

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

62 P 678
1923

MARY ROCHESTER

VS.

JOSEPH ROCHESTER

1413 Jefferson St.

BILL FOR DIVORCE

Mr. Clerk:-

Please file.

J. Steward Davis
ATTORNEY FOR PLAINTIFF.

P 26043

J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

A 16 Oct 1923

MARY ROCHESTER : IN THE CIRCUIT COURT

VS. : OF

JOSEPH ROCHESTER : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:-

- (1) That she was married to her husband, Joseph Rochester December 16, 1916 and with whom she resided until Oct. 9, 1923.
- (2) That ever since said marriage, your Oratrix has behaved herself as a faithful, chaste and affectionate wife toward the said Joseph Rochester.
- (3) That the said Joseph Rochester, has on divers days and times since said marriage, committed the crime of adultery with divers, lewd and abandoned women, whose names to your Oratrix are unknown, and said offense has not been condoned by your Oratrix.
- (4) That there are no children as issue of said marriage.
- (5) That both your Oratrix and the 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 Oratrix may be divorced a Vinculo Matrimonii from the said Joseph Rochester.
- (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 Joseph Rochester
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 there-
in.

AND as in duty bound, etc.


SOLICITOR FOR COMPLAINANT.

505

648 B63 Ct. Ct.

192 ^B Docket No.

Rochester

Rochester
1413 Jefferson St

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

26043
(2)

Filed

23 October 1923

J. S. Davis
SOLICITOR

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

Thomas J. Mc Nulty
Sheriff

(Winkestein)
1918/23.
Fr #080

EQUITY SUBPOENA

The State of Maryland

On

Joseph Rochester

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

Mary Rochester

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 10th day of September 1923, Issued the 16th day of October, in the year 1923.

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.)

3/13/144

In the Circuit Court
Baltimore City.

63 *B 678*
1923

MARY ROCHESTER

VS.

JOSEPH ROCHESTER.

ANSWER.

B 26043
Mr. Clerk: -

⁽³⁾
Please file &c.,
Roy Bond
Sol. for Respondent.

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

FILED *7 Nov 1923*

MARY ROCHESTER , IN THE
VS. , CIRCUIT COURT OF
JOSEPH ROCHESTER , BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Respondent, Joseph Rochester, in answer respectfully shows:

- (1) That he admits paragraph ONE.
- (2) That he emphatically denies paragraph TWO.
- (3) That he indignantly denies paragraph THREE, and to the contrary says, that he has always been a good, kind, affectionate husband to his wife.
- (4) That he admits paragraph FOUR.
- (5) That he admits paragraph FIVE.

Having answered in so far as he is advised is necessary, he respectfully prays that the bill so unjustly filed against him be dismissed.

As in duty bound, etc.,


Sol. for Respondent.

Circuit Court ~~No. 2~~

678-1863
1923 Docket 638

MARY ROCHESTER

vs.

JOSEPH ROCHESTER.

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

B-16043
No.

Sept (4)

J. H. Mearns
Filed _____, 1923

MARY ROCHESTER

vs.

JOSEPH ROCHESTER.

IN THE

Circuit Court No. 2,


OF

BALTIMORE CITY.

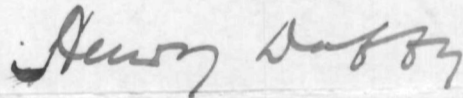
To the Honorable the Judge of the
Circuit Court No. 2 of Baltimore City:

THE PETITION OF Mary Rochester, Plaintiff,

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


Solicitor for **Plaintiff.**

ORDERED, this 8 day of November 1923, 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.



178
678

~~Cir. Ct. No. 2.~~

1923

Docket No.....

MARY ROCHESTER

vs.

JOSEPH ROCHESTER.

SUBMISSION FOR DECREE.

Mr. Clerk,

Please file,

[Handwritten Signature]

Solicitor for Plaintiff.

B 26043

No.

6

Filed.

24 Nov

1923

Mary Rochester

vs.

Joseph

Rochester.

In the Circuit Court ~~No. 2~~ Of Baltimore City.

W TERM 1923

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.

[Handwritten signature]

Solicitor for Plaintiff,

[Handwritten signature]

Solicitor for Defendant.

678

Ct. Ct. No. 2

192 3

Docket No. B

Mary Rochester
vs.

Joseph Rochester

**Order of Reference
and Report**

B 26043

No. (7) ✓

Roberts

24 Nov

Order Filed day of 192 3

Report Filed day of 192

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

Mary Rochester
vs.
Joseph Rochester

Nov. Term, 1923

This case being submitted, without argument, it is ordered by the Court, this 24th day of November, 1923, that the same be and it is hereby referred to Alexander H. Robertson, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Henry Duff

Report of Auditor and Master

Bill filed by wife against husband for divorce a vinculo matrimonii on ground of adultery. Code Article 16, Section 36. Defendant summoned and answered. Proof shows marriage, residence and adultery by the Defendant. Case submitted and ready for decree.

Alex. Robertson
Auditor and Master.

CIRCUIT COURT

B 678
1923

No. Docket

MARY ROCHESTER

VS.

JOSEPH ROCHESTER

Recorded

Folio 312 1923

Decree of Divorce

B No. 26043
(8)

Dec. 1st December 1923

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

Alex. Robertson
Auditor and Master.

IN THE

Circuit Court

OF

BALTIMORE CITY

MARY ROCHESTER

VS.

JOSEPH ROCHESTER

November

~~SEPTEMBER~~

Term, 19 23

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

It is thereupon, this *1st* day of *December*, A. D. *1923*

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

MARY ROCHESTER

the above named Complainant be and she is hereby DIVORCED A VINCULO MATRIMONII from the Defendant, JOSEPH ROCHESTER.

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

Henry Duff

Doc. B 678
1928

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Mary Rochester

vs.
Joseph Rochester

No. 26043B

PLAINTIFF'S COSTS

Examiners..... \$ 8.00
Copies.....
Sheriff..... 1.00
Stenographer.....
\$ _____

DEFENDANT'S COSTS

Examiners..... \$ _____
Copies.....
Sheriff.....
Stenographer.....

H 23 Nov 1928

Mary Rochester

vs.

Joseph Rochester

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

eightth day of November 1923, met on

the twelfth day of November in the year nineteen

hundred and twenty-three at my office, in the City of Baltimore, in the State

of Maryland, and assigned the thirteenth day of November

in the same year at three o'clock in the afternoon and the

office of J. Stewart Davis, Esq. in the City and State

aforsaid, 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:-

Rochester,

v.

Rochester.

Testimony taken at the office of Mr. Davis,
Baltimore, Maryland, November 1923, at three O'clock
P. M.

Mary Rochester, the Plaintiff in this case,
produced on her 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. Mary Rochester, 1411 East Madison Street; I
have'nt any occupation.

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

A. I am the Plaintiff and my husband is the De-
fendant.

By Mr. Davis:

1 Q. When were you married?

A. December 16th., 1916.

2 Q. Were you married by a Minister of the Gospel?

A. Yes; by the Reverend Mr. Equilla.

3 Q. In Baltimore City.

A. Yes.

4 Q. By a Religious Ceremony?

A. Yes.

5 Q. Have you been a resident of Baltimore City,
State of Maryland, for at least two years prior to the

Mary Rochester?,
filing of this suit?

A. Yes.

6 Q. Are there any children as the result of this marriage?

A. No.

7 Q. What was your conduct towards your husband while living together; how did you treat him?

A. I was kind and faithful.

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

A. Yes.

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

A. No sir.

10 Q. Which left the other; did he leave you or did you leave him?

A. I left him.

11 Q. When?

A. October 9th.

12 Q. What year?

A. 1923.

13 Q. You charge your husband with committing adultery; do you know anything personally about that?

A. I only know what other people have told me and what he has told me.

Mary Rochester.

14 Q. Do you mean that you charged him with having committed adultery.

A. Yes.

15 Q. Did he admit or deny it?

A. He admitted it.

16 Q. Is that what caused the separation between the parties to this suit?

A. Yes, and he was cruel.

17 Q. Have you lived or cohabited with him since October 9th., 1923?

A. No sir.

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

A. No sir.

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

A. No.

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.---

Mary M Rochester

Charles L. Norris, a witness of lawful age, produced on behalf of the Plaintiff, having been first duly sworn, deposes and saith as follows, that is to say:

By the Examiner:

1 Q. State your name residence and occupation?

A. Charles L. Norris, 1634 Miller Street; porter.

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

A. Yes.

By Mr. Davis:

1 Q. How long have you known them?

A. About five years.

2 Q. Are they husband and wife?

A. Yes.

3 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.

4 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.

6 Q. Are there any children as the result of this marriage?

A. No.

6 Q. What was Mrs. Rochester's conduct towards her husband while living together; how did she treat him?

Charles L. Norris.

A. She was good to him.

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

A. Yes.

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

A. No sir.

9 Q. Which left the other; did he leave her or did she leave him?

A. She left him.

10 Q. When?

A. I do not know the date.

11 Q. About when?

A. It was about six or seven weeks ago.

12 Q. Mrs. Rochester's has testified that it was the 9th., October 1923; is that about the time?

A. Yes.

13 Q. She has also charged her husband with adultery; do you know anything personally about that?

A. Yes, I do.

15 Q. Tell us what you know; when it was and where it was and all about it.

A. I do know personally that he has gone out with various individuals and places; of course, I would not like to say the place.

Charles L. Norris.

16 Q. Pick out one instance and tell us about that one, and state when and where it was.

A. One instance that I remember was during last February 1923.

17 Q. Where did he go and what did he do.

A. It was out in the southwestern section of the City.

18 Q. On what Street.

A. It was on Biddle Street.

19 Q. Were you with him?

A. Yes.

20 Q. Did you enter the house with him.

A. Yes.

21 Q. What did he do in there?

A. He was with a girl; we carried the girls in there; both of us did.

22 Q. And what did you do after you entered the house with the girls?

A. Committed adultery.

23 Q. But, first, I want you to tell us exactly what you did before the adultery was committed; in other words, I want you to tell just exactly what you did after you entered the house.

A. It was a rooming house and we engaged separate rooms

Charles L. Norris.

24 Q. And what did you do after you engaged the room.

A. We engaged the rooms and then we went to bed.

25 Q. Did you see him enter a bed room with the girl that he was with.

A. Yes; I did.

26 Q. What sort of a room was it; a bed room, dining room or kitchen.

A. Bed room.

27 Q. Did you at any time enter this room which he occupied with this girl?

A. Yes, I did.

28 Q. When and for what purpose.

A. I went in to get a drink, and they were on the bed at the time.

29 Q. How were they clothed?

A. They had nothing on but their underslthing.

30 Q. And then you left them in there together.

A. Yes.

31 Q. And did you go to your room.

A. Yes.

Charles L. Norris.

32 Q. Did you close the door of their room when you left it?

A. I did.

33 Q. Did they lock it?

A. They did.

34 Q. And then you went back to your room, is that true?

A. Yes.

35 Q. How long did they remain in that bed room together?

A. From about eight o'clock until about fifteen minutes of twelve. About three hours and a half.

37 Q. And then you all left together, did you.

A. Yes.

38 Q. And after leaving the girls for the night did you have any conversation with Mr. Rochester?

A. Yes.

38 Q. And in this conversation with him what did he say with reference to the girl that he had been with.

A. He spoke of the way that he had enjoyed himself.

41 Q. In other words, he admitted his adultery to you?

Charles L. Morris.

A. Yes.

42 Q. That was the purpose for which you both went there; is that true?

A. Yes.

41 Q. Now, Mrs. Rochester has testified that she left her husband October 9th., 1923; when did you make this adultery about which you have testified known to her; was it before or after the separation?

A. It was after the separation.

45 Q. Has she lived or cohabited with her husband since you told her of his adultery?

A. She has not.

43 Q. Has she lived or cohabited with her husband since the 9th., October 1923?

A. No sir.

47 Q. Has she forgiven or condoned his offense in any way?

A. No; she has not.

45 Q. You have told us about the adultery of the Defendant,- that is, one act of adultery; I understand that you can testify to numerous acts of adultery committed by the Defendant; is that true?

A. Yes.

47 And if questioned about them you could tell us in detail about it. could you

Charles L. Norris.

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.

Charles L. Norris.

George Matthews, 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. George Matthews, 829 Ashland Avenue; laboring work.

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

A. Yes.

By Mr. Davis:

1 Q. How long have you known them?

A. About two years.

2 Q. Are they husband and wife?

A. Yes.

3 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.

4 Q. Has she lived in Baltimore City since you have known her, and the State of Maryland?

A. Yes.

5 Q. Are there any children as the result of this marriage?

A. Not that I know of.

George Matthews.

6 Q. What was her conduct towards her husband while living together; how did she treat him?

A. Nicely as far as I know.

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

A. Yes, as far as I know.

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

A. No sir.

9 Q. Which left the other; did he leave her or did she leave him?

A. She left him.

10 Q. When?

A. About six weeks ago, - six or eight weeks ago.

11 Q. She has testified that it was the 9th., Of October 1923; is that about right?

A. Yes.

12 Q. She has charged her husband with adultery; tell us what you know about it?

A. Well, he committed it.

13 Q. When?

A. About September 1923.

14 Q. How do you know that he did.

George Matthews.

A. I was with him; we were both together.

15 Q. Where?

A. On St. Mary's Street.

16 Q. In Baltimore, Maryland?

A. Yes.

17 Q. Did you go into the house together?

A. Yes.

17 Q. What happened after you got into the house.

A. He went to bed with some one in there.

18 Q. You say that he went to bed; with whom did he go to bed.

A. He went to bed with a woman.

20 Q. How do you know that?

A. Because I saw him.

21 Q. Did you see him go into the bed room with this woman?

A. Yes.

22 Q. What did he do; did they leave the door open or closed?

A. No; they fastened the door.

23 Q. And then where did you go?

A. I went to another bed room; in the room next to him.

24 Q. How long did he remain in this bed room with this woman?

George Matthews.

A. About two or three hours.

25 Q. And did you leave the house together.

A. Yes.

26 Q. After leaving the women did you talk about this affair?

A. Yes; certainly.

27 Q. And in this conversation with him did he say anything about the woman that he was with.

A. Yes.

28 Q. Did he admit his adulteries with this woman on that occasion to you.

A. Yes.

29 Q. And when was this?

A. That was September 1923.

30 Q. When did you first tell Mrs. Rochester about it; when did you make this fact first known to her; before or after the separation?

A. This is the first time that I said anything.

31 Q. You do not know how Mrs. Rochester found out that you knew anything, do you?

A. Mr. Davis came to see me.

32 Q. Then you told Mr. Davis, did you.

A. Yes.

George Matthews.

33 Q. He had reason to believe that you knew something about the case, because you was an associate and you traveled together; is that true; you were an associate of Rochester.

A. Yes.

34 Q. And that is how you come to get into the case?

A. Yes.

35 Q. Has Mrs. Rochester lived or cohabited with her husband since she discovered this adultery?

A. No sir.

36 Q. Has she lived or cohabited with him since the 9th., October 1923.

A. No sir.

37 Q. Has she forgiven or condoned his offense in any way?

A. No 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.*

Yes Matthews

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.....*23rd*.....day of.....*November*..... in the year of Our Lord nineteen hundred and.....*twenty-three*.....at the City of Baltimore, in the State of Maryland

A. de Russey Sappington (SEAL).
Examiner.

There are.....*one*.....Exhibits with these depositions, to wit:

Plaintiff's..... Exhibit *1*.....

Defendant's..... Exhibit *1*.....

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.