

IN THE CIRCUIT COURT OF
BALTIMORE CITY

B 375
1928.

FLORENCE NICHOLSON

VS.

JOHN T. NICHOLSON
Penn Hotel
1629 Penna. Av.

BILL FOR DIVORCE.

B 33301

Mr. Clerk:

17
Please file.

Mar 17

J. Steward Davis
ATTORNEY FOR PLAINTIFF

DAVIS & EVANS
ATTORNEYS AT LAW

Filed 8th Oct 1928

FLORENCE NICHOLSON : IN THE CIRCUIT COURT
VS. : OF
JOHN T. NICHOLSON : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

- (1) That she was married to her husband, John T. Nicholson on the 29th day of September, 1906 and with whom she resided until the 17th day of August, 1922 when the defendant deserted the plaintiff.
- (2) That though the conduct of your Oratrix 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 intentions to live with her no longer, and that 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 is one child born as result of said marriage, John T. Nicholson, Jr.
- (5) That the defendant 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.

TO THE END, THEREFORE, YOUR ORATRIX PRAYS:

- (a) That she may be divorced A Vinculo Matrimonii from the said John T. Nicholson.
- (b) 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 Writ of Subpoena directed against the said John T. Nicholson, 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.


ATTORNEY FOR PLAINTIFF

RECEIVED AT THE SHREVEPORT OFFICE OF THE CLERK OF THE DISTRICT COURT

OCT 8 1928 3 47 PM

P881

B-375
1928 **Docket No.** **Ct. Ct.**

Florence Nicholson
vs.
John T. Micholson

1629 Penn av
SUBPOENA TO ANSWER BILL OF COMPLAINT

No. *PW*
B-33301
(2)

Filed *16 October*, 192*8*

J. Steward Davis
11 SOLICITOR

*Summoned and a copy of the Process
with the Defendant
10/10/28
(By att)
John E. Postes
Sheriff
File \$0.95*

EQUITY SUBPOENA

The State of Maryland

To John T. Nicholson,
Penn Hotel, 1629 Pennsylvania Ave.

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

Florence Nicholson

against you exhibited in the Circuit Court of Baltimore City.

HEREOF fail not, as you will answer the contrary at your peril.

Samuel K. Dennis

WITNESS, the Honorable ~~JAMES P. GORTER~~ Chief Judge of the Supreme Bench of Baltimore

City, the 10th day of September 19 28

Issued the 8th day of October, in the year 19 28.

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.

Ct. Ct.

1928

Docket 68 B 375

Ronnie Nicholson

vs.

John T. Nicholson

Decree Pro Confesso

B No. 33301
(3)

Filed

4 Feb

1929

Flornice Nicholson

vs.

John T. Nicholson

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

January

Term, 1929

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 *4* day of *Feb.* in the year nineteen hundred and twenty *nine* 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.

That the testimony heretofore taken be considered nunc pro tunc as of this date

subscribed

Doc. 68 B 375
1928

**In the Circuit Court,
OF BALTIMORE CITY**

DEPOSITIONS

Florence Nicholson

vs.

John T. Nicholson

No. 33301 B
14

PLAINTIFF'S COSTS

Examiners \$.....

Copies

Sheriff

Stenographer

\$ _____

DEFENDANT'S COSTS

Examiners \$.....

Copies

Sheriff

Stenographer

\$ _____

Ad 7" Feb 1929

.....
Florence Nicholson
.....

vs.

.....
John T. Nicholson
.....

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
.....
fourth day of February 1929, met on
the fourteenth day of November in the year nineteen
hundred and twenty-eight at my office, in the city of Baltimore, in the State
of Maryland, and assigned the fourteenth day of November
in the same year at 1:30 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 depositions, that
is to say:—

:

FLORENCE NICHOLSON : In the Circuit Court of

VS. :

JOHN T. NICHOLSON : Baltimore City.

Testimony taken before me, A. deRussy Sappington, Examiner, in my offices in the Title Building, Baltimore, on November 14th, 1928, at 1:30 P. M.

Mr. J. Steward Davis appeared for plaintiff.

- - -

Thereupon---

FLORENCE NICHOLSON,

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 Florence Nicholson, 1725 Bainbridge Street, Philadelphia, housewife.

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 were you married, Mrs. Nicholson?

A On September 29th, 1906.

Q And you lived together until when?

A Until August 17th, 1922.

Q What happened then?

A He left me.

Q What was your conduct towards your husband?

A With every consideration. I made all kinds of sacrifices for him, financially and otherwise - my people have practically supported him and his family since I married him, practically the whole time - at least six months of the year.

Q Were you kind, faithful and affectionate to him?

A Extremely so.

Q Did you ever give him any cause or reason to abandon you?

A No.

Q You state here that you ceased to live together on or about August 17th, 1922. Do you mean you discontinued marital relations then?

A Yes, we lived in the same house six years. I have been away from him entirely for over three years but before that we slept in different rooms with no relationship at all for six years. He slept in the

parlor on the first floor and I slept in the dining room, which was converted into a bedroom, with one of the children.

Q How did he treat you while you lived together as husband and wife?

A Very abusive. I have had to send to the police station, the Northwestern Police Station, for him beating and abusing me and the children. Several times he came in in the middle of the night and broke a cane over the boy's back for not washing the dishes and once he wanted to beat the girl at three o'clock in the morning because she didn't undress before she went to bed. I had to call the station house and have a policeman come there and take her around to his cousin's. He was always abusive to me and the children.

Q How did he support you?

A During the whole twentytwo years he only half supported me and the family.

Q In addition to the fact that he was brutal and abusive to you and didn't support you, was there anything else about him that was objectionable?

A Yes, he contracted a social disease and that was another reason.

Q Have you ever lived or cohabited with him since the separation or had relations with him?

A No, sir.

Q Did you give him any cause or reason to leave you?

A No.

Q Has he declared his intentions not to live with you again?

A Yes.

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

A Yes, sir.

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

A Yes.

Q Is your husband a resident of Baltimore, Maryland?

A Yes, sir, he has lived here since 1917.

Q How many children were born as a result of the marriage?

A Two, Gertrude and John. One of them is of age.

Q You have their custody and you wish to retain their custody?

A Yes, 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.

Florence Nicholson

Thereupon---

BESSIE FIELDS,

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 Bessie Fields, 1112 Lafayette Avenue, Baltimore, housewife.

Q Do you know the parties to this suit?

A Yes, sir.

By Mr. Davis:

Q Did you ever live with them?

A Yes, sir, I boarded with them on Stricker Street in 1923.

Q Do you know them to be husband and wife?

A Yes, sir.

Q She states that on about August 17th, 1922, the defendant deserted her - you were there in 1923?

A Yes, sir.

Q Were they at that time occupying the same room and living as man and wife?

A No, sir.

Q Where did he sleep?

A In the parlor.

Q Where did she sleep?

A In the dining room.

Q Tell us something of the way he treated her - was he brutal or cruel to her?

A Yes, sir, he struck her and threatened her and beat the children unmercifully and I know all that because I saw it.

Q Did he support her or not?

A I know her family had to support her - he didn't support her or the children.

Q Did she ever tell you about her husband being diseased?

A Yes, sir, that was one of the reasons for the separation, because she wouldn't have relations with him.

Q How did she treat her husband?

A She was very kind to him.

Q Was she kind, faithful and affectionate to him?

A Yes.

Q Did she give him any cause or reason to abandon her?

A No, sir.

Q To your knowledge, have they ever lived or cohabited together since the separation?

A No, sir, not that I know of.

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

A Yes, sir.

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

A Yes, sir.

Q Has the defendant lived in Baltimore, Maryland, for more than two years prior to the filing of this Bill on October 8th, 1928?

A Yes, sir.

Q Do you consider Mrs. Nicholson a fit and proper person to have the custody of the children?

A Yes, 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
Mrs Bessie Fields

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 seventh.....day of February..... in the year of Our Lord nineteen hundred and twenty-nine.....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 two.....days, on both..... of which I was employed by the Plaintiff....., and on none..... by the Defendant.....

A. de Russey Sappington
Examiner.

375
1928

Circuit Court

B375

1928

Docket No. _____

Roxane Nicholson

vs.

John T. Nicholson

Order of Reference
and Report

Lynne,

B No. 33301
(5)

Order Filed 7 day of Feb 1929

Report Filed 7 day of Meh 1929

Roxme Master

IN THE

Circuit Court

OF

BALTIMORE CITY

January Term, 192*9*
7th

vs.
John Nicholson

This case being submitted, without argument, it is ordered by the Court, this.....
day of *February*, 19*29*, that the same be and it is hereby referred to
Am P Lyons, Esq., Auditor and Master, to report the
pleadings and the facts, and his opinion thereon.

Am 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 summoned but failed to answer.

Defendant'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. Case made for awarding the
guardianship and custody of the minor child of the parties to the plaintiff.

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.

March 7, 1929.

CIRCUIT COURT

B -375
1928 No. Docket

FLORENCE NICHOLSON

VS.

JOHN T. NICHOLSON

Recorded

Folio 53 1929

Decree of Divorce

B No. 33301

(6)

Ed 7 March 1929

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

FLORENCE NICHOLSON

VS.

JOHN T. NICHOLSON

January Term, 1929

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

It is thereupon, this 7th day of March, A. D. 1929 by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said FLORENCE NICHOLSON,

the above named Complainant be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, JOHN T. NICHOLSON.

AND it is further ordered that the guardianship and custody of JOHN T. NICHOLSON, JR., minor child of the parties, be and they are hereby awarded to the Complainant, FLORENCE NICHOLSON, subject to the further order of this Court.

And it is further Ordered, That the said Defendant, JOHN T. NICHOLSON, pay the cost of this proceeding.

John T. Nicholson