

1907-07

Southampton County Chancery

Canada, M.C

vs Canada, Minnie C (Bell)

Divorce



M.C.Canada, Plaintiff; that a divorce from the bond of

vs. Bill of Complaint. by the aforesaid marriage may be

E.M.Canada, Defendant. complainant may have all such other

and further and general relief, both general and special, in

To the Honorable Circuit Court of Southampton County:  
the premises, as the nature of her case may require or to

Equity Your complainant, M.C.Canada, respectfully represents,

That on the 29<sup>th</sup> day of June, in the year 1897, your complainant, whose maiden name was Minnie C. Bell, was lawfully married in Sussex to E.M.Canada as will appear from a copy of the marriage license herewith filed, and the certificate of marriage, thereto attached, marked "Exhibit A" and prayed to be taken as a part of this bill;

That continuously from the date of said marriage until the 25th day of September, 1902, your complainant and the said E.M.Canada lived together as husband and wife;

That the said E.M.Canada has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say that on the 25th day of September, 1902, the said E.M.Canada did, voluntarily, wilfully and without any justification whatever leave his home, and has not since cohabited or lived with your complainant;

That the said E.M.Canada, defendant is a non-resident of this state, his residence now being in the District of Columbia, in the City of Washington;

That your complainant has resided and has been domiciled in this state ever since the aforesaid marriage, and for one year, and more, next preceeding the commencement of this suit has been a resident of Southampton county, and now resides in the said county of Southampton and state of Virginia;

That your complainant last cohabited with the said E.M.Canada in the City of Norfolk, state of Virginia;

In considration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said E.M.Canada may be made party defendant to this bill and required to answer the same, but not under oath, the oath being hereby expressly waived, that

AS. BILL OF COMBUSTION  
H.C. OSWAGG. BIAINTELL.

proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage may be decreed her; and that your complainant may have all such other and further and general relief, both general and special, in the premises, as the nature of her case may require or to equity shall seem meet.

M. C. Canada  
by Geo. B. Prince & R. W. Warner her Attys.

Geo. B. Prince & R. Warner p.q.

# 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,

Edward M Canada.

and Minnie P. Bell.

Given under my hand, as Clerk of the County Court of Southampton Co this 19<sup>th</sup> day of June 1897  
B. A. 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 3, 1900.

|                                                             |                                                  |
|-------------------------------------------------------------|--------------------------------------------------|
| Time of Marriage,                                           | Place of Husband's Birth, Sussex Co.             |
| Place of Marriage, Southampton Co.                          | Place of Wife's Birth, "                         |
| Full Names of Parties Married, Edward M. Canada             | Place of Husband's Residence, Southampton Co.    |
| and Minnie P. Bell                                          | Place of Wife's Residence, "                     |
| Color, White                                                | Names of Husband's Parents, W. R. & M. A. Canada |
| Age of Husband, 23 Years                                    | Names of Wife's Parents, J. R. & N. B. Parkman   |
| Age of Wife, 35 "                                           | Occupation of Husband, Operator                  |
| Condition of Husband (widowed or single or divorced) Single |                                                  |
| Condition of Wife (widowed or single or divorced) Widowed   |                                                  |

Given under my hand this 19 day of June 1897  
B. A. McLenore Clerk.

## Certificate of Time and Place of Marriage.

I, J. D. Bayles, a Minister of the Gospel,  
Church or religious order of that name, do certify that on the 29<sup>th</sup> day of  
June 1897, at Mrs. L. W. Parkman's, under authority of the above  
License, I united in Marriage the persons named and described therein.

Given under my hand this 29 day of June 1897

J. D. Bayles.

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.

Canada. M. L.  
(r) } Stat: Rules

Canada. E. M.

M. b. Canada

"

E. M. Canada.

} Stat: Rules:

1907. April 24. Process issued to 1<sup>st</sup> May Rules.

" - 1 May Rules: Legal service of process  
acknowledged.

Bill and Exhibits filed.

Decree nisi.

1907. 2<sup>nd</sup> May Rules: Bill taken for Confessed  
and Cause set for hearing

Canada

or

} Costs.

1907 Canada

April 24 Same: 25. Copy 13

Rest 18. Atty 10 - dock: 18. Rules 1.00

Entering return 35 - filing bill 15

Filing Depositions 15. Do. Exhibits 15

Copy Exhibits 25. Dever 36.

Tag 90 - filing away papers 25

paid - B. F. McDonnell bill 3.52

Shiff 1.00

Law 16.50

E. F. Story. Cont 5.00

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25.02

Paradid

THE COMMONWEALTH OF VIRGINIA

TO THE SHERRIFF OF SOUTHAMPTON COUNTY, CHRISTENDOM

WE COMMAND YOU TO SUMMON

Paradid  
1907 1st May Ruled.

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 ... Monday in ...

I hereby acknowledge due

and legal service of the

within process:

April 26th, 1907.

Wm. Canada

And this ... shall in nowise want under penalty of law. And have then there this

Witness, R. H. LECHEMORE, Clerk of our said Court, at the Courtroom, this  
day of ... 1907, in the ... year of the Commonwealth

Teste:

C. C.

---

# THE COMMONWEALTH OF VIRGINIA.

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TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *D. McParadial*.....

.....  
.....  
.....  
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 *First* Monday in *May* - 1907.....  
~~next~~, to answer a Bill in Chancery exhibited against *him*.....  
in our said Court by *McParadial*.....  
.....  
.....  
.....

And this *he*.....shall in nowise omit under penalty of law. And have then there this  
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this  
24<sup>th</sup> day of *April*....., 1907, in the 31<sup>st</sup> year of the Commonwealth.

Teste :

*B. F. McLemore*....., C. C.

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Canada, M.C.

Notice to Take  
vs. Depositions.

Canada, E.M.

=====

I hereby acknowledge due and  
legal service of the within  
notice:

*E.M. Canada*

# Notice to Take Depositions.

[Code, §§3359-68; 4 Min Inst. (2nd ed.), 745 & seq.; 2 Part. Chy. Prac. (2nd ed.), p. 783 & seq.; Hurst's Guide & Manual, p. 16 & seq.]

To E.M. Canada,

Take notice, that I shall, on the 15th day of May  
~~and~~ 1907, at the store house of T.L.Bain, in the village of Ivor, Va.,  
in Southampton County, between the hours of 9 a.m.  
and 5, P. M., on that day, proceed to take the depositions of J.T.Doles  
and others, to be read in evidence in my behalf, in a certain  
suit in equity depending in the Circuit court for the county of  
Southampton wherein you are defendant  
and I am plaintiff: and, if, from any cause, the taking  
of the said depositions be not commenced on that day, or, if commenced, be not concluded on  
that day, the taking of the same will be adjourned and continued from day to day, or from  
time to time, at the same place and between the same hours, until the same shall be complet-  
ed.

Respectfully yours,

*W.C. Canada*  
By *J.B. Russell* Counsel

Canada, M. C.

vs. Defendant

Canada, B. M.

E. FRANK STORY  
ATTORNEY AT LAW  
COURTLAND, VIRGINIA

\* vs.) Depositions. \*  
\* Canada, E. M. \*  
\*\*\*\*\*

The depositions of J. T. Doles and others, taken before me, E. Frank Story, a commissioner in chancery for the Circuit Court of Southampton County, Virginia, pursuant to notice hereto annexed, at the storehouse of T. L. Bain, in the village of Ivor, Southampton County, Virginia, on the 15th day of May, 1907, between the hours of 9 o'clock A. M. and 5 o'clock P. M., to be read as evidence on behalf of M. C. Canada, in a certain suit in equity, depending in the said Circuit Court of Southampton County, in the State of Virginia, wherein E. M. Canada is defendant, and M. C. Canada is plaintiff.

Present: Joseph B. Prince, Attorney for the plaintiff.

Witness C.A.Holt being duly sworn deposes as follows:-

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

A. C.A.Holt, 29, Ivor, Southampton County, Va., <sup>merchant</sup> and I know the parties to this suit M.C.Canada and E.M.Canada.

Q. For what length of time previous to the bringing of this suit has Mrs. M.C.Canada been a resident of Southampton county?

A. For at least four or five years. She is a resident of Ivor, Southampton County at this time.

Q. What is the residence of E.M.Canada the plaintiff, and was that his residence at the time of the bringing of this suit?

A. Washington City, District of Columbia, and that was his residence at the time of the bringing of this suit.

Q. This is a suit for a divorce from the bond of matrimony, by Mrs. M.C.Canada against E.M.Canada, Will you please

state whether the defendant deserted or abandoned the plaintiff, or did she abandon or desert him.

A. He abandoned and deserted her.

Q. Please state where they last lived together as man and wife ?

A. They last lived together as man and wife in Norfolk, Va., in 1902, and about three months after he left her, and after she had returned to her former home, Ivor, he came here and spent one night with her; came at about 9.30 at night, and left at 6 o'clock next morning, and since that time, which was more than three years previous to the time of the bringing of this suit he has not returned, nor has he lived or cohabited with her since that time.

Q. Was this desertion and abandonment on the part of E.M. Canada voluntary and wilfull on his part, or was it occasioned through some fault of hers ?

A. So far as I am informed it was voluntary and wilfull on his part, and was not occasioned through any fault or neglect of hers.

Q. When did he abandon or desert her ?

A. In the year 1902.

Q. Are you sure they have not lived together as man and wife since the time he abandoned and deserted her, in 1902.

A. I am.

And further this deponent saith not.

C. A. Helt

he abandoned and deserted her.  
with respect to the defendant deserted or abandoned the  
plaintiff or did she abandon or desert him.

Witness B.H.Lane being duly sworn, deposes as follows:-

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

A. B.H.Lane, 38, Ivor, Southampton County, Va., merchant, and I know the parties.

Q. Is Mrs. M.C.Canada a resident of Southampton County, and has she been a resident of said county for more than one year previous to the bringing of this suit?

A. She is a resident of this county, and has resided here over four years., previous to the bringing of this suit.

Q. What is the residence of E.M.Canada the ~~plaintiff~~ defendant?

A. I am informed he lives in Washington, D.C.

Q. Was that his residence at the time of the bringing of this suit?

A. I think it was. I have been so informed by those who have heard from him there.

Q. Please state whether they now live together as man and wife, or whether they have separated?

A. They have separated.

Q. Did he voluntarily and wilfully leave abandon and desert her, or did she abandon or leave him?

A. He deserted and abandoned her.

Q. How long ago has this been?

A. Something over four years.

Q. Where did they last live together as man and wife?

A. In Norfolk City they last lived together as man and wife. This was in 1902. I have been informed that he left her there, any way, soon after, she came back to Ivor. In about two or three months he came here once and saw her, and left the day after he arrived, which was about four years ago, certainly not less than that, and since that time he has not returned.

Q. Was this abandonment and desertion on the part of the plaintiff voluntary and wilfull on his part, or was it occasioned through some fault of hers?

A. Voluntary and wilfull on his part.

Q. Have they lived together as man and wife, or cohabited since the time he last left her as mentioned above by you?

A. No, they have not.

And further this deponent saith not.

B.H.Lane

Witness Dr. J.T.Doles, being duly sworn, deposes as follows:-

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

A. J.T.Doles, 42, Ivor, Southampton County, Va., Doctor of Medicine, and I know the parties to the suit.

Q. What is the residence of Mrs. M.C.Canada ?

A. Ivor, Southampton County, Va.

Q. Has she been a resident of this county for more than one year previous to the bringing of this suit ?

A. Yes. She has been a resident of the county for five years continuous to the time of bringing this suit.

Q. What is the residence of E.M.Canada, the defendant ?

A. I understand he is a resident of Washington, D.C.

Q. Was that his residence at the time of the bringing of this suit ?

A. Yes.

Q. Please state whether the plaintiff, Mrs. M.C.Canada ~~now lives together~~ and the defendant, E.M.Canada now live together as man and wife, or have they separated ?

A. They have separated.

Q. Which one abandoned or deserted the other, and was such abandonment and desertion voluntary and wilfull on the part of the one so leaving ?

A. He left her, and told her when he left her it was on account of another woman. That is a woman he was cohabiting or staying with. This was in Norfolk. She wrote my wife that he had left her, sold all her furniture and some of her clothes, and she had no where to go, and please send her money to come to Ivor in order that she might work in my wife's millinery store and make a living. My wife sent her the money and she came, and has been here ever since, and working continuously, with the exception of one season when she worked for Mrs. Lawrence, who also lived here at that time. She is still working for us.

Since the time he left her he has not contributed a penny towards her support.

Q. Where did they last live together as man and wife ?

A. They were in Norfolk when he first left her. After that time, and about two or three months after she had returned to Ivor, he came here one night and stayed, and left early the next morning. Since that time he has not returned.

Q. How long ago has this been ? *that is the time you refer to as the time he came to Ivor ?*

A. It has been over four years ago.

Q. Was this abandonment and desertion by E.M.Canada of M.C.Canada voluntary and wilfull on his part, or was it occasioned through some fault of hers ?

A. It was voluntary and wilfull on his part for she had been to him a good and true wife.

Q. Have they lived together as man and wife, or

V. J. T. Doles, et al. vs. J. T. Doles, et al.  
Don know the parties to this suit &  
C. State Court, name, etc. Residence, occupation, and go  
Lorraine:-  
Witnesses: J. T. Doles, being duly sworn, deposes as

A. cohabited since that time ?  
They have not.

And further this deponent saith not.

*J. T. Doles*

STATE OF VIRGINIA, (  
Southampton County, (to-wit:

I, E. Frank Story., 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 C. A. Holt, B. H. Lane and J. T. Doles, were  
duly taken, reduced to writing, and signed by the witnesses,  
respectively, before me, at the place and time therein men-  
tioned, pursuant to the annexed notice.

Given under my hand this 15th day of May, 1907.

*[Signature]*  
COMMISSIONER IN CHANCERY.

*Commissioners fee for taking  
depositions \$5.00*

Canada, N.C. 1907

no. 338  
Canada, C.M.

---

In terms -

May 20, 1907.

Enter this -

Robert R. Plaut

Entered in

Q. 338.

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M.C.Canada, Plaintiff.

vs. Decree.

E.M.Canada, Defendant.

This day this case came on to be heard on the complainant's bill, and the exhibits therewith filed, the defendant still failing to appear, plead, answer or demur, the depositions taken by E.Frank Story, a commissioner in chancery of this court, and filed on behalf of the complainant, and was argued by counsel.

On consideration whereof, and it appearing to the court independently of the admissions of either party in the pleadings or otherwise, that the said parties were lawfully married on the 29th day of June, 1897; that <sup>more than</sup> ~~for~~ three years previous to the time of bringing this suit the defendant, E.M.Canada, wilfully abandoned or deserted the plaintiff, M.C.Canada, and that since that time they have not cohabited, or lived together as man and wife; that the said M.C.Canada has for more than one year previous to the time of bringing this suit been a resident of Southampton County, in the state of Virginia, and that defendant is a non resident of this state, the Court doth adjudge, order and decree that the said M.C.Canada and E.M.Canada be divorced from the bond of matrimony which was created by the aforesaid marriage, and that the said marriage be, and the same hereby is, dissolved and annulled.

And after the payment of all costs in this suit, it appearing that there is nothing further to be done therein, it is ordered that it be removed from the docket.