

IN THE CIRCUIT COURT OF

BALTIMORE CITY

B 238
1928.

GENEVA F. MOSS

VS.

BENJAMIN F. MOSS

B 33047
7/27

BILL FOR DIVORCE.

Mr. Clerk:

Please file.

Davis & Evans

SOLICITORS FOR PLAINTIFF

DAVIS & EVANS

ATTORNEYS AT LAW

Ad 3 July 1928

GENEVA F. MOSS

:

IN THE CIRCUIT COURT

VS.

:

OF

BENJAMIN F. MOSS

::

BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

(1) That she was married to her husband, Benjamin F. Moss on the 5th day of December, 1920 and with whom she resided until the 15th day of January, 1925 when the defendant deserted the plaintiff.

(2) That though the conduct of your Oratrix toward the said Benjamin F. Moss, has always been kind, affectionate and above reproach, he has, without any just cause or reason abandoned and deserted her and has declared his intention to live with her no longer and said abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable hope of reconciliation.

(3) That your Oratrix has not lived or co-habited with the said defendant since said desertion.

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

(5) That your Oratrix is a citizen of the State of Maryland, having resided in Baltimore City for more than three years prior to the filing of this Bill of Complaint but that the defendant is a non-resident of the State of Maryland and when last heard from was in Washington, D.C.

TO THE END, THEREFORE, YOUR ORATRIX PRAYS:

(a) That she may be divorced A Vinculo Matrimonii from the said Benjamin F. Moss.

(b) That she may resume her maiden name - FISHER.

(c) That she may have such other and further relief as her case may require.

May it please your Honor to grant unto your Oratrix the Order of Publication directed against the said Benjamin F. Moss, commanding and requiring him 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.

Davis & Evans

SOLICITORS FOR PLAINTIFF.

DAVIS & EVANS, SOLICITORS
215 ST. PAUL PLACE,
IN THE CIRCUIT COURT OF BALTIMORE CITY
GENEVA F. MOSS VS. BENJAMIN F. MOSS
ORDER OF PUBLICATION

The object of this Bill is to procure a divorce a Vinculo Matrimonii by the plaintiff, Geneva F. Moss from the defendant, Benjamin F. Moss.

The bill recites that the parties were married on the 5th day of December, 1920 and lived together until the 15th day of January, 1925 when the defendant deserted the plaintiff. That though the conduct of the plaintiff toward the said defendant has always been kind, affectionate and above reproach, he has without any just cause or reason, abandoned and deserted her and has declared his intention to live with her no longer and said abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable hope of reconciliation. That there are no children born as result of said marriage. That the plaintiff is a citizen of the State of Maryland, having resided in Baltimore City for more than three years prior to the filing of this Bill but that the defendant is a non-resident of the State of Maryland and when last heard from was in Washington, D.C.

It is thereupon ordered by the Circuit Court of Baltimore City this 30th day of July 1928 that the plaintiff by causing a copy of this order to be inserted in some daily newspaper published in Baltimore City, once a week for four successive weeks, before the 4th day of August 1928, give notice to the absent defendant of the object and substance of this bill, warning him to be and appear in this Court in person or by solicitor on or before the 20th day of August 1928 to show cause, if any he may have why a decree should not be passed as prayed.

Walter J. Dawkins

192.....

Docket No.

238
1928

Moss

vs.

Moss.

Certificate of Publication

B 33047
(3)

THE DAILY RECORD

Filed 25 day of Oct 1928

THE DAILY RECORD

Davis & Evans, Solicitors,
215 St. Paul Place.

IN THE CIRCUIT COURT OF BALTIMORE CITY—(B-238-1928)—Geneva F. Moss vs. Benjamin F. Moss.

ORDER OF PUBLICATION.

The object of this bill is to procure a divorce a vinculo matrimonii by the plaintiff, Geneva F. Moss, from the defendant, Benjamin F. Moss.

The bill recites that the parties were married on the 5th day of December, 1920, and lived together until the 15th day of January, 1925, when the defendant deserted the plaintiff. That though the conduct of the plaintiff toward the said defendant was always been kind, affectionate and above reproach, he has without any just cause or reason, abandoned and deserted her and has declared his intention to live with her no longer and said abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable hope of reconciliation. That there are no children born as result of said marriage. That the plaintiff is a citizen of the State of Maryland, having resided in Baltimore City for more than three years prior to the filing of this bill, but that the defendant is a non-resident of the State of Maryland and when last heard from was in Washington, D. C.

It is thereupon, ordered by the Circuit Court of Baltimore City, this 3rd day of July, 1928, that the plaintiff by causing a copy of this order to be inserted in some daily newspaper published in Baltimore City once a week for four successive weeks before the 4th day of August, 1928, give notice to the absent defendant of the object and substance of this bill, warning him to be and appear in this Court in person or by solicitor on or before the 20th day of August, 1928, to show cause, if any he may have, why a decree should not be passed as prayed.

WALTER I. DAWKINS.

True Copy—Test:

CHAS. R. WHITEFORD,
Clerk.

July 11, 18, 25

Baltimore, July 25th, 1928.

We hereby certify that the annexed advertisement of -Order.....*Publication*..... Circuit Court
..... of Baltimore City, Case of.....

Geneva F. Moss
vs. *Benjamin F. Moss*

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

four successive weeks before the
4th day of *August*, 1928.

First insertion *July 4th*, 1928.

THE DAILY RECORD

Per. *Watkins*

238

B238

Ct. Ct.

1928

Docket

Geneva F. Moss

vs.

Benjamin F. Moss

Decree Pro Confesso

Sapf

B No. 33047
(4)

Filed 26 October 1928

Geneva Moss

vs.

Benjamin Moss

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Term, 192

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 26th day of October in the year nineteen hundred and twenty eight 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.

Munc pro tunc as of Sept. 11, 1928

Wm. D. Duncanson

Doc. 68 of 238
1928

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Moss

vs.

Moss

No. 33042 B
457

PLAINTIFF'S COSTS

Examiners \$

Copies

Sheriff

Stenographer

\$ _____

DEFENDANT'S COSTS

Examiners \$

Copies

Sheriff

Stenographer

\$ _____

Ad 29 October 1928

Geneva F. Moss

vs.

Benjamin F. Moss

In the Circuit Court

OF BALTIMORE CITY.

A Decree Pro Confesso having been passed in the above 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-sixth day of October 1928, met on
the eleventh day of September in the year nineteen
hundred and twenty-eight at my office, in the city of Baltimore, in the State
of Maryland, and assigned the eleventh day of September
in the same year at one o'clock in the after noon and the
office of Messrs. Davis & Evans, 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:—

GENEVA F. MOSS

VS.

BENJAMIN F. MOSS

In the Circuit Court of

Baltimore City.

Testimony taken before me, A. deRussy Sappington, Examiner, in the offices of Messrs. Davis & Evans, in Baltimore, on September 11th, 1928, at 1:00 P. M.

Mr. J. Stewart Davis appeared for plaintiff.

Thereupon---

GENEVA F. MOSS,

the plaintiff, of lawful age, produced on her own behalf, being duly sworn, testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A Geneva F. Moss, 1113 Arlington Avenue, Baltimore, operator.

Q Do you know the parties to this suit?

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

By Mr. Davis:

Q When, where and by whom were you married?

A On December 5th, 1920, in Washington, D. C., by a Minister of the Gospel.

Q And you resided with your husband until when?

A Until January 15th, 1925.

Q Which one of you left the other at that time?

A I left him.

Q Why?

A Because of cruelty and non-support.

Q Do you mean he refused to support you and you were forced to support yourself?

A Yes, sir.

Q And the cruelty, - do you mean he quarreled with you?

A Yes, he quarreled with me and was disagreeable.

Q Did he strike you or attempt to strike you?

A Yes, sir, he attempted to strike me twice.

Q Were the attempts such as to make you feel your life was in danger?

A Yes, sir.

Q And as a result of those attempts to strike you and his quarrelsomeness and non-support, you left him on January 15th, 1925?

A Yes, sir.

Q What was your conduct towards your husband?

A I tried to treat him as a wife should.

Q Were you kind, affectionate and true to him?

A Yes.

Q Did you give him any cause or reason to treat you in the manner he did?

A No, sir, it was just his disposition.

Q Has his abandonment continued uninterruptedly for more than three years before you filed this Bill?

A Yes, sir, I haven't seen him.

Q Do you consider it deliberate and final and beyond any hope of reconciliation?

A Yes, sir.

Q Were any children born as a result of the marriage?

A No.

Q Have you been a resident of Baltimore, Maryland, for more than two years prior to the filing of your Bill?

A Yes, sir.

Q Is your husband a resident of Maryland?

A No, sir, he lived in Washington the last I heard of him.

Q Do you wish to resume your maiden name?

A Yes, Geneva Fisher.

- - - - -

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. -----

Geneva Fisher Moss.

Thereupon---

ANNA V. ROBERTSON,

a witness, of lawful age, produced on behalf of the plaintiff, being duly sworn, testified as follows:

By the Examiner:

Q State your name, residence and occupation?

A Anna V. Robertson, 1113 Arlington Avenue, Baltimore, housewife.

Q Do you know the parties to this suit?

A Yes, sir.

By Mr. Davis:

Q Do you know they were married and lived together as husband and wife and were known and recognized in the community where they lived as husband and wife?

A Yes, sir.

Q She states they lived together until January 15th, 1925, when he forced her to leave him. Tell us of the manner in which he treated her?

A He was quarrelsome with her all the time and he refused to support her and she had to work and maintain herself most of her married life and a couple times he threatened her and attempted to strike her.

Q What was Mrs. Moss' conduct towards her husband?

A She treated him like any wife should.

Q Was she a kind, faithful and affectionate wife?

A Yes, sir.

Q Did she give him any cause or reason to treat her in the manner in which he did?

A No, sir, none I know of.

Q Has his abandonment continued uninterruptedly for more than three years prior to the filing of this Bill?

A Yes.

Q Is it deliberate and final and beyond any hope of reconciliation?

A Yes.

Q Have they ever lived or cohabited together since the separation in January, 1925?

A No.

Q Were any children born as a result of the marriage?

A No.

Q Has Mrs. Moss been a resident of Baltimore, Maryland, for more than two years prior to the filing of this suit?

A Yes.

Q Is her husband a resident of Maryland?

A No, he lives in Washington, D.C.

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*

Anna B. Rodulson

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..... twenty-ninthday of..... October in the year of Our Lord nineteen hundred and..... twenty-eight at the City of Baltimore, in the State of Maryland.

A. de Russey Sappington (SEAL).
Examiner.

There are..... no Exhibits with these depositions, to wit:
Plaintiff's..... Exhibit.....

Defendant's..... Exhibit

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..... twodays, on..... both of which I was employed by the Plaintiff....., and on..... none by the Defendant.....

A. de Russey Sappington
Examiner.

Circuit Court

B238
1928.

Docket No. _____

Geneva Mos

vs.

Benjamin Mos

Order of Reference
and Report

Lyon

No. 33047
(6)

Order Filed 29 day of Oct 1928

Report Filed 9 day of Nov 1928

Geneva Moss

vs.

Benjamin Moss

IN THE
Circuit Court

OF
BALTIMORE CITY

Sept Term, 192*8*

This case being submitted, without argument, it is ordered by the Court, this 29
day of October, 1928, that the same be and it is hereby referred to
Wm P Lyons, Esq., Auditor and Master, to report the
pleadings and the facts, and his opinion thereon.

William P Lyons

Report of Auditor and Master

Bill for divorce a vinculo matrimonii, filed by the wife against
her husband on the ground of abandonment. Code Art. 16; Sec. 37-42.

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

Plaintiff's residence in Baltimore City for more than two years
prior to the filing of the bill proved.

The marriage proved.

Abandonment uninterruptedly for three years, its finality and the
irreconcilability of the parties proved.

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

Case ready for decree.

William P Lyons
Auditor and Master.

November 9, 1928

1
CIRCUIT COURT

B -238
1928 No. Docket

GENEVA F. MOSS

VS.

BENJAMIN F. MOSS

Recorded

Folio 278 1928

Decree of Divorce

B No. 33047
(7)

Ed 13 Nov 1928

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

William P. Lyons
Auditor and Master.

IN THE

Circuit Court

OF

BALTIMORE CITY

----- GENEVA F. MOSS -----

VS.

----- BENJAMIN F. MOSS -----

November Term, 192*8*

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

It is thereupon, this *13th* day of *November*, A. D. 192*8*

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

GENEVA F. MOSS -----

the above named Complainant be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, ----- BENJAMIN F. MOSS. -----

AND it is further ordered that the name of the Complainant, GENEVA F. MOSS, be and it is hereby changed to GENEVA FISHER.

And it is further Ordered, That the said ----- Complainant, GENEVA F. MOSS, ----- pay the cost of this proceeding.

Lucy M. Dune