

1912-002
Nansemond Co (Suffolk) Chancery Causes: Pendleton D. Duke vs Sarah Duke

Jones, Sumner, Wetford, Faulk, Copeland

Copy of Costs
Taxed in the Suit of:

R. H. Rawls, p. q.

Pendleton D. Duke

vs.

Sarah Duke

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Writ Tax

1 50

Clerk

3 95

Sheriff *L*

Attorney

Paid

15 00

Commissioner *r*

Printer, for Order of Publication, etc.

Paid

4 00

\$24.45

Or. \$400 pd. by R. H. Rawls, Citty's fee 15.00

19 00

Date of Judgment or Final Decree

July Term 1912

1912

Pal.

\$5.45

Recd. Payment

L. E. Runtz - Clerk

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1 50

Clerk

3 95-

Sheriff

Attorney

15 00

Commissioner

Printer, for Order of Publication, etc. *Paid by R. H. Rawls*

4 00

Date of Judgment or Final Decree

July 9, 1912

VIRGINIA Nansemond County, to-
wit:

In the Clerk's Office of the Circuit
Court of Nansemond County, in va-
cation, on the 18th day of April, 1912.
Pendleton D. Duke, Plaintiff

vs. In Chancery.

Sarah Duke, Defendant.

The object of this suit is to obtain
for the plaintiff a divorce a vinculo
matrimonii from his wife, the defend-
ant; and affidavit having been made
and filed that the said defendant
Sarah Duke is not a resident of this
State, it is ordered that she appear at
the Clerk's Office of the Circuit Court
of Nansemond County, within fifteen
days after due publication of this
notice, and do what may be neces-
sary to protect her interest in the
above suit.

Teste:

G. E. BUNTING, Clerk.

By A. L. TWITTY, D. C.

A Copy, teste:

G. E. BUNTING, Clerk.

By A. L. TWITTY, D. C.

Apr. 19-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., June 29 1912

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law---once a week for four successive weeks. beginning April 19th 1912 and ending May 10th 1912

W. J. Kendrick

Editor Herald

Suffolk Herald Co.,

H. H. Healy Manager

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., June 29 1912

Mr. R. W. Rawls, Atty.

Suit - Pendleton D. Duke v.s. Sarah Duke

To SUFFOLK HERALD CORPORATION, Dr.

:: Newspaper and Job Printing ::

No. 912 WASHINGTON STREET

TERMS OF THIS BILL—NET CASH

BOTH PHONES

1912
Apr

19 To Adv. Suit -

Pendleton D. Duke v.s. Sarah Duke

four times in Suffolk Herald

June-29-1912

THE SUFFOLK HERALD CORPORATION

By

J. C. Holladay, Mgr.

4.00

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Pendleton Duke Pltff. }
vs. } In Chancery
Sarah Duke Df't }

I hereby certify that on the 25th day of April, 1912

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered.

Given under my hand this 25th day of April, 1912

G. E. Bunting, Clerk,

By _____, Deputy Clerk.

Clerk's certificates
as to
Ord. of Pub.

Virginia: Nansemond County to wit.

In the Clerk's Office of the Circuit Court of Nansemond County, in vacation, on the ----18th----day of April, 1912.

Pendleton D. Duke, plaintiff,

vs.

In Chancery.

Sarah Duke, defendant.

The object of this suit is to obtain for the plaintiff a divorce a vinculo matrimonii from his wife, the defendant; and affidavit having been made and filed that the said defendant Sarah Duke is not a resident of this State, it is ordered that she appear at the Clerk's Office of the Circuit Court of Nansemond County, within fifteen days after due publication of this notice, and do what may be necessary to protect her interest, *in the above suit.*

Teste: G. E. Bunting, Clerk,
By A. L. Twitty, *De.*

TO MR. GEORGE E. BUNTING, CLERK OF THE CIRCUIT COURT OF MANSEMOND COUNTY:

Pendleton D. Duke, plaintiff,

vs.

In Chancery.

Sarah Duke, defendant.

Issue summons to First May rules, 1912, for plaintiff against defendant to answer said plaintiff, of a bill in chancery.

R. H. Rawles
f.g.

Memo, for clerk

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

Sarah Duke

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 *First* Monday in *May, 1912*, to answer *a*
Bill in Chancery, exhibited against *Sarah Duke*
in the said Court by *Pendleton D. Duke*

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this *18th* day of

April

, 191*2*

, in the 136th year of the Commonwealth.

~~A copy Teste:~~

~~CLERK.~~

Teste:

G. E. Bunting

CLERK.

By A. L. Twitty, De.

R. H. Rawles

p. q.

Pendleton D. Duke

vs.

In Chancery

Sarah Duke

191 *2*

May

Rules,

First

Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. *3*

Page *104*

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

Sarah Duke

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 *first* Monday in *May*, 191*2*, to answer *a*
Bill in Chancery, exhibited against *Sarah Duke*
in the said Court by *Pendleton D. Duke,*

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this *18th* day of
April, 191*2*, in the 13*6*th year of the Commonwealth.

A copy—Teste:

G. E. Bunting, CLERK.
By A. L. Twitty, Sec.

Teste:

G. E. Bunting, CLERK.
By A. L. Twitty, Sec.

R. H. Rawles p. q.

Copy for
Sarah Duke

~~vs.~~ } In Chancery

191*2*

May Rules,
First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. *3*

Page *104*

The depositions of Willie Sumner, and others, taken before me, L. Pretlow Holland, Commissioner in Chancery of the Circuit Court of the City of Suffolk, at the office of R. H. Rawles, in Suffolk, Virginia, on the 29th day of June, 1912, between the hours of 8 A. M. and 6 P. M. to be read as evidence on behalf of the plaintiff, in a certain suit in equity, depending in the Circuit Court of Nansemond County, wherein Pendleton D. Duke is plaintiff and Sarah Duke is defendant.

Under the statute no notice is required to take these depositions one order of publication, having already been ^{Made}, with no appearance by defendant.

PRESENT:

R. H. Rawles, counsel for plaintiff.

The defendant did not appear.

William Sumner being duly sworn deposes and says as follows:

Q. State your name, age, residence, occupation and if you know the parties to this suit?

A. William Sumner, thirty-two years, in Nansemond County, near Savage's Crossing, farmer, and I know both of the parties to the suit.

Q. How long have you known the plaintiff and the defendant?

A. I have known the plaintiff all our lives, we were raised as boys together. I knew the defendant just a short time previous to her marriage.

Q. Will you please state whether the defendant is now living with her husband, or not?

A. No sir, she is not.

Q. Do you know when she abandoned and deserted her or ceased to live with her, and if so, when did she desert him?

A. Yes, she has certainly deserted him. She left him about seven years ago, that is in the early part of the year 1905.

Q. Where is the plaintiff now living ?

A. In Nansemond County, Virginia.

Q. Where is the defendant now living?,

A. I do not know, she has not been seen by me in this county, since she left about seven years ago, and I do not think she has been here since that time. It is said that she went north.

Q. Tell all you may know in regard to the general character and disposition of the plaintiff?

A. I have known Pendleton all my life, I have never heard his character discussed or attacked, and I should say it was very good, he is of a kind and genial disposition, and is not disposed to make trouble for his own family or anybody else, he is a farmer and works hard, and does the best he can to make a living.

Q. Tell if you know how he acted and treated his wife while they were living together, and whether or not he did his full duty as a husband should towards her.?
toward

A. He was my near neighbor for many years, and I think I can say that he did his whole duty towards her, provided her with a good home, gave her a plenty to eat, took good care of her, treated her kindly and well, and

Page 3.

in short did everything that a husband was expected to do.

Q. Has she ever returned to live with him since ~~the~~ time stated above, when she abandoned and deserted him?

A. No she has not.

Q. Would you have known it if she had returned to live with him?

A. Yes, I certainly would have known it.

Q. State your opportunities for knowing this, as well as all other facts to which you have testified?

A. My opportunities were very good, because we have been near neighbors all our lives, and are still ~~hear~~ neighbors. I know very generally of everything that takes place at his home. She could not have come back and lived with him as his wife, without my knowing the fact. It would ~~have~~ been almost impossible.

Q. Tell whether the plaintiff is now domiciled in the county of Nansemond, and whether he has been living here continuously for more than twelve months, next preceding the commencement of this suit?

Yes he is, as a matter of fact he has been living here all his life.

Q. Tell if you know where the plaintiff and defendant last cohabited?

A. In Nansemond County Virginia.

Q. The plaintiff in his bill charges that his wife has without cause, willfully abandoned and deserted him, for more than three years before he brought this suit. Please state if your opportunities have been such as would enable you to state whether she has abandoned him for more than three years, and has not since returned?

A. Yes she has certainly been gone over three years; as a matter of fact she left about seven years ago, that is to say in 1905, and has never since returned to live with him. My opportunities are just as I have above stated, and that is that I am a near neighbor of his, and have been all ~~my life~~ the while, and am bound to know the fact to which I testify. It is certainly true that she has abandoned and deserted him for upwards of three years before this suit was brought, and that she has not since returned to live with him.

Page 4.

Q. Did he to your knowledge ever give her any just or sufficient cause to leave him?

A. He certainly did not to my knowledge.

And further this deponent saith not.

Willie Summer

Page 5.

John Watford, being duly sworn deposes and says as follows;

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. John Watford, thirty-four years, Nansemond County, Virginia, farmer, and I know the parties to this suit?

Q. How long have you known the plaintiff and the defendant?

A. I have been knowing Pendleton for about seventeen years, and I knew the defendant just a ~~short~~ while before her marriage to the plaintiff,

Q. Will you please state whether the defendant is now living with her husband?

A. No she is not.

Q. Do you know whether she has abandoned and deserted him, or ceased to live with him, and if so about when did she desert him?

A. Yes she has certainly abandoned him, she left him for good about seven years ago, that is in the early part of the year 1905, and she has never since that time returned to live with him, and in fact I do not think she has been back in this county since that time.

Q. Where is the plaintiff now living?

A. In Nansemond County, Virginia.

Q. Where is the defendant now living?

A. I do not know, the general rumor is that she went north sever years ago, and has never returned, so none of us know where she is.

Q. Will you tell all you may know in regard to the general character and disposition of the plaintiff?

A. I have known Pendleton Duke nearly all my life, he is a hardworking farmer, and does the best he can, he was a kind and faithful husband toward his wife while they lived together, and did the best he could for her, gave her a good home, and provided her with all the necessities of life. I am sure he gave her no cause whatever for leaving him, because he is not given to scolding, nor is he of a mean disposition, in fact he has a very kind and good disposition, and is kindly disposed toward every body.

Q. Tell if you know how he treated her and acted toward her when they were living together, and whether or not he did his full duty as a husband should toward her?

Page 6.

A. He treated her very kindly, and acted toward her as a husband should.
I have never known him to fail ^{whole} short of his duty. I have already
stated that he fully provided for her.

Q. Did he to your knowledge ever give her any cause for leaving him?
In other words did he treat her cruelly, or abuse her, or beat her, or
~~xx~~ any thing of that kind?

A. He certainly gave her no cause to my knowledge. He never beat her,
nor treated her cruelly, or badly in any respect.

Q. Has she ever returned to live with him since the time stated above,
when she abandoned and deserted him?

A. No sir, she has not, she left him and her home here in Nansemond County
about seven years ago, and has not since that time ever been back to live
with him; in fact if she has ever been back in this county, I have not
seen her.

Q. Would you have know of it, if she had returned to live with him, since
that time?

A. Yes I would have known it.

Q. State your opportunities for knowing it?

A. My opportunity is the fact that I have been a near neighbor during
the whole course of that time, and have have known what took place at
the home of Pendelton Duke, the plaintiff. His wife could not have
gone back without my knowledge, unless she went back in secret, or in
the night, and left in the same way. If she had ever been back since
that time, to live with him, I should certainly have seen her and have
known it. The fact that she had gone away was well known and every-
body knew he was living alone. Her return therefore would have caused
more than usual comment, and would have been specially noticed.

Q. State whether or not the plaintiff is now domiciled in the County of
Nansemon, and whether he has been living here continuously for more than
twelve months next preceding the commencement of this suit?

A. Yes he has been living in Nansemond County all his life.

Q. State where the plaintiff and the defendant last cohabited?

A. In Nansemond County, Virginia.

Q. The plaintiff in his bill charges that his wife has without cause,
willfully abandoned and deserted him, for ~~xxx~~ more than three years be-
fore the commencement of this suit. State whether your opportunities have

Page 7.

been such to know whether this charge is true or not, and state also whether the charge is true?

A. Yes the charge is true, she has certainly abandoned him for three years, but for about seven years. ^{not only} My opportunities for knowing this have already been fully stated above. There is certainly no question whatever or any gainsaying the fact.

And further this deponent saith not.

J. H. Matthews

Page 8.

Luther Faulk, being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. Luther Faulk, forty years, Nansemond County, Farmer, and I know the parties to this suit,

Q. State how long you have known the plaintiff and the defendant?

A. I have been knowing him all his life, and I have known her for about twenty years.

Q. Will you please state whether the defendant is now living with her husband, the plaintiff?

A. She is not.

Q. Do you know when she abandoned and deserted him, or ceased to live with him?

A. She left him in the early part of the year 1905,, since which time she has not been back to live with him any whatever.

Q. Where is the plaintiff now living?

A. In Nansemond County, Virginia.

Q. Where is the defendant now living?

A. I do not know, she left her husband and left this county abot seven years ago, and since that time she has never been back.

Q. Tell all you know in regard to the general character and disposition of the plaintiff?

A. The plaintiff is a man of very good character, I have never heard of any charge against him, and never heard his character spoken badly of, his disposition is kind and gentle, and he gets along in the world very well with everybody, he is a farmer and works hard, and does his duty as a citisen.

Q. Tell how he acted towards his wife and treated her while they were living together?

A. He did his whole duty toward her, gave her a good home, gave her plenty to eat and to wear, and she was well taken care of, he was kind and gentle toward her, and gave her no cause whatever for leaving him.

Q. Has she ever returned since to live with him, since she deserted him?

A. No she certainly has not.

Page 9.

Q. Would you have known it if she had returned.?

A. I would.

Q. The plaintiff charges in his bill that she has abandoned him upwards of three years before he brought this suit. Please state if this is true, and what are your opportunities for knowing it?

A. Yes, she has not only abandoned him for three years, but for seven years. The charge is true, and my opportunities for knowing it are these: We are all farmers, I am now and have been during the whole time, a near neighbor, and have known generally of everything that took place at the home of Pendleton Duke. I knew when his wife went away, I know she has been gone ever since and I know she has not returned. When she left of course it caused some talk in the community, and therefore if she had come back it would also have caused talking and comment, and would have been known. It is certainly true that she has not returned.

And further this deponent saith not.

Luther Traub

Page 10.

A. T. Copeland, being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to the suit?

A. A. T. Copeland, thirty-five years, Nansemond County, farmer, and I know the parties to the suit.

Q. How long have you known the plaintiff and the defendant?

A. I have known the plaintiff all my life, and I have known the defendant about fifteen years.

Q. State whether the defendant is now living with her husband or not?

A. No she is not.

Q. Do you know when she abandoned and deserted him, or ceased to live with him?

A. She deserted him in the early part of the year 1905, and has not since been back to live with him.

Q. Where is the plaintiff now living?

A. In Nansemond County, Virginia.

Q. Where is the defendant now living?

A. I do not know, she has not been seen in this county for seven years by me.

Q. Tell all you may know in regard to the general character and disposition of the plaintiff?

A. He is a very good kind of a man, is a farmer and works hard, and tries to do his duty so far as I can see towards everybody, he is kind and gentle in his disposition, does not make any trouble, and I have never known him to be in trouble with any one.

Q. State how he acted towards his wife while they lived together?

A. He treated her in my opinion as a man ought to treat his wife, gave her a good home, provided for all of her wants, and gave her no cause so far as I can see to complain, and certainly gave her no cause to leave him.

Q. Has she ever returned to live with him since she left him?

A. She certainly has not.

Q. Why would you have known it?

A. Because we are all farmers and are near neighbors, and have been all

Page 11.

the while, and we know each others affairs as well as near neighbors generally do. The fact that the man's wife left him of course is a matter of some notoriety, and therefore when she left him we all knew it and talked about it, and wondered if she would come back. Therefore if she had come back it would have been well known. I have been there all the time since and I have not seen her back there, a single time in seven years, and therefore I think I can say she has not returned.

And further this deponent saith not.

Witness:
Mary V. Andrews.

^{his}
A. T. Copeland
^{mark}

VIRGINIA, CITY OF SUFFOLK, to-wit:

I, L. Pretlow Holland, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, do certify that the foregoing depositions of William Sumner, John Watford, Luther Faulk, and A. T. Copeland, were duly taken, sworn to and subscribed before me at the office of R.H. Rawles, on the 29th day of June, 1912, between the hours of 8 A. M. and 6 P. M. to be read as evidence on behalf of the plaintiff in a certain suit in equity depending in the Circuit Court of Nansemond County, wherein Pendleton Duke is plaintiff and Sarah Duke is defendant.

Given under my hand this 29th day of June, 1912.

L. Pretlow Holland
Commissioner in Chancery.

Fee - \$5.00 - Paid.

Depositions

Pendleton Duke,

vs.

In chancery.

Sarah Duke

This cause came on this day to be heard on the bill of the complainant, and the testimony of the witnesses, taken after due notice, and the defendant who appears to have been proceeded against in the manner required by law, ^{against non resident defendants and she still} failing to plead, answer or demurr, and was argued by counsel.

On consideration whereof it appearing to the court, from the evidence submitted in this case, that the defendant Sarah Duke has willfully abandoned and deserted the plaintiff, her husband, for more than three years next preceeding the commencement of this suit, without any just or legal cause, that the plaintiff has been domiciled in this state and in the county of Nansemond, for upwards of one year next preceeding the commencement of this suit; that the plaintiff and defendant last cohabited in the said County of Nansemond, the court doth order, adjudge, and decree that the said plaintiff be, and he is hereby granted a full and absolute divorce, a vinculo matrimonii, from the defendant Sarah Duke; and that the marriage ceremony heretofore solemnized between them, be and the same is hereby wholly annulled and dissolved and set aside; and that the plaintiff recover his cost of the defendant in this behalf expended, and it appearing that nothing further remains to be done in this cause, it is ordered that the same be stricken from the docket.

Final Decree.

Duke

^{or}
Duke.

Enter July 9. 1912.
James L. Moore.

Recorded in Chancery
Order Book No. 4.
Page 519.

TO THE HONORABLE JAMES L. McLEMORE,

Judge of the Circuit Court of Nansemond County:

Humbly complaining sheweth unto your honor, your orator Pendleton D. Duke, the following case:

Your orator, who is a resident of Nansemond County, says that in the year 1904 he was married in said county, to Sarah Jones, his present wife; that after said marriage he was at all times a faithful, kind and provident husband to his said wife, and did everything in his power to render her life a happy and a pleasant one; that he provided her with a good home, and supplied her with all the necessities and comforts of life. He further says that on the contrary his wife was of a most wayward disposition, hard to please, and of a roaming nature and disposition, with but little attachment for her home, and little love for her husband; that they lived together however, kindly and pleasantly, for about twelve months, after said marriage, and that in the year 1905 his said wife, Sarah Duke, without any just or sufficient or legal cause or excuse utterly and willfully abandoned and deserted him, and left his home for parts unknown; that since that time she has never returned to live with him, or to be with him at all, but has utterly and willfully abandonèd and deserted him; that he is informed and believes that she left the state of Virginia, and probably went to the City of New York; that she ran off with another man; that he has waited many years trying to find her whereabouts, and hoping that she would return, but all to no avail; he therefore thinks that under all the circumstance it is best that he should be divorced from her, as he is informed he is entitled under the law to a divorce. He further says that he is now a resident of this county, and has been all of his life; that he and his said wife last cohabited in the county of Nansemond; and that he has been domiciled here for upwards of one year next preceding the commencement of this suit continuously.

In tender consideration whereof, and forasmuch as your orator is without remedy in the premises, save by the aid of a court of equity where such matters are alone and properly cognizable, your orator prays that the said Sarah Duke, may be made a party defendant to this cause,

and required to answer this bill, though an answer under oath is hereby waived; that proper process may issue; that all proper inquiries, accounts and depositions may be taken; and that your orator may be granted a full and absolute divorce, a vinculo matrimonii, from his said wife, Sarah Duke; and for all such other, further and general relief as this case may require, or which to equity may seem meet and your orator will ever pray, etc.

Pendleton D. Duke &
R. H. Rawles Cause.

Virginia, Nansemond County, to-wit:

I, R. H. Rawles, a Notary Public, for the county aforesaid, in the State of Virginia, do certify that Pendleton D. Duke, whose name is signed to the foregoing bill has this day personally appeared before me, in my county aforesaid, and being duly sworn solemnly swears that the statements contained in the foregoing bill as coming of his own knowledge are true, and that all other statements therein contained as coming from knowledge or information derived from others he believes to be true.

Given under my hand this 17th, day of April, 1912.

My term of office expires on the 3d day of February, 1915.

R. H. Rawles N. P.

Bill.

CIRCUIT COURT

Second Monday in January, March, May
July and October

HON. JAMES L. McLEMORE, Judge
GEO. E. BUNTING, Clerk
J. U. BURGESS, Commonwealth's Attorney
ALEX. H. BAKER, Sheriff
C. R. FULGHAM, County Treasurer
LEE BRITT, Commissioner of Accounts

Nansemond County Clerk's Office

SUFFOLK, VA..

Penelope D. Duke

Plt

vs In Chancery

Sarah Duke

Def.

1913

Apr. 18

Affidavit of non-resident filed, Order of Public.

May 6, Bill filed

Set for hearing on order of pub.

Clark's notes