

IN THE CIRCUIT COURT OF

BALTIMORE CITY

B 230,
1923
JAMES B. DAVENPORT

VS.

ELIZABETH DAVENPORT.

1527 E. Madison St.

BILL FOR DIVORCE

Mr. Clerk: -

Please file.

J. Steward Davis
Solicitor for Complainant.

325178

(11)
DAVIS & BISHOP

ATTORNEYS AT LAW
BANNER BUILDING
13 E. PLEASANT STREET
BALTIMORE, MD.

At 12:00 PM 1923

JAMES B. DAVENPORT : IN THE CIRCUIT COURT

VS. : OF

ELIZABETH DAVENPORT : BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully represents:

(1) That he was married to his wife, Elizabeth Davenport, on or about the day of 1919, and with whom he resided in Baltimore City until about the 7th day of April 1920, when the defendant without any just cause or reason abandoned and deserted him.

(2) That ever since said marriage your Orator has behaved himself as a faithful, chaste and affectionate husband toward the said Elizabeth Davenport.

(3) That said Elizabeth Davenport has, on divers days and times since said marriage, committed the crime of adultery with divers, lewed and abandoned men in Baltimore City, whose names to your Orator are unknown, and said offense has not been condoned by your Orator.

(4) That there are no children as issue of said marriage.

(5) That your Orator has not lived or co-habited with the said Elizabeth Davenport since he discovered her adulteries.

(6) That both your Orator and the defendant are citizens of the State of Maryland, having resided in Baltimore City for more than three years prior to the filing of this bill.

TO THE END, THEREFORE:

(a) That your Orator may be divorced a Vinculo Matrimonii from the said Elizabeth Davenport.

(b) That he may have such other and further relief as his case may require.

May it please your Honor to grant unto your Orator, the Writ of Subpoena directed against the said Elizabeth Davenport, command^{ing} and requiring her to be and appear in this Court on some day certain to be named therein to answer the premises and abide by and perform such decree or order as may be passed therein.

AND as in duty bound, etc.

J. Steward Davis
SOLICITOR FOR COMPLAINANT.

EQUITY SUBPOENA

The State of Maryland

Statter

24

230

Ct. Ct.

192

Docket No.

JAMES B. DAVENPORT

VS

ELIZABETH DAVENPORT

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

25178

2

Filed

25 June

192 *3*

J. Stewart Davis

SOLICITOR

3

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

Thomas F. Mc Nulty Sheriff

(Inkelstein)

4/16/23

Fees \$0.80

EQUITY SUBPOENA

The State of Maryland

To Elizabeth A. Davenport

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

JAMES B. DAVENPORT

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 12th day of March 1923 Issued the 12th day of April, in the year 1923

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.)

IN THE CIRCUIT COURT OF

BALTIMORE CITY

J. B. Davenport
1923

JAMES B. DAVENPORT

VS.

ELIZABETH DEVENPORT

RESPONDENT'S ANSWER

Mr. Clerk:-

Please file.

D 25-178
Joseph H. Benny
ATTORNEY FOR RESPONDENT
14 E. pleasant St.

FILED

16 April 1923

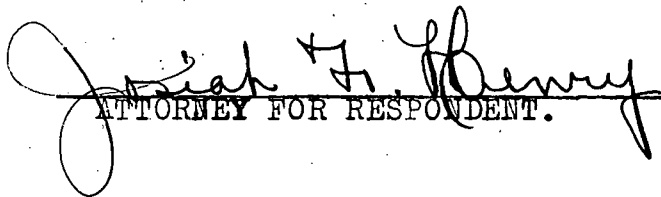
JAMES B. DAVENPORT : IN THE CIRCUIT COURT
VS. : OF
ELIZABETH DAVENPORT : BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The answer of your respondent to the Complainant's Bill of Complaint in the above case exhibited is as follows:-

- (1) She admits the statements contained in the complainant's first paragraph.
- (2) That she neither admits nor denies allegations contained in the complainant's second paragraph.
- (3) That she denies with great emphasis the allegations as contained in the third paragraph of the Complainant's bill.
- (4) That she admits the fourth paragraph of the complainant's bill.
- (5) That she admits the fifth paragraph of the Complainant's bill.
- (6) That she admits the sixth paragraph of the complainant's bill.

And as in duty bound. &c.


ATTORNEY FOR RESPONDENT.

IN THE CIRCUIT COURT OF

BALTIMORE CITY

67 B 230

JAMES B. DAVENPORT *1923*

VS.

ELIZABETH DAVENPORT

AMENDED BILL

Mr. Clerk:-

Please file.

J. Steward Davis
ATTORNEY FOR COMPLAINANT

925178

4

DAVIS & BISHOP
ATTORNEYS AT LAW
ANNEXER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.
Apr 1923

JAMES B. DAVENPORT : IN THE CIRCUIT COURT

VS. : OF

ELIZABETH DAVENPORT : BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully says:-

(1)

That on or about the 9th day of April, 1923, your Orator filed in this Honorable Court a bill of complaint, praying among other things a divorce a Vinculo Matrimonii alleging adultery.

(2)

That your Orator failed to add a paragraph alleging desertion.

WHEREFORE your Orator prays leave to amend the aforementioned original bill of complaint by adding the following paragraph to be known as the seventh paragraph of the original bill of complaint.

(7) That though the conduct of your Orator toward the said Elizabeth Davenport has always been kind, affectionate and above reproach, she has, without any just cause or reason abandoned and deserted him and has declared her intentions to live with him no longer, and that such abandonment has continued uninterruptedly for more than three years prior to the filing of this bill, and is deliberate and final and the separation of the parties is beyond any reasonable expectation of reconciliation.

J. Steward Davis
Attorney for Plaintiff.

Ordered this 23 day of May 1923 by the Circuit Court of Baltimore City that the original bill of complaint in the aforementioned case be amended as prayed.

Henry Duff

WALTER BOND
BENKSHIRE

IN THE CIRCUIT COURT OF

BALTIMORE CITY

J 230
JAMES B. DAVENPORT *1923*

VS.

ELIZABETH DAVENPORT.

RESPONDENT'S ANSWER.

Mr. Clerk:-

Please file.

Josiah F. Henry, Jr.
ATTORNEY FOR RESPONDENT.

B 25178
JOSIAH F. HENRY, JR.
ATTORNEY AT LAW
BANNEKER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.

FILED

11 July 1923

JAMES B. DAVENPORT : IN THE CIRCUIT COURT

VS. : OF

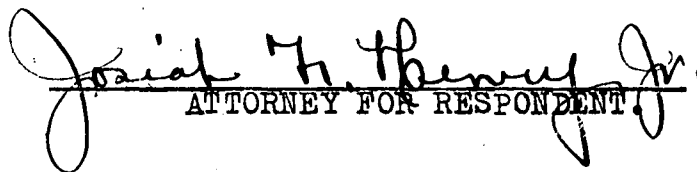
ELIZABETH DAVENPORT : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The answer of your respondent to the Amended Bill of Complaint in the above entitled case exhibited is as follows:

(I)

That she denies with great emphasis the allegations as contained in the seventh paragraph of the amended bill of complaint.


ATTORNEY FOR RESPONDENT.

CIRCUIT COURT

230
19 23 263 Docket No.

John B Davenport
vs.

Elizabeth Davenport

Order- 19

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

B. 25178
No.

Supp <6>

Fd 11 July 1923

John B. Danenport

vs.

Elizabeth Danenport


IN THE
Circuit Court
OF
BALTIMORE CITY

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

THE PETITION OF

plaintiff

in this case, respectfully shows that he desire S 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.


Solicitor for plaintiff

ORDERED, this 11 day of July 1912, 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.

H. Arthur Lump

Doc. B $\frac{230}{1923}$

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

James S. Havenport

vs.

Elizabeth Havenport

No. 25178B

PLAINTIFF'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

\$ _____

DEFENDANT'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

\$ 25 Sept 1923

3/15/18

James D. Davenport

vs.

Elizabeth Davenport

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
eleventh day of *July* 192*3*, met on
the *seventeenth* day of *July* in the year nineteen
hundred and *twenty-three* at my office, in the City of Baltimore, in the State
of Maryland, and assigned the *eighteenth* day of *July*
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
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 depositions, that
is to say:—

8-3

Davenport,

v.

Davenport.

Testimony taken at the office of Mr. Davis,
Baltimore, Maryland, July 18th., 1923, at three
O'clock in the afternoon.

James D. Devenport, the Plaintiff in this case,
produced on his own behalf, having been first duly
sworn, deposes and saith as follows, that is to
say:

By the Examiner:

- 1 Q. State your name residence and occupation?
- A. James Davenport, 828 North Bond Street;
Baltimore, Maryland; United States Post Office.
- 2 Q. Do you know the parties to this suit?
- A. I am the Plaintiff and my wife is the De-
fendant.

By Mr. *Davis*:

- 1 Q. When were you married?
- A. In the year 1919.
- 2 Q. Were you married by a Minister of the Gospel?
- A. Yes.
- 3 Q. In Baltimore City?
- A. Yes.
- 4 Q. By a Religious Ceremony?
- A. Yes.

James D. Davenport.

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 as the result of this marriage?

A. No.

7 Q. What was your conduct towards your wife while living together; how did you behave yourself?

A. Good.

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

A. Yes.

10 Q. Are you and your wife living together now?

A. No sir.

11 Q. Which left the other?

A. She left me.

11 Q. When?

A. June 17th., 1920.

12 Q. Did she have any just cause or reason to abandon and desert you at that time?

A. No..

14 Q. What did she say and what did she do at the time she left you?

James D. Davenport.

A. She did not say anything to me; I was gone to work and when I came back she was gone.

15 Q. Did you try to locate her for the purposes of getting an explanation from her after that time?

A. Yes, I went there and asked her mother and sister, and they said that they did not know where she was, and did not hear anything from her.

16 Q. Then you have endeavored to locate your wife, but you have been unable to do so; is that true.

A. Yes, - that is right; I did see my wife one time; I saw her accidentally on the street.

17 Q. When you first met her after the separation, did you ask her to come back and live with you and live with you and do as a husband should, and if so, what was her reply?

A. None.

18 Q. Do you mean to say that she said that she would not live with you?

A. Yes.

19 Q. Has her abandonment and desertion of you continued uninterruptedly since June 17th., 1920; that is, have you lived or cohabited with her since that time?

A. No sir.

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

James D. Davenport.

A. Yes.

21 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.

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 James B. Davernport

Bettie Morton, a witness of lawful age, produced on behalf of the Plaintiff, 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. Bettie Morton, 1524 Ashland Avenue; house-work.

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

A. Yes Mr. Davenport is my brother.

By Mr. Bond:

1 Q. Are the parties to this suit husband and wife?

A. Yes.

2 Q. Did they live together as husband and wife 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 as the result of this marriage?

A. No.

5 Q. What was his conduct towards his wife while living together?

A. He was always good to her, as far as I could see.

Bettie Marton.

6 Q. State whether or not he was always a kind, affectionate and faithful husband?

A. Yes.

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

A. No sir; they are not living together now.

8 Q. Which left the other; did he leave her or did she leave him?

A. She left him.

9 Q. When?

A. June 17th.

10 Q. What year?

A. 1920.

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

A. Yes.

12 Q. What did he say -- What did she say and what did she do at the time she left her husband?

A. He went to work and he was working, and she moved everything out of the house, - she left while he was away at work.

13 Q. Have you tried to locate his wife since that time?

A. Yes; I have asked lots of times where she was, but they never knew where she was.

Bettie Morton.

14 Q. Have you ever seen her since she abandoned and deserted her husband?

A. Yes; I saw her on the street .

15 Q. Did you speak to her?

A. I asked her why she had left her husband; , - that is, I never asked her why, but she told me that she would never live with him again.

16 Q. Has her abandonment of her husband continued uninterruptedly since June 1920?

A. Yes.

18 Q. That is, have they lived or cohabited together since that time?

A. No sir.

18 Q. State whether or not said abandonment was deliberate and final ; did she deliberately and finally abandon and desert her husband?

A. Yes.

19 Q. 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.

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 Bettye Morton

Sarah Morton, a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposes and says as follows, that is to say:

By the Examiner:

1 Q. State your name residence and occupation?

A. Sarah Morton, 1524 Ashland Avenue; house-work.

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 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 as the result of this marriage?

A. No.

5 Q. What was his conduct towards his wife while living together; how did he treat his wife

Sarah Morton.

A. He was always kind to her.

6 Q. State whether or not he was always a kind, affectionate and faithful husband?

A. Yes.

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

A. No.

8 Q. Which left the other; did he leave her or did she leave him?

A. She left him.

9 Q. When?

A. June 17th., 1920.

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

A. No sir.

11 Q. Now, do you know that she abandoned and deserted her husband at that time?

A. On the day that he left his wife I was living home and my brother in law Mr. Davenport, came to our house and told us that while he was working his wife had moved all the furniture out of the house and left the empty rooms and had left him; my sister in law and Mr. Davenport and myself went back to the house, and I saw the empty rooms; and there was nothing for him to do but to come back to my mother's house to live.

12 Q. Has her abandonment of her husband continued uninterruptedly since June 1922; that is,

Sarah Morton.

have they lived or cohabited together since that time?

A. No sir; not since June 1920, that should be.

13 Q. State whether or not her abandonment of her husband was deliberate and final and she deliberately and finally abandon and desert her husband?

A. Yes.

14 Q. 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.

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.---

Yes. Sarah Norton

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.....day of.....in the year of Our Lord nineteen hundred and twenty - three at the City of Baltimore, in the State of Maryland.

Adm. Sappington (SEAL).
Examiner.

There are two.....Exhibits with these depositions, to wit:
Plaintiff's.....Exhibit.....

Defendant's.....Exhibit.....

Adm. Sappington
Examiner.

I, A. de RUSSY SAPPINGTON, the Examiner before whom the fore-going 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.....

Adm. Sappington
Examiner.

230 B63 Circuit Court

1923 Docket _____

James Davenport

vs. Elizabeth Davenport

SUBMISSION FOR DECREE.

not

Mr. Clerk,
Please file,

B 25178 Solicitor for Plaintiff.

No. 8

Filed 27 Sept 1923

*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.

(Signature)

Solicitor for Plaintiff,

(Signature)
Solicitor for Defendant.

Circuit Court

231 B63

1923

Docket No.

Davenport

vs.

Davenport

Order of Reference
and Report

B 25178

No.

Polatsun 9 ✓

Order Filed 27 day of Sept 1923

Report Filed day of 192

James Davenport
vs.
Elizabeth Davenport

IN THE
Circuit Court

OF
BALTIMORE CITY

Sept

Term, 192
27

This case being submitted, without argument, it is ordered by the Court, this
day of September, 1923, that the same be and it is hereby referred to
Alex H Robertson, Esq., Auditor and Master, to report the
pleadings and the facts, and his opinion thereon.

Henry Duff

Report of Auditor and Master

Amended bill filed by husband against wife for divorce a vinculo
matrimonii on ground of abandonment for three years, Code Article 16,
Section 36. Defendant summoned and answered. Proof shows marriage,
residence and abandonment of the Plaintiff for atleast three years
continouous, deliberate, final and without hope of reconciliation.
Case submitted and ready for decree.

Alex H Robertson
Auditor and Master.

CIRCUIT COURT

B 230
1923

No. 63 Docket

JAMES DAVENPORT

VS.

ELIZABETH DAVENPORT

Recorded

Folio 272 1923

Decree of Divorce

B No. 25178

(10)

Ed. 15" October 1923

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

Alex. Robertson
Auditor and Master.

Decree of Divorce

IN THE

Circuit Court

OF

BALTIMORE CITY

19
ex ^{B.} JAMES DAVENPORT

VS.

ELIZABETH DAVENPORT

SEPTEMBER Term, 19 23.

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

It is thereupon, this ^{15th} day of October, A. D. 1923

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

7/20/34
RHO

James B. Davenport

the above named Complainant be and he is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, Elizabeth Davenport.

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

Henry Duff