

IN THE CIRCUIT COURT OF

*628*  
BALTIMORE CITY.

MARTHA J. TATE *1923*

VS.

ROBERT J. TATE

*Rolling Road Golf Club  
Catochesville, Md*

BILL FOR DIVORCE.

Mr. Clerk:-

Please file.

*B 25948*  
*J. Steward Davis*  
Attorney for Plaintiff.

*25 Sept 1923*

J. STEWARD DAVIS  
ATTORNEY AT LAW  
215 SAINT PAUL PLACE  
BALTIMORE, MD.

MARTHA J.TATE : IN THE CIRCUIT COURT  
VS. : OF  
ROBERT J.TATE ::: BALTIMORE CITY.

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TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Oratrix complaining respectfully says:

(1)

That she was married to her husband, Robert J. Tate on the 18th day of June, 1908 in Baltimore City, and lived together as man and wife until about the 25th day of December, 1919 when the defendant deserted the plaintiff.

(2)

That though the conduct of your Oratrix toward the said Robert J. Tate has always been kind, affectionate and above reproach, he has, without any just cause or reason abandoned and deserted her and has declared his intentions to live with her no longer, and that such abandonment has continued uninterruptedly for more than three years and is deliberate and final and the separation of the parties is beyond any reasonable expectation of reconciliation.

(3)

That there are no children as issue of said marriage.

(4)

That your Oratrix has not lived with or co-habited with the said defendant since said desertion.

(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 defendant, Robert J. Tate.

(b) That she may resume her maiden name, Kelly.

(c) 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 Robert J. Tate, commanding and requiring him to be and appear in this Court on some day certain to be named therein to answer the premises and abide by and perform such decree or order as may be passed therein.

AND as in duty bound, etc.

  
SOLICITOR FOR COMPLAINANT.

Summors and Deps  
this 6<sup>th</sup> day of September  
1923.  
J. Carroll Casor  
Sheriff.

625 B63  
19 22 No.

Ct. Ct.  
Docket

Pate

4

Pate

Rolling Road  
Golf Club Catonsville

**SUBPOENA TO ANSWER BILL OF COMPLAINT**

*md*

Received 27<sup>th</sup> day of Sept 1923  
and forthwith delivered to the Sheriff of  
Frederick County.

Test:  
Eli G. Haugh Clerk.

10-2-103  
10a  
William P. Cole



No.

B  
25948

(2)

Filed J. Ocker 1923

J. Davis

Solicitor

Served 10/6/23

copy left  
Geo. McDonald

EQUITY SUBPOENA

The State of Maryland

To

*Robert J. Tate*

Of *Baltimore* County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Circuit Court of Baltimore City, at the Court House in said city, on the Second Monday of *October* 19 *23* to answer the complaint of

*Martha J. Tate*

against you in said Court exhibited.

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

WITNESS the honorable ~~MORRIS A. SUPER~~ *James P. Porter*, Chief Judge of the Supreme Bench of Baltimore City, the *10* day of *September* 19 *23*

Issued the *25* day of *September* in the year 19 *23*

*Clark Whiteford*  
Clerk

628

Ct. Ct.

1923

Docket

Martha Tate

vs.

Robert Tate

Decree Pro Confesso.

Sapp

No.

B25948

(37)

Filed 31 Oct 1923

Martha Tate

vs.

Robert Tate

IN THE  
**Circuit Court**  
OF  
BALTIMORE CITY.

Term, 192

The Defendant having been duly summoned (~~notified by Order of Publication~~) to appear to the Bill of Complaint, and having failed to appear thereto, according to the exigency of the writ, (~~said Order~~).

It is thereupon ~~this~~ <sup>31</sup> day of <sup>October</sup> in the year nineteen hundred and twenty <sup>Three</sup> by the Circuit Court of Baltimore City, ADJUDGED, ORDERED and DECREED, that the complainant is entitled to relief in the premises, and that the bill of Complaint be and is hereby taken pro confesso against the defendant. But because it doth not certainly appear to what relief the Plaintiff is entitled, it is further *Adjudged*, and *Ordered*, that one of the Examiners of this Court, take testimony to support the allegations of the bill.

Henry Duff

Doc. B 628  
1923

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

**DEPOSITIONS**

*Martha J. Tate*

vs.

*Robert J. Tate*

No. 205-948B  
(41)

**PLAINTIFF'S COSTS**

|                    |                 |
|--------------------|-----------------|
| Examiners.....     | \$ <u>8.00</u>  |
| Copies .....       |                 |
| Sheriff.....       |                 |
| Stenographer ..... | <u>3.00</u>     |
|                    | \$ <u>11.00</u> |

**DEFENDANT'S COSTS**

|                    |    |
|--------------------|----|
| Examiners.....     | \$ |
| Copies .....       |    |
| Sheriff.....       |    |
| Stenographer ..... |    |
|                    | \$ |

*Feb 3 Jan 1928.*

3/13/1/41



*Martha J. Late*

.....

vs.  
*Robert J. Late*

.....

In the Circuit Court  
OF BALTIMORE CITY.

*Decree Pro Confesso* having  
*been* passed in said cause  
and notice having been given me by the Solicitor for the *plaintiff*  
of a desire to take testimony in the same, I, A. de RUSSY SAPPINGTON, one  
of the Standing Examiners of the Circuit Courts of Baltimore City, under and by  
virtue of an order of the above named Circuit Court, passed in said cause on the  
*thirty-first* day of *October* 19*23*, met on  
the *seventeenth* 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 *nineteenth* day of *November*  
in the same year at *three* o'clock in the *after-*noon 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:—

8-3 B.

Tate,  
v.  
Tate.

Testimony taken at the office of Mr. Davis,  
Baltimore, Maryland, November 19th., 1923, at  
three O'clock P. M.

Martha J. Tate, 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. Martha J. Tate, 1924 ~~War~~rettt Street, Philadel-  
phia, Pennsylvania; house work.

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

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

By Mr. Davis:

1 Q. When were you married?

A. 18th., June 1908.

2 Q. In Baltimore City.

A. Yes.

3 Q. By a Religious Ceremony?

A. Yes.

4 Q. Is your husband a resident of Baltimore  
City, State of Maryland, and has heebeen for more than ,

Martha J. Tate.

two years prior to the filing of this suit.

A. Yes.

5 Q. How long has he been a resident of Baltimore City, State of Maryland, last past.

A. For over ten years.

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

A. No.

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

A. I think that I treated him good.

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

A. Yes.

10 Q. Are you and your husband living together now?

A. No sir.

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

A. I left him.

12 Q. When?

A. Four years ago; four years Christmas coming.

Martha J. Tate.

13 Q. Then that would be Christmas of 1919; is that correct.

A. Yes.

14 Q. Why did you leave him?

A. Because he told me to go; he put me out.

15 Q. What do you mean when you say that he put you out; tell exactly what he did and what he said.

A. He told me to get out; that I had better be away from the house when he came back again, and if I would be there when he came back what - that there would be trouble.

16 Q. Did he make any threats against you.

A. Yes.

18 Q. And under those circumstances you left the house, did you.

A. Yes.

19 Q. Prior to this time how had he treated you.

A. He choked me and was awful mean to me.

20 Q. Did he beat you.

A. He choked me.

21 Q. How about support; did he properly support you?

Martha J. Tate.

A. No sir; I was forced to go out to work, because he would not support me.

22 Q. And how long did you work during your married life?

A. All the time that I was married to him pretty nearly.

23 Q. And this was because he refused to support you, was it?

A. Yes.

24 Q. What did you do with the money that you earned?

A. Why, I had to take care of myself with it.

25 Q. And did you or not ask him to support -- And did you or not help to support him.

A. Yes; he used to be there, and he would eat what I bought.

26 Q. Then you fed him; isn't that true.

A. Yes; I had to.

27 Q. How about his language towards you; what sort of language did he use?

A. He used vile language towards me; he used to curse me and everything. He would call me all the names that he could think of.

28 Q. And this continued right up until the time that he forced you out of the house under the cir-

Martha J. Tate.

cumstances described by you.

A. Yes.

29 Q Since that time has he provided or offered to provide a home for you.

A. No sir.

30 Q Was there anything to prevent him doing so if he had wanted to?

A. No sir.

31 Q. Did he always know where and how to locate you for that purpose.

A. Yes.

32 Q. Has his abandonment and desertion of you continued uninterruptedly since Christmas of 1919?

A. Yes.

33 Q. That is have you lived or cohabited together since that time?

A. No sir.

34 Q. Has his abandonment and desertion -- Was his abandonment and desertion of you deliberate and final; did he deliberately and finally abandon and desert you?

A. Yes.

35 Q. State whether or not there is any reasonable expectation of a reconciliation; do you ever expect to make up and live together again?

Martha J. Tate.

A. No sir.

36 Q. Do you desire to resume the use of your maiden name?

A. yes.

37 Q. What is your maiden name?

A. Kelly.

**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. ---

Q. No  
Martha J Tate



Annie Tate, 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. Annie Tate, 220 Myrtle Avenue; house work.

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. How long has the Defendant resided in Baltimore City, State of Maryland, last past.

A. I guess that he has been here seventeen years.

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

A. No.

5 Q. What was the Plaintiff's conduct towards her husband while living together?

A. All right.

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

Annie Tate.

A. Yes.

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

A. No sir.

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

A. She left him.

8 Q. When?

A. About Christmas of 1919.

9 Q. Why did she leave him?

A. He told her to go.

10 Q. How do you know that.

A. She told me as soon as it happened.

11 Q. Have you seen him since that time.

A. Yes.

10 Q. Have you had any conversation with him with reference to his wife?

A. Yes; he told me that he had told her to get out, and that he did not want her back any more.

13 Q. Now, prior to this time, how had he treated his wife?

A. He was very nasty to her; very disagreeable.

14 Q. Did he ever beat or choke his wife?

A. Yes; he choked her.

Annie Tate.

15 Q. Was it severe?

A. Yes; right severe.

16 Q. How about support; did he work and support her.

A. He worked and she worked too.

17 Q. Whose money supported the household?

A. She did as much as he did; she would put her money into the household.

18 Q. She was compelled to do this?

A. Yes.

19 Q. And buy food?

A. Yes.

20 Q. And would he eat it?

A. Yes.

20 Q. Then she helped to support him; is that true?

A. Yes.

21 Q. How about his language towards her; what sort of language would he use.

A. He would call her awful vile names.

22 Q. What do you mean by that.

A. Cursing and swearing and calling her all sorts of vile names.

Annie Tate.

23 Q. Was he justified in using such language.

A. No.

24 Q. And this continued right up until the time of the separation when she had to leave him under the circumstances described by you?

A. Yes.

24 Q. Since that time has he provided or offered to provide a home for his wife?

A. No sir.

26 Q. Was there anything to prevent him doing so if he had wanted to?

A. No sir.

26 Q. Did he always know where and how to locate his wife for that purpose.

A. Yes.

28 Q. Has his abandonment of his wife continued uninterruptedly since Christmas of 1919?

A. Yes.

28 Q. That is have they lived or cohabited together since that time?

A. No sir.

29 Q. State whether or not his abandonment of his wife was deliberate and final?

A. Yes.

Annie Tate.

30 Q. . Did he deliberately and finally abandon and desert his wife?

A. Yes.

31 Q. State whether or not there is any reasonable expectation of a reconciliation; do you ever expect them to make up and live together again?

A. No sir.

32 Q. You say that you saw him and talked to him after the separation and that he told you that he had ordered his wife out of the house and that he did not want to live with her again?

A. Yes; he told me that he had ordered her out of the house and that he would not live with her again.

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

Armed Tate

No other witnesses being named or produced before me, I then, ~~at the request~~  
~~of the Solicitor~~..... ~~of the~~..... *Plaintiff* *for safekeeping*  
closed the depositions taken in said cause and now return them closed under my  
hand and seal, on this *fourth*..... day of *January*  
in the year of Our Lord nineteen hundred and *twenty-eight*..... at the  
City of Baltimore, in the State of Maryland.

*A. de Russey Sappington* (SEAL).  
Examiner.

There are *no*..... Exhibits with these depositions, to wit:

Plaintiff's..... Exhibit */*.....

Defendant's..... Exhibit */*.....

*A. de Russey Sappington*  
Examiner.

I, A. de RUSSY SAPPINGTON, the Examiner before whom the fore-  
going 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.