1905-004 Chancery Causes: William L. Turner vs Lula E. Turner
Isle of Wight County

other surnames: Stringfield, Daughtrey, Pierce, Spivey, Matthews, Hall, Garner, Darden

Spec L. Turner
vs Bill
Lula E. Turner

1st Sept rules 1904. Bill filed. Summons issued & de rule

2d Sept rules 1904 Case set for hearing

March term 1905 Final

S. E. EVERETT,
ATTORNEY AT LAW.
SUFFOLK, VA.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

William L. Turner,.....Plaintiff.

vs. In Chancery.

Lula E. Turner,.....Defendant.

Complaining showeth unto the Court your orator, William L. Turner, husband of Lula E. Turner, the following case. That your complainant has been a resident of this State over one year and last co-habited with the said Lula E. Turner in Isle of Wight County, Virginia, that in the year 1900 your orator was married to the said Lula E. Turner in Newport News, Va. and they lived together until the summer of 1901, and on August 6th your orator's wife, Lula E. Turner, without cause deserted your orator and left her home where she was comfortably situated and went to Newport News, Virginia, and has never returned. Your orator states that she left without cause and that after the defendant, Lula E. Turner, deserted your orator your orator when to see her and got friends to go to see her and finally employed Counsel to go to see the said defendant, but she stubbornly refused to return.

In tender consideration whereof and for as much as your complainant is remediless in the premises save in a court of equity he prays that the said Lula E. Turner may be made a defendant to this bill and be required to answer the same on oath; that your orator may be divorced from the said defendant a vinculo matrimonii; and that all other, further and general relief may be afforded your complainant as the nature of his case may require or to equity may seem meet.

And your complainant will ever pray, etc.

Counsel.

William L. Turner

J. E. Stevens

VIRGINIA,

To-wit:

County of Isle of Wight.

I, Lucy C. McClelland, a Notary Public in and for the County aforesaid, State of V. do certify that William L. Turner, the complainant in this bill, has this day personally appeared before me in my County and State and made oath that all the facts stated in the above bill are true.

Given under my hand this 17th day of August, I904.

Lucy C. McClelland N.P.

My commission expires May 21-1908

W. L. Turner

vs. { SUBPOENA IN CHANCERY.

Lula E. Turner

S. E. Everett p. q

To First September Rules,

Circuit Court.

19th
B 3119

Executed this the 18th day of August 1904. by delivering a true copy of the within Summons in chancery to Lula E. Turner. in person

E. H. Hildstead. Sergeant for the City of Newport News. Va.

By C. C. Curtis. Deputy. Sergeant

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Lula E. Turner

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 September 190[illegible] to answer a bill in chancery, exhibited against her in our said court ~~for~~

By W. L. Turner

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 16th day of August 190[illegible], and in the 129 year of the Commonwealth.

N. F. Young clerk

Executed this the
18th day of August
1904. by delivering
a true copy of the
within notice to
take depositions
to Lula E. Turner
in person
E H Hildstead
Sergeant for the
City of Newport
News. Virginia
By L. L. Curtis Deputy
Sergeant.

TO LULA E. TURNER:

T A K E N O T I C E that on the 21st. day of September, 1904, at the Clerks Office of Isle of Wight County between the hours of nine o'clock A. M., and six P. M. o'clock of the said day, I shall proceed to take the depositions of J. R. Danden, James C. Mathews, R. L. Spivey and Samuel Spivey. and Samuel O. Garner, to be read as evidence in my behalf in a certain suit in equity pending 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 on that day, or if commenced be not completed on that day, the taking of said depositions will be continued from time to time at the same place and between the same hours until they are completed.

Respectfully,

Wm. L. Turner

by S. E. Turner his atty.

A. Copy:

TESTE: N. D. Young Clerk.

W. L. Turner

vs. { WITNESS' SUBPOENA.

Lula E. Turner

Executed on each of the within named, Except. D. G. Wells none found in bailiwick of my Co.

Ro. A. Edwards

Sheriff

The Commonwealth of Virginia:

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

You are hereby commanded to summon J. E. Turner, Jack Turner, Jr. Stringfield, Sam Gamer, Sam Spivey, Richard Spivey, Jr. Hall, J. B. [illegible], Dorcas Williams, Piner, Fenton Day, Dr. R. L. Spivey, Emelia Daughtry, Dr. G. W. Butts and James to Matthews

personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, at his office, at the courthouse of said county, on the 24th day of Sept 1902 ~~next~~, to testify and the truth to say in behalf of William L. Turner plaintiff

in a certain ~~matter of~~ suit in chancery

~~referred to the said commissioner for~~ ~~by a decree of~~ in the said court ~~in a suit in chancery~~ therein pending between W. L. Turner and Lula E. Turner

And this writ shall in no wise omit, under penalty of £100. And have then and there this writ.

Witness, W. T. Manning, Commissioner of our said court, at the courthouse of said county, the 2nd day of September 1902, and in the 127 year of the Commonwealth.

W. T. Manning clerk

B 60780

Wm. L. Turner

vs.

Lula E. Turner

Plaintiff's Depositions

-:- -;- -:-

The deposition of Jack Turner and others taken before N. F. Young, Clerk of Isle of Wight Circuit Court, pursuant to notice hereto annexed, at the Clerk's Office of Isle of Wight County Court, on the 27th day of September, 1904, between the hours of twelve N. and six P. M. to be read as evidence in behalf of William Turner, in a certain suit in equity depending in the Circuit Court of Isle of Wight County, of the State of Virginia, wherein William Turner is Plaintiff and Lula Turner is Defendant, the Signature of the witnesses being waived by Consent of the parties.

Present:-

S. E. EVERETT, Attorney for Plaintiff

G. D. BATCHELOR, Attorney for Defendant.

-:- -:- -:-

JACK TURNER being duly sworn deposeth and says as follows;

Q. Please state your name, age, residence and occupation?

A. Jac Turner, I am sixteen years old, live with my father and help about the farm.

Q. Do you know the parties to this suit ?

A. Yes.

Q. Are you related to either one ?

A. I am the son of the Plaintiff, but she is not my mother, it being a second marriage.

Q. Do you know when your father and Mrs. Turner were married ?

A. The 17th of October, 1900.

Q. Did you live with your father after they were married ?

A. Yes Sir:

Q. Are they living together to-day ?

A. No Sir .

Q. How long did they live together and when did they separate ?

A. They lived together about nine months and separated on the 6th of August, 1901.

Q. Did she leave him or did he leave her ?

A. She left him.

Q. What do you mean by leaving him , that she left the farm and went away ?

A. Yes Sir.

Q. Please state where she went to ?

A. She went to her mother's in Newport News.

Q. You say that was on the 6th of August, has she been back to him since ?

A. No Sir.

Q. Do you know why she has never returned to him ?

A. No Sir I do not.

Q. Do you know whether he has ever tried to get her to come back or not ?

A. Yes Sir he has tried to get her to come back.

Q. You say that she left on the 6th of August ?

A. Yes Sir.

Q. How did she leave, I mean by that, how did it come about ?

A. I carried her to the boatin the morning to go to Smithfield.

Q. Where was your father ?

He was sick that morning and he could not carry her.

Q. He was sick so that he could not go to the boat with her ?

A. Yes.

Q. Do you know why she left that morning ?

A. I know the reason, that is he let her go to see her mother and she ~~promised~~ never came back.

Q. And after she went to see her mother she never came back ?

A. No Sir.

Q. Did they separate friendly ?

A. Yes Sir .

Q. Do you know whether she gugged and kissed him good bye or not ?

A. Yes Sir she did.

Q. Were you there with your father from the time she was married until she left, from October 1900 until August 1901 ?

A. Yes Sir.

Q. Was it a happy marriage so far as you know ?

A. Yes Sir as far as I know.

Q. Did you ever hear any disturbance between them, or hear of any ?

A. No Sir.

Q. Were they kind to each other ?

A. As far as I know of they were kind to each other.

Q. You were in a position to know if your father had treated her wrong, or if she had treated your father wrong, were you not ?

A. I was there all the time.

Q. Did you ever see either one treat the other wrong ?

A. No Sir I did not.

Q. Is your father in such circumstances that he could give a wife the necessaries and comforts of life, etc ?

A. Yes Sir.

Q. Did he do this in this case ?

A. He gave her everything that she wanted so far as I know.

Q. I believe you have said, but I will ask you again, do you know why she will not live with your father ?

A. No Sir I do not.

Q. Have you any idea ?

A. I have no idea at all.

Q. Don't know anything about that ?

A. No Sir I do not.

Q. In other words, if she has complained of anything you do not know anything about it ?

A. No Sir.

Q. When she left on the 6th of August, 1901, did you expect her to return ?

A. I certainly did expect her to return when she left.

Q. Did you say anything to her to make you think she would ?

A. No Sir I did not.

CROSS EXAMINATION.

by

Mr. O. D. BATCHELOR.

Q. How many children did your father have living with him while his present wife was living with him ?

A. He had three.

Q. Their names please.

A. L. A. Turner, Jack A. Turner and J. E. Turner.

Q. Were all three of these living at home at the time she left ?

A. No Sir, not any of them lived there at the time she left but me.

Q. Why had the others left home ?

A. One of them was off at school and the other one left but I don't know why he did leave.

Q. What is his name ?

A. J. E. Turner.

Q. How old was he ?

A. He was eighteen nearly nineteen when he left.

Q. When did he leave ?

A. He left the 5th of June if I am not mistaken and she left the 6th of August next.

Q. You say you don't know why he left ?

A. I don't know exactly.

Q. Just tell as nearly as you do know.

A. I hardly know the reason that he did leave.

Q. Were his relations with your father pleasant?

A. They were on good terms when he left. My father did not know exactly when he left. He moved his clothes away one Sunday, but they seemed to be on good terms when he did leave.

Q. But he carried his clothes away without your father knowing it ?

A. Yes Sir.

Q. What is your understanding of "good terms", when you say they were on good terms ?

A. They were on good terms so far as I know.

Q. What made him leave home without your father's knowledge ?

A. I don't know Sir exactly.

(Mr. Everett, Counsel for Plaintiff, here requests the witness to answer the question if he knows it.)

Q. Do you know ?

A. As far as I know, I reckon he left because we were not treated as good as his wife was.

Q. Who do you mean by "we"?

A. I mean me and him, the two that were at home.

Q. What difference was there between his treatment of you and his treatment of his wife ?

A. We had to work hard, as good as to say for her. She never had anything to do while she was there and we had to work very hard.

Q. Were you not working before she came there ?

A. Yes Sir.

Q. Did you have to work harder after she came ?

A. I don't know that we had to work any harder but we did not see any benefit of what we were working for it was her that did that. She was seeing enjoyment and we were not.

Q. In what way was she enjoying it ?

A. Well she had everything that she wanted and she was treated just as good as in reason. She never did any work.

Q. Did she not do the cooking ?

A. She did it only a part of the time, when she was not cooking I was.

Q. Did she go to the stores and trade ?

A. She went to the stores and would pick out the things that she wanted in the house and for herself and he paid for them for her.

Q. Is that what you mean when you say that she was enjoing everything ?

A. Yes Sir, she got everything that she called for, so far as I know, and he was spending a great deal on her.

Q. What piece of furniture did he buy for her , can you name one ?

A. He bought a bed room set for the house for her benefit and other things in the house, whatever she called for.

Q. Do you know what he paid for it ?

A. I don't know exactly because I was not at the store when he bought it.

Q. What else besides this one bed room set ?

A. He bought carpets and different things for the house.

Q. Can you name any of the different things ?

A. I don't know that I can, any other than the bed room set, carpets and things that he spent on the house for her benefit, her clothing and what she wore.

Q. What did he spend on the house except the carpet and bed room set ?

A. I don't know anything that he spent on the house.

Q. Did he buy her any clothes after they were married ?

A. Whatever she called for.

Q. How do you know that ?

A. So far as I know, he bought whatever she called for.

Q. Can you name one article of clothing that he bought for her after the marriage ?

A. I don't know much about the clothing .

Q. Did you ever know him to allow her to go to a store alone to trade ?

A. I don't know that, whenever she went he generally carried her whereever she went. He most generally took her whenever she wanted to go.

Q. Did you ever see him give her one single penny to spend ?

A. No Sir I was not with them all the time, I was at work in the field.

Q. Did you ever know or hear of her spending or having one cent of his money to spend ?

A. Not that I know of. Not anymore than that she got anything that she wanted and he paid for it.

Q. Can you name anything that she got and he paid for it?

A. Not anynore than I have just said.
Q. What was that ?
A. About what was in the house and what clothing she wanted, so far as I know of.

Q. I understand that to mean that he bought a carpet, a bed room set, and that is all you know about ?

A. Yes Sir, that is all that I know about.

Q. And your brother left home on that account ?

A. Yes Sir, so far as I know .

Q. Was she a fussy sort of woman ?

A. Not as I know of.

Q. Was she kind towards you and your brother ?

A. We never had any cross words with her nor she with us as long as she staid there.

Q. Was she fussy towards your father ?

A. Not that I know of.

Q. And your brother left home because your father bought a carpet, and a bed room set for the bridal chamber ?

A. So far as I know of and the other things he spent on her.

Q. Please mention the other things.

A. I don't know exactly.

Q. You never heard any cross words between your brother and your father before he left there ?

A. Sometimes they would have cross words.

Q. Your father is a man of even temper is he ?

A. Not so bad as I know of.

Q. I asked if he did not have a mild good temper ?

A. I don't know that he had such a good temper if things did not work right. He did not have such an awful bad temper.

Q. Did you notice whether his wife had a watch on the morning when you took her to the boat when she was leaving ?

A. I don't know that I saw her with any watch on that morning.

Q. Did you know where that watch was ?

A. No Sir I did not.

Q. You did not see your father take it away from her before she left ?

A. No Sir.

Q. You did not see him take a ring off her finger before she left ?

A. No Sir I did not.

Q. All you saw was the affectionate embrace, the hug and kiss?

A. They left ongood terms and she promised to come back.

Q. You said she cooked when she was not sick, was she so much ?

A. She was sick part of the time while she was there.

Q. Is she a very delecate woman ?

A. I don(t know exactly whether she was or not.

Q. Is she not very slender and weak looking ?

A. She kinder looked like she was slender.

Q. What time did your father make her get up in the morning ?

A. She would generally get up tolerably early sometime. We generally got breakfast about an hour to sun.

Q. Was that as early as he wanted it ?

A. She got it about as eraly as he wanted it so far as I know of.

Q. You never heard him complaining that she did not get breakfast soon enough ?

A. I don't know that I did.

Q.Was that the first time that she had left home ?

A. No Sir she had left home once before.

Q. How then do you say that you had never heard of any disturbance ?

A. I never had before because she left then on good terms and promised to come back.

Q. Did you hear her promise to come back ?

A. I don't know that I heard her promise to come back because I was not with them all the time. She left on good terms and he said that she promised to come back and he went after her on Friday when she promised to come back.

Q. Did he say that he made her promise to come back ?

A. No he did not say that he made her promise to come back, but that she had promised to come back.

Q. You knew that she had a watch did you not ?

A. I know that he gave her a watch before they were married.

Q. But you don't know whether she took it with her on August 6th ?

A. I did not see her with it that morning, but I heard him

say that he had it.

Q. When did you hear him say that ?

A. After she said that she was not coming back.

Q. Did he say how he got it ?

A. He said that when she went to put it on that he told her to hand that to him until she came back.

Q. Did your father talk cross to you like he did to the older boy that left ?

A. Yes, sometimes he was cross to all of us, all of we childre

Q. But never to his wife ?

A. No Sir, never to his wife as I know of.

Q. You never knew that he locked her up ?

A. No Sir I never knew that he locked her up.

Q. When he would levae the house to go out to the field you don'tknow that it was his habit to lock her in a room ?

A. If it was ever his habit I never knew anything about it. Whenever I went to the house she was at liberty to go whereever she chose.

Q. Did he talk cross to you boys in her presence ?

A. No Sir, not that I know of.

Q. You never had any quarrels at the table ?

A. We never had any quarrels at the table that I know of.

RE EXAMINATION.

I want to ask you about the following things ;

1st. The disposition of your father,

2nd. Why your brother left ?

3rd. Whether the ring was taken from Mrs. Turner by your father the morning she left?

4th. Why did she leave the first time ?

Q. You stated that your father was not such a bad man unless something interfered with him. I want you to explain as near as you can, is he a man that hurries things around his farm and succeeds in that way ?

(Counsel for defendant notes an objection to this line of

questioning and this question in particular on the ground that it is leading and not proper re examination.)

(Counsel for the plaintiff states that it is cross examination on the subject that he has been examined on)

A. Yes.

Q. Then is he an old timy farmer who makes things hustle around him and makes his boys work ?

A. He is kind of that way.

Q. You stated that your brother left, what was the real cause of his leaving, because of the second marriage or not ?

A. I suppose it was the cause of the second marriage, but I have not heard him say exactly.

Q. On the morning that she left did you see any ring any where at that time ?

A. I never noticed any ring.

Q. Do you know whether she had any ring the morning she left home or not ?

A. I don't know that she did.

Q. I want to refresh your memory, did she not lose her ring some few days before she left when she was picking geese with her husband ?

A. I think she did. The goose kicked her ring off and she never could find the ring.

Q. The first time she left home did you call it a separation, did she leave there because she did not want to stay ?

A. I do not know.

Q. You have stated hos she left the second time, that you carried her to the boat while your father was sick in bed, who carried her the first time she left home or separated ?

A. If I am not mistaken I think my father carried her to Newport News himself.

Q. You say you had breakfast about an hour to sun and you don't know that your father ever made any complaint as to the time of breakfast, etc. ?

A. Not a bit.

Q. Did you ever hear him try to hurry the breakfast up like a man on the farm does at times ?

A. Not with her.

Q. Did he have a cook ?

A. He did not have a cook.

Q. Not at any time during the marriage ?

A. No Sir.

Q. He did not have any servant to help out with the cooking ?

A. When she was not cooking I was.

Q. Did you help when she was cooking ?

A. When she was cooking when they were first married I brought her wood and water to her, and then he brought it to her when I was at work.

RE CROSS EXAMINATION.

Q. After that first separation when she came back did you not hear him make any complaint about her staying away from him so long ?

A. Not that I heard of .

Q. Why then did you speak of that as a separation at all ?

A. I don't know what about its being a separation.

Q. Don't you know that your father got uneasy because she staid away so long that first time ?

A. He went over to see her and brought her back. He went over and she did not come so he went after her again.

Q. How do you know that she would not come the first time he went ?

A. Because he said she would not come and she did not.

Q. Did he say why she would not come ?

A. He did not say why she would not come. He said that she said she was not coming with him home.

Q. Did he seem disturbed at all ?

A. He seemed to want her back and he went again to get her and she came with him.

J. E. TURNER being duly sworn deposeth and says as follows;

Q. Please state your name, age residence and occupation ?

A. J. E. Turner, I am 22 years old, live with my father in Isle of Wight County, and am a farmer.

Q. Do you know the parties to this suit ?

A. I know them and the Plaintiff is my father.

Q. Your mother is dead ?

A. Yes Sir.

Q. Do you know when they were married ?

A. October 17, 1900.

Q Were you living with your father at the time of their marriage ?

A. Yes Sir.

Do you know when Mrs. Lula Turner left home ?

A. I was not there when she left.

Q. Where were you when she left ?

A. I was in about a mile of there.

Q. Were you not living with your father at that time ?

A. I was not living with my father when she left but I was living there when they were married.

Q. Were you living with your father when your step mother went to Newport News for the first time ?

A. Yes Sir I was.

Q. How did she go, did anyone go with her or did she go alone ?

A. We went with her home the first time. I believe he carried her to the boat.

Q. Then you are not sure that he went with her all the way to Newport News ?

A. I don't recollect it.

Q. Do you remember how long this was before she left the second time ?

A. I don't know.

Q. You say you were not there when she left the second time but that you know when it was she left the last time ?

A. It was in August I think.

Q. Do you know what day that was?

A. It was August, 1901.

Q. Why were you not living there at the time ?

A. Because he treated her so much better than us, that is the reason.

Q. Did you leave because of some disturbance you had with your father ?

A. No Sir.

Q. Then the reason you left was because you did not like the way he was working you and treating her ?

A. That is right .

Q. Do you mean by that that he was not kind to you and working you hard, and very kind to her ?

A. He was working me hard and very kind to her.

Q. Did you leave before you were 21 years old ?

A. I left when I was eighteen.

Q. How long did you stay with him after he married the last time ?

A.I staid with him about six or seven months.

Q. Was he kind to her as a husband ?

A. Yes Sir he was.

Q. Was he able to care for her and did he care for her in her sickness and health ?

A. He did.

Q. Was she ever sick during the time you were there ?

A. Yes Sir she was sick.

Q. Did he have the doctor to attend her or not ?

A. He did.

Q. One doctor, two doctors, or how many ?

A. He had two doctors.

Q.

Q. What doctors ?

A. He had Dr. R. L. Seward and Dr. G.W.Butts.

Q. Do you know whether your father has tried to get her to come back and live with him or not ?

A. He has.

Q. Do you know whether he was very much grieved because of her not coming ?

A. I think he was but I was not there the last time she left.

Q. Do you believe that he loved her as a wife ?

A. Yes Sir.

Q. Were there any disturbances or fusses between the two ?

A. Not that I know of.

Q. Was he at all times kind to her during the time you were there ?

A. He was.

Q. Was she in good health during the time you were there ?

A. No Sir she was not very well.

Q. Do you know whether he ever made her work when she was sick or complaining ?

A. No Sir he did not.

Q. Do you know, if you do please state all you know about it, why she does not live with your father to day ?

A. I don't know?

Q. Have you no idea ?

A. I have not.

Q.Do you think she had any reason for leaving unless it was because she did not love your father ?

A. That is the only reason that I can give.

(This question and answer objected to first because the question is leading and second because it asks for a matter of opinion.)

Q. Then you do not know, as a matter of fact, why she is away ?

A. I do not.

Q. It is just your opinion as to why she is away ?

A. Yes Sir.

Q. Did she do anything or act in any way to lead you to think that she did not love your father while she was living with him ?

A. She did not.

Q. Then you say that he was kind to her and she was kind to him, you cannot account for the separation.

A. I cannot.

CROSS EXAMINATION.

Q. So your father's kind treatment of your step mother drove both her and you away from his home ?

A. No Sir it was not. His kind treatment did not drive me away, it was because he thought so much more of her than he did me and made me work hard there and see no pleasure from it and I would not do it.

Q. Did he work you harder than before she came there ?

A. He worked me just as hard and she doing nothing.

Q. What did you think she ought to do ?

A. I don't know that I think she ought to have done so much but he ought not to have worked us so hard.

Q. Then your complaint is not of the way he treated her but of the way he treated you ?

A. Yes Sir.

Q. How hard di he work you.

A. He worked me right hard, I could not tell you just how hard he did work me, of course not.

Q. What methods or means did he resort to to make you work so hard ?

A. Well I don't know sir.

Q. He did not flog you did he ?

A. No Sir, I was too old then.

Q. Is that the way he made you work when you were younger ?

A. Of course he used to get on me once and while because every child needs it.

Q. Well what sort of compulsion or force was he using at the time you left to make you work so hard ?

A. I don't know exactly but I worked right hard I know that.

Q. What time did you start to work in the morning ?

A. I started right early.

Q. How early in the month of June ?

A. About an hour to sun, somewhere along there.

Q. Before breakfast ?

A. No after breakfast .

Q. Then your step mother started to work before that did she not ?

A. She started about sun rise, she got our breakfast.

Q. Did you not stop for dinner.

A. Sure I did.

Q. How late did you work at night ?

A. Until sun set.

Q. Was that any harder work than other farm hands were doing in your neighborhood ?

A. I don't know that it was Sir.

Q. But that is why you left home ?

A. I did not propose to work to up hold her. My mother worked harder than she did.

Q. Wasn't your mother a stouter, stronger woman ?

A. No Sir she was not.

Q. Did your father treat your step mother any better than he did your mother ?

A. I think he did.

Q. In what way?

A. Well in work if in no other way.

Q. What work did he make your mother do that he did not make your step mother do ?

A. My mother did it of her own will.

Q. You never heard your father talk roughly or in a loud way to either your mother or your step mother ?

A. No Sir.

Q. You never heard a cross word between him and either of them did you ?

A. Not my step mother I did not.

Q. Was he not kind to your mother ?

A. He was right kind to her.

Q. You never knew of her leaving home did you?

A. No Sir I did not.

Q. Your father never spoke roughly to you did he ?

A. Sometimes he would speak rough to me.

Q. Did that have anything to do with your leaving ?

A. It had nothing to do with my leaving.

Q. Did you have any fuss with your step mother ?

A. Not at all.

Q. Isn't she a very frail looking woman ?

A. Yes Sir she was when I saw her.

Q. Wasn't she a woman of few words?

A. She does not have much to say.

Q. Isn't she a timid, shrinking, modest sort of woman ?

A. Yes Sir.

Q. How do you know that your father has tried to get her to come back ?

A. How do I know it. I don't exactly know whether he tried to get her back or not, but I am pretty sure he did.

Q. Why are you sure ?

A. I was not there when she left.

Q. My question is why are you sure that your father has tried to get her to come back ?

(The Notary is requested by defendant's counsel to note that witness hesitates for sometime in a puzzled way, thereupon counsel

repeats his question as follows;)

(Attorney for the Plaintiff objects to the remarks of the Atty. for the Defendant. He does not think that it is proper evidence to state to the court the appearance of a witness because the witness appears not to understand the question, or hesitates to answer.)

(Defendant's Counsel replies that there is no other way to bring the appearance of the witness to the attention of the court and that this practice has been usual at his bar.)

Q. In your direct examination you testified, as a fact,that your father had tried to get his wife to come back, when I asked you how you knew that fact you state that you were pretty sure it was a fact, but did not say how you knew it. I simply want to know how you know it is a fact that your father tried to get her to come back ?

(Witness agin hesitates and Plaintiff's counsel asks him if he understands the question to which witness replies that he does but continues to hesitate.)

A. My father does not generally tell anything that is not so.

Q. So your father told you that he tried to get her to come back ?

A. Yes Sir.

(This answer is objected to as hearsay and as being a self serving declaration of the plaintiff.)

(Atty. for plaintiff states that it is in answer to question asked by attorney for defendant.)

Q. Did your father tell you that he would treat her all right if she would come back ?

A. Yes Sir.

Q. When did he tell you that ?

A. Since I have been back since Xmas.

Q. Did he tell you that he had written her that he would treat her all right if she would come back ?

A. He told me that he had written her to come back.

Q. Did he also tell you that he had written her that if she came back he would treat her all right ?

A. He treated her all right any way.

Q. That is not my question. Did he tell you that he had written her to that effect ?

A. Yes Sir.

Q. Did he show you any of his letters ?

A. No Sir he did not.

Q. Did you try to persuade him not to get her to come back ?

A. No Sir.

Q. Why did you not ?

A. Because I had nothing to do with it.

Q. You did not care whether she came back ?

A. Not at all.

Q. You did not object to her being there ?

A. No sir I did not.

Q. That had nothing to do with your leaving home ?

A. Not at all. Because he treated her so much better than he did me.

Q. Did you tell him so ?

A. I did not say anything to him.

Q. I don't understand how he treated you, I wish you would tell us.

A. Well I will tell you. He did not treat me right, for one reason. Of course he ought not to have given her all those things and give my mother nothing. He fixed the house all nice for her pleasure. He did not do this for my mother and I did not think it was right.

Q. That is not the question, we are not now talking about his treatment of her, we are talking of his treatment of you ?

A. Well I think that he worked me too hard, that is the only reason that I can give.

Q. He did not work you harder then than other boys in the neighborhood were working did he ?

A. Not that I know of; but he was [illegible]

A. Not that I know of, but he was working me harder than he ought to have worked me.

Q. What is your father worth ?

A. I don't know exactly what he is worth .

Q. About how much?

A. I have no idea.

Q. Was he able to keep youwithout working you ?

A. He was not able to keep me without working at all, but then he did not school us as he had ought.

Q. Was he able to school you ?

A. Of course he was.

Q. Have you any idea what he is reported to be worth ?

A. I have not.

Q. You never heard ?

A. Somewhere about eight thousand dollars I think.

Q. Is it in real estate ?

A. Yes Sir.

Q. Did you ever hear him say anything about cutting his wife out of her share of that property ?

A. No Sir.

Q. What did he buy for your step mother except a carpet and bed room set ?

A. That is about all I know of.

Q. That was for the bridal chamber was it not ?

A. They bought it after they were married.

Q. It was for the room they staid in was it not ?

A. No Sir it was for the front room.

Q. Then she did not sleep in this new bed ?

A. No Sir.

Q. How was that any more for her benefit than for yours ?

A. Because it was.

Q. You are a young man of courting age, haven't you any desire to have your home present a nice appearance ?

A. Well yes Sir, but it was not done before they were mar-

ried. If it had been done before they were married I would have thought a little more of it.

Q. And the only penny of your father's money, so far as you know, that was ever spent after the marriage and by reason of the marriage, was the money that bought the carpet and Bed room suit for the front room ?

A. I don't know anything about what he spent on her. I don't know anything about that. Not a thing.

Q. Do you know that he absolutely forbade her buying one penny's worth on his name and refused to give her a penny to spend from the first day that they were married ?

A. Of course not.

Q. What do you mean by that answer ?

A. I mean to say that I suppose he gave her any amount she wanted to spend and I don't suppose that he ought to have done it.

Q. But that is all supposition, you don't know that he gave her a penny ?

A. I don't know it.

Q. You simply suppose it because you think he ought ot have done it ?

A. Because I guess he ought to have done it.

RE EXAMINATION.

Q. Do you know that your father gave his wife $100.00 in money to buy clothes as she saw fit ?

A. I don't know this.

Q. You did not see ?

A. No Sir I did not.

Q. How old is your father ?

A. He is 73 years old.

Q. How old is his present wife?

A. She was 22 I believe.

Q. You said in your cross examination that you went to work about an hour to sum, do you mean by this that you would go and

sit down until you got ready to go in the field ?

A. No Sir, of course not.

Q. Then when you said that you went to work about an hour to sun, what kind of work did you go at ?

A. Ploughing or anything.

Q. Did you really go to work before that time, or did you rest untilthat time ?

A. I went to work.

Q. What kind, feeding horses, cows, hogs, chopping wood, etc.,

A. Yes sir and anything that was to be done around the lot.

Further this deponent saith not.

JOE STRINGFIELD being duly sworn deposeth and says as follows;

Please state your name, age, residence and occupation ?

A. Joe Stringfield, nineteen years old, am a farmer and live in Isle of Wight County.

Q. Are you related to the parties to this suit?

A. I am related.

Q. What kin are you to Mr. or Mrs. Turner ?

A. None at all.

Q. What did you mean when you said that you were related to them that you lived near them ?

A. Yes Sir.

Q. Do you know when Mr. Turner was married the last time ?

A. Yes Sir.

Q. Do you know when his wife left home the last time ?

A. Yes Sir.

Q. What time was that ?

A. It was the 6th of August .

Q. What year ?

A. I don't remeber the year .

Q. Did you live with Mr. Turner after he was married the last time ?

A. Yes Sir.

Q. Were you there the first time that Mrs. Turnerleft home ?

A. I was.

Q. Do you know how she left, who carried her ?

A. He carried her himself.

Q. Carried her where ?

A. He carried her to Smithfield, He went with her.

Q. Did she come back with him ?

A. No Sir.

Q. You say you were not there the last time she left ?

A. I did.

Q. Have you been there since she left the last time ?

A. No.

Q. Have you worked with him any since she left ?

A. Yes.

Q. How long have you lived with Mr. Turner ?

A. Five years and one month.

Q. Do you know anything about whether Mr. Turner has a bad temper or a good tmper ?

A. Not anymore than he was a man who wanted things to hustle around him, as much so as any man I ever saw. He was not any worse than any other man I have seen. He wanted everything to be in a bustle around him as much as other men.

Q. During the five years that you staid with him did you ever see him do anything to any member of his family that was cruel or unreasonable ?

A. No Sir.

Q. Do you know whether he and his present wife lived together happily or not ?

A. Yes Sir.

Q. She was kind to him ?

A. They were just as loving together as any two folks I ever saw, as much as I saw of it.

Q. Did he treat her kindly ?

A. Yes Sir.

Q. What do you mean by treating her kindly, state what you mean ?

A. He would give her anything in the world that she would ask for. He would always do whatever he could. When she was cooking he would toat the wood and water and part of the time his son cooked, which is the cook now. He never forced her to do anything that she did not feel able to do.

Q. Do you know why she is away from him to-day and will not come back ?

A. No Sir.

CROSS EXAMINATION.

Q. How do you know that Mrs. Turner left home on the 6th day of August ?

A. Because I was there and know it. I know that she left on the 6th day.

Q. Might it not have been the 5th day ?

A. It was the 6th day, the 5th and 6th are different aint it ?

Q. What day of the week was it ?

A. I could not tell you I dis remembers.

Q. What year was it ?

A. I could not tell you that.

Q. What month was it ?

A. August.

Q. Did you set it down ?

A. No Sir, I have got memory enough to know when she left and she left in August. I have got sense enough to remember from one month to the other and from one year to to other.

Q. What day did you first begin laying up the crop that year ?

A. I could not tell you that .

Q. What day did you start digging potatoes ?

A. I could not tell you that.

Q. Now tell us the truth and tell us who it was that told you that it was the 6th of August ?

A. I knowed it was the 6th.

Q. When did you find that out ?

A. I found it out just when she left.

Q. Did you not expect her to return ?

A. Yes Sir I did when she left.

Q. You did not write it down anywhere, the date of the month that she left ?

A. No Sir.

Q. Have you thought about it from that day until to day ?

A. From the time she left, the 6th of August. No Sir. I just know the time that she left home from the 6th of August until now.

Q. You don't know how many years it has been ?

A. It has been three years.

Q. Do you know how many years a wife has to stay away from her husband before he can get a divorce ?

A. Three years .

Q. And that is how you know that it has been three years ago since she left, because you know that it takes three years to get a divorce ?

A. No Sir because I know that by one and one, by the time. I know that I have lived three years since that happened.

Q. Why can't you tell what year it was that she left ?

A. Just because I don't remember what year it was .

Q. Can't you substract three from four ?

A. Yes I can.

Q. I want you to remember now that you are on your oath to tell me who it was that told you to come here and testify that she left home on the 6th of August ?

A. No one at all.

Q. You have not heard any body say from the time she left until now the day on which she left ?

A. No.

Q. And you would swear that it was August 6th and not August 5th or 7th ?

A. It was August 6th.

Q. Did you see Mrs. Turner the morning she left ?

A. I did not see her.

Q. Where were you ?

A. I was in the field at my work.

Q. What were you doing ?

A. I did remembers now what I was doing.

Q. All you know is that it was August 6th ?

A. Yes.

Q. Did you ever hear ~~anything~~ Mr. Turner say anything about his wife not coming back ?

A. Not until she wrote him word that she was not coming back.

Q. How long was that after she left ?

A. It was not more than a week.

Q. Did you see the letter.

A. No Sir.

Q. Did he tell you about it ?

A. No Sir.

Q. What did he say to you ?

A. The only thing that he said was that his wife had wrote him word that she was not coming back any more.

Q. Was that all he said ?

A. That is all he told me.

Q. Were you surprised ?

A. Yes Sir.

Q. You knew that she had been away once before did you not ?

A. Yes Sir.

Q. Why did she leave him the first time ?

A. I could not tell you.

Q. Mr. Turner spoke cross to you did he ?

A. Not more than sometimes when I would not do to suit him and he would speak to me. When I would beat his horse or jerk his horses then he would speak cross to me.

Q. You were always in fault ?

A. Yes Sir I was always in fault.

Q. Are you married ?

A. No Sir, you don't suppose a kid gets married do you ?

Q. How does Mr. Turner hire you, by the year ?

A. He hires me by the month.

Q. To work on the farm ?

A. Yes Sir.

Q. Did he make his boy, J. E. Turner, who left him in June 1901 work any harder than you?

A. No Sir.

Q. How did he treat that boy ?

A. He treated her all that was right. The boy would disobey him sometimes.

Q. Do you know why that boy left home ?

A. No Sir.

Q. You never saw Mr. Turner under the influence of whisky or brandy did you ?

A. No Sir.

Q. He does not drink it does he ?

A. Yes Sir he drinks it and used to make it .

Q. When ?

A. About five years ago.

Q. He was not making it when this new wife was there was he ?

A. He had not made any for about two years when she did go there.

Q. Was he a regular drinker while she was there ?

A. Not more than that he would take his dram in the morning.

Q. He did not take more than one a day ?

A. I don't know sir, but I never saw him take but the one.

Q. You never saw him when he was feeling it ?

A. No.

Q. You think he is a perfect man do you ?

A. I certainly do.

RE EXAMINATION.

Q. Who told you that Mrs. Turner had to stay away from Mr. Turner for three years before he was entitled to a divorce ?

A. I don't know that anybody ever told me. I have been knowing that ever since I have been able to understand people talk.

Furether this deponent saith not.

EMILINE DAUGHTREY being duly sworn deposeth and says as follows;

Q. Please state your name, agre residence and occupation ?

A. Emeline Daughtrey, I don't know my age, but as nearly as I can get to it was that I was a small child during the big war, not large enough to do any work, I live in Isle of Wight County, and I wash and cook, first one thing and then another.

Q. Do you know Mr. William Turner and Lula Turner, his wife ?

A. Yes Sir.

Q. Were you living near them or working with Mr. Turner when he married his present wife ?

A. Yes Sir.

Q. You were there when she left the last time ?

A. Yes Sir.

Q. Do you know how long she has been away from there ?

A. I disremembers.

Q. Has she been back there since she left the last time ?

A. Not that I know of.

Q. Were you in a position to know whether they treated each other kindly or not ?

A. They certainly did all the time I was there, and I was thefe a good part of the time that she was there.

Q. Was she kind to him or not ?

A. Whenever I saw them there were loving together.

Q. Did he do all he could to please her.?

A. He certainly did. It looked so to me. If any woman could be pleased he tried to please her.

Q. Why did she leave him and not go back to him ?

A. I don't know Sir.

Q. Have you any idea.

A. No Sir.

Q. None whatever ?

A. No Sir.

Q. You know that she left and never returned ?

A. She never returned that I have heard anything about.

CROSS EXAMINATION.

Q. What were you doing on the premises ?

A. I was washing for them and doing any work around there that I could. When she would have company I would help about the cooking, do the scouring and things about the house.

Q. How far from their house was your house ?

A. About two miles I reckon.

Q. How many days in the week did it takeyou to do the washing ?

A. Sometimes it would take me about two days and then I did the scouring some other time.

Q. Did you spend many nights at their house ?

A. Yes Sir I staid there sometimes when it was raining.

Q. How often would you spend the night with them ?

A. I could not tell you just how often but I know I staid there lots of nights.

Q. One night a month ?

A. Oftener than that. Some nights it would be late when I would get through with my work and I would be afraid to go home

and I would spend the night there.

Q. Where did you sleep ?

A. I slept in the kitchen which was off in the yard.

Q. How far was that from the great house ?

A. Right in the yard.

Q. What sort of a woman was Mrs. Turner ?

A. I never found any fault with her at all. She seemed to be all right so far as I know. She always treated me all right.

Q. Wasn't she an exceedingly ladylike woman ?

A. She seemed to be all right so far as I know. I don't know anything about that.

Q. You never heard of Mr. Turner talking cross to any body did you ?

A. I never heard him talk cross to anybody in my life.

Q. You never saw him mad ?

A. I never saw him mad. He had his funny ways but he was all right. He always treated me all right.

Q. What do you mean by his f unny ways, laugh ?

A. He would laugh but he did not seem to be mad.

Q. Give me an example explaining what do you mean by his funny ways ?

A. I mean sometimes he was livelu and then again he was not. Sometimes he would run on and talk with me and then again he would not.

Q. You never heard of his having any cross words with any body on his place ?

A. I certain have not.

Q. How long have you been living there ?

A. I have washed for him five years.

Q. Did you know about his boy leaving home ?

A. I was there after the boy left.

Q. Were you not washing for him when the boy left ?

A. I was washing there then.

Q. What then do you mean when you say that you went there

after the boy left ?

A. I was not right there when the boy left but I went back the next week to do my washing and he was gone.

Q. Do you know why ?

A. No Sir.

Q. And never heard why ?

A. No Sir.

Q. And never asked why.

A No Sir, it was not my business.

Q. And there was no talk in the neighborhood about it ?

A. Not that I heard.

Q. No body ever asked you why the boy left ?

A. No Sir.

Q. Was there any talking about Mrs. Turner leaving ?

A. I have not heard anything about it.

Q. Folks don't talk about other peoples business and affairs in your neighborhood ?

A. Not much sir that I know about.

Q. Did you ever hear Mr. Turner say anything about his wife leaving ?

A. He seemed to be grieved mightily about her being gone.

Q. When was that that he seemed grieved ?

A. About the time that she went away.

Q. How long did that last, that grief ?

A. Every time that I saw him he was grieving.

Q. Is he grieving now ?

A. He looks like he has been grieving.

Q. Have you not heard that he is thinking about another girl ?

A. No Sir.

Q. You have not heard about the rumor that he wanted to get married again ?

A. No Sir.

Q. You don't know any of the neighborhood gossip do you ?

A. No Sir I live so far back.

Q. Then Mr. Turner might be a fussy man and you would not hear it if he did not fuss with you ?

A. I reckon I might hear about it but I have not heard about it so far.

Q. Did you never hear him, when he was worried say, " My God Almighty"?

A. No Sir.

Q. You never heard him use that expression ?

A. No Sir.

Q. You never saw him out of temper at all ?

A. No Sir.

Q. You are still washing for him ?

A. No Sir not now.

Q. When did you quit ?

A. Year before last or the year before that.

Q.H Have you moved ?

A. I don't live at the same place now.

Q. Does he have somebody else to do his washing now ?

A. I guess he has.

Q. Why did you quit ?

A. Because I am not able to wash.

Q. What signs of affection did you see between Mr. Turner and his wife ?

A. They were all the time hugging and kissing whenever I saw them.

Q. In public ?

A. Yes Sir. Of course they did not mind me.

Q. She looked like she was very fond of him did she ?

A. She certainly did.

Further this deponent saith not.

WILLIAM N. PIERCE being duly sworn deposeth and says as follows;

Q. Please stateyour name, age, residence and occupation ?

A. William N. Pierce, I am 63 years old, live in Isle of Wight County, and am a farmer.

Q. Do you know the parties to this suit ?

A. I know Mr. Turner very well and I know his wife.

Q. Are you related to either one ?

A. No Sir.

Q. Do you know when Mr. Turner was married to his present wife ?

A. Yes Sir.

Q. Do you know whether they are living together to-day or not ?

A. I think not. I don't think they are living together to day.

Q. Do you know when they separated ?

A. Yes Sir.

Q. If you remember the date tell it.

A. I don't remember the date.

Q. How long has it been since you saw them together.

A. About three years.

Q. How near did you live to him.

A. About two and a half or three miles.

Q. Did you see him often during his married life ?

A. I would see him probably once or twice a month.

Q. Would you see him on Sunday ?

A. Yes Sir.

Q. Where would you see him and his wife on Sunday ?

A. At church.

Q. Did they attend church regularly ?

A. They came to church pretty regular.

Q. Do you know, or were you in a position to know whether Mr. Turner treated his wife kind or not and furnished her with the comforts of life ?

A. No Sir. I guess he did for I never heard of any disturbances between them.

Q. Did they seem attached to each other when you saw them ?

A. When I would see them together they would.

Q. Were they members of your church ?

A. Brother Turner was.

Q. There has been a great deal said about the disposition of the man , do you know anything about his temper, as to whether he has a bad temper or good ?

A. No Sir. He always seemed to be all right whenever I would meet upmwith him or see him.

Q. Did you ever know of his treating any of his family cruelly ?

A. No Sir.

Q. Did you ever hear of any complaint in any way of his treatment towards any member of his family ?

A. No Sir.

CROSS EXAMINATION.

Q. How long has he been a member of your church ?

A. He has been a member there ever since we organized. I don't remember exactly when we built the church, but he has been a member of the church down there ever since we built it.

Q. Did you visit his home often ?

A. No Sir.

Q. How often did you go there while his present wife was living with him ?

A. I don't think that I went there while she was there.

Q. Then you know nothing of his terms with her in the home ?

A. No Sir.

Q. Do you know whether he is regarded as a stern man or is he a mild man ?

A. As far as I know, I only know by reputation. I always heard that brother Turner was a stirring man, a man of lots of energy.

Q. So I understand, but my question might have been misunderstood by you. Has he not also the reputation of being a severe man with those on his premises ?

A. I could not answer that question, I don't know about that. I have never seen anything of him like that.

Q. But you have jot been on his premises much ?

A. No Sir, but he has always seemed to be very nice and quiet whenever I was there or would see him off.

Q. The principal part of your association with him was at church is it not ?

A. Yes Sir.

Q. And he behaved himself at church ?

A. So far as I have ever seen him.

Further this deponent saith not.

R. L. SPIVEY being duly sworn deposeth and says as follows;

Q. Please state your name, age, residence and occupation ?

A. R. L. Spivey, fifty-six years old, am a farmer and reside in Isle of Wight County.

Q. Do you know Mr. William Turner and Lula Turner, his wife ?

A. Yes Sir.

Q. How far do you live from Mr. Turner ?

A. About a mile and a half.

Q. Are they living together to-day ?

A. No Sir.

Q. Do you know when they separated ?

A. About three years ago this last August .

Q. Did you ever visit the family often ?

A. Not very often.

Q. Did you ever go there when Mr. Turner was married the last time ?

A. I went there once.

Q. Did you ever have any dealings with Mr. Turner ?

A. Yes Sir.

Q. Did you find him a reasonable man ?

A. I have found him a very pleasant man to deal with.

Q. Do you know whether or not he was kind to his last wife ?

A. No Sir I can't say that I do. I only saw them when they were off at church or other places and I thought he was very kind to her then.

Q. Did they do anything to make you think that they were specially loving together ?

A. Yes Sir .

Q. There has been right much said about the disposition of Mr. Turner, do you know about his treatment of his family as to whether it was kind or unkind ?

A. I have every reason to believe sir that he was very kind in his family.

Q. Was he able and do you know whether, if he was able, he gave his second wife all that a man of his ability could give ?

A. Yes Sir I think he did.

Q. Do you know why she is not with him to-day ?

A. No Sir. I presume that it is somewhat natural as she was a very young woman and he was very old, that they were not very well matched. together.

Q. She thought she had made a mistake and left ?

A. Yes Sir.

Q. Did he give her any cause to leave other than age ?

A. Not that I know of.

CROSS EXAMINATION.

You don'tknow that he gave her any money to spend or any luxuries of any sort do you ?

A. I saw them in town buying together.

Q. You did not see her doing any buying did you ?

A. No Sir he done the buying.

Q. What caused you to notice that he instead of she was doing the buying ?

A. Because I was in the same store that they were in.

Q. Usually the wife does the buying when they go together ?

A. I saw them in the store one evening buying carpeting and she made the selections and he done the paying.

Q. Did you see them buying anything else ?

A. I saw them buying some dress goods.

Q. Do you know how much money he spent on her ?

A. Certainly I do not.

Q. Were you never there but once ?

A. Only once Sir.

Q. Did she seem to be affectionate towards him ?

A. I did not see them together at allsir. She was on the porch and eh and I was out in the yard. I went there on business.

Q. When you saw them elsewhere did she seem to be affectionate towards him ?

A. Yes Sir.

Q. And you presume she left home because she did not love him ?

A. I should say so.

Q. You would think that from what you saw ?

A. Not from what I saw but from the ages of the two people. He was an old man and she was a young woman.

Q. From what you saw was she an affectionate wife ?

A. Yes Sir.

Q. And you presume she left him on account of his age ?

A. I do sir.

Q. Simply because you know of no other reason ?

A. I know of no other reason sir.

Q. Further this deponent saith not.

S. T. SPIVEY being duly sworn deposeth and says as follows;

Q. Please state your name, age, residence and occupation?

A. S.T. Spivey, thirty years old, live in Isle of Wight County and am a farmer.

Q. How far do you live from Mr. and Mrs. Turner ?

A. About a mile and a half.

Q. Were y ou ever there often during the last marriage ?

A. No Sir. Not but once that I now recall.

Q. Do you know anything about the treatment of Mr. Turner towards his last wife ?

A. No Sir, I don't know that I do.

Q. Did they seem to be affectionat towafds each other.

A. I should think so Sir.

Q. Did you ever hear any complaint through the neighbors as to the terms of his wife ?

A. No Sir.

Q. Did you ever hear anything on the other hand of his kindness to his wife ?

A. No more than this, I would see them at church, this church over here, and he would always go with her in church and seat her and treat her all right.

Q. He went with her wherever she went ?

A. So far as I know sir.

Q. Was he a kind man in his family and provided well for her or not ?

A. I was not there very frequently but when I was there he always treated his folks all right.

Q. Do you know when Mrs. Turner left ?

A. I do not.

Q. Do you know whether she is away now or not ?

A. I suppose I ought.

Q. Is she there now ?

A. I don't think she is.

Q. How long has it been since she has been there ?

A. Ihave been there two or three times since she left.

Q. Do you know whether Mr. Turner is very much grieved about his wife leaving home ?

A. He seemed to be to me.

Q. He seems to want her back ?

A. He did on two occasions that he talked to me about it.

Q.

CROSS EXAMINATION.

Q. What did he say to you on these occasions ?

A. On one occasion I met him on the road at Mr. Travis near his gate and he tole me about her being gone and he cried while he was telling me, and from that Ishould think that he was somewhat grieved. On another occasion when I went there to borrow his hog kettle.

Q. What did he say ?

A. He told me that his wife had left him, or was gone, and was crying. I don't recall exactly what he said.

Q. Did he express any regret at the way he had treated her ?

A. No Sir.

Q. Did he tell you that he had written to her to come back ?

A. I am not positive about that, I would not like to say whether he did or not.

Q. Did he tell you whyshe left him ?

A. No Sir.

Q. How long after she left was it that he told you about it and cried ?

A. I don't remember now but it was a very short time. I had heard that she had gone before he told me. I don't remember how long it was but don't think that it was very long.

Q. Did rumor say why she left ?

A. No Sir.

Q. You never heard why she left ?
A. No Sir.
Q. Mr. Tuner never said anything about that part of it.

A. No Sir.

Q. You don't know whether his tears were tears or repentance for the way he treated her or whether they were tears of grief for the loss of her ?

A. Of course I could not be positive, but I took it in that way, that he was sorry that she had gone.

Q. Did you ever hear why his son left home ?

A. No Sir.

Q. You heard about his leaving ?

A. O yes.

Q. That was general talk in the neighborhood ?

A. Of course you could hear most anybody say that he had left so far as that is concerned.

Q. It is unusual for a 19 year old boy to pack up and leave home and go a mile away without his father's consent is it not ?

A. I don't know whether he had his father's consent or not.

Q. But it was remarked about in the neighborhood ?

A. It was talked about that he had ~~xxxxx~~ left his father. Not any more than he had merely left that is all I know about it.

Q. You did not know that he left without his father's knowledge ?

A. No Sir.

Q. Further this deponent saith not.

J. C. MATTHEWS being duly sworn deposeth and says as follows;

Q. Please state your name, age, residence, and occupation.

A. J. C. Matthews, 73 years old, Isle of Wight County and am a farmer.

Q. Do you know Mr. William Turner ?

A. Yes Sir.

Q. Do you know his last wife ?

A. I do not.

Q. Did you ever meet her ?

A. I did not.

Q. Did you ever see Mr. Turner and his wife together ?

A. I saw them pass my place sometimes, but never saw them in speaking distance.

Q. How far do you live from Mr. Turner ?

A. About two miles.

Q. Do you know whether Mr. Turner was a kind man to his family ?

A. So far as I know he was. I used to go there often and I never heard a word of complaint from any member of his family.

Q. Did he provide well for the necesaaries of his family ?

A. I thought so.

Q. Was he man that was over bearing and offensive in his dealing with his fellow men ?

A. If he was I never saw it.

Q. Was there any report through the community that he was unkind to his last wife ?

A. I never heard anything about it.

Q. Was anything said about his being very kind to his new wife and loving towards her ?

A. I heard that he seemed to be very loving towards her.

Q. You did not visit there while he was married the second time ?

A. I did not go there during his last marriage. I used to go there frequently during his first marriage.

Q. Was he kind and generous to his first wife ?

A. Yes.

Q. Did you hear anything against the reputation of Mr. Turner in his family or otherwise.

A. No Sir.

CROSS EXAMINATION.

Q. Did he not make his first wife work right hard ?

A. She used to work right hard but whether he made her work hard or not I can't tell you.

Q. You never heard of any trouble between him and his first wife ?

A. Not a single sentence and I have been there often. I never heard a cross word between them in all my life.

Q. When was it that you heard that he seemed loving towards his second wife, during the honeymoon ?

A. Well he passed my house right often out driving, he and

she and they seemed to be very loving at that distance, they seemed to be enjoying the ride very much.

Q. Which one seemed to be loving the most ?

A. I could not say. I guess they both were loving right much. I can't say which one was loving the most.

Q. You can only judge from the demonstrations that you saw, did they seem to be affectionate ?

A. At a distance they did. They were both in the same buggy riding out together. Seemed like they were seeing pleasure did it not ?

Q. I did not see it.

A. Well I did.

Q. You simply saw them sitting side by side in one buggy, nothing more demonstrative than that ?

A. Nothing more.

Further this deponent saith not.

JOSEPH HALL being duly sworn deposeth and says as follows;

Q. Please state your name, age, residence and occupation ?

A. Joseph Hall, thirty years old, live in Isle of Wight County and I know the parties to this suit. I know Mr. Turner very well and know his wife when I saw her.

Q. Did you ever visit his home during the last marriage ?

A. I was there only twice. One for a short while only, I did not go in the house, and again I was there to a corn shucking.

Q. Was there anything between Mr. Turner and Mrs. Turner that made you specially take notice of them whether they were kind to each other and loving ?

A. I noticed that while we were at the corn shucking Mr. and Mrs. Turner were standing off talking near the shed and I thought to myself that they seemed to be getting on mighty well from the way they acted. Of course I could not hear the conversation but they staid there some hours.

Q. Do you know how Mr. Turner treated the members of his family, including his first and his last wife ?

A. I could not say for all the time. I could only say how he treated them when I was there. I worked for Mr. Turner for some three months off and on some five or six years ago and Mr. Turner always treated his family all right while I was there. Of course while I was away I could not tell any more how he treated his family than he couldtell you how i treat mine.

Q. Is he a pleasant man to deal with ?

A. He was to me. I worked with him for a good long time and he never found any fault with any work that I did for him.. If he did he did it to some body else and I never heard about it.

Q. Were there any common reports around the neighborhood about the way he treated his ~~first~~ last wife ?

A. I never heard a word of harm in any way that he reated her in my life.

Q. Do you know anything in any way that you could tell against Mr. Turner ?

A. All that I know about Mr. Turner and his wife is when I saw them. The first time I was there it did not amount to anything as I just wanted to see Mr. Tuner onsome business, and all that I know of them is when I saw them at church, meet them on the road. I never heard of any trouble between them.

Q. Do you know why she is not living with him to-day ?

A. I do not Sir.

Q.

CROSS EXAMINATION.

Q. The corn shucking was in the fall was it ?

A. Of course it was, that is the time we generally shuck corn here.

Q. When were they married ?

A. I could not tell you.

Q. If they were married in October that corn shucking was not long after it ?

A. I don't think it was. We generally shucked corn from the middle of October to the middle of December.

Q. Then that was near after the 21st if they were married the 17th of October ?

A. It might have been but I don't remember just when the corn shucking was. I could not say the day of the week.

Q. It did not look to affectionate for a newly married couple did they ?

A. No Sir they did not .

Further this deponent saith not.

S. O. GARNER being duly sworn deposeth and says as follows;

Q. Please state your name, age residence and occupation ?

A. S. O. Garner, 40 years old, live in Isle of Wight County and am a farmer.

Q. How far do you live from Mr. Turner ?

A. About a mile.

Q. Did you visit his home during the last marriage ?

A. I did not.

Q. Do you know anything about the way he provided for his last wife or treated her ?

A. I do not.

Q. Did you ever hear anything against him about the way he treated his wife ?

A. No.

Q. Did you ever see them at other places, and if you did please state whether they were affectionate or not ?

A. I just saw them riding out in the road.

Q. Did you ever hear anything about how live sick they were ?

A. No Sir.

Q. Never heard any of these reports ?

A. No Sir.

Q. Do you know as to whether Mr. Turner was kind to his family ?

A. No Sir I do not but I never heard of any complaint.

Q. Isn't his reputation of being a well provider for his family ?

A. Yes Sir.

Q. Do you know why his wife is not there to-day ?

A. I do not.

Q . Have you any idea ?

A. I have no idea.

Q. Is there anything that you know what would give us a clear idea as to why she is not there to-day, anything on her part or on his part ?

A. Unless it was because she was a young girl and he was an old man. That is all that I know.

Q. Do you know when she left last ?

A. I do not.

CROSS EXAMINATION.

Q. Did Mr. Turner's first wife visit your mother ?

A. I don't know sir about that, I don't remember much about that .

Q. Your mother is not living now is she.

A. Yes Sir.

Q. She is living ?

A. Yes Sir. I don't remember her going over there that I know of.

Q. You don't know of any unpleasantness between Mr. Turner and his first wife ?

'. I do not.

Further this deponent saith not.

J. R. DARDEN being duly sworn deposeth and says as follows ?

Q. Please state your name, age, residence and occupation.

A. J. R. DARDEN, forty-four years old, farmer and live in

Isle of

Isle of Wight County.

Q. How far do you live from Mr. William Turner ?

A. About a mile and a half.

Q. Do you know when he married the last time and when his wife left ?

A. I don't know exactly what time they got married. I know what year. I don't know exactly when she left but it was sometime in August.

Q. Did you visit the family while they were married ?

A. I never went over the whole time she was there .

Q. Did you ever see them to gether at church and other places?

A. Sometime I would see them at church.

Q. Do you know whether he was kind to her or not ?

A. I do not.

Q. Did you ever hear anything to the contrary ?

A. I did not.

Q. Did you ever hear anything wrong of him about his treatment of his family ?

A. I used to go over there when his first wife was living.

Q. Did you ever see anything wrong between them ?

A. They got on all right as far as I could see.

Q. Do you know whether he did all he could to please and make his last wife happy ?

A. I don't know. I don't know anything about his last wife.

Q. Did you hear any complaint inthe neighbor hood whatever ?

A. No Sir.

Cross examination waived.

J. E. Turner recalled.

Q. Did you testify as to the exact date that your step mother left the last time ?

A. I did not.

JACK TURNER recalled.

Q. How do you know that it was the 6th day of August that

that your step mother left ?

A. Because I could tell that it was the 6th day of August. I know the days of the month I guess.

Q. Did you set it down ?

A. I did not set it down except in my mind, I could certainly remember that all right .

Q. You expected her to come back when she left ?

A. Yes Sir.

Q. Then there was nothing to make you put down the day of the month that your step mother left home ?

A. Not at all.

Q. It was not until the talk about bringing this suit arose that the precise date of her leaving came up for discussion was it ?

A. No Sir.

Q. How did you figure back and make it out to be the 6th of August ?

A. Because I know that was the date that she left.

Q. But you did nothing to make you think about a particular date until the time for bringing the suit, did you ?

A. When any body would ask me when she left I could tell them that it was the 6th day of August. I could tell thatmuch, could you not do it .

Q. No I could not. What day of the week was it that she left.

A. It was a Tuesday, so far as I nemember, and she was to come back on Friday, just three days.

Further this deponent saith not.

Virginia:

I, N.F. Young, a Commissioner in Chancery for the Circuit Court of Isle of Wight County, in the State of Virginia, do hereby certify that the foregoing depositions of Jack Turner, J.E. Turner, Joe Strickfield, Emiline Daughtry, William R. Pearce, R.L. Spivey, S.T. Spivey, J.C. Mathews, Joseph Hare, S.O. Garner, J.R. Darden, were duly taken and sworn to before me, at the time and place and for the purpose in the caption mentioned.

Given under my hand this 27th day of September, 1904.

N. F. Young
Comr. in Chancery

FEE BILL.

Newport News, Va., Aug 18th 1904

Ms S. E. Everett Attorney for Plaintiff

To C. C. CURTIS, Deputy City Sergeant, Dr.

Office: Room 10, City Hall

Aug 18	To Executing 1 notice + 1 Summons H. L. Turner Vs Sula E. Turner	$1.00

Recd- payment in cash
Aug 18th 1904
C. C. Curtis- Dpty- Sgt-

W. D. Turner
Issued the Writ

Wm L. Turner
Against
Lula E. Turner

Dr Crs

To be entered 7th
day of March, 1905

Robert R. Reeves

C. D. B. M. C
Page
41

In the Circuit Court of Yuba County, State of California.

Lula E. Turner.....Plaintiff.

vs.

Wm L. Turner.....Defendant.

The Plaintiff complains of the Defendant and for a cause of action alleges that on the 1st day of June, 1904, in the County of Yuba, State of California, the plaintiff and defendant were married and ever since said date have been husband and wife.

That plaintiff has always been a true, faithful and affectionate wife to the defendant, and has performed all the duties devolving upon her as such wife.

That defendant has been guilty of extreme cruelty toward plaintiff, in this, to-wit: That on the 1st day of June, 1904, and on divers days and times since that date, he has used violent and abusive language to plaintiff, and has struck her with his fists, and has threatened to take her life.

That by reason of said cruel treatment plaintiff has been compelled to leave the defendant, and has since lived separate and apart from him.

That plaintiff has no property, real or personal, except such as she has acquired since her separation from defendant.

That there are no children the issue of said marriage.

Wherefore plaintiff prays that a decree of this Court may be made and entered dissolving the bonds of matrimony existing between plaintiff and defendant, and for such other and further relief as to the Court may seem meet.

Lula E. Turner.....Plaintiff.

State of California,
County of Yuba. } ss.

Lula E. Turner, the plaintiff in the above entitled action, being first duly sworn, on oath says that she has read the foregoing complaint and knows the contents thereof, and that the same is true of her own knowledge, except as to the matters which are therein stated on her information or belief, and as to those matters that she believes it to be true.

Subscribed and sworn to before me this 7th day of March, 1905.

Robert R. Reeves
Clerk of the Superior Court.

In the Circuit Court of Isle of Wight County:

WM L. Turner..... . Plaintiff.

Against.

Lula E. Turner..... Defendant.

This Cause came on this day to be heard on the Complainant's bill, with exhibits filed, and the depositions of witnesses, the defendant, om whom process has been duly served and she still failing to appear, plead, answer or demur, and was argued by counsel.

On consideration whereof, the Court being of the opinion, from the evidenced furnished in the cause, that the defendant wilfully deserted and abandoned the plaintiff, and a period of more than three years having elapsed since the said desertion and abandonment, the court doth adjudge, order and decree, that the marriage heretofore had and solemnized between the said plaintiff, Wm. L. Turner, and the said Defendant, Lula E. Turner, shall be, and the same is, hereby dissolved; and that the said complainant, Wm. L. Turner, be divorced a vinculo matrimonii from the said Lula E. Turner.

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

O.D. BATCHELOR, ATTORNEY AT LAW.
W.R. PERKINS, ASSISTANT.
SILSBY BUILDING. NEWPORT NEWS, VA.

Sept. 15th 1904.

Mr. S. E. Everett,

Suffolk, Va.

Dear Sir:

Mrs. Lula E. Turner, has spoken to me in reference to retaining the services of Mr. Batchelor in the suit of Mr. Wm. L. Turner against her. Mr. Batchelor has been in Europe for some little while. I expected him back the last of this week, but find now he will not be back until the 22nd. He will land in New York the 21st and be here the 22nd. Under these circumstances would like to have you continue depositions set for 21st for a few days, say to the 27th, so that he may have a chance to be present. Your kindness will oblige. Please let me hear by return mail.

Yours very truly
W.R. Perkins

O.D. BATCHELOR, ATTORNEY AT LAW.
W.R. PERKINS, ASSISTANT,
SILSBY BUILDING. NEWPORT NEWS, VA.

Sept. 17th 1904.

Mr. N. F. Young,

Isle of Wight, Va.

Dear Sir:

Finding that Mr. Batchelor, whom Mrs. Lula E. Turner wishes to represent her in the suit of Wm. L. Turner against her, will not be back from an extended trip in time to be present at the taking of the depositions on the 21st I wrote Mr. S. E. Everett, asking that taking of depositions be continued a few days, and he has kindly consented that you may continue the taking of the depositions until some other day to be agreed upon by us.

I write you this at his request, and he will write you also.

Yours very truly,

W. R. Perkins

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS NOS. 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., Sept. 16, 1904.

Mr. N. F. Young,

Isle of Wight, Va.

Dear Sir:

Enclosed you will find a letter from Mr. Perkins written for Mr. Batchelor. I have written him to write you a letter stating why he has asked for this continuance. The case will have to be continued and I will summon my witnesses later. He said the 27th. I suppose you better continue to that day and notify him that you have continued to the 27th of September, as soon as you receive his letter.

Yours very truly,

Dic. S. E. E.

S. E. Everett

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS NOS. 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., Sept. 19, 1904.

Mr. N. F. Young,

Isle of Wight, Va.

Dear Mr. Young:

Enclosed you will find a list of the witnesses to be summoned in the W. L. Turner vs. his wife case. Also you will find enclosed a letter that I have written to Mr. Turner and have left blank the date of the taking of depositions. Will you please fill in this and mail it to him so he will know as early as possible. Also write me a letter right back giving me the date.

Yours very truly,

S. E. Everett

Dic. S. E. E.

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS NOS. 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA.,

LIST OF WITNESSES.

J. E. Turner,

Jack Turner,

Joe Stringfield,

Sam Garner,

Sam Spivey,

Richard Spivey,

Joe Hall,

Bob Jordan,

William Pierce,

Fenton Dey,

Dr. R. L. Seward,

Emiline Daughtrey,

Dr. H. H. Butts

James C. Matthews

O.D. BATCHELOR, ATTORNEY AT LAW.
W.R. PERKINS, ASSISTANT.
SILSBY BUILDING. NEWPORT NEWS, VA.

Sept. 24th 1904.

Mr. N. F. Young,

Isle of Wight, Va.

Dear Sir:

On my return from an extended tripnabroad I find your letter setting depositions in Turner vs Turner for the 27th. On account of engagements in court, it is impossible for me to attend then, so I have written Mr. Everett explaining why I cannot then attend, and setting the 29th. I also write him that I write you to postpone the depositions to that day,

Yours very truly,

O.D. Batchelor

RETURN IN 3 DAYS

O. D. BATCHELOR

ATTORNEY AT LAW

NEWPORT NEWS, VA.

NEWPORT NEWS
SEP 24
4-PM
13 VA. C4

Mr. N. F. Young,

Isle of Wight, Va.

WINDSOR
SEP