

1895-027 Chancery Causes. Elizabeth Mitchell, by v c vs Boston Mitchell

Isle of Wight County

other SURNAMES: Whidbee,  
Artis, Moore

## VENABLE &amp; McILWAINE,

ATTORNEYS AT LAW,

Lowenberg Building, Main St.

Norfolk, Va., Oct. 23, 1895

Clerk of Circuit Court  
 For State of Virginia  
 State of Virginia C. A. No. 91.

Dear Sir, —

Please file the enclosed  
 Marriage Certif. in papers of Mitchell & v  
 Mitchell & oblige

Very truly,

Venable & McIlwaine

1 North Carolina Register of Deeds Office.  
2 Gates County }

3 I, Georgus Hofer  
4 Register of Deeds of Gates County  
5 North Carolina, do hereby certify  
6 that the "Marriage Register" in  
7 this County sheweth the following:

8 1. That License were issued  
9 from this office on the 8<sup>th</sup> day  
10 of January 1885 for the mar-  
11 riage of Boston Mitchell, col.  
12 of Gates County, N.C. age 25.  
13 and Elizabeth Whedbee, col. of  
14 Gates County, N.C. age 19.

15 2. That the said Boston Mitchell  
16 and Elizabeth Whedbee were  
17 married, at Middle Swamp,  
18 on the 8<sup>th</sup> day of January 1885,  
19 by E. E. Remondolph - a Baptist  
20 Minister.

21 3. That C. T. Hill, Rose Riddick  
22 and B. Riddick were  
23 witnesses to said marriage  
24 Given under my hand  
25 and official seal of office  
26 in Gatesville, N.C. this the  
27 31 day of June 1895.

28 Georgus Hofer

29 Reg. of Deeds.

30 Gates County,

31 North Carolina.



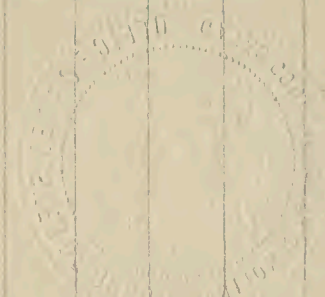
Mitchell pro fr.

vs. J. M. Leley

Mitchell

Certificate of  
marriage

Filed 24. Oct  
1895.



Read & answer Sept.  
30, Sept 1895.  
C.M.

In the Circuit Court for the County of Isle of Wight.

Elizabeth Mitchell, who sues by her next friend,

Washington Whidbee

Plaintiff

vs.

In Chancery.

Boston Mitchell,

Defendant

Clerk of aforesaid court will please issue summons against the  
said defendant, returnable to next rules to answer the said plaintiff  
in chancery.

Sept. 28, 1895.

Wmable x WJ Lwain  
P-Q

Memorandum

Elizabeth Mitchell, who  
lives at

In ch.

N  
Boston Mitchell

Elizabeth Mitchell, who sues  
by her next friend,

Washington Whidbee

vs.

Boston Mitchell

In the Circuit Court for the  
County of Isle of Wight.

This day this cause, which has been duly matured at rules and set  
for hearing, came <sup>on</sup> to be heard upon the Plaintiff's exhibits and  
depositions of witnesses examined on behalf of the Plaintiff, and ar-  
gued by counsel; on consideration whereof, the Court being of opinion  
that the charge of wilful desertion and abandonment, for a period of  
more than three years before the institution of this suit against  
the said defendant, as alleged, has been fully proved without the ad-  
missions of either party, doth adjudge, order, and decree that the bonds  
of matrimony heretofore solemnized and entered into between the said  
plaintiff and defendant be forever dissolved and annulled, and that  
the said plaintiff be granted a divorce a vinculo matrimonii from the  
said defendant, and that the defendant pay to the plaintiff her costs  
in this cause expended.

Nothing more remaining to be done in this cause, the same is  
ordered to be removed from the docket.

Elizabeth Mitchell, who  
sues by her next friend  
Washington Whiddow

vs.

Boston Mitchell

Decree

Enter Octo. 29, 1895  
Robert R. Huntis.

Entered # 24.

VENABLE & MCILWAINE,  
ATTORNEYS AT LAW.

Lowenberg Building, Main St.

Norfolk, Va.,

Sept. 28, 1895.

Clerk of Circuit Court for the  
County of Isle of Wight,  
Isle of Wight C. H.

Dear Sir, —

Enclosed find Memorandum, bill,  
and notice to take deposition in Suit of Elizabeth Mitchell  
v Boston Mitchell with our check for \$2.50 — writ  
tax & Sheriff's fee. Please have the Sheriff to  
serve process and notice to take deposition, & obtain

Very truly,

Venable &amp; McIlwaine,

P.S. We are informed that Boston Mitchell lives  
near Woodson.

The depositions of Ben Artis and others, taken before me, Benj. H. Marks, a notary public for the Corporation of Norfolk, in the State of Virginia, pursuant to notice, at the office of Benable and McIlwaine, in the Lowenberg Building, situated on Main Street, of said City, on the 22<sup>nd</sup> day of October, in the year 1895, between the hours of 6 A. M. and 6 P. M., of that day, to be read as evidence in behalf of Elizabeth Mitchel, in a certain suit in Equity, depending in the Circuit Court for the County of Isle of Wight, wherein Boston Mitchel is defendant and Elizabeth Mitchel, <sup>by her next friend, Washington Widdow,</sup> is plaintiff.

Present, Richard McIlwaine Jr. Atty for the plaintiff.

The witness, Mollie Moore, being duly sworn, deposes as follows:

1<sup>st</sup>. What is your name?

Mollie Moore

2<sup>nd</sup>. Age, occupation and residence

Next birthday will be 20, peanut-picker, Queen Street, Norfolk, Virginia.

3<sup>rd</sup>. Do you know Elizabeth Mitchel and Boston Mitchel, the parties to this suit, if so, how long have you known them?

Yes, over eight years.

4<sup>th</sup>. Is Elizabeth Mitchel a resident of the City of Norfolk, if so, how long has she been a resident of the City of Norfolk?

Yes, she has been in Norfolk about three years.

5<sup>th</sup>. Do you know where Boston Mitchel resides?

I have been told that he lives in Isle of Wight County.

69. Tell what you know on the part of Boston Mitchell  
 concerning a faithful and loving husband.

He used to beat her, and I have often seen her running away from him to keep from being beaten, and then he left her. He has never come back to her. He left her five or six years ago, not less than five years.

70. Where were they living when Boston Mitchell left and abandoned Elizabeth Mitchell?

They were living in Suffolk, Virginia.

89. What means have you for knowing the facts to which you have testified?

When I lived in Suffolk my house was just across the street from Mitchell's house, and I used to see both of them almost every day, until Boston Mitchell left his wife.

Boston Mitchell left Suffolk, but Lizzie Mitchell continued to live there two or three years longer. Then Lizzie Mitchell moved to Norfolk, and not long afterwards I moved to Norfolk too. Since I have been in Norfolk I have seen a great deal of Lizzie Mitchell, I have been to her house often, and if the facts were different from what I stated I would certainly have known it.

And further this deponent saith not.

Mollie <sup>her</sup> Moore  
 mark

No other witness appearing, the further taking of these depositions is continued until tomorrow, at the same place, and between the same hours.

Benj. N. Marks,  
 Notary Public.

Office of Penable and McIlwaine  
23<sup>rd</sup> day of Oct. 1898

Present, Richard McIlwaine Jr. Atty for the plaintiff.

The witness, Ben Artis, being duly sworn, deposes as follows:

1<sup>st</sup> Q. What is your name, age, occupation and residence?  
Benjamin Artis, 47, boarding house keeper, 106 Nicholson Street, Norfolk, Virginia.

2<sup>nd</sup> Q. Do you know Elizabeth Mitchel and Boston Mitchell, the parties to this suit; if so, how long have you known them?

Yes, I have known them both about eight years.

3<sup>rd</sup> Q. Where does Elizabeth Mitchel now reside?

In the City of Norfolk.

4<sup>th</sup> Q. How long has she been a resident of the City of Norfolk.

About three years.

5<sup>th</sup> Q. Where does Boston Mitchell reside?

In Isle of Wight County.

6<sup>th</sup> Q. Tell what you know on the part of Boston Mitchell concerning a faithful and loving husband.

I have seen him beat Elizabeth Mitchel, slap her, and drive her away from him, finally he left her about six years ago, and he has never come back to her. They have never lived together since then, and he has never

given her any thing for her support.

29. What means have you ~~for~~ knowing the facts to which you have testified?

I lived near them in Suffolk, Virginia, where all this happened, and I was acquainted with them intimately; I now live in Norfolk, Virginia, and since Elizabeth Mitchell moved to Norfolk, I have seen her frequently, as often as once per week, and I have often been to her house. I know that what I have said is true because I cannot be mistaken.

And further this deponent saith not-

Witness,  
Benj. H. Marks.

B. H. Marks

Virginia,

Corporation of Norfolk, to-wit:

I, Benj. H. Marks, a notary public in and for the Corporation and State aforesaid, do hereby certify that the foregoing depositions of Mollie Moore and Ben Artis, were duly taken, sworn to and subscribed before me, at the times and place, and for the purpose in the caption hereto mentioned.

Given under my hand this 23<sup>rd</sup> day of October, in the year 1895.

Benj. H. Marks  
Notary Public.

Depositions of Benjamin  
and Mollie Morse  
in suit

Elizabeth Mitchell

vs

Boston Mitchell

Came to hand  
under seal the  
24<sup>th</sup> day of Octo.  
1895, and filed  
Test, N. O. Young &

The Commonwealth of Virginia,

To the *Sheriff* of the *County of Isle of Wight*, Greeting:

WE COMMAND YOU, That you summon *Boston Mitchell*

to appear at the Clerk's Office of the *Circuit* Court of the *County of Isle of Wight*  
at the rules to be held for the said Court on the *first* Monday in *October*, 189*5*,  
to answer a bill in Chancery, exhibited against *him* in our said court by

*Elizabeth Mitchell, who was by her next friend,  
Washington Whedbee,*

And have then there this writ. Witness, *A. O. Young* Clerk of our said  
Court, at the court-house, the *30<sup>th</sup>* day of *Sept*, 189*5*, and in the *120<sup>th</sup>* year  
of the Commonwealth.

*A. O. Young* *CR.*

Elizabeth Mitchell

VS.

}

SUBPENA  
IN  
CHANCERY.

Roscoe Mitchell

Venable & W. L. Loomis

To First Octo. Rules,  
1895. Court.

Executed at Boston  
Witness my Adjoining  
a copy of this Sub  
poena. Octo. 1895.  
Very Res. of W. L. Loomis  
No. A. Adams

To Boston Mitchell:

You are hereby notified, that on the 22nd. day of October, in the year 1895, at the office of Venable and McIlwaine, in Norfolk, Virginia, between the hours of 6 A.M. and 6 P.M., of that day, I shall proceed to take the depositions of Ben Artis and others, to be read as evidence in my behalf, in a certain suit in equity, depending in the Circuit Court for the County of Isle of Wight, wherein you are defendant, and I am plaintiff; and if from any cause the taking of the said deposition be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Elizabeth Mitchell, who dies  
by her next friend, Washington Whiston,  
by her attorneys,  
Venable & McIlwaine.

Elizabeth Mitchell

By

Boston Mitchell

Examined by delivery  
a copy of this  
Notice to Boston  
Mitchell Oct 7th  
1895 <sup>very per good so</sup>  
<sup>noted up & signed</sup>  
Pro A. C. C. C. C.  
J. H. C.

Circuit Court for the County of Isle of Wight.

Elizabeth Mitchell, who sues by her next

friend, Washington Whidbee,

Plaintiff

vs.

In Chancery.

Boston Mitchell,

Defendant.

To the Hon. R. R. Prentiss, Judge of the Circuit Court for the County of Isle of Wight:

Humbly complaining, sheweth unto your Honor, your oratrix, Elizabeth Mitchell, who sues by her next friend, Washington Whidbee, the following case: -

On the 8th. day of January, 1885, your oratrix, Elizabeth Mitchell, was married to Boston Mitchell, the defendant in this suit, at Middle Swamp, Gates County, North Carolina.

In or about the month of March, 1889, your oratrix and the said defendant were living together as man and wife, in Suffolk, Virginia, and at that time, the said defendant, without any just cause, wilfully deserted and abandoned your oratrix, since which time he has had nothing to do with her, nor has he contributed at all to her comfort or support.

Your oratrix is now and has been for three years a resident of the City of Norfolk, Virginia; while the above-named defendant resides in the County of Isle of Wight, Virginia.

Your oratrix is advised that she is entitled by reason of the matters aforesaid to a divorce a vinculo matrimonii from the said Boston Mitchell, but she is also advised that her rights and wishes in this regard can be obtained only by aid of a Court of Equity.

In tender consideration whereof, your oratrix prays that the said Boston Mitchell be made a party defendant to this bill, and be required fully to answer the same, but an answer under oath is waived; that your Honor decree to your oratrix <sup>a divorce</sup> a vinculo matrimonii, and that she may have such other further and general relief as the circumstances of her case may require, and to Equity shall seem meet.

May summons issue, and your oratrix will ever pray etc.

Elizabeth Mitchell, who sues,  
By her next friend Washington Whidbee,  
By her attorneys,  
H. W. & W. J. Swann.

Elizabeth Mitchell,  
Whose vs  
V.S. In Chancery  
Boston Mitchell.

Bill.

First Octo. Rules 1895.  
Decis. Ed. Bill bill.  
& decree re'so.

Second Octo. Re. Oct  
for location n. Dept.  
in still failing to  
appear.

Final Decree  
October 29/1895