

1904-23

Santhampton County Chancery Whitehead, Gasa ~ vs Whitehead, William
(Gray)

"Klirarce"

Mitchell, Rose
- 12 - Bill in Chancery.
Mitchell, John

1903. 1st Dec. Rules filed
L. A. Gay, L. C.

JOHN C. PARKER.

E. FRANK STORY

Parker & Story
Attorneys and Counselors at Law
Franklin and Courtland, Virginia

TO THE HONORABLE ROBERT B. PRENTIS, JUDGE OF THE CIR-
CUI COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Humbly complaining, your oratrix, Rosa Whitehead, nee Gray, wife of William Whitehead, a resident of Southampton County, Virginia, sheweth unto the Court the following cause of complaint. That at the age of eighteen she was married to the said William Whitehead in Southampton County, Virginia, on the 21st. day of July 1895, as will appear from a certified copy of the marriage license herewith filed, together with the ministers return thereon, marked "Exhibit A." and prayed to be read as a part of this bill.

Your oratrix further states that for five years after her marriage with the said William Whitehead they lived together happily and comfortably, and she was to him a good, true and faithful wife; that about that time her said husband, the defendant in this proceeding, seemed to tire of her and became very attentive to other women in the neighbourhood; that on the third Monday in September 1900, he, the said William Whitehead, left home in the early morning and has not been seen or heard from by your oratrix since that time; that hence the said defendant, on the day aforesaid, abandoned and deserted her, which said abandonment and desertion has continued ever since, and as will be seen for a greater period than three years, and during that time she has not lived or co-habited with the said defendant, William Whitehead; that such abandonment and desertion was not caused from any failure on her part to fulfill all of her marital obligations, but was willful and deliberate on the part of the defendant, William Whitehead, and has been a source of great trouble and worry to your oratrix.

Your oratrix further states that there was born of this marriage one child, who is now living, named Charly and

COURT OF COMMONS, HOUSE OF COMMONS, LONDON

TO THE HONORABLE ROBERT B. BENTLEY, JUDGE OF THE CIR-

is four years old, or nearly that age; that since the time of the abandonment and desertion of your oratrix by the said defendant she has had to support and maintain the said child.

The said William Whitehead, the defendant, having wilfully abandoned and deserted the said Rosa Whitehead, your oratrix, without just cause on her part, and the said abandonment and desertion having continued for a greater period than three years, and the defendant never having returned within that time, nor lived with or co-habited with your oratrix, Rosa Whitehead, she is advised that she is entitled to a divorce a vinculo matrimonii from him, and to retain possession of her said child, Charlie.

In tender consideration whereof, and inasmuch as your oratrix is without remedy save in a court of Equity where such matters are alone and properly cognizable, she prays that the said William Whitehead may be made a party defendant to this bill and required to answer same, though answer under oath is hereby expressly waived; that the marriage heretofore had and solemnized between your oratrix and the said defendant may be dissolved and annulled, and your complainant entirely divorced a vinculo matrimonii from the said defendant; that she may be permitted to retain the possession of her said child, without being interfered with by the defendant, and that the Court will grant all such other, further, general and special relief as the nature of the case may require or to equity shall seem meet.

And your oratrix will ever pray &c.

ROSA WHITEHEAD,

By [Signature], her Attorneys.

P. q.

402

MARRIAGE LICENSE

Virginia, Southampton Co. to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

Wm S. Whitehead

and Rosa Gray

Given under my hand, as Clerk of the County Court of Southampton this 15th day of July 1895
B. F. McLenore Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 8, 1900.

Time of Marriage, July 21 st 1895	Place of Husband's Birth, Southampton Co.
Place of Marriage, Southampton Co.	Place of Wife's Birth, " "
Full Names of Parties Married, Wm S. Whitehead and Rosa Gray	Place of Husband's Residence, " "
Color, Col	Place of Wife's Residence, " "
Age of Husband, 18 years	Names of Husband's Parents, Cassanda Whitehead
Age of Wife, 18 "	Names of Wife's Parents, Osborn and Georgianna Gray
Condition of Husband (widowed or single or divorced), Single	Occupation of Husband, Laborer
Condition of Wife (widowed or single or divorced), "	

Given under my hand this 15th day of July 1895
B. F. McLenore Clerk.

Certificate of Time and Place of Marriage.

I, _____, a _____ of the _____ Church, or religious order of that name, do certify that on the 21st day of July 1895, at My residence, _____, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this _____ day of _____ 19____.

Samuel Story.

The Minister celebrating a marriage is required, within two months thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

Leis. Cat.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon.....William Whitehead.....

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules
to be holden for the said Court on the... 1.5.92... Monday in... 1.5.92... next, to
answer a Bill in Chancery exhibited against... him... in our said Court by.....

Rosa Whitehead

And this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 11th day of February, 1922, in the 22nd year of the Commonwealth.

Teste : L. A. G. C. C.

Whithead Rose

vs. Statement of Rose to date

Whithead William

Sum. 25 ~~copy~~ atty 10. docket 18- 53

rules 100. return 30. filing bill 15. Do. Ex. 15- 165

affidavit as to non-residence 15. filing same 15- 30

Copy or. prob. for printer 20. Do. prob. 20- 40

fil or. prob. 20. Do. printers certificate 15. Exp. Ex. 50- 85

Tax costs to. 40- 40

11/14/1903

to be paid 13

Exp. 0 00

Leave 16 50

\$20 63

Tax: L. A. 4 of C.C.

72

40

20

107

R. J. M., C. 10

JB Penned Talking Bsp. 1.37

560

27 00

Rosa Whitehead

vs.

}

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

William Whitehead

1903 11th Nov. filed

Parker & Story p. q.

In the Clerk's Office of the Circuit Court of the County of
Southampton

Rosa Whitehead

Plaintiff ,

against

William Whitehead

Defendant .

This day E. Frank Story personally appeared
before me L. A. Gay Clerk of the said Court,
and being duly sworn, made oath that William Whitehead

The
defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 11th day of November 1903.

L. A. Gay 11/11/03

Whitehead Rosa

vs

}

ORDER OF
PUBLICATION.

Whitehead Wm

Parson D Story

p. 9.

In the Clerk's Office of the Superior Court of the County of
Southampton on the 11th day of November 1900 1890.

Rosa Whitehead

Plaintiff

against

William Whitehead

Defendant

The object of this suit is to obtain a divorce a vinculo Matrimonii

And an affidavit having been made and filed that the defendant William Whitehead is
not ^aresident of the State of Virginia, it is ordered that he ~~do~~ appear here within 15 days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the "Graphic"
, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

~~A copy~~ Teste:

Parker & Story

p. q.

L. A. Gay

Clerk.

Attchd

Q- 3 Publications

Attchd

I hereby certify that the above "Order of Publication" was published
in The Graphic, for four successive weeks, beginning November 13th, 1903.,
and ending December 1st, 1903.
.....Editor The Graphic.

J. P. HOLLAND, PRESIDENT & TREASURER.

J. M. DARDEN, VICE-PRESIDENT.

W. A. MAGEE, SECRETARY.

THE J. P. HOLLAND PUBLISHING COMPANY,

—INCORPORATED—

..Publishers of THE GRAPHIC..

PRINTERS, ENGRAVERS AND BINDERS.

..BOOK WORK A SPECIALTY..

FRANKLIN, VA.,

In the Clerk's Office of the Circuit Court
of the County of Southampton, on
the 11th day of November, 1903,

ROSA WHITEHEAD, Plaintiff.

against

WILLIAM WHITEHEAD, Defn'dt.

The object of this suit is to obtain a divorce a vinculo matrimonii, and an affidavit having been made and filed that the defendant, William Whitehead is not a resident of the State of Virginia, it is ordered that he appear here within 15 days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in The Graphic, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the County Court.

A copy—Teste;

PARKER & STORY p q L. A. Gay, Clerk

I hereby certify that the above "Order of Publication" was published
in The Graphic, for four successive weeks, beginning November 13th, 1903.,
and ending December 4th, 1903.

J. P. Holland.....Editor The Graphic.

Rosa Whitehead

vs. { Statement of Rules

William Whitehead



Bess and her
papers -

Rosa Whitehead Plaintiff

vs. } In Chancery

William Whitehead Defendant

1903. 11th November, Process issued to 1st Dec. Rules.

Affidavit as to non-residence filed.

Order publication issued.

1903. 1st December Rules, Bill and Exhibits filed.

Decree nisi

1903. 2nd December Rules, Order Publication

Completed,

Bill Taken for confessed

and cause set for hearing

Wittmad
- 10. - 3 } Depositions
Wittmad

JOHN C. PARKER.

E. FRANK STORY.

Parker & Story
Attorneys and Counselors at Law
Franklin and Courtland, Virginia

The depositions of B. F. Briggs, and others, taken before me, Joseph B. Prince, a commissioner in chancery for the Circuit Court of Southampton County, Virginia, on the 18th, day of March 1904, between the hours of 10 o'clock A. M. and 6 o'clock P. M., to be read as evidence on behalf of Rosa Whitehead, in a certain suit in equity, depending on the Circuit Court of Southampton County, Virginia, wherein William Whitehead is defendant and Rosa Whitehead is Plaintiff. The defendant, William Whitehead, being a non-resident of the State of Virginia and an order of publication, according to law, having been had and completed against him no further notice is required.

Present:- E. Frank Story, Atty. for Plaintiff.

Witness, B. F. Briggs, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and do you know the parties to this suit ?

A. B. F. Briggs, 47 years old, reside in Southampton County, Virginia, farmer and know the parties to the suit.

Q. Do you know when William Whitehead and Rosa Whitehead, who was Rosa Gray, were married ?

A. They were married some time in July 1895.

Q. Where were they married ?

A. They were married in the colored Zion Church, in Southampton County: very near my home, in fact they used my team on that occasion.

Q. Do you know whether they are now living together as man and wife or not ?

A. They are not.

Q. Do you know how long they thus lived together after they were married ?

A. About five years.

Q. Do you know why they are now living separate ?

A, 36 years old, live in Southampton; laborer, and was the partner to the guilt;

Q. Do you know whether Rosa Whithead made William Whitehead a good and faithful wife ?

Q. From the statement you have just made one would be lead to believe that William Whitehead wilfully and deliberately deserted Rosa Whitehead, his wife: Please state if you intended to convey this idea.

Q. When did he desert her ?

Q. Have they been separated ever since ?

Q. Do you know of any effort on the part of William Whitehead to again live or co-habit with Rosa Whitehead since he deserted her ?

A. No, he has not. I understand he is living with another woman in North Carolina.

A. No, he has not.

A. Yes, they lived on my land during the whole time.

A. Yes she has lived in the same place.
And further this deponant saith not.

B. L. Briggs

THE DE AGENTS OF THE IN GOVERNMENT: TROUBLE: THE KNOW THE
DELIVER TO THE STATE &
OF AGENT IN THE STATE: LEGISLATION: OCCUPATION SIX: GO AND KNOW THE
STATE:

WITNESS: JONAH STITH: BEING DULY SWORN: DEPOSES: THE

Witness, Jonah Stith, being duly sworn, deposes and

says:

Q. What is your age, residence, occupation and do you know the parties to the suit?

A. 36 years old, live in Southampton; laborer, and know the parties to the suit:

~~Witness, Jonah Stith, being duly sworn, deposes and~~

Q. Do you know when William Whitehead and Rosa Whitehead were married?

Q. Do you know when William Whitehead and Rosa Whitehead were married?

A. They were married in the summer of 1895.

Q. Are they now living together as man and wife?

A. No sir, they are not.

Q. How long did they live together after they were married?

A. I think it was about five years.

Q. Did either desert the other, and if so which and when?

A. William Whitehead deserted Rosa Whitehead September court day 1900.

Q. So far as you know was the desertion wilful and deliberate on the part of William Whitehead: that is without any cause brought about by Rosa Whitehead?

A. Yes sir, she seemed to be good to him and he left for court September court day 1900 and has never come back.

Q. Did Rosa Whitehead make William Whitehead a good and faithful wife, so far as you know?

A. Yes sir, she did so far as I could see.

Q. Did you live near them?

A. Yes sir, and used to see them right often.

Q. Do you know of any effort on the part of William Whitehead to again live and co-habit with Rosa Whitehead since he left her?

A. No sir, he has never tried to live or co-habit with her since he went away.

Q. Are there any children born of this marriage now living and if so how many, their names and age?

A. There is one child, named Charlie Whitehead and will be four years old next may.

Q. Who has provided for and supported this child since William Whitehead left?

A. Rosa Whitehead.

believed to be the wife.

Y. He looks old, like in comparison? I would say know the
believed to be the wife?

O. About the same age? I would say know the
age:

Witness: JOHN STITH, DEPOSED THAT ABOVE DEPOSED

Q. So far as you know, has William Whitehead ever, in any way
provided for the support of his wife and child since he left?

A. None that I know of.

And further this deponent saith not.

John Stith

Witness, Osbern Gray, being duly sworn deposes and says:

Q. What is your, name residence, occupation, age and do you know the parties to this suit ?

A. Osbern Gray, 56 years old, live in Southampton County, farmer, and know the parties to the suit: the Plaintiff, Rosa Whitehead is my daughter.

Q. When were Rosa Gray, that was, now Rosa Whitehead and William Whitehead married ?

A. They were married July 21st, 1895.

Q. Do they live together now as man and wife ?

A. They do not.

Q. How long did they live together as man and wife ?

A. They lived together up to September court day 1900.

Q. Why are they not living together as man and wife now ?

A. Because he left her.

Q. Do you know why he left her ?

A. No sir, only I know he went to Southampton Court September court day 1900 and has never been back.

Q. Did Rosa Whitehead make him a good and faithful wife while he lived with her ?

A. Yes sir, I think she did the very best she could.

A. Has William Whitehead ever been back to se his wife or tried to live with her since he left her ?

A. No sir, he has not.

Q. Do you know where William Whitehead is now ?

A. I understand he is in North Carolina living with another woman.

Q. Did they have any children, and if so give the name and age of each ?

A. They had one child, named Charley Whitehead: he will be four years old the 1st. of May, this year.

Q. Who has taken care of this child since his father left.

A. Rosa and myself.

And further this deponent saith not.

Witness... *W. M. L...*

Osbern Gray
must

Witness, Rosa Whitehead, being duly sworn, deposes
as follows:

Q. Please state your, name , ^{age} ~~gae~~, residence, occupation and do
you know the parties to this suit ?

A. Rosa Whitehead, age 26, reside in Southampton County, cook,
and know the parties to this suit: I am the Plaintiff in the
suit.

Q. Please state when and where you were married to William White-
head ?

A. in this (Southampton) County, on the 21st day of July 1895.

Q. Are you now living together as man and wife.

A. No, sir, we are not.

Q. Did either of you desert the other and if so which ?

A. William left me September court day 1900.

Q. Why did he leave you ?

A. No sir, I don't know hy he left me, he went away the cout
morning I told you and I have never seen him since.

Q. Do you know h where your husband is now ?

A. No sir I do not, positively. I understand he is living with
another woman in North Carolina.

Q. Did you make him a good and faithful wife and perform all of
your marital obligations ?

A. Yes sir, I was true to him and done the very best I could.

Q. Have you any children born of this marriage ?

A. Yes sir, one.

Q. Please state his or her age and name :

A. Named Charley and will be four years old the 1st of next May.

Q. Has your husband ever tried to return and live and co-habit
with you since he deserted you ?

A. No sir, he has not: I have never seen or heard from him since.

Q. Has he ever sent you anything to live on, either for you or
your child since he left ?

A. No sir.

And further this deponent saith not.

~~Ames:~~

W.B. M. Leuwer

deponent said not.

Rosa x Michael
Marr

STATE OF VIRGINIA, { to-wit:
Southampton County }

I, Joseph B. Prince, a commissioner in chancery for the Circuit Court in and for the County aforesaid in the State of Virginia, do hereby certify that the foregoing depositions of George Boon, Westley Aulstine and Hardy Sharp were duly taken, sworn to and subscribed before me, at the time and place, and for the purpose stated in the caption hereto annexed.

Given under my hand this 18th day of March, 1904.

Joseph B. Prince,
COMMISSIONER IN CHANCERY.

Baurs. fee for Taking
depositions - \$5.00 Paid
by E.F.S.
J.B.P.

¹⁹⁰⁴
Witcham, Rod,

103 Acres.

Witcham, Am.

Enter this March 22 1904
Robert R. Purvis

Entered
C. O. B. for 60.

JOHN C. PARKER.

E. FRANK STORY.

Parker & Story
Attorneys and Counselors at Law
Franklin and Courtland, Virginia

Whitehead, Rosa, *
 *
 vs. *
 *
Whitehead, William: *
 *

This day this cause came on to be heard on the bill of the complainant, and the exhibits therewith filed, and the depositions of witnesses, the defendant, who was regularly pro-
in the mode prescribed by law as to absent defendants, and he
ceeded against, still failing to appear and plead, answer or demur, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that the marriage heretofore had and solemnized between Rosa Whitehead and William Whitehead, be, and the same is hereby dissolved; and that the said Rosa Whitehead be forever divorced a vinculo matrimonii from the said William Whitehead.

The court doth further adjudge, order and decree that the possession of the infant child mentioned in the proceedings, said child being named Charlie Whitehead, remain in the said Rosa Whitehead, and the said William Whitehead shall not in any way interfere with said child.

And it appearing to the court that nothing further remains to be done in this cause, it is ordered that it be removed from the docket.