1905-014 Chancery Causes - William T. Carter VS Alberta Carter (Alberta Skeeter)

Isle of Wight County

other SURNames: Cofer, Johnson, Tennis

Filed Jany 1st 1905

2d January rules 1906 Bill filed
Sum returned not executed. Alias summons
issued.

1st February rules 1906. Sum executed
as to me.

2d February rules 1906. Case set
for hearing

March term 1905
Trial

ALBERT S. JOHNSON,
ATTORNEY AT LAW.
SMITHFIELD, VA.

William Hanter

A B Johnson, a Notary

Public

11th

A B Johnson

Oct 7th 1907

Poor Quality Original. Best Possible Capture

vs. { SUBPOENA IN CHANCERY.

p. q

To ..... Rules,

..... Court.

B 3119

The Commonwealth of Virginia,

Norfolk

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

WE COMMAND YOU that you summon Alberta Carter, Sometimes called Alberta Skeeter,

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 third Monday in January 1905, to answer a bill in chancery, exhibited against Her in our said court for by W. T. Carter,

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 11th. day of January 1905, and in the 129 year of the Commonwealth.

N. F. Young, Clerk

A Copy, TESTE: N. F. Young C.C.

W. T. Carter

vs. { SUBPOENA IN CHANCERY.

Alberta Carter sometimes
called Alberta Skeeter

A. S. Johnson p. q.

To 2d January Rules,

Circuit Court.

B 33119

Debt $100

Int from Sept 1st

1 & Costs

Sheriff

W. W. Stubblefield

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Alberta Carter, sometimes called Alberta Skeeter,

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 third Monday in January 1905, to answer a bill in chancery, exhibited against her in our said court for by W. T. Carter,

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 11th. day of January 1905, and in the 129 year of the Commonwealth.

N. F. Young clerk

W. J. Carter

vs. { SUBPOENA IN CHANCERY.

Alberta Carter sometimes
called Alberta Shuler

A. S. Johnson p. q

To First February Rules,

Circuit Court.

B 33119

Executed on this 4th day of February 1905 by delivering a true copy thereof to Alberta Carter sometimes called Alberta Shuler in person

Wm. Jon. Smith Sergt of the City of Portsmouth Virginia

By Jesse B Hodnett

Deputy Sergt

Call Johnson and write to
your absent witnesses
A. S. J.

The Commonwealth of Virginia,

sergt of the city of Portsmouth

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

WE COMMAND YOU that you summon Alberta Carter sometimes called Alberta Skeeter

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 1st Monday in February 1905, to answer a bill in chancery, exhibited against her in our said court ~~for~~ by W. T. Carter

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 28th day of January 1905, and in the 129 year of the Commonwealth.

N. F. Young clerk

Carter

vs In Chancery

Carter

Depositions of plaintiff

Received and filed in the clerk's office of the circuit court of Isle of Wight county Feby 27th 1906

Teste N. D. Harris clerk

ALBERT S. JOHNSON,
ATTORNEY AT LAW,
SMITHFIELD, VA.

Q. Mr. Tennis, what have been your opportunities to tell the conduct of these two parties towards each other?

Ans. I lived in about a mile of them and visited the house some once or twice a week, while Mr. Carter was at home always and his conduct toward her was always apparently proper. At times she was very cross to him, but then she would speak kind words to him too sometimes.

Q. Where has Alberta Carter lived since she left W. T. Carter?

She has lived in Norfolk and Portsmouth too ever since she left him. I have seen herm there and talked with her.

Q. Has he lived in Isle of Wight County ever since she left him?

Yes sir.

And further this deponent saith not:

T. S. Tennis

Isle of Wight County, to-wit:

I, E. H. Williams, a Commissioner in Chancery for the Circuit Court of the County aforesaid in the State of Virginia, do certify that the foregoing depositions of R. T. Cofer, W. H. Johnson and T. S. Tennis, were duly taker, sworn to and subscribed before me at the time and place and for the purpose therein mentioned.

Given und r my hand this 25th. day of February, 1905.

E. H. Williams.
Commissioner in Chancery.

Mr. T. S. Tennis being first duly sworn, deposes and says:

Q. Mr. Tennis, please state, your name, age, residence, occupation.

Ans. I. S. Tennis, Jr. Thirty three years old; live in Isle of Wight County at Zuesue; am an oysterman.

Q. Do you know Mr. W. T. Carter and Alberta Carter, his wife?

Ans. Yes sir, I certainly do.

Q. How long have you known them?

Ans. I have been knowing Mr. Carter pretty much all my life. I have known his wife twelve or fifteen years, probably longer.

Q. Please state what kind of a man Mr. Carter is and has been ever since you have known him?

Ans. He is an industrious man. I have seen him drink some, but he is not a drunkard at all. He takes a drink occasionally. I have never seen drinking interfere with his work. He sometimes took a little when he was away and not at work. He is a very kind hearted man. Of course he sometimes lets his temper get the best of him like the rest of us.

Q. Do you know anything about Mrs. Carter, and do you know what her conduct was while living with Mr. Carter?

Ans. I cannot compare her to a decent woman. She certainly was not as good to him as he was to her.

Q. When did Mrs. Carter leave Mr. Carter?

Ans. I cannot say just when she left him. She did not live with him over two years after they were married. She left him and stayed away a few weeks and then she came back to him and he took her back, and then inside of six months she left again and has never been back to him since. I cannot state exactly as to the time she left him or how long she stayed with him the second time.

Ans. You say she left him and then came back to him. Do you know what his conduct was------ whether or not he treated to her while she was with him the last time?

Ans. So far as I know he treated her well. I certainly think he did a husband's part by her at all times.

Q. Do you know whether he drove her away from him either time.

Ans. She went on her own responsibility. She was not driven away by him.

time. Mr. Tennis has told us that she left him once and took her back and then she left him again.

Ans. No sir, she has not been back here since she left him the last time.

Q. How long was she away from ~~him~~ him when she left him the first time and how long did she stay with him till she left for good and for all?

Ans. I cannot say positively. She was away from him the first time a few weeks and then he took her back and then she left him in a few months, not over six, and did not return again at all.

Q. Has Mrs. Carter any relatives living in this neighborhood, and who are they?

Ans. Her mother lived here for some years after she left Mr. Carter.

Q. Did she ever return to visit her people at all to your knowing?

Ans. No sir.

Q. Do you know, or have you any idea why she left Mr. Carter?

Ans. I do not know, but I think it was her desire to run about with other men.

Q. How long do you think she has been away from Mr. Carter the last time.

Ans. I know that it has been over five years, and put me down right close as near as I can come at it it has been seven years or better.

And further this deponent saith not.

[redacted] W M Johnson

Mr. W. . Johnson having first been duly sworn deposes and says:

Q. Mr. Johnson, please state your name, age, residence, and occupation.

Ans. W. B. Johnson: twenty five years old: Rescue, Va.; oystering.

Q. How long have you known the parties to this suit?

I have been knowing Mrs. Carter twelve or thirteen years, and have been knowing Him all my life.

Q. Do you know when Alberta Carter left W. T. Carter?

Ans. I think she left him the following Fall after their marriage.

Q. Do you know when they were married?

Ans. I think they were married sometime during the Fall of 1905.

Q. What kind of a man is Mr. Carter, and what kind of a man was he when his wife lived with him?

Ans. He is and has been about like other men morally, and is of an even temper and the same disposition as the majority of men.

Q. Do you know whether or not Mr. Carter drove his wife away from him?

Ans. I could not swear that he did not, but I am sure that he did not, for he was always good and kind to her whenever I saw them together.

Q. Did you see much of them?

Ans. Sometimes I saw them together two or three times a day and then sometimes I would miss seeing them for two or three days.

Q. Did you ever hear of his being cruel or bad to her?

Ans. No sir.

Q. Dont you think you would have heard of it if he had been?

Ans. Yes sir.

Q. Where does Mr. Carter now live and where has he lived since his wife left him?

Ans. His home has been at Rescue ever since she left. They lived here together from the time they were married.

Q. Do you know where she has lived since she left him?

Ans. I am reasonably sure that she has lived in Norfolk all the time.

Q. Has she been back to Mr. Carter since she left him the last

...

as I could tell. I lived in a little over a mile from them and had reasonable opportunity to know about it. If there had been any trouble between them I would have been likely to have known or heard about it.

Q What was her conduct during her married life, or before she left him?

Ans. Of my own knowledge I cannot say exactly what her conduct was but it was the neighborhood talk that she was frequenting the company of other men in an unbecoming manner.

Q. You have said she is not living with him, when did she leave himand has she been back to him since?

Ans. I cannot say just when she left him. I know she has been away from him over five years. I know that she has not been back to him since she left.

Q. Do you know where she went after leaving him and where she has lived since that time?

Ans. She went to Norfolk and has lived there till very recently. I understand that she has recently moved over to Scottsville, ~~and~~ a suburb of Portsmouth, Va.

Q. Has Mr. Carter lived here at Rescue ever since she left him?

Ans. Yes sir.

And further this deponent saith not.

R J Coker

The depositions of R. T. Cofer, T. S. Tennis, W. W. Johnson taken before me, T. H. Williams, a Commissioner i Chancery for the Circuit Court of Isle of Wight County, at the residence of Capt. W. T. Carter, in the village of Rescue, in the County of Isle of Wight, State of Virginia, pursuant to legal notice duly executed by serving a copy thereof on the defendant in the cause hereinafter mentioned, between the hours of nine A. M. and five P. M. on the 25th. day of February, 1905, to be read as evidence in behalf of W. T. Carter in a certain suit in chancery depending in the Circuit Court of the said County, wherein the said W. T. Carter is plaintiff and Alberta Carter, sometimes called Alberta Skester is defendant.

Present, A. S. Johnson, Attorney for the plaintiff.

R. T. Cofer, a witness of lawful age, having first been duly sworn deposes and says as follows:

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

Ans. R. T. Cofer; thirty five years old; Rescue, Va.; Farmer.

Q. Do you know the parties to t is suit, and how long have you known them?

Ans. Yes sir, I have known them both about twelve years.

Q.State whether or not W. T. Carter was a sober, industrious and hard working man, or otherwise, since you have known him and especially during his married life, and what was his occupation?

Ans. For far as I am able to say he has been, ever since I have known him a steady hardworking man, and sober since I have known him, always attending to his business which was oystering.

Q. Is his wife now living with him?

Ans. No sir.

Q. State if you know what was the conduct and deportment of Mr. W. T. Carter towards his wife during the time she lived with him and how he provided for her, and what opportunities you had for knowing such?

Ans. To the best of my knowledge and belief Mr. Carter was good and kind to his wife, and he provided for her comfortably so far

Carter
Vs } Notice to take deposit.
Carter

Executed on this 22nd day
of February 1906 By delivering
a true copy of the within
Notice to Alberta Carter
Sometimes called Alberta
Skeeter in person.
Wm Jon Smith Sergt of
City of Portsmouth Va

Rec'd 50¢ fee for Service
Wm Jon Smith

To Al[illegible]erta Carter, sometimes called Alberta Skeeter:

Take notice that I shall, on the 25th. day of February, 1905, at Rescue, Virginia, at the house of Capt. W. T. Carter, between the hours of nine A.M. and 5 P. M., on that day, proceed to take the depositions of Jos. T. Savage, T. S. Tennis and others, to be read in evidence in my behalf, in a certain Chancery suit depending in the Circuit Court of the County of Isle of Wight, State of Virginia, in which you are the defendant and I am plaintiff, and if, from any cause, the taking of the said depositions be not commenced on that day, or if commenced be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall have been completed.

Given under my hand this 15th. day of February, 1905.

H. J. Cook

By Counsel

ALBERT S. JOHN
ATTORNEY AT LAW
SMITHFIELD, VA

Carter
vs/In the Circuit Court of
Isle of Wight County.
Carter.

DECREE.

To be entered March 6, 1905.

Robert R. Davis

C.C.B. No. 6 page 406

W. T. Carter,

vs.)In the Circuit Court of the County of Isle of Wight.

Alberta Carter, sometimes called Alberta Skeeter.

This cause came on t is day to be heard on the complainant's bill, with exhibits filed, and the depositions of witnesses, the defendant, ~~she was duly proceeded against in the manner required by law~~ on 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 opinion, from the evidence furnished in this cause, that the defendant has wilfully deserted and abandoned the plaintiff, and a period of more than three years having now elapsed since the said desertion and abandonment, the Court doth adjudge, order and decree that the marriage heretofore had and solemnized between the said Complainant, the said W. T. Carter, and the said defendant, Alberta Carter, sometimes called Alberta Skeeter, shall be, and the same is, hereby dissolved: and that the said Complainant, W. T. Carter be divorced a vinculo matrimonii from the said Alberta Carter, sometimes called Alberta Skeeter.

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.

"A"

William T. Carter

With } Marriage Certificate

Alberta Skeeter

"A Copy"

MARRIAGE LICENSE

Virginia, Nansemond 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,

William Thomas Carter

and Alberta Skeeter

Given under my hand, as Clerk of the County Court of Nansemond this 4th day of November 1895

R R Smith Clerk.

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 6, 1900~~

Time of Marriage, 4th November 1895

Place of Marriage, Norfolk Va

Full Names of Parties Married, William Thomas Carter & Alberta Skeeter

Color, White

Age of Husband, 25 years

Age of Wife, 16 years

Condition of Husband (widowed or single ~~or divorced~~) single

Condition of Wife (widowed or single ~~or divorced~~) single

Place of Husband's Birth, Norfolk Va

Place of Wife's Birth, Portsmouth 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, William T Carter & Mary Carter

Names of Wife's Parents, James Skeeter & Ella Skeeter

Occupation of Husband, Oyster man

Given under my hand this 4th day of November 1895

R R Smith Clerk.

~~Certificate of Time and Place of Marriage.~~ Minister's Return of Marriage

I Certify That on the 4th day of ~~the~~ November 1895 at Suffolk Va, I united in marriage the above-named and ~~Church, or religious order of that name, do certify that on the day of~~ described parties, under authority of the annexed License

~~by , at , under authority of the above License,~~ I united in Marriage ~~the persons~~ named and ~~described~~ therein. J. F. Love.

~~Given under my hand this day of 19~~

☞ The Minister celebrating a marriage is required, within ~~two months~~ ten days thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A Copy, made this 4th Day of January, 1905.
Teste: R R Smith Clerk
By S. McLawrence D.C.