1910-029
Nansemond Co (Suffolk) Chancery Causes: Mary Peoples vs Preston Peoples

Crocker Odom, Taylor, Christian, Peoples

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Mary Peeples,.....Complainant.

vs. In Chancery.

Preston Peeples,.....Defendant.

To Second Rules (Third Monday) in December, 1909.

H. Edmunds, P. Q.

Tax $1.50

Feb. 3. 1887

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Preston Peeples

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in December, to answer a Bill in Chancery, exhibited against Preston Peeples in the said Court by Mary Peeples

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 18th day of December, 1909, in the 134th year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste:

R. R. Smith

By A. L. Smith, D.C.

....., CLERK.

Executed this June 18th day of Dec 1909
by delivering a true copy of the writing
hereto annexed to Preston Peebles, in Nansemond
County Virginia

Act Sheriff
H. C. Griffin

L E Everett . p. q.

Mary Peebles

vs. } In Chancery.

Preston Peebles

1909

December Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 78

Dec 20/09

The depositions of Mary Peoples, Ashley Odom, Anna Taylor and Patience Christian, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, persuant to notice hereto annexed, at the office of S. E. Everett, in the city of Suffolk, on the 5th day of January 1910, between the hours of nine o'clock A. M. and six o'clock P. M., to be read in evidence in behalf of the plaintiff in a certain suit depending in the Circuit Court of Nansemond County, wherein Mary Peoples is plaintiff and Preston Peoples is defendant.

S. E. Everett, Counsel for Plaintiff.

TO PRESTON PEEPLES.

Take notice that on the 5th day of January, 1910, at the office of S. E. Everett, of Suffolk, Virginia, between the hours of nine A. M. and six P. M. of that day I shall proceed to take depositions of Mary Peeples, Nancy Crocker and others, to be read as evidence in my behalf in a certain suit in equity, depending in the Circuit Court of Nansemond County, wherein I am plaintiff and you are defendant, and if from any cause the taking of the said depositions be not commenced, or, if commenced, be not concluded, on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Given under my hand this 14 day of December, 1909.

Mary Peebles

Executed This the 18th day of Dec 1909
By delivering a True Copy of the within
~~Notice~~ Process. To Preston Peebles in Nansemond
County Virginia

A A Butler Duff
U S Griffin D.S.

Mary Peebles
Vs In Chancery
Preston Peebles

Mary Peoples, being duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation?

A. Mary Peoples, live at Suffolk, Nansemond County, Virginia, thirty-eight years old and am housekeeper.

Q. Mary, please state if you are married and to whom, and if you are now living with your husband, if you are married, and of your seperation and why?

A. I was married about twenty or twenty-three years ago to Preston Peoples. We are not living together. We have been seperated about eight years last June. I tried my best to suit him and I don't care what or how much I done I could not suit him.

Q. Where were you living when you seperated?

A. In Prospects, Nansemond County.

Q. Did he ever leave you before the last and final seperation?

A. He would leave and return.

Q. Has he ever returned to you since he left you about eight years ago last June?

A. No, Sir, he has not.

Q. Did he take your furniture away from you at that time, and how did you get it back?

A. Yes, Sir. I went to Mr. A. S. Ealey, Justice of Suffolk at that time and he got my things for me.

Q. You have now, then, been seperated going on eight years?

A. Yes, Sir.

Q. Have you always lived in this County ever since your marriage and since seperation?

A. Both of us have lived in this County ever since we were married.

And further this deponent saith not.

Witness:
Mabel Darden

her
Mary + Peeples
mark

Ashley Odom being duly sworn, deposes as follows:

Q. Give your namd, age, residence and occupation?

A. Ashley Odom, I live at Prospects, Nansemond County, Virginia, am forty-seven years old tomorrow, and am a farmer.

Q. Do you know Mary and Preston Peoples?

A. Yes, Sir. I know them both.

Q. How long have you been knowing them?

A. I have been knowing Mary all of her life. Knew her mother before Mary was born. I have been knowing Preston some time before they were married. Knew him when he was a little boy.

Q. Do you know when Mary and Preston were married?

A. Yes, Sir, it has been about twenty-three years.

Q. How long have they lived together after that time?

A. I do not know how long they lived together, but know how long they have been seperated. They have been seperated about eight years, going on nine.

Q. Whose fault was it that they seperated?

A. I could not say whose fault it was. I know they lived together, and I know that every body gave her the name of being a good wife, being a young woman, but he was not a good husband. He would fight and quarrel and would leave her and come back, and fuss all the time.

Q. For why did he leave eight years ago?

A. I could not tell you sir, to save my life. It seems that he go so dissatisfied he just nearly quit and left any how.

Q. Did she give him any cause for leaving?

A. I don't think she did? She did every thing in her power to please him. I lived near by and it seemed that she did all she could but could not give satisfaction some way.

Q. Has he ever returned to her since he left?

A. No, Sir, I have never seen or heard talk of him returning.

Q. You are in a position to know whether he has ever returned or not?

A. Ashley Odom

Witness:
Mabel Darden.

A. Yes, Sir. I lived by them until she moved to Suffolk.
And further this deponent saith not.

Anna Taylor being duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation?

A. Anna Taylor, forty-seven years old last August, live in Prospects, Nansemond County, Virginia, and am housekeeper.

Q. Do you know Preston Peoples and Mary Peoples?

A. Yes, Sir:

Q. Mary Peoples is asking for a divorce from Preston Peoples, claiming that he deserted her. Has left her about eight years ago and has never returned to her or take care of her since that time. What do you know about this?

A. He haven't done any thing for her since they parted and haven't been there since they parted.

Q. State if you know whether she gave him any cause for leaving her or not?

A. No, Sir. She did all that she could for him and could not do any more to save her life. I lived next door to her and I know that he had no cause for misstreating her and leaving her.

Q. Have you ever heard him say that he did not want her and was not going to live with her?

A. Yes, Sir. I have heard him say that he did not want to live with her. So far as I know, that is the only reason that he gave for leaving her.

Q. You know when they were married?

A. Yes, Sir.

Q. How long have they been married?

A. They were married about twenty-three years ago.

Q. How long has it been since he deserted her?

A. Eight years last June.

And further this deponent saith not.

Witness:
Mabel Darden

her
Lucretia Taylor
mark

Patience Christian being duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation?

A. Patience Christian, Fifty-six years old, live on the edge of Suffolk, Nansemond County, Virginia, in Jericho. Housekeeper.

Q. Do you know Preston Peoples and Mary Peoples?

A. Yes, Sir.

Q. Do you know when they were married?

A. I was sick and did not go to the marriage but know when they were married. They were living near me.

Q. You know when they were married?

A. Yes, Sir.

Q. How long has that been?

A. Twenty-three years.

Q. How long has it been since he deserted her?

A. Eight years last June.

Q. State what you know about their married life?

A. I know Preston was a bad man to her. Don't know how long they lived tbgether but they have been married about twenty-three years. Have been apart about eight years last June. He hasn't been back to her since. I am satisfied that he hasn't.

Q. Have you ever heard him say that he had no intention of ever returning to her.

A. I have heard him say that he did not want her and would not live with her.

Q. Did she give him any cause for abandoning her?

A. I don't think she did.

Q. Did you live near her?

A. Yes, Sir.

Q. What was her reputation in the community as a wife?

A. She had a nice reputation. As good as any body could expect.

Q. Do you think she gave him any cause for doing as he did and leaving her?

A. Don't think she gave him any cause.

Q. Then his leaving was his own fault?

A. Yes, it was I think.

And further this deponent saith not.

Witness:
Mabel Darden

her
Patience x Christian
mark

Circuit Court of Nansemond Co,
Commissioner in Chancery for the

I, Bradford Kilby, a ~~notary public for the city of~~ ^
~~Suffolk~~, in the State of Virginia, do hereby certify that the foregoing depositions of Mary Peoples, Ashley Odom, Anna Taylor and Patience Christian, 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. In witness whereof, I have hereto set my hand ~~and official notarial seal~~ on this 5th day of January, 1910, at the city of Suffolk aforesaid.

Bradford Kilby
~~Notary Public.~~
Comm. in Chancery.

Comm's fee $5.00

Mary Peeples
vs
Preston Peeples

Depositions

Mary Peeples,.....Complainant.

vs.

Preston Peeples,.....Defendant.

This cause, in which process has been duly served on Preston Peeples and he still failing to appear and plead, answer and demur, came on this day to be heard on the bill, and depositions taken on the 5th day of January, 1910, before Bradford Milby, a Commissioner in Chancery, after reasonable notice to defendant and filed on behalf of the plaintiff as of said date, and was argued by counsel.

On consideration whereof, and it appearing to the Court that the said parties were lawfully married and that the said defendant has abandoned the said plaintiff, and a period of more than three years having now elapsed since the said abandonment, and that the said plaintiff and defendant have been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceeding the commencement of this suit, and that the said plaintiff and defendant last cohabited in the County of Nansemond, the Court doth adjudge, order and decree, that the said Mary Peeples and Preston Peeples be divorced from the bond of matrimony, which was created by the aforesaid marriage, and that the said marriage be and the same hereby is dissolved and annulled.

And it is ordered that the said Preston Peeples shall pay unto the said Mary Peeples her cost by her in this behalf expended, and nothing further remaining to be done in this suit it is further ordered that the same be stricken from the docket.

Mary Peeples,

vs.

Preston Peeples.

Enter January 24th, 1910.

James L. L'Hamon

Entered in Chancery Order

Book No. 4, page 395.

SECOND RULES (THIRD MONDAY) IN DECEMBER, 1909.

Mary Peoples,.....Complainant.

vs. Bill.

Preston Peoples,.....Defendant.

To the Honorable Circuit Court of Nansemond County:

Your complainant, Mary Peoples, respectfully represents:

That on the third day of February, 1887, your complainant, whose maiden name was Mary Crocker, was lawfully married in Nansemond County, to Preston Peoples;

That continuously from the date of said marriage for the period of about fifteen years your complainant and the said defendant lived together as husband and wife in Nansemond County, near Magnolia, but your complainant says that it was not very pleasant at that time. The defendant would leave her at times and then return;

That in the year 1902, the said Preston Peoples did wilfully desert and abandon your complainant without any justification whatever. That before he did leave he stated to her and to several neighbors that he did not intend to live with your complainant any more, and that he would never return, and while he is still living in Nansemond County and has lived in said County since said marriage and seperation, he has never returned to your complainant;

That your complainant and defendant have resided and have been domiciled in Nansemond County, State of Virginia, ever since their marriage in the year 1887, and that your complainant last cohabited with the said defendant in the said county.

In consideration whereof, and for as much as your complainant is remediless in the premises save in the court of equity, your complainant prays that the said defendant may be 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.

Witness:
H. E. Everett

Mary x Peoples
her
mark

State of Virginia,
Nansemond County, to-wit:

Mary Peoples, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be upon information, and that so far as they are therein stated to be upon information she believes them to be true.

Witness
H. E. Everett

Mary x Peoples
her
mark

Taken, sworn to and subscribed before me, S. E. Everett, a notary public of and for the county and state aforesaid, in my county aforesaid, this 20th day of December, 1909.

H. E. Everett
N.P.

H. E. Reeves P.V.

Mary Peeples
& Bill

Preston Peeples

Mary Peeples

vs.

Preston Peeples

1909 - Dec 18 - Process issued, returnable 2nd Mon Dec't Rules - Executed

1909 - Dec 20 - Process returned executed and Bill filed and Decree Nisi against the defendant

1910 - Jan 3 Decree Nisi confirmed and cause set for hearing -

Notes

S. E. Everett, p.q.

Mary Peeples

Vs. } Chancery

Preston Peeples

Final Decree entered

Jan. 24. 1910

Costs:

Clerk	3.65
Tax	1.50
Sheriff	1.00
Attorney	15.00
Commissioner	5.00
	$26.15