

1909 57

Santhampton County Chancery Jordan, Walter vs. Jordan, Lillie

Merica

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON

To Honorable J.L. McLemore, judge of the circuit
court of the county of Southampton:

Your orator, Walter Jordan, humbly complaining,
would respectfully show unto your honor that:

1st. He resides in the county of Southampton, Virginia, and
that he has been domiciled in this state more than one year
next preceding the institution of this suit. That the defend-
ant is also a resident of Southampton County, Virginia.

2d. On the second day of February, in the year nineteen
hundred and *two*, in the county of Southampton, Virginia,
your orator was married to one Sallie Jordan, with whom he
has lived and cohabited together as husband and wife in
Southampton county, until February, 1906, when they separated
and have not since lived or cohabited together.

3d. During their marriage one child was born to this unhappy
union and is now in the custody ^{of} ~~his mother~~, being about the age
of four years. Your orator, knowing the love of a mother for
her child, and feeling that ~~his~~ character can best be shaped
under the care and admonition of a mother, is willing to suffer
the loss of the custody of the child in order that its interests
may be advanced.

4th. During their said marriage, to wit, in February 1906,
in the aforesaid county where they last cohabited, your orator's
said wife, Sallie Jordan, disregarding her marriage vows, did
abandon and desert him, and broke off the matrimonial cohab-
itation, and at the time of the institution of this suit has

has abandoned, deserted and lived apart from him for a period exceeding three years and during this time has, without justification or excuse, save being enamored by another, voluntarily refused to renew the matrimonial cohabitation, notwithstanding the fact that your orator has time and again solicited and urged her to return to him and renew the bonds of matrimony and share with him his home and his bed.

WHEREFORE, inasmuch as your orator is remediless, save in the court of equity where matters of this sort are properly cognizable, he prays that Sallie Jordan be made a defendant to this bill, and be required to answer it, but an answer under oath is waived; that, upon the hearing, your honor will grant unto your orator a divorce a vinculo matrimonii from the said Sallie Jordan; and for such further, other, and general relief as in equity is meet and proper. And your orator will ever pray etc.

Sallie Jordan
By *Wm. B. Barney*
His Attorney

Jordan
vs Spanish
Jordan

1909. 1st Oct Rules.

The within summons was duly executed this
the second day of October, 1909, by leaving
a copy thereof with the within named defendant,
Sallie Jordan, in person.

J. I. Turner, Sheriff.

By

B. E. Felt

Deputy

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY GREETING:

We command that you summon

Sallie Jordan

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 ~~10th~~ Monday in *October* 1909 to answer
a Bill in Chancery exhibited against *her* in our said Court by

Walter Jordan

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

Witness, ~~B. F.~~ McLEMORE, Clerk of our said Court, at the Courthouse this *30*
day of *September*, 190*9*, in the *134* year of the Commonwealth.

Teste:

H. B. McLeMORE

C. C.

Jordan
-TS- Divorce
Jordan

Notice to take Possessions

Executed by serving a
copy of the within notice
on the respondent Sallie
Jordan in person, this
the 12th day of Oct.

1909 J. D. Turner Sheriff
By B. E. Fetter
Deputy

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON.

Chancery Cause-----

Jordan

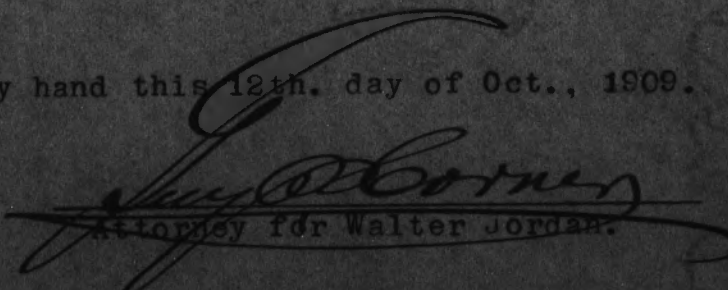
vs Notice To Take Depositions.

Jordan

To Sallie Jordan.

TAKE NOTICE that I shall, on the 15th. day of October, 1909, at my office in Boykins, Southampton County, Virginia, between the hours of eleven o'clock A. M. and three o'clock P. M., on that day, proceed to take the depositions of Walter Jordan, and others, to be read in evidence in his behalf, in a certain chancery cause depending in the circuit court of the county of Southampton, wherein you are defendant, and if for any reason or cause the taking of 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 or 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.

Given under my hand this 12th. day of Oct., 1909.


Attorney for Walter Jordan.

Depositions

Jordan
75 - Divorce
Jordan
1909 Oct 16th Filed

Walter Jordan

VS

DECREE

Sallie Jordan

This cause came on to be heard upon the bill of the complainant and exhibits therewith filed, and the depositions of the witnesses, taken after reasonable notice to the defendant, of the time and place of taking the same having been duly served, ^{she} still failing to appear, and plead answer or demur to the said bill and was argued by counsel.

ON CONSIDERATION WHEREOF, it appearing that both parties are and have been, for the past twelve months, residing in this county, and that ^{the} defendant voluntarily abandoned the complainant more than three years before the institution of this suit, the court doth adjudge, order and decree that the marriage heretofore had and solemnized between the plaintiff, Walter Jordan, and the defendant Sallie Jordan, be and the same is hereby dissolved and annulled, and that the said Walter Jordan be forever divorced a vinculo matrimonii from the said Sallie Jordan.

AND IT APPEARING that nothing further remains to be done in the cause, it is ordered that the same be removed from the docket.

W. T. Beale witness being first duly sworn deposeth and sayeth in answer to interrogatories as follows:

Question 1. What is your name, age, occupation, place of residence and do you know the parties to this suit?

Ans. 1. W. T. Beale, age 23, occupation carpenter, live at Boykins and know the parties to this suit well.

Ques. 2. Are the parties now living together, if not, how long have they been separated?

Ans. 2 They are not living together, she having left him over three years ago.

Ques. 3. Did you know them while they were living together and did he seem to be a good husband and provider?

Ans. 3. I knew them while they were living together as husband and wife and I never heard of him doing anything that was improper in a husband. He has always been an industrious hard working man and, I thought, a good provider.

Ques. 4. Do you know of any reason why she should have left him?

Ans. 4. No.

And further this deponent sayeth not.

Signed

W. T. Beale

State of Virginia.

County of Southampton.

I, Wm. Shands, a Commissioner in Chancery, for the circuit court of the County of Southampton, Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the time and place mentioned in the notice to take depositions which is hereto attached.

Given under my hand this the 15th. day of Oct. 1909.

Wm. Shands
Comm. in Chancery

Q.4 Did the plaintiff make the defendant a good husband

A4 Yes.

Q 5 Did he ever abuse her ?

A5 He never abused her. I saw them often at their home and he seemed very fond of her and treated her well. She had no cause for leaving him except that she liked another fellow better.

And further the deponent sayeth not.

Signed

W. S. Boone
Mark

Witness, J.J. Powell, being first duly sworn, deposeseth and sayeth in answer to interrogatories as follows:

Q.1 What is your name, age, occupation, place of residence and do you know the parties to this suit.

A.1 J.J. Powell, furniture dealer, Boykins Southampton County Virginia, am fifty years old, and am well acquainted with the parties to this suit.

Q 2 Do you know when these parties were married and where they lived?

A.2 They were married in 1902, I believe, in February. I sold them furniture at the time. They first lived with Walter's father, Lee Jordan and soon moved into town.

Q 3 Are they living together now ?

A.3 No. They have been separated about four years - they separated about February 1906.

Q 4 Which one broke off the matrimonial cohabitation ?

A.4 To the best of my belief Sallie Jordan left Walter Jordan - In fact I know that. I don't think they have lived together since they separated the last time - in February 1906, I believe.

Q.5 Did the plaintiff make her a good husband?

A.5 So far as I have ever known I think he did. I know that he worked and gave her a good house and had it nicely furnished.

since they separated, about four years ago, and he has tried to get her back but she wont come.

Q.6. Do you know that they have been separated for three years?

A.6 Yes, they ahve been separated longer than that.

Q.7. Do both parties live in Southampton County Virginia.

A.7 Yes, sir.

And further this deponent sayeth not.

Signed

Lee Jordan
Mark

George Boon, witness, being duly sworn first, deposeth and sayeth in answer to interrogatories as follows:

Q.1 What is your name, occupation, age, place of residence and do you know the parties to this suit?

A.1 George Boon, 47 years old, section hand on Seaboard, live in Boykins, Southampton County, Virginia. Know the parties to this suit: have been knowing Walter Jordan for fifteen years and Sallie Jordan for five or six years.

Q.2 When and where were they married and where did they live while living together if they are not living together now?

A.2 They were married about February 1902, lived first with Lee Jordan and then moved to Boykins where they lived until Sallie Jordan left Walter Jordan.

Q.3 If they are not now living together state which one broke off the matrimonial cohabitation and why?

A.3 Sallie Jordan left Walter Jordan and moved into the country in February 1906, and they have not lived together since and she said she left him because she had a sweetheart and that she was not going back to walter any more.

in answer to interrogatories as follows:

Q. 1. What is your name, age, occupation, place of residence, and do you know the parties to this suit?

A. 1. My name is Lee Jordan, age 68 years, live on Mr. Hugh Knight's farm, about two miles south of Boykins, farmer. I know the parties to this suit well; have been knowing Walter Jordan all his life and Sallie Jordan for certainly fifteen years.

Q. 2. Do you know where and when they married and where they live after they got married?

A. 2. They were married at my house, near Boykins, in 1902, sometime about Christmas. They lived with me awhile and then moved to Boykins, where they lived until Sallie Jordan left Walter Jordan.

Q. 3. Was the plaintiff a good husband and provider while they lived together, and did he treat her as a husband should treat his wife?

A. 3. He has always been an industrious man and took good care of her while she was with him. He never mistreated her or abused her and she left him because she got struck on another fellow.

Q. 4. Did you see the parties often while they were living together?

A. 4. I used to visit them in their home and I found them well fixed up and the plaintiff seemed to be fond of his wife and tried to make her happy and to give her a good home.

Q. 5. When did the defendant leave the plaintiff, and have they since lived together as husband and wife, and has he ever tried to get her to come back?

A. 5. Don't know just what date she left, but it has been about four years. They have not lived together as husband and wife

three and four years ago.

Q. 4. What does the plaintiff do, and while they were living together, did Walter Jordan make her a good husband and provider?

A. 4. He is a section hand on the Seaboard, and is an industrious, hardworking man. He has always appeared to be very fond of his wife, has always been well employed and has given her everything that a working man could be expected to give to his wife, and provided her with a good home, and has often, since she left him the last time, more than three years ago, begged and tried to persuade her to come back and live with him. While they last lived together as husband and wife here in Boykins, I frequently visited them and I found the plaintiff to be thoughtful of his wife and seemed to be much devoted to her.

Q. 5. You say then, that she left him about January or February of the year 1906, and that they have since not lived or cohabited together as man and wife and that the plaintiff has tried to get her to come back to him?

A. 5. They separated about that time; they have not since lived together and I know he has tried to get her back but she will not come.

Q. 6. You speak of her as having left before a couple of times before January or February 1906; she left several times then did she?

A. 6. Yes, she left a couple of times before she left and stayed away and would not come back. I don't remember just when it was, but I know she left a couple of times.

And further this deponent sayeth not.

Signed

Whitey Walden
mark

Witness, Lee Jordan, being first duly sworn, deposeth and sayet

Q 6 Where did they last live together ?

A.6 Here in town - Boykins.

Q.7 Did he ever try to get her to come back to him.

A 7 Yes. He rented a huse for me some time ago and told me that he thought that he was going to be able to get his wife to return to him. She did not join him. He paid rent for the house for one month and then told me that he could not get her to come back and gave up the house.

An further the deponent sayeth not.

Signed

J. J. Powell

Q. 1. What is your name, age, occupation, place of residence and do you know the parties to this suit?

A. 1. Whit Walden, age 57 years, place of residence, Boykins, Southhampton County, Virginia. I know both parties very well.

Q. 2. How long have you known the parties to this suit, Sallie Jordan and Walter Jordan?

A. 2. I have known them for ten or twelve years.

Q. 3. Do you know when they were married and where they were they were married and whether they are now living together?

A. 3. I do not know exactly when they were married, but my impression is that they have been married about seven or eight years. They were married in Southhampton County, Virginia, and have always lived in the county. They are not living together now, and have not lived together as husband and wife for over three years. I think the last time Sallie Jordan left Walter Jordan was in January or February 1906. I know it was between

Walter Jordan
vs
Sallie Jordan

Depositions of Whit Walden, Lee Jordan, W. T. Beale and George Boone and J. J. Powell, witnesses, taken before me, William Shands, a Commissioner in Chancery for the circuit of Southampton County, Virginia, on the 15th. day of Oct. in pursuance of the annexed notice, at Boykins, in the county of Southampton and State of Virginia, between the hours of eleven a. m. and three p. m., to be read in evidence in a suit in which Walter Jordan, plaintiff, and Sallie Jordan, defendant, pending in the circuit court for the County of Southampton, in the State of Virginia.

Examination of witnesses: Present, Guy T. Horner, counsel for plaintiff; no counsel for defendant, Whit Walden, being first duly sworn, deposeth and sayeth in answer to interrogatories as follows: