

1911-05

Santhampton County Chancery

Butts, Thomas

vs

Butts, Gabriella

"Quince"

Bill in Chancery:

Thomas Butts

vs.

Gabriella Butts.

1911-1st Oct Rules filed
A.B.M.

ERNEST L. BEALE
ATTORNEY AND COUNSELLOR AT LAW
FRANKLIN, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

(8th) That your complainant last cohabited with the said
* * * * *
* * * * * Gabriella Butts at _____, in the County of
* * * * *
* * Thomas Butts *
* * * * *
* * vs. * Bill for Divorce.
* * * * *
* Gabriella Butts. *
* * * * *
* * * * *
* * * * *

To the Honorable James L. McLeMore, Judge of the Circuit
Court of Southampton County, Virginia:

Your complainant, Thomas Butts, respectfully represents:

(1st) That on the 26 day of Dec, 1995,
your complainant was lawfully married at Cherry Church
in the County of Southampton, to Gabriella Butts, whose maiden
name was Gabriella Bynum, which said marriage will appear from
a certificate of marriage, herewith filed, marked "Exhibit A",
and made a part of this bill; and,

(2nd) That continuously from the date of the said marriage
until the _____ day of _____, 1902, your complainant
and the said Gabriella Butts lived together as husband and wife
in Southampton Co. Va.; and,

(3rd) That the said Gabriella Butts has willfully deserted
and abandoned your complainant for a period of more than three
years; that is to say, on the _____ day of _____, 1902
the said Gabriella Bynum did, voluntarily, wilfully and without
any justification whatever, leave her home on a northbound train;
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 that your complainant has never heard from
her since that day, nor does he know now where she is or whether
she be dead or alive, but said that she was going north; and,

(4th.) 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 dom-
iciled and now resides in this state; and,

(5th) That your complainant last cohabited with the said Gabriella Butts at _____, in the County of Southampton, 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 Gabriella Butts 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 may 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 and proper.

And your complainant will ever pray, etc.

Thomas X Butts
husb

L. L. Beak P. Q.

Subscribed and sworn to before me, L. A. Gay a Notary Public in and for the County of Southampton, State of Virginia, by Thomas Butts, this 30th day of September, 1911.

L. A. Gay
Notary Public.

FRANKLIN, VIRGINIA, Oct 9th 1911

Mr. E. L. Beale, Attorney,

BOUGHT OF **THE NEWS PUBLISHING COMPANY**

PUBLISHERS OF

The Tidewater News

JOB PRINTING AND BUSINESS STATIONERY

ALL ACCOUNTS PAYABLE MONTHLY

PLEASE RETURN THIS BILL WITH REMITTANCE TO BE RECEIPTED

ORDER PUBLICATION THOS. BUTTS VS. GABRIELLA

BUTTS:

Sept.

15

Four insertions above notice Sep 15--Oct. 6

\$5 00

WEEKLY.
Four Eight-Column
Pages, All Home
Print, \$1.00 a year
in Advance.

The Tidewater News,

NEWS PUBLISHING CO., Proprietors.

PAUL SCARBOROUGH - - - - - Editor and Manager.

JOB PRINTING
In All its Branches,
neatly and promptly
done. Commercial
Printing.

The Best Advertising Medium in Southampton County

Franklin has Population of 3000 and is a Trade Center for Three Counties

Franklin, Virginia, []
Written []

IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT OF SOUTHAMP-
TON COUNTY ON THE 11TH DAY
OF SEPTEMBER, 1911.

Thomas Butts Plaintiff
against

Gabriella Butts Defendant

The object of this suit is to obtain a
divorce a vinculo matrimonii from the
defendant. And an affidavit having
been made and filed that the defendant
Gabriella Butts is not a resident of the
State of Virginia, it is ordered that she
do appear here within 15 days after
due publication hereof, and do what
may be necessary to protect her inter-
est in this suit, and it is further ordered
that a copy hereof be published once a
week for four weeks in The Tidewater
News and that a copy be posted at the
front door of the Courthouse of South-
ampton county on or before the next
succeeding rule day after it is entered.

A copy—Teste:

H. E. McLEMORE, Clerk.

E. L. BEALE, p. q.

I, Paul Scarborough, Editor of The Tidewater News, a weekly news-
paper published in the Town of Franklin, Southampton County, Vir-
ginia, do hereby certify that the notice attached above was pub-
lished in The Tidewater News once a week for four (4) successive
weeks in the manner prescribed by law, to-wit in its issues of
Sept. 15, 22 & 29th and Oct. 6th 1911.

SIGNED

Paul Scarborough Editor.

Franklin, Va., Oct. 9th 1911.

Virginia

Sanhaupten Co. to wit
J. H. B. McDermore, Clerk of the Circuit
Court do hereby certify that, by order
of Publication in the suit of Thomas
Butt or Joshua Butt, was posted
at the front door of the Court House
on the 15th day of Sept 1911

J. H. B. McDermore Clerk

MARRIAGE LICENSE

Virginia, Southampton 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,

Thomson Butts

and

Gabriella Pynum

Given under my hand, as Clerk of the Circuit Court of Southampton Co. this 24th day of December 19 1895.

R. F. McLenore 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 8, 1900.

Time of Marriage, Dec. 26 th 1895.	Place of Husband's Birth, Southampton
Place of Marriage, Southampton	Place of Wife's Birth, "
Full Names of Parties Married, Thomson Butts	Place of Husband's Residence, "
and Gabriella Pynum	Place of Wife's Residence, "
Color, Col.	Names of Husband's Parents, Pompey and
Age of Husband, 22 years	Edna Butts
Age of Wife, 22 "	Names of Wife's Parents, Andrew and
Condition of Husband (widowed or single or divorced) Single	Louisa Pynum
Condition of Wife (widowed or single or divorced) "	Occupation of Husband, Farming

Given under my hand this 24th day of December 19 1895.

R. F. McLenore Clerk.

Certificate of Time and Place of Marriage.

I, N. E. Collins, a Minister of the _____ of the _____ Church, or religious order of that name, do certify that on the 26th day of December 19 1895, at _____ in Southampton Co., under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 26th day of December 19 1895.

N. E. Collins

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.

a copy - Sent to: H. B. McLenore, Clerk
By: M. M. Wells, J. C.

Butts Thomas

vs } ORDER OF
PUBLICATION.

Butts Gabriela

1911 Sep 11 filed

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY

on the 11th day of September 1911

Thomas Butts

Plaintiff,

against

Gabriella Butts

Defendant.

The object of this suit is to

obtain a divorce
a vinculo matrimonii from the
Defendant

And an affidavit having been made and filed that the defendant

Gabriella Butts

is
not a resident of the State of Virginia, it is ordered that

she
do appear here within 15 days after due publication hereof, and do what
may be necessary to protect her interest in this suit, and it is further ordered that

a copy hereof be published once a week for four weeks in the Tidewater News

and that a copy be posted at the front door of the Court House of South-
ampton County on or before the next succeeding rule day after it is entered

A copy—Teste:

E. L. Beale

p. q.

H. B. McInnise Clerk.

Subscribed and sworn to before me this 3th day of Sept. 1811.

Notary Public.

Notary Public.

Given under my hand this 3th day of September, 1811.

Butts
affidavit for
publications
Butts
Sept 11 filed
I, *Butts*, the above named defendant, is not a resident of this
State aforesaid, in my county aforesaid, and made oath that
before me, L. A. Gay, a Notary Public in and for the county
day Tom Butts, the above named plaintiff, personally ap-

County of Southampton, to-wit:

State of Virginia,

Caple Butts

vs.

Tom Butts,

Alldgalt.

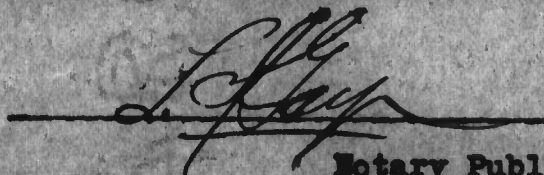
Tom Butts, {
vs. { Affidavit.
Gable Butts }

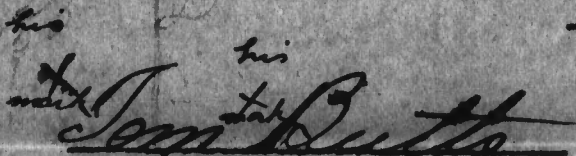
State of Virginia,

County of Southampton, to-wit:

This day Tom Butts, the above named plaintiff, personally appeared before me, L. A. Gay, a notary public in and for the county and state aforesaid, in my county aforesaid, and made oath that Gable Butts, the above named defendant, is not a resident of this state.

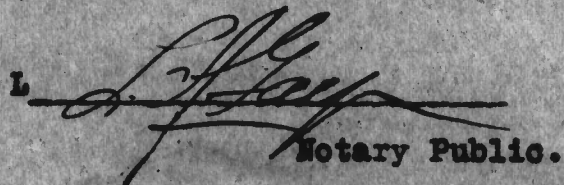
Given under my hand this 9th day of September, 1911.


Notary Public.


Tom Butts

Subscribed and sworn to before me this 9th day of Sept. 1911.

Witness
W. B. Hallace

L. 
Notary Public.

Thomas Butto

vs. Depositione

Gabriella Butto

5th A. They last lived together in Southampton County, near Courtland, Va., and she has never lived with him since she deserted him. In fact J. C. Parker, a commissioner in Chancery for the Circuit Court of Southampton County, Va., at my office in Franklin, Southampton County, Va., on October 26th., 1911, between the hours of ten A.M.,

6th Q. Were there any children by this marriage?
and four P. M., ~~pursuant to an order of publication hereto attached~~

6th A. Yes sir, one a girl about fourteen years old, and is now ~~and~~ to be read as evidence in behalf of Thomas Butts, in a certain suit in equity pending in the Circuit Court of Southampton County, Virginia, wherein the said Thomas Butts is plaintiff and Gabriella Butts is defendant.

And further the deponent saith not.
Signed:
Present E. L. Beale, attorney for the plaintiff:

No one appearing for the defendant:

~~xxxx~~ The witness George Wiggins being duly sworn deposes as follows:
The witness, Wyatt Green being first duly sworn deposes and says:

6th as follows:

1st Q. State your age, occupation and residence, and do you know the parties to this suit?

1st A. Forty nine years old, farmer, and live in this county near Courtland, Va., and know the parties to this suit very well, I having known them all their lives, we-all lived in the same neighborhood from children up, we-all lived in the same neighborhood.

2nd. Q. Do you know about how long ago it was when Thomas Butts married Gabriella Bynum, ~~xxxxxx~~ and where, and do they now live together?

2nd. A. My recollection is that they were married about fifteen years ago, were married in this county as I went to the marriage, and what time they lived together was in this county, they do not live together now.

3rd Q. Did she without any good cause desert and leave her said husband, since you have stated as above that they do not live together and the bill charges that she deserted him?

3rd A. Yes sir, she left him without any good cause, as I lived in the same neighborhood with them, and I know that he treated her good as a man could treat his wife, and provided for her the best he could.

4th Q. About how long ago did she leave and desert him?

4th A. It has been between eight and nine years.

5th. Q. Where did they last cohabit and live together, and have they ever lived together since she deserted him?

5th A. They last lived together in Southampton County, near Courtland Va., and she has never lived with him since she deserted him. In fact she has been out of this State ever since she left him, and is now out of this State.

6th Q. Were there any children by this marriage?

6th A. Yes sir, one a girl about fourteen years old, and is now with her grandmother, the child's mother leaving both her husband and child.

And further the deponent sayeth not.

Signed:

George Higgins

Signed:

The witness, Wyatt Green being first duly sworn deposes and sayeth as follows:

1st Q. State your age, residence, occupation and do you know the parties to this suit?

1st A. I am about fifty years old, live close to the Delaware Park in Southampton County, Va., farm and know both Tom and Gabriella from children up, we-all lived in the same neighborhood.

2nd Q. Do you know about how long ago these parties were married, and where, and about how long ago they lived together, if they are not living together now?

2nd. A. About fifteen years ago the best I can recollect, at Oberry Church in this county. I was at the supper that night, but not at the marriage. They have not lived together for eight or nine years, and they are not living together now, and I dont know where she is.

3rd Q. Did she without any good cause desert and leave him?

3rd A. She certainly did, Tom always has been a hard working man trying to take care of his family.

4th Q. Where did they live together when she left him?

4th A. Down here at Mrs. Edwards' nera Pretlow's Mill in this County.

5th Q. Do you know where she is now?

5th A. No sir, I do not know where she is, she went away, and where she is I dont know/ She has never been back since she left, and she

and her husband have never lived together since, as he has been living in my neighborhood all the time.

6th Q. How long have you known both parties to this suit?

6th A. I have been knowing them ever since they were born, they were born and raised in my neighborhood, and I knew their parents ahead of them.

7th Q. State if there were any children of this marriage, and if so how many and where are they?

7th A. They haven't got but one, and a girl and she is with her grandmother, she is about twelve or thirteen years old.

And further the deponent sayeth not.

Witness -
J. C. Parker

Signed:

Wyatt X Green
his mark

Franklin Southampton, County, Va. October 26th., 1911.

I, J. C. Parker, a Commissioner in Chancery for the Circuit Court of the aforesaid County hereby certify that the above depositions of George Wiggins and Wyatt Green were duly taken before me at the time and place mentioned in the caption hereof, and were duly sworn to and subscribed by them in my presence, same being duly taken for the purpose mentioned in the caption. The defendant being a non-resident, and order of publication has been duly executed against her according to law, which order of publication is duly filed in the papers in this cause.

Given under my hand this 26th day of October, 1911.

J. C. Parker
Commissioner in Chancery.

Commissioner's Fee \$5.00

is ordered to be removed from the docket of this Court.

And nothing further remaining to be done in this cause, it
infant child.

so desired, and that Thomas Butta is to have the custody of the
Butta, with privilege for either party to marry again if they
Thomas Butta forever divorced from his wife, the said Gabriella
and Gabriella Butta be and the same in heresy dissolved. The said

Thomas Butta
vs. Gabriella Butta
Find Decree
and the said Gabriella Butta be and the same in heresy dissolved. The said
agree that the marriage heretofore solemnized between Thomas Butta
party the pleadings or otherwise, and adjudge, order and de-
and fully proved independently of the admissions of either
necient for more than three years before the institution of the
that the charge of wilful desertion of the plaintiff by the de-
his consideration whereof the Court being of the opinion
the witness and was argued by counsel
the Court on the day to be held on the bill and the testimony
the defendant after reading the bill and the testimony
read and fifteen days having elapsed after the publication
the absent defendant by order of publication duly posted and pub-

ENTERED C.O.B. #208
PAGE

This cause in which the plaintiff has proceeded against

Gabriella Butta.

vs.

Thomas Butta.

STRATHMORE PARC

Thomas Butts,

vs.

Gabriella Butts.

This cause in which the plaintiff has proceeded against the absent defendant by order of publication duly posted and published and fifteen days having elapsed after due publication thereof, and the defendant still failing to appear, plead or demur, came on this day to be heard on the bill and the testimony of witnesses, and was argued by counsel.

On consideration thereof the Court being of the opinion that the charge of wilful desertion of the plaintiff by the defendant for more than three years before the institution of the suit is fully proved independantly of the admissions of either party in the pleadings or otherwise, *and that the parties last cohabited in the County of Southampton* doth adjudge, order and decree that the marriage heretofore solemnized between Thomas Butts and Gabriella Butts be and the same is hereby dissolved. The said Thomas Butts forever divorced from his wife, the said Gabriella Butts, with privilege for either party to marry again if they so desire, and that Thomas Butts is to have the custody of the infant child.

And nothing further remaining to be done in this cause, it is ordered to be removed from the docket of this Court.