

3/14/17

3579/1924

IN THE  
CIRCUIT COURT NO. 2  
OF  
BALTIMORE CITY

JOSEPHINE L. FAIRFAX

VS

DAVID FAIRFAX

BILL FOR DIVORCE a vinculo  
matrimonii

Mr. Clerk:-

Please file.

*Hawkins & McMechen*  
Solicitors for Plaintiff.

*No 24680*

HAWKINS & McMECHEN  
ATTORNEYS AT LAW  
BANNEKER BUILDING  
14 E. PLEASANT STREET  
BALTIMORE, MD.

FILED

*9 Dec 1924*

THE DAILY RECORD COMPANY  
Baltimore, Md.

JOSEPHINE L. FAIRFAX ) IN THE  
VS ) CIRCUIT COURT NO. 2  
DAVID FAIRFAX ) OF  
 ) BALTIMORE CITY

To the Honorable, the Judge of said Court:

Your oratrix, complaining, says,

1. That she was married to her husband, David Fairfax, on the 31st day of May, 1921, by the Rev. Z. R. Bean, aminister of the gospel, at BaltimoreCity, and that they resided together in Baltimore City until on or about the summer of 1921.

2. That though the conduct of your oratrix toward her husband, the said David Fairfax, has always been kind, affectionate and above reproach, the said David Fairfax, with out any just cause or reason, abandoned and deserted her and declared his intention to live with her no longer, and that such abandonment has continued uninterruptedly for at least three years, and is deliberate and final, and the separation of the parties beyond any reasonable expectation of reconciliation.

3. That there were no children born to them from said marriage.

4. That your oratrix and the defendant are residents of the City of Baltimore, State of Maryland, and have been for more than three years last past.

To the end, therefore,

(1) That your oratrix may be divorced a vinculo matrimonii from the said David Fairfax.

(2) That your oratrix 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 to the said David Fairfax, residing in Baltimore City, commanding him to be and appear in this Court at some certain day, to be named therein, and answer the premises and abide by, and perform such decree as may be passed therein.

And as in duty bound, etc.

---

Plaintiff.

*Harold M. Mahan*  
Solicitor for Plaintiff.

P 354

Ct. Ct. No. 2

579  
1924 B Docket No. 33

Fairfax

vs.

Fairfax

1420 Bond Hill ave

Subpoena to Answer Bill of Complaint

Pro

No. 24680 B  
213

Copies = Copies

30 January 1925  
Filed 12 January, 1925  
Kawkins & McMichen  
Solicitor.

11

Now Ent John E. Potter Sheriff

22 January 1925

REISSUED TO February RECORD Day, 192

John Pleasant  
CLERK

Summoned and a copy of the Process left with the  
Defendant  
Lycett  
(1/28/25)  
John E. Potter  
Sheriff

Fee \$0.80

EQUITY SUBPOENA

The State of Maryland

To

*David Fairfax*

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 *January*, next, cause an appearance to be entered for you, and your Answer to be filed to the Complaint of

*Josephine L. Fairfax*

against you exhibited in the CIRCUIT COURT No. 2 OF BALTIMORE CITY.

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

WITNESS, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the *8* day of *November*, 192*4*.

Issued the *9* day of *December* in the year 192*4*

*John Pleasant*  
Clerk.

MEMORANDUM:

You are required to file your Answer or other defence in the Clerk's Office, Room No. 235, in the Court House, Baltimore City, within fifteen days after the return day. (General Equity Rule 11).

*B 579/1924*  
IN THE  
CIRCUIT COURT NO. 2  
BALTIMORE CITY.

JOSEPHINE L. FAIRFAX

VS.

DAVID FAIRFAX.

ANSWER  
to  
BILL OF COMPLAINT.

Mr. Clerk:--

*No 14680 B*  
*H*

Please file &c.,

*Roy S. Bond*  
Sol. for Respondent.

ROY S. BOND  
ATTORNEY AT LAW  
220 ST. PAUL PLACE  
BALTIMORE, MD.

FILED

*31 January 1924*

THE DAILY RECORD COMPANY  
Baltimore, Md.

JOSEPHINE L. FAIRFAX

VS.

DAVID FAIRFAX

IN THE

CIRCUIT COURT NO. 2

BALTIMORE CITY.

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TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Respondent, David Fairfax, in answer to Bill of Complaint, heretofore filed against him respectfully says:

FIRST: He admits the allegations contained in paragraph ONE.

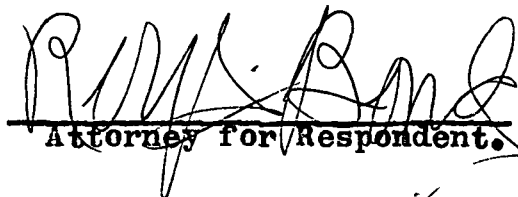
SECOND: That he most emphatically denies the allegations contained in paragraph TWO, and to the contrary says, his wife left him without provocation.

THIRD: That he admits the allegations contained in paragraph THREE.

FOURTH: That he admits the allegations contained in paragraph FOUR.

FIFTH:

Having answered in so far as he is necessary, he respectfully prays that the Bill of Complaint be dismissed.

  
Attorney for Respondent.

Circuit Court No. 2

579  
192 4 B Docket 33

Josephine L. Lurfar  
vs.

David Lurfar

*Spec*

Petition for Leave to Take  
Testimony and Order of  
Court Thereon.

No. 24680B  
(5)

Filed 20 August, 192 5



Josephine L. Fairfax

vs.

David Fairfax

IN THE

Circuit Court No. 2,

OF

BALTIMORE CITY.

To the Honorable the Judge of the  
Circuit Court No. 2 of Baltimore City:

THE PETITION OF

Josephine L. Fairfax

plaintiff

in this case, respectfully shows that she desire<sup>s</sup> to take testimony in this case, and  
respectfully pray<sup>s</sup> that leave be granted her to do so before one of the Standing  
Examiners of this Court.

Hawkins J. McMechen  
Solicitor for

ORDERED, this 20th day of August, 1928, 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.

Charles H. Steen

Ct. Ct. No. 2

579  
1924

DOCKET No. 1333

Josephine Fairfax

VS.

David Fairfax

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ORDER FOR APPEARANCE

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No. 24680 B.  
6

Filed 30<sup>th</sup> day of October, 1925

Josephine L. Fairfax

vs.

David Fairfax

In the Circuit Court No. 2  
of Baltimore City

Sept

TERM, 1925

MR. CLERK:

PLEASE ENTER <sup>out</sup> ~~my~~ APPEARANCE FOR <sup>plaintiff</sup> ~~DEFENDANT~~.

Davis Evans

plaintiff

Solicitor. r

579

Docket 33B

1924

IN THE  
CIRCUIT COURT NO. 2  
BALTIMORE CITY.

JOSEPHINE FAIRFAX

VS.

DAVID FAIRFAX.

-----  
No 24680B

JOSEPHINE FAIRFAX

VS.

DAVID FAIRFAX.

In the Circuit  
Court #2  
Baltimore City.

Docket--33B ---579--

Mr. Clerk:

Please enter my one half  
of appearance fee in the above  
mentioned case paid to the  
extent of \$4  $\frac{57}{XX}$ .

Sam Jones

Docket B. 579/1925

IN THE CIRCUIT COURT NO. 2

Josephine L. Fairfax

*vs*

David Fairfax

**DEPOSITIONS**

No. 24680 B  
7

PLAINTIFF'S COST

Examiner \_\_\_\_\_ \$ \_\_\_\_\_

Copies \_\_\_\_\_

Notices \_\_\_\_\_

Sheriff \_\_\_\_\_

Stenographer \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

DEFENDANT'S COSTS

Examiner \_\_\_\_\_ \$ \_\_\_\_\_

Copies \_\_\_\_\_

Notices \_\_\_\_\_

Sheriff \_\_\_\_\_

Stenographer \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

GEORGE ARNOLD FRICK, Examiner

Filed 18 day of November 1925

Josephine L. Fairfax

vs.

David Fairfax

In the Circuit Court NO. 2  
OF BALTIMORE CITY

The above entitled 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, GEORGE ARNOLD FRICK, 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  
20th day of August 1925, met on  
the 29th day of October in the year nineteen  
hundred and twenty five at my office, in the City of Baltimore, in the  
State of Maryland, and assigned the 30th day of October  
in the same year at 3.45 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 Solicitors \_\_\_\_\_ of the  
respective parties to take the following depositions; that  
is to say:

Testimony taken at the office of George  
Arnold Frick, on Friday October 30, 1925 at  
3.45 P. M.

Present: J. Stewart Davis - Counsel for Plaintiff.  
Roy S. Bond -- Counsel for Defendant.

Thereupon:

JOSEPHINE L. FAIRFAX, the Plaintiff,  
produced as a witness on her own behalf, being first  
duly sworn, deposeseth and saith as follows - that is  
to say -

BY THE EXAMINER: -

1 Q- State your name, residence, and occupation?

A- Josephine L. Fairfax, 426 Hutchins Avenue.  
General housework.

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

A- Yes, I am the Plaintiff, and the Defendant  
is my husband.

3 Q- How long have you known your husband?

A- About four and a half years.

BY MR. DAVIS: -

4 Q- You were married the 31st day of May, your  
bill says, 1921.



Josephine L. Fairfax.

A- Yes sir.

5 Q- Where were you married, Baltimore City?

A- Yes sir.

6 Q- And by whom?

A- Reverend Dean.

7 Q- And you lived together until how long?

A- We lived together until three weeks after the marriage.

8 Q- What was your conduct towards your husband? How did you treat him?

A- I treated him nice.

9 Q- Were you a good, kind, faithful, and affectionate towards your husband?

A- Yes.

10 Q- Did you give him any reason to be cruel to you?

A- No sir.

11 Q- Were there any children born to you as the result of this marriage?

A- No sir.

12 Q- Have you been a resident of the City of Baltimore, State of Maryland for more than two years prior to the filing of this Bill?

A- Yes sir.

13 Q- How long have you been?

A- Been all my life.

14 Q- You state that you and your husband lived

Josephine L. Fairfax.

together for three weeks. Which one left the other?

A- I left him.

15 Q- Why?

A- He was cruel to me and unnatural.

16 Q- Do you mean that when you say he was cruel, did he ever threaten you?

A- He threatened my life.

17 Q- Why did he threaten your life?

A- He didn't want me to go to see my people, and he threatened my life if I opened the door or to leave any visitors in.

18 Q- Why did he want you not to open the door of the apartment?

A- Because he had all kinds of effeminate men coming there.

19 Q- Did he buy you any food in the three weeks that you stayed with him?

A- No, he didn't buy any food.

20 Q- How did you get food?

A- He brought stale food from the station and made me eat that.

21 Q- You mean he was a cook at the B. & O. station?

A- He was a cook at the B. & O. Station.

22 Q- You mean that that food that he would bring home once a day would have to last you all day?

A- Yes sir.

Josephine L. Fairfax.

23 Q- When you got fresh food, who bought it?

A- I went and bought it myself.

24 Q- Where did you get the money?

A- Money that I had saved up and worked for.

25 Q- Did he ever give you any money at all during your married life?

A- He never gave me a cent.

26 Q- Did he want you to go out of the house in the day time?

A- He didn't want me to go out of the house at any time.

27 Q- Did he ever board up any part of the home in order to keep you from seeing out?

A- Yes, he boarded the hall up so that I couldn't even see out.

28 Q- You testified that he was unnatural?

A- Yes, he was unnatural.

29 Q- Do you mean by that that he attempted to commit perverted practices on you?

A- Yes.

30 Q- Has he ever asked you to come back to him since you left him?

A- No, he has never asked me.

31 Q- When you went home, did you tell your sister and mother about his treatment?

A- Yes sir, I told them about it.

Josephine L. Fairfax.

32 Q- Has his desertion continued uninterruptedly for more than three years before the filing of this Bill of Complaint?

A- Yes.

33 Q- Is there any hope or expectation of a reconciliation?

A- No - no sir, because he threatened my life and I am afraid of him.

34 Q- Was his actions towards you his deliberate and final act?

A- Yes sir.

35 Q- You didn't know that he was perverted until after you were married, did you?

A- No sir, I did not.

---

Cross Examination Waived.

---

QUESTION BY THE EXAMINER: --

Do you know or can you state any other matter or thing that may be of benefit or advantage to 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.

Answer:

*JL*  
Josephine L. Fairfax..

ANNIE WAFFORD, a witness produced on the behalf of the Plaintiff, being first duly sworn, deposeseth and saith as follows - that is to say -

BY THE EXAMINER: -

1 Q- State your name, residence, and occupation?

A- Annie Wafford, 426 Hutchins Avenue, Govans, nurse.

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

A- Yes, the Plaintiff is my sister, and the Defendant is my brother-in-law.

BY MR. DAVIS: -

3 Q- Now, were they married the 31st day of May 1921 in Baltimore City?

A- They were.

4 Q- By whom?

A- Reverend Dean.

5 Q- And did they live together as man and wife, and were they so regarded by all their friends, relatives, and acquaintances, and did they hold themselves out to the world as a married couple?

A- Yes sir.

6 Q- How long did they live together?

A- About three weeks. Only three weeks.

7 Q- Did Mrs. Fairfax give her husband any cause

Annie Wafford.

or reason to be cruel to her?

A- I don't think so, -- from my knowledge.

8 Q- You had seen Mr. Fairfax?

A- Yes, I had seen him.

9 Q- To look at him, what sort of a man does he appear to be?

A- He looks to be a sissy man.

10 Q- When your sister left him after living with him for three weeks what did she tell you of his treatment?

A- She said that he didn't want her to go out, he didn't want her to open the door.

11 Q- Why didn't he want her to open the door?

A- A lot of perverted men came to the door and he didn't want her to see them.

12 Q- What about being cruel to her? Threatened her?

A- He threatened her life.

13 Q- Why?

A- If she went to the door to let these men in or see these men.

14 Q- What if anything was said about the door being boarded up?

A- It was all boarded up and he had a padlock on the door.

15 Q- What did he get her to eat?

A- He used to get his meals from the B. & O.

Annie Wafford.

stale eatings. He used to bring it to her once a day.

16 Q- Did he give her anything else to eat?

A- He didn't give her anything else. Not a thing.

17 Q- Did he give her any money?

A- No, he didn't give her any money.

18 Q- Did he want her to go and visit her relatives that lived in the city?

A- He didn't want her to visit any one.

19 Q- Do you know, has he ever asked her to return and live with him?

A- No, he has never asked her to return to him at all.

20 Q- Did she tell you this immediately after she left him?

A- She did, yes sir, she did. She came straight home and told all her troubles.

21 Q- Do you think that there is any hope or expectation of a reconciliation? Any chance of them making up?

A- Never -- never.

22 Q- Has this abandonment continued uninterruptedly for more than three years prior to the date of the filing of this Bill of Complaint?

A- Yes sir.

23 Q- From your observation what was her conduct



Annie Wafford.

towards her husband?

A- She was kind, true and affectionate.

24 Q- Did she give him any reason to treat her in the manner in which she has testified he treated her?

A- No sir, I am sure not.

25 Q- Are there any children born as the result of this marriage?

A- No sir.

26 Q- Has your sister and also David Fairfax been residents of the City of Baltimore for more than three years prior to the filing of this Bill?

A- Yes, my sister has lived here all her life.

27 Q- And he?

A- And he has been here ever since I have known him.

28 Q- His treatment of her was his own deliberate and final act, was it?

A- Yes sir.

29 Q- She gave him no excuse for it?

A- I am sure she didn't.

---

Cross Examination Waived.

---

QUESTION BY THE EXAMINER:--

Do you know or can you state any other matter or thing that may be of benefit or advantage to 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.

Answer:

*No*  
*Hery*  
*Annie X Wafford*  
*Mark*

*Witnessed:*  
*Louis Linn*

No other witnesses being named or produced before me, I then at the request of the Solicitor s of the respective parties closed the depositions taken in said cause, and now return them closed under my hand and seal on this 18th day of November in the year of our Lord nineteen hundred and twenty five at the City of Baltimore, in the State of Maryland.

George Arnold Frick, {SEAL}  
Examiner.

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

Defendant's          Exhibit         

George Arnold Frick,  
Examiner.

I, GEORGE ARNOLD FRICK, 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         .

George Arnold Frick,  
Examiner.

579

Cir. Ct. No. 2.

1924

Docket No. B33

JOSEPHINE L. FAIRFAX

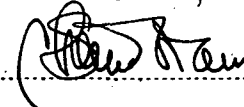
vs.

DAVID FAIRFAX

SUBMISSION FOR DECREE.

Mr. Clerk,

Please file,



Solicitor for Plaintiff.

No. 24680 B  
8

Filed 20<sup>th</sup> January 1925

JOSEPHINE L. FAIRFAX

VS.  
DAVID FAIRFAX

In the Circuit Court No. 2  
Of Baltimore City.

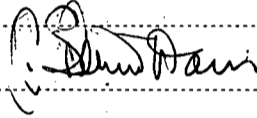
NOVEMBER ----- TERM 1925.

To the Honorable

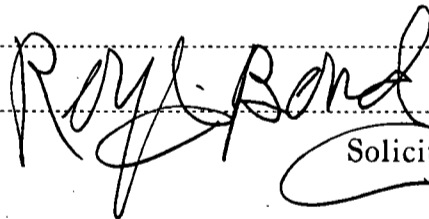
THE

Judge of the Said Court:

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



Solicitor for Plaintiff,



Solicitor for Defendant.

Ct. Ct. No. 2

579

192 5

Docket No. 33

JOSEPHINE L. FAIRFAX

vs.

DAVID

FAIRFAX

---

**Order of Reference  
and Report**

---

*cae*

No. *R 4680 B*  
*9-10*

Order Filed *20th* day of *Nov* 192*5*

Report Filed *22* day of *Dec* 192*5*

IN THE  
**Circuit Court No. 2**  
OF  
BALTIMORE CITY

JOSEPHINE L. FAIRFAX

vs.

DAVID FAIRFAX

NOVEMBER Term, 1925.

This case being submitted, without argument, it is ordered by the Court, this *20<sup>th</sup>*  
day of *November*, 192*5*, that the same be and is hereby referred to  
*Ward B. Cal*, Esq., Auditor and Master, to report the  
pleadings and the facts, and his opinion thereon.

*James P. Gorton*

### 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 secs. 37-42.

Defendant summoned and answers by solicitor.

Plaintiff's residence in Baltimore City for more than two years  
proven.

The marriage proven.  
It is submitted that

The abandonment for three years, its finality and the irrecon-  
cilability of the parties is also proven. But the Court's attention is directed  
to the lack of satisfactory corroborative evidence as to the circumstances  
of the separation.

More than thirty days have elapsed since the filing of the bill.

Case submitted and ready for decree.

*Ward B. Cal*

Auditor and Master.

November 20, 1925.

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

Wm. B. Cox  
Auditor and Master.

Circuit Court No. 2

**B** 579  
1925 No. 33B Docket

-----  
JOSEPHINE L. FAIRFAX  
-----

vs.

-----  
DAVID FAIRFAX  
-----

*Pd.*  
-----  
DECREE OF DIVORCE  
-----

*B 2421 R*  
No. *24680 B*  
//

*Copy of Copied  
Copy*

Filed *15* June, 1926



DECREE OF DIVORCE.

JOSEPHINE L. FAIRFAX

VS.

DAVID FAIRFAX

IN THE

Circuit Court No. 2,

OF

BALTIMORE CITY

May

Term, 1926

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 June, Anno Domini, one thousand nine hundred and twenty-six by the CIRCUIT COURT No. 2 OF BALTIMORE CITY, Adjudged, Ordered and Decreed, that the said Josephine L. Fairfax the above named complainant be, and she is hereby DIVORCED A VINCULO MATRIMONII, from the defendant, the said David Fairfax.

[Empty dotted lines for additional text]

And it is further Ordered, that the said defendant pay the cost of this proceeding.

H. Arthur Stamp

I, JOHN PLEASANTS, Clerk of the Circuit Court No. 2 of Baltimore City, do hereby certify that the above is a true copy of the decree taken from the record of proceedings in said cause.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the said Court, this day of 1926