

3/12/13/21

In the event of
B 386
Baltimore City no

Mildred Watts

to

Elm Watts

Brief for Jerome A. Lewis

Wtr (both please file

Davis & Bishop
Bal. D. D.

B 21214
(1) (2)

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

Ad 7 July 19 20
" 8 " " 4

Mildred Watts

In The Circuit Court

Vs.

of

Elvin Watts

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 the 12th. day of June, 1915 in New York City and lived together as man and wife until on or about June 13th. 1915.

SECOND, That Your Oratrix 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 respondent is a non resident of the city of Baltimore, and when last heard of was in New York.

THIRD, That though the conduct of Your Oratrix towards her husband has always been kind, affectionate, and above reproach, the respondent without any just cause or reason, abandoned your Oratrix. *that the said abandonment has continued uninterrupted by more than three years prior to the filing of this bill of complaint. He has upon divers times and occasions committed adultery with one lewd woman, whose name is unknown to your Oratrix. That the separation of the parties is beyond any reasonable hope or expectation of reconciliation and that the said defendant has declared his intention to live with your petitioner no longer.*

FOURTH, That Your Oratrix has never condoned said offense.

FIFTH, That there are no children born as a result of said marriage: THEREFORE YOUR ORATRIX PRAYS:

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

b-b Such other and further releif as the case may require.

WHEREFORE YOUR ORATRIX PRAYS:

That a decree be passed, divorcing Your Oratrix from the respondent, a vinculo matrimonii.

May it please Your Honor, to grant unto Your Oratrix, an order of publication, setting forth the nature and substance of this Bill and warning the said defendant to be in this court in person or appear by solicitor on or before a certain day to be therein named and show cause, if any ~~he~~ she may have why a decree should not be passed as prayed.

Mildred Watts
Plaintiff

Davis v Bishop
Solicitor for Plaintiff

Davis & Bishop, Solicitors,

118 E. Lexington St.

In The Circuit Court of Baltimore City.

Mildred Watts vs. Elvin Watts.

ORDER OF PUBLICATION.

The object of this suit is to procure a decree for a divorce A VINCULO MATRIMONNII, by the plaintiff from the defendant.

The Bill states that the parties thereto were married in New York, June 12th. 1915, and lived together as man and wife on or about June 13th. 1915. That the plaintiff 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 a non-resident of this city and state, and when last heard of was in New York City. That though the conduct of the plaintiff towards her husband was always kind and affectionate and above reproach, he, without just cause or reason abandoned her and has declared his intentions not to live with her any longer, and that the abandonment has continued uninterrupted for more than three years prior to the filing of this bill of complaint; and the separation of the parties are beyond any reasonable hope or expectation of reconciliation. That there are no children as a result of said marriage.

It is thereupon by the Circuit Court of Baltimore City, ordered this ^{8th} day of ~~July~~ ^{August} 1920. That the plaintiff by causing a copy of this order to be inserted in some daily newspaper, published in the city of Baltimore, once a week for four successive weeks, before the ^{9th} day of ~~July~~ ^{August} 1920; and give notice to the said defendant, Elvin Watts (now absent) of the object and substance of this bill and warning him to be and appear in this court in person or by solicitor, on or before the ^{25th} day of ~~July~~ ^{August} 1920. to show cause if any he may have, why a decree should not be passed as prayed.

James H. Bishop

386
1920

Docket No.

Watts

vs.

Watts

Certificate of Publication

B21214
(3)

THE DAILY RECORD

Filed 7 day of Sept 1920

THE DAILY RECORD

857

Davis & Bishop, Solicitors,
118 E. Lexington St.

IN THE CIRCUIT COURT OF BALTI-
MORE CITY—(B—336—1920)—Mildred
Watts vs. Elvin Watts.

ORDER OF PUBLICATION.

The object of this suit is to procure a decree for a divorce a vinculo matrimonii by the plaintiff from the defendant.

The bill states that the parties thereto were married in New York, June 12th, 1915, and lived together as man and wife on or about June 13th, 1915. That the plaintiff 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 a non-resident of this city and State, and when last heard of was in New York City. That though the conduct of the plaintiff towards her husband was always kind and affectionate and above reproach, he, without just cause or reason, abandoned her and has declared his intentions not to live with her any longer, and that the abandonment has continued uninterrupted for more than three years prior to the filing of this bill of complaint; and the separation of the parties are beyond any reasonable hope or expectation of reconciliation. That there are no children as a result of said marriage.

It is thereupon, by the Circuit Court of Baltimore City, ordered, this 8th day of July, 1920, that the plaintiff, by causing a copy of this order to be inserted in some daily newspaper, published in the City of Baltimore, once a week for four successive weeks, before the 9th day of August, 1920, and give notice to the said defendant, Elvin Watts (now absent) of the object and substance of this bill, and warning him to be and appear in this Court, in person or by solicitor, on or before the 25th day of August, 1920, to show cause, if any he may have, why a decree should not be passed as prayed.

MORRIS A. SOPER.

True copy—Test:

CHAS. R. WHITEFORD,

Jy 9, 16, 23, 30

Clerk.

Baltimore, JUL 30 1920, 192

We hereby certify that the annexed advertise-

ment of Order

Publication

Circuit Court

of Baltimore City, Case of

Mildred Watts
vs. Elvin Watts.

vs.

was published in THE DAILY RECORD, a daily newspaper published in the City of Baltimore, once in each of

Four

successive weeks before the

9th.

day of *August.*, 1920

First insertion

July, 9th.

, 1920

THE DAILY RECORD.

Per

Shadew W. Crapster

386 B60

Ct. Ct.

1920

Docket

Watts

vs.

Watts

Decree Pro Confesso.

B 21214

No.

Car (4)

Filed 7 Sept 1920



Watts vs. Watts

Sept

Car (4) with car

[Docket Pro Confesso]

CINCINNATI
OHIO
IN THE

IN THE
Circuit Court
OF
BALTIMORE CITY.

Melred Watts
vs.
Elvira Watts

~~July~~ July 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 ~~will~~, (said Order).

It is thereupon this 7th day of September in the year nineteen hundred and twinty 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.

Oliver D. Ober
in

STATE OF MARYLAND,
BALTIMORE CITY, SCT :

I hereby certify that on this 7th day of Sept 1920 before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City aforesaid, personally appeared Melred Watts 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 J. Royer
Notary Public.

Melred Watts



Docket B. 386/1920

IN THE CIRCUIT COURT.....

Mildred Watts

vs

Elvin Watts

DEPOSITIONS

B No. *21214*

PLAINTIFF'S COSTS

Examiner..... \$ 8.00

Copies

Notices

Sheriff

Stenographer 2.00

\$ 10.00 Paid

DEFENDANT'S COSTS

Examiner..... \$

Copies

Notices

Sheriff

Stenographer

\$

ALFRED J. CARR, Examiner

Filed *19* day of *Oct* 19 *20*

Mildred Watts
vs.
Elvin Watts

In the Circuit Court _____
OF BALTIMORE CITY

_____ A Decree Pro Confesso having, passed _____
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 Court of Baltimore City, under and by virtue
of an order of the above named Circuit Court, passed in said cause on the
7th day of September 1920, met on
the 7th day of September in the year nineteen
hundred and twenty at my office, in the City of Baltimore, in the State
of Maryland, and assigned the 7th day of September
in the same year at two 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 Solicitor _____ of the
Plaintiff _____ to take the following deposition, that
is to say:—

MILDRED WATTS, the Plaintiff produced in her own behalf, being duly sworn, deposes and saith as follows:

BY THE EXAMINER:

1Q. State your name, residence and occupation, if any.

A- Mildred Watts, 225 W. Biddle Street, Baltimore, and I am a Bookkeeper.

2Q. Who are the parties to this suit?

A- I am the Plaintiff, and Elvin Watts is my husband, the defendant.

BY MR. DAVIS:

3Q. When, where and by whom were you married?

A- On June 12th, 1915, in the City Hall of New York City, by a Magistrate.

4Q. Where did you and your husband live after the marriage?

A- We lived at 100 W. 39th Street, New York City. We lived there until June 13th, 1915, and then we came to Baltimore to live.

5Q. Where did you and your husband live after you came to Baltimore?

A- At 225 W. Biddle Street, with my mother, and about a half a day after we got back here, he left me, and went back to New York.

6Q. What day did you separate?

A- We were married on Saturday, June 12th, 1915, and came to Baltimore Sunday, June 13th, the following day, and he left the same day we came to Baltimore, June 13th, 1915.

7Q. What caused him to leave you?

Mildred Watts

A¹ I do not know the cause.

8Q. What did he say when he left you?

A- He said he was going to return, or send for me within a week.

9Q. Did he ever- return?

A- He never returned, and I never heard from him.

10Q. Has he in any way directly or indirectly communicated with you since then?

A- No.

11Q. Have you tried to locate him?

A- I tried several times. I have written to several addresses in New York, but I have not heard from him. I went to New York myself, but could not locate him.

12Q. Did you receive any answer to these letters?

A- No. None whatever. I sent them to him, but could get no answer, nor were the letters returned.

13Q. Have you or not been a resident of the City of Baltimore, State of Maryland, for more than two years continuously prior to July 7th, 1920?

A- Yes, I have.

14Q. Is your husband now or was he on the 7th of July, 1920 a resident or a non-resident of the State of Maryland?

A- He is a non-resident of Maryland. He never lived in Maryland, except the few hours he spent with me on the 13th of June, 1915.

Mildred Watts

15Q. Has the abandonment of you by your husband continued uninterruptedly for at least three years prior to July 7th, 1920?

A- Yes, he left me on the 13th of June, 1915, and it has continued ever since.

16Q. Have you ever lived with or cohabited with your husband since he abandoned you on the 13th of June, 1915?

A- No, I have not even seen him, or heard from him.

17Q. Was or not his abandonment of you his own deliberate and final act?

A- Yes, it was.

18Q. Were any children born of this marriage?

A- No.

19Q. If a decree is passed in this case, do you or not request the Court to grant you permission to resume your maiden name?

A- Yes, I do. I want my maiden name.

20Q. What was your maiden name?

A- Mildred Banks.

21Q. Is there any reasonable hope or expectation of a reconciliation?

A- No, none whatever.

- - - - -

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*

Mrs Mildred Watts.

Counsel for plaintiff offers in evidence Consolidated Laws of New York, Vol. I. Chapter XIV Domestic Relations which reads as follows:-

"Sec. 11. By Whom a Marriage Must Be Solemnized.

The marriage must be solemnized by either: +++++

3. A justice or judge of a court of record, or of a municipal court, or a justice of the peace; "except that justices of the peace in cities which contain more than one hundred thousand and less than one million inhabitants shall have no power to solemnize marriages."

PEARL YOUNG, a witness produced on behalf of the Plaintiff, being duly sworn, deposes and saith as follows:

BY THE EXAMINER:

1Q. State your name, residence and occupation, if any.

A- Mrs. Pearl Young, 225 W. Biddle Street, Baltimore, and I am a Housewife.

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

A- Yes, the Plaintiff is my sister, and the defendant is her husband, my brother-in-law.

BY MR. DAVIS:

3Q. Are they or not man and wife, and if you say they are, tell me how you know it.

A- Yes, they are man and wife. She left Baltimore to go to New York to get married on June 12th, 1915, and the next day he brought her home, and they told us they were married.

4Q. How long did he stay with her after they reached this City?

A- One half a day.

5Q. What happened then?

A- He left her, saying that he would go to New York, and would send for her, or return for her.

6Q. Did he ever come for her, or send for her?

A- He never did.

7Q. Have you ever heard from him since?

A- No,

8Q. Do you know whether she has ever heard from him since?

A- She has not.

Pearl Young

9Q. Do you know whether or not she has tried to locate him?

A- I know she has, in every way possible. She has inquired from people, and has written a number of letters, and has gone to New York once to try to find him, but could not locate him.

10Q. What was her treatment and conduct towards her husband during the time they lived together?

A- She was a good kind affectionate wife to him.

11Q. Did she give him any cause to leave her?

A- No, she did not.

12Q. Do you know why he left her?

A- No.

13Q. Has she or not been a resident of the City of Baltimore, State of Maryland, for more than two years prior to July 7th, 1920?

A- She has lived here all her life, except the little while she was in New York when she got married.

14Q. Is Elvin Watts, the defendant in this case, a resident or a non-resident of the State of Maryland?

A- He does not live here. He is a non-resident. He never lived in Maryland. He lived in New York, and he went back to New York.

15Q. Has the abandonment of Mrs. Watts by her husband continued uninterruptedly for at least three years prior to July 7th, 1920?

A- Yes, over five years.

Pearl Young

16Q. Was or not his abandonment of her his own deliberate and final act?

A- Yes, it certainly was. He simply brought her here to her mother's house, and left her, saying that he would be back for her, or send for her, which he never did.

17Q. In your opinion, is there any reasonable hope or expectation of a reconciliation?

A- No, there is none at all.

18Q. Were any children born of this marriage?

A- No.

19Q. Have they ever lived together or cohabited with each other since he abandoned her on June 13th, 1915?

A- No, they have not.


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 or 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*

Mrs. Pearl Young

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 October _____ in the year of our Lord nineteen hundred and twenty _____ at the City of Baltimore in the State of Maryland.

Alfred J Carr 
Examiner.

There are _____ no _____ Exhibits with these depositions, to wit:

Plaintiff's _____ Exhibit _____

Defendant's _____ Exhibit _____

Alfred J Carr
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 _____.

Alfred J Carr
Examiner.

In the Circuit Court
of

Baltimore City

Mildred Watts
1920

vs

Thom Watts

Relinquish claim amended

W. C. Davis please file

(Signature)

B 21214
(6)

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

fd 12 Nov 1920

Mildred Watts

In The Circuit Court

vs.

of

Elvin Watts

Baltimore City.

To The Honorable, The Judge of Said Court:

Your oratrix, complaining respectfully says:

For that on the 7th day of July 1920,
Mildred Watts filed a petition for divorce A Vin Culo Matrimonii;
for that through inadvertence ; there was in the 3rd. paragraph
an omission as to the duration and continuity of the desertion;
for that, in the Order of Publication of July 8th. ¹⁹²⁰ the omitted
incidental elements of the alleged desertion are correctly stat-
and correctly appear in the published notice of said Order of Publication
ed; for that on 19 day of October, 1920 testimony in the aboved case
was taken before Mr. J. Alfred Carr, one of the standing examiners
of this Court: which testimony includes all necessary ~~facts~~ to
substantiate the alleged desertion.

WHEREFORE YOUR PETITIONER PRAYS:

Leave to amend by ^{interlineation} ~~inter-alienation~~, the 3rd. paragraph of
the original bill as of 7th day of July ¹⁹²⁰ to read "That the
said abandonment has continued uninterruptedly for more than
three years prior to the filing of this bill of complaint. The
separation of the parties is beyond any reasonable hope or ex-
pectation of reconciliation and that the said defendant has de-
clared his intentions to live with your petitioner no longer.

(Signature)

Attorney for Plaintiff

Ordered this 10th day of November ¹⁹²⁰ that the origin
-al bill in the Mildred Watts versus Elvin Watts be amended as
prayed.

Robert F. Stauber

Circuit Court
386 Pleo
19 20 Docket No.

Watts

vs.
Watts

Order of Reference
and Report

col
B21214
No.

(1)

Order Filed 12 day of Nov 1917

Report Filed day of 19

Mildred Watts

vs.

Elven Watts

IN THE

Circuit Court

OF

BALTIMORE CITY

November

Term, 1920

This case being submitted, without argument, it is ordered by the Court, this 12th day of November, 1920, that the same be and it is hereby referred to Ward B. Coe, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Robert F. Stanton

Report of Auditor and Master

Bill (as amended) for divorce a vinculo matrimonii filed by the wife against her husband on the grounds of abandonment and of adultery. Code 1911, Art. 16, secs. 36-41.

Defendant proceeded against as a non-resident and his non-residence proven.

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.

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

Case ready for decree.

Ward B. Coe

Auditor and Master.

Fee \$9 paid.

November 13th, 1920.

✓ 269

CIRCUIT COURT

B -386-

1920.

No. 60 Docket

MILDRED WATTS

VS.

ELVIN WATTS.

Decree of Divorce

B 21214
B No.

(8)

fd 16 November 1920

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

Wanda B. Cline
Auditor and Master.

Decree of Divorce

IN THE

Circuit Court

OF

BALTIMORE CITY

MILDRED WATTS

VS.

ELVIN WATTS

Term, 1920.

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

It is thereupon, this 16th day of November, A. D. 1920,

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

Mildred Watts - - - - -

the above named Complainant be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, the said Elvin Watts.

AND IT IS FURTHER ORDERED that said complainant be and she is hereby authorized to resume her maiden name, Mildred Banks.

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

Robert F. Stanton