*

IN THE  
Circuit Court  
OF  
BALTIMORE CITY

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

THE PETITION OF

*the plaintiff*

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

*James R. Tompkins*  
Solicitor for *Plaintiff*

ORDERED, this

*16<sup>th</sup>*

day of

*March*

19*17*, 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.

*George A. Salt*



64B In the Circuit Court  
61P Thomas Baltimore 1924  
v.  
Thomas

Petition to enforce  
"decree pro confesso" +  
order thereon

Mr. Clerk please file

James C. Morrison  
Att'y for Plaintiff

B-27564  
(13)

pd 20<sup>th</sup> Mar., 1925.

Jos. H. Thomas, Jr. } In the Circuit Court  
vs. }  
M. R. C. Thomas. } Baltimore

To the Honorable Judge of said Court:

The petition of the plaintiff respectfully  
represents:

That he desires to withdraw his  
petition for a "decree pro confesso"  
the defendant having answered the "Bill  
of Complaints."

And as in duty etc

James H. Connell,

Att. for Plaintiff.

Ordered this 20<sup>th</sup> day of March 1925 by  
the Circuit Court of Baltimore upon the  
aforesaid petition that the "decree pro  
confesso" be <sup>withdrawn</sup> ~~stricken~~ from the record in  
the above entitled case.

CIRCUIT COURT

618  
1924 B

No. 1364 Docket.

Joseph H Thomas Jr

vs.

Meline R. Thomas

Final Order, Counsel Fee and Alimony

Pendente Lite.

Q 27564

No. B

91

Filed 30 Mch 1925

Joseph H. Thomas Jr.  
vs.  
Melvina R.C. Thomas

IN THE  
**CIRCUIT COURT**  
OF  
BALTIMORE CITY.

Mar Term, 1925

This cause coming on to be heard upon the petition for Alimony *pendente lite* and Counsel fee, and the answer thereto, and testimony taken, and having been submitted by the solicitors for the respective parties;

ORDERED by the Circuit Court of Baltimore City this 30<sup>th</sup> day of March 1925, that the plaintiff, Joseph H. Thomas Jr. pay to the Defendant, the sum of Twenty-Five Dollars, as counsel fee for the Solicitor of the Defendant, and that he further pay the sum of Six (\$6.00) Dollars per week, to the said Melvina R.C. Thomas as Alimony *pendente lite* accounting from the 16<sup>th</sup> day of March 1925 and continuing until the \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_, (should this suit be so long pending) or until the further order of this Court.

same being payable through the prisoners aid society  
Margaret Talbot

618 B64  
19 24 Docket No. ....

Thomas

vs.  
Thomas

Order of Reference  
and Report

B 7564  
No. ....

Coe (27)

Order Filed 28 day of May 19 25  
Report Filed 6 day of July 19 25

Joseph H Thomas Jr

IN THE  
Circuit Court

vs.

Melnie R. C. Thomas

OF

BALTIMORE CITY

May

Term, 19

25

29

This case being submitted, without argument, it is ordered by the Court, this day of May, 19 25, that the same be and it is hereby referred to Ward B. Coo Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

George A. Baker

Report of Auditor and Master

Bill for divorce a vinculo matrimonii and for the custody of one of the minor children of the parties filed by the husband against his wife on the ground of abandonment. Code Art. 16 secs. 37-42.

Defendant summoned; and, though a decree pro confesso was passed against her, she later answers by solicitor.

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

The marriage proven.

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

Case made for giving the custody of said child to the plaintiff and of the remaining children to the defendant.

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

Case submitted and ready for decree.

Ward B. Coo

Auditor and Master.

June 6, 1925.

Send to  
Clerk

618  
19 24

Circuit Court  
B Docket 64

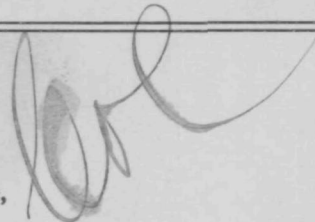
Joseph H. Thomas, Jr.,

vs.

Melinee R. C. Thomas.

SUBMISSION FOR DECREE.

Mr. Clerk,  
Please file,



James L. Muller  
Solicitor for Plaintiff.

No. B-27564

Filed 28<sup>th</sup> May 1924

JOSEPH H. THOMAS, JR.,

VS.

MELINEE R. C. THOMAS.

*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.

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

*James Holmuller*

Solicitor for Plaintiff,

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

*Davis & Evans*

Solicitor for Defendant.

*Davis & Evans*



# CIRCUIT COURT

B 618  
1924 No. Docket

JOSEPH H. THOMAS, JR.

VS.

MELINEE R. C. THOMAS

Recorded

Folio 2401925

**Decree of Divorce**

B No.

27564

Filed 11<sup>th</sup> June 1925

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

*Maud B. Cox*  
Auditor and Master.

Circuit Court

OF

BALTIMORE CITY

JOSEPH H. THOMAS, JR.

VS.

MELINEE R. C. THOMAS

Term, 19.....

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

It is thereupon, this *Eleventh* day of *June*, A. D. 1925

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

Joseph H. Thomas, Jr.

the above named Complainant be and he is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, the said Melinee R. C. Thomas.

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

AND IT IS FURTHER ORDERED that said defendant shall have the guardianship and custody of Alice Thomas, Jerome Thomas and Dorothy Thomas, the remaining minor children of the parties in the proceedings mentioned; and that said complainant shall pay said defendant the sum of \$6.00 per week, accounting from the date of this decree, for the support and maintenance of said three children, said payments to be made through the Prisoners' Aid Association of Maryland, until the further order of this Court.

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

*George A. Salter*

65 Doc. B  $\frac{618}{1924}$

3/13/1910

In the Circuit Court,  
OF BALTIMORE CITY

DEPOSITIONS

Joseph H. Thomas, Jr.,

vs.

Melanie P. C. Thomas

No. 227564B

PLAINTIFF'S COSTS

Examiners..... \$.....

Copies.....

Sheriff .....

Stenographer .....

(\$0) \$ \_\_\_\_\_

DEFENDANT'S COSTS

Examiners..... \$.....

Copies.....

Sheriff .....

Stenographer .....

\$ \_\_\_\_\_

For 16<sup>th</sup> May 1915

Joseph H. Thomas, Jr.,

vs.

Melvin R. C. Thomas

In the Circuit Court

OF BALTIMORE CITY.

The above 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, 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

sixteenth day of March 1925, met on

the thirtieth day of March in the year nineteen

hundred and twenty-five at my office, in the city of Baltimore, in the State

of Maryland, and assigned the thirty-first day of March

in the same year at twelve-thirty o'clock in the afternoon and the

office of John A. Schumler, Esq., in the City and State

above said, as the time and place for such examination of witnesses in said cause;

at which last mentioned time and place I attended, due notice of such meeting

having been given, and proceeded in the presence of the Solicitor of the

Plaintiff to take the following depositions, that

is to say:—

8-4  
JOSEPH H. THOMAS JR.

vs.

MELINEE R. C. THOMAS.

Testimony taken before me, A. deRussy  
Sappington, Examiner, at the offices of Mr. John W.  
Lohmuller, Calvert Building, Baltimore, Md., on March  
31, 1925, at 12.30 o'clock in the afternoon.

-----

Mr. John W. Lohmuller appeared on behalf  
of the plaintiff.

Mr. George Evans appeared on behalf of  
the defendant.

-----

Thereupon---

JOSEPH H. THOMAS JR.,  
the plaintiff, of lawful age, produced on his own behalf,  
having been first duly sworn according to law, was examined  
and testified as follows:

1Q (By the Examiner): Please state your name,  
residence and occupation?

A Joseph H. Thomas Jr., 507 North Caroline  
Street; huckster.

2Q Do you know the parties to this suit or  
either of them?

sofar as legal cus

a;sldkfjghfjksla;sldkfjgh jdk

qwoeirutyru eiwoqpwoeirutyru eiwoqpwoeirutyru eiwoqpwoeiruty

a;sldkfjghfjksla;sldkfjghfjksla;sldkfjghfjksla;sldkfjgh

qpwoeirutyru eiwoqpwoeirutyru eiwoqpwoeirutyru eiwoqp

z/x.c,z/x.c,vmbnvmc,x.z/x.c,vmbnvmc,x.z/x.c,vmbn

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

3Q (By Mr. Lohmuller): When were you married to your wife?

A October 20, 1913.

4Q Where were you married?

A In Baltimore.

5Q And by whom?

A Reverend A. L. James.

6Q Have you any children?

A Yes.

7Q How many?

A Four children

8Q Give the name and age of the children?

A Alice, 11; James, 10; Dorothy, 6; and Jerome, 8.

9Q What has been your attitude towards your wife since you have been married?

A I have been good to her.

10Q Have you been faithful to her?

A Yes.

11Q Are you and your wife living together now?

A No, sir.

12Q When did you separate?

A On Declaration Day, May 30, 1921,---  
1919, it was six years ago. On May 30, 1919.

13Q Is the separation final, as far as you  
know?

A Yes, it is.

14Q She has never indicated any desire to  
return to you?

A No, sir.

15Q Did your wife leave you?

A I was staying with her parents, and  
she ordered me to leave, so I come back and wanted to  
make a home, and she refused to allow me to do so.

16Q You offered to make a home for her,  
and she ~~refused~~ refused to come with you?

A Yes, sir.

17Q How long have you lived in Baltimore  
City?

A All my life.

18Q You say you are a huckster?

A Yes.

19Q How much do you make, Thomas?

A Fifteen dollars a week. I get



fifteen dollars whether I sell anything or not.

20Q Who has the children?

A She has two, and her sister in law on Prestmann Street has the other, and I have one with me.

21Q Which one have you?

A James.

22Q How much are you contributing to the support of these children?

A I am contributing six dollars a week through the Prisoners Aid, but the clothes and all I furnish myself.

23Q You are paying six dollars a week and furnishing the clothes for the children?

A Yes, sir.

CROSS EXAMINATION:

BY MR. EVANS:

1XQ Mr. Thomas, you say there is three children, and you have the oldest, age ten?

A Yes.

2XQ Your wife has two?

A Yes.

3XQ       What are the names of the two she  
has?

A         Jerome and Alice.

4XQ       Where is Dorothy?

A         She is staying at 1315 Prestmann  
Street with her sister-in-law.

5XQ       Before Dorothy went to 1315 Prestmann  
Street, with whom was she staying?

A         With Mrs. Thomas.

6XQ       Do you know why Dorothy is at 1315  
Prestmann Street?

A         I do not.

7XQ       Dorothy is now there as a result of  
your having placed her there?

A         No, sir.

8XQ       Your wife had the three children  
when she left?

A         Yes.

9XQ       And she keeps two with her, and the  
third one is somewhere else?

A         Yes.

10XQ      You don't know why the lady who has  
Dorothy keeps her for your wife?

A No.

11XQ Where do you live?

A 517 North Caroline.

12XQ With whom?

A- With my parents.

13XQ What do you occupy, a room or the whole house?

A I just occupy a room.

14XQ What do you pay for the room a week?

A Well, I cannot exactly tell you---you know how it is home with your parents.

15X<sup>Q</sup> You just help out?

A Yes, help out.

16XQ How much does it cost you to support the boy you have, James?

A You couldn't make no estimation of what children cost, on the line of buying clothes or something like that. I cannot make no estimation of that.

17XQ You just contribute toward the home at 507 Caroline Street?

A Yes.

18XQ Do you feel that your wife can take

take care of these children, on two dollars apiece,  
a week?

A Yes.

19XQ For whom do you work?

A Fred Weaver.

20XQ Where is his place?

A 1712 Orleans Street.

21XQ And you have a guarantee of fifteen  
dollars a week?

A Yes.

22XQ And you get a percentage?

A No percentage.

23XQ How about your commission?

A Just a regular straight salary I get.

24XQ Out of that you pay six dollars?

A Yes, sir.

25XQ And nine dollars for your own support?

A Yes.

26XQ So that Dorothy, so far as you know, is  
under the care of your wife?

A No, she is really not under the care  
of my wife.

27XQ But she is in the custody of your wife,

so far as legal custody goes?

A Yes.

28XQ Do you mean to tell the Court that you only make fifteen dollars a week?

A Yes..

29XQ Now, as a matter of fact, don't you make more than fifteen dollars some seasons?

A Fifteen dollars straight salary.

30XQ The clothing and so forth that you give the children, that is just to help them out?

A Yes.

REDIRECT EXAMINATION:

By Mr. Lohmuller:

1RDQ How much did you give your wife when she had three children?

A THE Court ordered me to pay six dollars a week.

2RDQ Now, your wife has how many children?

A Two.

3RDQ And you still give her how much?

A Six dollars.

RECROSS EXAMINATION:

1RXQ (By Mr. Evans): But she has the

custody of the other child, as far as the Court is concerned?

MR. LOHMULLER: He don't know that, Mr. Evans.

2RXQ (By Mr. Evans): Do you contribute anything towards the support of Dorothy, to the lady who has her custody?

A I am not contributing it that way to the lady, because I am a absolute stranger, but I contribute it through my wife.

REDIRECT EXAMINATION:

By Mr. Lohmüller:

1RDQ Everything you pay, you pay to your wife?

A Yes, and furnish the clothing and give it to the children.

2RDQ You pay your wife how much?

A Six dollars in money and contribute the clothing my ownself.

3RDQ When do you give this clothing?

A As they need it.

4RDQ You give them all the clothing they need?

A Yes, all the clothing they need.

REROSS EXAMINATION:

By Mr. EVANS:

1RXQ Who asks you for the clothes?

A They don't ask me, I just buy it when I see they need it. Are you married and got children? Answer me that question? She sends the children to ask for the clothing.

2RXQ You don't know of your own personal knowledge?

A The children come down and ask for them, they come and say "Mamma said get clothing".

-----

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*  
*Joseph H. Thomas Jr.*



Thereupon---

HARRY P. THOMAS,

a witness of lawful age, produced on behalf of the plaintiff, having been first duly sworn according to law, was examined and testified as follows:

1Q (By the Examiner): Please state your name, residence and occupation?

A Harry P. Thomas, 507 North Caroline, chauffeur.

2Q Do you know the parties to this suit or either of them?

A Yes, he is my brother, and I know his wife.

3Q (By Mr. Lohmuller): You know them to be man and wife?

A Lawfully married, yes.

4Q You have heard the testimony as to the children. Do you know how many children they have?

A Two to my knowledge, now. Two she has, and one with the sister-in-law, because Christmas morning I brought one to my home from their sister-in-law on Prestmann Street. The other boy is with the

father--I call it with us; we are living together.

5Q Do you know how much salary the father makes?

A I dont know his business to th't extent, but I dont think he makes a whole lot, because his appearance does not show it.

6Q What does he do?

A He is a huckster.

7Q You dont know how much he pays for the support of the children?

A Yes, six dollars for the support of the children, to my knowledge.

8Q Does he do anything else for the children?

A He buys the children clothes, ever since they have been separated, and practically the food. They get a basket now and then. We formerly gave them a basket, but we cut it out, they were so uncouth. Now we furnish the clothes.

9Q Harry, did the desertion continue of your brother, the plaintiff in this case and his wife---

A How long did the desertion continue?

10Q Yes?

A I have never known them to go back.

11Q Since what time?

A They were separated before th<sup>at</sup> time from time to time.

12Q What was the date of the last separation?

A I can't say exactly, it was about five years ago.

13Q Has her abandonment and desertion of her husband continued uninterruptedly for at least three years prior to the filing of this suit?

A Yes, sir.

14Q Up until the present time?

A Yes, sir.

CROSS EXAMINATION:

By Mr. Evans:

1XQ Mr. Thomas, the basket and so forth, you furnish because you wanted to see the children get what they need, is th<sup>at</sup> right?

A The children and the whole family. We

We don't have no animosity against them because of the separation. We help the whole family. We did not send for the children, but for the whole family to enjoy. After they began to be so uncouth we cut the basket out, and just look out for the children.

2XQ They contributed towards the children and give them clothes as any grand-parents would give children?

A Just say, some grand-parents.

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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

No.  
Harry Thomas.

Thereupon---

JOHN MOORE,

a witness of lawful age, produced on behalf of the plaintiff, having been first duly sworn according to law, was examined and testified as follows:

1Q (By the Examiner): Please state your name, residence and occupation?

A John Moore, 723 George Street, chauffeur.

2Q Do you know the parties to this suit or either of them?

A Yes, I know Mr. Thomas, but not his wife.

3Q (By Mr. Lohmuller): Do you know that they were married?

A Yes, sir.

4Q That they lived together as man and wife?

A Not since I have known them.

5Q You don't know why they separated?

A No.

6Q Do you know how many children they have?

A Four.

7Q Who has the children?

A His wife has two and he has one.

8Q Who has the one that the wife has not?

A He has the boy.

9Q Who has the other one?

A His wife has two and I don't know  
the lady on Carey Street, but she has one.

10Q Are you sure it is Carey Street?

A I mean Prestmann Street.

11Q Do you know whether or not the father  
contributes anything to the support of these children?

A Yes

12Q How much does he contribute?

A I don't know just what he contributes,  
but I know he is always helping the children out, and  
he is always giving them something.

13Q You don't know how much he pays?

A In money, he pays six dollars a week.  
He is always giving the children something and helping  
them.

14Q Do you know how much he makes?

A I cannot say what he makes.

CROSS EXAMINATION:

BY MR. EVANS?

1XQ Have you ever seen these children, Mr. Moore?

A Three of them.

2XQ How do you know there is four?

A Just what they say. He must have one on Prestmann Street.

3XQ You heard them say he had four?

A Yes.

4XQ As to what he does for the children, etc., that you cannot say of your own knowledge?

A Certainly.

5XQ When you say you can say, do you mean of your own knowledge you know what he gives his wife and children?

A I can't say about money, but I know he gives her more because he is always giving the children something and sends food.

6XQ You know they are married?

A Yes.

7XQ You have heard them say that?

A Sure.

MR. LOHMULEER: Do you think they will ever become reconciled?

A No, sir.

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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

Test.

testimony Charles John <sup>his</sup> (x) Moore  
not

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.....*19th*..... day of *May*..... in the year of Our Lord nineteen hundred and *twenty-five*..... at the City of Baltimore, in the State of Maryland.

*A. de' Russy Sappington* (SEAL).  
Examiner.

There are *one*..... Exhibits with these depositions, to wit:  
Plaintiff's..... Exhibit */*.....

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.