

1921-017 Chancery Causes. Sarah A. White vs Joseph A. White

343

Isle of Wight County

other surnames: Scott, Major,
Cooper

Sarah A. White,

v. Bill.

Joseph A. White.

7th June Rules 1920
Process returned as served.
Bill filed - decree
made

3rd June Rules 1920
Defendants not
appearing. Cause
set down for hearing

of matrimony at the expiration of the statutory period in such cases provided; 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 your complainant will ever pray etc.

Mrs. Sarah A. White
Complainant.

Samuel H. Edwards,
Counsel.

and made many assignments which destroyed his credit and caused your complainant to suffer much embarrassment; that as a result of defendant's misconduct, abuse, ill-treatment and neglect of your complainant she was forced and compelled to work very hard out side of her domestic duties in order to maintain and support herself and children; that during the year 1918, your complainant charges that defendant neglected and failed to support and provide for her needs so much so that she was compelled to borrow money from time to time with which to support herself and children.

Your complainant further says that the said Joseph A. White, on the 4th day of June, 1918, wilfully abandoned and deserted your complainant without just cause, and that the said defendant has not contributed one penny toward the support and maintenance of your complainant and the said children since the said 4th day of June, 1918; that since said desertion defendant has not offered to return and make living conditions bearable, but on the contrary has threatened your complainant with exposure if she did not give him a divorce- which he well knew your complainant could not do- a copy of a letter from the said defendant asserting his purpose to be free of your complainant is herewith filed, and marked Exhibit "B" and prayed to be taken and read as a part of this bill.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your complainant is remediless in the premises, save in a court of equity where such matters are alone and properly cognizable, she prays that proper process may issue; that the said Joseph A. White, be made a party defendant to this bill, and be required to answer the same but not on oath, the oath being hereby waived; that a divorce from bed and board be decreed her, which may be merged and enlarged into a divorce from the bond

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

Sarah A. White,-----Complainant.

v. Bill.

Joseph A. White,-----Defendant.

TO THE HONORABLE B. D. WHITE, JUDGE OF SAID COURT.

Humbly complaining, your complainant, Sarah A. White, respectfully represents.

1. That on the 20th day of February, 1901, your complainant, whose maiden name was Sarah A. Scott, was lawfully married to the defendant, Joseph A. White, as will more fully appear by a certified copy of said marriage license herewith filed, and marked Exhibit "A" and prayed to be taken and read as a part of this bill.

2. That of the said marriage four (4) children were born, namely, Willie J., eighteen years of age, Eunice A. age fifteen years, Henrietta, age ten years and Lou Ella, age eight years, respectively.

3. That for more than one year prior to the institution of this suit your complainant has been domiciled and a resident of this state, and is now domiciled and resides in the state of Virginia, in the city of Newport News.

4. That after the said marriage your complainant and the said defendant lived together for a long time in the town of Smithfield, Isle of Wight County, Virginia, in which said county the defendant now resides, and in which said county your complainant and the defendant last cohabited.

5. Your complainant charges that defendant constantly drank heavily during the whole time they so lived together as husband and wife, and was, during the whole of said time constantly abusive toward your complainant; that during the time they so lived together defendant frequently failed in business

Sarah A. White
v. Cy. No 343
Joseph G. White

Subpoena

I executed the within ~~subpoena~~ this the 2d day of
June 1920 by Sproule a true
copy of the same. J. A. White in person
in the County of Isle of Wight.

R. A. Edwards
Sheriff of Isle of Wight Co.

VIRGINIA
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

June 23 1920

Returned received

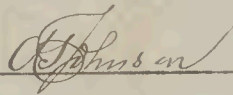
Wm. Johnson cl.

COMMONWEALTH OF VIRGINIA,

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

We command you that you summon Joseph A. White to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the Rules to be holden therefor on the third Monday in June, 1920, to answer a bill in chancery filed against him by Sarah A. White. And have then and there this writ .

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse,
this 19th. day of June, 1920.



Samuel H. Edwards. p.q.

White,

v. Deposits.

White.

Filid

May 21th 1921.

Inst. R. A. Edwards.
cek

White —
v. $\frac{3}{2}$ Notice
White

Executed the within
notice by delivering
a true copy of the
return to Joseph A.
White in person, this
the 22nd day of April
1920, in the County of
Dele of the State.

J. H. Chapman
Sheriff.

NOTICE TO TAKE DEPOSITIONS:

TO JOSEPH A. WHITE:

Take notice, that on the 30th day of July, 1926,
at the office of Samuel H. Edwards, attorney, in the city of
Newport News, Virginia, (227-25th Street), between the hours
of 9 o'clock a. m., and 4 o'clock p. m. , of that day, I shall
proceed to take the depositions of Sarah A. White and others
to be read in evidence in my behalf in the suit in equity
depending in the Circuit Court of the county of Isle of Wight,
Virginia, in which I am plaintiff and you are defendant; and if
from any cause the taking of the said depositions be not comm-
enced on that day, or if commenced, if they are not completed
on that day, the taking of the same will be adjourned and
continued from time to time at the same place and between the
same hours until they are completed.

Respectfully,

Sarah A. White

By Samuel H. Edwards

Counsel.

Sarah A. White,-----Complainant.

v. Depositions.

Joseph A. White,-----Defendant.

The depositions of Sarah A. White and others taken before G. T. Gollier, a notary public for the city of Newport News, in the state of Virginia, pursuant to annexed notice, at the office of S. H. Edwards, attorney, in said city, on the 30th day of April, 1931, between the hours of nine o'clock a. m., and four o'clock p. m., to be read in evidence in behalf of the complainant in a certain suit in equity depending in the Circuit Court of the county of Isle of Wight, Virginia, wherein Sarah A. White is complainant and Joseph A. White, defendant.

Present: S. H. Edwards, Counsel for Plaintiff.

The complainant, Sarah A. White, being first duly sworn says.

Q. State your, age, residence and occupation?.

A. 37 years of age, reside at #314-42nd. street, Newport News, keep house with my children and keep boarders for a living.

Q. Do you own your home?.

A. I do. I have bought and paid for it since coming to this city.

Q. Are your children living with you at this time?.

A. They are. Some of them are at work and others going to school.

Q. How long did you live in Smithfield before coming to Newport News?.

A. From the time I was married to Mr. White until June, 1918.

Q. You have then been a resident of this state practically all of your life?.

A. I have, I have never lived elsewhere.

Q. Where is your husband, Mr. White?.

A. I am informed that he lives in Isle of Wight, and keeps a store near Magnet.

Q. Is it true that you last cohabited with the defendant in the county of Isle of Wight?.

A. That is true.

Q. When did you and your husband separate?.

A. I left Smithfield the 4th day of June, 1918, but before then we had not been getting along very well and our relation as husband and wife had ceased for some time before then.

Q. Do you think it has been more than three years since the

relation of husband and wife between you and the defendant ceased?.

A. I am quite certain of that, because we were getting along so badly at that time. Mr. White was drinking and was on the verge of failing in business again and conditions were awful about then and I just had to get away from there.

Q. What was the real cause of your having to leave and quit your husband?.

A. Mr. White was cruel to me since soon after we were married. He was worse at times. He would have sprees and spells of drinking and he continued to grow worse in this respect until living with him became unbearable.

Q. About the time you left him what was his condition?.

A. He was without means of support. I had to borrow money. He had been drinking and we were in a terrible fix. I borrowed money with which to move myself and children to Newport News.

Q. You have alleged in your bill that you had to work out-side of your domestic duties in order to support yourself and children, in what way did you work?.

A. I sewed, helped in the store and did all that I could in order to get along.

Q. Would you give your husband at times a part of your earnings?.

A. I would. When I left him I gave him sixty dollars which I had saved and borrowed together.

Q. Did you feel that it was necessary for you to take this step, that is, leave your husband, at the time you left?.

A. I did. We had girls, the most of our children were girls, all, except one boy and they were getting large and needed clothes and schooling and besides I felt they should not continue to live under the conditions as he made them.

Q. Now since your separation has the defendant offered to live differently or to make conditions more agreeable if you would live with him?.

A. He wrote me a letter which I have filed with this suit in which he threatens to sue me if I did not give him a divorce.

Q. Did anything happen to the defendant soon after you left him that would cause you to not become reconciled to him again?.

A. He was arrested for violating the prohibition law and was sent to jail.

Q. Was he convicted of this offense?.

A. He was. He sent to me for money to pay his fine and I felt sorry for him and sent the money to Sheriff Edwards

- Q. Did your husband come to you in any other way than what you have stated?.
- A. On one occasion he struck me but that was more than a year before I left or we separated. He was constantly cursing at me in the presence of the children. He rarely ever gave me a kind word.
- Q. Has he contributed toward the support of yourself and children since you separated?.
- A. Not one penny has he given us since we separated and I cant remember that he gave us anything for a long time before we separated. My oldest boy was at work and that helped me some.
- Q. Is it true that your children would not recognize or speak to their father?.
- A. Not to my knowledge. I know they had reached the age where they would take notice of how he would treat me and for that reason they did not have the respect for their father as they otherwise would have had. They had to work for what they got besides what I gave them, and if they have been disrespectful it was his own fault.
- Q. You have not taught them to ignore him?.
- A. I have not. My children are all old enough to know what has caused all this trouble and they know who has taken care of them and who has looked out for them. If they want to see him at any time I have no objection only I do not think they should be under his influence.
- Q. You say that your relation as a wife to Mr. White ceased for some time prior to the fourth day of June, 1918, or before the separation in Smithfield?.
- A. It did.
- Q. Are you certain it has been more than three years since that relation ceased?.
- A. I am. It is true I did not leave Smithfield until the fourth of June but as I have said we were on bad terms long before then.
- Q. Did your husband's conduct grow worse or was it worse about the time you left him?.
- A. He got worse all the time. He got so he would not come to the table to eat without cursing and fussing all the time. He would curse before the children and abuse all of us.

And further this deponent saith not.

Sarah A. White

The witness, Thomas Major, being of lawful age, after first being duly sworn, deposes and says.

- Q. State your age, residence and occupation, and your relation, if any, to either of the parties to this suit?

A. I am twenty-eight years old, reside at 513-42nd street, New York News, machinist by trade, work in the ship yard, not related to either of the parties.

- Q. Are you married or single?

A. I am married.

- Q. How long have you known, Mrs. White, the complainant in this suit?

A. I have known her two years.

- Q. What two years have you known her?

A. Since 1919.

- Q. During this time have you seen her frequently?

A. Yes sir; I live next door to her and see her every day.

- Q. During this time have you seen these parties together?

A. I have not. I have not seen him there at all.

- Q. What has Mrs. White been doing for a living since you have known her?

A. She's been keeping boarders and she is a hard worker and a good manager.

- Q. What about the children, are they properly taken care of?

A. I don't think there is any question about that. They look well and are dressed well. Some of them are going to school, and Willie and the oldest girl work.

- Q. Is Mrs. White's general reputation for moral conduct good or bad?

A. It is good. I never have heard anything against her.

- Q. You, of course, do not know what caused the separation between Mrs. White and her husband?

A. I do not. I have only known her since she has been living here.

And further this deponent saith not.

Thomas Major

The witness, Russell Cooper, a witness of lawful age, being first duly sworn, deposes and says.

Q. State your name, age, residence and occupation, and your relation, if any, to either of the parties to this suit?

A. Russell Cooper, age 26 years, reside in Newport News, my occupation is steam engineer, work in the ship yard, no relation to either of the parties.

Q. Do you know the parties to this suit, and, if so, how long have you known them?

A. I have known Mr. and Mrs White practically all my life.

Q. Where did you live before coming to Newport News?

A. I lived in Smithfield, Virginia.

Q. Do you know about when these parties separated?

A. They separated in June, 1918, that is, that is when Mrs White came to Newport News.

Q. What do you know about the trouble between them?

A. I cant say much about how they got along. I know Mr. White would get drunk and have spees.

Q. Have you seen these parties together since June 1918?

A. I have not. I have seen Mr. White here in the city on one occasion, do not know how long remained.

Q. Have you lived close by Mrs White since she has lived in this city?

A. Just one block away.

Q. Do you visit her home?

A. Very often, call around most any time.

Q. Then for the past three years would you say that these parties have not lived together as husband and wife?

A. I am quite sure of that.

Q. You have known Mrs White practically all of your life and you are twenty-six years old, during this time what would you say has been her general moral conduct?

A. I have never heard anything against in my life.

Q. Do you know how her children are being brought up?

A. They are with her and apparently under good influences.

Q. Do you think she is a proper person to have the custody and control of the children?

A. I do, they are certainly better off with her than they would be with him.

And further this deponent saith not.

Russell Cooper

The witness, Fittie ^g White, being of lawful age, and first duly sworn, deposeseth and says.

- Q. State your, age, residence and occupation, and your relation, if any, to either of the parties to this suit?
- A. My age is nineteen years, I live in Newport News with my mother, merchant, Mrs. White is my mother and Mr. White is my father.
- Q. At the time your mother and father separated where did you live?
- A. I was living at the time in Newport News, had been over here about three months.
- Q. Do you remember how long this has been?
- A. Since June, 1918.
- Q. Before coming here to live where did you stay?
- A. With my mother and father in Smithfield.
- Q. Do you know what brought on the final separation between them?
- A. It was necessary because we needed things we did not have. I was at work helping my mother all I could and she was working hard all the time and he was drinking and spreeing when he got ready.
- Q. Would you say that your father was cruel to your mother?
- A. He would curse and abuse her a great deal. He got so he would not sit down to the table without cursing us all out.
- Q. Did you ever see him strike your mother?
- A. On one occasion he struck her but that was several months before they separated.
- Q. Do you think there is any likelihood of your mother father being reconciled?
- A. I do not.
- Q. Do you know whether or not your father has contributed toward the support of your mother and the children since June 1918?
- A. I know he has not and what he contributed before the 1st of Smithfield was not sufficient for us to live on.
- Q. Have you ignored your father at any time to the extent that you would not speak to him?
- A. No sir, I shall speak to him when I see him and treat him with as much respect as I can.

And further this deponent saith not.

Wm. J. White.

State of Virginia,

City of Newport News, to-wit:

I, T. S. Collier, a notary public for the city aforesaid, in the state of Virginia, do hereby certify that the foregoing depositions of Sarah A. White, Thomas Major, Russell Cooper and William White, were duly taken, sworn to, and subscribed before me at the place and time mentioned therein, and in the caption thereto, pursuant to the annexed notice.

Given under my hand this 23rd day of May 1921.

My Commission
expires Jan. 27, 1921.

Notary's Fee: \$3⁰⁰

T. S. Collier,
Notary Public.

David A. White,
No. 10000.
Joseph A. White.

Decree.
1921
May 25
Enter this ~~judges~~
date. *ADW.*

Chancery #8 - page
65-

E & U.

Sarah A. White,-----Complainant.

vs. Decree.

Joseph A. White,-----Defendant.

This cause, in which it appears that the defendant has been served with notice in person, came on this day to be heard upon the complainant's bill, and the exhibit "A" filed therewith, and upon the depositions of witnesses duly taken and certified, the defendant still failing to appear, plead, answer or demur, 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 20th day of February, 1901; that the complainant has been domiciled in this state for one year next preceeding the commencement of this suit; that said parties last cohabited in the county of Isle of Wight, where the defendant now resides, and that the charges of cruelty and desertion as set forth in the complainant's bill have been fully sustained by the proof; that said desertion has continued ~~xxxx~~ for more than three (3) years without interruption; doth adjudge, order and decree that the marriage heretofore had and solemnized between the complainant, Sarah A. White, and the defendant, Joseph A. White, shall be, and the same is hereby dissolved; and that the said Sarah A. White be forever divorced from the said Joseph A. White, and he from her; but neither of said parties shall marry again until after the expiration of six months from the date ^{of this decree} hereof.

And the court doth further adjudge, order and decree that the complainant recover of the defendant her costs in this behalf ^{assessable to her the custody of the infant children of said marriage} expended, ¹ And nothing further remaining to be done in this cause it is ordered that the same be stricken from the docket.

1

Sarah A. White

v of C₄. No 343

Jos. A. White

Memo

Dec 2 June 19. 19 20

29-1 May

To the Clerk of the Circuit Court of the County of
Isle of Wight, Virginia.

Sarah A. White,-----Complainant.

v. In Chancery.

Joseph A. White,-----Defendant.

Issue summons in chancery to Second June Rules, 1920.

Samuel N. Edwards

p. q.

County (or City) _____

Husband,

and { Marriage License

Wife.

Date of Issue _____

Marriage Register No. _____ Page _____

MARRIAGE LICENSE

Virginia Isle of Wight County 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,

Joseph Anderson White and Sarah Ada Scott

Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this

18th day of February 1901

N. F. Young

Clerk.

MARRIAGE CERTIFICATE

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Isle of Wight

Date of Marriage Feb 20th. 1901

Place of Marriage Isle of Wight Co. Va.

FULL NAMES OF PARTIES

Joseph Anderson White and Sarah Ada Scott

Age of Husband 55 years; Condition (single, widowed or divorced) Widowed

Age of wife 19 years; Condition (single, widowed or divorced) Single

Race (White or Colored) White

Husband's Place of Birth Isle of Wight Co. Residence Isle of Wight Co.

Wife's Place of Birth Isle of Wight Co. Residence Isle of Wight Co.

Names of Parents { Husband James White and Virginia White
Wife Alexander Scott and Martha E. Scott

Occupation of Husband Merchant

Given under my hand this 18th day of February 1901

A Copy,

N. F. Young

Clerk.

Teste,

Certificate of Time and Place of Marriage

I, J. E. Deshazo, a Minister of the Church, or religious order of that name, do certify that on the 20 day of Feb. 1901,

at Betty Church, Virginia, under authority of the above License, I united in Marriage the persons named and described therein. I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County (or City) of _____, State of Virginia.

Given under my hand, this 20 day of Feb. 1901

Br. J. E. Deshazo.

(Person who performs ceremony sign here.)

The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (see Section 2229 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

Certificate of Person Performing Marriage Ceremony

TO BE DETACHED AND DELIVERED THE PARTIES MARRIED

I, _____, a _____ of the _____

Church, or religious order of that name, do certify that on the _____ day of _____ 191____,

at _____, Virginia, under authority of a license issued by _____ Clerk of

Court of _____ County (or City), State of Virginia, dated the _____ day

of _____ 191____, I united _____, husband, and

_____, his wife.

Given under my hand this _____ day of _____ 191____

Exhibit "A"

(Person who performs ceremony sign here.)

White "B"

be
White

Exhibit "B"

Smithfield, Va. August 20th. 1919

Mrs Ada White,

#315-42nd. Street,

Newport News, Va.

Madam:-

My time is up. I have waited Twelve months for a change for the better, but it seems a growing evil and conditions do not change for me, for I am turned from the door and not received or recognized as a husband any longer, nor am I received and recognized as father by the children, who hardly speak to me when I meet them.

I have firmly made up mind to get a divorce; you can give it, or I shall sue for it, which, will expose the whole cause of the same.

If I fail in this I shall come and take charge of the house and run it myself. I have the law in my hands. This letter demands an immediate answer, or I shall proceed at once.

Respt.,

Decented Howard J. White

Exhibit "A"