

In The Circuit Court
of B2499
Baltimore City 1921


Annie Toney

vs

Clarence Toney

Petition for Dissolution of Marriage

W. Clerk please file



B22965

(1)

J. Steward Davis
DAVIS & BISHOP
ATTORNEYS AT LAW

BANNEKER BUILDING

14 E. PLEASANT STREET
BALTIMORE, MD.

Ed 26 Sept 1921

ANNIE TONEY

IN THE CIRCUIT COURT

VS

OF

CLARENCE TONEY

BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your oratrix complaining respectfully says:-

FIRST, that the parties hereto were married on or about August 31st. 1909 by Rev. a Methodist minister in Baltimore city, State of Maryland and lived together as man and wife until on or about July 1st. 1918.

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 thogh the conduct of your oratrix toward her husband has always been kind, affectionate and above reproach, he without any just cause or reason abandoned and deserted your oratrix to live in adultery with lewd and abandoned women whose names are unknown to your oratrix. That the said desertion and adultery has bontinued uninterruptedly for more than three years prior to the filing of this bill of complaint. That the said defendant has declared his intentions to live no longer with your oratrix. That the said separation of the parties are beyond any reasonable hope or expectation of reconciliation.

FOURTH, that your oratrix has never condoned nor forgiven the said desertion and adultery; that she has never cohabited with the said respondent since the desertion.

FIFTH, that there are no children born as a result of said marriage.

WHEREFORE YOUR ORATRIX PRAYS:

a-a Diverce A Vinculo Matrimonii

b-b Alimony Pendente Lite

c-c Counsel fee

May it please your Honor to grant unto your Oratrix a writ of subpoena, directed unto the said respondent, commanding him to be or appear in this court on some day certain, to be named therein, to perform such decree as may be passed in the premises.

As in duty bound etc.

Annie Toney

complainant

[Signature]

Solicitor for Complainant

State of Maryland }
Baltimore city } To Wit

I hereby certify that on this 26th day of Sept-
ember, before me the subscriber a Notary Public in and for the
city of Baltimore, State of Maryland, personally appeared
Annie Toney, the complainant in the foregoing bill
and made oath in due form of law that the facts herein stated are
true to the best of her knowledge and belief.

As witness my hand and seal

Caroline Murray

NOTARY PUBLIC.

Stamwood 14/108 J.

231-248

499 B61

Ct. Ct.

192 /

Docket No.

Toney
Toney

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pr
B
No. 22965
(2) (3)

Filed 10 October 192
J. S. Carr
SOLICITOR

5

now Est
(Bunn)

Thomas D. M. Kelly
Sheriff

10/11 1921

ISSUED TO Wrentham Return Day, 1921

Case R. Whiteford

Summoned and a copy of the process left
with the deponent

Thomas F. McRutty
Sheriff

(Bunn)
11-1-21
Fee \$0.80

EQUITY SUBPOENA

The State of Maryland

To

Clarence Toney

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

Anne Toney

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 MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the **12th** day of **September** 192**1**

Issued the **26**, day of **September**, in the year 192**1**

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.

(General Equity Rules 11.)

499 B61

Ct. Ct.

1921

Docket

Anne Toney

vs.

Clarence Toney

Decree Pro Confesso.

B 22965

No.

[Handwritten signature]

(4)
sapp.

Filed

21 Dec 1921



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2

Circuit Court
BALTIMORE CITY

IN THE

Circuit Court

OF

BALTIMORE CITY.

Annie Toney

vs.

Clarence Toney

Term, 191

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 21st day of December in the year nineteen hundred and twenty one 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.

Charles H. Hunsler

STATE OF MARYLAND,
BALTIMORE CITY, SCT :

I hereby certify that on this 24th day of Dec, 1919 before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City aforesaid, personally appeared Annie Toney 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.

Caroline Murray
Notary Public.

X Annie Toney.

Doc. 73 499
1921

3/12/14/48

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Annie Loney

vs.

Clarence Loney

No. 22965 B

PLAINTIFF'S COSTS

Examiners.....\$.....
Copies.....
Sheriff.....
Stenographer.....
5 \$

DEFENDANT'S COSTS

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

Ad. 3rd February 1922

Rennie Loney

vs.

Clarence Loney

In the Circuit Court

OF BALTIMORE CITY.

Secree 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

twenty-first day of *December* 19*21*, met on
the *twenty-first* day of *December* in the year nineteen
hundred and *twenty-one* at my office, in the City of Baltimore, in the State

of Maryland, and assigned the *twenty-second* day of *December*

in the same year at *three* o'clock in the *after-*noon and the
office of *J. Stewart Davis, Esq.* in the City and State

aforsaid, 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:—

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1

Toney,

v.

Toney.

Testimony taken at the office of Bishop and Davis,
Baltimore, Maryland, December 23rd., 1921, at 3 O'clock
P. M.

ANNIE TONEY, the Plaintiff in this case,
produced on her own behalf, having been first duly sworn,
deposeth and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State your name residence and occupation?

A. Annie Toney, 15 Norris street; laundry
work.

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

A. I am the Plaintiff and my husband is the Defen-
dant.

BY MR. DAVIS:

1 Q. When were you married?

A. August 31st., 1909.

2 Q. Were you married by a Minister of the Gospel?

A. Yes.

3 Q. In Baltimore City.

A. Yes.

4 Q. Were you married by a Religious Ceremony?

A. Yes.

Ann9ie Toney .

5 Q. Have you been a resident of Baltimore City, State of Maryland, for at least two years prior to the filing of this suit?

A. Yes.

6 Q. Are there any children of this marriage?

A. No sir.

7 Q. What was your conduct towards your husband while living together.

A. As good as I could be to him.

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

A. Yes.

9 Q. Are the parties to this suit living together now?

A. No sir.

10 Q. Which left the other?

A. He left me.

11 Q. When did he leave you the last time?

A. 1st., July 1918.

12 Q. State what happened on the day that he left you.

A. Well, I was sick in bed.

13 Q. What did he say and do?

A. He told me that he was going out, and he said that he would bring money, but he never came back.

13 Q. After that time did you go to him and try to get him to come back to you and live with you and do as a husband should.

Annie Toney.

A. Yes, and I begged and pleaded with him to come back and he would not do it. He is living with a woman and he has been living with a woman ever since he left me.

14 Q. Has this abandonment continued uninterruptedly since July 1918?

A. Yes.

15 Q. Have you lived or cohabited together since that time?

A. No sir.

16 Q. State whether or not there is any reasonable expectation of a reconciliation; do you ever expect to make up and live together again?

A. No sir.

17 Q. State whether or not said abandonment was deliberate and final; did he deliberately and finally abandon and desert you?

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 Annie Eoney

MARY E. TAYLOR, a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposeseth and saith as follows, that is to say:

BY THE EXAMINER:

1 Q. State y our name residence and occupation?

A. Mary E. Taylor, 1821 vine Street; washing and ironing.

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

A. Yes.

BY MR. DAVIS:

1 Q. Are they husband and wife?

A. Yes.

2 Q. Did they live together as husband and wife e and were they always known and recognized in the community in which they lived as husband and wife.

A. Yes.

3 Q. Has the Plaintiff been a resident of Baltimore City, State of Maryland, for at least two years prior to the filing of this suit?

A. Yes.

4 Q. Are there any children of this marriage?

A. No.

5 Q. What was her conduct towards her husband while living together.

A. She treated him fine.

Mary E. Taylor.

6 Q. State whether or not she was always a kind, affectionate and faithful wife .

A. Yes.

7 Q. Are the parties to this suit living together now?

A. No sir.

8 Q. Which left the other?

A. He left her.

9 Q. When?

A. July 1918.

10 Q. Did he have any just cause or reason to abandon and desert her at that time?

A. No sir.

12 Q. Were you present when he left?

A. Yes.

12 Q. What did he say and do.

A. He did not do anything only walk out and never say anything.

13 Q. Have you talked with him since he left his wife?

A. Yes, I talked with him at my house and tried to get him to come back to his wife, but he said that he was going to do it, but he never did it.

14 Q. Has this abandonment continued uninterruptedly since July 1918?

Mary E. Grogan.

A. Yes.

15 Q. State whether or not said abandonment was deliberate and final; did he deliberately and finally abandon and desertt his wife?

A. Yes.

16vQ. State whether or not there is any reasonable expectation of a reconciliation; do you ever expect them to make up and live together again?

A. No sir.

17 Q. What do you know about his adultery?

A. He is living with a woman now on Eyson Street; ever since he left his wife.

18 Q. How do you know that?

A. He told me and I have seen them together.

19 Q. He told you that they were living together as husband and wife?

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

*per
Mary Taylor
msh.*

written

(Signature)

14th Street

Witness:

Robert M. Larpids

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 3rd day of February in the year of Our Lord nineteen hundred and Plaintiff at the City of Baltimore, in the State of Maryland.

A. de Russey Sappington (SEAL).
Examiner.

There are one Exhibits with these depositions, to wit:

Plaintiff's Exhibit 1

Defendant's Exhibit 1

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

499

1921

Docket No.

Soney

vs.

Soney

Order of Reference
and Report

Robt

No. *B-22965*

167



Order Filed *7th* day of *Febr* 1922

Report Filed.....day of.....19

Annie Soney

vs.

Clarence Soney

IN THE
Circuit Court

OF
BALTIMORE CITY

January Term, 19*22*

This case being submitted, without argument, it is ordered by the Court, this *7th* day of *February*, 19*22*, that the same be and it is hereby referred to *Alexander H. Robertson*, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Carroll J. Bond

Report of Auditor and Master

Bill filed by wife against husband for divorce A Vinculo Matrimonii for abandonment for three years and adultery of defendant. Code Article 16, Section 36.

Defendant summoned, no answer, decree Pro Confesso, thirty days elapsed. Proof shows marriage, residence and abandonment for, at least, three years continuous, deliberate, final and without hope of reconciliation. Case ready for decree.

Alexander H. Robertson
Auditor & Master.

CIRCUIT COURT

B 499
1921 No. Docket

.....Annie Toney.....

VS.

.....Clarence Toney.....

Recorded

Folio 35 1922

Decree of Divorce

B 22965

B No. 17

Ad 14 February 1922

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

Max W. Roberts
Auditor and Master.

Decree of Divorce

IN THE

Circuit Court

OF

BALTIMORE CITY

.....Annie Toney.....

VS.

.....Clarence Toney.....

.....January.....Term, 19..22..

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

It is thereupon, this ^{14th}.....day of.....February....., A. D..1921., by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said

.....Annie Toney.....
the above named Complainant be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, ..Clarence Toney.....

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

Carroll J. Bond