

B63
1924

IN THE
CIRCUIT COURT NO. 2
OF
BALTIMORE CITY

ROSA S. NEWBY,
Complainant,

vs.

HENRY NEWBY,
Respondent.

21 W. Lee Street

BILL OF COMPLAINT.

Mr. Clerk: Please file.

No 23680 B

Charles W. Main
Solicitor for Complainant.

CHARLES W. MAIN,
Attorney at Law,
214 St. Paul St.
Baltimore, Md.

Filed February 1924

ROSA S. NEWBY, : IN THE
Complainant, :
vs. : CIRCUIT COURT NO.2
HENRY NEWBY, : OF
Respondent. : BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The Complainant, Rosa S. Newby, respectfully represents to the Court as follows:-

FIRST: That the Complainant and the Respondent were married in the City of Baltimore, State of Maryland, on the 25th day of September, 1923, by the Rev. W. H. Manohoo, a regularly ordained Minister of the Gospel of the Baptist Church.

SECOND: That both the Complainant and the Respondent are residents of the City of Baltimore, State of Maryland, and have resided in said City and State for more than two years last past.

THIRD: That no children were born to the union of the parties to this suit.

FOURTH: That in October, 1923, the Respondent, the said Henry Newby, deserted and abandoned the Complainant and declared his intention to live with her no longer; that he then took up his abode at 21 W. Lee Street with a woman who is known as Midget; that the Respondent, the said Henry Newby, has been guilty of the crime of adultery with the said "Midget" and with divers other lewd and abandoned women in the City of Baltimore during the year 1923; that the Complainant has not lived nor cohabited with the Respondent since she became aware of his misconduct, nor has she in any way forgiven or condoned his said adulterous acts.

FIFTH: That the Respondent, the said Henry Newby, is a riveter, and when employed can earn about \$25.00 or \$30.00 per week.

WHEREFORE, the premises considered, the Complainant prays as follows:-

(a) That she may be divorced a vinculo matrimonii from the Respondent, the said Henry Newby, her husband.

(b) That she may be awarded a suitable sum as alimony pendente lite and permanent alimony, and also a suitable sum as counsel fee for her solicitor.

(c) That she may have such other and further relief as the Court may deem meet and proper and the exigencies of her case may require.

MAY IT PLEASE YOUR HONOR, to grant unto the Complainant the writ of subpoena, directed to the Respondent, the said Henry Newby, residing in Baltimore City, State of Maryland, commanding him to be and appear in this Honorable Court on some certain day to be named therein, to answer the premises and abide by and perform such decree as may be passed therein.

And as in duty bound, etc.

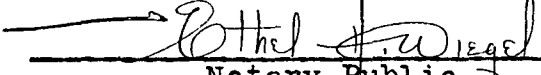

Solicitor for Complainant.


Complainant.

STATE OF MARYLAND, :
 :
CITY OF BALTIMORE, :
 :

To wit:-

I HEREBY CERTIFY, That on this 6th day of February, 1924, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, aforesaid, personally appeared Rosa S. Newby, Complainant, and she made oath in due form of law that the matters and facts set forth in the foregoing Bill of Complaint are true to the best of her knowledge, information and belief.


Notary Public.

P. 52

Ct. Ct. No 2

63
1924

B

Docket No. 33

Newby
vs.

21 E. Lee St.
Newby

Subpoena to Answer Bill of Complaint

Pro.

No. 23680 B
2

Copies = copied

Filed H. Seaman, 1924
Charles W. Mann
Solicitor.

81

Summoned and a copy of the process left
with the defendant John E. Collee
(Coyote) 2/9/24 Fees - 0.80 Sheriff

EQUITY SUBPOENA
The State of Maryland

To

Henry Newby
21 W. Lee St

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

Paul S. Newby

against you exhibited in the CIRCUIT COURT No. 2 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 *14* day of *January*, 192 *4*

Issued the *6* day of *February*, 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.)

SERVE ON

Defendant

B ⁶³/₁₉₂₄ Docket ³³

Circuit Court No. 2

Stewby

vs.

Stewby

21 E. Lee St

Order Counsel Fee and Alimony

Pendente Lite

ORDER

No. *23680* B.

3

Copy - copied

Filed *6 February* 192*4*

8-1

*Copy of the within Order of Court served on
Henry Stewby on the 9th day of February, 1924,
in the presence of Michael P. Coynode*

John E. Cole
Sherrif
\$0.50

IN THE
CIRCUIT COURT No. 2

OF

BALTIMORE CITY

Rosa S. Newby

vs.

Henry Newby

January TERM, 19 *24*

ORDERED BY THE COURT, this *6* day of *January*, 19 *24*,

that the defendant *Henry Newby*
pay to the plaintiff *Rosa S. Newby*
the sum of *ten*

Dollars per week, during the continuance of this suit as Alimony, pendente lite, unless cause to the contrary be shown on or before the *21*

day of *February*, 19 *24*, provided a copy of this Order be served on the said defendant

Henry Newby on or before the *11*

day of *January*, 19 *24*, the question of Counsel fee being reserved for the

further determination of this court.

Walter I. Hawkins

\$ 30 per week

no children

TRUE COPY—TEST:

Clerk.

IN THE CIRCUIT COURT NO.2

OF

BALTIMORE CITY.

363
1924

ROSA S. NEWBY

VS.

HENRY NEWBY

RESPONDENT'S ANSWER

Mr. Clerk:-

Please file.

No 23680 B

Davis & Evans

ATTORNEYS FOR RESPONDENT.

J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

Feb 13 February 1924

BAUMGARTEN & CO., INC.

ROSA S. NEWBY : IN THE CIRCUIT COURT NO. 2
VS. : OF
HENRY NEWBY : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The answer of your respondent to the above entitled case respectfully says:

1. He admits the first paragraph of the complainant's bill.
2. He admits the second paragraph of the complainant's bill.
3. He admits the third paragraph of the complainant's bill.
4. He neither admits nor denies the fourth paragraph of your complainant's bill.
5. He denies the fifth paragraph of your complainant's bill.

WHEREFORE your respondent prays that the bill be dismissed with costs to the plaintiff.

AND as in duty bound, etc.

Davis & Evans
SOLICITORS FOR RESPONDENT.

Circuit Court No. 2

63
192 4 *B* Docket 33

ROSA S. NEWBY

vs.

Spec

HENRY NEWBY

Spec

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

No. 23680 *B*
5

Filed 22 April 192 *X*

ROSA S. NEWBY

vs.

HENRY NEWBY

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 ROSA S. NEWBY, Complainant

in this case, respectfully shows that she desires to take testimony in this case, and respectfully prays that leave be granted her to do so before one of the Standing Examiners of this Court.

Charles W. Main
Solicitor for Complainant.

ORDERED, this 22 day of April, 1924, 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.

Arthur J. Denton

3/19/1/40

Docket B. 63/1924

IN THE CIRCUIT COURT No. 2

ROSA S. NEWBY

vs

HENRY NEWBY

DEPOSITIONS

No. 23680B
6

PLAINTIFF'S COSTS

| | |
|--------------------|----------------|
| Examiner | \$ <u>8.00</u> |
| Copies | ----- |
| Notices | ----- |
| Sheriff | ----- |
| Stenographer | <u>2.00</u> |

_____ \$ 10.00pd.

DEFENDANT'S COSTS

| | |
|--------------------|----------|
| Examiner | \$ ----- |
| Copies | ----- |
| Notices | ----- |
| Sheriff | ----- |
| Stenographer | ----- |

_____ \$ -----

GEORGE ARNOLD FRICK, Examiner

Filed 6 day of August 1924

ROSA S. NEWBY

vs.

HENRY NEWBY

In the Circuit Court "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 in 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 second day of April 1924, met on
the thirty first day of July in the year nineteen
✓ hundred and twenty at my office, in the City of Baltimore, in the
State of Maryland, and assigned the fourth day of August
in the same year at 10:30 o'clock in the fore noon and the
office of Mr. Cas. W. Main 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 s of the
✓ respective parties to take the following depositions, that
is to say:

ROSA S. NEWBY , the plaintiff, produced as a witness on her own behalf, being first duly sworn, deposes and saith as follows-that is to say:-

BY THE EXAMINER:

1 Q- Will you state your name, residence and occupation ?

A- My name is Rosa S. Newby, my residence is 504 Orchard Street. Charwoman.

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

A- Yes sir: I am the plaintiff.

3 Q- How long have you known the defendant your husband?

A- About two years.

BY MR. MAIN:-

4 Q- When where and by whom were you married ?

A- Married in Baltimore City on the twenty fifth day of September, 1923, by the Reverend Wm. A. Manahoo.

5 Q- He is a Minister of the Baptist Church?

A- No sir: methodist, St. John's A. M. E.

6 Q- Were you married in the parsonage ?

A- I was married at his home; at the home of the Minister, the parsonage of the church.

7 Q- Where did you and your husband live after your marriage ?

A- 504 Orchard Street.

Rosa S. Newby

8 Q- Have you been a resident of Baltimore City for more than two years prior to the sixth day of February, 1924?

A- Yes sir: I have been here nine years.

9 Q- Is the defendant Henry Newby a resident of Baltimore City ?

A- Yes; he had lived here, over here when we were married.

10 Q- And he is now residing where ?

A- No 21 E. Lee Street.

11 Q- Were any children born as a result of your marriage with Henry Newby .

A- No sir;

12 Q- Are you and your husband living together at the present time, if not which one left the other?

A- No sir: he left me. He left me about a month after we were married.

13 Q- Where did he go to live ?

A- Down to Lee Street, 21 E. Lee Street.

14 Q- With whom is he living at 21 E. Lee Street ?

A- Well, he is living there with a woman they call Midget, I don't know her last name.

15 Q- What cause if any did you give your husband for deserting and abandoning you ?

A- I gave him no cause whatsoever; but I learned that he was going with this woman they call Midget and I

Rosa S. Newby

charged him with it and in October he packed up his personal effects and left.

16 Q- How do you know he is living at 21 E. Lee Street with -----

A- I went down there and saw them, together in the house and he admitted to me that he was living there with her.

17 Q- And what did she say to you ?

A- She said, "He will never do you no good, he went with me first". She told me that in front of the police officer, one night when I saw my husband and her together at Goldfield Hotel.

18 Q- Let me ask you again, do I understand you to say that you went to 21 E. Lee Street and saw your husband and Midget there together.

A- Yes sir. And I saw my husband there alone and he admitted that he was living there with Midget. And on another occasion I went there and saw her and---

19 Q- What did she say ?

A- She says, "Yes, he live^d here with me because he went with me first and I am going to keep him".

20 Q- Have you lived or cohabited with your husband since he deserted you in October, 1923 ?

A- No sir.

21 Q- Have you forgiven or condoned his adulterous act with Midget ?

A- No sir.

Rosa S. Newby.

22 Q- Is there any hope or expectation that you and he will become reconciled and live together ?

A- No sir: I'll tell you the truth.

(no cross examination)

-----oOo-----

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:-

M. Rosie Meyer

VICTORIA GANT, produced as a witness on behalf of the plaintiff, being first duly sworn, deposes and saith as follows-that is to say:-

BY THE EXAMINER:-

1 Q-. Will you state your name, residence and occupation ?

A- My name is Mrs. Victoria Gant, my residence is 800 S. Greenmount Avenue. I am a storekeeper.

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

A- Yes sir.

3 Q- How long ?

A- I have known him about a year and Rosa a little over a year.

BY MR. MAIN:-

4 Q- Do you know when they were married ?

A- I know when they were to be married.

5 Q- Were you present at the wedding ?

A- No sir: I wasn't at the wedding.

6 Q- About when were they married ?

A- The last part, of September of last year.

7 Q- Do you know whether any children were born as a result of the marriage ?

A- No sir.

8 Q- Are Mr. and Mrs. Newby living together at the present time if not which one left the other ?

A- Mr. Newby left.

9 Q- Where were they living at that time ?

Victoria Gant

A- 504 Orchard Street.

10 Q- Do you know whether the Complainant Rosa S. Newby has been a resident of Baltimore City for more than two years before the February last ?

A- Well, I don't know positively know it I know of her living there for a long while.

11 Q- Do you know where Mr. Newby is living at the present time ?

A- Yes sir: 21 E. Lee Street.

12 Q- How do you know he is living there ?

A- Because I collect a bill there, because I sold him some clothing and I go there every week to collect on his account.

13 Q- Who lives at 21 E. Lee Street in addition to Mr. Newby ?

A- I couldn't tell you because there are a lot of people.

14 Q- Is there a woman living there by the name of Midget?

A- Yes. That's all I know her by; I don't know nothing else.

15 Q- When you go there to collect who pays you on account of Henry Newby ?

A- She pays me.

16 Q- Who do you mean by she ?

A- Midget.

17 Q- How long has Henry Newby been living at 21 E. Lee

Victoria Gant.

Street to your knowledge ?

A- I couldn't say I would have to look on my account book but I know that it has been ever since he removed from 504 Orchard Street because I used to collect from him at 504 Orchard Street and I have gone down to 21 E. Lee Street since he separated from Mrs. Newby.

18 Q- Does the woman^a they call Midget have any children ?

A- She has two little children to my knowledge.

19 Q- Have you seen them at any time when you went collecting at 21 E. Lee Street ?

A- The children ?

20 Q- Yes.

A- Yes sir.

21 Q- What did they call Mr. Newby ?

A- I have heard the little boy call him papa.

22 Q- And how old is the little boy ?

A- I don't know he looks to be about two years old.

The two children were sitting in the door playing and the little boy asked him papa something I don't remember what he said but I just remember him calling him papa that's all.

23 Q- He wanted him to buy him something didn't he ?

A- I didn't know I don't remember what he said only he looked up at him and called him papa and said something that I don't remember.

24 Q- About how many times have you seen the defendan't

Victoria Gant

Henry Newby at 21 E. Lee Street during the period that you have been calling there and making collections ?

A- Only three or four times.

25 Q- On the other occasions that you would call there who would pay you on his account ?

A- Midget.

26 Q- What did she call the defendant Henry Newby ?

A- She calls him Hozey.

27 Q- When she would pay you what did she say about him if anything ?

A- Nothing just pay me that's all.

28 Q- Has Mrs. Newby lived or cohabited with her husband Harry Newby since he left her on Orchard Street ?

A- I have never seen him there.

(no cross examination)

-----oOo-----

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.
Victoria Gault

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 sixth day of August 1924 in the year of our Lord, nineteen hundred 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.

Cir. Ct. No. 2.

63
192 4

B Docket No. 33

Rosa S. Newby

vs.

Henry Newby

SUBMISSION FOR DECREE.

Mr. Clerk,
Please file,

Charles N. Mann
Solicitor for Plaintiff.

No. 43680 B
7

Filed 6 August 192 4

Rosa S. Newby

vs.

Henry Newby

In the Circuit Court No. 2 Of Baltimore City.

July

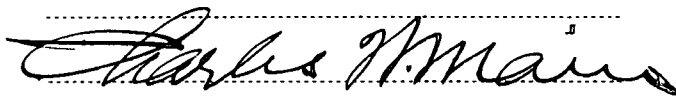
TERM 1924

To the Honorable

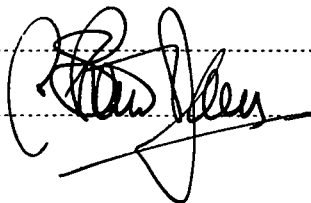
Charles F. Stein

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.

68 Ct. Ct. No. 2
1924 Docket No. 33

Rosa S. Newby

vs.

Henry Newby

**Order of Reference
and Report**

luc

No. 23680 B
819

Order Filed 6 day of Aug 1924

Report Filed 14 day of Aug 1924

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

July Term, 1924

Rosa S. Newby

vs.

Henry Newby

This case being submitted, without argument, it is ordered by the Court, this 6
day of August, 1924, that the same be and is hereby referred to
Nard B. Cove, Esq., Auditor and Master, to report the
pleadings and the facts, and his opinion thereon.

Charles F. Steen

Report of Auditor and Master

Bill for divorce a vinculo matrimonii and for permanent alimony
filed by the wife against her husband on the ground of adultery. Code
Art. 16 secs. 36-41.

Defendant summoned and answers by solicitor.

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

The marriage proven.

The adultery proven.

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

Case submitted and ready for decree.

Nard B. Cove

Auditor and Master.

August 7th, 1924.

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

Ward B. Cox

Auditor and Master.

Circuit Court No. 2

B ⁶³ 192 4 No. Docket

ROSA S. NEWBY

vs.

HENRY NEWBY

DECREE OF DIVORCE

R
No. 23680B

Copy-Copied

Filed 28 August, 1924

IN THE

ROSA S. NEWBY

VS.

HENRY NEWBY

Circuit Court No. 2,

OF

BALTIMORE CITY

July Term, 1924

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

It is thereupon, this 28th day of August, Anno Domini, one thousand nine hundred and twenty-four by the CIRCUIT COURT No. 2 OF BALTIMORE CITY, Adjudged, Ordered and Decreed, that the said Rosa S. Newby the above named complainant be, and she is hereby DIVORCED A VINCULO MATRIMONII, from the defendant, the said Henry Newby.

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

[Signature]

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 1924