

1912-08

Southampton County Chancery -

Gentle, Clara L.

vs Gentle, G.

Divorce

Bill for Divorce.

Clara L. Gentile

vs

G. Gentile.

1911-1" Dec Rector  
A. M. Clark

ERNEST L. BEALE  
ATTORNEY AND COUNSELLOR AT LAW  
FRANKLIN, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

\* \* \* \* \*  
\* \* \* \* \*  
\* Clara L. Gentile her maiden name.  
\* \* \* \* \*  
\* vs. consideration whereof such as your complainant  
\* is Gaetano Gentile the premises save in a Court of Equity, your com -  
\* \* \* \* \*  
\* \* \* \* \*

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT  
OF SOUTHAMPTON COUNTY, VIRGINIA: the proper processes may issue; that  
Your complainant, Clara L. Gentile, whose maiden name was Clara  
L. Spencer, respectfully represents: her name be changed from Clara Louise  
Gentile (1st) That on the 26th day of September, 1908, your complainant  
was lawfully married in No. 1 Township, in Edgecombe County, N. C.  
to G. Gentile, which said marriage will appear from a certificate of  
marriage, herewith filed, marked "Exhibit A", and made a part of this  
bill; and,

(2nd) That continuously from the date of the said marriage until  
the 12 day of November, 1908, your complainant and the said G.  
Gentile lived together as husband and wife, in Southampton County, Va.  
and;

(3rd) That the said G. Gentile has wilfully deserted and abandoned  
your complainant for a period of more than three years; that is to say  
on the 12 day of November, 1908, the said G. Gentile did, volun-  
tarily and wilfully and without any justification whatever, leave his  
said wife; that immediately before leaving he stated to your complain-  
ant that he was going to leave her forever and that he would never re-  
turn to her, and is now located in some western State and has never  
signified his intention of returning to her, and that your complainant  
does not know at this time whether he be dead or alive; and,

(4th) That your complainant has resided and been domiciled in  
this State ever since the aforesaid marriage, and for more than one  
year next preceding the commencement of this suit, and is domiciled  
and now resides in this state; and,

(5th) That your complainant last cohabited with the said G. Gentile  
at Franklin, in the County of Southampton, Virginia; and,

\* CLARA L. GENTILE \*

\* \* \* \* \*

ATTEST: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

(6th) That there has been no issue of the marriage above referred to, and that your complainant desires her name changed to Clara Louise Spencer, which was her maiden name.

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a Court of Equity, your complainant prays that the said G. Gentile may be made a party defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that the proper processes may issue; that a divorce from the bond of matrimony which was created by the aforesaid marriage may be decreed her; that her name be changed from Clara Louise Gentile to Clara Louise Spencer; and that your complainant may have all such further, and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet and proper.

And your complainant will ever pray, etc.

L. L. Beale p. q. Clara L. Gentile

Subscribed and sworn to before me, L. A. Gay a Notary Public in and for the county of Southampton, State of Virginia, this 1st day of December, 1911.

L. A. Gay  
Notary Public.

578A The depositions of Henry Leob and L. A. Bell  
taken before me, J. L. Parker a commissioner in chan-  
cery for the Circuit Court of Southampton County, Virginia, at my  
office in Franklin, Va., on January 11<sup>th</sup>, 1912, between the hours  
ten a. m. and six p. m. pursuant to an order of publication hereto  
attached and to be read as evidence in behalf of Blanca L.  
Gentile, in a certain suit in equity pending in the  
Circuit Court of Southampton County, Virginia, wherein the said  
Blanca L. Gentile is plaintiff and G. Gentile  
is defendant.

Present E. L. Beale, attorney for the plaintiff:

No one appearing for the defendant:

The witness Henry Leob being duly sworn deposes  
as follows:

1st Q. State your age, occupation and residence, and do you know  
the parties to this suit?

1st A. 59 years, Merchant, Franklin, Va Yes, I know  
both parties and J. Gentile used to make  
shoes in my store

2nd Q. Do you know about how long ago it was when Blanca L.  
Gentile married G. Gentile, and where, and  
do they now live together?

2nd A. Yes, about three years and four or five months ago,  
and I know that they eloped to North Carolina, They  
do not live together now.

3rd Q. Did he without any good cause desert and leave his said  
wife, since you have stated as above that they do not live together,  
and the bill charges that he deserted her?

3rd A. Yes, he had no cause to leave her, and  
willfully deserted her.

4th Q. About how long ago did he desert and leave her?

4th A. He only lived with her for a month or two. He left her in November

5th Q. Where did they last cohabit and live together, and have they  
lived together since he deserted her?

1908.

5th A. In Franklin, Va. No they have not lived together since he deserted her.

6th Q. Were there any children by this marriage?

6th A. No.

7th Q. Do you think that the plaintiff, Clara L. Gentile should retain her maiden name of Spencer?

7th A. Yes.

8th Q. Why do you think so?

8th A. Because she is a young woman, and was somewhat betrayed by this Station Gentile, whom she married, and further the deponent sayeth not.

Signed:

R. M. Cobb

The witness, C. A. Bell being first duly sworn deposes and sayeth as follows:

1st Q. State your age, residence, occupation, and do you know the parties to this suit?

1st A. 44 years, Franklin, Va. Town Sargeant. Yes, I know them.

2nd Q. Do you know about how long these parties have been married, and where, and about how long ago they lived together, and if they are not living together now?

2nd A. They were married between three and four years ago, some place in North Carolina, I think. They are not living together now, and have not lived together since November 1905.

3rd Q. Did he without any good cause desert and leave her?

3rd A. Yes, I think so, as I never heard any reason why he should desert her.

4th Q. Where did they live together when he left her?

4th A. Here, in the town of Franklin, Va. and she has lived here ever since he deserted her, about two months after they were married.

5th Q. Do you know where he is now?

24PV. *John Henry Bell*  
5th A. No, I do not.

6th Q. How long have you known both parties to this suit?

6th A. I have known her between six and eight years and only knew him a few months before they were married

7th Q. State if you know whether there were any children of this marriage.

7th A. None that I know of.

8th Q. Do you think that the plaintiff, Belara L. Gentile should retain her maiden name, and if so, why?

8th A. I see no reason why her name should not be changed to Spencer, her maiden name, because he lived with her only a short time before he deserted her, and his name would be repugnant to her.  
And further the deponent sayeth not.

Signed:

L. A. Bell

Franklin, Southampton County, Virginia, January 11, 1912.

I, J. L. Parker a Commissioner in Chancery for the Circuit Court of the aforesaid county hereby certify that the above depositions of P. Henry Leath and L. A. Bell were duly taken before me at the time and place mentioned in the caption hereof, and were duly sworn to and subscribed by them in my presence, same being duly taken for the purposes mentioned in the caption. The defendant being a non-resident, and order of publication being duly executed according to law, which order of publication is duly filed in the papers in this cause.

Given under my hand this 11<sup>th</sup> day of January, 1912.

8th Q. Where did they  
lived together since

J. L. Parker

Commissioner in Chancery.

Commissioner's Fee \$ 3.00

*A. No, he has not.*  
The depositions of *Frances Spain Smith and P. Henry Cobb*  
taken before me, J. C. Parker a Commissioner in Chancery for the  
circuit Court of Southampton County, Virginia, at my office in Frank-  
lin Virginia, on May 17th 1912, between the hours of 10.00 a. m. and  
6:00 p. m. pursuant to an order of publication hereto attached and to  
be read as evidence in behalf of Clara L. Gentile in a certain suit  
in equity pending in the Circuit Court of Southampton County, Virginia  
wherein the said Clara L. Gentile is plaintiff and G. Gentile is  
defendant.

Present E. L. Beale attorney for the plaintiff:

No one appearing for the defendant.

The witness, Frances Spain Smith being duly sworn deposes as  
follows:

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

A. My name is Frances Spain Smith, I am 43 years of age, live in  
Franklin, and know the parties to this suit very well, the plaintiff  
being my daughter, and I knew Mr. Gentile from April until November  
1908.

Q. Did your daughter, the plaintiff to this suit marry Mr. G. Gentile  
the defendant to this suit?

A. Yes, are they not living together now?

Q. When were they married?

A. The 26th day of September, 1908.

Q. Are they living together now?

A. No.

Q. Why are they not living together now?

A. Because he left her.

Q. Who left her, and who do you mean by her?

A. I mean that Mr. G. Gentile deserted and left my daughter, Clara L.  
Gentile.

Q. When did he desert her?

A. He left her on the 13th day of November, 1908.

Q. Has he lived with her since that date, the 13th of November, 1908?

A. No, he has not.

Q. Where is Mr. Gentile, the defendant to this suit, now?

A. He was in Columbus, Ohio the last time I heard anything about him.

Q. You said just a few minutes ago that Mr. G. Gentile deserted and left your daughter, Mrs. Clara L. Gentile, on the 13th day of November, 1908, was there any good reason or just cause for him to leave his wife?

A. None that I know of.

And further the deponent sayeth not:

Signed:

*Frances Spain Smith*

The witness, Henry Cobb, being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation?

A. Henry Cobb, 59 years, live in Franklin, Va., and am a merchant.

Q. Do you know Clara L. Gentile, the plaintiff to this suit, and do you know G. Gentile the defendant to this suit?

A.

*Yes I know both parties*

Q. Do you know whether they are living together now?

A.

*They are not*

Q. Why are they not living together now?

A.

*He left her*

Q. When did he leave her?

A.

*He left her in 1908*

Q. How do you know that he left her then?

*He worked for me as shoe maker and lost record on my books shoe a or Nov. 9th 1908, and he left me in a very few day after this date. which was prior to Nov 14th 1908*

And further the deponent sayeth not:-

Signed:

*Henry Cobb*

Franklin Southampton County, Virginia, May 17th., 1912.

I, J. C. Parker, a Commissioner in Chancery for the Circuit Court of the aforesaid county hereby certify that the above depositions of Frances Spain Smith and R. Henry Cobb were duly taken before me at the time and place mentioned in the caption hereof, and were duly sworn to and subscribed by them in my presence, same being duly taken for the purpose mentioned in the caption hereof. The defendant being a non-resident, and order of publication being duly executed according to law, which order of publication is duly filed in the papers in this cause.

Given under my hand this 17<sup>th</sup> day of May, 1912.



Commissioner in Chancery.

# County of Edgecombe

State of North Carolina

Office of Register of Deeds

H. S. HUNN, Register

TARBORO, N. C., Nov. 28th. 1911.

I, H. S. Bunn, Register of Deeds of Edgecombe County, State of North Carolina, do hereby certify that Gaetano Gentile and Clara Louise Spencer of Franklin Va., were married in this County, No. one Township, on Sept., 28th. 1908 as appears of record in my office, by F. H. Pender, Justice of The Peace for said County.

Witness my hand and Official Seal of office this Nov 28th. 1911.

*H S Bunn*

Register of Deeds for  
Edgecombe County, N.C.

Fee \$1<sup>00</sup>

"Exhibit A"



FRANKLIN, VIRGINIA, JAN 12 1912

Mr. E. L. Beale, Atty.,

BOUGHT OF THE NEWS PUBLISHING COMPANY

PUBLISHERS OF

The Tidewater News

JOB PRINTING AND BUSINESS STATIONERY

ALL ACCOUNTS PAYABLE MONTHLY

PLEASE RETURN THIS BILL WITH REMITTANCE TO BE RECEIPTED

Nov.

24

ORDER OF PUBLICATION:

Clara L. Gentle vs. G. Gentle

weeks of Nov. 24, Dec. 1, 3 and 15 1911

\$4 00

*Paid 1/12/12  
Tidewater News  
by Scarborough*

IN THE CLERK'S OFFICE OF THE  
CIRCUIT COURT OF SOUTHAMP-  
TON COUNTY, ON THE 21ST DAY  
OF NOVEMBER, 1911.

Clara L. Gentle, Plaintiff,  
against

G. Gentle, 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 G. Gentle, is not a  
resident of the State of Virginia, it is  
ordered that he do appear here within 10  
days after due publication hereof, and do  
what may be necessary to protect his  
interest in this suit, and it is further  
ordered that copies hereof be published  
once a week for four weeks in the *Tide-  
water News*, and that a copy be posted  
at the front door of the Court House of  
Southampton County on or before the  
next succeeding rule day after it is or-  
dered.

A copy—Taken:

H. B. McLENDON, Clerk.

E. L. BEALE, p. q.

IN THE CLERK'S OFFICE OF THE  
CIRCUIT COURT OF SOUTHAMP-  
TON COUNTY, ON THE 21ST DAY  
OF NOVEMBER, 1911.

Clara L. Gentle, Plaintiff,

against

G. Gentle, 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, G. Gentle, is not a resident 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 Tidewater News, and that a copy be posted at the front door of the Court House of Southampton County on or before the next succeeding rule day after it is entered.

A copy—Teste:

H. B. McLEWIS, Clerk.

E. L. BRALL, p. q.

I, Paul Scarborough, Editor of The Tidewater News, a weekly newspaper published in the Town of Franklin, Southampton County, Virginia, do hereby certify that the Order of Publication as attached above was published in said newspaper once a week for four (4) successive weeks in the manner prescribed by law, to-wit in its issues of Nov. 24th and Dec. 1, 8, and 15th 1911.

SIGNED

Paul Scarborough Editor

Franklin, Va., Jan. 10th 1912.

*Guthrie*

vs

} ORDER OF  
PUBLICATION.

*Guthrie*

1736A BOKING

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY

on the 21<sup>st</sup> day of November 1911

Clara S. Gentle

Plaintiff,

against

G. Gentle

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 G. Gentle is

not a resident of the State of Virginia, it is ordered that

he  
do appear here within 10 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 Tidewater

News and that a copy be posted at the front door of the Court House of South-  
ampton County on or before the next succeeding rule day after it is entered.

A copy—Teste:

Ed Beale

p. q.

L. B. McQuinn Clerk.

FIRE—LIGHTNING—WINDSTORM.



CASH CAPITAL. \$3,000,000.00.

---

Thank you.  
Kindly receipt  
and return for a  
voucher for costs  
of the divorce suit,  
and oblige

E. Y.  
G. L. Beale

12/1/11

Clara Gentle,

VS

G. Gentle,

I, H. B. McLeomore, Clerk of the Circuit Court of Southampton County, do hereby certify that on the 24th day November 1911, I posted at the front door of the Court-house a copy of the order of Publication as required in the above styled suit.

*H. B. McLeomore*

-----Clerk

COUNTY OF EDGECOMBE

STATE OF NORTH CAROLINA

OFFICE OF  
H. S. BUNN  
REGISTER OF DEEDS

TARBORO, N. C., Nov 28, 1911

E S Beale Esq

Franklin Va

Dear Sir

I herewith Enclose  
Certificate of the Marriage of Gentile  
& Oliver

Yours  
H. S. Bunn

Fee for Same \$1.00

Received payments  
H S Bunn

\* \* \* \* \*  
\* Clara L. Gentle \*  
\* vs. \*  
\* G. Gentle \*  
\* \* \* \* \*

AFFIDAVIT.

State of Virginia,

County of Southampton, to-wit:

This day, Clara L. Gentle, the above named plaintiff, personally appeared before me, L. A. Gay, a Notary Public in and for the County and State aforesaid, and made oath before me that G. Gentle, the above named defendant, is not a resident of this state.

Clara L. Gentle

Subscribed and sworn to before me this 17 day of November, 1911.

L. A. Gay  
NOTARY PUBLIC.

And nothing further remaining to be done in this case, it is

XXXXXX XXXXX Louis Gentile to Clara Louis X XXXXX

L. Gentile, her said name is changed from Clara XXXXX

the parties to this suit and upon the petition of the said Clara

this suit and there has been no issue of the said marriage between

as in it they so desire, and it appearing from the evidence in

the said L. Gentile, with the Divulge for either party to marry

The said Clara L. Gentile forever divorced from her said husband,

Gentile and G. Gentile, do, and the same is hereby dissolved.

Given that the marriage heretofore solemnized between Clara L.

party in the presence of others, both of whom, order and do-

that is fully proved independently of the admission of either

testament for more than three years before the said Clara L.

that is, before or within heretofore, the said Clara L. Gentile

and was at all times her own act and deed, and she is hereby

and she is hereby declared to be a single woman, and she is hereby

and she is hereby declared to be a single woman, and she is hereby

and she is hereby declared to be a single woman, and she is hereby

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Clara L. Gentile

vs. Deceit

G. L. Gentile

Entered May 20, 1912  
Miss M. L. Moore

ENTERED - C.O.B.  
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\* \* \* \* \*

|                    |   |                |
|--------------------|---|----------------|
| * Clara L. Gentile | * |                |
| * vs.              | * | <u>Degree.</u> |
| * G. Gentile.      | * |                |

\* \* \* \* \*

This cause in which the plaintiff has proceeded against the absent defendant by order of publication duly posted and published, and fifteen days having elapsed after due publication thereof, and the defendant still failing to appear, plead or demur, came on this day to be heard on the bill and the testimony of witnesses, and was argued by counsel.

*and it appearing that the parties last cohabited in the County of Southampton where the plaintiff has resided for more than twelve months next before the institution of this suit and*

On consideration whereof, the Court being of the opinion that the charge of wilful desertion of the plaintiff by the defendant for more than three years before the institution of the suit is fully proved independantly of the admissions of either party in the pleadings or otherwise, doth adjudge, order and decree that the marriage heretofore solemnized between Clara L. Gentile and G. Gentile, be, and the same is hereby dissolved.

The said Clara L. Gentile forever divorced from her said husband, the said G. Gentile, with the privilege for either party to marry again if they so desire, and it appearing from the evidence in this suit that there has been no issue of the said marriage between the parties to this suit and upon the petition of the said Clara L. Gentile, her said name is changed from Clara ~~xxxxxxxxxxxx~~ ~~xxxxxxxxxxxx~~ Louis Gentile to Clara Louis Spencer.

And nothing further remaining to be done in this cause, it is ordered to be removed from the docket of this Court.