

1907-15

Southampton County Chancery - Joe, Charles vs Joe, Anna

Divorce

Joe, Charles
v. { Bill & Exhibits.
Joe, Anna
1907. 1st July Rules.
Filed

To the Honorable James L. McLeure,
Judge of the Circuit Court for Southampton:

Humbly complaining sheweth unto
Your Honor your complainant, Charles
Joe, that for more than one year next
preceding the institution of this suit
both he and the defendant have been,
and still now are, residents of the
State of Virginia; that on the 3rd day
of October 1900, your complainant was
legally married to the defendant, Anna
Joe, (who was Anna Lucas), as will more
fully appear from a copy of the marriage-
license, with minister's return thereon,
herewith filed as "Exhibit A.", and prayed
to be read as a part of this bill; that
after the said marriage, your complainant
and the said defendant lived together as
man and wife, until on or about the 2nd
day of April 1904, when the said defendant
willfully deserted and abandoned your
complainant, and has never returned to
or lived with him since that time; that
the said defendant having thus willfully
deserted and abandoned your complainant,
without any good or sufficient reason,
for a period of more than three years,
your complainant is advised that under
the statute law of this Commonwealth,

he is legally entitled to a divorce a vinculo matrimonii from the said defendant; that your complainant and the said defendant last lived and co-habited together as man and wife in the County of Southampton, and that they both now reside in the said County.

In consideration whereof, and inasmuch as your complainant is remediless in the premises, save in a Court of Equity, your complainant prays that the said Anna Joe may be made a party defendant to this bill and required to answer the same, though answer under oath is hereby waived; that proper process issue, and all proper orders be made; that the marriage heretofore had and solemnized between your complainant and the defendant be annulled and dissolved, and that your complainant may be divorced a vinculo matrimonii from the said defendant, and that all such other, further general and special relief may be granted your complainant as the nature of the case may require or to Equity shall seem meet.

And your complainant will ever pray &c.

W. J. Debrill, p.g. {

Charles Joe,

By Counsel.

Joe. Charles
(or) } Stat: Rules:

Joe. Anna

Charles Joe - Pliff } Stat: Rules
Anna Joe - Deft. }

1907. June 29" - Process issued to 1" July Rules.

" - 1" July Rules: Process returned executed.

Bills & Exhibit filed.

Dever nisi.

1907. 2" July Rules: Bill taken for Confessed
and Cause set for hearing

Depositions

Charles Joe

vs.

Anna Joe

Filed July 8, 1907.

JOSEPH B. PRINCE
Courtland, Va.

To

Anna Joe:

Take notice, that I shall, on the 8th day of July, 1907, at the office of Joseph B. Preiner, in the town of Courtland, Va., between the hours of 8, A. M., and 8, P. M., on that day, proceed to take the depositions of J. E. Lucas 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 completed.

Respectfully yours,

Charles Joe,
By Counsel.

[When parties live within a convenient distance, five days' notice is usually given, although less may suffice. In other cases, ten to fifteen days will not be too much—4 Min. Inst. (2nd ed.), 1647.]

A.

No, she has not.

Q.

In what county did you live together as man and wife?

A.

In Southampton county.

Will you further this statement with not.

Annul Lucas

Witness Simmie Lucas, being duly sworn, deposes as follows:-

The depositions of J.E. Lucas and others, taken before ^{me} Jos.

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

B. Prince, a Commissioner in Chancery, for the Circuit Court,

A. Simmie Lucas, 22 years old, Southampton County, Va., public work, I know the parties.

for the County of Southampton, pursuant to notice hereto annexed, at the office of Jos. B. Prince, in the town of Court-

land, on the 8th day of July, 1907, between the hours of

8 A.M. and 8 P.M., to be read as evidence in behalf of

A. Charles Joe, in a certain suit in equity, depending in the

Q. Circuit Court of Southampton County, of Virginia, wherein Anna

A. Joe is defendant and Charles ^{Joe} is plaintiff.

Q. Which one left or abandoned the other.

A. Anna Joe left Charlie Joe.

Q. Did she do so of her own free will and accord, or not?

A. She did so of her own free will and accord.

Q. How long has it been since she so abandoned him?

A. Three ^{years} ago the second day of this last gone April.

Q. Has she ever returned to, or lived with him since that time?

A. No, she has not.

Q. In what county did they last live together as man and wife?

A. In Southampton county.

And further this deponent saith not.

Simmie Lucas

Witness Simmie Lucas, being duly sworn, deposes as follows:-

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

A. Simmie Lucas, 23 years old, Southampton county, Va., public work, I know the parties.

Q. Do you know in what state they lived for twelve months next preceeding the institution of this suit?

A. In Virginia.

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

A. They do not. They have separated.

Q. Which one left or abandoned the other.

A. Anna Joe left Charlie Joe.

Q. Did she do so of her own free will and accord, or not?

A. She did so of her own free will and accord.

Q. How long has it been since she so abandoned him?

A. Three ^{years} ago the second day of this last gone April.

Q. Has she ever returned to, or lived with him since that time?

A. No, she has not.

Q. In what county did they last live together as man and wife?

A. In Southampton county.

And further this deponent saith not.

She did, she left of her own accord Simmie Lucas

Q. Has she ever returned to, or lived with him since she so abandoned him?

A. No, she has not.

Q. In what county did they last live and cohabit together as man and wife?

A. In Southampton county.

And further this deponent saith not.

S. S. Lucas

*Virginia,
Southampton County, Virginia*
I, Witness J.E. Lucas being duly sworn deposes as follows:-

Q. State your name, age, residence, occupation and do you know the parties to this suit? *foregoing depositions of J.E. Lucas*

A. and J.E. Lucas, 31 years, Southampton county, farmer, I know the parties. *at the time of the deposition, and for the purpose in*

Q. Do you know where the parties have lived for twelve months, or more, before the institution of this suit?, in the year 1907.

A. In Southampton county. They both have been living here for 10 or 15 years and even more, and are living here now. *Joseph E. Lucas -
Commissioner of the Court in Chambers*

Q. Did you know them and see them often while they lived together as man and wife?

A. Yes, I did.

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

A. They have separated.

Q. Which party left or abandoned the other?

A. She, Anna Joe, left him.

Q. How long has it been since she abandoned or deserted him?

A. Three years ago the second day of last April.

Q. ~~Did she~~ Do you know whether she did so willfully and of her own accord or not?

A. She did, she left him of her own accord.

Q. Has she ever returned to, or lived with him since she so abandoned him?

A. No, she has not.

Q. In what county did they last live and cohabit together as man and wife?

A. In Southampton county.

And further this deponent saith not.

J. E. Lucas

Virginia,
Southampton County, to-wit:-

I, Jos. B. Prince, a Commissioner in Chancery, of the Circuit Court, for the County of Southampton, in the said State, do hereby certify that the foregoing depositions of J.E. Lucas and Simmie Lucas, were duly taken, sworn to, and subscribed before me, at the time and place, and for the purpose in the caption hereto mentioned.

Given under my hand this 8th day of July, in the year 1907.

Joseph B. Prince -
Commissioner in Chancery.

38
28
103
30
65
76
25
415

Joe. Charles

Spa in Ohio

Joe - Anna

1907. 10 July Rules.

Executed June 29th
1907 by showing a true
copy of the within writ
to Anna Joe in
my County
J. H. Gillette Sheriff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

Anna Joe

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 *1st* Monday in *July* 1907 next, to answer a Bill in Chancery exhibited against *her* in our said Court by *Charles*

Joe

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

Witness, *B. F. McLeod*, Clerk of our said Court, at the Courthouse, this *29th* day of

June, 1907, in the *31st* year of the Commonwealth

TESTE:

B. F. McLeod

, C. C.

Chas Joe & Anna Joe

Sum. 25 Copy 15. Recd 18. Atty 10

Wack 18. Rule 1.00 - Enter return 35

filing bill or do. Exhibit 15

Copy Exhibit 50. filing Dep. 15

Decease 36. Lay costs 40. filing away

Papers 25

paid	B. F. M.	Robert	4.15
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"	"	Shff	15.0
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		Lawyer	16.50
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paid	B. F. M.	J. B. P.	3.50
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Costs

Charles Joe - 1907 -
vs. $\frac{1}{2}$ Deane.
Anna Joe.

July 15th 1907.

Enter this,
J. M. W. L. Moore,

Entered in
C. O. B. P. 349.

Charles Joe, }
vs. } Decree.
Anna Joe. } 3

This day this cause came on to be heard on the bill of complaint, exhibits therewith filed, and the depositions of witnesses, the defendant, upon whom process has been duly served, still failing to appear and plead, answer or demur to the said bill, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order, and decree that the marriage heretofore had and solemnized between the plaintiff, Charles Joe, and the defendant, Anna Joe, be and the same is hereby dissolved and annulled, and that the said Charles Joe be forever divorced a vinculo matrimonii from the said Anna Joe.

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



Mr. B. A. McInroe,
Courtland,
Va.

Please send me a copy
of papers at Warle
Hornil Joe Franklin Va
August the 8 1907