

1933-090 Chancery Causes: Tom E. Knight vs Mary Powell Knight, by v.c.

627

Isle of Wight County

other surnames: Minton, Powell

C. F. WHITLEY
ATTORNEY AT LAW
PRESTON BUILDING

SOUTH NORFOLK, VA.

June 29, 1933.

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

Dear Sir:

Re: Tom E. Knight -v- Mary Powell Knight.

I am inclosing herewith the memorandum in the above divorce suit and my check in the sum of \$8.00 to cover the deposit.

The defendant is a minor, and I will ask that a guardian ad litem be appointed later. I may come up there Monday.

Very truly yours,

CFW:w

C. F. Whitley

VIRGINIA, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT
OF THE COUNTY OF ISLE OF WIGHT

July 17 1933

Upon motion of the plaintiff, by counsel,
E. H. Williams, a discreet
and competent attorney-at-law, practicing in this
Court, is assigned as Guardian Ad Litem for the
infant defendants Mary Powell Knight in the
Chancery suit of Tom E. Knight vs Mary Powell
Knight her
to do what may be necessary to protect ~~thei~~^r interest
in this suit.

R. W. Edwards.
Clerk.

4
Knight-

vs

Knight-

Appt. of Ensign
ad Lt.

Faid

July 17-22

R. W. Hamer

at

(Seal of Court
here superim-
posed on an
adhesive wafer)

Marriage License

Virginia County of Isle of Wight 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,

Tom E. Knight and Mary Frances Powell.

Given under my hand, as Clerk of Ascot Court of Isle of Wight County
(or City) this 14 day of April, 1933: R. A. Edwards, Clerk

Marriage Certificate

To be annexed to License required by Section 5074 of the Code of Virginia.

VIRGINIA: In the Clerk's Office of the Ascot Court for the County (or City) of Isle of Wight
Date of Marriage April 14 - 1933 Place of Marriage Smithfield Va.

(FULL NAME OF PARTIES)

Tom E. Knight and Mary Frances Powell.

Age of Husband 28 years; Condition (single, widowed or divorced) Single

Age of Wife 14 years; Condition (single, widowed or divorced) Single

Race { WHITE, COLORED } of Husband White of Wife White
OR OTHERWISE

Husband's Place of Birth Nausemond Co. (PRESENT) Mailing Address Smithfield Va.

Wife's Place of Birth Nausemond Co. Mailing Address Smithfield "

Names of { Husband J. E. Knight and B. Knight

Parents { Wife W. A. Powell and Abraham Buyout Powell
(Full maiden name)

Occupation of Husband Farmer
(Full maiden name)

Given under my hand this 14 day of April, 1933

R. A. Edwards, Clerk

Certificate of Time and Place of Marriage

I, E. W. Somerville, a Minister of the M-E.

Church, or religious order of that name, do certify that on the 14th day of April, 1933

at Smithfield, 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, State of Virginia.

Given under my hand this 14 day of April, 1933:

E. W. Somerville

(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, 1919).

A Copy Teste: R. A. Edwards Clerk - Rich E. Holland Deputy Clerk.

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County (or City) Isle of Wight

Tom E. Knight Husband

and { **Marriage License**
Mary Frances Powell Wife

Date of Issue Apr 14-1933

Marriage Register No. 4 Page 311

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Tom E. Knight, ... Complainant,

vs.

Mary Powell Knight, ... Defendant.

To the Clerk of the said Court:

Please issue summons in chancery against the above defendant, who is a minor over the age of 14 years, in favor of the complainant, returnable to the second July Rules. It being the third Monday in July, 1933.

C. J. Whitney

p. q.

The defendant resides with her father Will Powell near Uzzell's church.

1
Tom. E. Knight
vs # 627
Mary Power Knight

memo.
Filed
6/30/33
nae.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Tom E. Knight, ... Complainant,

vs) In Chancery,

Mary Powell Knight, *an infant*, ... Defendant.

DECREE

in which the above named defendant has been served in person with process, and
This cause, which has been regularly matured at rules,
~~docketed and set for hearing,~~ came on this day to be heard on

the bill of complaint and exhibit filed therewith; the separate
answers of the infant defendant who is over the age of fourteen
years, and E.H. Williams a discreet and competent attorney-at-law,
who was appointed guardian ad litem to defend the said infant

after notice duly served and the taking of which said guardian ad litem
defendant, and the depositions of witnesses taken for the com-
plainant, and was argued by counsel;

the further hearing was maintained in April 1933 in this County; that they
~~ON CONSIDERATION WHEREOF, and it appearing to the Court~~
~~that at the time of the institution of this suit the complainant,~~
~~and the defendant had been bona fide residents of Isle of Wight~~
And domiciled in the

County, Virginia, for more than one year preceding the institution
of the same; that ~~the complainant and defendant last co-habited~~
this suit
as man and wife in ~~Isle of Wight County, Virginia;~~ and it further
~~appearing~~ that the charge of desertion as alleged in the bill of

complaint has been proved against the defendant, Mary Powell Knight,
independently of the admissions of either party to this suit, in
and that they cannot be reconciled
the pleadings or otherwise; *On consideration whereof*

It is adjudged, ordered and decreed, that the complain-
ant, Tom E. Knight be divorced a mensa et thoro from the said defend-
ant, Mary Powell Knight;

And this cause shall remain upon the docket.

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VIRGINIA: IN THE CIRCUIT
COURT OF ISLE OF WIGHT COUNTY

Tom E. Knight, ... Complainant

vs. In Chancery

Mary Powell Knight,

Defendant

C. F. Whitley, p. q.

E. H. Williams, guardian ad
~~litem for infant defendant.~~

1933
DECREE

Enter this,

BDW Judge.

Chancery Order Book 9
Pag. 122.

C. F. WHITLEY
ATTORNEY-AT-LAW
SOUTH NORFOLK, VA.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Tom E.Knight,.....Complainant,

vs In Chancery

Mary Powell Knight,...Defendant.

To Mary Powell Knight:

Please take notice, that on the 23rd day of September, 1933, at the office of E.H.Williams, Attorney-at-Law, Smithfield, Virginia, between the hours of 1:30 P.M. and 5:00 P.M., of that day, I shall take the depositions of Allen Minton and others to be read as evidence in my behalf in a certain chancery suit now pending in the Circuit Court of Isle of Wight County, Virginia, wherein I am the complainant and you are the defendant, and if from any cause the taking of said depositions be not commenced or if commenced by not concluded on that day, the same will be continued from time to time until the same is completed.

Given under my hand this 13th day of September, 1933.

Tom E.Knight

By

C. J. Whitley
Counsel.

C. J. Whitley p.q.

VIRGINIA: IN THE CIRCUIT
COURT OF ISLE OF WIGHT COUNTY

Tom E.Knight,..Complainant

vs. In Cahncery

Mary Powell Knight,Defendant.

Notice to take depositions.

Executed the within ~~notice~~ ^{note} this the 15th
day of Sept 1933 by serving a true copy
of same on Mary Powell Knight in person
Within the County of Isle of Wight.

W. C. White
D. S.
Sheriff

Tom E.Knight, being first duly sworn deposes and says:

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

A- Tom E.Knight, 28 years old, live at Foursquare farm, and I work on the farm.

Q- In what county and state do you live?

A- In Isle of Wight County, and State of Virginia.

Q- How long have you and your wife been bona fide residents of Isle of Wight County, Virginia?

A- She has been all of her life, and I have been for the past ten years.

Q-When were you and Mary Powell Knight married?

A- April 14,1933.

Q- Where were you two married?

A- In Isle of Wight County, Virginia.

Q- Are you and your wife Mary Powell Knight now living together as man and wife?

A- No.

Q- When did you separate?

A- April 17th, 1933.

Q- Did you desert her or did she desert you?

A- She deserted me.

Q- How old is Mary Powell Knight?

A- She is 14 years old, and will be 15 years old next February.

Q- Have you and your wife co-habited as man and wife since she deserted you on the 17th day of April, 1933?

A- No.

Q- Where were you and your wife living at the time she deserted you?

A- Isle of Wight County, Virginia.

Q- Will you and your wife ever live together again as husband and wife?

A- No.

Further this depoent saith not.

Tom E Knight

Allen Minton, being first duly sworn deposes and says:

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

A- Allen Minton, 23 years old, I live in Isle of Wight County, and I am a farmer.

Q- How long have you know Tom E. Knight and his wife, Mary Powell Knight?

A- I have known Mary Powell Knight all of her life, and I have known Tom Knight about five years.

Q- When did they separate?

A- They separated on the 17th day of April, 1933.

Q- Which one deserted the other?

A- She deserted him.

Q- How do you know she deserted him?

A- I live in the same house with them, and she said she was leaving and left.

Q- Have they co-habited as man and wife since she deserted him?

A- No.

Q- How long have they been bona fide residents of Isle of Wight County, Virginia?

A- Ever since I have known them.

Q- Where did they live at the time she deserted him?

A- In Isle of Wight County, Virginia.

Q- Do you think they will ever live together again as husband and wife?

A- I don't think so.

Further this deponent saith not.

Allen Minton

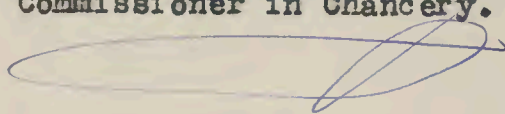
STATE OF VIRGINIA,

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 23rd day of September, 1933.



Commissioner in Chancery.


Tom E. Knight.....Plaintiff

VS.

IN CHANCERY

Mary Powell Knight.....Defendant

The depositions of Tom E. Knight and Allen Minton, 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 23rd day of September, 1933, in pursuance of the next notice, to be read as evidence on behalf of Tom E. Knight, in a certain suit in equity, depending in the Circuit Court of the County of Isle of Wight, Virginia, wherein Tom E. Knight is plaintiff and Mary Powell Knight is defendant.

PRESENT: C. F. Whitley,
Attorney for the Plaintiff.

E. H. Williams, Guardian ad Litem.

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Tom E. Knight,
Plaintiff

VS) IN CHANCERY

Mary Powell Knight,
Defendant.

DEPOSITIONS

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Tom E.Knight,.....Complainant,

vs) In Chancery

Mary Powell Knight,.....Defendant.

To Mary Powell Knight:

Please take notice, that on the 12th day of September, 1933, between the hours of 9:00 A.M. and 12:00 M., of that day, I shall take the depositions of Tom E.Knight and others to be read as evidence in my behalf in a certain chancery suit now pending in the Circuit Court of Isle of Wight County, Virginia, wherein I am the complainant and you are the defendant, and if from any cause the taking of said depositions be not commenced or if commenced be not concluded on that day, the same will be continued from time to time until the same is completed.

Given under my hand this 4th day of September, 1933.

Tom E.Knight, Complainant

By

C. J. Whitney
Counsel.

C. J. Whitney p.q.

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VIRGINIA: IN THE CIRCUIT
COURT OF ISLE OF WIGHT CO.

Tom E. Knight, .. Complainant,

vs In Chancery

Mary Powell Knight, Defendant

Notice to take depositions

Executed the within notice this the 8th
day of Sept 1933 by serving a true copy
of same on Mary Powell Knight in person
Within the County of Isle of Wight.

W. C. Whitcomb Sheriff

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon Mary Powell Knight,

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 Third Monday in
July, 1933, to answer a bill in chancery, exhibited
against her in our said Court by

Tom E. Knight

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this
30th day of June, 1933, and in the 157th
year of the Commonwealth.

R. A. Edwards Clerk.

Process

Executed the within ~~Summons~~ this the 10th
day of July 1933 by serving a true copy
of same on Mary Roseco Knight in person
Within the County of Isle of Wight.

H. C. Whitham Sheriff
D.S.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

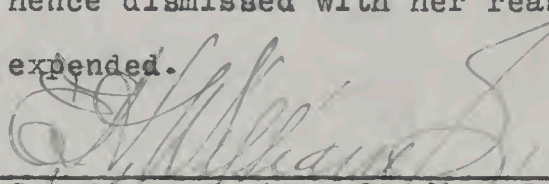
Tom E.Knight,.....Complainant,:	Answer of the infant
vs) In Chancery	: defendant over the
	: age of fourteen years
Mary Powell Knight,.....Defendant.	:

The separate answer of Mary Powell Knight, an infant over the age of fourteen years, by E.H.Williams, her guardian ad litem appointed to defend her in this suit, to a bill of complaint filed against her in the Circuit Court of Isle of Wight County, Virginia, by Tom E.Knight, complainant.

This respondent, reserving to herself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as she is advised that it is material she should answer, by her guardian ad litem, answers and says:

That she is an infant of tender years, and by reason of her infancy is incapable of understanding or of taking care of her rights and interests herein; and that she therefore commands herself and her rights and interests to the protection of the court, and prays that no decrees may be entered that will tend to her prejudice.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with her reasonable costs by her in this behalf expended.



Guardian ad litem for Mary Powell Knight
Respondent.

7 - Ed. Kilm
Acc's. 1891-1892
for Ref. Bank

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Tom E.Knight,.....Complainant,)
vs) In Chancery)
Mary Powell Knight,.....Defendant.)

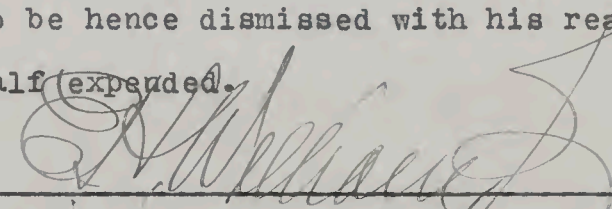
Answer of guardian ad litem

The separate answer of E.H.Williams, guardian ad litem appointed to defend Mary Powell Knight, in this suit, in proper person, to a bill of complaint filed against Mary Powell Knight in the Circuit Court of Isle of Wight County, Virginia, by Tom E.Knight.

This respondent, reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, answers and says:

That he is the guardian ad litem appointed to defend Mary Powell Knight in this suit; that he knows nothing as to the truth or falsity of the statements in the said bill of complaint; and that he prays full protection of the court for Mary Powell Knight, the said infant defendant.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended.


Guardian ad litem for Mary Powell Knight.

Respondent.

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Ans. Adm. ed. Pitkin

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Tom E.Knight,.....Complainant,

v.

Mary Powell Knight, nee Mary Frances
Powell, an infant, over the age of
fourteen years,..... Defendant.

BILL.

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

Humbly complaining, your complainant, Tom E.Knight, respectfully represents:

1. That your complainant and the defendant who is an infant, over fourteen years of age, were lawfully married on the 14th day of April, 1933, in Isle of Wight County, Virginia, as will more fully appear from a certified copy of the marriage license filed in this cause, marked "Exhibit A", and prayed to be taken and read as a part of this bill.

2. That for more than one year prior to the institution of this suit, your complainant, Tom E.Knight, and the defendant, Mary Powell Knight, have been bona fide residents of and domiciled in the County of Isle of Wight, Virginia, where they now reside.

3. That the complainant and the defendant resided as man and wife in Isle of Wight County, Virginia, from the date of the said marriage until the 17th day of April, 1933, when the defendant deserted and abandoned your complainant without any cause whatsoever, and has failed and refused to return and live with him.

4. That your complainant has used every effort to persuade the defendant to return and co-habit with him as man and wife, but she has refused and continues to refuse to do so.

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in and by the aid of a court of equity where such matters are alone properly cognizable, your

complainant prays that proper process be issued; that the said defendant, Mary Powell Knight, be made a party defendant to this bill, and required to answer the same, but not under oath, answer under oath being expressly waived; that a guardian ad litem be appointed to represent the said infant defendant, and he be also required to answer the said bill, but not under oath, answer under oath being waived as to such guardian ad litem; that your complainant be divorced a mensa et thoro from the said defendant, on the grounds of desertion and abandonment, and after the required period of three years has elapsed, that the same may be merged into a divorce a vinculo matrimonii; that all proper orders and decrees may be made, and all such other, further and general relief as in the premises may be just and right, be granted.

And your complainant will ever pray etc.

Tom E.Knight,

BY

C. F. Whitney
His Attorney

C. F. Whitney p.q.

VIRGINIA: IN THE CIRCUIT
COURT OF ISLE OF WIGHT CO.

Tom E.Knight,...Complainant
vs) In Chancery
Mary Powell Knight,
Defendant.

C.F.Whitley, p.q.

VIRGINIA IN THE CLERKS OFFICE
OF ISLE OF WIGHT COUNTY.

July 29 1923
Received and filed.

W. B. Duggan Clerk
1923.

C. F. WHITLEY
ATTORNEY-AT-LAW
SOUTH NORFOLK, VA.