1919-016
Nansemond Co (Suffolk) Chancery Causes: Essie May Franklin vs William L. Franklin

Briggs, Freeman, Wooden, Eppes, Corbell

TO THE HONORABLE GEORGE P.BUETING, CLERK OF THE CIRCUIT COURT OF NAMSEMOND COUNTY.

Essie May Franklin, ... Plaintiff

vs

W.L.Franklin, ... Defendant

Issue summons to First Rules (First Monday) in September,1919

working wife
desertion

p.q.

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon W. L. Franklin,

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 September, 1919, to answer a Bill in Chancery, exhibited against him in the said Court by Essie May Franklin

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 29th day of August, 1919, in the 144th year of the Commonwealth

A Copy---Teste:

_____ Clerk

Teste: G. E. Bunting Clerk

Executed this 30th day of August, 1919 by delivering a true copy of the with-

in process to W.L.Franklin

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

Fee $ 5.00 Sheriff

Jno E Thorpe, Sheriff of Nansemond County

Original

P. & C. Co. vs. W.L. Franklin p. q.

Esq. Ivey & Franklin

vs. } In Chancery

W.L. Franklin

1919

Sylvester Rules

Print Monday.

NANSEMOND COUNTY COURT,

Process Book, No 3

Page

TO W.L.FRANKLIN

TAKE NOTICE that on the 18th day of September 1919, at the office of S.W.Everett, Suffolk, Virginia, between the hours of 9 A.M. and 6 P.M. of that day, I shall proceed to take the depositions of George Bryant, Will Freeman, Lou Freeman and others to be read as evidence in my behalf in a certain suit in equity pending in the Circuit Court of the County of Nansemond, wherein I am complainant and you are defendant; and if from any cause the taking of the said depositions be not commenced, or,if commenced, be not concluded 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 28th day of August,1919

Essie May Franklin

by H.Everett

her attorney

Executed the within notice by serving a true copy in person on W.L.Franklin, the 30th day of August, 1919

John J. S. Branch
Deputy Sheriff for
E E Wolfenden, Sheriff of
Rockingham County

MARRIAGE LICENSE

Virginia Sussex 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,

William L. Franklin and Effie May Briggs

Given under my hand, as Clerk of Circuit *Court of* Sussex *County (or ~~City~~) this* 26th *day of* October 1912

R. D. Marrio *Clerk.*

MARRIAGE CERTIFICATE

To be annexed to the license, required by Section 2229 of the Code of Virginia, as amended by Act of February 16, 1910.

~~*VIRGINIA: In the Clerk's Office of the*~~ *Court for the County (or City) of*

Date of Marriage Octo. 27th Place of Marriage Sussex

FULL NAMES OF PARTIES.

Same as above ~~and~~

Age of Husband 37 years; Condition (single, widowed or divorced) Widowed

Age of Wife 19 years; Condition (single, widowed or divorced) Single

Race (White or Colored) Colored

Husband's Place of Birth Pasquotank Co. N.C. Residence Sussex Co

Wife's Place of Birth Sussex Co Residence " "

Names of Parents — Husband Isaac ? and Sarah Franklin

Wife Cain ? and Lizzie Briggs

Occupation of Husband Laborer

Given under my hand this 27th day of October 1912

R. D. Marrio Clerk.

Certificate of Time and Place of Marriage

I, Rev. Henry H. Harrison, a minister of the gospel

Church, or religious order of that name, do certify that on the 30 day of Octo 1912

at Sussex Co., Virginia, under authority of the above License, I joined together in the Holy State of Matrimony the persons named and described therein. ~~I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County (or City) of , State of Virginia.~~

Given under my hand, this 30 day of Octo 1912

Rev. Henry H Harrison

(Person who performs ceremony sign here.)

☞ The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (see Section 2229 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

A Copy Teste: Jesse Hargrave, Clerk

County (or City) .....

..... Husband,

and { **Marriage License**

..... Wife,

Date of Issue .....

Marriage Register No. ..... Page .....

William L. Franklin

and

Effie May Biggs

Oct. 27, 1912

Copy

Essie May Franklin . . . . . .Complainant

vs.

W.L.Franklin. . . . . Defendant

Depositions of Essie May Franklin, Lou Freeman, Harriet Wooden, J.I.Corbell, and David Eppes, taken before me, John H.Palmer, Commissioner in Chancery for the Circuit Court of the County of Nansemond, Virginia, on the 18th day of September, in pursuance of the annexed notice, at the office of S.E.Everett, 944 Washington Street, Suffolk, Virginia, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon of said day, to be read in evidence in a suit in which Essie May Franklin is complainant and W.L.Franklin is defendant, pending in the Circuit Court of the County of Nansemond, Virginia.

PRESENT: S.E.Everett, esquire, counsel for the complainant.

September,18,1919

ESSIE MAY FRANKLIN, being duly sworn, deposes as follows:

BY MR.EVERETT.

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

A. Essie May Franklin, I live on Pine Street here in Suffolk. I am about 26 years old. I cook for Miss Maggie Brothers.

Q. How long have you been living in Suffolk?

A. We came to Suffolk about August,1915. I have been living at the same place ever since. I have never changed houses since I came here.

Q. Did your husband move here with you when you came?

A. Yes sir.

Q. Is he living with you today?

A. No sir, he has not lived with me since September,1915

Q. Can you explain why he left?

A. No sir, he didn't say anything to me when he left. The people we were boarding with don't know. They have never been able to account for it

Q. What else do you know about this?

A. I don't know anything about it, except we were married in Sussex County, and moved to Suffolk about August 1915, and he left me in September, here,and I haven't seen him since he left me. But he has been living in Nansemond County for some time. He was working with Mr.Charles Wagner at Drivers some time before I got you to bring this suit.

Q. Do you know whether he is still living there or not?

A. Yes he is still there.

And further this deponent sayeth not.

Witness:
J E Emerson

her
Ernie Mary Frankaby
x
mark

LOU FREEMAN, being duly sworn, deposes as follows:

BY MR EVERETT

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

A. Lou Freeman; I don't know exactly how old I is; about 45. I keep house; I live on Pine Street here in Suffolk, right

Q. in front of W.H.Crocker's

Q. Do you know Essie May Franklin and W.L.Franklin?

A. Yes sir

Q. How long have you been knowing them?

A. I've been knowing Essie May ever since August, 1915; I reckon bout the last part of August. She and her husband saw me and wanted to board with me, and I took them

Q. Just state now what was done after that.

A. They stayed there about a month, and then Franklin, the husband left, and I'm not certain, but don't much think I have seen him since that time. She has been with me in my house ever since.

Q. Do you know why they separated?

A. I couldn't tell you that. I could guess at it.

Q. Well, what is your guess?

A. Well, you see, lawyer, when people live together and you can't find out the woman has done anything for the man to dislike, you just say to yourself "That man don't want to stay with that woman" Essie May is as quiet and as well behaved a woman as I ever saw on earth. I don't believe she gave that man any cause to leave her.

Q. If this woman had mistreated Franklin right in your house, would you not have known it?

A. I think I would. I never saw anything wrong with her before he left, and I know there is nothing wrong since. She couldn't stay in my house if there was. I keep my house right, and white folks around town know me. Miss Daisy Nurney, and Mrs.George Nurney, and Dr.Harrell, and your family, Lawyer, know who I am. I live just on the other side of the street from Mr.W.H.Crocker, and David Epps lives on the north side of me, and Jake Corbell lives in the second house, and all these folks around are good folks,and well behaved folks,and you know they wouldn't stand for any meanness around here.

Q. Then,Lou, you don't think that Essie May could have been at fault in any manner?

A. I don't see how she could. She can go anywhere she works and prove her reputation.

Q. Where is she working now?

A. She cooks for Miss Maggie Brothers on Franklin Street. I think Miss Brothers and Mr.Beverly Brothers and Mr.Lewis Brothers all live there together. They know her.

Q. Is there anything more you can say?

A No, that is all I know about it.

And further this deponent sayeth not.

Witness.
H.H.Ernest

Lou Rev Freeman
x
mark

HARRIET WOODEN, being duly sworn, deposes as follows:

BY MR.EVERETT.

Q. Give your name, age residence and occupation.

A. Harriet Wooden; I cook for the Cobb family on the corner of Washington and C estnut Streeets. I am about 40 years old.

Q. Do you know Essie May Franklin?

A. Yes, I been knowing her since about four years ago this month.

Q. Did you know her husband?

A. Yes sir, I saw him when they come to Lou Freeman's to board. They stayed there about a month.

Q. Are they living together now?

A. No. After they were at Lou Freeman's about a month, Franklin left. I don't live right there, but I am always around there,and I'm sure I would know if he ever came back. I know he has been away from her ever since September,1915.

Q. Where has she been since then?

A. She has been right there; never changed.

Q. Do you know anything about her conduct, etc.?

A. From what I know of her, she is a real good girl; I think she's a little better than most girls; she's always good.

Q. Do you know whether she did anything to cause her husband to leave her?

A. No sir; I never heard a thing about it

Q. If anything had happened to cause him to leave

her, don't you think the family and the neighbors would know it?

A. Yes sir

Q. Did you ever hear him make any complaint about her?

A. No sir; nor I never heard of his complaining to anyone else.

Q. Do you think, if she wants to, she has a right to get rid of him?

A. Yes sir.

And further this deponent sayeth not.

Witness
S E Evans

her
Harriet x Wooden
mark

J.I.CORBELL, being duly sworn, deposes as follows:

BY MR EVERETT

Q. GIVE YOUR NAME, age, residence and occupation.

A. J.I.Corbell, 73 years old. I live at 54 Pine St., Suffolk I don't do much of anything now. I used to be a fish dealer but everyone in Suffolk knows who I am.

Q. Are you acquainted with Essie May Franklin?

A. Yes, I know her by sight and reputation. She lives the third door from me.

Q. How long has she lived there?

A. I think she has lived there three years or about that.

Q. What can you tell me about her character.

A. All I can tell you of my own knowledge is that she is upright and ladylike. I have never heard any complaint of her at all. I have been living where I am now upwards of forty years and as far as I know of her, she bears as good a reputation as anyone I have ever known there.

Q. If she was a woman of evil habits or of bad character you would know it, wouldn't you?

A. Yes I am sure I would have heard it before now.

And further this deponent sayeth not.

J. I. Corbell

DAVID EPPES, being duly sworn, deposes as follows:

BY MR EVERETT.

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

A. David Eppes, 68 years old, I live at 158 Pine St., Suffolk. I'm general janitor around here. I clean up in the National Bank, and for you and Mr. Werble and others.

Q. Do you know Essie May Franklin?

A. Yes; have been knowing her a little over twelve months I moved next door to where she was boarding the first of October twelve months ago. Of course, I see her most every day .

Q. Have you ever heard anything against her character or reputation?

A. I have not. She is a quiet and well behaved woman as I have ever seen. I have never seen anything wrong about her, or the least suspicious. Her reputation in that community is good so far as I know. I am sure that W.H.Crocker and Jake Corbell and all of the neighbors will agree with me in what I have said.

Q. Have you ever seen her husband with her?

A. No sir. I didn't even know she had one.

Q. Have you ever seen any man going with her?

A. No sir, I have never even seen a man walking with her.

And further this deponent sayeth not.

David Eppes.

STATE OF VIRGINIA)
(
CITY OF SUFFOLK) TO-WIT:
(
COUNTY OF NANSEMOND)

I, John H.Palmer, a Commissioner in Chancery for the Circuit Court of the County of Nansemond, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken and reduced to writing before me, at the place and times mentioned in the caption, pursuant to the annexed notice.

IN WITNESS WHEREOF, I have hereunto set my hand at Suffolk, Virginia, this 20th day of October, 1919.

John H Palmer

Commissioner in Chancery

Fees: $10.00 Paid

Exec Mansion Franklin
Dr position
Vol. Franklin.

Died Oct. 20, 1919
A. E. Swanberg
Clerk

Essie May Franklin . . . . . Complainant.

vs

W.L.Franklin, ... Defendant.

This cause, in which process has been duly served on W.L. Franklin, and he still failing to appear and plead, answer and demur, came on this day to be heard on the Bill and the depositions taken on the 18th day of September, 1919, before John H.Palmer, Commissioner in Chancery, and filed the 20th day of October , 1919, on behalf of the said complainant, and was argued by Counsel.

On consideration whereof, it appearing to the Court from the Bill of Complaint and the depositions aforesaid, that the allegations in the bill have been fully proven, and that W.L.Franklin, the defendant, has voluntarily, wilfully and without justification, abandoned the complainant, Essie May Franklin, for a period of more than three years next preceding the commencement of this suit , and the said W.L.Franklin at the commencement of this suit resided in Nansemond County, the Court doth therefore adjudge, order and decree that the complainant, Essie May Franklin be, and she is hereby awarded a divorce from the bond of matrimony from W.L.Franklin, the defendant in this cause.

And there remaining nothing further to be done in this cause, it is ordered that the same be stricken from the docket

Essie May Franklin

vs Decree

W.L.Franklin

Enter this 13. day of

December, 1919

J. L. McLemore

Entered in Chancery Order

Book No. 5

Page No. 240

Essie May Franklin, ...Complainant

vs. BILL

W.L.Franklin, ... Defendant

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF THE CITY OF SUFFOLK.

Your Complainant, Essie May Franklin, respectfully represents:

(1) That your complainant, Essie May Franklin, was lawfully married in Sussex County, Virginia, to W.L.Franklin, in the year 1912; and

(2) That continuously from the date of said marriage your complainant and defendant lived in Sussex County for about two years, at which time they moved to Suffolk, Virginia, and continuously from the date of said marriage, until September, 1915, your complainant and the said W.L.Franklin lived together as husband and wife in the County of Sussex, and in the City of Suffolk; and

(3) That the said W.L.Franklin has wilfully deserted and abandoned your complainant for the period of more than three years; that is to say, in September, 1915, did voluntarily, wilfully and without any justification whatever, leave his home, and has since lived in the County of Nansemond, and is now living in the said County of Nansemond.

(4) That your complainant further states that the said defendant was a worthless character, and during the time your complainant lived with the said defendant, he was not faithful and loyal to her, but neglected to take care of her and provide the comforts of life, and abused her at all times.

(5) That your complainant has resided in the City of Suffolk ever since the separation in September, 1915.

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 W.L.Franklin may be made a party defendant to this bill, and required, but not on his 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 may be decreed her; and that your complainant may have all such further, and other general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Witness: H.E. Everett — Essie May Franklin

Complainant

H.E. Everett

Counsel.

STATE OF VIRGINIA)
(To-Wit:
CITY OF SUFFOLK)

Essie May Franklin, 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 upon information, and that so far as they are therein stated to be upon information, she believes them to be true.

Witness: H.E. Everett — Essie May Franklin

Complainant

Taken, sworn and subscribed before me, H.E. Everett, a Notary Public of and for the City and State aforesaid, in My City aforesaid, this 15th day of September, 1919.

H.E. Everett

Notary Public.

My commission expires the 11th day of October, 1919.

Essie May Franklin,

vs Bill

W.L.Franklin.

Filed this 18 day of

September,1919

L. E. Bunting

Clk

Office of
George E. Bunting
County Clerk, Nansemond County
Suffolk, Virginia

Essie May Franklin
vs Eq.
W. L. Franklin

Aug. 29, 1918 - Subpoena issued, returnable to Sept.
Rules, 1st Monday, 1918.
Sept. Rules, 1st Monday, Subpoena returned executed
Bill filed, & decree nisi:
Decree nisi confirmed & cause set for hearing

Notes