

1914-013
Norfolk Co (Suffolk) Chancery Causes: Noah Allen vs Nettie Allen

Jones, Hale, Brickel, Lloyd

OVERSIZE
Box 4
- 1 marriage license (exhibit A)

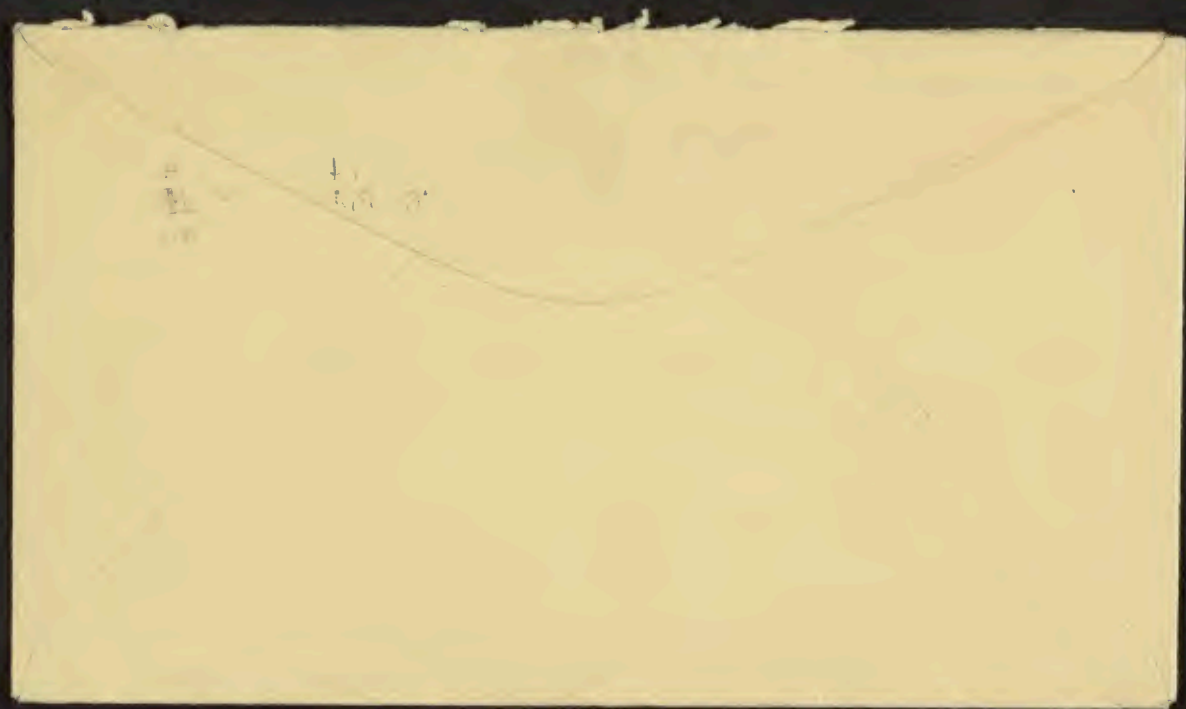
ALVAH H. MARTIN,
COUNTY CLERK OF NORFOLK COUNTY,
PORTSMOUTH, VA.



Mr. G. E. Bunting,

Clerk of Nansemond County,

Suffolk, Va.



J. R. SAUNDERS
Attorney at Law
PINNER BUILDING
Suffolk, Va.

Suffolk, Va., Feb. 13, 1914.

Mr. George E. Bunting, Clerk,
Suffolk, Va.

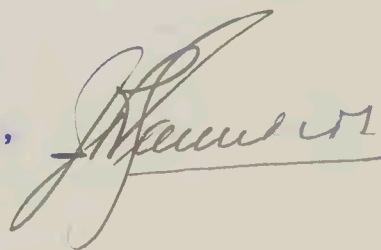
Dear Sir:-

I enclose you herewith bill in the case of Noah
Allen vs. Nettie Allen.

I would thank you to look up the marriage certifi-
cate on your Register and file with said bill a certified copy
of said certificate.

Thanking you in advance, I am

Yours very truly,



JRS/DS.

J. R. SAUNDERS
ATTORNEY AND COUNSELLOR AT LAW
PINNER BUILDING
SUFFOLK, VA.

April 3, 1914.

Judge James L. McLemore,
Suffolk, Va.

Dear Sir:-

I am sending you the Noah Allen papers,
as per our conversation of some time ago.

The reason that this error occurred, in
having the service accepted, was that the original summons
and the notice to take depositions were turned over to
Sheriff A. H. Baker, but on account of the fact that
Nettie Allen had the small-pox the Sheriff could not
get service of process. I saw Nettie Allen and asked
her to come up to my office and acknowledge the ser-
vice. At the time she came the Sheriff still had the
original papers and I sent down to the County Clerk's
Office by Mr. S. J. Moore and asked Mr. Bunting to
issue a new summons. In issuing the summons he under-
stood that it was the Tom Lee case instead of the case
of Noah Allen, and when the papers came to me the names
were not correct. With the instructions of Mr. Bunting
I changed the papers to make them read Noah Allen instead
of Tom Lee and in changing them I did not change the
date, which accounts for the service being acknowledged
before the process was issued.

Since talking with you, I have seen Sheriff
Baker and gotten from him the original summons and had
Nettie Allen acknowledge service as of the same date

J. R. SAUNDERS
ATTORNEY AND COUNSELLOR AT LAW
PINNER BUILDING
SUFFOLK, VA.

2.,

Judge J. L. McL.,

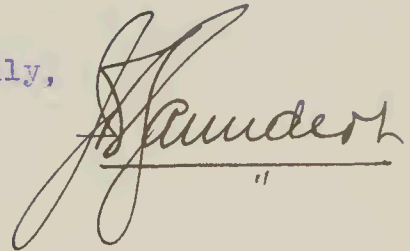
Suffolk, Va.

4/3/14.

she acknowledged it on the Tom Lee papers, and am now submitting them to you, with this letter as an explanation.

I will thank you to look these papers over, and, if you can do so, I will thank you to enter the enclosed decree.

Yours very truly,

A handwritten signature in cursive script, appearing to read "J. R. Saunders", is written over a horizontal line. The signature is fluid and stylized, with the first letters of the first and last names being capitalized and prominent.

JRS/DS.

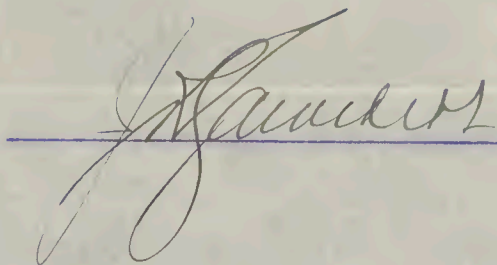
George E. Bunting, Clerk of the Circuit Court of Nansemond County,
Virginia.

Noah Allen,.....Complainant.

VS IN CHANCERY

Nettie Allen,.....Defendant.

Issue summons Second Rules (Third Monday) in
February, 1914.

A handwritten signature in dark ink, appearing to read "G. E. Bunting", is written over a horizontal line.

P. q.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Leotis Allen

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 *February* 191*8* to answer a Bill in Chancery, exhibited against *Her* in the said Court by *Isaac Allen*

And have then and there this summons.

Witness, *H. E. Smith*, Clerk of our said Court, at his office, this *3rd* day of *February*, 191*8*, in the 13*8* year of the Commonwealth.

A copy—Teste:

CLERK.

Teste:

CLERK.

Myack to
Feb 10th 1914 -
I hereby accept term and legal service
of the within summons as of Feb 10th
1914

Arthur Allen

Witness: Dahlia Sadler,

J. R. Saunders p. q.

Joan Allen

vs.

IN CHANCERY.

Betty Allen

1914

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 120

To Nettie Allen:

Take notice that on Thursday, the 19th day of February, 1914, at the office of John F. Pinner, a Commissioner in Chancery for the Circuit Court of Hanseman County, Virginia, No. 205 Washington Street, in the City of Suffolk, State of Virginia, between the hours of 10:00 A. M. and 5:00 P. M. on that day I shall proceed to take the depositions of to J. Daughlin and others, to be read as evidence in my behalf in a certain suit in equity depending in the Circuit Court of Hanseman County, Virginia, wherein I am plaintiff and you are defendant, and in case the taking of the 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 19th day of February, 1914.

Wook Allen by
J. Pinner his atty

Duffin to

Feb 10th 1914.

I hereby accept true and legal service
of the within summons as of Feb 10th
1914

Walter Allen

Witness Dahlia Sadler

Original

VIRGINIA,

IN THE CIRCUIT COURT OF HANCOCK COUNTY.

Josh Allen ----- Plaintiff)
vs. IN CHANCERY) Depositions.
Nettie Allen ----- Defendant)

The Depositions of T. T. Hale and others taken before me, John F. Pinner, a Commissioner in Chancery for the Circuit Court of the County of Hancock, State of Virginia, on Thursday, the 18th day of February, 1914, in pursuance of the annexed notice in the office of John F. Pinner, in the City of Suffolk, State of Virginia, between the hours of 10 A. M. and 4 P. M. to be read in evidence in a suit in Chancery in which Josh Allen is Plaintiff, and Nettie Allen is Defendant, pending in the Circuit Court of Hancock County, in the State of Virginia.

Present: J. R. Saunders, counsel for the Plaintiff.

No counsel for the Defendant.

Examination of all witnesses by Mr. Saunders.

To Nettie Allen:

January

Take notice that on the 19th day of ~~March~~, 1914, at the office of John F. Pinner, in the City of Suffolk, Virginia, between the hours of TEN (10:00) O'clock A. M. and THREE (3:00) O'clock P. M., of that day, I shall proceed to take the deposition of Prophet Lloyd and others to be used as evidence in my behalf in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein I am the plaintiff and you are the defendant; and if for any cause the taking of said deposition be not commenced, or, if commenced, be not concluded on that day the taking thereof will be adjourned from day to day, or from time to time, at the same place and between the same hours until the same shall be completed.

Given under my hand this the 18th day of February, 1914.

Nettie Allen
by J. F. Pinner atty

Suffolk Co Feb 10th 1914

I Hereto solemnly accept ^{and receive} True and legal
service of the within summons ~~of~~ Feb 10th, 1914.

Nettie Allen

Witness

Dahlia Sadler

WILLIAM THOMAS HALE, being duly sworn deposes and says:

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

A.- Name, William Thomas Hale, age 46, residence Cartwright's Wharf, occupation oystering, and I know the parties to this suit.

Q.- How long have you known Noah Allen and Nettie Allen?

A.- All my life; ever since I have known anything.

Q.- Are they now living together?

A.- No Sir, they are not, she lives here in Suffolk somewhere.

Q.- Did Noah Allen leave Nettie Allen, or did Nettie Allen leave Noah Allen?

A.- Nettie Allen left Noah Allen.

Q.- How long ago did she leave him?

A.- Five or six years ago.

Q.- Since that time have they lived together?

A.- No Sir, they have not.

Q.- How near have you been living to Noah Allen, and what opportunity have you had of knowing whether or not they have lived together since the time she left him?

A.- I live about three-quarters of a mile from Noah Allen and see him almost every day. He lives in Sleepy Hole and she lives here in Suffolk somewhere, about twelve miles apart.

Q.- Then you feel that you are prepared to swear before this Court that for a period of five or six years they have not lived together?

A.- Yes Sir.

Q.- Did Nettie Allen move out of the house of Noah Allen, or, did Noah Allen move out and leave Nettie Allen?

A.- Nettie Allen moved out and left Noah Allen.

W. T. Hale

ERNEST BRICKELL being duly sworn deposes and says:

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

A.- Name Ernest Brickell, age 26 years, live at Cartwright's Wharf, occupation farming, and I know both Nettie Allen and Noah Allen.

Q.- How long have you been knowing Nettie Allen and Noah Allen?

A.- About fifteen or twenty years. We were school children together.

Q.- Are they now living together?

A.- No Sir.

Q.- How long have they been living apart?

A.- Between five and six years.

Q.- Did Nettie Allen leave Noah Allen, or did Noah Allen leave Nettie Allen?

A.- Nettie left Noah.

Q.- Did Nettie move out of the house and leave Noah or did Noah move out of the house and leave Nettie Allen?

A.- Nettie Allen moved out of the house and left Noah Allen.

Q.- Since five or six years ago, have they ever lived together as husband and wife?

A.- No sir, they have not.. I have been living around there and have been seeing him all the time. I live in about a hundred yards of him now.

Q.- Where is Noah Allen now living?

A.- Noah Allen lives near Cartwright's Wharf, at his mother's.

Q.- Where is Nettie Allen living?

A.- In Suffolk somewhere; about twelve miles apart from him.

Q.-

Ernest Brickell

NOAH ALLEN being duly sworn deposes and says as follows:

Q.- Please state your name, age, residence, and occupation, and if you are the plaintiff in th is suit?

A.- Name Noah Allen, age 27 years, residence Cartwright's Wharf, occupation farming, and I am the plaintiff in this suit.

Q.- You have brought a suit against Nettie Allen, in which you allege that Nettie Allen has deserted you for a period of more than three years, next preceding the commencement of this suit, please state in your own way what you know about this case?

A.- We were married , I think, in 1904. I do not remember exactly the time that she left me, but I know that it has been four or five years ago. I think it was in 1908 when she left, in fact, I feel positive that it was 1908. When she left she said she was not coming back. I went to her five or six times and asked her to come back, and each time she said she was never coming back again.

Q.- Have you done, or, did you do, anything to cause her to leave you?

A.- No Sir, I always treated her the best way I could, but she would not stay with me.

Q.- Since the time that she left you, have you, at any time lived with her as husband and wife?

A.- No Sir, she never has been back to me at all.

Further this deponent saith not.

Q.- To Both W. T. Hale and Ernest Brickell;

Q.- Do you know of any reason that Nettie Allen had for deserting Noah Allen?

A.- No Sir I do not. She is now living with another man and says her name is Nettie Scott.

Noah Allen

PROPHET LLOYD, being duly sworn deposes as follows:

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

A.- Name, Prophet Lloyd, age 28 years, live at Cartwright's Wharf, and occupation farming, and I know the parties to this suit.

Q.- Please state whether or not Noah Allen and Nettie Allen are now living together?

A.- No Sir they are not.

Q.- Did Noah Allen leave Nettie Allen, or did Nettie Allen leave Noah Allen?

A.- Nettie Allen left Noah Allen.

Q.- Have you ever heard her say whether or not she would ever live with him again?

A.- I heard her say that she would never go back to him and live with him any more.

Q.- Are they now living together?

A.- No Sir they are not.

Q.- How long have they been living apart?

A.- I know of as much as three years, and probably four years.

Q.- Do you know any reason that Nettie Allen had for leaving Noah Allen?

A.- No Sir I don't.

Q.- Do you know of any cruel treatment that Noah Allen ever gave her?

A.- No Sir I do not.

Further this deponent saith not.

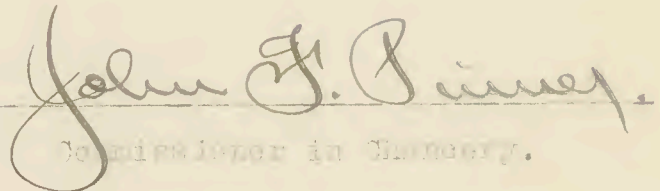
Prophet Lloyd

STATE OF VIRGINIA)
CITY OF SUFFOLK)
COUNTY OF HAMPSHIRE)

TO-WIT:

I, John F. Pinner, a Commissioner in Chancery for the Circuit Court of Richmond County, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing and signed by the witnesses, respectively, before me, at the place and the time therein mentioned, pursuant to the annexed notice.

IN WITNESS WHEREOF I have hereunto set my hand at Suffolk aforesaid this first day of February, 1914.


Commissioner in Chancery.

DEPOSITIONS

Joan Allen

vs. ID UNKNOWN

Nellie Allen.

Filed Mar. 2nd,
1914
J. F. Pinner
JOHN F. PINNER
ATTORNEY-AT-LAW
SUFFOLK, VIRGINIA.

Noah Allen,.....Complainant.

VS. IN CHANCERY

Nettie Allen,.....Defendant.

D E C R E E.

This cause came on this day to be heard on the complainant's bill, and the exhibits filed therewith; ~~the re-~~
~~pondent's answer to said bill; the complainant's replication~~
~~to said answer~~; and the depositions taken in Suffolk, Vir-
ginia, before John F. Pinner, the Commissioner in Chancery,
and filed on behalf of the complainant: and was argued by
counsel.

On consideration whereof, it appearing to the Court
independently of the admission of either party, in the pleadings,
or otherwise, that that the said parties were lawfully married
on January 11th, 1905; that both the said Noah Allen, and
Nettie Allen have resided, and have been domiciled in this
State ever since the aforesaid marriage, and for more than one
year next preceding the commencement of this suit; that the
said Noah Allen and Nettie Allen last lived together as hus-
band and wife at Drivers, in Nansemond County, Virginia:
The court doth adjudge, order and decree that the said Noah
Allen and Nettie Allen be divorced from the bonds of matrimony
which was created by the aforesaid marriage, and the said marriage
be, and the same hereby is, dissolved and annulled, and, nothing
further remaining to be done in this suit, it is further ordered
that the same be removed from the docket.

Noah Allen,...Complainant.

VS. IN CHANCERY

Nettie Allen,...Defendant.

D E C R E E.

Entered May 16, 1914.

Esq. S. M. Moore.

Entered in
Chancery Order
Book No. 4. Pg.
646.

Noah Allen,.....Complainant.

VS IN CHANCERY

Nettie Allen,.....Defendant.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA:

Your complainant, Noah Allen, respectfully represents:

First: That on the _____ day of _____,
19____, your complainant, whose name was Noah Allen, was lawfully
married at Emerline Gory's house, in the County of
Nansemond, Virginia, to Nettie Allen, as will appear from the cer-
tificate of marriage herewith filed, marked "Exhibit A", and made
a part of this bill; and

Second: That continuously from the date of said marriage
until the 1st day of January, 1910, your complainant
and the said Nettie Allen lived together as husband and wife, in
Nansemond County, Virginia; and

Third: That the said Nettie Allen has wilfully deserted
and abandoned your complainant for a period of more than three (3)
years, that is to say, that on the 1st day of January,
1910, the said Nettie Allen did voluntarily, wilfully, and with-
out any justification whatever, leave her home; that immediately be-
fore leaving she stated to your complainant that she was going to
leave him forever, and that she would never return to him; that she
id leave him and has never returned; and

Fourth: That your complainantⁿ has resided and been domi-
ciled in this State ever since the aforesaid marriage, and for more
than one (1) year next preceding the commencement of this suit, and
is domiciled and now resides in this State; and

Fifth: That your complainant last lived with the said Nettie Allen in Nansemond County, Virginia.

In consideration whereof, and forasmuch as your complainant is remediless in the premises, save in a court of equity, your complainant prays that the said Nettie Allen may be made a party defendant to this suit, and required, but not under oath, to answer the same, the oath being hereby waived; that proper process may be issued; that a divorce from the bonds of matrimony, which was created by the aforesaid marriage, may, be decreed; ^{him} and that your complainant may have all such other and further and general relief in the premises as the nature of the case may require, or to equity shall seem meet.

~~#~~
~~Nettie Allen~~ Nash Allen
Complainant.

J. H. Hammers

STATE OF VIRGINIA,

COUNTY OF NANSEMOND: To-wit:

I, J. Saunders, a Notary Public of and for the County
aforesaid, in the State of Virginia, do certify that Noah Allen,
personally appeared before me and made oath that he signed the fore-
going writing; that the statements therein contained are true and
correct, according to his best knowledge information, and belief.

Given under my hand this the 12th day of February,
1914.

My commission expires on the 22d day of October,
1917.

J. Saunders
Notary Public.

Filed Feb. 16, 1917.
J. R. Saunders,
Att. R.

J. R. SAUNDERS
Attorney at Law
Pinner Building
SUFFOLK, VIRGINIA

CIRCUIT COURT

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

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

Nansemond County Clerk's Office

SUFFOLK, VA.,

Noah Allen

VS Phomary:

Irith Allen

Pft.

Pft.

Process issued Oct. 3, 1914; returned to Incl
Oct. Ruks; Third Monday, 1914. Executed (service accepted)

Recd filed & decree nisi.

March Ruks; First Monday, 1914

Decree nisi confirmed & cause set for hearing

Rule Notes;

MARRIAGE LICENSE



Virginia, Nansemond County 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,

Noah Allen

and Nettie Jones

Given under my hand, as Clerk of the Circuit Court of said County this 31st day of December 19 04

S.M. Lawrence, D.C. Clerk

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2239 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, 1905 January 11th

Place of Marriage, Nansemond County Va.

Full Names of Parties Married, Noah Allen and
Nettie Jones

Color, Colored

Age of Husband, 18 years

Age of Wife, 18 years

Condition of Husband (widowed or single or divorced) single

Condition of Wife (widowed or single or divorced) single

Place of Husband's Birth, Pitt Co. N.C.

Place of Wife's Birth, Nansemond Co. Va.

Place of Husband's Residence, Nansemond Co. Va.

Place of Wife's Residence, Nansemond Co. Va.

Names of Husband's Parents, James Nicholas Allen
and Laura his wife

Names of Wife's Parents, Alex Jones and Oliva
his wife

Occupation of Husband, Farm Laborer

Given under my hand this 31st day of December 1904

S.M. Lawrence, D.C. Clerk

Certificate of Time and Place of Marriage.

I, Rev. Berry Powell, a of the Little Zion Baptist Church, or religious order of that name, do certify that on the 11 day of January 1905, at 8 O'clock, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 11 day of January 19 05

Rev. Berry Powell

The Minister celebrating a marriage is required, within two months thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A copy-Teste.

A. E. Brunting, Clerk

279

Noah Allen

with } Marriage
 } Certificate

Nettie Jones

1905

January 11.