

1920-013 Chancery Causes: Mary Mason VS Andrew Mason

311

Isle of Wight County

other surnames: Harris, Diggs,
Christian

³
Mason Mason
V. Du Chaneey?
Robert Mason.
Bill

Second September Rules, 1919:
Process returned executed. Bill
filed. Decree nisi.

Third September Rules, 1919.
Defendant not appearing, etc.
cause set down for hearing.

ERNEST H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

be issued; that a divorce from the bonds of matrimony ~~may~~ be decreed to your said complainant, and that your complainant may have all such further and other general relief as the nature of her case may require, or to equity shall seem meet.

And your complainant will ever pray.

Mary Maxon
By Counsel

E. H. Williams p. q.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

MARY MASON PLAINTIFF.

VS) In Chancery,

ANDREW MASON DEFENDANT.

-----oOo-----

TO THE HONORABLE B. D. WHITE,

JUDGE OF SAID COURT:

Your complainant, Mary Mason, respectfully represents that in the year 1894, she was married to the said defendant, in the County of Isle of Wight, Virginia, as will appear by a copy of the marriage license herewith filed, marked "Exhibit A" and made a part of this bill; and,

That your complainant was a constant, dutiful and faithful wife to the said defendant; and,

That in the month of August, 1899, the said defendant willfully deserted and abandoned your complainant, and such desertion and abandonment has continued for a period of more than three (3) years, prior to the institution of this suit; that is, to say, that the said defendant, in the month of August, in the year of 1899, without any justification, deserted and abandoned your complainant and has never returned, and such desertion and abandonment has continued from that time until now; and,

That your complainant has resided in the County of Isle of Wight, Virginia, all of her life and that she last cohabited with the said defendant in the said County.

In tender consideration whereof and forasmuch as your complainant is remediless, save in a court of equity, she prays that the said Andrew Mason may be made a party defendant to this bill and be required to answer the same; that proper process may

2

Mason

n { Cy 311

Mason

Subpoena

I executed the within ~~Subpoena~~ this the 13 day of
Sept 1919 by Sheriff a true
copy of the same on A. Mason in person
in the County of Isle of Wight.

R. A. Edwards

Sheriff of Isle of Wight Co.

returned & filed
13 Sept 1919

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon Andrew Mason to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the rules to be holden therefor on the Third Monday in September, 1919, to answer a bill in chancery filed against him by Mary Mason, and have then and there this writ.

Witness, A. S. Johnson, Clerk of our said Court, at the Courthouse of said County, on this 10th. day of September, 1919.

Teste,

A. S. Johnson Clerk.

E. H. Williams, p.q.

Mary Mason ⁴ ~~Petty~~

v. The Chancery

Pedro Mason - Dep.

~~Depositor~~

Filed July 21, 1970

ERNEST H. WILLIAMS

Attorney-at-Law

SMITHFIELD, VIRGINIA

TO ANDREW MASON:

TAKE NOTICE, that on the 13th. day of December, 1919, at the office of E.H. Williams, in the town of Smithfield, Virginia, between the hours of 6 and 9 P.M., of that day, I shall proceed to take the depositions of Phenias Harris and others, to be read in evidence in my behalf in a suit now pending in the Circuit Court of the County of Isle of Wight, Virginia, wherein I am plaintiff and you are defendant.

Given under my hand this 1st. day of December, 1919.

Mary Mason
By Counsel

E.H. Williams, P.G.

I hereby accept me &
legal Service & the party
Notice. his

Andrew + Mason
counsel

Witness: Wesley Edwards

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, TO-WIT:

I, Geo. F. Whitley, a Commissioner in Chancery of the Circuit Court of the County aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the place and time therein mentioned, pursuant to the annexed notice.

Given under my hand this 13th. day of December, 1919.


COMMISSIONER IN CHANCERY.

Q. That is about 24 or 25 years ago, then?
A. Yes sir.
Q. How long did your husband live with you?
A. Till we moved here.
Q. How many years?
A. Don't know, sir.
Q. Tell me, something like four or five years?
A. Don't know sir.
Q. How long did you live together after you came to Smithfield?
A. Stayed together about, --- Don't know that either.
Q. About four years?
A. I reckon about five or six years, sir.
Q. How long has it been since he left you?
A. About 20 years since we parted.
Q. Where were you when he left?
A. In the field at work.
Q. Has he been back since?
A. No sir.
Q. Sent any money?
A. No sir.
Q. Written you any letters?
A. No sir.
Q. Did you know he was going to leave before you went to the house and found him gone?
A. No sir.
AND further this deponent saith not.

Witness: *Geo. A. White*

her
Mary X Mason
mark

Q. Who is your mother?

A. Easter Diggs.

Q. What kind of work do you do?

A. Anything, sometime in service and sometime in the field.

Q. What kin is Mary Mason to you?

A. None 'tall only we're sisters.

Q. How long has Mary Mason been living in Isle of Wight County?

A. I don't know sir, never kept it in my mind.

Q. Has she been here 25 years?

A. Yes sir, as near as i can get to it, sir.

Q. How long has it been since Andrew Mason lived with her?

A. Near as I can get to it, it has been 21 years.

Q. Do you know what time of the year he left her?

A. About weeding-pea time.

Q. They have not lived together since?

A. No sir, not as I know of.

Q. Where has Mary Mason lived since he left her?

A. Mr. Morrison's farm.

Q. How far is it from where you live?

A. About a mile.

Q. Don't you know that Andrew Mason has been away 20 years?

A. Yes Sir.

And further this deponent saith not.

Witness: Mr. D. White. Maggie^{her} Christian^{mark}

MARY MASON, being duly sworn deposes as follows:

BY Mr. Williams.

Q. You are the plaintiff in this suit?

A. Yes sir.

Q. When were you married to Andrew Mason?

A. I don't know, I forget what time it was when we got married.

Q. You alledged in this paper here that you married in year 1894?

A. Yes, the year 1894.

Q. Do you know Mary Mason?

A. Yes Sir, She's my daughter, I ought to know her.

Q. Do you know Andrew Mason?

A. I seen him and know what they call him.

Q. How long has your daughter Mary been living in Isle of Wight County?

A. Ever since I been here, about 20 years, and she lived here befor i come here.

Q. Did she marry Andrew Mason?

A. Yes, I 'pared supper at my house the night they went ot Norfolk to get married.

Q. How long has it been since they lived together as man ans wife?

A. 20 some odd years.

Q. Where has he been since that time?

A. I ain't seen him since he left Mary, and before I seen him in town tonight I hadn't seem him since he left. Don' know where hes' been.

Q. What do you know about his leaving?

A. All I know is that he went away while she was in the field at work and after he left she come to my house and I ain't lain eyes on him no more.

Q. What time of year was it when he left?

A. In the summer time.

Q. Did he write to her after he left as you know of?

A. Not as I know of, I ain't heard no talk of none.

And further this deponent saith not.

Witness: Geo. F. Whitley

*Lea
Easter X Diggs
mark*

MAGGIE CHRISTIAN, being duly sworn deposes as follows:

BY, Mr. Williams.

Q. What is your name and age and where do you live?

A. Maggie Christian, 50 uears old, live on Mr. Tom Powell's place.

Q. How long has it been since they lived together?

A. About 21 years.

Q. How do you know that they have been apart that long?

A. He went away and did not come back til here this year. I think he was gone about 20 years.

Q. Did you have any conversation with him before he left about Mary Mason?

A. No Sir, I didn't. He went away and told John Jones that he was gone for good and it appeared to me that he left for good too.

Q. Did you understand when he left that he was going to leave his wife?

A. He went for good and didn't come back no more.

Q. Has Mary Mason been living here in Isle of Wight County ever since he went away?

A. Yes Sir, I never see her unless she comes to town and I am in town too.

Q. How long has Andrew Mason been living here this last time?

A. He come here last February, went to Newport News and worked till last Summer.

Q. Were they living together in this County when he left her?

A. Yes Sir.

And further this deponent saith not.

Witness: Geo. Williams, Plaintiff's mark

EASTER DIGGS, being duly sworn, deposes as follow;

By Mr. Williams.

Q. Auntie, what is your name, age, and where do you live?

A. Easter Diggs, Jackson Diggs wife, 60 years old I reckon, nighs I can git, live on mr Powell's farm, Jim Andrews old farm.

Q. That's about two miles to Smithfield?

A. Yes Sir.

The depositions of Phenias Harris, Easter Diggs, Maggie Christian and Mary Mason, taken before me, Geo. F. Whitley, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, State of Virginia, on the 13th. day of December, 1919, at the office of E.H.Williams, in the town of Smithfield, Virginia, between the hours of 6 and 9 P.M., in pursuance of the annexed notice, to be read in evidence in a suit in which Mary Mason is plaintiff and Andrew Mason is defendant, pending in the Circuit Court of the County of Isle of Wight, Virginia.

PRESENT: MR. E.H.WILLIAMS FOR THE PLAINTIFF.

PHENIUS HARRIS, being duly sworn, deposes as follows:

Examined by Mr. Williams.

Q. What is your name, age and occupation?

A. Phenius Harris. Age 60 years old. I lives on the number one route, Box # 12, close to Scott's Factory, Isle of Wight County.

Q. Is your name Phenius Harris?

A. Yes, Phenius Harris.

Q. Do you know Mary Mason and Andrew Mason?

A. I've been knowing Andrew Mason all my life and knowing Mary Mason 25 years.

Q. What relation to you, if any, is Andrew Mason?

A. Half brother.

Q. Did these parties live together as man and wife?

A. Yes Sir, when they first came here they lived as man and wife.

⁵
Mary Mason
v. Buchanan,
#311
Andrew Mason.

Decree -

To be entered

1920

Feb. 2 -

Enter this

1875.

C.D. No. 1 of 532.

ERNEST H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

_____TERM, 1919.

MARY MASON PLAINTIFF.

VS) In Chancery,

ANDREW MASON DEFENDANT.

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This cause came on this day to be heard on the complainant's bill, the depositions of witnesses, the defendant, on whom process has been duly served, and he still failing to appear, plead answer or demur, and was argued by counsel.

On consideration whereof, the Court being of the opinion, from the evidence in this cause, that the defendant has willfully deserted and abandoned said complainant for a period of three (3) years, doth adjudge, order and decree that the marriage heretofore had and solemnized between the said plaintiff and said defendant, shall be, and the same is hereby dissolved, and that the said plaintiff be forever divorced from the said defenant.

Nothing further remaining to be done in this cause, it is ordered that this suit be stricken from the docket.

1
Mary Mason

v. Cy 311

Andrew Mason

Memorandum

Dated Sept 10, 1920

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

MARY MASON PLAINTIFF.

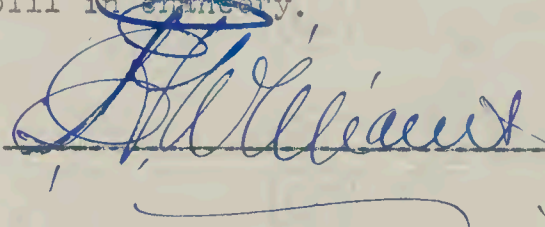
VS) In Chancery

ANDREW MASON DEFENDANT.

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TO THE CLERK OF SAID COURT:

Issue summons in Chancery for said plaintiff
against said defendant, to 2ND. SEPTEMBER RULES, 1919, to
answer the said plaintiff a bill in chancery.

 p. qd.