

1923 - 006 Chancery Causes - Cora E. Gray vs Stephen Gray
Isle of Wight County Petition of Cora E. Gray

399

other surnames: Holloway,
Powell, Butler

Cora E. ~~Miller~~^{Gray} Complainant
vs. In Chancery,
Stephen ~~Miller~~^{Gray}, Defendant.

Bill for divorce.

C.F. Whitley, p.q.

7-27-72

Dep. 800

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon Stephen ^{Gray}~~Batter~~

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
First.....Monday in August....., 1922, to answer a bill
in chancery exhibited against him.....in our said Court by

Cora E. ^{Gray}~~Batter~~

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 24th day of July, 1922, and in
the 147 year of the Commonwealth.

R. A. Edwards Clerk.

Caral E. ~~B. Gray~~

Virginia Chancery No.

Stephen ~~B. Gray~~

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit
Court of the County of Isle of Wight:

192

Returned, entered and filed.

Teste:

Clerk

To 15th August - Rules.
C. F. Whitney p. q.

After diligently searching and
making inquiry, I failed to find
Stephen ~~Gray~~ in my county, and
I do not believe he is a resident
of this, Isle of Wight County.

H. H. Chapman
Sheriff.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VA:
CORA E. GRAY,.....COMPLAINANT,
VS. IN CHANCERY,
STEPHEN GRAY,.....DEFENDANT.

To the Honorable B.D.White, jude of said court.
Your petitioner, Cora E.Gray, respectfully represents
that on the 17 day of September, 1923, she was granted
a decree of divorce from the bed and board in a suit for
divorce brought by her in your Honorable Court against
her husband, Stephen Gray, on the grounds of desertion;
that there has now elapsed more than three years from
the time of said desertion complained of in her bill filed
in this cause. No reconciliation has taken place or is
probable, and that a separation has continued without
interruption since the granting of the said decree by
your Honor. She now respectfully applies to your Honorable
Court to merge suchdecree for divorce fromthe bed and
board into a decree for divorce from the bonds of matri-
mony.

And your petitioner willever pray, etc.

Cora E. Gray

C. J. Whitley, p. g.

Cora Gray
13 Dr. Chas
Stephen Gray

Petition

In the Circuit Court for the County of Isle of Wight, Va.

Cora E. ~~Butler~~ ^{Gray},.....Complainant,

vs) In Chancery,

Stephen ~~Butler~~ ^{Gray},.....Defendant.

To the Honorable B.D.White, Judge of the said Court:

1. Your complainant, Cora E. ~~Butler~~ ^{Gray}, respectfully represents that she was married to the said defendant on the 29 day of Oct 1919, in the County of Isle of Wight, and State of Va., a certificate of which marriage being herewith filed, marked Exhibit "X2 and prayed to be read and made a part of this bill.
2. That your complainant and defendant cohabited as man and wife in Isle of Wight County, Va., from the date of said marriage until the ___ day of June, 1920, when the said Stephen ~~Butler~~ ^{Gray}, willfully deserted, and abandoned your complainant, and has not since returned to live with her.
3. That your complainant is now domiciled in and has been a bona fide resident of Isle of Wight County, Va., for more than one year, next preceeding the institution of this suit.

In consideration whereof, and for as much as your complainant is remediless, save in and by the aid of a Court of Equity where such matters are cognizable; your complainant prays that the said Stephen ~~Butler~~ ^{Gray} may be made a party defendant to this bill, and be required to answer the same; that an answer under oath is hereby expressly waived; and that a divorce a vinculo matrimonii be decreed her. That the defendant be required to pay the costs in this suit and reasonable attorneys fee in bringing the same, and that your complainant may have all such further, 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.

Cora E. ^{Yarr} ~~Butler~~
By counsel.

C. J. Whitley p.q.

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon ~~Stephen Butler~~ ^{Gray}

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
~~First~~ Monday in ~~August~~, 192~~2~~, to answer a bill
in chancery exhibited against ~~him~~ in our said Court by

Cora E. ~~Butler~~ ^{Gray}

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this ~~24th~~ day of ~~July~~, 192~~2~~, and in
the ~~14th~~ year of the Commonwealth.

R. A. Edwards Clerk.

Myrtle, 8^a.

Oct. 17, 1942

Mr. C. F. Whitley

Probus 8^a.

Dear Sir:-

Your letter rec'd
a few days ago. would of
answered ~~you~~ ^{you}, but, was
waiting for the desired informa-
tion you wanted. Stephen
Gray was at Myrtle, but left
here about 2 months ago.
for Salisbury N.H. He is
now with W. D. Phillips &
son, Salisbury, N.H.
about 2 weeks ago.

Very Resp^{tly} J. H. Curran

VIRGINIA,

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

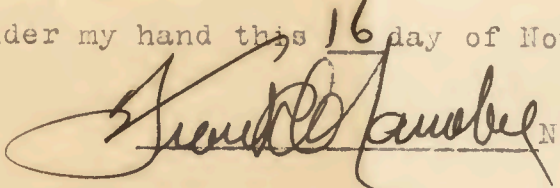
Gray
Cora E. ~~Bunker~~,.....Complainant,

vs.) In Chancery,

Stephen Gray,.....Defendant.

This day Ellick Holloway personally appeared before
be F.C.Larrabee, a Notary Public for and in the County of
Elizabeth City, and State of Virginia, and being duly
sworn, made oath that the defendant in the said suit
is not a resident of the State of Virginia, but has recently
left the village of Myrtle, Va., and is now a resident of
the State of Maryland, and his Post Office address is
Salisbury, Maryland % U.S.Phillips & Son.

Given under my hand this 16 day of November, 1922.

 Notary Public,

Cora Gray,.Complainant,
vs. In Chancery
Stephen Gray,.Defendant.

Depositions.

C.F.Whitley, p.q.

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

VIRGINIA;

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

Cora Gray,.....Complainant,

vs. In Chancery.

Stephen Gray,.....Defendant.

The following depositions of Cora Gray, Ellick Holloway and Lizzie Butler, taken before me, E.H. Williams a Commissioner in Chancery for the County of Isle of Wight, Va., on the 32nd day of Feb. 1923, at the office of the said E.H. Williams, in the Town of Smithfield, Va.

Present C.F. Whitley,

Counsel for the complainant.

Cora Gray being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 23 years old, I live in Isle of Wight Co.

I work for people in the house and in the field.

Q- What relation, if any, are you to Stephen Gray;
the defendant in this suit.

A- I am his wife.

Q- How long have you resided in Isle of Wight Co?

A- I have been here all my life.

Q- When did your husband desert you?

A- In June, 1920.

Q- Where were you living at that time?

A- On Mr. Edwards' land.

Q- In Isle of Wight Co. Va.

A- Yes Sir.

Q- Have you lived with him since that time?

A- No Sir.

Q- Where is your husband now?

A- The last time I heard from him he was in Maryland.

Q- Why did he desert you?

A- He didn't want to take care of me.

Q- Who supported you while you lived with him?

A- My father and mother, and I worked too. I lived with
my father and mother.

Q- Will you ever live with him again.

A- No Sir, unless I am made to.

Further this deponent saith not.

Cora Buller Gray

Ellick Holloway being first duly sworn deposes and says?

Q- Please state your age, residence and occupation?

A- I am 28 years old, I live in Isle of Wight Co., Va.
and work on the farm.

Q- Do you know Cora Gray and her husband Stephen Gray,
and if so, how long have you known them?

A- I have known them three or four years.

Q- Where did they live during this time?

A- They lived on Mr. Edwards place and Mr. Whitley's.

Q- In Isle of Wight Co?

A- Yes Sir.

Q- When did he desert his wife?

A- In June, 1920.

Q- How do you know that he deserted his wife?

A- I lived next to them, and he went away and she still
lived at the same house with her mother and father.

Q- Have they lived as husband and wife since that time?

A- No Sir.

Q- Where is Stephen Gray now?

A- He is in Maryland.

Q- Will they ever live as husband and wife again?

A- I don't think so.

Further this deponent saith not.

Alex Holloway

Lizzie Butler, being first duly sworn deposes and says?

Q- State your age, residence and occupation?

A- I am 42 years old, I live in Isle of Wight Co. and work for people when I am not at home.

Q- Are you related to Cora Gray?

A- Yes Sir, she is my daughter.

Q- How long has she been a resident of Isle of Wight Co. Va?

A- All of her life, I don't believe she has ever been out of this county.

Q- Where did she and her husband Stephen Gray live before he deserted her?

A- They lived with me.

Q- When did he desert her?

A- In June, 1920.

Q- Why did he desert her?

A- I don't know unless he didn't want to support her.

Q- Who supported her while she lived with him?

A- She worked some and I helped her.

Q- Have they cohabited as man and wife since that time?

A- No Sir:

Further this deponent saith not.

Lizzie Butler

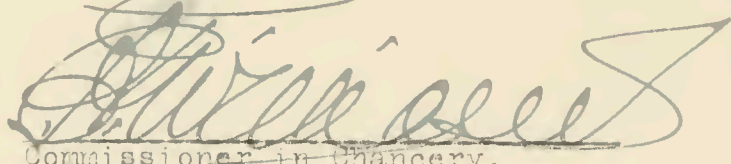
State of Virginia,

County of Isle of Wight.

I, E.H. Williams, a Commissioner in Chancery for
the County of Isle of Wight, Va., do hereby certify that
the foregoing depositions were duly taken, reduced to
writing and signed before me in my county aforesaid
in pursuance to an order of publication duly published.

Given under my hand this 3rd day of

Feb, 1923.


Commissioner in Chancery.

Cora Gray,...Complainant,

vs.

Stephen Gray,...Defendant.

Depositions.

C.F. Whitley, p.q.

Filed:

11/5/23.

Geo R. Edwards.

att

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

HAMPTON ROADS PAPER CO., NORFOLK

Cora E. Gray.....Complainant.

Stephen Gray.....Defendant.

And an affidavit having been made and filed which asserts that the said defendant is not a resident of the State of Virginia, ~~XXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXX~~ THEREFORE it is ordered that the said defendant do appear here within ten days after due publication hereof and do what may be necessary to protect his interest in this suit.

Clerk.

Teste R. A. Edwards

A Copy Teste B. A. Edwards Clerk

at address given.
Given under my hand this the 24th, day of November
1922. *R. E. ...* Clerk

R. A. Edwards, Clerk.

Gray.

W. G.

Gray.

Copy order of
publication.

Filed Nov. 24-1922

Geo. R. A. Edwards
cel

VIRGINIA,

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

Cora Gray,.....Complainant,

vs) In Chancery,

Stephen Gray,.....Defendant.

The following depositions of Cora Gray and Alexander Holloway, taken before me, Allene Parash a Notary Public for the county of Isle of Wight, Virginia, on the 30th day of October, 1923, at the office of C.F. Whitley, in the town of Smithfield, Va.

Present C.F. Whitley,

Counsel for the complainant.

Cora Gray, being first duly sworn deposes and says:

Q- Are you the complainant in this suit?

A- Yes Sir.

Q- When was the last time you cohabited as husband and wife with Stephen Gray, the defendant in this suit?

A- Not since June when he left me.

Q- What year?

A- 1920.

Further this deponent saith not.

Cora Gray

Alexander Holloway, being first duly sworn deposes and says:

Q- Are you the same Holloway who testified in this suit before?

A- Yes sir.

When was the last time Cora Gray lived with her husband Stephen Gray?

A- She hasn't lived with him since June, 1920.

Further this deponent saith not.

Alexander Holloway

Virginia,

County of Isle of Wight,

I, Aileen B. Parish, a Notary Public, for and in the County and State aforesaid whose commission expires on the 6 day of Dec 1923, do hereby certify that the foregoing depositions were duly taken, reduced to writing and signed before me in my county aforesaid on the 30th day of October, 1923, between the hours of 10 A.M. and 4 P.M.

Given under my hand this 30th day of Oct. 1923.

Aileen B. Parish
Notary Public.

Population of Smithfield, 1,300

Population of County, 18,000

PUBLISHED EVERY FRIDAY

In The Clerk's Office of the
Circuit Court of the County
of Isle Of Wight, Virginia,
on the 24th Day of November,
1922.

Cora E. Gray..... Complainant
Vs. In Chancery

Stephen Gray.....Defendant

The object of this suit is for the
complainant to obtain from the
defendant, a divorce, "a vinculo
matrimonii" upon the grounds of
desertion and abandonment.

And an affidavit having been
filed which asserts that the said
defendant is not a resident of the
State of Virginia, THEREFORE,
it is ordered that the said defendant
do appear here within ten
days after due publication hereof
and do what may be necessary to
protect his interest in this suit.

Teste: R. A. Edwards, Clerk
C. F. Whitley, P. Q.

A Copy,

Teste: R. A. Edwards, Clerk

THE SMITHFIELD TIMES,

Only Paper Published in Isle of Wight County

W. F. BENNETT, Editor and Publisher

Smithfield, Virginia, Jan. 12, 1923.

I, W. F. Bennett, Editor of the Smithfield
Times, do hereby certify that the order of
which the annexed is a copy, has been
published in the Smithfield Times in the
manner prescribed by law, once a week
for four weeks, beginning Dec. 8, 1922,
and ending Dec. 29, 1922.

W. F. Bennett
Editor of the Times

Chg for certified
copy of decree
sent C. F. Whitley

75¢.



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,

Stephen Gray and *Cora Butler*

Given under my hand, as Clerk of *Circuit* Court of *Isle of Wight* County (☒ City) this *14* day of *October*, 19*19*.

A. S. Johnson, Clerk.

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1919, 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 *October 15, 1919* Place of Marriage *Isle of Wight Co. Va.*

FULL NAMES OF PARTIES.

Stephen Gray and *Cora Butler*

Age of Husband *24* years; Condition (single, widowed or divorced) *Single*

Age of Wife *20* years; Condition (single, widowed or divorced) *Single*

Race (White or Colored) *Colored*

Husband's Place of Birth *Isle of Wight Co* Full Mailing Address *Isle of Wight Co*

Wife's Place of Birth *"* Full Mailing Address *"*

Names of Parents { Husband *Unknown* and *Annabelle Gray*
Wife *David Butler* and *Siggie Lee Butler*

Occupation of Husband *Laborer*

Given under my hand this *14* day of *October*, 19*19*.
A. S. Johnson, Clerk.

Certificate of Time and Place of Marriage

I, *G. W. Davis*, a *minister* of the *Baptist* Church, or religious order of that name, do certify that on the *29* day of *October*, 19*19*,

at *my home*, Virginia, under authority of the above License, I joined together in the Holy State of Matrimony 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 *Isle of Wight Co*, State of Virginia.

Given under my hand this *29* day of *Oct*, 19*19*.

G. W. Davis

(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 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

A copy sent to R. A. Edwards, Clerk, Isle of Wight Co. Va.

County ~~(or City)~~ Iola of Wiggert

Stephen Gray Husband

and { **Marriage License**

Cora Butler Wife

Date of Issue 10/14/19

Marriage Register No. 3 Page 422

(X 2)

"Exhibit X"

Virginia: In the Circuit Court for the county of Isle
of Wight.

Cora E. Gray,.....Complainant,

vs) In Chancery,

Stephen Gray,.....Defendant.

This cause in which the complainant has proceeded
against the defendant, who is a non-resident of this
in the manner prescribed by law as to non residents,
Commonwealth, came on this day to be again heard on
the papers formerly read and on *the petition* application of the
complainant to merge the decree from the bed and
board, heretofore granted her against the said defendant,
Stephen Gray, into a decree from the bonds of matrimony,
and on the depositions of witnesses duly taken on behalf
of the complainant ~~in the manner provided by law, as to~~
~~non-resident defendants,~~ the said defendant still fail-
ing to appear, plead, answer or demur, and was argued
by counsel.

And it appearing from the depositions filed in this
cause that the said complainant and defendant last
cohabited as man and wife *in June 1922* in this county, that the said
complainant is a bona fide resident of, and has been
domiciled in the said county and State of Virginia, for
more than one year next preceeding the institution of
this suit: That three years have ~~now~~ elapsed since the
desertion and abandonment of the complainant by the
defendant; that no reconciliation has taken place or
is probable; and that the said separation has continued
without interruption *said date and since* since the granting of the decree
from the bed and board; the Court doth adjudge, order
and decree that the marriage heretofore had and solem-
nized between the parties hereto shall be and the same
is hereby forever dissolved and the said complainant be
forever divorced from the defendant. But neither

party shall be permitted to marry again for six months from the date of this decree, nor shall such bonds of matrimony be deemed to be dissolved as to any marriage subsequent to this decree until the expiration of the said six months.

It appearing to the Court that the object for which this suit was instituted has been accomplished, it is hence dismisses from the docket of this Court.

Cora E. Gray, Com.

vs.

Stephen Gray.

Decree,

1923
Nov. 2

Enter this,

P. W.

Judge.

Book 81

Page 167

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VA:

Cora Gray,.....Complainant,

vs.

Stephen Gray,.....Defendant.

* *in which the complainant has proceeded against the defendant, who is a non-resident of this Commonwealth*
this cause, came on this day to be heard on the complainant's bill, and ^{on the} depositions of witnesses duly taken; ^{on behalf of the complainant}
~~and the complainant has proceeded in the manner prescribed by law, an order of publication having been published and posted and the said defendant still failing to appear, plead answer or demur, and was argued by counsel.~~

And it appearing ~~to the court~~ from the depositions filed in this cause that the said complainant and defendant last cohabited as man and wife in ^{this County:} ~~Isle of Wight Co. Va.,~~ *is a bona fide resident of and from said* that the said complainant ~~has resided~~ ^{and state of Virginia} in the said county for more than one year next preceding the institution of this suit, and that the defendant ~~has willfully~~ ^{On conviction whereof the} deserted and abandoned the said complainant: ~~The court doth adjudge~~ order and decree that the complainant, Cora Gray, be divorced a mensa et thoro from her husband, ^{the said} Stephen Gray. *And this cause is retained for any additional relief the complainant may be entitled to.*
~~and the court doth reserve etc.~~

in the manner provided by law as to non-resident of Isle of Wight Co.

Cora Gray, Com.

vs.

Stephen Gray, Def.

Decree.

 Judge.

1423

Sept. 17th

Entered
P.W.

Book 8

page 161

C. F. WHITLEY
ATTORNEY-AT-LAW
PHOEBUS, VIRGINIA.

July 20, 1922.

Mr. R.A. Edwards, Clerk,
Isle of Wight, Va.,

Gray
~~Butler~~ vs. *Gray*
~~Butler~~.

Dear Gus:

I am sending you the papers in the above suit which you will please issue process, and attach a copy of the marriage certificate. The license was issued from your office during the month of Nov. 1918 or 1919.

I am also sending you my check for the sum of \$8.00 to cover the costs. I think that is the amount paid you in my last case up there, if not I will pay the difference when I see you.

Thanking you for this favor,

I am,

Very truly yours,

C. F. Whitley

CFW/J.

P.S. If you are unable to locate the marriage certificate notify me and I will take it up with my client again.

C.F.W.

C. F. WHITLEY
ATTORNEY-AT-LAW
PHOEBUS, VIRGINIA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VA:

Cora E. ~~Butler~~^{Gray}, ... Complainant,
vs.) in Chancery
Stephen ~~Butler~~^{Gray}, ... Defendant.

The Clerk will please issue subpoena in chancery against
the above defendant, returnable to the First August Rules,
being the First Monday in August, 1922.

C. F. Whitley p.q.

The defendant is employed by P.J.Gray at a planing mill
in Windsor or saw mill around Widnsor.

7/24/22.
Proctor return.

C. F. WHITLEY
ATTORNEY-AT-LAW
PHOEBUS, VIRGINIA.

Aug. 2, 1922.

Dear Gus:

Cora Gray vs. Stephen Gray.
(Butler vs. Butler)

I have your letter in regard to the above case, and I gave the wrong names. These people are named Gray instead of Butler. The woman's maiden name was Butler, and that was all I ever heard, so that accounts for the error. I would appreciate it if you would change the name on all the papers to Gray in the place of Butler. That is the reason why you could not find the marriage certificate.

I would like for you to also advise me if you will do this as the sheriff has returned the summon and notice to take deposition to me. Then I will change the names and send them back to the sheriff.

Thanking you for this favor,

I am,

Very truly yours,

C. F. Whitley.

CFW/J.

C. F. WHITLEY
ATTORNEY-AT-LAW
PHOEBUS, VIRGINIA.

Aug. 11, 1922.

MR. R.A. Edwards,
Isle of Wight, Va.

Gray vs. Gray.

Dear Gus:

I have your letter in regards to the above case, and wish to say that I would like for you to send an alias process along with the notice to take deposition which I am sending you to the Sheriff of Nansemond County, and advise him where he can locate Stephen Gray.

I am sending you my check payable to the Sheriff of Nansemond County for his fee.

Thanking you for this favor,

I am,

Very truly yours,

CFW/J.

C. F. Whitley