

1933-079 Chancery Causes: Mildred M. Spurrier vs John F. Spurrier

628

Isle of Wight County

other SURNAMES: Wilson

E. H. WILLIAMS

Attorney-at-Law

SMITHFIELD, VA.

July 29, 1933.

Mr. R. A. Edwards,
Isle of Wight, Virginia.

Dear Gus:

Re: Mildred M. Spurrier
Vs: John F. Spurrier.

I beg to herewith enclose bill of
complaint in the above divorce suit. I am

Very truly yours,

E. H. Williams
Per T.

EHW:T

ENCL.

VIRGINIA:

TO THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

Mildred M. Spurrier.....Plaintiff

VS.

IN CHANCERY

John F. Spurrier.....Defendant.

Issue summons in chancery to first August rules,
1933, for said plaintiff against the said defendant, to
answer the said plaintiff a bill in chancery.

E. H. Williams p.q.

¹
Spurr
vs #628
Spurr

Memo.

RECEIVED IN THE CLERKS OFFICE
OF THE SHERIFFS COUNTY

7-75 1935
Received and filed.

R. G. Edwards Clerk.

Dys 750

Ad 511 50

VIRGINIA:

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

Mildred M. Spurrier.....Plaintiff

VS.

IN CHANCERY

John F. Spurrier.....Defendant

in which the Complainant has proceeded against the Defendant in the

This cause came on this day to be heard upon the Complainant's bill; the depositions of witnesses taken before George F. Whitley, a Commissioner in Chancery for the Circuit Court of Isle of Wight County, Virginia, and filed on behalf of the Complainant; ~~and proof of legal service by publication and posting of proper summons by publication on the absent~~ *the Defendant* ~~defendant, who has failed, and still fails to appear, plead or answer the said bill, 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 February the 10th, 1916, in Elicott City, Maryland; and that the said complainant came to Virginia in June, 1921 and has been a resident of this State since that time; that the said defendant came to Virginia in March, 1922, to live with the said complainant as man and wife until June the 19th, 1923, at which time the said defendant willfully deserted and abandoned the said Complainant, without justification, and such desertion hath continued from that time until now and still doth continue; that the said parties last co-habited in the County of Isle of Wight; that the said Complainant has resided and been domiciled in the County of Isle of Wight, Virginia, for more than one year next preceding the commencement of this suit; and it further appearing to the Court from the pleadings and depositions of witnesses that the said Complainant has been without opportunity~~

Verdict for the Plaintiff as to the Defendant's bill as non-prosecuted by the Complainant

to seek a reconciliation; The Court doth adjudge, order and decree that the said Mildred M. Spurrier and John F. Spurrier be divorced from the bonds of matrimony which was created by the aforesaid marriage.

And nothing further remaining to be done in this cause, it is further ordered that the same be stricken from the docket.

Mildred M. Spurrier,
Plaintiff

VS) IN CHANCERY

John F. Spurrier,
Defendant.

DECREE

1435
12/11

Entered by
P. D. W.

C.C.B 9 Page 125

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

125

THE SMITHFIELD TIMES, INC.

JESSE J. SCOTT, Managing Editor

Only Weekly Newspaper Published in Isle of Wight County

SMITHFIELD, VIRGINIA

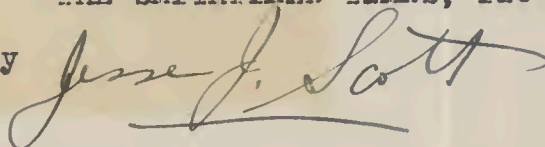
Aug. 18, 1933

TO WHOM IT MAY CONCERN:

This is to certify that the attached legal notice was published in the Smithfield Times, published at Smithfield, Virginia, in Isle of Wight County, for four consecutive issues, weekly, beginning July 27, 1933.

THE SMITHFIELD TIMES, Inc.,

By



VIRGINIA:
IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT.
JULY 25, 1933.

Mildred M. Spurrier.....Plaintiff
Vs. No. 628. IN CHANCERY
John F. Spurrier Defendant

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

And affidavit having been made that the said defendant is a non-resident of this State, the said defendant is required to appear, within ten (10) days after due publication of this order, in the Clerk's Office of our said Court, and do what is necessary to protect his interests. And it is ordered that a copy of this order be forthwith published once a week, for four successive weeks, in the Smithfield Times, a newspaper published in the County, and a copy be posted at the front door of the courthouse of the said County, as prescribed by law.

Teste: R. A. EDWARDS, Clerk.
E. H. WILLIAMS, p. q.
A COPY TESTE:

R. A. EDWARDS, Clerk.

7-27-33-4t

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF
ISLE OF WIGHT. JULY 25th, 1933.

Mildred M. Spurrier.....Plaintiff
VS. #628 IN CHANCERY
John F. Spurrier.....Defendant.

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

And affidavit having been made that the said defendant is a non-resident of this State, the said defendant is required to appear, within ^{ten} ~~fifteen~~ ¹⁰ (15) days after due publication of this order, in the Clerk's Office of our said Court, ~~at rules to be holden therefor~~, and do what is necessary to protect his interests. And it is ordered that a copy of this order be forthwith published once a week, for four successive weeks, in the Smithfield Times, a newspaper published in the said County, and ^{a copy} be posted at the front door of the courthouse of the said County, as prescribed by law.

Teste: R. A. Edwards
Clerk.

E. H. Williams, p.q.

A COPY TESTE:-

R. A. Edwards
Clerk.

VIRGINIA: IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT: JULY 25TH, 1933.,

I, R. A. Edwards, Clerk of the aforesaid Court, do hereby that the foregoing order was this day filed in my said office, that a copy was this day posted at the Court House door of this County and that a copy was mailed to the Smithfield Times a News Paper published in this County, for publication as the law directs. Given under my hand this the day and year first above written.

R. A. Edwards Clerk.

Spurrin

no #628

Spurrin

Copy of O.P.

VIRGINIA IN THE CLERKS OFFICE
OF ISLE OF WIGHT COUNTY.

July 25 1933
Received and filed.

RA Edwards, Clerk.
RA

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT;

Mildred M. Spurrier.....Plaintiff

VS.

IN CHANCERY

John F. Spurrier.....Defendant.

This day, Mildred M. Spurrier personally appeared before me, Virginia Wilson Turner, a Notary Public in and for the County of Isle of Wight, State of Virginia, and being duly sworn made oath that John F. Spurrier is a non-resident of the State of Virginia, and that his last known Post Office address was Smithfield, Virginia.

Given under my hand this 25th day of July, 1933.

Virginia Wilson Turner,
Notary Public.

My commission expires
November 10, 1935.

I was commissioned Notary as Virginia Wilson.

✓
Spurrin
v #628
Spurrin

affidavit

RECORDED IN THE CLERKS OFFICE
OF WIGHT COUNTY.

7-15-1933

Received and filed

R. G. Edmunds Clerk

Mildred M. Spurrier.....Plaintiff

VS.

IN CHANCERY

John F. Spurrier.....Defendant.

The depositions of Mildred M. Spurrier, Cecil Wilson and James T. Wilson, Sr., taken before me, George F. Whitley, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, in the office of E. H. Williams, in the Town of Smithfield, Virginia, on the ^{28th} day of ^{October} ~~September~~, 1933, to be read as evidence on behalf of Mildred M. Spurrier, in a certain suit in equity, depending in the Circuit Court of the County of Isle of Wight, Virginia, wherein Mildred M. Spurrier is plaintiff and John F. Spurrier is defendant.

PRESENT: E. H. WILLIAMS,
Attorney for the Plaintiff.

Mildred M. Spurrier, being duly sworn, deposes as follows:

- Q. What is your name, age, residence and how long have you lived in Isle of Wight County?
- A. Mildred M. Spurrier, age, 33, residence, Virginia, and have lived in Isle of Wight County since June, 1921.
- Q. When and where were you married?
- A. February the 10th, 1916, in Elicott City, Maryland.
- Q. How long did you and your husband live in Maryland after your marriage?
- A. Up until June, 1921.
- Q. After leaving Maryland, where did you live?
- A. I lived with my mother, Mrs. James T. Wilson, in Isle of Wight County. Address, Smithfield, Virginia.
- Q. Did your husband come with you to Virginia?
- A. No, sir. I came down on a visit.
- Q. When did he come to live with you in Virginia?
- A. He came in March, 1922.
- Q. How long did he live with you in Virginia?
- A. From March, 1922 until June the 19th, 1923.

- Q. What happened on June the 19th, 1923?
- A. I came to Smithfield with mama to send to papa for some money and when I got back home, Johnnie, my husband, had taken the child and gone.
- Q. How old was the child when he carried it away?
- A. About six years old.
- Q. Where did he carry the child?
- A. He carried her to Baltimore, Maryland, to his mother.
- Q. How did you get the child back?
- A. I followed him to Baltimore and reported to my father that my husband had left me and taken my child with him and my father, through his Attorney, instituted habeas corpus proceedings, but before the day of the trial of the habeas corpus, the child was delivered to me by my husband, who told me he didn't want the child anyway and told me to take her, notwithstanding he had often threatened before this to leave me and take the child away to some place where I could never find her.
- Q. You then brought your child back here?
- A. I came right back to Virginia and have lived in Virginia ever since.
- Q. Has he ever contributed anything to the support of you or your child since you were married?
- A. He has made no effort to support me or the child in any way, shape or form. He did pay his mother the board -- you see, we boarded with his mother while in Baltimore -- but he never gave me anything. I never knew anything more about his money than you do. When I wanted anything, I went to my father.
- Q. Since he came to Virginia in June, 1921, has he ever paid anything for your board or your child's or contributed anything towards your or the child's support?
- A. No, sir.
- Q. Since he left you on June the 19th, 1923, have you been able to locate him in order to find out why he left you or to ask him to come back and live with you again?
- A. No.
- Q. What was your husband's occupation?
- A. He was a skilled glass-blower and used to make as high as \$200.00 a week during the war but since glass-blowing went out of style, he ran a big automatic machine which made the bottles.
- Q. Are you now living in Isle of Wight County and how long have you lived here and did you last co-habit with the defendant in the County of Isle of Wight?
- A. I have lived in Isle of Wight for the last two or three years. I have lived in Virginia since June, 1921, but I lived in Nansemond County part of the time and in Isle of Wight County

part of the time.

- Q. You lived in Isle of Wight County two years before the institution of this suit?
- A. Yes, sir.
- Q. Was there any reason why your husband should have left you when he did?
- A. No other than he just liked a good time and didn't want to be tied down. He often told me he couldn't be bothered with any one woman. In other words, he wanted a good time. He often said he was going back to Baltimore where the bright lights shown. Virginia was too dead for him.
- Q. He didn't want you to go with him?
- A. He never asked me to go. He didn't even speak to me half of the time before he left me.

And further this deponent saith not.

Mrs Mildred Spurrier

Cecil Wilson, being duly sworn, deposes as follows:

- Q. What is your name, age, residence and occupation?
- A. Cecil Wilson, age, 29, residence, Benns Church, Virginia, and work on the State Highway some.
- Q. Were you living at your father's, Mr. James T. Wilson, Sr., when Mr. and Mrs. John F. Spurrier were living there?
- A. Yes.
- Q. How long did Mr. John Spurrier live there?
- A. About ^{fifteen} five months.
- Q. Were you there when he left and went back to Baltimore, taking the child with him?
- A. Yes.
- Q. What did he say before he left?
- A. He never said much of anything to anyone until the day he left. Mildred and mama came to Smithfield for something and he and his mother got the child ready and left. I heard him say that he would see Mildred dead and in hell before she got the child back. His mother was visiting there at the time.
- Q. Then he picked a time to leave when Mildred Spurrier was in Smithfield?
- A. Yes.
- Q. Has Mrs. Mildred Spurrier lived at your father's ever since then?

A. Yes.

Q. Your father, during that time, lived first in Nansemond and then in Isle of Wight Counties?

A. Yes.

Q. Has John F. Spurrier ever been back to visit his wife, Mildred M. Spurrier, since he left?

A. No. He came back twice to see the child but Mildred was away from home both times.

And further this deponent saith not.



Mr. James T. Wilson, Sr., being duly sworn, deposes as follows:

Q. What is your name, age, residence and occupation?

A. James T. Wilson, 60 years old, residence, Benns Church, Isle of Wight County, and occupation, farming.

Q. How long have you been living in Isle of Wight County the last time?

A. This will be two years.

Q. How long has Mrs. Mildred M. Spurrier been living in your family?

A. Ever since June, 1921.

Q. How did she happen to come to live with you?

A. John and she did not get along and he didn't support her so she came down here to live with her mother.

Q. You married her mother?

A. Yes.

Q. Were you there when John F. Spurrier left?

A. Yes.

Q. Has he ever been back since he left?

A. He has been back once or twice. Twice, I think, but he didn't see Mildred and she didn't see him. He came to see the child but Mildred was away when he came.

Q. Have they ever lived together as man and wife since he left the first time?

A. No.

Q. Has Mildred ever had a chance to see him since he left?

A. No.

- Q. When was the last time John F. Spurrier came down here?
- A. It has been seven or eight years ago.
- Q. How long did he stay?
- A. I don't think he stayed over two or three days. He drove down in the machine.
- Q. During all the time he was there, was Mildred away?
- A. Yes, she was away.
- Q. Did he tell you how much money he was making then?
- A. Yes. He told me he was making around \$200.00 a week. Emma, the child, asked him about buying some school books and things but he wouldn't give her any money. He had about \$150.00 in his pocket.

And further this deponent saith not.

J. I. Wilson

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, TO-WIT:

I, George F. Whitley, a Commissioner in Chancery for 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, signed by the witnesses, before me, at the place and time therein mentioned.

In witness whereof I have hereunto set my hand at Smithfield, Virginia, this ^{28th} day of ^{October} ~~September~~, 1933.

George F. Whitley
Commissioner in Chancery.

Mildred M. Spurrier,
Plaintiff.

VS) IN CHANCERY

John F. Spurrier,
Defendant.

DEPOSITIONS.

VIRGINIA IN THE CLERKS OFFICE
OF ISLE OF WIGHT COUNTY.
11-1-1933
Received and filed.

BEL

Clerk.

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND You, That you summon John F. Spurrier.,

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~~, 193~~3~~, to answer a bill in chancery, exhibited
against ~~them~~ in our said Court by

Mildred W. Spurrier,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this
~~25th~~ day of ~~July~~, 193~~3~~, and in the ~~158th~~
year of the Commonwealth.

R. A. Edwards Clerk.

Searched and John F. Spurrier
not to record in my records
July 27th 1933 W. C. Whitman Sdgs

3-a

-----Mildred M. Spurrier,-----

Vs. } CHANCERY NO. 628...

-----John F. Spurrier,-----

ORIGINAL SUBPOENA

Virginia, Clerk's Office of the Circuit Court of
the County of Isle of Wight.

-----, 193-----

Returned, entered and filed.

Teste:

-----Clerk

To First August-----Rules

3rd
1933

-----E. H. Williams,----- p. q.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon John F. Spurrier.,

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_____, 1933_, to answer a bill in chancery, exhibited
against _____ them _____ in our said Court by

Mildred M. Spurrier,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this
___25th___ day of ___July_____, 1933_, and in the ___158th___
year of the Commonwealth.

_____R. A. Edwards____Clerk.

VIRGINIA:

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

Mildred M. Spurrier.....Plaintiff

VS.

IN CHANCERY

John F. Spurrier.....Defendant.

- - - - -

TO THE HONORABLE JUDGE OF THE SAID COURT:

Your Complainant, Mildred M. Spurrier, respectfully represents:

That on February the 10th, 1916, in Elicott City, Maryland, she was married to the said defendant; and,

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

That your Complainant lived with the said defendant in the State of Maryland until June, 1921, at which time she came down to Virginia to live with her mother and the said defendant came to Virginia in March, 1922, and lived with your Complainant as man and wife until June the 19th, 1923; and on the said 19th day of June, 1923, the said defendant, without justification, wilfully deserted and abandoned your Complainant and such desertion and abandonment has continued from the said 19th day of June, 1923, until this time and still doth continue; that when he voluntarily, wilfully and without any justification, deserted your said Complainant he left the State of Virginia, and it was understood that he was leaving your said Complainant forever, and his whereabouts is now unknown to your said Complainant but she thinks that if he is still living he is a resident of the State of Maryland at some place unknown to your said Complainant.

Your said Complainant states to the Court that the said defendant was a skilled glass-blower and he made as high as Two Hundred (\$200.00) Dollars per week, but never at any time since the date of their marriage has he contributed anything to the support of your said Complainant nor to the support of the child born of the said marriage; the said child being now married. That during all of the said time your Complainant has subsisted on the charity of her father and mother. That the said defendant did not even pay any part of the hospital bill on account of her confinement therein in the maternity department; and,

That your Complainant has resided and has been domiciled in this state ever since the month of June, 1921, and is domiciled in, and is and has been an actual bona fide resident of this state for at least one year next preceding the commencement of this suit, and last cohabited with the said defendant in the County of Isle of Wight, Virginia:

In consideration whereof, and for as much as your Complainant is remediless in the premises save in a court of equity, your Complainant prays that the said John F. Spurrier 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 proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed her; 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.

Mildred M. Spurrier
Complainant.
E. H. Williams p.q.
By Counsel

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Mildred M. Spurrier,
Plaintiff

VS. IN CHANCERY

John F. Spurrier,
Defendant.

BILL OF COMPLAINT.

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

7-31-33. Just
N.E.