

1915-005
Norfolk Co (Suffolk) Chancery Causes: Charles Barnes vs Lucinda Barnes

Whitehead, Holland, Parden, Goodman

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE ^{Sergeant, City of Norfolk}
~~CLERK OF NANSEMOND COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON..... Lucinda Barnes.....

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, 1914., to answer.....a.....Bill in
Chancery, exhibited against.....her.....
in the said Court by.....Charles Barnes.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this.....16th.....day of
December....., 1914., in the 13.9th. year of the Commonwealth.

~~Attest:~~

Teste:

CLERK }

G. E. Bunting,

By *Nate Parker*, Clerk.
D. C.

Executed this 17th day of December, 1914 by delivering a true copy of the within process to Lucinda Barnes

County of Norfolk, State of Virginia.
in person, in the County of ~~Nansemond~~ *Norfolk*

*W. L. Hudgens, Deputy
By Geo. E. Smith Deputy*

ORIGINAL

S. E. Everett, p. q.

Charles Barnes

vs. In Chancery.

Lucinda Barnes

1914

DECEMBER Rules.

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 2...

Page 28.

TO GEORGE E. BUNTING, ESQ., CLERK OF THE CIRCUIT COURT
OF NANSEMOND COUNTY, VIRGINIA.

Charles Barnes.....Complainant.

vs. In Chancery.

Lucinda Barnes.....Defendant.

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

Hever p.q.

Deposit Fee \$7.50

Rule Notes

Process issued Dec. 15, 1914, returnable to
Dec. Rules, Third Monday 1914.

Dec. 21, 1914. Process returned & ruled, no
filing, decree nisi.

Jan. 4, decree nisi confirmed & Cause set for
hearing.

Charles Barnes

vs.

Lucinda Barnes

MEMORANDUM.

To Lucinda Barnes.

Take notice that I shall, on the 8th. day of January, 1915, at the office of Everett & Hutton, attorneys, in Suffolk, Virginia, between the hours of 10 A. M. and 4 P. M., on that day, proceed to take depositions of *Jack Smith* and others, to be read in evidence in my behalf, in a certain suit depending in the Circuit Court of Nansemond County, wherein you are defendant and I am complainant, and if from any cause the taking of 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 be completed.

Given under my hand this 15th. day of December, 1914.

Charles Barnes,

By *W. C. Everett*

No witnesses appearing on the 8th. day of January 1915, the taking of the following depositions was continued until January 9th. 1915, at the same place, and between the same hours, as mentioned in the above notice.

Bradford Kilby
Commissioner in Chancery.

Original

Notice of taking depositions.

Executed in the City of Norfolk, Va.,
this the 21 day of Dec 1894 by
serving a Copy hereof on

Lucinda Barnes

IN PERSON.

C. L. HUDGINS,

Sergt. City of Norfolk, Va.

By Geo. Q. Hitch Depty.

The depositions of Hardy Holland, June Darden, Meredith Goodman, and Charles Barnes, taken before me Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, pursuant to the notice hereto annexed, at the office of Everett and Hutton, in the City of Suffolk, Virginia, on the 9th. day of January 1915, between the hours of 10 A.M. and 4 P.M. to be read as evidence in behalf of Charles Barnes, in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein Charles Barnes is Plaintiff and Lucinda Barnes is defendant.

Present: John K. Hutton, Attorney for the Plaintiff.

No attorney for the defendant.

Mr. Hardy Holland, being duly sworn deposes
and says as follows:

Q. Mr. Holland, please state your name, age residence and occupation?

A. My Name, Hardy Holland, I am 36 years old, reside in Suffolk, and I am deputy Sheriff.

Q. Do you know Charles Barnes and Lucinda Barnes?

A. Yes sir.

Q. How long have you known these parties?

A. I have known Charles for about 18 years and Lucinda for about ten (10) years.

Q. Was Lucinda Barnes Charles' first or second wife?

A. Second wife.

Q. Are Lucinda and Charles living together at this time?

A. No sir

Q. Were they living together as man and wife in 1911?

A. In 1911 on one occasion I was at his house and they were living together then.

Q. Do you whether or not she left him soon after that time ?

A. Yes she left him directly after then I think.

Q. Do you know where she went?

A. I do not, I heard she went up in Mecklenburg County.

Q. Have you seen her since that time?

A. On one occasion In Holland.

Q. From your observation of these parties can you state whether or not Charles treated Lucinda good or as a man should treat his wife?

A. He did so far as I know I was in that section once or twice a week and I never heard of any trouble.

Q. Was he a hard working man?

A. Yes sir, I would like to have him on my farm now.

Q. What was Charles' reputation?

A. I have never heard anything against him.

Q. Do you know anything about the reputation of Lucinda in the communication at that time?

A. Yes sir.

Q. What was it?

A. Bad.

Q. Are you in a position to state whether or not Charles was a good husband to his first wife?

A. I certain am, I lived close to him and I never heard a word against him.

Q. Is there anything else you want to say?

A. No sir.

And further, this deponent saith not.

Neddy Halland for

June Darden being duly sworn deposes and says as follows:

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

A. My name June Darden, 44 years old, live in Hansmond County and am a farmer.

Q. Do you know Charles Barnes and Lucinda Barnes?

A. Yes sir.

Q. How long?

A. I have been knowing Charles twenty-five (25) years and Lucinda about five (5).

Q. Darden tell what you ~~know~~ know about this case?

A. Well Charles was married in my house sometime in June 1911, and from that time they lived good together until sometime in November Charles had a lot of children about seven I think and it seems that those children gave dissatisfaction, and she said she was not going to work and raise other people's children that she had none or her own herself and then she left him in November for Mecklenburg County and stayed up there about one month and she came back to my house and said she was looking for some thing she left behind and was on her way to Philadelphia so I have not seen the lady but once since in Norfolk and that is all I know about her.

Q. Did you live close by them?

A. Yes sir.

Q. Was her good to her?

A. Yes sir.

Q. Did he work hard?

A. Yes, a hard working man and a sober man and a member of my church.

Q. Did they have any quarrels as far as you know?

A. No sir.

Q. Where did they last live together?

A. In Hansemond County, Holy Neck District.

Q. Do you know whether Charles moved away from there or from the County after Lucinda left him?

A. After she left him of course he moved away from the County to his Sister's to have someone to look after them children.

Q. Where was that?

A. That was in Chase City, Virginia, I think that is where his Sister lived.

And further this deponent saith not.

June Darden.

Meredith Goodman being duly sworn deposes and says as follows:

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

A. My name is Meredith Goodman, I am 44 years old, I live in Hansemond County and am a farmer.

Q. Do you know Charles and Lucinda Barnes?

A. Yes sir.

Q. How long have you known them?

A. I have been knowing Mr. Charles Barnes for twelve or fifteen years. I did not know Lucinda Barnes until about two months before he married her.

Q. Did you live close to Charles and Lucinda?

A. Yes sir I lived right in sight.

Q. Did they seem to get along well, together?

A. Yes sir as good as man and wife could.

Q. Did he work hard?

A. Yes sir.

Q. Did you ever hear him make complaint of any kind?

A. No sir.

Q. Did she leave him?

A. Yes sir.

Q. Have you seen them together since?

A. No sir.

Q. Do you know where she went when she left?

A. She said she was going to Mecklenburg County, Virginia.

Q. Has she lived in this county since that time or since she left Charles?

A. I do not know I saw her when she come back and she did not stay there long I saw her at Mr. Darden's house.

Q. Then Meredith she has not lived in the County since she left?

A. No sir.

Q. Do you remember when she left him.

A. Sometime in November 1911.

And further this deponent saith not.

Charles Barnes, being duly sworn deposes and says as follows:

Q. Plases state your name, age, residence, and occupation?

A. My name is Charles Barnes, I am 45 years old, reside in Chase City, Virginia, and am a teamster.

Q. Charles you havealleged in this bill that your wife deserted you in November 1911 is that true?

A. Yes sir.

Q. Where were you living?

A. We were living on Mr. Luke's farm in Holy Neck District, Nansemond County, Virginia.

Q. Where were you married?

A. In June Darden's house.

Q. How many children did you have?

A. SEven (7) at the time she left sir.

Q. Charles why did your wife leave you?

A. A little while after we got married she told me that she had heard so much talk of my being such a worker in the County and had been there so long and she though I had money and found I had so many children and she could not afford to work for all those children.

Q. When did she leave you?

A. In November 1911.

Q. Have you see her since that time?

A. No sir.

Q. Who is looking after the children now Charles?

A. My sister.

Q. Is the reason you have just given the only one you know she left for, and did you give her any cause to leave?

A. No sir I gave her no cause to leave, I did all I could for her and gave her everything she said she needed

that I could get.

Q. You have nevre lived anywhere but in the State of Virginia, have you?

A. No sir.

Q. When she left you you were living in Nansemond County were you not?

A. Yes sir.

And further this deponent saith not.

L. H. Smith

Virginia,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County in said State, do hereby certify that the foregoing depositions of Hardy Holland, June Darden, Meredith Goodman and Charles Barnes, were duly taken, sworn to and subscribed before me, at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this 9th day of January 1915.

Bradford Kilby
Commissioner in Chancery.

Depositions

Barnes

v.

Barnes

In Chancery

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

Charles Barnes.....Complainant.

vs.

Lucinda Barnes.....Defendant.

This cause, in which process has been duly served on the defendant, Lucinda Barnes, and she still failing to appear and plead, answer or demur, came on this day to be heard on the bill, exhibits, and depositions of witnesses, taken on the 9th. day of January, 1915, before Bradford Kilby, A Commissioner in Chancery, and filed on behalf of said Complainant as of said date, and was argued by counsel.

it appearing that the parties last cohabited in this county where the plaintiff still resides and
On consideration whereof, the court being of opinion, from the evidence furnished in this cause, that the defendant has abandoned the complainant for a period of more than three years, doth adjudge, order and decree that the marriage heretofore had and solemnized between the defendant, Lucinda Barnes, (formerly Lucinda Whitehead), and the complainant, Charles Barnes, shall be, and the same is, hereby dissolved.

Charles Barnes

vs.

Decree

Lucinda Barnes

Enter the 6th day of February,
1916.

James W. Moore.

Entered in Chancery Order Book,
No. 4, Page 692.

Charles Barnes.....Complainant.

vs. In Chancery.

Lucinda Barnes.....Defendant.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT COURT FOR
HANSEMOND COUNTY:

Your complainant, Charles Barnes, respectfully represents:

(1) That on the 25th day of June, 1911, your complainant was lawfully married, in Hansemond County, to Lucinda Barnes, whose maiden name was Lucinda Whitehead, as will appear from a certificate of marriage herewith filed, marked "Exhibit A", and made a part of this bill; and,

(2) That continuously from the date of said marriage until about the middle of the month of November of the same year, your complainant and the said Lucinda Barnes lived together as husband and wife in Holy Neck Magisterial District, Hansemond County, Virginia; and,

(3) That the said Lucinda Barnes has wilfully deserted and abandoned your complainant for a period of more than three years: that is to say, on the _____ day of November, 1911, the said Lucinda Barnes did voluntarily, wilfully, and without any justification whatever leave your complainant; that immediately before leaving she stated to your complainant that she was going to leave him forever and that she would never retrun to him; that your complainant has been informed that she spent several days at Holland after which she left the county; that your complainant has never seen her since the day she deserted him except on one occasion when she returned to the house a few days later to remove some personal effects that she had left there; and,

(4) That your complainant has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and is domicled and now resides in this State; and,

(5) That your complainant last cohabited with the said Lucinda Barnes in Holy Neck Magisterial District, Hansemond County, Virginia:

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

Barnes may be made 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 him; and that your complainant may have all such further, and other, and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

Leahie Barnes

Complainant.

Everett Duncan

Counsel.

Charles Barnes
vs. Bill in Chancery
Lucinda Barnes

Filed Dec. 21-1914-
State Parks, etc.

LAW OFFICES
Everett & Hutton
SUFFOLK, VA.

Cuts	
Club	433
Unit Tax	150
Alg.	1500
Shy.	100
	\$2223