1904-010 Chancery Causes: William Drew VS Jane Drew

Dale / Wright County

other surnames: Hill, Scott, Reid

WILLIAM DREW.

VERSUS. IN CHANCERY.

JANE DREW.

COMPLAINANTS BILL.

Filed May 1st 1904

1st May rules 1904. Summons issued for Defl.

2 May rules 1904 Bill taken pro confesso

1st June rules 1904 Set for hearing

June term 1904

Final

LAW OFFICE OF
R. E. BOYKIN,
SMITHFIELD, VA.

To the Hon., Robert R.Prentis,Judge of the Circuit Court of the County of Isle of Wight.

Humbly complaining sheweth to the court your complainant William Drew.

That on the day of 189 ,your complainant was married to one Jane Hill,in the County of Isle of Wight,and continued to live with her as husband and wife in the said County until she wilfully deserted and abandoned him as hereinafter mentioned.

A certified copy of the marriage license of your complainant and his said wife,with the return of the celebrant of the said marriage,is herewith filed,marked A.,and prayed to be read as a part of this bill.

That your complainant was a kind and,attentive and considerate husband,and took care of and provided for his said wife to the best of his means and ability,they being colored persons,and he a laborer,and was in all respects a kind,faithful,attentive and considerate husband.

That your complainants said wife,on the other hand,was inattentive to her duties,was neglectful in her conduct,frequently absenting herself from their home,as often as a week at the time,with-out the consent of your complainant,leaving without his knowledge, or any information as to her whereabouts.

That on the 15th day of March 1901,your complainants said wife wilfully deserted and abandoned him,wihtout any reason or cause therefor,which wilful abandonment and desertion has continued and still continues to the time of the insitution of this suit and the filing of this bill.

That your complainant and his said wife has been domiciled in

this State, to wit, the State of Virginia, for more than one year preceeding the institution of this suit, to wit; since their marriage aforesaid.

That they last cohapbited together as man and wife in said county, and both your complainant and his said wife now reside therein.

In tender consideration whereof and forasmuch as your complainant is without remedy at law and can only be relieved by the aid of this honorable court of chancery, where matters of this kind are alone and properly cognizable and relievable, to the end that justice may be done in the premises, your complainant prays that the said Jane Drew be made a party defendant to this bill and be required to answer the same; an answer under oath being hereby expressly waived.

Caht a divorce a vinculo matrimonii be granted your complainant from his said wife; and that such other, further and general relief may be granted in the premises as the nature of the case may require or to equity shall seem meet.

And your complainant will ever pray &c.

Teste. R. E. Boykin

William his X mark Drew

Isle of Wight County, to wit.

I, R. E. BOYKIN, a Commissioner in Chancery for the Circuit Court for the County aforesaid, in the State of Virginia, do certify that William Drew, whose name is signed to the foregoing bill personally appeared before me in my said county and made oath, that the satements contained in the foregoing bill are true.

R. E. BOYKIN,
ATTORNEY AND COUNSELOR AT LAW,
SMITHFIELD, VA.

Given under my hand this 2d day of April 1904.

R. E. Boykin
Commissioner in Chancery.

Received by Solicitor of the
Petitioner a Copy of the
within Subpoena this 1st
May 1904

William Drew

vs. { SUBPOENA IN CHANCERY.

Jane Drew

R. C. Baykin ... p. q

To First May Rules,

Circuit Court.

1904,

B3119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Jane Drew

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 May 1904, to answer a bill in chancery, exhibited against her in our said court ~~for~~ by William Drew

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 28th day of April 1904, and in the 128 year of the Commonwealth.

N. F. Young Clk

DREW-

versus

Drew.

Plaintiff's Depositions.

LAW OFFICE OF
R. E. BOYKIN,
SMITHFIELD, VA.

State of Virginia-

Isle of Wight County, to wit:

I, George R. Atkinson, a Commissioner in Chancery for the Circuit Court of the county aforesaid, in the State of Virginia do hereby certify that the foregoing depositions of Archer Hill and Mary Lou Scott, were duly taken, sworn to and subscribed before me, at the time and place, and for the purpose in the caption mentioned.

Given under my hand this twenty-first day of MAY, 1904.

Geo R Atkinson

Commissioner in Chancery.

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The depositions of Archer Hill and Mary Lou Scott, taken before me, George R. Atkinson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, pursuant to the notice hereto annexed,at the office of R.E.Boykin, in the Town of Smithfield, Virginia, on the twenty-first day of May, 1904, between the hours of nine o'clock a.m. and nine o'clock p.m., to be read as evidence in behalf of William Drew in a certain suit in chancery depending in the Circuit Court of the County of Isle of Wight wherein William Drew is plaintiff and Jane Drew is defendant.

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Present R.E.Boykin,Attorney for Plaintiff

Archer Hill,a witness of lawful age having been duly sworn deposes and says as follows.

Ques.1. State yor age,residence and occpuation.

Ans I am 27 years old. Am a farm laborer. I live at Mr J.O. Thomas' farm,know as Four Square,in Isle of Wight County.

Ques.2. How long have you lived at Four Square.

Ans. Eight Years.

Ques. 3. State whether or not you afe acquainted with William Drew, sometimes called Willie Drew and Jane Drew his,wife,the parties to this suit.If so how long have you known them.

Ans. I know them. I have known Jane ever since she was a small child. Have know Willie Drew about five years.Before he was married.

Ques.4. State whether you ever lived on the same farm with Willie Drew and his wife after their marriage,if so what years and on what farm.

Ans. I lived on the same farm with them after they got married. It

on Four Square farm. They lived there in the year 1902. They came there in December 1901.

Ques. 5. Are you married,and was the house in which you lived with your wife during the time Willie and his wife lived there on the said farm,and if so how far apart were they.

Ans. I am married and was when they lived on the Four Square Farm. My house was about a quarter of a mile from theirs.

Qus. 6. Did you see them frequently and did both of you work for the owner of said farm.

Ans. I used to see them every day. We both worked for Mr Thomas the farm belongs to him.

Ques. 7. State whether or not Willie Drew treated his wife with kindness and consideration,or was he harsh and cruel in his conduct to her; and whether or not he cared for as well as other colored men in his station of life and according to his means. Also say whether the parties to this suit are white or colored.

Ans. They are both colored. So far as I ever saw he treated her kindly,never saw him abouse her or treat her harshly in any manner. He cared for her just as well as any colored man could who was a laborer and had to work for his living as he did.

Ques. 8. In what county were they living when they were married, and have they lived in the same county ever since their marriage.

Ans. They lived in Isle of Wight County,and have lived there ever since,except about two months in which they lived in Southampton. They live in Isle of Wight now.

Ques.9. Are they now living together as man and wife,if not where are they living.

Ans. They are not living together as man and wife. He lives in the County at Mr Hardy Delk's,about nine or ten miles from Smithfield.

She lives in Smithfield.

Ques 10. When did they separate;where were they living when the separated,and generally,so far as you know the circumstances attend -ing their separation.

Ans. They were living on Four Square farm when they separated. She left him in the month of March 1901; while I can not swear positively when she left him,as to the exact day,yet as near as I can come to it,it was the 15th day of March. She left him. He did not leave her. I did not see her when she left h. When we went out to work in the morning she was at home. When Willie and I cam back in the evening from our work she was gone.

Ques. 11. Do you,of your own knowledge know why she left him,or do you know of any conduct on the part of Willie or William Drew which caused her to leave him.

Ans. I do not know of my knowledge why she left him. I never saw him do or say anything which would cause her to leave him. He treated her good and kind.

Ques. 12. Hvae they lived together as man and wife since she left him,as you have stated.

Ans. No sir not to my knowing,and I would have known if they had.

And further this deponent saith not.

Teste
Chas R Atkinson

his
Archer X Hill
mark

Mary Lou Scott,a witness of lawful age having been first duly sworn deposes and says,as follows.

Ques. 1. State your age,residence and occupation,and what relation are you to Willie Drew.

Ans. I am 27 years of age; am a cook. Willie Drew is my brother.

Ques. Where were you living in March 1901,and where did Willie Drew and his wife then live,and how far from each other.

Ans. I was living at Mr Cornelius Chapman's. Willie and his wife were living at Four Square belonging to Mr J.O.Thomas. I lived about three miles from them.

Ques 3. Did you see them frequently. If so about how often.

Ans. I saw them real often. I would see them some three or four times a week,and sometimes would see Jane right much oftener. She used to come to my house often and I would go to theirs.

Ques. 4. State whether or not Willie Drew treated his wife kindly and with consideration,or was he harsh and cruel,or neglectful of her,and whether or not he took care of and provided for her as well as a man of his condition in life could.

Ans. He was very kind to his wife. I never knew him to be at all harsh to her. He indulged her very much. Did every thing he could for her. He was a good provider,and cared for her as well as any colored man I know.

Ques. 5. Sate whether she was faithful in the discharge of her duties as a wife,attentive to her business or otherwise.

Ans. She used to go about right much; was all the time going about somewhere,and just before she left seemed to receive right much attention from other men,or another man. One particular Man.

Ques. 6. Are they now living together,and if not where are they living,and who left the other.

Ans. They are not now living together. She lives in Smithfield and he at Mr Hardy Dalks. They live all of eight or nine miles apart. She left him while they were living at Four Square.

Ques. 7. When did she leave him and for what cause.

Ans. It was some time in March 1901. I do not know the exact date. I am sure it was March 1901. She seemed to get tired of him,and wanted to be with other men. She left him once before said she was tired of him,this was some eight or ten moths before she left for good; but he pursuaded her to come back.

Ques. 8. State whether or not they have lived together as man and wife since she left him in March 1901,as you have stated.

Ans. They have not. I live in Smithfield and she does too. They do not have anything to do with each other.

Ques. 9. Did Willie Drew give her any cause whatever to leave.

Ans. No sir,she went because she wanted to and didnt want to stay with him. He always treated her good. He was a mighty good and easy husband to get along with her. He always sought her needs,she didnt have to aks for things he would get them without her asking. She said she was tired of him. She wanted some brighter man than he was,so she said.

And further this deponent saith not.

her
Mary Sou x Seace
Mark

Teste
R. E. Boykin

Fee 25c

William Drew,

versus-

Jane Drew.

D E C R E E:

Entered June 7, 1904

Robert E. Boykin

Entered in C.O. B. #6, p. 547

LAW OFFICE OF
R. E. BOYKIN,
SMITHFIELD, VA.

In the Circuit Court of the County of Isle of Wight:

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William Drew)
versus-)
Jane Drew.)

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which has been regularly matured at the rules by the service of process on the defendant,

This cause came on this day to be heard on the complainant's bill and exhibits filed therewith, and the examination of witnesses; and was argued by counsel.-

On consideration whereof, the Court being of opinion, from the evidence in this cause, that the defendant Jane Drew has wilfully abandoned and deserted the plaintiff, William Drew, for a period of three years, doth adjudge, order and decree that the marriage heretofore had and solemnized between the said plaintiff William Drew and the defendant, Jane Drew, shall be, and the same is hereby, dissolved; and that the said William Drew be for ever divorced from the said Jane Drew.

And the Court doth further adjudge, order and decree that the said Jane Drew do pay unto the plaintiff his costs expended in the prosecution of this suit.

And nothing further remaining to be done herein, it is ordered that this suit be dismissed from the docket.

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R. E. BOYKIN,
ATTORNEY AND COUNSELOR AT LAW,
SMITHFIELD, VA.

William Drew

vs. } Marriage Certificate

Jane Drew

MARRIAGE LICENSE

VIRGINIA, Isle of Wight 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,

Willie Drew

and Jane Louisa Hill

Given under my hand, as Clerk of the County Court of Isle of Wight this 12th day of December 1900

N. F. Young Clerk.
by Albert S. Johnson Deputy

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 3, 1900.

Time of Marriage, December 13th 1900
Place of Marriage, Isle of Wight co. Va
Full Names of Parties Married, Willie Drew and Jane Louisa Hill
Color, Colored
Age of Husband, Twenty three years
Age of Wife, Seventeen "
Condition of Husband (widowed or single or divorced) Single
Condition of Wife (widowed or single or divorced) Single

Place of Husband's Birth, Elizabeth City N.C.
Place of Wife's Birth, Isle of Wight Co Va
Place of Husband's Residence, Isle of Wight Co. Va
Place of Wife's Residence, Isle of Wight Co Va
Names of Husband's Parents, Davy Drew and Sallie Drew
Names of Wife's Parents, William Perkins and Lou Hill
Occupation of Husband, Laborer

Given under my hand this 12th day of December 1900

N. F. Young Clerk.
by Albert S. Johnson deputy

I, do certify that on the 13th, day of December 1900, at Isle Of Wight Co., Va., I united in marriage the above named and described parties under the authority of the annexed license.

W.M.Reid Minister.

I, N.F.Young Clerk of the Circuit Court of Isle of Wight County this 11th, day of May 1904, do certify that the above is a true copy from the records of this office.

N. F. Young Clerk.

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