

# JOHN PHELPS SUES TO TEST DIVORCE

## Wants Validity Of Texas Decree Granted To Wife Determined In Maryland.

### WOMAN LOSES CASE HERE

Present Litigation Brought On  
Ground Of Abandonment—No  
Mention Of Children.

For the purpose of having his marital status in Maryland judicially determined, John Phelps has instituted suit in the Circuit Court for an absolute divorce on the ground of abandonment from Alma Turner Phelps, who obtained an absolute divorce from him last May in Fort Worth, Texas. The suit was docketed last Saturday through George W. Lindsay, attorney.

No sensational allegations are made in the bill. It stated that Mrs. Phelps had tried unsuccessfully to obtain a divorce in the Circuit Court several years ago, that she had abandoned her husband and that she had obtained a divorce in Texas. A certified copy of the Texas decree was filed with the bill.

It is understood that the sole desire of Mr. Phelps is to have the court determine whether the Texas divorce obtained by Mrs. Phelps is valid in Maryland. There is a question, it was said, as to whether what is known as a migratory divorce, such as is obtained by a person going out of the State to get it, is valid here.

#### Only Testing Decree's Validity.

If the court decides that the Texas divorce is valid here, it is said, Mr. Phelps will be satisfied. Otherwise he will press his suit because of the property rights involved in his marital relationship.

Mr. Phelps is a son of the late Judge Charles E. Phelps, and is a lawyer. Mrs. Phelps is a native of Fort Worth, Texas, and was prominent socially. She was married to Mr. Phelps in Fort Worth in December, 1899. They separated in May, 1912, having two children, daughters, of whom no mention was made in the suit of Mr. Phelps. At the time Mrs. Phelps was granted a divorce in Texas it was stated that she would bring suit for the support of the children whom she had with her, and for the return of her personal effects.

In her bill of complaint filed here Mrs. Phelps alleged that after she and her husband separated he withdrew financial support from her and that she was compelled to return to her mother in Fort Worth. Her suit dragged along in the court until September, 1920, when it was called for trial before Judge Stanton. No further action was taken in it, when Judge Stanton allowed Mrs. Phelps 15 days in which to produce additional evidence which she said she had, but failed to do so.

#### Letter Offered As Evidence.

During the trial Mrs. Phelps alleged that her husband had been cruel to her and had been intimate with other women whose names she said she would disclose. In one of several letters produced as exhibits by Mr. Phelps and signed by Mrs. Phelps, she formally authorized him to enter into relations with other women. A postscript stated that the same right with respect to men was not conveyed to Mrs. Phelps.

In his answer to his wife's bill of complaint Mr. Phelps denied her charges and accused her of being a pleasure-seeker rather than a housekeeper. As a result of her increasing absorption in amusements and her neglect of domestic duties, he asserted, his society was becoming distasteful to her. Mr. Phelps also charged his wife with having thrown at him plates, cups of hot coffee, hair brushes and other subjects, on one occasion striking him a severe blow on the head with the heel of her shoe. On other occasions, he alleged, she slapped his face, knocked a cigar out of his mouth and spat in his face. She called him a coward for not striking her back, he alleged, and she said she wished he would strike her so she could leave him.