

1916 - 005
Norfolk Co (Suffolk) Chancery Causes: Walter D. Winborne vs Mary Louise Winborne

Carney, Hearst, Broadnax, Valentine, Hargrave

OVERSIZE

Box 4

- 1 marriage license (exhibit A)

VIRGINIA: In the Circuit Court of
Nansemond County, on the 23rd
Day of March, 1916.

Walter D. Winborne....Complainant
vs.

Mary Louise Winborne....Defendant

The object of this suit is for the
complainant to obtain from the de-
fendant a divorce a vinculo matrimo-
nii on the ground of desertion, and
affidavit having been made that the
said defendant is not a resident of the
State of Virginia, she is hereby re-
quired to appear within fifteen days
after due publication of this order
and do what may be necessary to pro-
tect her interest.

A copy-Teste,

GEORGE E. BUNTING, Clerk
Everett & Hutton, p. q.

Mar. 24-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., **MAY 11 1916** 190---

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 *March 24 - 1916* --- and ending *Apr 11 - 1916*

Charges
3.00

W. J. Hendrich
W. J. Hendrich Editor Herald

VIRGINIA:

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

Walker W. Strickland Pltff.)
vs.) In Chancery
Gracy Bessie Strickland Df't)

I hereby certify that on the 22nd day of March 1916

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, and that I mailed a copy of the order of publication to said defendant at her last known address or place of abode.

Given under my hand this 22nd day of March, 1916

H. B. Pender, Clerk,

By _____, Deputy Clerk.

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

Walter D. Winborne.....Complainant.

vs.

Mary Louise Winborne.....Defendant.

Your petitioner states that he has instituted suit for a divorce
a vinculo matrimonii from Mary Louise Winborne, his wife, on the
ground of desertion and prays your Honor to grant him an order of
publication.

Walter D. Winborne Complainant.

By counsel S. E. Everett

Application for order of
publication.

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY, ON THE 23RD,
DAY OF MARCH, 1916.

Walter D. Winborne.....Complainant.

vs.

Mary Louise Winborne.....Defendant.

The object of this suit is for the complainant to obtain from
the defendant a divorce A VINCULO MATRIMONII on the ground of desertion,
and affidavit having been made that the said defendant is not a resident
of the State of Virginia, she is hereby required to appear within fifteen
days after due publication of this order and do what may be necessary
to protect her interest.

Order of publication.

Enter March 23. 1916

J. L. M. Lums

Order Books 5-

Page 40-

Walter D. Winborne.....Complainant.

vs.

Mary Louise Winborne.....Defendant.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

This day the above named complainant personally appeared before me, S. E. Everett, a notary public in and for the city aforesaid, in the State of Virginia, and made oath before me in my city aforesaid that Mary Louise Winborne, the above named defendant, is not a resident of the State of Virginia, and that her last known address or place of abode is New York City, New York.

Given under my hand this 23rd. day of March, 1916.

S. E. Everett N.P.

Affidavit of non-residence.

TO GEORGE B. BUNTING, ESQ., CLERK OF THE CIRCUIT COURT OF
HANSEMOND COUNTY.

Walter D. Winborne.....Complainant.

vs.

Mary Louise Winborne.....Defendant.

Issue summons to First(First Monday)Rules in April, 1916.

Everett Heston

p.q.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.....

Mary Louisa Hinborne.....

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 *April 1914*, to answer *a* Bill in
Chancery, exhibited against *her*
in the said Court by *Walker W. Hinborne*

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this *23rd* day of
March, 19*14*., in the *14th* year of the Commonwealth.

A copy—Teste:

G. E. Bunting, Clerk. }

Teste:

G. E. Bunting, Clerk.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.....

Mary Louise Hinbman

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 *2nd* Monday in *April* 19*14*, to answer *a* Bill in
Chancery, exhibited against *her*
in the said Court by *Halter D. Hinbman*

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this *22* day of
March, 19*14*, in the 18*0* year of the Commonwealth.

A copy—Teste:

G. E. Bunting, Clerk.

Teste:

G. E. Bunting, Clerk.

in person, in the County of Nansmond, State of Virginia..

Sheriff.

VB.

19.....

Rules.

. Monday.

NANSEMOND COUNTY COURT,

Process Book, No.....

Page.....

The depositions of G. E. Hargrave and others, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Hansemond County, Virginia, at the office of S. E. Everett, in Suffolk, Virginia, on the 10th. day of May, 1916, between the hours of 10 A. M. and 5 P. M. to be read as evidence on behalf of Walter D. Winborne in a certain suit in equity depending in the Circuit Court of Hansemond County, Virginia, wherein Mary Louise Winborne is defendant and Walter D. Winborne is plaintiff.

Present S. E. Everett, Attorney for plaintiff.

No attorney for defendant.

W. H. Hearst, being duly sworn, deposeseth as follows:

Q. State your name, Age and occupation.

A. I am 35 years old. My name is Willie Hearst or W. H. Hearst and I drive on the streets.

Q. Where do you reside?

A. I live in Suffolk.

Q. Do you know Walter D. Winborne and Mary Louise Winborne?

A. Yes. I have been knowing them sometime. I knew his wife before I knew him and I know his wife before he knew her.

Q. Do you know when they were married?

A. Yes, I knew when they were married. I took my carriage and carried Winborne up there where they were married and saw them married.

Q. What year was this?

A. The latter part of 1907.

Q. Do you know when and how they lived after they were married?

A. Winborne rented a room from me and went to I. C. Hill's place and bought him some furniture and staid there at my place until his wife left about eight months after they were married.

Q. Do you know whether or not Winborne treated her properly?

A. Yes. Winborne was a working boy and quiet. He worked at Suffolk Feed and Fuel and at the hotel and made good wages and he didn't throw away his money. He took care of her.

Q. Why did she leave him?

A. That I can't say. I can say that I am satisfied he never gave her any cause to go away like that. I know she left and he came home and didn't know she was gone. It come to me straight that she was married and living in New York City. If this is so, I know why she left him.

Q. Is there anything else you want to say about this?

A. I do not. I can only say that Winborne was above the average colored man and she couldn't saddle her wrong action on him. I knew him before he moved

to my house. And I still saw more of him while he was there and I am satisfied she ought not to give him up like that.

And further this deponent saith not.

W. D. Winborne

Walter D. Winborne, being duly sworn, deposes as follows:

Q. State your name, age, residence and occupation.

A. My name is Walter D. Winborne. I am 34 years old, live in Hansemond County and my occupation is farming.

Q. Where is your wife now?

A. I don't know. She is supposed to be in New York City.

Q. Where was she when you last heard from her?

A. I heard from her through someone else and heard she was in New York City.

Q. Was this recently?

A. Yes, within the last twelve months.

Q. Are you now living together?

A. No. We haven't lived together since we separated in July 1908.

Q. Then you lived together from the fall of 1907 until July 1908?

A. Yes. She has been away since that time.

Q. Have you heard from her since.

A. I heard of her through some else as I said a minute ago. Besides that I saw her once or twice just after she left me. It was in the same month, I think. She came to Suffolk. It might have been to get her clothes. I don't know about that.

Q. How long has that been?

A. About eight years.

Q. How long did you live with your wife?

A. About eight months.

Q. Where did you live during that time.

A. I lived in Hansemond County from my marriage till the separation.

- Q. What cause did you give her to leave you?
- A. I don't know of any cause.
- Q. Where have you been living since you were married?
- A. I have lived in Nansemond County, Virginia.
- Q. Where did you live the year just preceding this suit?
- A. Nansemond County, Virginia.
- Q. When did your wife leave you?
- A. She left me in July, 1908.
- Q. Did she tell you she was going to leave you?
- A. No.
- Q. Did you take her to the train?
- A. No. I did not. I didn't know anything about her leaving.
- Q. Where did you work while you were married?
- A. At the Suffolk Feed and Fuel Company.
- Q. Does Mr. Bell know you?
- A. Yes.
- Q. State some others here who know you and who would speak a good word as to your character.
- A. Well, Mr. Hill at the hotel and Mr. Genie Hargrave at the National Bank of Suffolk and others.
- Q. Where did you last cohabit with your wife?
- A. In Nansemond County. We never lived anywhere else.

And further this Deponent said, not.

Walter D. Skinborne.

Junius Broadnax, being duly sworn, deposes as follows:

Q. State your name, age, residence and occupation.

A. I live in Suffolk. I am 28 years old and I am a laboring man. My name is Junius Broadnax.

Q. Do you know Walter D. Vinborne and his wife?

A. Yes I know them.

Q. How long have you known them.

A. I have been knowing him for 3 or 4 years. I was married just before he was and I knew him then. I have been knowing her since she was a child.

Q. Do you know when they married?

A. He married shortly after I did, and that was 1907.

Q. Did you live fairly close to them?

A. I lived in same neighborhood.

Q. How long did they live together?

A. I know it was only a short while. I can't say just how long it was.

Q. Was it more than three years ago?

A. I know it was more than six years ago and maybe longer than that.

Q. Did he give her any cause to leave him so far as you know?

A. He did not. I knew him well. He worked hard and was a steady boy. I know he did not run about.

Q. Do you know whether these parties ever lived together after she left him?

A. I am satisfied they have not lived together since.

Q. Do you know whether or not his wife left this county?

A. I know I haven't seen her around here since except I saw her once or twice soon after she left him.

And further this deponent saith not.

Junius Broadnax

Mina Valentine, being duly sworn, deposeth as follows:

State your name age, residence, and occupation.

A. Mina Valentine is my name. I live in Suffolk. I live with Mr. Joseph P. Hall as his servant. I am about 38 years old.

Q. Do you know the parties to this suit?

A. I do.

Q. Are they living together now?

A. They are not.

Q. Did you live near them when they lived together?

A. I did.

Q. Do you know why Winborne's wife left him?

A. I have no idea. I just know Winborne was a sober, hardworking colored man. I certainly thought he would make that woman a good husband, but it turned out she didn't stay with him very long anyway.

Q. Is there anything else you want to say?

A. No more than I know W. D. Winborne is a good, upright man and that his wife left him about eight years ago.

Witness:

Bradford Kilby

^{her}
Mina Valentine
Witness

Mina Valentine being recalled deposeth further as follows:

Q. What did you see of Winborne after his wife left him?

A. He boarded with me for five years after she left him.

Q. How long have you been working at Joseph P. Hall's?

A. I have been working there for thirteen years.

And further this deponent saith not.

Witness:

Bradford Kilby.

^{her}
Mina Valentine
Witness

C. E. Hargrave, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and do you know the plaintiff, Winborne, in this suit?

A. C. E. Hargrave, 35 years old, Suffolk, Va., assistant cashier of the National Bank of Suffolk. I know Winborne, have been knowing him for the past six or seven years.

Q. What do you know as to his character?

A. He is an honest and upright negro as far as I know. He worked for L. P. Hill at the Mansfield Hotel for several years, and would be trusted by Mr. Hill to bring his money to deposit in the bank.

And further this deponent saith not.

C. E. Hargrave

Virginia,

County of Nansemond, to-wit;

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Va. do hereby certify that the foregoing depositions of C.E. Hargrave, Junius Brodnax, Nina Valentine and W.H. Hurst 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 10th. day of May 1916.

Bradford Kilby

Commissioner in Chancery for the Circuit
Court of Nansemond County, Va.

Walter De Vinbome
13. De Vinbome
Mary Louisa De Vinbome

Dated May 10, 1816
A. De Vinbome
Vice

IN THE CIRCUIT COURT OF HANSEMOND COUNTY:

Walter D. Winborne.....Complainant.

vs.

Mary Louise Winborne.....Defendant.

This cause, in which the complainant appears to have proceeded in the mode prescribed by law against the non-resident defendant, Mary Louise Winborne, came on this day to be heard on the bill, depositions and exhibits taken on the 10th. day of May, 1916, before Bradford Kilby, a Commissioner in Chancery, and filed on behalf of the complainant as of said date, and was argued by counsel.

On consideration whereof, it appearing to the Court that the said parties were lawfully married; that the said defendant has abandoned the said plaintiff; that a period of more than three years has elapsed since said abandonment; that said complainant has been domiciled in this state for more than one year next preceding the commencement of this suit; and that said complainant and defendant last cohabited in the County of Hansemond; the Court doth adjudge, order and decree, that the said Walter D. Winborne and Mary Louise Winborne be divorced from the bond of matrimony, which was created by the aforesaid marriage, and that the said marriage be, and the same is hereby dissolved. And there remaining nothing further to be done in this cause, it is ordered that the same be stricken from the docket.

Walter D. Winborne

vs.

Mary Louise Winborne

Enter the 17. day of May,
1916.

Jas. L. Moore

Entered in Chancery Order Book,
No. 5- , Page 45-

Walter D. Winborne.....Complainant.

vs.

Mary Louise Winborne.....Defendant.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY:

Your complainant, Walter D. Winborne, respectfully represents:

That on the 11th. day of December, 1907, your complainant was lawfully married in Nansemond County, Virginia, to Mary Louise Winborne, whose maiden name was Mary Louise Carney, as will appear from a certificate of marriage herewith filed, marked Exhibit A, and made a part of this bill;

That continuously from the date of said marriage until sometime in the month of July, 1908, to-wit on the day of July, 1908, your complainant and Mary Louise Winborne lived together as husband and wife in said county;

That the said Mary Louise Winborne has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, on or about the day of July, 1908, the said Mary Louise Winborne did, voluntarily, wilfully, and without any justification whatever leave and desert your said complainant; That when he came home he found she had gone away and did not know where she had gone; A short while after that, he saw the said defendant in Suffolk, but has never seen her since; that your complainant has heard from her only once since that day, and that not directly; that your complainant does not know whether she be alive or dead at this time;

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 domiciled and now resides in this state; and that your complainant last cohabited with the said defendant in said County of Nansemond:

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 Mary Louise Winborne 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.

Walter D. Winborne

Complainant.

Everett Hutton

Counsel.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

Walter D. Winborne, 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 he believes them to be true, and that there is no collusion between him and ~~any~~ the defendant in said bill.

Walter D. Winborne

Complainant

Taken, sworn to and subscribed before me, S. E. Everett, a notary public of and for the city and state aforesaid, in my city aforesaid, this 1st day of April, 1913.

S. E. Everett

N.P.

Walker D Winborne
82. Bell

Mary Louise Winborne

Filed Apr. 3, 1916,
J. E. Manning,
Clerk

LAW OFFICES
Everett & Hutton
SUFFOLK, VA.

Walter D. Thiborne

Deft.

vs

Chancery

Mary Louise Thiborne

Plt.

Mar. 23, 1914. Affidavit of non-residence filed. Ord. of Pub.
vs Mary Louise Thiborne.

Apr. 3, Bill filed

Apr. 17, Set for hearing on Ord. of Pub.

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,

_____ Walter D. Winborne _____

and _____ Mary Louise Carney _____

Given under my hand, as Clerk of the _____ Circuit _____ Court
of _____ said county _____ this 11th, day of December 19 07
_____ A. P. Gomer, _____ D. Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, 1907, December 11,	Place of Husband's Birth, Hertford Co. N.C.
Place of Marriage, Suffolk, Va.	Place of Wife's Birth, Nansemond County, Va.
Full Names of Parties Married, Walter D. Winborne	Place of Husband's Residence, Suffolk, Va.
& Mary Louise Carney	Place of Wife's Residence, Suffolk, Va.
Color, Colored	Names of Husband's Parents, Pompey Winborne &
Age of Husband, 25 years	Alice his wife
Age of Wife, 21 years	Names of Wife's Parents, Henry Carney & Caroline
Condition of Husband (~~widowed~~ or single or ~~divorced~~)	his wife
Condition of Wife (~~widowed~~ or single or ~~divorced~~)	Occupation of Husband, Drayage

Given under my hand this 11th day of December 1907
_____ A. P. Gomer, _____ D. Clerk.

Certificate of Time and Place of Marriage.

I, _____ an an ordained _____, a minister of the Baptist
Church, or religious order of that name, do certify that on the 11th day of
Dec. 19 07, at Suffolk, Va., under authority of the above
License, I united in Marriage the persons named and described therein.

Given under my hand this 11th day of Dec. 19 07.
A true copy, Teste: _____ Clerk _____ W. W. Gaines

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.

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Walter D. Winborne
With Certificat of Marriage
Mary Louise Carney

1907
December 11,