1906-009 Chancery Causes Sallie A Garner vs Matthew Garner

Isle of Wight County

othee surnames: Nubie, Evins

Sallie Garner — Plaintiff

v.

Matthew Garner — Defendent

This cause came on this day to be heard on the complainants bill, and the depositions of witnesses , the defendent who was proceeded against by order of publication still failing to appear, plead, answer, or demur , and was argued by counsel.

On consideration whereof, the court being of the opinion, from the evidence of this cause, that the defendent has willfully abandoned and deserted the plaintiff for a period of three years, doth adjudge, order and decree that the marriage heretofore had and solomnized between said plaintiff and said defendent shall be, and the same is hereby dissolved, and the said plaintiff forever divorced from the said defendent.

And the court doth further adjudge, order and decree that the said defendent do pay unto the said plaintiff her cost expended in the prosecution of this suit , and nothing further remaining to be done herein , it is ordered that this suit be stricken from the docket.

Gorner
vs { Rough Rider
Gorner

To be entered
March 5th 1906
Robt R. Ellis

Sallie A. Garner

vs.) In Chancery

Matthew Garner.

This day Geo. F. Whitley appeared before me in person, a Notary Public in and for the County of Isle of Wight and State of Virginia, and made oath that he has, as attorney for said Sallie A. Garner, used due diligence, without effect, on behalf of the said Sallie A. Garner, to ascertain in what County said Matthew Garner resides, against whom the said Sallie A. Garner, by the said George F. Whitley, her attorney, lately instituded a suit in Equity in the Circuit Court of the County of Isle of Wight, for the purpose of obtaining a divorce a vinculo matrimonii.

Given under my hand this 20th day of October, 1905.

Peyton R. Turner
Notary Public.

My commission expires Dec. 9th. 1905.

Garner

vs) In Chancery

Garner.

Affidavit for order of publ'n.

IN THR CLERK'S OFFICE OF THE Circuit Court for the County of Isle of Wight, October 30, 1905.

Sallie A. Garner
vs. } In chancery.
Matthew Garner

The object of this suit is to obtain a divorce a vinculo matrimonii. And an affidavit having been made that due diligence has been used, without effect, to ascertain in what County said Matthew Garner resides, it is ordered that the said Matthew Garner do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interests in this suit.

A copy. Teste:

A. S. JOHNSON, Clerk.

GEO. F. WHITLEY, p. q.

Bill
& Pl.°

Office of The Herald.

Suffolk, Va., 11/25 1905

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law==once a week for four successive weeks.

W. J. Kendrick

Editor Herald.

Garner
vs Summers certificate
Garner

$ Summers Bill
$ 2.00

Virginia:

Isle of Wight County, to-wit:

A. S. Johnson, Clerk of the Circuit Court of Isle of Wight County, this day appeared in person before me, a Notary Public in and for the County and State aforesaid, and made oath that, on the 31st. day of October 1905, he posted a copy of the foregoing order of Publication at the front door of the Court house of said County.

Given under my hand this 3rd. day of March, 1906.

L L McClelland NP.

My coms. expires May 21st. 1908.

In the Clerk's Office of the Circuit Court for the County of Isle of Wight, October 30th. 1905.

Sallie A. Garner

vs) In chancery

Matthew Garner.

The object of this suit is to obtain a divorce a vinculo matrimonii. And an affidavit having been made that due diligence has been used, without effect, to ascertain in what County said Matthew Garner resides, it is ordered that the said Matthew Garner do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interests in this suit.

A copy,

Teste, R. E. Johnson Clerk.

Geo. F. Whitley, p.q.

Garner vs Garner. Bill of costs.

Writ tax,.....	$1.50
Sheriff fee,.....	.50
Clerk's fee,.....	6.40
Attorney taxed fe ,.....	15.00
Printer's fee,.....	

Writ tax paid by G.F.W. p.q.

Mr. G.F.Whitley, p.q.

I think you have paid the printer's fee, which you can insert if you have need for it. There is no probability of collecting the costs out of the defendant, in fact I do not believe this is often done, so it is hardly of any benefit to me for file in the papers.

Sallie Garner, Plaintiff,

v.

Matthew Garner, Defendent.

Depositions of Clem Nubie, Henry Evins and Martha Nubie.witnesses, taken before me, E. H. Williams , a commissioner in Chancery for the Circuit Court of the county of Isle of Wight , Va. on the 21st, day of December 1905, after service of process by order of publication as to absent defendent, at theoffice of Geo. F. Whitley, in the town of Smithfield, Va., between the hours of 3 and 4 o'clock P. M. to be read in evidence in a suit in which Sallie Garner is plaintiff and Matthew Garner is defendent, pending in the Circuit court for the county of Isle of Wight , Va.

Present for the plaintiff,Geo. F. Whitley.

Clem Nubie a competent witness being first duly sworn , deposeth and saith as follows: to-wit:

Q. What is your name , residence , age and occupation?

A. Clem Nubie, age 51, Isle of Wight County, Farmer.

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

A. Yes I have been knowing them about 9 years.

Q. Does Sallie Garner live in this county and how long has she resided here?

A. To my knowledge she has resided here for the past 9 years.

Q. Do you know when these parties were married?

A. Yes,during the year 1898.

Q. Was she a constant , dutiful and faithful wife?

A. She certainly was.

Q. Did he Matthew Garner desert her , if so when?

A. He deserted her last Aug. 4 years age.

Q. Has he ever returned to live with her?

A. He has not.

Further thos deponent saith not.

Witness: E. H. Williams ..... his Clem X Nubie mark

Henry Evins a competent witness being first duly sworn, deposeth and saith as,follows, to-wit:

Q. What is your name, age , residence and occupation?

A. Henry Evins, 30 years old, in Isle of Wight Co. Farmer.

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

A. I have known the plaintiff for 20 years, and the defendent for 9 ~~ye~~ years.

Q. Does Sallie Garner live in~~x~~ this county, and how long has she resided here?

A. T o my knowledge she has been living here for the last 20 years.

Q. Do you know when these parties were married?

A. Yes, during the year 1898.

Q. Was she a constant , dutiful and faithful wife?

A. She was.

Q. Did He, Matthew Garner, desert her, if so when?

A. he desereted her last Aug. 4 years ago.

Q. Has he ever returned to live with her?

A. He has not.

Further this deponent saith not.

Henry his Evins
mark

Witness: E.K. Williams

Matha Nubie a competent witness being first duly sworn, deposeth and saith as follows, to-wit:

Q. What is your name, age,residence and occupation?

A. Martha Nubie, 50 years old, Isle of Wight County, nurse.

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

A. IHave known the plaintiff all her life, and the defendent about 8 years.

Q. Are you related to either of the parties?

A. I am not.

Q. Does Sallie Garner live in this county , and how long has she lived here?

A. All of her life.

Q. Do you know when these parties were married?

A. Yes, during the year 1898.

Q. Was she a constant, dutiful and faithful wife?

A. She was.

Q. Did he Matthew Garner, desert her, if so when?

A. He left her last Augt. 4 years ago.

Q. Has he ever returned to live with her?

A. He has not.

Further this deponent saith not.

Her
Martha × Nubie
mark

Witness: E.H. Williams.

Deposition.

State of Virginia,

County of Isle of Wight, to wit:

I, E. H. Williams, a Commissioner in Chahcery for the Circuit Court of the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the place and time therein mentioned. In witness whereof I have hereunto set my hand this 21st day of December, 1905.

E. H. Williams.

Commissioner in Chancery.

E. H. WILLIAMS
ATTORNEY AT LAW
ISLE OF WIGHT C. H., VA.

Jesse Warren
25. Dep Collector
Worker Warren
File Written Receiving —

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Facsimile
Teb, Deputy Clerk

SMITHFIELD
JAN
19
1906
VA

U. S. Johnson, Clerk
Isle of Wight
Virginia

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Matthew T Garner

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 November 1905 to answer a bill in chancery, exhibited against him in our said court ~~for~~ Sallie A Garner

And have then there this writ. Witness ~~NATHANIEL P. YOUNG~~ T. Johnson, Clerk of our said court, at the court-house, the 17th day of October 1905, and in the 130th year of the Commonwealth.

Test. T. Johnson Clerk

Sallie A Garner

vs. { SUBPOENA IN CHANCERY.

Matthew Garner

p. q

To ..... Rules,

..... Court.

B 3119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Matthew C. Garner

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 November 1905, to answer a bill in chancery, exhibited against him in our said court ~~for~~ by Sallie A. Garner

And have then there this writ. Witness ~~NATHANIEL F. YOUNG~~ E. Johnson, Clerk of our said court, at the court-house, the 17th day of October 1905, and in the 130th year of the Commonwealth.

Test. E. Johnson Clerk

Sallie A Garner

vs. { SUBPOENA IN CHANCERY.

Matthew Garner

Geo F Whitley p. q

To First Number Rules,

Circuit Court.

1905

B 3119

The defendant Matthew Garner
having entered his appearance
herein and executed his undertaking
as required by Equity Rule
No 24 it is ordered
Oct 2 1905.

To the Honorable Robert R. Prentis, Judge of the Circuit Court for the county of Isle of Wight.

Complaining, showeth unto the court your oratrix, Sallie Garner, wife of Matthew Garner, that she is twenty six years old.

That at the age of nineteen she married the said Matthew Garner.

That she has always been a faithful, constant and dutiful wife and has borne unto him two children, to wit: James, now 5 years old and Jessie, 4 years old.

That in the year 1901 during the month of August, the said Matthew Garner did wilfully desert and abandon your oratrix, leaving her to support herself and children, and has never returned to her.

That your oratrix has been a resident of the State of Virginia, of the County of Isle of Wight, for more than one year last preceeding the institution of this suit, and is now a resident of the county of Isle of Wight.

In tender consideration whereof and forasmuch as your oratrix is remidiless in the premises save in a court of Equity she prayes that the said Matthew Garner be made a defendent to this bill and be required to answer the same under oath; that your oratrix may be divorced from him a vinculo matrimonii, and that all other, farther and general relief may be afforded your oratrix as the nature of her case may require or to equity may seem meet. And your oratrix will ever pray, &c.

Sallie Garner. Geo. F. Whitley, p.q.

County of Isle of Wight, to wit:

This day personally appeared before me, the undersigned, a justice of the peace for the county aforesaid, Sallie Garner, and made oath that she believes that the statements made in the foregoing bill are true.

Given under my hand this 18th day of Nov. 1905.

M. F. Jordan, J.P.

Sallie Garner,

vs.) In Chancery.

Matthew Garner.

1st Nov. rules 1905 Dem. returned not found. Order of Publication: Continued for bill:

2nd Novm. rules 1905 Bill filed. Continued on order of publication

3rd November rules 1905 Continued on order of publication:

1st Decem rules 1905 Contd on order of Publication.

2nd December rules 1906. Order Publication executed and cause set for hearing

Geo. F. Whitley,
Attorney-at-Law,
Smithfield, Va.