

1911-14

Southampton County Chancery

Smith, Robert to Smith, Susan (Daughter)

"Divorce"

Smith
— v. Bill in Chancery
Smith

1911: First July Rules Filed
H. B. M. Lock

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT

COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Your complainant, Robert Smith, showeth unto the Court the following case:

That on the 15th day of February, 1882, your complainant was lawfully married in the County of Hertford, in the State of North Carolina, to Susan Brown, (sometimes called Sue Brown), as will more fully appear from a certificate of marriage herewith filed, marked "Exhibit A" and prayed to be read as a part of this bill: That continuously from the date of the said marriage until sometime in the month of October, 1905, your complainant and the said Susan Smith, (who was, prior to said marriage, Susan Brown, as aforesaid), lived together as husband and wife at various places in Southampton County, Virginia; that the said Susan Smith has wilfully deserted and abandoned your complainant for a period of more than three years, that is to say, that in the month of October, 1905, the said Susan Smith, voluntarily, wilfully and without any justification whatever, left her home, then on what is known as the "Dr. Wm. H. Daughtrey farm", near Sunbeam, in Southampton County, Virginia, and went to Carrsville, Isle of Wight County, Virginia, and from that point left the State of Virginia, and is now, as your complainant is advised, a resident of the State of Maryland; 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; that your complainant has never heard directly from her since that date, nor does he know positively where she is, though he has been advised that she is now residing in the City of Baltimore, Maryland.

Your complainant further showeth unto the Court that he

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 now domiciled and resides in County and this State; that your complainant last co-habited with the said Susan Smith at the aforesaid premises, near Sunbeam, in the County of Southampton, in the State of Virginia.

In tender consideration whereof, and for-as-much as your complainant is remediless in the premises, save in a court of equity, where such matters are alone and properly cognizable, your complainant prays that the said Susan Smith may be made a party defendant to this bill, and required to answer the same, not on oath however, same being hereby expressly waived; that proper process may issue; that a divorce from the bonds of matrimony which were created by the aforesaid marriage be decreed him; 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 your complainant will ever pray, etc.

ROBERT SMITH,

By

His Attorney.

p. q.

Amie Robert

vs. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Amie Susan

Edmund Story p. q.

In the Clerk's Office of the Circuit Court of the County of
Santhampton Co.

Robert Smith

Plaintiff ,

against

Susan Smith

Defendant .

This day E. Frank Story Atty personally appeared
before me W. B. McEnroe Clerk of the said Court,
and being duly sworn, made oath that Susan Smith

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this

1st

day of

February

1911

W. B. McEnroe Clerk

Smith Robert
or } Sparie Chay
Smith Susan

1911. 14 Feby Rules

The Commonwealth of Virginia.

To The Sheriff Of Southampton County—Greeting:

WE COMMAND THAT YOU SUMMON

Susan Smith

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the rules to be holden for the said Court on the 1st Monday in February 1911 to answer a Bill in Chancery exhibited against Her in our said Court by

Robert Smith

And this she shall in no wise omit under penalty of law. And have then there this writ.

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse, this

1st day of February 1911, in the 135 year of the Commonwealth.

Teste:

H. B. McLeMORE C. C.

The Commonwealth of Virginia.

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Teste:

H. B. McLemore

C. C.

Smith
or } order Publications
Smith.

1911- Feb 1st paid.

Virginia:

In the Clerks Office of the Circuit Court of Southampton County, the 1st day of February 1911.

Robert Smith, Pltf

VS:

Susan Smith, Deft,

The object of this suit is to obtain absolute Divorce, a Vinculo Matrimonii,

And an affidavit having been made and filed that the defendant Susan Smith is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen 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 for four successive weeks in the Tidewater News, a Newspaper published in the Town of Franklin, Southampton County, Va., and that a copy be posted at the Front door of the Court-house of said County on or before the next succeeding rule day after it is entered.

A Copy,

Teste: H B McLenrow Clerk

E. Frank Story p.q.

Smith
— p. 3 Depositions
Smith

1911 Mar 13 J. Lee
J. B. M.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

A. No one has ever returned to him.

STATE OF VIRGINIA, (

Q. Does Robert Smith (to-wit: truly well,

Southampton County, ((

A. Yes he is about an average in that respect.

The depositions of E. F. Drake and J. T. Bryant, taken before me, the undersigned, Claude J. Edwards, a Commissioner in Chancery for the Circuit Court in and for the County aforesaid, in the State of Virginia, to be read as evidence in a certain suit in equity, now pending in the said Court, generally styled, Smith vs. Smith.

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

Claude J. Edwards
COMMISSIONER IN CHANCERY.

A. I, E. F. Drake, being first duly sworn, depose and say:

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

A. E. F. Drake, age 45, reside in Southampton County, Virginia merchant, and I know the parties to the suit.

Q. How long have you known Robert and Susan Smith.

A. About 12 or 13 years.

Q. Did you know them at the time they lived together as husband and wife.

A. Yes.

Q. Do you know about how long they lived together as husband and wife.

A. They lived right near me for several years, I do not know just how long.

Q. It is commonly reported that Susan Smith deserted her husband, Robert Smith, while they were living in this County. Please state if this is true or not.

A. She left him five or six years ago, in fact, it was in October, 1905, and they were at that time living on the Dr. Wm. M. Daughtrey farm, in this county.

Q. During that time they lived together as husband and wife did Robert Smith provide for his wife.

A. Yes, I think he did as well as the average poor man could.

Q. Robert Smith continued to live around here since that time.

A. Yes.

Q. Has his wife ever returned to live with him since she deserted him.

A. No.

J. T. Bryant

A. No she has never returned to him.

Q. Does Robert Smith work fairly well.

A. Yes he is about an average in that respect.

And further this deponent saith not.

E. F. Warr

Witness J. T. Bryant, being first duly sworn deposes and says

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

A. J. T. Bryant, 44 years old, reside in Southampton County, Virginia, farmer and I know the parties to the suit.

Q. Where did Robert and Susan Smith live prior to 1906.

A. They lived around her in the neighborhood of Surbean.

Q. Can you tell about how long they lived together as husband and wife.

A. They lived together from the time they were married until October, 1906.

Q. What became of Susan Smith about that time, (October, 1906)

A. She deserted her husband, Robert Smith, and left him at their home on the farm of Mrs. Wm. H. Daughtrey, and went to Carreville, Virginia, I understand. What has become of her since that time I do not know.

Q. During the time these parties lived together as husband and wife did Robert Smith provide for her, in your opinion, as best he could, for a man in his circumstances.

A. So far as I know he did.

Q. What kind of a man is Robert Smith, that is, does he work as well as most men of his race and class.

A. Yes, I think he does.

Q. Where does he now live.

A. He lives on a little piece of land he has bought about one and one-half miles from Surbean in this county.

Q. Has his wife ever returned to him since she deserted him in October, 1906.

A. No she has not that I know of.

And further this deponent saith not.

J. T. Bryant

STATE OF VIRGINIA, {
(to-wit:
Southampton County, {

I, Claude J. Edwards, a Commissioner in Chancery for the Circuit Court in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of E. F. Drake and J. T. Bryant, were this day taken, reduced to writing, and signed by the witnesses, respectively, before me, for the purpose designated in the caption hereto.

Given under my hand 13th day of March 1911.


COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE: \$5.00

Smith

W. J. Certificate of Publication

Smith.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

WEEKLY.

Four pages, thirty-two columns, Home Print, \$1.00 a year in Advance.

The Tidewater News,

NEWS PUBLISHING CO., Proprietors.

PAUL SCARBOROUGH Editor and Manager.

JOB WORK

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

A Good Advertising Medium . Franklin has Population of 3000 and is a Trade Center for Three Counties . Complete Job Department

Franklin, Virginia, [Written]

STATE OF VIRGINIA

In the Clerk's Office of the Circuit Court of Southampton County, the 1st day of February 1911 Robert Smith, Plaintiff

vs

Susan Smith, Defendant

The object of this suit is to obtain absolute Divorce, a Vinculo Matrimonii.

And an affidavit having been made and filed that the defendant Susan Smith is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen 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 for four successive weeks in the Tidewater News, a newspaper published in the Town of Franklin, Southampton County, Va., and that a copy be posted at the front door of the court house of said County on or before the next succeeding rule day after it is entered.

A Copy,

Teste: H. B. McLEMORE, Clerk
H. FRANK STORY, p. c.

I, Paul Scarborough, Editor of The Tidewater News, a weekly newspaper published in the Town of Franklin, Southampton County, Va., do hereby certify that the Order of Publication as attached hereon, was published in The Tidewater News once a week for four (4) successive weeks in the manner prescribed by law, to-wit: in its issues of February 3, 10, 17 and 24th 1911.

SIGNED:

Paul Scarborough, Editor

Franklin, Va., March 15th 1911

Smith
— n. 3 "Exhibit A"
Smith.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

COUNTY OF HERTFORD
STATE OF NORTH CAROLINA

OFFICE OF
JOHN A. NORTHCOTT,
REGISTER OF DEEDS.

Winton, N. C., ... 191

North Carolina }
Hertford Co } 3

This is to certify that I
Jm. A. Northcott Register of Deeds, am the
Custodian of the marriage records of Hertford
County, N. C., and further certify that said
records show that Robert Smith and Sue
Brown (Cal) were married by L. F. Lee, J.P.
of said County on Feby 15th 1882.

Witness my hand & official seal,
this the 27th day of Feby 1911

J. A. Northcott Regd.



Smith
— N. 3 Secree
Smith

Enter this Mch. 1911.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

* Robert Smith, *
* vs. *
* Susan Smith. *

This day this cause, in which the complainant has proceeded against the absent defendant in the mode prescribed by law against non-resident defendants, and ~~he~~ still failing to appear and plead, answer or demur, came on to be heard on the bill of the complainant, exhibits therewith filed, and the depositions of witnesses, notice of the taking of the said depositions not being necessary, this cause having properly matured against the defendant by order of publication, and was argued by counsel:

On consideration whereof, it appearing that the parties last co-habited in this County and that plaintiff is now a resident of the County, it further appearing that defendant wilfully abandoned and deserted the complainant more than three years ago, and they have not co-habited since, the Court doth adjudge, order and decree that the marriage heretofore solemnized between Robert Smith and Susan Smith be, and the same is dissolved.

And it appearing to the Court that nothing further remains to be done in this cause, it is ordered that it be removed from the docket.