

1918-008
Nansemond Co (Suffolk) Chancery Causes: William H. Boone vs Mary C. Boone

Lee

Hon. Geo. E. Bunting Clerk Circuit Court
Harrison County:

William H. Boone

~~Boone~~

Boone

May C. Boone

Doan sum to 2nd November
1917 (3rd Monday in November 1917)
for plaintiff against defendant, &
answer a Bill in chancery.

W. H. Boone Jr.

Irvin near Holland Va.

Ask J. D. Reuter of the Holland
Lumber Corporation for infor-
mation.

Sept 8 5⁰⁰

No. 57/1917

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Mary C. Boone,-----

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 November ¹⁹¹⁷, to answer a
Bill in Chancery, exhibited against her
in the said Court by William H. Boone,-----

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 5th day of
November, 19 17, in the 142nd year of the Commonwealth.

A Copy---Teste:

Clerk

Teste:

Clerk

Mary C. Boone
1917, on the 19th day of Nov.
was executed on the said
19th day of Nov. 1917
within the county of Nanse-
mond by delivering a true copy
of the same in writing, and
giving information of its pur-
port to
J. H. Holland
who was found at
Mary C. Boone
usual place of abode, and who
is a member of
Mary C. Boone
family, and above the age of
twenty years.
E. E. Wagner
Sheriff of Nansemond County.

Mary C. Holland
1917, on the 19th day of Nov.
was executed on the said
19th day of Nov. 1917
within the county of Nanse-
mond by delivering a true copy
of the same in writing, and
giving information of its pur-
port to
J. H. Holland
who was found at
Mary C. Holland
usual place of abode, and who
is a member of
Mary C. Holland
family, and above the age of
twenty years.
E. E. Wagner
Sheriff of Nansemond County.

R. H. Rawles. p. q.
William H. Boone,
vs. } In Chancery
Mary C. Boone
1917
November Rules
Third Monday.
NANSEMOND COUNTY COURT,
Process Book, No 3.
Page 148

Executed this _____ day of _____, 191____ by delivering a true copy of the with-
in process to _____
in person, in the County of Nansemond, State of Virginia.
Sheriff

TO MARY C. BOONE;

Please take notice that I shall proceed on Saturday, the first day of December, 1917, between the hours of 8 A. M. and 6 P. M. at the office of R. H. Rawles, in Suffolk, Virginia, to take the depositions of Tom Lee 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, then 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.

Respectfully,

William Henry Boone,

By W. H. Rawles Counsel.

Notice
To take Depositions

Jet Holland
Mary C. Holland
could not be found at his
usual place of abode on the
19 day of Nov
1917, so the within process
was executed on the said
19 day of Nov 1917
within the county of Nanse-
mond by delivering a true copy
of the same, in writing, and
giving information of its pur-
port to
Jet Holland
who was found at
Mary C. Holland
usual place of abode, and who
is a member of
Mary C. Holland
family, and above the age of
18 years.
E. E. Wagner
Sheriff of Nansemond County.

Mary C. Boone
could not be found at his
usual place of abode on the
19 day of Nov
1917, so the within process
was executed on the said
19 day of Nov 1917
within the county of Nanse-
mond by delivering a true copy
of the same, in writing, and
giving information of its pur-
port to
Jet Holland
who was found at
Mary C. Boone
usual place of abode, and who
is a member of
Mary C. Boone
family, and above the age of
18 years.
E. E. Wagner
Sheriff of Nansemond County.

The depositions of Tom Lee and others, taken before
Bradford Kilby, Commissioner in Chancery for the Circuit Court
of the ~~City of Suffolk~~ ^{County of Nansemond}, between the hours of 8 A. M. and 6 P. M.
on the 1st day of December, 1917, pursuant to notice hereto
annexed, to be read as evidence on behalf of the plaintiff
in a certain suit in equity pending in the Circuit Court of
Nansemond County, wherein W. H. Boone is plaintiff and Mary
C. Boone is defendant.

PRESENT:

R. H. Rawles, counsel for plaintiff.

The defendant did not appear either in person or by
counsel.

TOM LEE, being duly sworn deposes and says as follows:

Q. State your name, age, residence, occupation, and whether you know the parties to this suit?

A. Tom Lee, 31 years, Nansemond County, near Driver, farm-hand, I know the parties.

Q. How long have you known them?

A. I have known them both six or seven years quite intimately.

Q. State if the defendant Mary C. Boone, formerly lived near Driver, in Nansemond County, and if so, when?

A. She did, she lived in Nansemond County near Driver, on the farm of Mr. Will Doughtie, in the years 1913- 1914 and after that.

Q. State whether her husband was absent from home much during this time?

A. Yes, he was away from home very much attending to his work and business.

Q. State what you may know about the habits of Mary C. Boone, as to her going around with other men and permitting them to visit her during her husband's absence about this time?

A. She went around with other men right smart and seemed to be fonder of their society than she did of that of her husband.

Q. In his bill in this cause her husband charges her with having committed adultery since his marriage to her, state what you know about it?

A. Along in the month of June in the year 1914, about ten o'clock one night I was coming along by the place near where she lived and I saw her and Ed Bell down by the side of a branch; he was on her and they were in the act of adultery; there was no doubt ^{about} the fact; they were having connection with each other. They did not see me, so I went quietly along and said nothing to them, but went on my way and left them right down there. I am sure it was them, as I know them both very well indeed.

Q. On whose farm was Mary C. Boone then living?

A. On Will Doughties' in Nansemond county Virginia.

Q. Where was Ed Bell living at that time?

A. He was living on the farm of Mr. Jesse Brinkley not very far from Mr. Doughties.

Q. State if Ed Bell visited her frequently about that time and whether he took trips to Norfolk with her?

A. He visited her very often and I have known them to take trips to Norfolk together when her husband was away from home.

Q. Did W. H. Boone take good care of his wife and provide for her as a husband should, so far as you could judge?

A. He certainly did so far as I could see; I lived right near them and could stand in my door and talk to them in their door.

Q. Where did plaintiff and defendant last cohabit?

A. Right down there near Driver in Nansemond county Virginia.

Q. Have both W. H. Boone and Mary C. Boone been living continuously in Nansemond county all their lives and do they still live in said county?

A. Yes they have been living here in this county ever since I have known them.

Witness:

Bradford Kirby

Luci Lee
mark

ROSA LEE, 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. Rosa Lee, about 50 years, Driver, Nansemond County, I am a housekeeper and know both the parties.

Q. How long have you known them?

A. I have known them about 7 or 8 years very well.

Q. Did you ever live near them, and if so, when and where?

A. Yes, I lived near them down at Driver, in this County, during the years 1913-1914 and perhaps a part of 1915.

Q. State whether you saw them quite often during this period?

A. Yes, I saw them both nearly every day.

Q. On whose farm did the defendant Mary C. Boone then live?

A. On Mr. Will Doughtie's farm.

Q. Do you know a man by the name of Ed Bell?

A. Yes.

Q. How long have you known him?

A. I have known him about the same length of time, 7 or 8 years.

Q. In what county and state do William H. Boone and Mary C. Boone now reside?

A. In Nansemond County, Va.

Q. How long have they been residing there continuously?

A. Ever since I have known them, about 7 or 8 years.

Q. Where did they last cohabit?

A. Near Driver, in Nansemond County, Virginia.

Q. How did William H. Boone provide for and take care of his wife when they lived together?

A. He did the best he could for her and took good care of her.

Q. State as far as you can, how did Mary C. Boone act toward other men after her marriage?

A. To me she acted ridiculous for a woman who had a husband.

She went around with other men just like a single girl would do.

She seemed to take to like them better than she did her husband.

2. State if her husband was away from frequently during the pe-
period you speak of ?
- a. Yes his work and business took him away right often ?
2. How did she act with other men when her husband was away ?
- a. She acted terrible with them when he was gone .
2. In his bill in this case, her husband charges her with hav-
ing committed adultery since his marriage to her , tell all
you know about htis ?
- a. It is true ; In the summer of the year 1914 I think it was
in the month of June she was living at the same house near Driver.
At that time I was living very near her, so near that we could
stand in our doors, and talk to each other and visit ed each
other every day . I went over to her house at the time men-
tioned in the month of June 1914 and when I entered her house
I saw her and Ed Bell lying down together on her bed ; the
were committing adultery . I do not know wheter they saw me
or not, but I did not want to cause any hard feelings so I
left without making my presence known . I saw them well
and know positively that it was them ; I know them both
very well .
2. Where were you living at this time ?
- a. Right near them ; right next to them .
2. Where was she living ?
- a. Right down there near Driver in Nansemond county .
2. State if Ed Bell during this period visited her often during the
absence of her husband ?
- a. Yes he was a constant visitor at her house and was often with
her .
- Could you have been mistaken about what you have just told ?
- No indeed ; I am sure of what I have said ; it was so .

Witness,
Bradford Kilby.

by
Rosa X Lee
Mark

VIRGINIA:

City of Suffolk, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the city of Suffolk, Virginia, do certify that the foregoing depositions were duly taken, sworn to and subscribed before me at the time and place stated in the caption hereof.

Given under my hand this 3d day of December, 1917.

Bradford Kilby

Commissioner in Chancery.

Com's fee \$5. paid.

Depositions

William H. Boone,

vs.

In Chancery.

Mary C. Boone,

This cause came on this day to be heard on the Bill of the complainant, the depositions of witnesses taken after due notice, and the defendant on whom process appears to have been duly served, and who has been regularly proceeded against in the manner prescribed by law, failing to appear, plead, answer or demurr and was argued by counsel.

On Consideration whereof, it appearing to the court from the evidence submitted in this case that the defendant Mary C. Boone has since her marriage to the plaintiff, been guilty of adultery, and it not appearing that her husband the plaintiff voluntarily cohabited with her after he had knowledge of such act on her part, or that it occurred more than five years before the institution of this suit, or that it was committed by the procurement or connivance of the plaintiff; and it further appearing to the Court, that both the plaintiff and defendant have been domiciled in this state for upwards of one year next preceding the commencement of this suit, that they both are residents of this county and were such at the institution of this suit, and that they last cohabited in this county, the court doth order, adjudge and decree, that the plaintiff William H. Boone be and he is hereby granted a full and absolute divorce, a vinculo matrimonii from his wife Mary C. Boone, the defendant, and that the marriage relations heretofore existing between them be and they are hereby wholly annulled and set aside; and nothing further remaining to be done in this cause, it is ordered that the same be stricken from the docket.

Final Decree.

Entered Aug 14. 1918.
Jas. L. W. Moore.

Entered in Chancery
Under Book No 5
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TO THE HONORABLE JAMES L. McLEMORE,

JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Humbly complaining sheweth unto the court, your orator William H. Boone, of Nansemond County, Virginia, the following case:

Your orator says that he was married to his present wife Mary C. Boone, on the 15th day of December, 1912, in the County aforesaid, he being at that time about fifty years of age and his wife being about forty; that after his said marriage he was at all times a true, faithful and loyal husband to his said wife and did the best he could to provide her with a comfortable home and all the necessaries of life and to make her happy. There were no children by said marriage. After his said marriage he took his wife to live on a farm near Driver, in said County, that then being his home. He says that his said wife, who was a widow at the time of his said marriage never seemed to care much for him or his society and showed him but little affection. She seemed to be fond of the company and society of other men and was continually running around with them against the entreaties and protests of her husband. This went on until about the month of June in the Year 1914, and about the month of June in the year 1914 when his said wife on several occasions committed adultery in said County with one Ed Bell; that said act took place one night with said Ed Bell about ten o'clock in the month of June of said year 1914, when she and said Bell were seen in the act down by the side of a branch on the farm of Will Doughtie near Driver; that said act with said Ed Bell again took place one night in the month of June, 1914 at her house near Driver; and was seen by a witness to said act. That she permitted and encouraged said Ed Bell to frequently visit her that year while living near Driver at times when her husband was absent from home; that she often took trips to Norfolk and other places with said Ed Bell; that she was just as familiar with ~~her~~ him as

she was with her husband and permitted him to visit her at night and remain in her bed room for a long time during the absence of her said husband.

Your orator further says that he had his suspicions during this period that his wife was not true to him, but as his business and work took him from home a great part of the time he never until recently had the proof of her infidelity. ~~Some time after the year 1914 he moved with her, his wife to a home near Holland, Virginia, and was again often absent from his home attending to his work, leaving his wife alone. He has since been informed and therefore charges that during his said absence his wife lived in open lewdness and lasciviousness with one Jet Holland.~~ Your orator therefore charges that his said wife has since their said marriage and within five years from this date been guilty of adultery without his consent or connivance; that he has not cohabited with her since he had knowledge of said adultery on her part, and that said adultery did not occur more than five years from the institution of this suit; that he and his said wife last cohabited in Hansemond County, Virginia; that both have been residents of this state and county all their lives; and have been domiciled here in said county and state upwards of one year next preceding the commencement of this suit; Your orator is informed that under the circumstances of this case he is entitled to an absolute divorce from his said wife and he therefore hereby applies for such.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your orator is without remedy in the premises, save by the aid of a Court of Equity, where such matters are alone and properly cognizable, your orator prays that the said Mary C. Boone 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 proper accounts and depositions may be

taken and that your orator may be granted a full and absolute divorce a vinculo matrimonii from his said wife; and for all such other, further and general relief as this case may require or which to equity may seem meet and he will ever pray, etc.

William H. Boone

By R. H. Rawles, Counsel.

VIRGINIA:

CITY OF SUFFOLK, TO-WIT:

I, R. H. Rawles, a Notary Public for the city aforesaid, in the State of Virginia, whose term of office expires on the 20th day of January, 1919, do certify that W. H. Boone, whose name is signed to the above bill, has this day personally appeared before me in my said city and made oath after being duly sworn that the statements made in the above bill as coming of his own knowledge are true and that all other statements therein made as coming from knowledge or information derived from others he believes to be true.

Given under my hand this 19th day of November 1917.

R. H. Rawles

Notary Public.

Bill.

Filed Nov. 19, 1917

Deposit \$5.00

RULE NOTES:

William H. Boone,

V. Chancery.

Mary C. Boone,

Process issued November 5, 1917, returnable to 2nd, November Rules, 3rd,
Monday, 1917.

RULE NOTES:

PRISON

PURE FLAX BOND

1000

1000

1000

1000

1000

PRISON

PURE FLAX BOND