

## A PUZZLING DIVORCE SUIT.

### LAURA HOUGHTON'S STORY TO BE SENT BEFORE A JURY.

So intricate is the story of the marital relations of Laura Houghton, as she calls herself, and William W. Houghton, and so apparent is it that there has been perjury committed in the course of the proceedings before a Referee that Judge Andrews, in Supreme Court, Chambers, has decided not to ratify the Referee's report in favor of sustaining a decree annulling the marriage of those persons and to send the case before a jury. The marriage which that decree annulled took place in Brooklyn in 1856. Houghton and his wife then went South. At the outbreak of the war he entered the Confederate Army. Mrs. Houghton heard that he was dead. She came North, and lived here until two years ago, when she heard that Houghton was alive. She followed him to Mobile, and found him living with another woman. When she had him arrested he produced a decree of the Supreme Court here, obtained for him in 1866 by O. A. House—a notorious divorce lawyer who was shot dead by his wife in 1873—annulling his marriage with Laura Houghton on the ground that at the time it was celebrated she was the wife of one James McGlynn, to whom, under the name of Rose Ann Mullen, she was married in 1854.

Laura, or Rose Ann, came back here, found the record of the annulment suit after some difficulty, and then moved to have the decree set aside as fraudulent. She declared that she was never married to a man named McGlynn, and that her name was not Rose Ann, but Laura. Judge Donohue was unable to determine the case on affidavits, so he sent it to a Referee. From the record of the suit it was ascertained that the decree was obtained on the testimony of a woman who said that Mrs. Houghton had told her she was married to a man named McGlynn, and of a man named William B. Lathrop, who said that he lived at No. 128 West Twenty-sixth-street, and that he was present at the marriage of Rose Ann Mullen to McGlynn in St. James's Cathedral, in Brooklyn, in 1854. It cannot be learned that a William B. Lathrop ever lived at No. 128 West Twenty-sixth-street. Laura Houghton, or Rose Ann Mullen-McGlynn, swore before the Referee that she was once called Laura McGlynn because she lived with relatives of that name, but that she was never married to a man of the name. She said she never received notice of the annulment suit. Houghton swore that after their marriage she told him she was the wife of McGlynn, but that she had never lived with him. This confession did not disturb their relations, and he never gave her the money she asked to enable her to get a divorce from McGlynn. Elizabeth Mullen, who said she was a sister of the plaintiff, testified that the plaintiff's name was Rose Ann and that she told her several years ago that she was married to McGlynn, and that Houghton knew it when he married her. Three other persons, who claimed to be a sister, cousin, and brother-in-law, respectively, of the plaintiff, said they had all heard she was married to McGlynn, and then a certificate of marriage between James McGlynn and Rose Ann Mullen was produced. This recorded the fact that the marriage was witnessed by Bridget Mullen, which was the maiden name of one of the women who claimed to be the plaintiff's sister, but who had sworn that she had only heard that Rose Ann Mullen was married to McGlynn. Next a number of witnesses swore that the plaintiff's name was Rose Ann, though one of her alleged sisters said Rose Ann told her 20 years ago that she had changed her name to Laura. It was shown that at the proceedings in Mobile she had admitted her name to be Rose Ann. To all this Laura, or Rose Ann, responded that she had never told anybody that she was married to McGlynn, and that she was not sure that the witnesses against her were her relatives.

The Referee reported in favor of sustaining the decree of annulment. In refusing to confirm the report, Judge Andrews said: "Altogether the case is a most extraordinary one, and the testimony so far taken leaves in doubt not only the question as to the defendant's name, but also the question whether she was ever married to McGlynn. Under the circumstances it is very difficult to determine what the duty of the court is. It would be unfortunate for the plaintiff that the judgment in this action should be set aside. If, on the other hand, the defendant's testimony is true, that she has suffered a gross wrong and injustice at the hands of the plaintiff, that wrong and injustice should not go unredressed. I have accordingly, after a thorough consideration of the case, though with much doubt and hesitation, concluded that the default of the defendant should be opened, and that she should be allowed to interpose an answer, the judgment being otherwise to stand undisturbed until the issues raised by the answer shall have been disposed of."

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