

1897-014 Chancery Causes: Lizzie Bell, by & c vs George E. Bell

Isle of Wight County

other surnames: Powell,
Bruce, Deans

Circuit Court
Isle of Wight Co.
In Chancery.

Lizzie Bell
vs
Geo. C. Bell
deft

Alfred B. Chen
p. q.

Bill for Divorce
A Vinculo Matrimonii

1st October rules 1897
Bill filed sum. evd. & de
mise.

2^d October rules 1897 Bill
taken for confessed & cause
set for hearing.

sufficient to have the Care, Custody, Education and maintenance of their said Child.

In tender consideration whereof and inasmuch as your oratrix is without remedy save in a Court of Equity where matters of this kind are properly remediable, she prays that her said husband, George E. Bell may be made a party defendant to this bill and required to answer the same, oath or affirmation thereto being Expressly waived; that proper process may issue summoning her said husband and requiring him to answer her bill: that all proper references be had and all proper decrees entered; that suitable alimony pendente lite and permanent may be granted your oratrix; that adequate compensation may be awarded Counsel for conducting these proceedings: that your oratrix may be divorced a vinculo matrimonii with her said husband; that she may be awarded the Custody, education and maintenance of their infant Child, Lola Bell, and that such other, further and General relief may be granted as the nature of her Case may require and as to Equity shall seem meet. And your oratrix will ever pray &c.

Lizzie Bell

Alfred Cohen

J. E.

from Windsor as aforesaid. That the whereabouts of her said husband have been to her unknown, until within a week before the institution of this suit. She is informed and believes and upon information and belief alleges that her said husband resides at Leland, in the State of Mississippi. That for more than five years her said husband ~~has~~ not contributed either directly or indirectly anything towards the support and maintenance of your oratrix, and their ~~said~~ child, Lola Bell, who is now of the tender age of four years, who is the only issue of their said marriage and upon whom her father has never laid eyes.

Your oratrix avers that her said husband has wilfully abandoned and deserted her for more than three years prior to the institution of this suit. That she and her said husband last cohabited at Windsor, Isle of Wight County, Virginia, at which place your oratrix now resides and has resided for more than one year prior to the institution of this suit. That she was always a faithful, loving and dutiful wife, and that she is of ability

In the Circuit Court for Isle of
Wight County, Virginia. In Chancery.

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

Complaining sheweth unto your
Honor your oratrix, ~~Lizzie~~ Lizzie Bell, nee
Lizzie Powell, wife of George E. Bell,
who sues by Elizabeth Powell, her
prochein ami, that on June 6th 1892
at Windsor, Isle of Wight County, Vir-
ginia, she was united in the holy
bonds of matrimony with her said
husband, George E. Bell. To be filed herewith
and marked Exhibit A is a duly authentic-
ated copy of your oratrix's marriage Certificate,
setting forth her intermarriage with the
said George E. Bell, which she prays may
be read and taken for a part of this bill.

Your oratrix further sheweth that
full four weeks had not elapsed
after her said marriage, when her
said husband, under the pretext of
obtaining work in the State of Colorado
and then sending for her, wilfully
abandoned and deserted your oratrix
at Windsor, aforesaid. That her said
husband has not sent for her nor
has he visited her since his departure

Lizzie Bell

vs. }

SUBPOENA
IN CHANCERY.

George E. Bell

Alfred E. Cohen p. q.

To 1st October Rules.

Quaint Court.

The Commonwealth of Virginia,

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

WE COMMAND YOU, That you summon

George E. Bell

to appear at the Clerk's office of the Quain Court of the County of Isle of Wight
at the rules to be held for the said court on the First Monday in October
1897, to answer a bill in chancery exhibited against him in our said court by
Lizzie Bell, who sues by Elizabeth Powell her
next friend.

And have then there this writ. Witness, M. J. Young, Clerk of our said Court,
at the court-house, the 30th day of August 1897, and in the 122 year of the
Commonwealth.

A. J. Young C.C.

Mississippi. That on the
4th day of September in
the year Eighteen hundred and
Ninety-seven at Deland in
the state of Mississippi at

One o'clock P. M. he per-
sonally served the annexed
summons upon said George
E. Bell by delivering to and leaving
with him a true copy thereof
and at the same time informing him
of the purport thereof, at the time and
place aforesaid, and that he knows
the person so served to be the de-
fendant named therein.

A. Bruce

Subscribed and sworn to
before me this 4th day of
September 1897.

J. H. Robb
Notary Public

Circuit Court
State of Michigan
In Chancery

Lizzie Bell vs
Geo E. Bell
Summons and
return

In Circuit Court, Sole of Wight County, Virginia
In Chancery.

Lizzie Bell, who sues & }
vs. plaintiff }
George E. Bell }
defendant }

State of Mississippi }
County of Washington } ss.

Before me, the undersigned, a
Notary Public for the ^{City of Greenville} County of Washington in the
State of Mississippi personally appeared
A Bruce and made oath, that he
resides at Greenville in the State of
Mississippi and is over the age of twenty-
one years. That he is in no wise
interested as a party or otherwise either
directly or indirectly in the subject
matter in controversy in the
above entitled suit. That he
is personally acquainted
with George E. Bell, the defendant
in the above entitled suit and
that said George E. Bell is
a non-resident of the State of
Virginia and is a resident
of Beland in the County
of Washington State of

Lizzie Bell

vs.

Geo. E. Bell

Depositions

1st Oct. rules 1897

Bell filed answer & filed

decre nisi

2^d Oct rules 1897

Bell taken for confessed

& cause set for hearing

October term 1897

Final Decree

I am fifty eight yrs. old. Have known Mrs. Bell the plaintiff since my residence here, knew Mr. Bell for only a very short time.

Ques. 2 State whether the plaintiff and defendant are married?

Ans. They were married by me on the 6th day of June 1892 at the residence of Mrs. Bell,s parents, in Windsor, county of Isle of Wight and state of Virginia.

Ques. 3 --- State whether they are living together now, and, if not, state anything you may know of their separation?

Ans- They lived here in this village?, county and state for a few weeks, and, then Mr. Bell ~~left~~ his wife here where she has been all the time and, so far as I know, or ever heard he has not been here since the latter part of June or the first of July 1892. Mr. Bell was a telegraph operator here. I do not know and ^{of, and} I never heard of the husband,s assigning any cause at all for leaving his wife .

And further this deponent saith not:

J. F. Deans.

State of Virginia:

County of Isle of Wight, to wit:-

I, J.O.Branch, a Justice of the Peace, in and for the county of Isle of Wight, in the said state, do hereby certify that the foregoing depositions of Eliabeth Powell and Rev. Dr. J.F.Deans were duly taken, sworn to, and subscribed before me, at the time and place, and for the purpose therein mentioned.

Given under my hand this 20th day of October 1897.

J. O. Branch J.P.

In fact he has never written me a line since, he well knew that my husband was afflicted, and, that we were poorly able to provide for his wife.

Ques 5 State whether there is any issue of the marriage, and, if so the name and age of the issue, what Geo.E.Bell, the father has done towards the support of the same?

Ans_____ Yes. one girl, named Iola Bell, now a little over four years old. and he has never contributed in any manner towards the support of the child.

Ques. 6 Is the plaintiff ~~XXXXXXXXXX~~ of ability sufficient to nurture and bring up the child?

Ans-- I think so, she has by hard work taken very ^{good} care of it so far, she loves the child very much and, and, ^{will} do her best to bring it up properly.

Ques. 7 Where does the defendant live, and, about what does he earn per month?

Ans. I do not know where he lives, none of the letters written were dated ~~an~~ post-marked in the state of Virginia. I have ^{an} idea that he has ^{never} lived in Virginia since he left here. He earned forty dollars per month here. I saw in one of his letters that he was getting eighty dollars per month at his occupation as an operator.

Ques. 8 Have you stated all the facts connected with the separation of the parties, if not, state fully anything, and everthing?

Ans. I have stated all the facts to the best of my memory. I never heard any complaint he made. I was at their house quite often and I am sure she, was to him a faithful and dutiful wife.

And further this deponent saith not:

Elizabeth Powell

Rev. Dr. J.F.Deans, being duly sworn, deposes and says:

I Ques. State your name, age. residence, occupation, relation to the parties, if any, and whether you know the parties?

Ans. My name is J.F.Deans, reside in Windsor, Va. and have resided there for 19 yrs. not related to either party, occupation minister,

since.

Ques. 3 ----- Are the parties to this suit married, and, if so tell when and where they were married?

Ans----- Yes, they were married in our residence, in the village of Windsor, county of Isle of Wight and state of Virginia, on the 6th day of June 1892.

Ques 4 In one of your answers you spoke something of a separation of the parties to this suit, please state fully what you know of their co-habitation as man and wife, all you know of their separation?

Ans. After the marriage for three or four days they lived in our house together as man and wife, and then they moved to a house he rented in the same village near me, in the county of Isle of Wight and in the state of Virginia, where they thus lived together for between three and four weeks, and then sometime in June 1892 he left his wife, giving no excuse except that he wanted better employment, was night operator here at the railroad depot, and wanted day work and better pay, under that pretext he went to Richmond and immediately to Stateville N.C. where he only remained a short time. My knowledge of his movements was derived from one letter written to me and several to my daughter, all of which I have read He wrote to his wife quite often, say twice a month, for one year, then less frequent, and about three years ago he ceased writing at all. I read all these letters, and never in any one of them was there a word of complaint against his wife. He made no charge of any kind against her, he never offered to aid her financially or otherwise.

He has never assisted in her support in any way since he left.

In one letter he said to her if he ever got able, and situated as he wished he would send her some money, but has not done so.

She has not seen him since he left, and with the exception of the letters I have named above, she has ^{had} no communication with him at all. He asked me in the letter written to me to take his wife and take care of her and I should be paid. That was as soon as he left. He has never paid or sent me one penny or any other compensa

tions.

The depositions of Elizabeth Powell and others, taken before me, a Justice of the Peace in and for the county of Isle of Wight, in the state of Virginia, pursuant to notice hereto annexed, at the residence of Mrs. Elizabeth Powell in the village of Windsor, in the county of Isle of Wight in the state of Virginia, between the hours of 10, 0, Clock A.M and 6 0, Clock P.M on the 20th day of October 1897 to be read as evidence in behalf of Lizzie Bell who sues by her next friend in a certain suit in equity depending in the Circuit Court of the county of Isle of Wight in the state of Virginia, wherein George E. Bell is defendant and Lizzie Bell by her next friend is the plaintiff.

Present Wm.S.Holland , attorney for the plaintiff.

The witness Elizabeth Powell being duly sworn, deposes as follows:

Ques. 1 State your name, age, residence and occupation, and if related to either party to the suit?

Ans----- My name is Elizabeth Powell, I reside in the village of Windsor, in the county of Isle of Wight, in the state of Virginia, I am the mother of Lizzie Bell who was Powell, I am 53 yrs. old and my occupation since the death of my husband has been to ^{care} take of my family.

Ques. 2 State your acquaintance with the parties, and what you may know of their residence, now and in the past?

Ans-----7 Lizzie Bell who was Powell is my child, up to her marriage she lived all the time in my house with me as my child, when her husband left her she immediately made my house her home, and has lived with me ever since. Mr. Geo.E.Bell lived in this village where he was employed as a telegraph operator for about five months prior to his marriage with my daughter, I saw him quite often as a visitor and about the village, after the marriage he and my daughter lived together in this village near my home for about four weeks, perhaps a few days less, and I knew him well for that time, since then I have known of my own knowledge nothing of his whereabouts, sometimes I would hear that he was at different places outside the state of Virginia, but have not seen him

To George C. Bell, Leland, Miss

Take Notice, That on the 20th day of October
1897, at the residence of Mrs Elizabeth Powell
at Windsor, Isle of Wight County, State of Virginia
between the hours of sunrise and sunset, I will take the depositions of
Mrs Elizabeth Powell and others, to be read as evidence in
my behalf in a certain suit in Chancery
depending in the Circuit Court of Isle of Wight
County, wherein I am

Plaintiff and you are Defendant.
And if from any cause the taking of said depositions be not commenced, or if
commenced, be not concluded on that day, the taking of the same will be ad-
journed and continued from day to day, or from time to time, until the same
be completed.

Very respectfully,

Lizzie Bell
by Counsel
Alfred E. Cohen

Lizzie Bell, who sues & }
vs. plaintiff }
George B. Bell, defendant }

In Circuit Court, Isle of Wright County, Virginia
In Chancery.

State of Mississippi }
County of Washington }
for the County of }
of Bruce.

I, S. Before me the undersigned, a Notary Public in and for the State of Mississippi, personally appeared George B. Bell, who resides at Greenville in State of Mississippi and is over the age of twenty-one years; that he is in nowise interested as a party or otherwise either directly or indirectly in the subject matter in controversy in the above entitled suit. That he is personally acquainted with George B. Bell, the defendant in above entitled suit. That on the 4th day of September 1897 at One o'clock P. M. at Leland, State of Mississippi, he personally served the within notice upon George B. Bell by delivering to and leaving with him a true copy thereof; that said George B. Bell is a non-resident of State of Virginia and a resident of Leland, Mississippi and that he knows the person so served to be the defendant in above suit. A. Bruce

Subscribed and sworn to before me this 4th day of September 1897.

J. H. Robb
Notary Public

Lizzie Bell by &c.

vs

Geo. E. Bell

October 25th 1897.

D E C R E E.

To be entered.

Robert R. Dentis

Entered

Lizzie Bell, who was Powell by Elizabeth Powell her next Friend.

vs

George E. Bell.

This cause came on this day to be heard on the bill and exhibits therewith filed ~~XX~~ which the defendant has been duly summoned to answer pursuant to section 3232 of the Code of Virginia (1887) and on the depositions of witness filed herewith, and was argued by counsel:

On consideration whereof the court doth adjudge, order and decree, that the marriage heretofore had and solemnized between the defendant, George E. Bell, and the plaintiff, Lizzie Bell, formerly Lizzie Powell shall be, and the same is, hereby dissolved; and that the said Lizzie Bell be forever divorced from the said George E. Bell; and that the said George E. Bell be forever divorced from the said Lizzie Bell; ~~and the court further adjudge, order and decree that the defendant do pay to the said plaintiff the sum of \$, and hereafter for the space of five years that the said defendant do pay annually to the said plaintiff the sum of \$ these sums being in the opinion of the court a sufficient maintenance and support for the said Lizzie Bell, considering the ability of the said defendant as shown by the evidence.~~

And the court doth further adjudge, order and decree that the said Lizzie Bell, formerly Powell by which ^{formerly of George Bell} ~~latter~~ name she shall be hereafter known, do retain and in keep in her custody and care the issue of the said marriage, the child named Iola Bell.

And the court doth further ~~XXXXXXX~~ adjudge, order and decree that the said George E. Bell do pay unto the plaintiff her costs expended in the prosecution of this suit, and ~~nothing~~

further remaining to be done in this suit it is ordered to be stricken from the docket.