1920-007
Nansemond Co (Suffolk) Chancery Causes: William Frances vs Julia Gibbs Frances

Gibbs, Reid, Holland

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

February 19th, 1920.

Mr. George E. Bunting, Clerk,
Suffolk, Virginia.

Dear Mr. Bunting:- IN RE: WILLIAM FRANCES VS. JULIA GIBBS FRANCES.

I herewith enclose Memorandum and Bill of Complaint in the above-styled suit. I will thank you to let me have process directed to the Sheriff of Nansemond County to be served on the Defendant, both the original and the copy, for the reason that I have the notice of the taking of the depositions to be served at the same time, and will want to see the Sheriff and direct him as to where he can locate the Defendant. Please let me have this process as early as possible.

I also herewith enclose my check for $7.50 to cover writ tax and deposit in this suit.

Yours very truly,

Hugh L. Holland
HUGH L. HOLLAND.

VEB/R.
ENC/3.

P.S. The Defendant lives near Holland, Virginia.

VIRGINIA, IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

WILLIAM FRANCES .....COMPLAINANT.

V. MEMORANDUM.....

JULIA GIBBS FRANCES .....DEFENDANT.

To George E. Bunting, Clerk of said Court:

Please summon defendant for complainant to First March Rules (1920), in Chancery.

Hugh G. Holland

p.q.

WILLIAM FRANCES - COMPLAINANT

VS.

JULIA GIBBS FRANCES-DEFENDANT

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Julia Gibbs Frances

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 March, 1920, to answer a Bill in Chancery, exhibited against her in the said Court by William Frances

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 23rd day of February, 1920, in the 144th year of the Commonwealth.

~~A Copy---Teste:~~ ~~Clerk~~

Teste: G. E. Bunting Clerk

Executed this 1 day of March, 1920 by delivering a true copy of the within-
in process to Julia Gibbs Parker in person
at her usual place of abode
in person, in the County of Nansemond, State of Virginia.

Ed L Powell Sheriff

Original

Thos. W. Holland p. q.

W.m Parker

vs. } In Chancery

Julia Gibbs Parker

1920

March Rules

First Monday.

NANSEMOND COUNTY COURT,

Process Book, No.....

Page.....

To Julia Gibbs Frances:

Take notice that on the 17th day of March 1920, at the office of Hugh L. Holland in the American Bank & Trust Company Building, Corner Main and Washington Streets, in the City of Suffolk, State of Virginia, between the hours of 10 A. M. and 5 P. M. of that day, I shall proceed to take the depositions of William Frances 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, State of Virginia, wherein I am Complainant and you are Defendant; and if from any cause the taking of said depositions on that day be not commenced, or, if commenced, be not concluded on that day the taking thereof will be adjourned from time to time at the same place and between the same hours until the same shall be completed.

Given under my hand this 21st day of February 1920.

William Frances
by Hugh L. Holland
his attorney

Executed this 1st
Day of March, 1900 by
delivering a true Copy
of the within Process
in person to
Julia Gibbs Frances
in person at her
usual place of
abode.

E. B. Rambo
Sheriff

WILLIAM FRANCES -COMPLAINANT

vs.

JULIA GIBBS FRANCES - DEFENDANT

MARRIAGE LICENSE

"EXHIBIT -A"

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,

William Frances

and Julia Gibbs

Given under my hand, as Clerk of the County Court of Nansemond County this 7th day of October 1892. ~~19xx~~

R. R. Smith *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 16, 1910.

Time of Marriage, 1892, October 7th

Place of Marriage, Nansemond Co.

Full Names of Parties Married, William Frances & Julia Gibbs

Race (white or colored), Colored

Age of Husband, 22

Age of Wife, 18

Condition of Husband, single (Widowed or single or divorced)

Condition of Wife, single (Widowed or single or divorced)

Place of Husband's Birth, Halifax Co. N.C.

Place of Wife's Birth, Nansemond

Place of Husband's Residence, Nansemond

Place of Wife's Residence, Nansemond

Names of Husband's Parents, Henry Frances & Perry his wife

Names of Wife's Parents, Albert Gibbs & Harriett his wife

Occupation of Husband, Laborer

Given under my hand this 7th day of October, ~~19xx~~ 1892

R. R. Smith, *Clerk.*

Certificate of Time and Place of Marriage

I, R.H.Holland, a minister of the Christian Church, or religious order of that name, do certify that on the 7th day of October 1892 ~~19xx~~, at Nansemond County, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 7th day of Ocotber 1892 ~~19xx~~

A true copy, By, Ruby V. Brent D.C. R.H.Holland,

☞ 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 16th, 1910, Acts 1910, chapter 28, pages 36 and 37.)

The depositions of William B. Reid, William Frances, and R. H. Holland were taken before me, M. Anderson Maxey, a Commissioner in Chancery for the County of Nansemond, State of Virginia, on the 17th day of March, 1920, between the hours of 10 A. M. and 5 P. M. of that day, pursuant to due notice to defendant served in person as shown by annexed notice, according to law, to be read as evidence on behalf of the plaintiff in a certain suit in equity pending in the Circuit Court of Nansemond County, State of Virginia, wherein William Frances is the complainant and Julia Gibbs Frances is defendant.

PRESENT:

Hugh L. Holland, counsel for plaintiff.

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

William B. Reid being duly sworn deposes as follows:

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

A. William B. Reid, I am 74, I live on Pine Street, Suffolk, Virginia, and I am a barber.

Q. Please state whether you know William Frances and Julia Frances and if so how long you have known each of them.

A. Yes, I know them and have known them for twenty years.

Q. About how far did you live from them when they were living together as husband and wife in Nansemond County, near Holland, Virginia.

A. Well, I lived inside of a mile.

Q. Please state how well you are acquainted with them.

A. Well I knew them well enough to know this, I saw them every day and as far as I know we were neighbors and got along all right. They liked me and I liked them. We used to go to see one another and I knew them real well.

Q. Please state whether they are living together now.

A. No, they have not been living together now for some years.

Q. How long have they been separated.

A. Now, let me see, they have been separated to my knowin' for ten years or more.

Q. Which one left the other.

A. She left him.

Q. Please state the circumstances of her leaving and whether she had any cause to leave.

A. Well, I don't think she had any cause to leave, she was just disagreeable and I don't know that she had any trouble, no violence, no fighting, she just naturally left. As far as I know he was a good man to her, she said that herself. I been

knowin' him, I never known nothing mean about Billy, he is a good man and he provided well for her.

Q. From the distance you lived and the times that you saw them would you have known any cause that he gave her to leave him.

A. Yes, if there had been any cause at that distance I would have known it.

Q. Where does William Frances live now.

A. He lives a mile or two miles out of town on a farm.

Q. Where were William Frances and his wife Julia Frances living when they last cohabited or lived together as man and wife.

A. They lived at Ellwood in Nansemond County, near Holland, on a farm.

Q. Where does Julia Frances live now.

A. I couldn't say right where she lives but she lives some where near Holland.

And further this deponent saith not.

Wm. B Reid

William Frances being duly sworn deposes as follows:

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

A. William Frances, age 50 years, I live on Mr. C. Kelly's farm near Suffolk, about two miles, I am a farmer.

Q. Please state whether you and your wife Julia Frances are living together now.

A. No.

Q. Which one left the other and when.

A. She left me in 1907, the 23rd day of August.

Q. State the circumstances of her leaving.

A. I could not tell you. She just taken up and left on her own hook. She didn't ask me about going, she didn't tell me she was going, I worked hard and gave her a plenty to eat. I treated her as good as a poor man could treat her. She didn't have to work in the field. I was in the field pulling fodder and when I come to dinner she had took up and gone. She didn't have no cause 'tall. I went to her five (5) times to get her back but she would not come back.

Q. What was your conversation, if any, before leaving, had she said anything to you about leaving.

A. No, sir, nothing at all.

Q. When you went after her and tried to get her to come back to live with you what did she say.

A. She told me she wont coming.

Q. Did she give any reason or cause for not going back and living with you.

A. She did not.

Q. Did you provide for your wife as well as you could.

A. I did.

Q. Have you and your wife Julia Frances lived together as husband and wife since she left you in August, 1907.

A. No.

And further this deponent saith not.

his
William + Frances
mark.

Witness:-
M. Anderson Mabry

R. H. Holland being duly sworn deposes as follows:

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

A. My name is R. H. Holland, age 48, I lives about three miles from Holland, Virginia, in Nansemond County, my work is farming.

Q. Please state whether you know William Frances and Julia Frances and if so, how long have you known each of them.

A. Well, to tell you the truth I been knowing them a long time, I been knowing them 20 years or more, yes, sir, I been knowing both of them a long time.

Q. About how far did you live from them when they were living together in Nansemond County, near Holland, Virginia.

A. Well I lived about one-half of a mile from them then I moved and then I lived about a mile from them, I lived right close to them and I been knowing them a long time.

Q. Please state how well you are acquainted with them.

A. Just as well as anybody I know I'se well acquainted with them we was right there close together we was good friends we went to see each other and we visited each other real often, they would come to my house most any time and we went to see them we was good neighbors, I seen some of them every day most.

Q. Please state whether they are living together now.

A. No, sir, they is not.

Q. How long have they been separated.

A. To tell you the truth, I don't know the exact number of years but I do know that it has been all of ten years or more.

Q. Which one left the other.

A. His wife left him.

Q. Please state the circumstances of her leaving and whether she had any cause to leave.

A. Well she left on her own ground, she was not bound to leave, she did not have to work hard, she did not have to work in the field, I was over there a heap and I did not see any cause a'tall that she had to go, Bill was good to her, it seem like she just wanted to leave and had made up her mind to go, she did not have no cause to leave, so far as Icould see, I saw her when she was going, she come through my yard, it was one day in the week, I was gitting ready to go to plowing she come through my yard and went on away.

Q. What kind of a husband did William Frances make his wife.

A. Well, as fur as I could see he were all right, he were good to her I used to go there real often like, and I never seen anything between them he provided for her as well as he could it seem like, she did not have to work hard like a heap others it seem like she jest natally wanted to leave him so she took up one day and went I used to go there and they seemed to git along all right like any husband and wife.

Q. Did William Frances try to get his wife to come back to him.

A. Yes, sir, he shore did, he went after her semeral times but she did not never come back and live with him any more.

Q. From the distance you lived and the times you saw them would you have known of any cause that he gave her to leave.

A. It look like I would, yes, sir, I think I would have knowed of any cause, if he had give her any to leave, I used to see them real often and I never seen anything he done or said that would cause her to go off and leave him. I don't know of any cause a'tall that he give her to leave him.

Q. Where does William Frances live now.

A. In Nansemond County, near Suffolk, Va.,

Q. Where were William Frances and his wife, Julia Frances living when they last cohabited or last lived together as husband and wife.

A. Same place there where she left him, near Holland, Virginia.

Q. Where does Julia Frances live now.

A. She live close to Holland.

And further this deponent saith not.

R. H. his x Holland
mark

Witness: —

M. Anderson Mayes

STATE OF VIRGINIA, COUNTY OF NANSEMOND.....TO-WIT:

I, M. Anderson Maxey, a Commissnoner in Chancery for the County of Nansemond, State of Virginia, do certify that the foregoing depositions of William B. Reid, William Frances, and R. H. Holland were duly taken, sworn to and subscribed before me at the office of Hugh L. Holland, in the City of Suffolk, State of Virginia, on the 17th day of March, 1920, between the hours of 10 A. M. and 5 P. M. of that day to be read as evidence on behalf of the plaintiff in a certain suit in equity depending in the said Court wherein Julia Gibbs Frances is defendant.

Given under my hand this 17th day of March, 1920.

M. Anderson Maxey

Commissioner in Chancery for the
County of Nansemond, State of Virginia.

WILLIAM FRANCES

VS.....DEPOSITIONS

JULIA GIBBS FRANCES.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

WILLIAM FRANCES.....COMPLAINANT.
VS.....DECREE.
JULIA GIBBS FRANCES.....DEFENDANT.

This cause came on this day to be heard on the Bill of Complaint and the depositions of witnesses taken after due and legal notice to the defendant, as required by Law, and the defendant, who appears to have been proceeded against in the manner prescribed by law, failing to plead, answer, or demur and was argued by counsel.

On consideration whereof it appearing to the Court from the evidence taken and submitted in this cause that the said defendant, Julia Gibbs Frances, since her marriage with the plaintiff, has deserted him for a period of more than three years, that the plaintiff is a resident of the County of Nansemond, and has been domiciled in the State of Virginia, for more than twelve months next preceding the commencement of this suit, and that the plaintiff and defendant last cohabited in the County of Nansemond, Virginia, the Court doth adjudge, order, and decree that the said plaintiff be, and he is hereby granted a divorce a vinculo matrimonii, from the said defendant, and that the marriage heretofore solemnized be, and the same is, hereby annulled and set aside, and it appearing that nothing further remains to be done in this cause, it is ordered to be stricken from the docket.

WILLIAM FRANCES....
COMPLAINANT.

VS.....DECREE.

JULIA GIBBS FRANCES....
DEFENDANT.

Enter May 10. 1920.
Jas. L. McKinney

51 - Fg. 262

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

WILLIAM FRANCES .....COMPLAINANT.

VS.....BILL.....

JULIA GIBBS FRANCES .....DEFENDANT.

To the Honorable Circuit Court of Nansemond County, Virginia:

Your complainant, William Frances, respectfully represents:

(1) That on the 7th day of October, 1892, your complainant, William Frances, was lawfully married near Holland, Nansemond County, Virginia, to Julia Gibbs Frances, whose maiden name was Julia Gibbs, 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 the said marriage until the 23rd day of August, 1907, your complainant and the said Julia Gibbs Frances lived together as husband and wife in Nansemond County, near Holland, Virginia; and,

(3) That the said Julia Gibbs Frances has wilfully deserted and abandoned your complainant for a period of more than three years: that is to say, on the 23rd day of

August, 1907, the said Julia Gibbs Frances, did, voluntarily, wilfully, and without any justification whatever, leave her home; that immediately before leaving she stated to your complainant that she was going to leave him forever and that she would never return to him; and your complainant tried to persuade and induce her not to go, and tried to get her to return to him, but she stated and showed in every way possible that she had made up her mind to leave him and would never return to him; 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 domiciled and now resides in this state; and,

(5) That your complainant last cohabited with the said Julia Gibbs Frances in Nansemond County, near Holland, Virginia.

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 Julia Gibbs Frances 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.

William Frances

COMPLAINANT.

By Hugh A Holland his attorney

Hugh A Holland

COUNSEL.

WILLIAM FRANCES

VS. BILL

JULIA GIBBS FRANCES

Dtd Mar. 1, 1920

L. E. Smith Clerk

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA