

1918 - 007

Nansemond Co (Suffolk)

Chancery Causes: S.C. Wester vs Alma Wester

Pruden, Soddens, Council

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

S. C. Wester.....Plaintiff

v. IN CHANCERY

Alma Wester.....Defendant.

Issue summons SECOND RULES (THIRD
MONDAY) in October, 1917.

Samuel H. Hester P. Q.

Rule Note;

*Oct. 15, 1917, Process issued, returnable to October Rules
3rd Monday, 1917.*

*Oct. Rules, 3rd Monday, Bill filed & decree nisi
Inv. Rules, 1st Monday, Decree nisi confirmed.*

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Alma Wester

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 ¹⁹¹⁷ Monday in October, to answer a

Bill in Chancery, exhibited against her

in the said Court by S.C. Wester

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 15th day of

October, 19 17, in the 142 year of the Commonwealth.

A Copy Teste:

[Signature] Clerk

Teste:

[Signature]

Clerk

Executed this 15 day of Oct, 1917 by delivering a true copy of the with-
in process to Alma Weston

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

E. E. Wagner
Sheriff

Saunders & Hutton, ----- p. q.

S. C. Weston

vs. } In Chancery

Alma Weston

1917

October Rules

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page -----

Table cloths, Towels, Napkins
Pictures & any thing else
that was given me by
my own people. Do this
right away. Say in
ten days.

Alma.

"Exhibit B"

"Exhibit B"

Aug 11-1914.

Sam:- I am here, home,
and I am going to stay
here. It was my intention
to leave you when I left
you Aug 8th 1914.

Now I want
you to send me, my
clothes & bridal presents
right away, which are
my Toilet set, ~~XX~~ Couch
& sugar dishes, 2 cream pitchers

The depositions of S.C.Wester and others taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, pursuant to notice hereto annexed, at the office of Saunders and Hutton in the City of Suffolk, Va. on the 19th. day of November 1917, between the hours of 10 A.M. and 5 P.M. to be read as evidence in behalf of S.C.Wester, in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein Alma Wester is Defendant and S.C. Wester is Complainant.

Present: John K.Hutton ,Attorney for Complainant.

No attorney for Defendant.

To Alma Wester:

Take notice that on the 19th day of November, 1917, between the hours of ten o'clock A. M. and five o'clock P. M., at the office of Saunders & Hutton, in the City of Suffolk, Virginia, I shall proceed to take the depositions of myself 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 the plaintiff and you are the defendant; and if from any cause the taking of the said depositions 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 12th day of November, 1917.

S. Christen

by Saunders & Hutton
Attorneys

..... in person
E. E. Wagner
Sheriff of Nassau and County.

3-144
001-13

S. C. Wester being duly sworn deposes as follows:

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

A. Name, S. C. Wester; age 35; residence, Petersburg; occupation, work for Virginia Trunk and Bag Company.

Q. You are the complainant, are you not, in a suit which you have filed for divorce from Alma Wester?

A. Yes.

Q. When were you married, Mr. Wester?

A. The 3rd day of July, 1911, in Southampton County, near Franklin, Va.

Q. Where was your wife's home at the time?

A. Nansemond County.

Q. How did you happen to be married in Southampton?

A. She was visiting in Southampton.

Q. Who are your wife's parents?

A. W. B. Pruden is her father.

Q. About how long did you make your home in Southampton County?

A. About a year and a half after we were married.

Q. Where did you go then?

A. To Nansemond County. I lived at the home of my wife's father, W. B. Pruden. He lives in Nansemond County near Chuckatuck.

Q. What occupation did you follow while you lived in Nansemond County?

A. Farming.

Q. Why did you remove from Southampton County to Nansemond County?

A. I removed from Southampton County to Nansemond

County because my wife had so often insisted that we go to Nansemond County so that she could be with her people. I was afraid, at the time, such a move would not be to my best interest, but in order to please her, I consented to go.

Q. How long did you continue to reside in Nansemond County?

A. Some time in August, 1913, I was offered a position by the Camp Manufacturing Company and decided that I could not afford to turn that position down. I talked it over with my wife and she finally consented to come to Franklin to live. I went on to Franklin in August, 1913, and rented a part of my sister's home and some time in January, 1914, my wife came and lived there until August 8, 1914. She left me on August 8, 1914 and went back to live with her father.

Q. What did she tell you she was going to do when she left?

A. She told me that she was going to see her sick mother.

Q. Did she ever return to Franklin to live with you or has she ever offered to return to live with you as man and wife any where?

A. No, she has not.

Q. Did she tell you before she left that she was leaving you forever.

A. No, she did not. She seemed to be very dissatisfied in Franklin and was always talking about going back to Nansemond County to live with her people. She did not tell me the day she left that she was going for good, but said she was going to see her sick mother.

Q. When did you find out that she left you with the intention of deserting you?

A. The 11th of August, 1914.

Q. How did you learn that?

A. By letter.

Q. Is this the letter that you received?

NOTE: Hands witness a letter.

A. That is the letter.

NOTE: Letter marked "EXHIBIT B",
filed with these depositions and
made a part thereof.

Q. Has your wife since August 8, 1914, offered to return to you or invited you to come to Hansemond County and live with her?

A. She has not.

Q. Did you return your wife's effects as requested by her in this letter dated August 8, 1914.

A. Yes, I returned the things she asked for.

Q. Where have you been living since the date of separation.

A. I lived in Franklin, Southampton County, about twelve months after the separation, then I went to Petersburg and have been there ever since.

Q. How long have you lived in this state?

A. I have lived in this state continuously all my life.

Q. Did you give your wife any cause to desert you?

A. I did all I could to make her happy. I worked steadily and furnished her with all the things she needed.

Q. Did she ever complain of your treatment of her?

A. No, she did not.

Q. As a matter of fact, have you ever known the real reason why your wife deserted you?

A. I don't believe she loved me. That is the only reason I know unless it was because she just wanted to live with her people.

Q. I understand you to say that you were living with your sister when your wife deserted you?

A. Yes.

Q. Was any one else in the house at the time?

A. I had a sister there from Rocky Mount, North Carolina. She was visiting my sister in Franklin and was in the house at the time. My sister left August 8, 1914.

Q. How long did she visit there?

A. About ten days.

Q. Is your sister here to testify in this case.

A. Yes.

Q. State whether or not Alma Pruden now lives in the County of Hansemond and whether or not this has been her home continuously from the alleged separation.

A. I know of my own knowledge that Hansemond County is her home and that she has lived here with her people since August 8, 1914.

And further this deponent saith not.

J. L. Wester

Mrs. William Sodden being duly sworn deposes as follows:

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

A. Mrs. William Sodden (formerly Willie May Wester)
residence, Rocky Mount, N. C.

Q. Mrs. Sodden, are you a sister of Mr. S. C. Wester?

A. I am.

Q. Were you visiting the home of your sister, Mrs.
J. T. Council, in the month of August, 1914?

A. I was.

Q. State whether or not Alma Wester left the home of
your sister during that visit.

A. She left the same day I was to leave and return
to North Carolina.

Q. Did you hear her give any reason for leaving?

A. No.

Q. Did you notice any dissatisfaction or seeming
unhappiness on the part of Mrs. Wester during
your ten days' visit?

A. Yes, decidedly; any one could mark it. She
seemed very nervous and dissatisfied and did
not take any interest in home affairs at all.

Q. So far as you know, did Mr. Wester give her any
cause for such seeming unhappiness?

A. No, I don't think so. As far as I know, he did
everything for the child that he could do.

Q. What do you know of your brother's character?

A. I know that he is a good boy; sober and indus-
trious.

Q. State whether or not you had any reason to be-
lieve that Mrs. Wester's mother was not sick.

A. Yes. On my way to North Carolina I was stopping

in Norfolk and I 'phoned from there to Mrs. Wester's brother and inquired about the ill mother. From the tone of his voice, he seemed to be surprised that I should think his mother was sick and replied that his mother was very well, indeed.

And further, this deponent saith not.

Mrs. J. M. Salinger

Charles Wester, being duly sworn, deposes as follows:

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

A. Name Charles Wester, age 20, residence Southampton County near Franklin. Live on the farm with my father.

Q. Mr. Wester, were you present when your brother, Samuel Wester, married Alma Pruden, of Nansemond County?

A. Yes, sir.

Q. Where were they married?

A. They were married at my father's.

Q. Mr. Wester, how long did your brother and his wife live at your father's in Southampton County?

A. About a year and a half I think. He left some time in January, 1913, then came to Nansemond County.

Q. How far do you live from the place where your sister resided in 1914?

A. About five miles.

Q. Did you often go there?

A. Yes, I went there about three times a week.

Q. Were you at your sister's home on or about the 8th day of August, 1914?

A. Yes, sir.

Q. Do you know whether or not your brother's wife, Alma Wester, left on that day to return to her people in Nansemond County?

A. Yes, she left August 8th.

Q. Did she have any conversation with you a few days before leaving?

A. She just said she wanted to go back with her people. She was not satisfied in Southampton and wanted to go back to live with her people.

And further this deponent saith not.

Charles West

Mrs. J. T. Council being duly sworn deposes as follows:

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

A. Mrs. J. T. Council (formerly Annie Wester), residence Franklin, Va.

Q. Mrs. Council, state whether or not S. C. Wester and Alma Wester were living at your home in Franklin on August 8, 1914.

A. Yes, they were.

Q. Did they rent a portion of the house from you?

A. Yes, sir.

Q. How long had they been living there?

A. He had been living there about a year; his wife came in January, 1914.

Q. What was the business of Mr. Wester at that time?

A. He was working for the Camp Manufacturing Company.

Q. State anything you may know about the alleged desertion.

A. I know that Alma, some time in August I think it was about the 8th, I know it was on the day that my sister was to leave to return to her home that Alma left Franklin and said she was going to see her mother who was sick. I know that a few days after that my brother got a letter from Alma and she said in the letter that she left him for good and wanted him to return her clothes and other personal property. I know that my brother continued to live there for several months and Alma did not return and so far as I know, she did not offer to return. I know that my brother did everything he could to please her and make her satisfied, but it seemed that she was always indifferent about everything in Franklin and wanted to get

back to Mansmond County. The impression was left on me that she was a very unhappy wife for some reason. I know my brother worked steadily and is a good boy and gave her all he could and all she needed.

Q. Have you reason to believe that Alma Wester's mother was not sick at the time she left Mr. Wester?

A. Yes, because my sister 'phoned her brother after Mrs. Wester left Franklin and was told that the mother was very well, whereas Alma had said that she was extremely ill.

And further this deponent saith not.

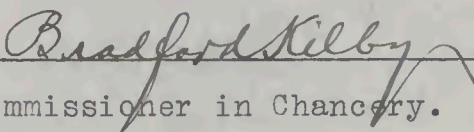
Mrs J. S. Council

Virginia,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do hereby certify that the foregoing depositions of S.C. Wester, Mrs. William Soden Jr., and Charles Wester and Mrs. J.T. Council, 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 19th. day of November 1917.



Commissioner in Chancery.

Comr's fee:- \$5.

DEPOSITIONS.

S.C.Wester,

v.

Alma Wester

In Chancery.

Filed Jan. 7, 1918
H. B. Smith,
Clk

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

S. C. Wester.....Complainant.

vs. IN CHANCERY

Alma Wester.....Defendant.

This cause came on this day to be heard on the complainant's bill and the exhibits filed therewith, the defendant failing to appear and plead, answer or demur, the depositions taken before Bradford Kilby, commissioner in chancery, and duly filed in this cause, and was argued by counsel.

On consideration whereof, the court being of opinion, independently of the admissions of either party, in the pleadings or otherwise, from the evidence furnished in the cause, *without justification or excuse* that the defendant [^] has abandoned the plaintiff for a period of more than three years, doth adjudge, order and decree that the marriage heretofore had and solemnized between the defendant, Alma Wester, (formerly Alma Pruden) and the plaintiff, S. C. Wester, shall be, and the same is, hereby dissolved; and that the said S. C. Wester be forever divorced from the said Alma Wester; and there being nothing further to be done in this cause, the same is ordered stricken from the docket.

DECREE

S. C. Wester

vs. In Chancery

Alma Wester.

Entered the 19th
day of January,

1910.

Jas. L. McNamee.

Entered in Chancery

Order Book 5,

at page 137.

S. C. Wester.....Complainant.

vs. IN CHANCERY

Alma Wester.....Defendant.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY:

Your complainant, S. C. Wester, respectfully represents the following facts:

On the 3rd day of July, 1911, your complainant was lawfully married to the defendant, whose maiden name was Alma Pruden, in Southampton County, Virginia, as will appear from a certificate of marriage herewith filed, marked "EXHIBIT A", and made a part of this bill. Your complainant and the said defendant lived together as man and wife at the home of your complainant's father in Southampton County where your complainant was engaged in farming until some time in January, 1913, when your complainant and the said defendant removed to Nansemond County, where they lived with the defendant's father, W. B. Pruden, in said county of Nansemond near Chuckatuck, continuously until in August of the same year, when your complainant was offered a good position by the Camp Manufacturing Company in Southampton County; at some time in the said month of August, 1913, your complainant accepted the said position and removed to Franklin, Virginia, where it was agreed that the defendant should later join your complainant. In the month of January, 1914, the said defendant did come to Franklin and join your complainant, where your said complainant and said defendant lived together until the 8th day of August, 1914.

Your complainant alleges that the said de-

defendant has wilfully deserted and abandoned him for a period of more than three years; that is to say, that on the 8th day of August, 1914, the said defendant did voluntarily, wilfully and without any justification whatever, leave the home of your complainant with the intention of leaving your complainant forever and never returning to him; and that since the said August 8, 1914, the defendant has never returned to your complainant and your complainant and said defendant have continuously lived apart.

Your complainant states that he gave the defendant no reason whatever to desert him; that he was always a dutiful husband, worked steadily and did all in his power to make said defendant happy; that during the time your said complainant and defendant lived at Franklin, your defendant seemed dissatisfied and unhappy, and often spoke of returning to her people in Nansemond County; that the said defendant, soon after she had reached Nansemond County after leaving your complainant on the said 8th day of August, 1914, wrote a letter to your complainant to the effect that she had abandoned him, which said letter will be offered as evidence in this suit.

Your complainant and the said defendant have resided and been domiciled in this state ever since the aforesaid marriage and for more than one year next preceding the commencement of this suit, and are now domiciled and reside in this state; that your complainant lives now in the City of Petersburg and the said defendant resides in Nansemond County, and has resided in Nansemond County since the said 8th day of August, 1914.

In consideration whereof, and forasmuch as

S. C. Hester
Complainant.

STATE OF VIRGINIA,)
) To-wit:
City of Suffolk, (

Given under my hand this 15th day of
October, 1917.

F. L. Lewis
Notary Public.

BILL

S. C. Wester

v. IN CHANCERY

Alma Wester

*Paid Oct. Rules and
Monday, 1917
J. R. Saunders
Clerk*

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