1914-006
Nansemond Co (Suffolk) Chancery Causes: Florence Smith vs George Smith

Jones, Green, Copeland

Hon. Geo. E. Bunting Clerk of the Circuit Co
of Nansemond Co.

Florence Smith Pltff

" "

George Smith Deft.

Issue summons in chancery for Plaintiff
against defendant to second April rules
1913 third Monday. to answer said
Plaintiff's Bill in chancery.

R H Lawler p.q.

Defendant lives on Log Pond near Sand Pits
He works at Montgomery Lumber Company Mills in
Suffolk.

Memo for clerk

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON George Smith

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 April 1913, to answer a Bill in Chancery, exhibited against him in the said Court by Florence Smith

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this 15th, day of April, 1913, in the 137th year of the Commonwealth.

~~A copy—Teste~~,

_____, CLERK.

Teste:

G. E. Bunting, CLERK.

R. T. Rawles ..... p. q.

Florence Smith

vs. } In Chancery

George Smith

1913

April ..... Rules,

March ..... Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 112

The depositions of Florence Smith, Julia Jones, Roxanna Green, Mary Copeland, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, at the office of R. H. Rawles, in Suffolk, Virginia, on the 6th day of November, 1913, between the hours of 8 A. M. and 6 P. M. pursuant to notice hereto annexed, to be read as evidence on behalf of the plaintiff in a certain suit in equity depending in the Circuit Court of said County, wherein Florence Smith is plaintiff and George Smith is defendant.

PRESENT:

R. H. Rawles, counsel for plaintiff.

The defendant made no appearance.

Florence Smith 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. Florence Smith, 38 years, West Jerico, Nansemond County, Virginia, near Suffolk, working at the butterdish factory, I know the parties to the suit, I am the plaintiff.

Q. When were you and George Smith married?

A. In the year 1901 in Suffolk, Virginia.

Q. Is your husband George Smith now living? A. Yes, he is.

Q. State whether he is living with you or not? A. No sir, he is not.

Q. Why is he not living with you?

A. We are not living together because he left me on account of other women.

Q. How long did he live with you after you were married?

A. 'bout seven months.

Q. Where did you and he reside when you lived together?

A. Near the standpipe, near Suffolk.

Q. How did he take care of you?

A. Well, he didn't take care of me, I had to work and take care of myself.

Q. How did you treat him when you lived with him?

A. I treated him as a wife should treat her husband.

Q. Have you no children by that marriage? A. No sir.

Q. How did your husband treat you when he lived with you?

A. Why, I could never do nothing to please him at all.

Q. What kind of work was he engaged in ? A. Saw mill hand.

Q. What did he do with his wages that he earned?

A. He gave them to other women I reckon.

Q. Did he not bring his wages home to provide for you and to provide for his home? A. No sir, he did not.

Q. What kind of work did you do at that time?

A. I was working at the peanut factory.

Q. Did you and he have any quarrel or anything that caused him to leave abruptly or suddenly?

A. We had a fuss on account of Lucy Williams.

Q. Who was Lucy Williams?

A. She was the wife of Robert Williams.

Q. Why did you and he have words about her?

A. Because he would leave me and go there and stay.

Q. After you had these words did your husband abandon and desert you?

A. Yes sir, he took away everything that he had and left.

Q.Please state whether he has ever returned to live with since he left on the day named?

A. He never came back to live with me as my husband, but he came back there about five years ago, and hung around for a couple of days, but had nothing to do with me, and he went away again and has never returned since.

Q. What has he done for you since that time?

A. He havn't done nothing sir.

Q.Where does he now live?

A. He lives out near thestandpipe, in Nansemond County, Va.

Q. Do I understand you to say that for nearly eleven years your husband has abandoned and deserted you?

A. Yes sir, more nearly twelve years.

Q. You did not go away from his home and leave him and desert him? A. No sir, I did not.

And further this deponent saith not.

her
Florence x Smith
mark

Witness:-
Bradford Kilby.

Julia Jones, 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. Julia Jones, 35 years, near the standpipe in Nansemond County Virginia, near Suffolk, domestic work, and I know the parties.

Q. How long have you been knowing the plaintiff, Florence Smith?

A. I have been knowing Florence Smith for about 18 or 20 years.

Q. How long have you known George Smith?

A. I have been knowing George Smith about 15 years.

Q.Do you know about when they were married?

A. Yes sir, I was at the marriage, it was about 12 years ago.

Q. Where did they live after they were married?

A. They lived near the standpipe, on Lover's land, better known as Gay's row.

Q. Is that in Nansemond County? A. It is.

Q.How did Florence Smith act toward her husband while they lived together? A. So far as I know she acted all right.

Q. How far did you live from them? A. About a half mile.

Q. Did you see them quite often? A. I saw her quite often.

Q. What kind of work was he engaged in? A. Saw mill work.

Q. What did she do for a living? A. Worked at the peanut factory

Q. Do you know whether he took care of his wages, and carried them home for his wife to live on while they were living together?

A. Well she said he didn't.

Q. Do you know how George Smith acted towards his wife while they were living together? A. I do at some times.

Q. State what you know about it,

A. I have known him to tell her that he was coming home, and when I would see her the next day she would say he didn't come.

Q.Are they now living together as husband and wife?

A. They are not.

Q. Tell us why they are not living together?

A. Because he left her.

Q. About how long had they been living together when he left her?

A.Why, not quite twelve months, between six and seven months as near as I can come at it.

Q. Do you know what led to his leaving her?

A. Why this Lucy Williams, and he didn't support her as he should have she said.

Q. Who was Lucy Williams?

A. She was a woman that lived opposite the standpipe.

Q. State if you know whether he paid Lucy Williams any attention after he was married?

A. His wife said he did.

Q. Do you know that he visited her yourself?

A. Yes sir, I have seen him go there several times myself.

Q. When he left his wife at the time you have stated did he carry his things away, his household goods, etc?

A. He did, he moved.

Q. State whether he has ever been back to live with her as her husband since he deserted her about 12 years ago?

A. I saw him back there on one occasion about five years ago and after that he never came back any more. It has been at least seven years since he was back on that occasion.

Q. Then do I understand you to say that certainly for upwards of three years that he has never lived with her as her husband?

A. He has not.

Q. Would you have known the fact if he had come back to live with her again?

A. I would.

Q. Why would you have known it?

A. Because I live a short distance from them.

Q. Where does he now live?

A. He lives on Gay's row, near the standpipe.

Q. Then if they were still living near Suffolk, and were living together as man and wife and as you know them both quite well is it not true that you would more than likely know it?

A. I would.

Q. Do you know it to be a notorious fact that George Smith the defendant in this case has abandoned and deserted his wife for certainly five years? A. I do.

Q. And with the exception of the one time when you say he came back there for one day that he has been gone for nearly 12 years?

A. Yes sir.

Q. Please state whether the plaintiff, Florence Smith now lives in Nansemond County?

A. Yes sir, she lives in Nansemond County, in the settlement known as Jerico.

Q. Has she been living in Nansemond County continuously for the last 8 or 10 years? A. She has.

Q. Has George Smith been living in this county for the last 8 or 10 years? A. He has.

Q. Did they live together as man and wife or cohabit last in Nansemond County.

A. Yes sir they did.

And further this deponent saith not.

Julia Jones

Roxanna Green 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. Roxanna Green, about 50 years, I live near the standpipe, in Nansemond County, Virginia, near Suffolk, I am a housewife and I know the parties.

Q. How long have you known them both?

A. I have been knowing them about 15 or 18 years.

Q. Where does George Smith now live?

A. On Lover's Lane or Cay's row.

Q. Is that in Nansemond County? A. Yes sir.

Q. How long has he been living continuously in Nansemond County?

A. Several years.

Q. Where does the plaintiff Florence Smith now live?

A. She lives in Jerico.

Q. Is that in Nansemond County. A. Yes sir.

Q. How long has she been continuously residing in Nansemond County?

A. She has been living here a pretty good while, several years.

Q. Is George Smith now living with his wife? A. No sir.

Q. How long has it been since he lived with her as his wife?

A. It has been about twelve years I think.

Q. Do you know when they were married? A. Yes sir.

Q. About what year was that? A. I don't really know, about 12 years ago.

Q. Were you at the marriage? A. Yes sir.

Q. How long did George Smith live with his wife after they were married?

A. I don't think it was 12 months really.

Q. How far did you live from them at that time?

A. I didn't live very far, less than ½ mile.

Q. Did you know both of them quite well? A. Yes sir.

Q. How often did you see them?

A. Well I saw Florence every day, she passed my house going to and from work.

Q. Do you know about the time that George Smith left his wife?

A. Yes sir, I think I do.

Q. Are you living at or near the same place on which you livedthen

A. No sir.

Q. How near to that place are you living? A. About ½ mile.

Q. Do you know why George Smith left his wife?

A. I don't really know, he left her because he didn't want to stay I reckon, I think it was on account of that woman he had.

Q. How did she act towards her husband and treat him while they lived together? A. She said she was trying to treat him all right.

Q. Did George Smith pay anybody else attention after he was married?

A. Yes sir, he paid attention to somebody else.

Q. Do you know who it was? A. The same woman, Lucy Williams.

Q. After George Smith left his wife, did he ever come back to live with her as his wife again?

A. No sir, he come back once but didn't stay, he was there one or two nights.

Q. About how long ago has that been?

A. I don't know, about five years I reckon.

Q. And since that time you say he has never lived with her as her husband?

A. No sir, he has not.

Q. Did he leave her so far as you know to take care of herself?

A. Yes sir.

Q. What kind of work does she do?

A. She works in a peanut factory.

Q. If he had been back to live with her, and if they had been living together during the last five years certainly as you say, as man and wife, would you not have known it?

A. I would have known it.

Q. You generally know of things of that kind in your neighborhood do you not?

A. Yes sir.

Q. The do I understand you to state it as a fact and as a near neighbor of these parties that George Smith left his wife about twelve years ago, and after he had lived with her for only about seven or eight months, and went away, and that he has not returned except on one occasion of about two days, which was about five years ago, and that since that time he has never been back since to live with her?

A. No sir, he has not been back since.

Q. Did she drive him away from home?

A. Not as I know of, I don't think she did.

Q. She did not leave him did she?

A. No sir.

Q. Where did George Smith and his wife last live together?

A. In Nansemond County, Virginia,

And further this deponent saith not.

Witness:
Bradford Kilby

her
Roxana X Green
mark

Mary Copeland 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. Mary Copeland, 32 years, I live near the standpipe, in Nansemond County, Virginia, near Suffolk, and I know the parties. I.am a housewife.

Q. Tell how long you have known them?

A. I have been knowing Florence Smith for about 12 or 13 years, and I have been knowing George Smith for about the same time.

Q. Do you remember when they were married? A. I do.

Q. Were you at the marriage? A. No sir.

Q. Where were you living at that time. A. I was living near the standpipe

Q. Where is George Smith now living? A. In Cay's row.

Q. Where is Florence Smith now living?

A. She is living in Jerico, in Nansemond County.

Q. How long have both of them been living in Nansemond County continuously? A. Ever since I have known them.

Q. Where did they live together as man and wife last

A. In Cay's row to my knowing.

Q. Are they now living together as husband and wife? A No.

Q. Why are they not living together?

A. Because George Smith left his wife.

Q. When did he leave her? A. He stayed with her about seven months after they were married.

Q. Why did he leave her?

A. I can't say I know, but I know what she said.

Q. After his marriage how did his wife treat and act towards him?

A. She acted a ll right so far as I know towards him.

Q. Did she do her part and her duty as a wife should?

A. She did.

Q. Was she industrious? A. She was.

Q. Where did she work? In a peanut factory.

Q. Did George Smith take care of her?

A. He did for several months.

Q. Do you know whether he paid attention to other people after his marriage?

A. He paid attention to this Lucy Williams.

Q. After he left his wife about twelve years ago, do you know whether he has ever been back to claim her and live with her as his wife?

A. He came back once.

Q. How long did he remain?

A. Two nights.

Q. How long ago has that been?

A. About five years ago.

Q. Did he then leave her again?

A. He did.

Q. Has he been back since that time?

A. No.

Q. Would you have known it if he had been back?

A. I would have.

Q. Why would you have known it?

A. Because I live close enoughto see him if he had come back.

Q. Were you pretty well acquainted with them?

A. Yes sir, I was.

Q. When a husband deserts his wife and goes away and leaves her to look out for herself is it not generally known in the neighborhood? A. It is.

Q. State whether it causes talk or gossip? A. It does.

Q. The do I understand you to say that being a near neighbor, and knowing about what these people are doing that George Smith has not been back to live with his wife for at least 5 years,

A. Yes sir, that is true.

Q. And that counting off two nights he has not lived with her for somewhere in the neighborhood of twelve years? A. Yes.

Q. How does she get on in the world? A. She works for her support.

Q. Has she any children? A. No sir.

And further this deponent saith not.

Mary Coleard

Virginia, Nansemond County, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do certify that the foregoing depositions of Florence Smith, Julia Jones, Roxanna Green and Mary Copeland, were duly taken, sworn to and subscribed before me at the time and place stated in the caption hereof.

Given under my hand this 6th day of November, 1913.

Bradford Kilby
Commissioner.

Fee $5.00 Paid.

TO GEORGE SMITH, ESQ.,

Please take notice that I shall proceed on Thursday, the 6th day of November, 1913, between the hours of 8 A. M. and 6 P. M. at the office of R. H. Rawles, on Washington Square, in Suffolk, Virginia, to take the depositions of Roxanna Green 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 said depositions be not commenced on that day, or if commenced be not concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place, and between the same hours, until the same shall have been completed.

Very respectfully,

Florence Smith
By Counsel.

October ~~November~~ 27th, 1913.

I Deliver on this 30th Day Oct 1913 received
Executed the within notice by delivering
a true copy thereof in writing to Geo Smith
in person in the County of Nansemond
& in which County the said Geo Smith
resides

A H. Baker Sheriff
By W E Bundy Dep

Notice to take depositions

Florence Smith

vs. In Chancery.

George Smith.

which has been regularly matured and set for hearing

This cause came on this day to heard on the bill of the complainant, and the depositions of witnesses, taken after due notice to the defendant, and the defendant failed to appear, plead, answer or demur to said bill, and the cause was argued by counsel.

On consideration whereof, it appearing from the evidence submitted in this cause that the defendant George Smith, has wilfully abandoned and deserted his wife for upwards of three years next preceeding the commencement of this suit; that the plaintiff and defendant are both residents of the County of Nansemond, and State of Virginia, and that they last cohabited in said County, and that both of them have been domiciled in this County for upwards of one year next preceeding the commencement of this action, the court doth order, adjudge and decree that the plaintiff be and she is hereby granted a full and absolute divorce from her said husband George Smith, that the marriage relations heretofore existing between them be and the same are hereby wholly annulled and set aside; and that the plaintiff be granted the privilege of resuming her maiden name; and that she recover of the defendant her reasonable cost in this behalf expended; and nothing further remaining to be done in this cause, it is ordered that the same be stricken from the docket.

Final Decree.

Entd Jany. 12. 1904

Jas. L. McLemore

Entered in Chancery
Order Book No. 4
Page 657.

Conte

TO THE HONORABLE JAMES L. McLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Humbly complaining showeth unto the court your oratrix Florence Smith, of Nansemond County, Virginia, the following case:

Your oratrix says that she was married to her present husband George Smith, in the year 1904, in the said County of Nansemond; that since said marriage shehas been at all times a true, faithful, loving and dutiful wife unto her said husband, and has done everything for him and for his happiness that has lain in her power to do; she further says that after the said marriage they lived together very happily for a short while, in said County of Nansemond, and State of Virginia, but that this did not continue long, for her husband soon apparently got tired of her and her company, and notwithstanding all of her best efforts to retain his love and affection she failed to do so, and he continued to grow indifferent, and that about eleven years ago he finally wilfully abandoned and deserted her, and left her home and table and bed and board, without any just or legal cause or excuse whatever; that since his said desertion about eleven years ago, in said County of Nansemond, he has never returned to live with her; that they have never cohabited since that time, and that he during all these years has never been a husband to her any more, notwithstanding he has nearly the whole time resided in said County of Nansemond. She further states that she is now a resident of the County of Nansemond and State of Virginia, and has been for upwards of one year next preceeding the commencement of this suit, in fact for a great number of years continuously; that her said husband is also a resident of the County of Nansemond, and State of Virginia, and has resided here for ten or twelve years continuously, and that they last cohabited in said County of Nansemond. Having led a lonely life, without the aid, protection or comfort of her husband for the past nine or ten years, she believes that it would be to her best interest to have an absolute divorce from her said husband, and she therefore prays that she may be granted one.

In tender consideration whereof, and forasmuch as your oratrix is without remedy in the preimises, save by the aid of a court, of equity, where such matters are alone and properly cognizable, your oratrix prays that said George Smith may be made a party defendant to this suit, and required to answer this bill, though an answer under oath is hereby waived; that proper process may issue; that all proper depositions may be taken; and that your oratrix may be granted a full and absolute divorce a vinculo matrimonii from her said husband; and for all such other, further and general relief as this case may require, or which to equity may seem meet, and she will ever pray, etc.

Florence Smith
Counsel.

Virginia, County of Nansemond, to-wit:

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

Given under my hand this 15th day of April, 1913. My term of office expires on the 3d day of February, 1915.

R H Rawles
Notary Public.

Rawles Jr.

Smith vs Smith

Bill

Filed Apr. 21, 1913

G. E. Brinkley, Clerk

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

CIRCUIT COURT

Second Monday in January, March, May, July and October

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

Nansemond County Clerk's Office

SUFFOLK, VA.,

CLERK'S NOTES;

Florence Smith — Plft.

Vs. In Chancery:

George Smith — Deft.

Process issued April 15,1915.

Returnable to Second April Rules, Third Monday 1915

April 21,2nd.Rules

Process returned executed, Bill filed & decree nisi

May 5- 1st May Rules

Bill taken for confessed and cause set for

hearing.