

IN THE CIRCUIT COURT

OF

BALTIMORE CITY

B 584
1922

ERNEST R. BERRY

VS.

DOROTHY BERRY

B 24416

BILL FOR DIVORCE

117

Mr. Clerk:-

Please file.

L. Stewart Davis
ATTORNEY FOR COMPLAINANT

DAVIS & BISHOP
ATTORNEYS AT LAW
BANNEKER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.

Ed. [unclear] 1922

ERNEST R. BERRY : IN THE CIRCUIT COURT

VS. : OF

DOROTHY BERRY : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully represents:

1. That he was married to his wife, Dorothy Berry, March 24, 1915 and with whom he resided in Baltimore City until the 22nd day of July, 1922
2. That ever since said marriage your Orator has behaved himself as a faithful, chaste and affectionate husband toward the said Dorothy Berry.
3. That the said Dorothy Berry, has on divers days and times since said marriage, committed the crime of adultery with divers, lewd and abandoned men in Baltimore City and elsewhere, whose names to your Orator are unknown, and the said offense has not been condoned by your Orator.
4. That there are four children living as result of said marriage; Rosita, age seven; Frank, age four, Ernest, age three; and Everett age two.
5. That your Orator has not lived nor cohabited with the said Dorothy Berry since he discovered her adulteries.
6. That both your Orator and 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 Dorothy Berry.

(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 Dorothy Berry commanding 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.



SOLICITOR FOR COMPLAINANT.

30

585862 Ct. Ct.

192

2

Docket No.

Berry

Berry

1634 8 Madison

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

B 9 4 41 6

Filed

9 October 1922

D. S. Davis

SOLICITOR

4

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

Thomas J. McQuilty Sheriff

(Wol) 10/11/22 Fees \$0.80

EQUITY SUBPOENA

The State of Maryland

To

Dorothy Berry



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

Emett P. Berry

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 **11th** day of **September** 1922

Issued the **10** day of **October**, in the year 1922

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.)

CIRCUIT COURT

~~584~~ 262
1924 Docket No.

Ernest R Berry

vs.

Mosothy Berry

ORDER OF APPEARANCE

Mr. Clerk

Please File

G L Pender

Sol. for

No. 24416

(3)

Filed 6 day of Nov 1924

Form 20

Ernest R Berry

vs.

Dorothy Berry

IN THE
Circuit Court
OF
BALTIMORE CITY

Term, 19

MR. WHITEFORD, Clerk.

Enter my appearance for Defendant

H. P. Quendon

Solicitor

3/02/14/92

IN THE
CIRCUIT COURT OF BALTIMORE
CITY

B 584

ERNEST BERRY
VS
DOROTHY BERRY

1922

"ANSWER"
and
Prayer for Alimony etc

B 24416

Mr. Clerk,
Please file,
W. P. Gindler
Solicitor for Def't

3/14 Nov 1922

Ernest Berry *
vs *
Dorothy Berry *

IN THE
CIRCUIT COURT OF BALTIMORE CITY

To the Honorable, the Judge of said Court:

The Anser of this defendant ot the Bill of Complaint respectfully says:

1. That the defendant admits the marriage and that the children mentioned in the Bill were born to her by the plaintiff.
2. This defendant denies all and singular the allegations against her charging this defendant with having committed the crime of adultery with any man or men at any time whatsoever during said marriage.
3. This defendant denies that the plaintiff has treated her with proper conduct as a husband since said marriage, but on the contrary the treatment has been any thing but proper by the plaintiff.
4. The plaintiff is a man of sufficient income to provide and support her and four minor children mentioned in these proceedings, having an income of twenty-five dollars per week and that the defendant is without means to support herself and said four minor children and the costs of these proceedings including Solicitor's fee to conduct these proceedings in her behalf, she is therefore advised that she is entitled to have an order passed herein requiring the plaintiff to pay her a reasonable sum of money as alimony pendente lite and a further reasonable sum of money to pay and provide for her Solicitor to conduct these proceedings in her behalf.

To the end, therefore, the defendant will ever pray:

1. That an order be pased requiring the plaintiff to pay her a reasonable sum of money as alimoney pendente lite and a further order requiring the payment of a sum of money to pay her Solicitor to conduct these proceedings in her behalf.

And such oteher and further relief as her case and equity require.

And as in duty bound etc,


Solicitor for Defendant.

STATE OF MARYLAND

SS : -

CITY OF BALTIMORE

I hereby certify that on this ^{10th} day of November
1922, before me the subscriber a *Notary Public* of the
State of Maryland in and for said city, personally appeared
Dorothy Berry and made oath in due form
of law that the matters and things set out in the foregoing
are true to the best of her knowledge and belief.

-- *Mary B. Cook* --
Notary Public.

B62 Docket 584
1922
Circuit Court

Berry

vs.

Berry

Order Counsel Fee and Alimony

Pendente Lite

B No. 24416

(5)

(8)

\$25
4 chd
pd 15 Nov 1922
9/9 Dec
pend litor

How Ex.

Thomas F. McQuilly
Sheriff

2nd Return

Copy of the within Order of Court served on
Johnston Davis Solicitor on the 14th day
of December 1922 in presence of Harry Brang

Fees \$0.50

Thomas F. McQuilly
Sheriff

Ernest Berry

vs.

Dorothy Berry

-IN THE-
CIRCUIT COURT

-OF-

BALTIMORE CITY

Nov TERM

ORDERED BY THE COURT this 15 day of November 1922

that the Plaintiff Ernest Berry

pay to the Defendant Dorothy Berry

the sum of Twenty-five⁰⁰ Dollars as Counsel Fee for the

Solicitor of the Defendant and that he further pay the sum of Twelve⁵⁰

Dollars per week, during the continuance of this suit, to the said Defendant Dorothy Berry

as Alimony, *pendente lite*, unless cause to the contrary be shown on or before the

day of November 1922, provided a copy of this Order be served on the said Plaintiff

Ernest Berry his Solicitor of Record

on or before the day of November 1922

Carroll J Bond

TRUE COPY—TEST:

CLERK

The foregoing Order having been returned "Non Est" as appears by the Sheriff's return thereon, it is Ordered by the Circuit Court of Baltimore City this 9 day of December 1922, that the time for showing cause under said Order be extended to the 23 day of December 1922, and the time for service of a copy of the same be extended to the 18 day of December 1922.

Carroll J. Bond

CIRCUIT COURT

584
19 22 162 Docket No.

Ernest Berry

vs.

Rowley Berry

Order

19

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

Berry
No. 24416

[5/14]

Fd 27 Nov 1922

FILED

NOV 27 1922

CLERK OF COURT

Ernest R Berry

vs.

Dorothy Berry

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 _____ desire _____ to take testimony in this case, and
respectfully pray _____ that leave be granted _____ to do so before one of the Standing
Examiners of this Court.

J. Stuart Davis
Solicitor for plaintiff

ORDERED, this 27 day of November 1925, 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.

Carroll J. Bond

IN THE
CIRCUIT COURT OF BALTIMORE

CITY

P 62-5-84

DOROTHY BERRY *(1922)*

VS

ERNEST BERRY

CROSS-BILL FOR DIVORCE,
A Vinculo Matrimonii

P 24416

Mr. Clerk,
Please file,

H. D. ...

Solicitor for Complainant

bd 8 Dec 1922

1634 S. Mad. A1-

DOROTHY BERRY

VS

ERNEST BERRY

*
*
*
*
*
*

IN THE
BALTIMORE CIRCUIT COURT
OF
BALTIMORE CITY

To the Honorable, the Judge of said Court:

The Bill of Complaint respectfully says:

1. That the plaintiff and defendant were lawfully married on or about the 24th day of March, 1915 and lived together as husband and wife until on or about the 22nd day of July 1922, when separation commenced as will be hereinafter stated in these proceedings.
2. That the plaintiff at all times has been a wife to the defendant, that her duties as wife are above reproach; that her moral conduct respecting her marriage vows are above reproach.
3. That the plaintiff has been a resident of Baltimore City and State of Maryland for more than two years next before this suit was commenced.
4. That Rosita, a girl, seven, Frank, a boy, five, Ernest a boy three, and two years of age were born to the parties by reason of said marriage, in the custody and care of the plaintiff in this Cross-Bill of Complaint.
5. That the defendant, Ernest Berry, her husband has been guilty of adultery, with divers women, the names and the places thereof are unknown to the plaintiff, but since the certainty of said offences of adultery, the plaintiff, Dorothy Berry, his wife has not in any way condoned same nor lived with the defendant, nor cohabitted with her said husband.

6. That the plaintiff herein took from the trunk of the defendant herein, Ernest Berry, her husband a letter addressed in the following words:

"Baltimore, Md. July 21, 1918.

Dear Ernest:-

I thought I would drop you a few lines to let you know how disappointed I was at not seeing you Monday night as you said you would meet me. I didn't really think you love that much, you said when you went back to your wife you would treat me the same as you always did before you left, I didn't think you would leave her and to think you have gone back to her again. I know I'll have some time seeing at all now. do you have anything to do with your wife at all I hope you don't. George has gone away, so I can be with you anytime you want to. it might be a little late for it is not like it was it was no body but me. Ernest I wish I we could be together always. they say my baby looks like you it might be yours dear I don't know. meet me at 8 o' clock Friday night so be there for sure I want to see you bad at the corner of 25th St and that is all you know our parlor isn't it. I must close with much love I hope to remain as always,

Laura Simms.

P. S. dont answer I dont know when George might walk in and you know it would be awful"

7. That the said Ernest Berry has on deposit in the

Resident Savings Bank of Baltimore City, Maryland, at *Howard and Seneca Streets* the sum, to wit: three

hundred dollars which amount would help to maintain her and the said children, but if the defendant withdraws the said sum or any part thereof she would be deprived of such ready cash to support said children and herself pending these proceedings, the plaintiff therefore she craves an order restraining him from drawing any part thereof pending these proceedings.

8. That the defendant is a man of sufficient means of an income making to wit: the sum of thirty or forty dollars each week payable weekly, but that the plaintiff herein is without sufficient means or an income to support herself and four minor children, she therefore prays an order for alimony of sufficient sum to support herself and four minor children and a further sum to pay and provide compensation for her Solicitor to conduct these proceedings

6. That the defendant has on deposit money, the amount of which the plaintiff does not know, but quite certain that money is deposited in the Provident Saving Bank at the corner of Saratoga and Howard Street, with a branch at Gay and Mott Streets in Baltimore City, Maryland, which amount, if large or small will help to support herself and said children; but if the defendant is permitted to withdraw said money, no part of same would be used to pay for the proper support of herself or children.

To the end, therefore, the plaintiff will ever pray:

- (a) That the defendant be required to file his answer to the Cross-Bill of Complaint under oath.
- (b) That the defendant be restrained from drawing any money from the Provident Bank of Baltimore City, Maryland or any other money on deposit in the hands of any person or corporation pending these proceedings.
- (c) That an order be passed in the proceedings requiring the defendant to pay her a reason sum of money as alimony pendente lite, and that the same be made permanent at the close of these proceedings.
- (d) That a further sum of money be required to be pay her Solicitor to conduct the proceedings in her behalf.
- (e) That the the plaintiff be permitted to resume her made name at the close of this case.

And such other and further proceedings as her case and equity require.

And may it please your Honor to grant unto her the writ of subpoena issued out of this Court directed to the said Ernest Berry, the defendant, residing in Baltimore City, Maryland, commanding him to be and appear in this Honorable Court, on some certain day to be named therein and to appear and answer the said Cross-Bill of Complaint and to show good and sufficient cause, if any, he may have why the prayers of said Cross-Bill should not be granted as therein prayed.

And as in duty bound, *G. L. Pender*

Solicitor for Complainant

State of Maryland , Baltimore, City, SS : -

I hereby certify that on this *7th* day of *Dec*, 1922, before me the subscribera *Notary Public* of the State of ^Maryland, in and for said city, personally appeared *Dorothy Berris* and made oath in due form of law that the matters and things set out in the foregoing are true to the best of her knowledge and belief.

Caroline Murray

Notary Public

Upon the foregoing Cross-Bill of Complaint and affidavit
this day of 1922, by the Circuit Court of
Baltimore City, Adjudged and ordered, that Ernest Berry, defendant,
in the above entitled case be and he, his agents and servants, are
hereby restrained and enjoined from withdrawing any money from the
Provident Saving Bank of Baltimore City, a corporation, pending these
proceedings, provided a copy of this order be served upon Ernest
Berry or his Solicitor of record, on or before the _____ day of _____
_____ 1922.

AND it is further ordered that the Provident Saving Bank
of Baltimore City, Maryland, a corporation, be and it, its agents
and servants are hereby enjoined and restrained from paying any
money on deposit for Ernest Berry, to said Ernest Berry, his agents
and servants without a further order of this Court, provided a copy
of this order be served upon the Provident Saving Bank of Baltimore
City, Maryland, on or before the _____ day of _____ 1922.

Upon the foregoing Cross-Bill of Complaint and affidavit
this day of 1922, by the Circuit Court of
Baltimore City, Adjudged, and ordered, that Ernest Berry, defendant,
in the above entitled case be and he, his agents and servants, are
hereby restrained and enjoined from withdrawing any money from the
Provident Saving Bank of Baltimore City, a corporation, pending these
proceedings, provided a copy of this order be served upon Ernest
Berry or his Solicitor of record, on or before the day of
_____ 1922.

AND it is further ordered that the Provident Saving Bank
of Baltimore City, Maryland, a corporation, be and it, its agents
and servants are hereby enjoined and restrained from paying any
money on deposit for Ernest Berry, to said Ernest Berry, his agents
and servants without a further order of this Court, provided a copy
of this order be served upon the Provident Saving Bank of Baltimore
City, Maryland, on or before the day of 1922.

192

262

89-102

Ct. Ct.

Docket No.

Berry

Berry

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

B Pro

24416

Filed

11 Dec 1922

G L Paulkleton SOLICITOR

B

Non Est

Thomas F Maulty Sheriff

12/17 1922

REISSUED TO Primary Return Day, 1923

Charles R. Waterford Clerk

Non Est

Thomas F Maulty Sheriff

EQUITY SUBPOENA

The State of Maryland

To

Ernest R Berry

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 **December** ^{next} cause an appearance to be entered for you and your answer to be filed to the complaint of *Crosswell of*

Dorothy Berry

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 **13th** day of **November** 19**22**
Issued the **8th** day of **December**, in the year 19**22**

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.)

Ct. Ct.

192

Docket No.

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

Filed.....192

SOLICITOR

EQUITY SUBPOENA

The State of Maryland

To

Ernest R Berry



REISSUED TO *January* Return Day, 192 *3*
12/12 1922
Charles R Whiteford
Clerk

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 ~~December~~ *cross Beech* next cause an appearance to be entered for you and your answer to be filed to the complaint of

Dorothy Berry

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 **13th** day of ~~November~~ **1922**
Issued the *8* day of ~~December~~, in the year 192*2*

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.)

Handwritten notes on the left page, including a large 'D' and some illegible text.

Handwritten notes on the top of the left page.

Handwritten notes on the left page, continuing from the top.

Jan 10 1923

Handwritten notes on the right page, starting with 'Handwritten notes'.

Handwritten notes on the right page, including a large 'D' and some illegible text.

Handwritten notes on the right page, including a large 'D' and some illegible text.

Ernest Beroy

or

Dorothy Beroy

In The Circuit Court

of

Baraboo City

To The Honourable the Judge of said Court
Your orator answering the respondents
prayer for alimony and counsel fees respectfully
says:

1- That his income is but \$150 per wk.
and that the respondent is employed.

2- That Your orator has been contributing
regularly to the support of his children
since the separation between the parties to
this suit.

Wherefore your orator prays that the
respondents prayer for alimony will be
dismissed with costs to the respondent

Respectfully
Ernest Beroy

J. Sheu and W. W. W. W.
attys for plaintiff

J. J. Davis

584 162 Ct. Ct.
1922 No. Docket

Ernest Perry

vs.

Walter Perry

MOTION FOR HEARING

824416
No. (10)

B. L. Pennington

Filed 23 day of Dec 1922

Ernest Perry

vs.

Dorothy Perry

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

The Respondent by G. P. Pendergraft

Solicitor, applies to have the above entitled cause placed on the Trial Calendar

for hearing Alimony & Support fee

in conformity with the First Equity Rule.

G. P. Pendergraft
Solicitor for

SERVE ON

J.S.DAVIS

B-584
192 No. Docket

Ct. Ct.

BERRY

vs.

BERRY

NOTICE OF HEARING

No B-24416

11

Filed No. 28 day of Dec 1922

Copy of the within notice served on J.S. Davis
Solicitor on the 2nd day of January 1923 in presence
of Harry B. Franz

Thomas F. Maults
Sheriff

Fees \$ 0.50

ERNEST BERRY

VS

DOROTHY BERRY

IN THE

CIRCUIT COURT

OF BALTIMORE CITY

Upon application made by the Solicitor for the DEFENDANT

the above entitled cause has been placed upon the trial calendar in accordance with the provisions of the First Equity Rule, and the same will stand for hearing on ALIMONY AND SOLICITORS FEE

when reached in due course on said calendar.

CHARLES R. WHITEFORD

Clerk Circuit Court.

Circuit Court

58462
1922 B No. Docket

Berry

vs.

Berry

Final Order, Counsel Fee and Alimony
Pendente Lite.

B24416

No. _____ B

12

Filed 15 Jan 1923

IN THE
Circuit Court
OF
BALTIMORE CITY.

Term, 19.....

Ernest Berry

vs.

Dorothy Berry

This cause coming on to be heard upon the petition for Alimony **pendente lite** and Counsel fee, and the answer thereto, and testimony taken, and having been submitted by the solicitors for the respective parties;

Ordered by the Circuit Court of Baltimore City this 15 day
of January 1923 that the Ernest Berry
pay to the Dorothy Berry
the sum of twelve Dollars, as counsel fee
for the Solicitor of the ~~.....~~ and that he
further pay the sum of twelve 50/100 Dollars per week,
to the said Dorothy Berry
as Alimony **pendente lite** accounting from the..... day of..... 19.....
and continuing until the..... day of..... 19....., (should this suit be
so long pending) or until the further order of this Court. to the Prisoners

Aid Association

Kenneth Duffy

Serve on

Ct. Ct.

B ⁵⁸⁴
192 ²

DOROTHY BERRY

vs.

WALTER ERNEST BERRY

911 E. Madison St

ORDER OF COURT

B 24416

No. B.

(1-3)

21 June 1923

Filed

192

3

Copy of the Within Order Court served
on Walter Ernest Berry on the 26th
day of June 1923 in the presence
of John Morgan
Thomas F. Sullivan
Sheriff

Fees \$ 0.50

Dorothy Berry

vs.

Walter Ernest Berry

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Ordered by the Circuit Court of Baltimore City this 21st day of June 1923.
that the Defendant appear before this Court in person,
on the 2nd day of July, 19 23 at 10 o'clock A. M., and then and there show cause,
if any he may have, why he should not be punished for contempt of this Honorable Court in not obey-
ing the Order of this Court passed on the 15th day of January, 19 23, directing the
payment of Alimony, pendente lite, by him to the Plaintiff
provided a copy of this Order be served on the said Defendant
on or before the 29th day of June, 1923.

Arrears to June 18th, 1923 - \$165.00

Henry Duffy

TRUE COPY
TEST.

Charles Whiteford

Serve on

Ct. Ct.

B 584
1922

1005 E Monument Street

Dorothy Berry

vs.

Ernest Berry

ORDER OF COURT

No. B.

B 24416
(14)

Filed 24th September 1923

3

Thomas F Mennelly
Sheriff

Non Est
(Finkelstein)

Margothy Berry

vs.

Ernest Berry

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Ordered by the Circuit Court of Baltimore City this 24th day of September 1923
that the defendant appear before this Court in person,
on the 1st day of September, 1923, at 10 o'clock A. M., and then and there show cause,
if any he may have, why he should not be punished for contempt of this Honorable Court in not obey-
ing the Order of this Court passed on the 15th day of January, 1923, directing the
payment of Alimony, pendente lite, by him to the Plaintiff
provided a copy of this Order be served on the said defendant
on or before the 29 day of September, 1923.

Arrears to Sept. 17, 1923 @ \$12.50 w/c. - \$437.50
Amt. paid (direct) from Jan. 22, to Sept. 17, 1923 - 175.00
Arrears - \$262.50

Henry Duff

Serve on

Ct. Ct.

B. _____

192

DOROTHY BERRY

VS.

ERNEST BERRY

ORDER OF COURT

No. _____ B.

Filed _____ 192

IN THE
CIRCUIT COURT
OF
BALTIMORE CITY

Dorothy Berry

vs.

Ernest Berry

Ordered by the Circuit Court of Baltimore City this **24th** day of **September** 192**3**
that the **defendant** appear before this Court in person,
on the **1st** day of **October**, 192**3**, at 10 o'clock A. M., and then and there show cause,
if any he may have, why he should not be punished for contempt of this Honorable Court in not obeying
the Order of this Court passed on the **15th** day of **January**, 192**3**, directing the
payment of Alimony, pendente lite, by him to the **plaintiff**
provided a copy of this Order be served on the said **defendant**
on or before the **29th** day of **Sept.** 192 **3**.

Henry Duffy

Arrears to Sept. 17th 1923 @ \$12.50 wk. -\$437.50

Amt. paid(direct) from Jan. 22, to Sept.17th, 1923.-175.50

Arrears-----\$262.50

TRUE COPY
TEST.

Chas. K. Whiteford

3/12/14/92

Doc. 13 ⁵⁸⁴
1922

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Ernest R. Berry

vs.

Dorothy Berry

No. 24416B

PLAINTIFF'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

\$.....

DEFENDANT'S COSTS

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

Copies.....

Sheriff.....

Stenographer.....

\$.....

Ad 28 July 1925

Ernest R. Berry

vs.

Dorothy Berry

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 twenty - seventh day of November 1922, met on the twenty - eighth day of November in the year nineteen hundred and twenty two at my office, in the City of Baltimore, in the State of Maryland, and assigned the twenty - ninth day of November in the same year at two o'clock in the afternoon 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:—

*Put together
and file, - as Bill*

Berry,
v.
Berry.

Testimony taken at the office of J. Stewart Davis, Esq., 115 St. Paul Place, Baltimore, Maryland, November 29th, 1922, at 2 O'clock P. M.

ERNEST R. BERRY, the Plaintiff in this case, produced on his own behalf, having been first duly sworn, deposeseth and saith as follows, that is to say:

BY THE EXAMINER:

- 1 Q. State your name residence and occupation?
- A. Ernest R. Berry, 615 Ensor Street; driver.
- 2 Q. Do you know the parties to this suit?
- A. I am the Plaintiff and my wife is the Defendant.

BY MR. DAVIS:

- 1 Q. When were you married?
- A. 24th., of March 1915.
- 2 Q. Were you married by a Minister of the Gospel?
- A. Yes.
- 3 Q. By a Religious Ceremony?
- A. Yes.
- 4 Q. In Baltimore City?
- A. In Harford County. Ellicott City.
- 5 Q. Have you been a resident of Baltimore City,

Ernest R. Berry.

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. Four. Rosita, seven; Frank, four; Ernest three, and Everett two years old.

7 Q. Have you the custody of these children?

A. She has the children.

8 Q. You are supporting these children, are you?

A. Yes.

9 Q. And you are going to continue to do so?

A. Yes.

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

A. Good.

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

A. Yes.

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

A. No sir.

12 Q. Which left the other?

A. I left her.

13 Q. When?

A. 24th., of July 1922.

Ernest R. Berry.

14 Q. You charge your wife with adultery; do you know anything personally about that?

A. No.

15 Q. However, will you state whether or not you charged your wife with adultery personally ?

A. Yes.

16 Q. Did she admit or deny it?

A. She admitted it.

17 Q. Is that what caused the separation in June 1922?

A. Yes.

18 Q. Have you lived or cohabited with her since July 1922?

A. No sir.

19 Q. Have you lived or cohabited with her since you discovered her adulteries?

A. No.

20 Q. Have you forgiven or condoned her offense in any way?

A. No sir.

21 Q. She worked at Wonderland Park at one time, did she not?

A. Yes; at one time; and this man was down there at Wonderland Park around her, and he seemed very intimate with her, and I did not say anything to her until after the man went away from her, and then I spoke to

Ernest R. Berry .

her about the man and she started to curse me, and driving me away from the place, and telling me that she did not want me there any how/

22 Q. You went there to bring her home?

A. Yes.

23 Q. And this man was named what?

A. Sam Parker .

24 Q. Did'nt Sam Parker come around to fit a dress for her one time?

A Yes; Sam Parker came around to fit a dress on her one time, and she carried herself very loose towards him.

25 Q. Tell what she had on?

A. She came before him with only a one piece dress, and you could look through her dress and see her naked figure, and I scolded her about it, and so did her mother, and after the man was gone she cursed me out; asking me what I had to do with the way that she wanted to dress herself.

26 Q. Did she ever leave the house and stay away all night.

A. Yes; when she worked at Wonderland Park, she would come in at all hours after twelve O'clock; she came in one night at about twelve O'clock and she

Ernest R. Berry.

took off her corsets, and she went out again, and she did not come ⁱⁿ until three O'clock.

27 Q. Did you ask her where she had been,

A. Yes; I asked her where she had been and she told me that she was at the National Dance Hall down there, and I did not question her any more about it, because I did not think that she was telling me the truth when she said that she was down there, because I know that that place did not keep open until that hour at night.

28 Q. Did she stay out late at night in that way very often.

A. Yes; very often.

29 Q. Did she stay away from home for more than one day at a time?

A. Yes; she stayed out all night one time; she told me that she was going to sit up with a sick person, but I heard after that, that she did not go to sit up with the sick, but she made an engagement to stay with a man all night.

30 Q. Who looked out for the children at these times?

A. I did.

31 Q. During the time just prior to your leaving, had you slept in separate rooms?

Ernest R. Berrry.

A. Yes; she got so nasty towards me, that she ever told me that she did not want me to sleep in the bed with her, and I was too much of a bore to her, and she asked me to go into another room by myself, and I did so, and I told her that I would try to do anything to please her, and I did ; I went to a room upstairs and slept by myself.

32 Q. She refused to have marital relations with you?

A. Yes; she refused to have marital relations with me.

33 Q . Did you intercept any letters from Sam Parker to her?

A. Yes.

34 Q . Where did you get the letter?

A. I got the first letter out of her shoe; that was from Sam Parker; it was one time when I came down stairs to talk to her about taking care of the children the proper way, and, in fact, a bug was coming down on the wall, and I went to kill the bug; I took her shoe which was there, and I did not know that there was a letter inside of it; I saw some paper but I thought that it was some paper that she had just put in there to fill out her shoes, and when I picked the

Ernest R. Berry.

shoe up, she hollered that I should not take the letter out of the shoe, that it did not belong to her, and I did not think that it was a letter. I thought that it was a piece of paper that she had put in there to fill her shoe out, and after she screamed and said that the letter did not belong to her, I took it out, and she jumped out of bed and she tussled with me, trying to get the letter away from me, and I went into the bath room and I saw what sort of a letter it was, and I went to work and I kept the letter, and when I came home that night and went upstairs, she had broken open all of my drawers trying to find the letter.

35 Q. Is this the letter?

A. Yes .

Note: Same produced and filed with the Examiner as Plaintiff's Exhibit Examiner No. 1.

General Question.

Do you know ~~the parties~~ 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*

Ernest A. Berry

JOSEPH MARSHALL, 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. Joseph Marshall, 1521 East Madison Street; store-keeper.

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

A. Yes

BY MR. BOND:

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. Yes.

5 Q. Are their names and ages correctly given by the father.

Joseph Marshall.

Q. Yes.

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

A. A perfect gentleman and a good husband, and a good working man; worked every day,, and a man that I never heard say an immoral word in my life, and a Church member,- goes to Church .

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

A . Yes. I never saw the man with a frown on his face yet; any time that he ever spoke to his wife or children, I never saw a frown on his face.

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

A. No sir.

9 Q. Which left the other?

A. He left her.

10 Q. When?

A . Sometime in July.

11 Q. What year?

A. 1922.

12 Q. Do you know anything about his wife's adulteries?

A. No sir.

Joseph Marshall.

13 Q. However, will you state whether or not he has lived or cohabited with her since July 1922?

A. No.

14 Q. Has he forgiven or condoned her adulteries in any way ?

A. No sir.

15 Q. Has he lived or cohabited with her since he discovered his wife's adulteries?

A. No sir.

General Question.

Do you know ~~the parties~~ 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.*

Joseph E Marshall

Joseph H. Thomas, Jr., a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposeseth and saith as follows, that is to say:

BY the Examiner;

1 Q. State your name residence and occupation?

A. Joseph H. Thomas, Jr., 507 North Caroline Street; huckster.

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. Mr. Berry has charged his wife with adultery; what do you know personally about that.

A. Well, this happened, - I believe it was last July---

Counsel Interrupting: What happened?

Witness: I saw her around to the house, - to that house.

Joseph H. Thomas.

- 4 Q. Wherewas the house?
A. On Central Avenue.
- 5 Q. Between what Street.
A. Between Monument and McElderry Streets.
- 6 Q. What is the reputation of that house?
A. A sporting house/
- 7 Q. How do you know that?
A. That is his reputation?
- 8 Q. You delivery fish there, dont you?
A. Yes.
- 9 Q. How long have you been deliverjng fish there?
A. Up until last August.
- 10 Q. Howllong?
A. About three years.
- 11 Q. Do you live in that locality yourself; East Baltimore?
A. Yes.
- 12 Q. Where do you live?
A. On McElderry Street.
- 13 Q. Near where?
A. Jefferson Street.
- 14 Q. When you say sporting house, do you mean that the reputation of the house is that you could rent a room there and go to bed with some one that is not your

Joseph H. Thomas.

wife?

A. Yes.

15 Q. What did you see there?

A. I went around there about half past eleven to collect some fish, and I found Berry's wife sitting in there talking to some man, and another woman was in there with her.

16 Q. Do you know Sam Parker?

A. Yes; personally.

17 Q. Did you ever see Mrs. Berry with Sam Parker.

A. I saw Sam Parker going in and out of the house, and coming to his shop.

18 Q. Do you mean the house in which he lives now?

A. Yes.

19 Q. How often?

A. Every day when I go pass there.

20 Q. You say that you saw her over in his shop?

A. Yes.

21 Q. Where is his shop?

A. On the southwest corner, at Broadway and Madison Streets.

22 Q. What has he; a tailoring shop?

A. Yes.

Joseph H. Thomas.

23 Q. How often did you see her go in and out of his shop?

A. I almost see her every day.

24 Q. You do.

A. Yes.

25 Q. In other words, I understand from you and they are together as often as two persons would be who are courting each other?

A. Yes.

26 Q. It is nothing unusual for you to see them?

A. No.

27 Q. This man that you saw with her in the Central Avenue house, was not Parker?

A. No. I can not say whether she was in the house with any man particularly because there was three or four in there.

28 Q. But Parker was not in there?

A. No.

29 Q. Did you see Parker and her on the street at any time?

A. No sir.

30 Q. But you see her go in his house whenever she gets good and ready?

A. Yes.

Joseph H. Thomas.

31 Q. Do you know how long she stays in there?

A. I can not say that. You know how a huckster is, as soon as he sells, he goes, but I see her almost every day.

32 Q. What is the reputation of Mr. Berry?

A. Good.

33 Q. Kind and affectionate husband ?

A. Yes.

34 Q. And true to her.

A. Yes. I can say that myself.

35 Q. He is a resident of Baltimore City, State of Maryland, and has been for more than two years prior to the filing of this suit?

A. Yes.

36 Q. There are four children born as the result of this marriage?

A. Yes.

38 Q. And is his wife a resident of Baltimore too?

A. Yes.

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.
Joseph H. Thomas Jr.

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 28th day of February in the year of Our Lord nineteen hundred and twenty-five at the City of Baltimore, in the State of Maryland.

A. de Russy Sappington (SEAL).
Examiner.

There ~~are~~ ^{is} no Exhibits with these depositions, to wit:
Plaintiff's Exhibit Examinee No. 1

Defendant's Exhibit /

A. de Russy 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 Russy Sappington
Examiner.

DOC. B

584

1922

IN THE CIRCUIT COURT

No.

OF BALTIMORE CITY

Ernest R. Berry

vs.

Society Berry

PLAINTIFF'S EXHIBIT

EXAMINER No.

No. 24416 B

14 3/4

FILED WITH THE EXAMINER

Nov 29, 1922

A. deR. SAPPINGTON

EXAMINER

At 28 Feb 1925

June 21-1922

Heels Babe I will write
you a few words to let you
know that I got here safe
and gem London without
you I wish you was here
with me and I would
in joy it Betha Be sure
and send me what
you said you would
send it to this company
that I work for you the
Name on Back of

Letter let me hear from
you at once

From your Dadie
Parker
to my Babie

Circuit Court

584
19 *27* B Docket No. *62*

Ernest R Berry

vs.

Dorothy Berry

Order of Reference
and Report

Lyons
Lyons
B-24416

No. _____

(18)

Order Filed *27* day of *Feb* 19 *25*

Report Filed _____ day of _____ 19 _____

Ernest R Berry

vs.

Dorothy Berry

IN THE
Circuit Court

OF
BALTIMORE CITY

Jan

Term, 19 25

27

This case being submitted, without argument, it is ordered by the Court, this day of February, 1925, that the same be and it is hereby referred to William P. Lyons, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

George A. Salter

Report of Auditor and Master

Bill for divorce a vinculo matrimonii filed by the husband against the wife on the ground of adultery. Article 16, Sections 36-41.

Defendant summoned and answers admitting the marriage. The marriage proven. Adultery proven. Cause of divorce occurred in Baltimore.

Residence of the plaintiff and defendant in Baltimore for more than two years before suit filed proven.

Four children now in custody of plaintiff and supported by him.

The case submitted and 43rd Equity Rule waived by the counsel for both parties.

Case ready for decree.

William P. Lyons

March 9, 1925.

Auditor and Master.

584
19 27

Circuit Court
Docket 62

Berry

vs.

Berry

SUBMISSION FOR DECREE.

Mr. Clerk,
Please file,

Steward Davis
Solicitor & for Plaintiff.

No. B-24416

Filed ^{15} 27, Feb 19 28

Ernest Berry

vs.
Dorothy Berry

*In the Circuit Court
of Baltimore City*

Jan TERM 1925

To the Honorable

George A. Salter
Judge of Said Court:

The above cause is respectfully submitted for
decree and the 43rd General Equity Rule is hereby waived.

J. Steward Davis

Solicitor for Plaintiff,

G. L. O'Leary

Solicitor for Defendant.

CIRCUIT COURT

B 584
1922

No. 62 Docket

ERNEST R. BERRY

VS.

DOROTHY BERRY

Recorded

Folio 46 1925

Decree of Divorce

B No. 24416

(16)

Filed 12th March 1925

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

ERNEST R. BERRY

VS.

DOROTHY BERRY

January Term, 1925

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

It is thereupon, this Twelfth day of March, A. D. 1925, by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said

ERNEST R. BERRY

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

And it is further ordered that the custody and guardianship of the four children, Rosita, Frank, Ernest and Everett Berry, be awarded to the complainant, Ernest R. Berry; and the said complainant, Ernest R. Berry, is charged with the maintenance and support of said children - all subject to the further order of this court.

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

George T. Salmon