

1908-005 Chancery Causes: Seth W. Hearn vs Lula [Loula] Brown Hearn
Dale of Wright County

5

other surnames: Johnson,
Nelms, Wertheimer, Hearn

To Mr. Seth W. Hearn,

Take notice that I shall on Monday, June 4th. 1906, move the Honorable Judge of the Circuit Court of Isle of Wight County, Virginia, to allow me counsel fee, to be paid by you, with which to enable me to pay counsel to defend me in the cause of Seth W. Hearn against Lula Bourn Hearn now pending in the Circuit Court of Isle of Wight County, Virginia, in which you are Plaintiff and I am defendant, said suit being a suit for divorce, and also for temporary alimony for my support and the support of my child Francis.

Yours respectfully,

May 31st. 1906.

Lula Bourn Hearn
by Counsel

Ham. 5
vs
Ham

Notice for
Annual fee &
allimony.

Legal service of the
within is hereby accepted
by the
E. H. Williams
his attorney.

VIRGINIA:

TO THE SHERIFF OF THE COUNTY OF HAMPSHIRE, GREETING:

You are hereby commanded to ^{again} summon J. S. ~~Wright~~ ^{Hite}, personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court for the County of Isle of Wight, at his office at Isle of Wight Courthouse, Virginia, on the ^{31st} ~~24th~~ day of May, 1906, at nine thirty o'clock A. M. to testify and the truth to say in behalf of the Plaintiff in a suit in Chancery in the said Court depending between S. W. Hearn, Plaintiff, and Lula Bourn Hearn, defendant.

And this you shall in no wise omit under the penalty of \$100. And have then and there this writ.

Witness, A. S. Johnson, Commissioner of our said Court, at the Courthouse of said County the 24th. day of May 1906, and in the 130th. year of the Commonwealth.

Teste,

A. S. Johnson
Commissioner in Chancery.

Executed this
29 day May 1906
by delivering a
true copy of the
within process
and \$1.78 for
mileage and
1st days attendance
to J. S. Hite

A. W. Baker
Shoff

W. J. NELMS

L. A. MCMURRAN

NELMS & MCMURRAN

ATTORNEYS AT LAW

ROOMS 6, 7, AND 8

NELMS' BUILDING

NEWPORT NEWS, VA.

Oct. 28/07

Dear Mr. Johnson :

In Mrs. Sykes dep. pg 62

vol. 6, Ham dep. 452. It should
be Miss Edwards instead of Mr. Johnson.
Dell Williams & Cornet A.

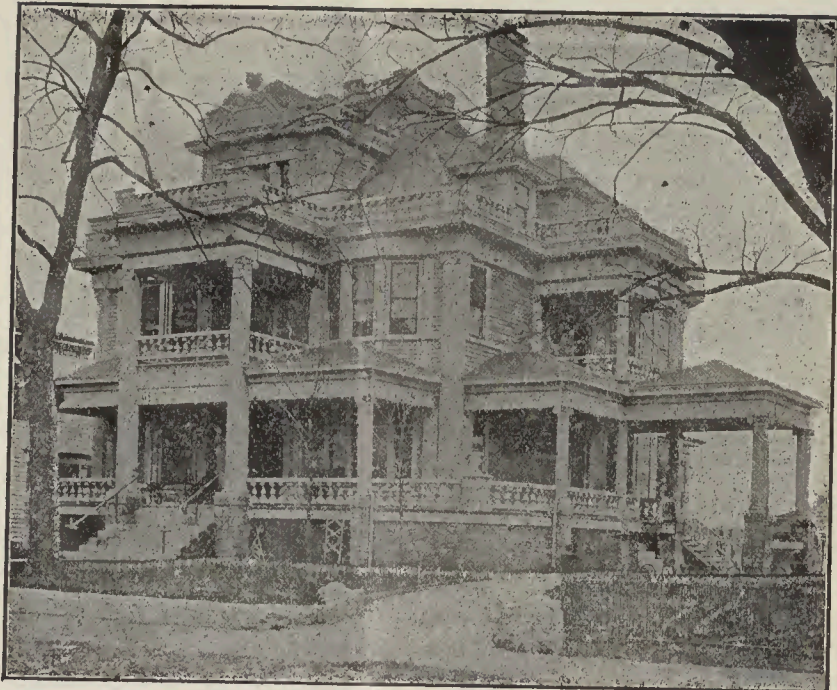
Yours

W. J. Nelms

Hearn

23

Hearn



C. F. NELMS,
ARCHITECT

—AND—

General Contractor.

900 Washington Street.

Phone No. _____

Portsmouth, Va., Oct 9th 1909

To C. F. Nelms & Co

to making plans for residence of
B. W. Heom. formerly occupied by
S. W. Heom & Louie B. Heom.

\$15⁰⁰/₁₀₀

W. J. NELMS

L. A. MCMURRAN

NELMS & MCMURRAN

ATTORNEYS AT LAW

ROOMS 6, 7, AND 8

NELMS' BUILDING

NEWPORT NEWS, VA.

Newport News, Va., Oct. 9, 1907.

Mr. A. S. Johnson, Clk.,

Isle of Wight C. H., Va.

Dear Mr. Johnson:

I herewith hand you bill of architect for plans made of the
S. W. Heirn house.

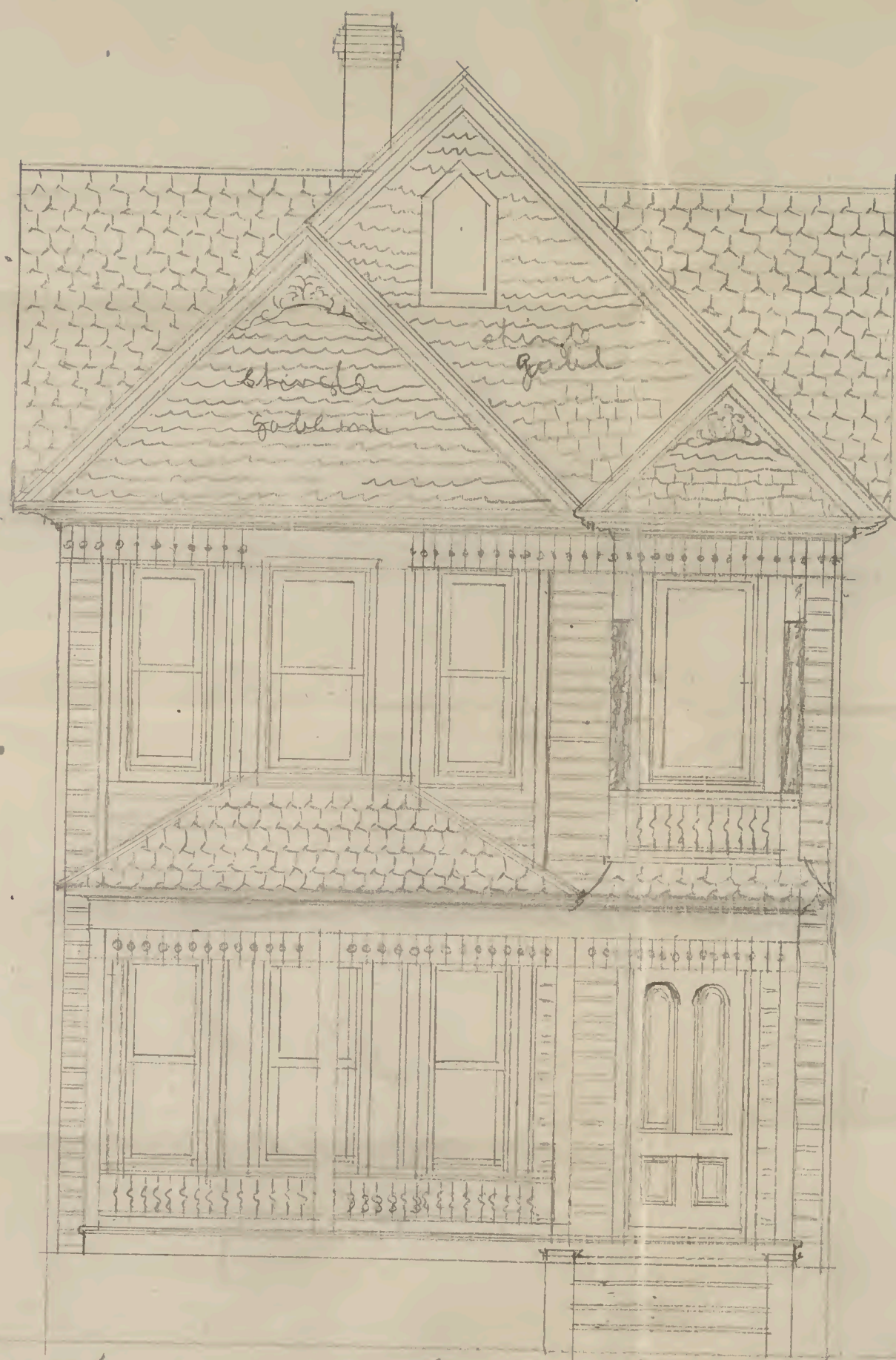
Please file same, and I ask they be taxed as a part of the
costs.

Yours truly,

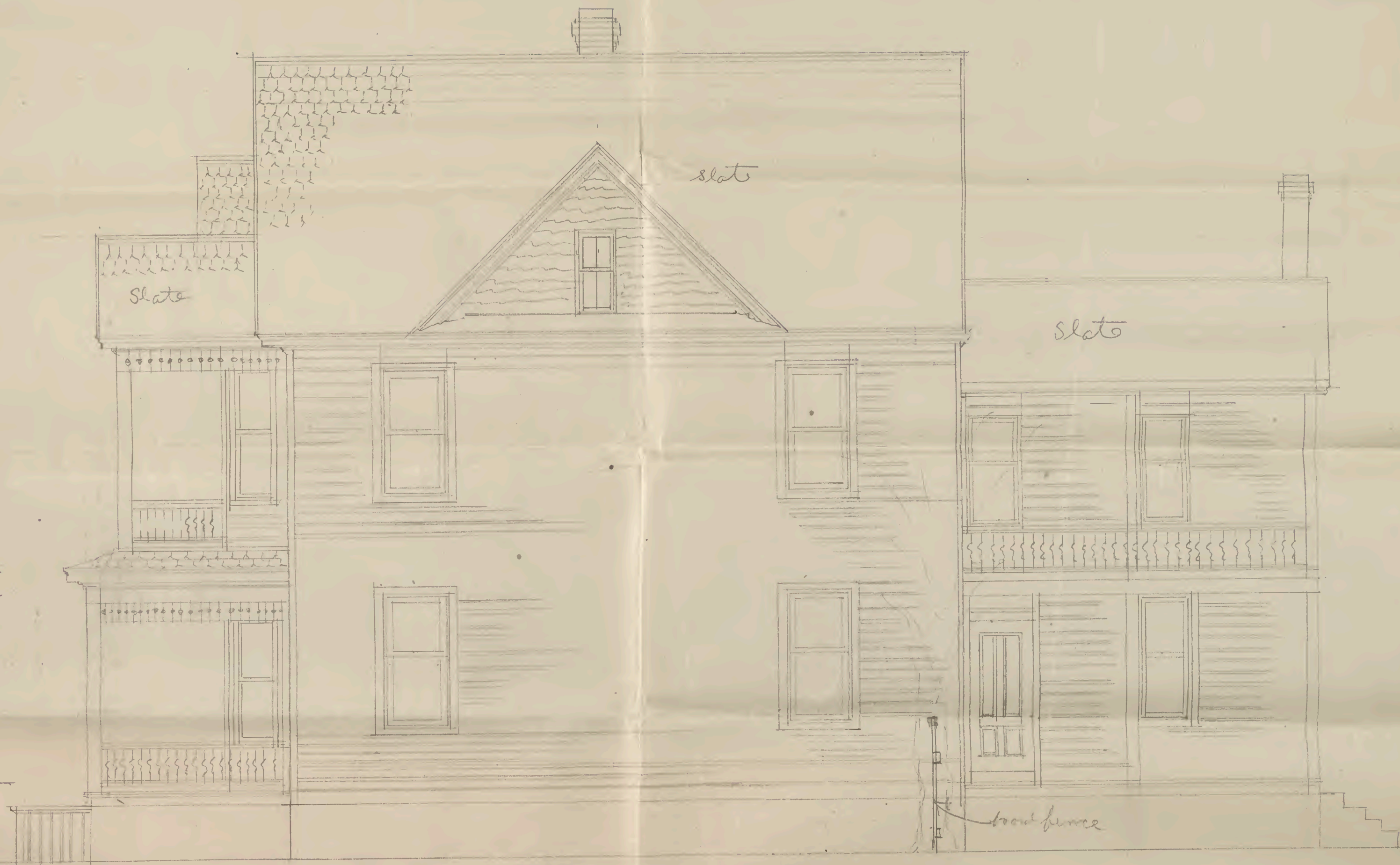
A handwritten signature in dark ink, appearing to read "W. J. Nelms". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Enc.

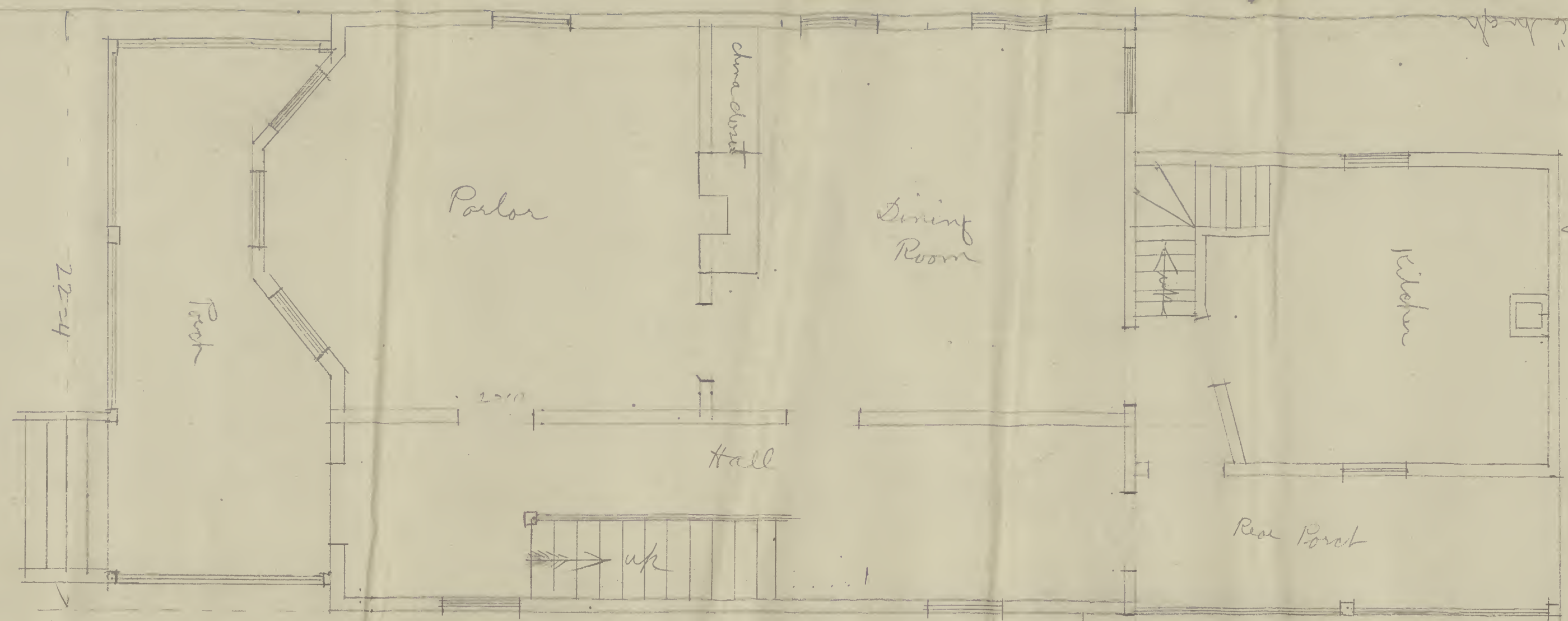
N/G



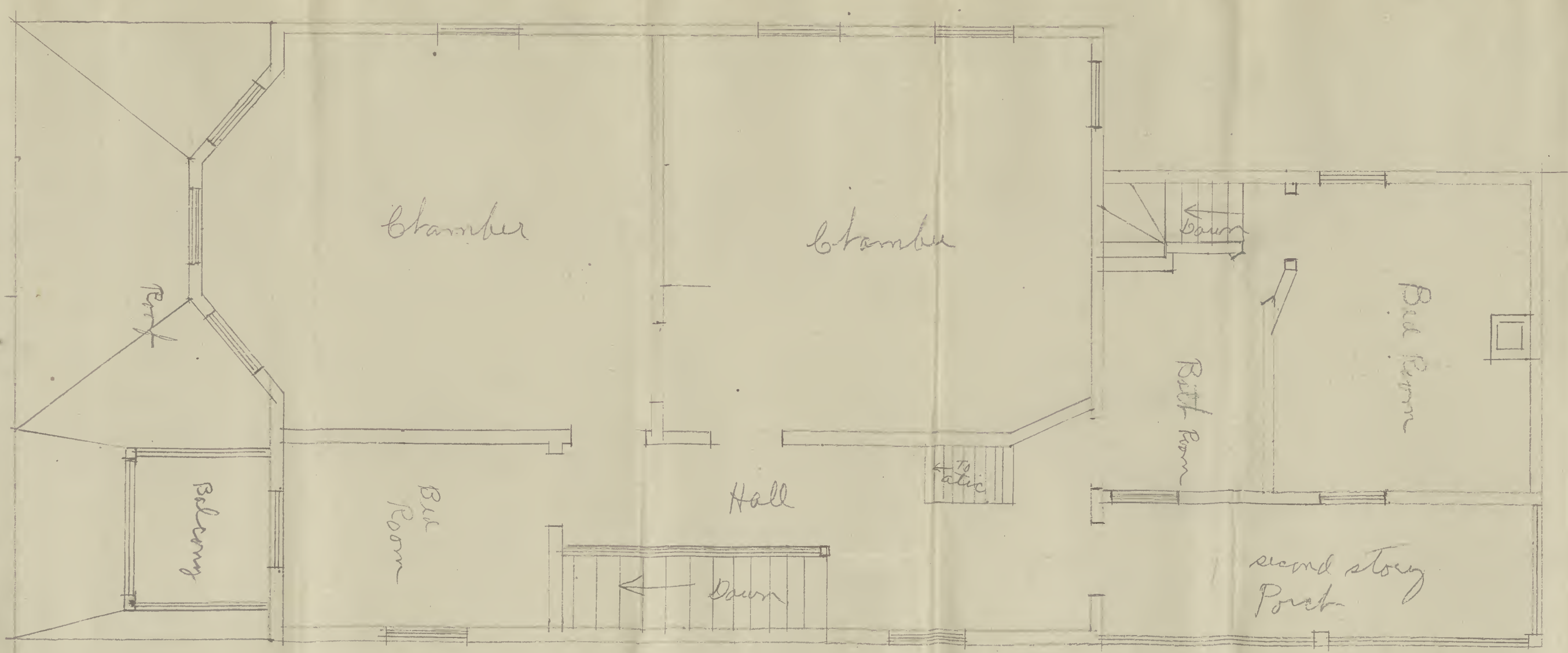
Residence of L.W. Heard & L.B. Heard prior to May 1/06
front view



side view



Broad 6' high
 mulberry tree
 2' to 3' high
 2' to 3' high
 2' to 3' high



Bed Room
 21'

L. F. X. X. X. Architect

11

My Dear One:

I cannot write
to you to day.

I suppose you know the
reason.

I havint had an opportu-
nity to do so. but I will
write you a long letter
Wed. and put it by the
post on Mr. Hilleys parcel
the first one. You pass
when you come up town
if you will walk by here
when you go from your
supper you can leave one
one, where you find mine
so I can know by this that

that you found it.

I feel very sad to day why is
it you did not send me.

but one letter the other day

I am as ever your own

sad and lonely girl.

I will have the other one

to ednesday night.

T

E. H. WILLIAMS,
ATTORNEY AT LAW,
MITCHELL BUILDING, ROOM NO. 6,
SMITHFIELD, VA.

Exhibit "E"
(Deposition)

"D"

My Dear Mr. -

I do not
 write to you to day & hope
 you know the reason. I have
 had an opportunity to do
 so, but I will write you a
 long letter, I feel, and put it
 by the post on the 11th. I believe
 you will find me a very
 warm. You can see from
 it you will walk, be here
 when you go from your
 supper. I do think me
 one where you find mine so
 I can know but this that you
 found it. I feel very sad to
 day why it is you did not
 send me but one letter. I

other day I am at ever your
own side and lonely. I
will have the other one
Wednesday Night

E. H. WILLIAMS,
ATTORNEY AT LAW,
MITCHELL BUILDING, ROOM NO. 6,
SMITHFIELD, VA.

Exhibit "D"
(Depositions)

My Dear One:

I can not write
to you to day I suppose you
know the reason I haven't
had an opportunity to do so.
but I will write you a long
letter wed. and put it by the
post in Mr. Hiley's pouch
the first one you pass when you
come up town if you will walk
by here when you go from your
supper you can leave one one
when you find mine so I can
know by this that you found
it I feel very sad to day why
is it you did not send me that one
letter the other day.

I am as ever your ever sad and
lonely girl.

I will have the other one -
wednesday night

E. H. WILLIAMS,
ATTORNEY AT LAW,
MITCHELL BUILDING, ROOM No. 6,
SMITHFIELD, VA.

Exhibit "C"
(Depositions)

a

"B"

My Dear One,

I can not
write to you today I
suppose you know the
reason, I haven't had an
opportunity to do so, but
I will write you a
long letter Wed. and put
it by the post on Mr
Hillary's porch the last one
you pass when you
come up town if you
will walk by here when
you go to your supper
you can leave me one
where you find mine
so I can know that
you found it. I feel

very sad To day. I know
is it you did not read
me but one letter the
other day. I come as ever
your own sad and
lonely girl. I will leave
the letter other one
Wednesday night

E. H. WILLIAMS,
ATTORNEY AT LAW,
MITCHELL BUILDING, ROOM NO. 6,
SMITHFIELD, VA.

1 1
Exhibit B

(Depositions)

"a"

Qing

I can not find
the day & evening

England

From the year 1800
at full moon
day. In the 1800
and sent me the
and the the
I am now again
with me to the
I will have the
Wednesday night

[Redacted line]

[Redacted line]

[Redacted line]

E. H. WILLIAMS,
ATTORNEY AT LAW,
MITCHELL BUILDING, ROOM NO. 6,
SMITHFIELD, VA.

Exhibit "A"
(Depositions)

MARRIAGE LICENSE



Virginia, Isle of Wight County, to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

S. W. Hearn,

and

Loula B. Nelms,

Given under my hand, as Clerk of the County Court
of Isle of Wight this 18th. day of April 1899

N. F. Young, 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 3, 1900.

Time of Marriage, April 19th. 1899

Place of Marriage, Smithfield, Va.,

Full Names of Parties Married, S. W. Hearn and

Loula B. Nelms,

Color, white.

Age of Husband, 30 years.

Age of Wife, 19 years,

Condition of Husband (widowed or single or divorced) Single

Condition of Wife (widowed or single or divorced) Single

Place of Husband's Birth, Delaware,

Place of Wife's Birth, Isle of Wight,

Place of Husband's Residence, Same

Place of Wife's Residence, Same

Names of Husband's Parents, B. W. and M. W.

Names of Wife's Parents, A. F. and M. A.

Occupation of Husband, Contractor,

Given under my hand this 18th. day of April 1899

N. F. Young, Clerk.

MINISTER'S RETURN OF MARRIAGE.

I, certify, that on the 19th. day of April 1899 at Smithfield, Va., I united in marriage the above-named and described parties, under authority of the annexed License.

Jas. K. Jolliff.

A copy,

Teste, Johnson Clerk.

Exhibit
"A"
(Bill)

S. W. Hearn,

Vs. In Chancery.

Lula Bourn Hearn.

This cause came on this day to be again heard on the complainants' original and amended bill, exhibits therewith filed, the answers of the defendant to the complainant's bills, the depositions of witnesses, exhibits therewith filed, agreed statements, and plans in said depositions mentioned with general replication to said bills, and was argued by Counsel.

On consideration whereof, the Court being of the opinion that the complainant has failed to establish the allegations and charges in his said original and amended bill of complaint contained, or either of them, doth refuse the prayer of the said bills, and doth decline and refuse to grant to the said complainant, S. W. Hearn a divorce from his wife, the said Lula Bourn Hearn.

And it appearing to the Court that the defendant, Lula Bourn Hearn, is a fit and proper person for the care and custody of the infant, Francis Burton Hearn, her child, and that it is best for the said child's present welfare that it be committed to the custody of the said defendant, until the further order of this Court; the Court doth further adjudge, order and decree, until the further order of this Court, that the custody of the child, Francis Burton Hearn, be, and the same is hereby, awarded to the said defendant, Lula Bourn Hearn, for and during the school period of each and every year, the said period being the term of the school attended by the said child; and during the remainder of said year, to wit: during the vacation of such school, the custody of the said child, Francis Burton Hearn, is awarded to the said complainant, S. W. Hearn, together with the right and privilege to the said S. W. Hearn, of having the custody of said child from Friday evening till Monday Morning, once in every two months

during the said school period; the said S. W. Hearn to go for and return the said child to the said Lula Bourn Hearn, when he shall have the care and custody of it, either in person or by a competent representative during such period of time as the said child shall be of such tender years as to require the same, with the further right to the said S. W. Hearn in case of sickness of the said child, when in the custody of the said Lula Bourn Hearn, to visit the said child at suitable and reasonable times and occasions.

And the Court doth further adjudge, order and decree, that the complainant, S. W. Hearn, do pay to the said defendant, Lula Bourn Hearn, on the 10th day of each and every month, the sum of TWENTY DOLLARS as and for alimony to the said Lula Bourn Hearn, and the further sum of TEN DOLLARS on the 10th day of each and every month, until the further order of this Court, for the education, maintenance and support of the said child, Francis Burton Hearn, except, however, during the school vacation, when the care and custody of the said child is hereby awarded to the said S. W. Hearn, he shall pay to the said Lula Bourn Hearn on account of the maintenance and support of the said child, the sum of FIVE DOLLARS per month, instead of the sum of TEN DOLLARS per month, as herein before decreed to be paid, during the school period aforesaid.

And the Court doth further adjudge, order and decree, that the said complainant, S. W. Hearn, do pay to W. J. Nelms, Counsel for the defendant, the sum of FIFTY DOLLARS in addition to the fees heretofore allowed Counsel for the defendant in this cause, and that the said S. W. Hearn do pay the unpaid costs of this suit.

And if appearing to the Court that there is nothing further remaining to be done in this cause, the same is ordered to be removed from the docket, with leave to any party to have the same re-instated for the purpose of enforcing any of the provisions of this decree.

S. W. Hearn

Vs. In chancery

Lula Bourn Hearn.

=====

DECREE.

To be entered, January 3d
1908.

R. E. Boykin

C.O. B. No 6 p. 533

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

S. A. Hearn

vs

Louie Baurin Hearn

By consent of parties given
in open court this cause is
made a vacation cause for such
decision and decree to be made
and entered in vacation as
might be made in term

S. H. Kearn

Ho

L. B. Kearn

all are

C. O. B. No. 6 . p. 516.

Mr. Kearn

W. J. Kearn
H. D.

J. L. Bunker

E. H. Williams } P. G.

OCT 8. 1907 To be
entered.

R. E. Boykin

CIRCUIT COURT OF ISLE OF WIGHT COUNTY, IN VACATION, OCTOBER
5TH. 1906.

HEARN

VS) IN CHANCERY.

HEARN.

This cause came on this day to be again heard, by consent of parties, in vacation, at the office of the Judge of this Court, in Smithfield, Virginia, on this 5th. day of October, 1906, on the papers formerly read, and on the motion of the defendant to allow her additional counsel fees, expenses for defending this suit and alimony, and was argued by counsel. On consideration whereof, the Court doth adjudge, order and decree, by consent of the parties, that the plaintiff, S. W. Hearn, do pay all cost which has been, or may be incurred by the defendant in making her defense in this cause, except counsel fees, which the Court doth decline, at this time, to increase without prejudice to any subsequent application for such increase, which costs, if disputed, shall be submitted to this Court for its decision thereon.

And the Court doth further adjudge, order and decree that the said plaintiff, S. W. Hearn, do pay to Lula Bourne Hearn, or to W. J. Nelms, her attorney, the sum of twenty (20) dollars per month, counting from the 5th. day of October, 1906, as temporary alimony, until the further order of this Court, the same to be paid on the 15th. day of each month.

And the Court doth reserve, etc.

R. E. Boykin

To the Clerk of the Circuit Court of Isle of Wight County, to be entered in the Chancery Order Book.

R. E. Boykin

~~XXXX~~ Virginia: Clerk's Office of the Circuit Court of Isle of Wight County October 5th. 1906 this vacation decree was received and entered of record.

Feate,

John
C.C.

Hearn

vs.) Chancery

Hearn

VACATION DECREE.

Enter this

October 5th. 1906.

C. O. B. No. 6. p. 481.

Circuit Court of Isle of Wight County, October 4th. 1906.

S. W. Hearn

vs) Chancery

Lula Bourne Hearn.

By consent of all parties, this cause is submitted to the Judge of this Court for such decision and decrees, to be made and entered in vacation as might be made in term.

10
Hearn

vs) Chancery

Hearn

ROUGH DECREE.

Enter this,

R. E. Boykin

October 4th. 1906.

C. D. B. No. 6, P. 430.

Hearn Slt.

vs

Hearn Loula & B.

This day came Loula Bourn Hearn
Hearn, the defendants in this
cause and a had leave to file
her answer to the bill ^{of complaint} and her
answer to the amended bill &
complaint filed in this cause
and was argued by counsel.
On consideration whereof
the said Loula Bourn Hearn
is allowed to file her said
answer and her said
amended answer to the
bill of complaint and the
amended bill of complaint
filed in this cause and the
same are accordingly filed
and the Court doth reserve.

Hearn
no
shore

Heeren
Oct 24 1906. To be entered.
R. E. Boykiss

W. J. Allen p.d.
E. H. Williams & Co

C.O.B.No. 6, p. 478

HEARN.

VS.

HEARN.

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

In Vacation.

This cause came on this day to be heard, in vacation, after reasonable notice, upon the application of the defendant Lula Bourne Hearn, for alimony during the pendency of this suit, and was argued by counsel. On consideration whereof, it appearing to the court, from the proceedings in this cause, that the said defendant has not denied the allegations in the complainants bill contained, by answering the same or otherwise pleading thereto, the court doth refuse to grant the ^{said} application of the said defendant for alimony during the pendency of this suit; but, without prejudice to any subsequent application for such alimony.

August 11th 1906.

R. E. Boykin JUDGE.

To the Clerk of the Circuit Court
Of Isle of Wight County.

Clerk's Office of the Circuit Court of Isle of Wight County August 11th. 1906, this vacation ~~order~~ ^{decree} was received and entered of record.

Teste,

Johnson

Clerk.

9

HEARN.

VS . In Chancery.

HEARN

Am'd

Vacation Decree.

Aug 11, 1906

Chancery Order Book
Number 6.
Page 474

100-1000-35

In the Circuit Court of the county of Isle of Wight.

S. W. Hern,

vs.

Lula Bourn Horn.

This day came the defendant, by counsel, and moved the court to allow her a reasonable amount with which to pay counsel for defending her in this suit, and to allow her temporary alimony for her support and support of her child pending this suit; And the plaintiff appeared by counsel and defended the said motion. On consideration whereof, the court doth adjudge order and decree, that the plaintiff do pay to Lula Bourn Hern, or to Geo. F. Whitloy, and to W. J. Helms, her attorneys, one hundred dollars, on account of counsel fees, for counsel to represent her in this proceedings, the same to be paid on or before June 24, 1906. The court doth, ~~at this time~~ refuse to allow any thing as temporary alimony. And the court doth reserve &c.

S. W. Hern,

vs.

Lula Bourn Hern.

186
Decree.

Enter June 24, 1906
Robert H. Dentist

C. Q. B. No. 6. Page 472

The Merchants and Farmers Bank



CAPITAL STOCK, \$50,000.00.

Smithfield, Va., Dec. 1906. 190

Mr. A. S. Johnson,

Isle of Wight, Va.

Dear Sir:-

Below you will find a true transcript of our books showing the account of G.W.Cofer and S.W.Hearn, trading as Cofer & Hearn.

Aug. 31, '05	To check	\$45.21	Aug. 31, '05	By cash	256.00
Sep. 6	" "	90.64	Oct. 23	" "	256.00
" "	" "	10.50	Nov. 6	" "	6.50
" 7	" "	75.00			
" 18	" "	34.65			
Oct. 26	" "	100.00			
" "	" "	2.50			
" 28	" "	30.00			
Nov. 6,	" "	80.00			
" 7	" "	50.00			
		<u>\$518.50</u>			<u>\$518.50</u>

A true copy of the account of S. W. Hearn to Dec. 1st. 1906.

Oct. 20, '06	To check	\$20.00	Oct. 8, '06	By cash	\$20.00
" 29		100.00	27		200.00
31		73.36			
	<i>Do Bal</i>	<u>26.64</u>			<u>220.00</u>
		<u>220.00</u>			

Yours very truly,

J. Waverly Thomas

Cashier.

Balances appearing
to the credit of
Messrs. Cope & Stearns
on dates, as

below staty.

H. M. Michael

BK.

1905—

May 1st 540.25

June 1st 304.03

July 1st 350.41

Aug 1st 581.69

Sept 18th 308.53

Oct 1st 92.05

Nov 1st 10.63

Dec 1st
1966 211.04

1906
Jan 1st

Feb 18th

inch, ⁸

Apr 1st 36 4.24

133.92

3,843.41^春

deposits of
Cape + Ocean
from May 1905 to Dec 1906

May 2	-	117.07
- 19	-	66.96
June 10	-	73.71
17	-	245.95
July 8	-	1,000.00
15	-	32.95
Aug 12	-	548.48
14	-	84.00
19	-	95.07
22	-	365.00
31	-	96.36
Sept 9	-	350.00
20	-	67.70
Oct 7	-	70.13
11	-	48.05
Nov 4	-	136.86
27	-	40.11
29	-	119.95
Dec 2	-	175.00
16	-	30.00
23	-	500.00
1906		
Jan 2	-	76.00
8	-	114.00
13	-	283.25
15	-	36.00
27	-	583.00
31	-	27.00
Feb 5	-	65.27
13	-	125.77
14	-	23.00
24	-	383.33
26	-	22.00
mch 7	-	42.70
10	-	350.00
21	-	20.00
24	-	941.86
apl 2	-	24.00
7	-	600.00
21	-	400.00

8,380.53*



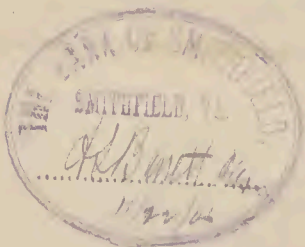
Deposits of Leth W. Hearn

From May 1905 - To May 1906
1905 *

May	15 -	28.15
July	19 -	90.00
✓	24 -	10.00
Aug	22 -	60.00
Oct	6 -	20.00
✓	24 -	121.93
1906		
Jan	2 -	75.00
✓	31 -	17.00
Feb	6 -	20.00
March	2 -	25.00

467.03 *

46 Cashed June 1906



Virginis, City of Norfolk, to-wit :

Personally appeared before me, the undersigned, a Notary Public, in and for the City of Norfolk, State of Virginia, Frederick W. Wertheimer, who having been duly sworn, did make oath and say, that he is Manager of the Ocean View Hotel; that he has examined the books of said hotel for the month of August 1905. That the said books show that J. L. Johnson, of Smithfield, Va. was a guest of the said hotel, having arrived at the said hotel on the 21st day of August 1905 at luncheon, and left the said hotel on the 23rd day of August, 1905, after luncheon, which is the noon meal, and was usually served from 12:30 to 2:30 o'clock P. M. during the month of August 1905.

Frederick W. Wertheimer

Sworn to and subscribed to before me this 5th day of November, 1906.

W. R. [Signature]

Notary Public.

My Comm. Expires Sept 12, 1908

Heam
or
Heam

Affidavit of
F.W. Wertheimer

AFFIDAVIT OF F.W.WERTHEIMER,

Filed at page 90 of

depositions taken on behalf

of defendant, Nov. 19, 1906.

Filed as a part of
evidence by agree-
ment of Counsel

A. S. Whisenand
Commissioner

April 19th 1907

THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

You are hereby commanded to summon B. P. Gay, Mrs. Paul Gwaltney,
J. J. Thomas, Mrs. J. J. Thomas, Mrs. John Gwaltney, Mrs. Annie
Brookwell, Mrs. Edwards, and Mrs. George Eley

personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, at the office of Mr. E. H. Williams, Attorney at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, at ten thirty o'clock January 30th. 1907, to testify and the truth to say in behalf of the defendant in a certain matter in the said court depending wherein S. W. Hearn is the plaintiff and Loula Bourn Hearn is the defendant.

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

Witness, A. S. Johnson, Commissioner of our said Court,
this the 26th. day of January. 1907 and in the 131st. year of
the Commonwealth.

A. S. Johnson
Commissioner.

COMMONWEALTH OF VIRGINIA

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

You are hereby commanded to summon Mr. L. W. Sykes and Mrs. L. W. Sykes, personally to appear before the undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight in the State of Virginia, at the office of Mr. E. H. Williams, Attorney at Law, in the town of Smithfield and County and State aforesaid on Monday November 19th. 1906 at eleven o'clock A.M. to testify and the truth to say in behalf of the defendant in a certain suit in chancery in the said Circuit court depending in which S. W. Hearn is the plaintiff and Lula Bourn Hearn is the defendant.

And this you shall in no wise omit under the penalty of \$100 and have then and there this writ.

Given under my hand as Commissioner in Chancery for the Circuit Court aforesaid this 14th. day of November, 1906 and in the 131st. year of the Commonwealth.


Commissioner in Chancery.

Hearn

75 { Sulphur
for water

Hearn

Executed by
 receiving a
 copy of the receiving
 a copy for L. Co.
 to Mrs. L. L. Sykes

Wm. P. H. Co.
 pay for 1.00 paid by check
 of value & coin.

Ro. A. Edwards

Stiff.

COMMONWEALTH OF VIRGINIA

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

You are hereby commanded to summon Mr. L. W. Sykes and Mrs. L. W. Sykes, personally to appear before the undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight in the State of Virginia, at the office of Mr. W. B. Williams, Attorney at Law, in the town of Smithfield and County and State aforesaid on Monday November 19th. 1906 at eleven o'clock A.M. to testify and the truth to say in behalf of the defendant in a certain suit in chancery in the said Circuit court depending in which E. T. Hearn is the plaintiff and Lula Bourn Hearn is the defendant.

And this you shall in so wise do it under the penalty of \$100 and have them and these this writ.

Given under my hand as Commissioner in Chancery for the Circuit Court aforesaid this 14th. day of November, 1906 and in the 15th. year of the Commonwealth.

Commissioner in Chancery.

Sylvia et al.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF YORK COUNTY, GRANTING:

You are hereby commanded to summon Colbert Whitley personally to appear before the undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, at the office of W. H. Williams, Attorney at Law, in the town of Smithfield, Isle of Wight County and State of Virginia, on Monday November 19th. 1906 at eleven o'clock A.M., to testify and the truth to say in behalf of the defendant in a certain suit in chancery in the said Court depending in which E. W. Hearn is the plaintiff and Lula Bourn Hearn is the defendant.

And this you shall in no wise omit under the penalty of \$100, and have then and there this writ.

Witness, A. S. Johnson, Commissioner in Chancery for the Circuit Court of the County of Isle of Wight and State aforesaid this 14th. day of November, 1906 and in the 131st. year of the Commonwealth.

Commissioner in Chancery.

Whitney

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF YORK COUNTY, GREETING:

You are hereby commanded to summon Colbert Whitley personally to appear before the undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, at the office of E. H. Williams, Attorney at Law, in the town of Smithfield, Isle of Wight County and State of Virginia, on Monday November 19th. 1906 at eleven o'clock A.M., to testify and the truth to say in behalf of the defendant in a certain suit in chancery in the said Court depending in which S. W. Hearn is the plaintiff and Lula Bourn Hearn is the defendant.

And this you shall in no wise omit under the penalty of \$100, and have then and there this writ.

Witness, A. S. Johnson, Commissioner in Chancery for the Circuit Court of the County of Isle of Wight and State aforesaid this 14th. day of November, 1906 and in the 131st. year of the Commonwealth.



Commissioner in Chancery.

Hearst

vs {Lippman for witness

Hearst

Colbert Whitley

Nov 17th 1904.

Colbert Whitley not
being found at his
usual place of abode
I have expected the
within note by
delivering a true copy
to James Whitley
father of Colbert Whitley
and given information
of its receipt he being
a member of the family
of Colbert Whitley
and about the age of
sixteen years

Thos. Phillips
Sheriff of York Co.

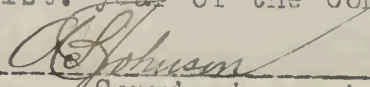
COMMONWEALTH OF VIRGINIA

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

You are hereby commanded to summon Miss Ellie Bryant, personally to appear before the undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, at the office of E. H. Williams, Attorney, at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, on Monday, November 19th. 1906, at eleven o'clock A.M., to testify and the truth to say in behalf of the defendant in a certain suit in chancery in the said Court depending in which S. W. Hearn is the plaintiff and Lula Bourn Hearn is the defendant.

And this you shall and in no wise omit under the penalty of \$100, and have then and there this writ.

Witness, A. S. Johnson, Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, the 14th. day of November, 1906, and in the 131st. year of the Commonwealth.



Commissioner in Chancery.

Hearn

vs. Sulphur for return

Hearn

Ellie Bryant

Nov. 17. 1906 Executed by
 delivering a copy of the
 within to Miss Ellie Bryant
 Miss Bryant ^{probably} will not be able
 to attend on account of
 sickness.

A. T. Cobb

for
J. L. Elliott Esq.

COMMONWEALTH OF VIRGINIA

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

You are hereby commanded to summon Miss Willie Bryant, personally to appear before the undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, at the office of R. H. Williams, Attorney, at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, on Monday, November 19th. 1906, at eleven o'clock A.M., to testify and the truth to say in behalf of the defendant in a certain suit in chancery in the said Court depending in which S. W. Hearn is the plaintiff and Lula Bear Hearn is the defendant.

And this you shall and in no wise omit under the penalty of \$100, and have then and there this writ.

Witness, A. S. Johnson, Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, the 14th. day of November, 1906, and in the 131st. year of the Commonwealth.

Commissioner in Chancery.

Bogach

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NOTTOWAY COUNTY, GREETING:

You are hereby commanded to summon Miss Luna Compton, personally to appear before the Undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, at the office of E. H. Williams, Attorney at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, on ~~the~~ Monday November 19th. 1906, at ^{Eleven} ~~ten~~ o'clock A.M., to testify and the truth to say in behalf of the defendant in a certain suit in Chancery in the said Court depending in which S. W. Hearn is the plaintiff and Lula Bourn Hearn is the defendant.

And this you shall in no wise omit, under the penalty of \$100. And have then and there this writ.

Witness, A. S. JOHNSON, Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, the 14th. day of November. 1906, and in the 181st. year of the Commonwealth.



Commissioner in Chancery.

A copy,

Teste,

Commissioner.

Compton Sept 1894

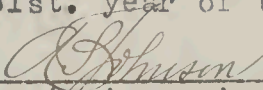
COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NOTTOWAY COUNTY, GREETING:

You are hereby commanded to summon Miss Luna Compton, personally to appear before the Undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, at the office of E. H. Williams, Attorney at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, on ~~the~~ Monday November 19th. 1906, at ten o'clock A.M., to testify and the truth to say in behalf of the defendant in a certain suit in Chancery in the said Court depending in which S. W. Hearn is the plaintiff and Lula Bourn Hearn is the defendant.

And this you shall in no wise omit, under the penalty of \$100. And have then and there this writ.

Witness, A. S. JOHNSON, Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, the 14th. day of November, 1906, and in the 18th. year of the Commonwealth.



Commissioner in Chancery.

S. H. Hearn

vs { Subpoena

Paula Bonum Hearn

Paula Compton

Executed November 17-1906
by delivering a true copy
of the within Subpoena
in person to Paula
Compton, in the County
of Wollway, Blackstone Va..
I also paid her in
cash, \$9. ⁰⁰/₁₀₀, for
mileage and attendance.

E. M. Jones.

Sheriff,

Wollway Co.

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

Louis Baron Hearn

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

June

1906,

to answer ^{*an amended*} a bill in chancery, exhibited against

her

in our said court for

by *S. W. Hearn*

And have then there this writ.

Witness

Nathaniel F. Young

Clerk of our said court, at

the court-house, the

27th

day of

June

1906,

and in the

12th

year of the Commonwealth.

Dist. Johnson. Clerk

Executed by delivering a copy of
the within Subpoena to Julia Boem
Horne June 30th/06

R. A. Edwards
Sef.

27
J. McLean

SUBPOENA
IN
CHANCERY.

VS.

Julia Boem Horne

William V. Burges

p. q

To 1st Rules in Equity Rules,
Circuit Court.

B 3119

VIRGINIA:

TO THE SHERIFF OF THE COUNTY OF NANSEMOND, GREETING:

You are hereby commanded to summon J. S. Hight, personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court for the County of Isle of Wight, at his office at Isle of Wight Courthouse, Virginia, on the 29th. day of May, 1906, at nine thirty o'clock A.M. to testify and the truth to say in behalf of the Plaintiff in a suit in Chancery in the said Court depending between S. W. Hearn, Plaintiff, and Lula Bourn Hearn, defendant?

And this you shall in no wise omit under the penalty of \$100.
And have then and there this writ.

Witness, A. S. JOHNSON, Commissioner of our said Court, at the Courthouse of said County the 24th. day of May, 1906, and in the 130th. year of the Commonwealth.

Teste, *A. S. Johnson*
Commissioner in Chancery.

Executed this 25th day of May 1906 by
Serving a true Copy by D of the within notice
on J S Hight in person

A H Baker Sdoff
By R E Tompkins Deput

Received
no of duplicates
of same

VIRGINIA:

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

You are hereby commanded to summon E. J. Williams, B. W. Hearn, Stella Edwards, Allen W. Edwards, Waverly L. Edwards, H. M. Phillips, J. S. Bryant, Wesley Cofer and J. T. Hearn, personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court for the County of Isle of Wight, at his office at Isle of Wight Courthouse, Virginia, on the 29th. day of May, 1906, at nine thirty o'clock, A.M. to testify and the truth to say in behalf of the Plaintiff in a suit in chancery in the said Court depending between S. W. Hearn, Plaintiff, and Lula Bourn Hearn, defendant.

And this you shall in no wise omit, under the penalty of \$100. And have then and there this writ.

Witness, A. S. JOHNSON, Commissioner of our said Court, at the Courthouse of said County, the 24th. day of May, 1906., and in the 130th. year of the Commonwealth.

Teste, A. S. Johnson
Commissioner in Chancery.

4

Heaven
vs of Subpoena
Heaven

Exacted in
each of the actions
May 28th / 06
Per A. E. Camp

Off

To Lula Bourn Hearn:

Take notice that I shall, on the 29th. day of May, 1906, at Isle of Wight Court-house, between the hours of 9:30 A.M. and 5:30 P.M., on that day, proceed to take the depositions of J.S.Hite, E.J.Williams, B.W.Hearn, Stella Edwards, Allen W. Edwards, Waverly Edwards, H.M.Phillips, J.S.Bryant, Wesley Cofer, J.T.Hearn and others, to be read in evidence in my behalf, in a certain suit depending in the Circuit Court for the County of Isle of Wight, Virginia, wherein you are 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 be completed.

Given under my hand this 24th. day of May, 1906.

S. W. Hearn
By Counsel.

Heinrich ³ ~~Notice of time~~
v. ~~Depositions~~
Herron

Original

Exhibit of this
24th day of May
1906. By Copy!

H. B. Parker
Deft Sheriff

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

Lila Bourn Hearn

to appear at the Clerk's office of the Surcuit Court of the County of Isle of Wight
at the rules to be held for the said Court, on the 1st Monday in May 1906,
to answer a bill in chancery, exhibited against her in our said court for
by D. H. Hearn

And have then there this writ. Witness A. B. Johnson ~~Nathaniel F. Young~~, Clerk of our said court, at
the court-house, the 3rd day of May 1906, and in the 120th
year of the Commonwealth.

A. B. Johnson Clerk

"4"

D. M. Hearn

vs.

}

SUBPOENA
IN
CHANCERY.

Lida Town Hearn

E. Williams

p. 9

To 1st May
✓ Circuit
1906

Rules,

Court.

H 3:119

Excellt by services to the nation
which I have a true copy of the
written documents May 14th 06

W. A. Bannard

SKK

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

S. W. Hearn, ...Plaintiff

v.)
):- IN CHANCERY.
)

Lula Bourn Hearn. Defendant.

THE ANSWER of Lula Bourn Hearn, the defendant, to the amended bill of complaint exhibited against her, in the Circuit Court of Isle of Wight County, Virginia, by S. W. Hearn, Complainant.

This respondent, reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as she is advised that it is material she should answer, answers and says that -

This respondent has answered said original bill of complaint heretofore filed by the complainant in this cause in the following words and figures:

True it is that on the 19th day of April, 1899, in the County of Isle of Wight, Virginia, the complainant was married to this defendant;

That it is true that complainant and defendant are now residents of Isle of Wight County, Virginia;

That it is not true that the said complainant has been a constant, faithful and dutiful husband;

That it is not true that this defendant has been unfaithful to her husband, and broken her solemn marriage vow and committed adultery with one J. L. Johnson on the 30th day of May, 1905, near Isle of Wight Court House, and again during the month of July, 1905, in the Town of Smithfield, Virginia, in the house rented by the complainant for a home; nor on the third Monday night in August, 1905, nor at var-

ious other times; nor is it true that she ever committed adultery with J. L. Johnson or any other person whatsoever, and she calls for strict proof of all the allegations contained in the said bill;

That it is true there was born one child, Francis Burton Hearn, a boy who was six years old on the 1st day of May, 1906, who is now in her care and custody;

This defendant denies that she is unfit to have the care and custody of the said child or that she is affected with a suicidal mania; she denies that she is guilty of any immorality or that she is unfitted for the great responsibility of training a young child. She admits she has no means of support except by her own efforts, but knows that by her own ability and labors she can maintain herself and her child, but even though she might not be, she has three brothers and two married sisters, all of whom have offered to aid her, and that she is advised and so charges that the Court will require the complainant in this cause to pay a certain amount for the support of the said child;

This respondent denies that the complainant is a man of highest character and of high standing in the community in which he lives. It is true, however, that he is able to support and educate the said son, Francis Burton Hearn, but this defendant denies that he is able to surround him with the influences that tend to the building up of a strong and manly character; this defendant denies that the interest of the said child will be best attained and promoted by giving to said complainant the maintenance, care and custody of the said infant; this respondent will hereafter make her home with her mother, Mrs. Alice Nelms, the wife of the late Frank Nelms, of Smithfield, Virginia. One half of the first two years of the life of the said child was spent at the home of the said Mrs. Frank Nelms, and during this time, the affections of the grand-mother were lavished upon said child, and a large part of the clothing worn by the child was given to it by its grand-mother; that the said grand-mother, Mrs. Frank Nelms, is still devoted to the child and will gladly receive this defendant and her said child into her home, and has so informed this respondent.

This respondent further answering says that all of said allegations touching the committing of adultery on her part and insanity mania are base fabrications and she challenges proof of all or any of the said allegations. When she took upon herself the marriage vow, she realized its solemnity and all that it meant and has been true and faithful to all of the sacred rights contained in the marriage covenant.

The said complainant is possessed of a violent temper, is rough in his manner, unsociable in temperament and is totally unfit for the care and custody of an infant child.

This respondent admits that since the separation of the said complainant from this defendant the said child has been in her care and custody.

This respondent asks that she may be given the custody of the said child; that she may be allowed proper counsel fees and expenses for defending this suit and that she may be allowed temporary and finally permanent alimony for the support of herself and child.

Now, having fully answered the complainant's bill, prays to be hence dismissed with her reasonable costs by her in this behalf expended.

And she will ever pray etc.

This defendant states that in addition to the appearance made by her as stated in the said amended bill, that she appeared in court by counsel and that a decree was entered therein, requiring complainant to pay to her counsel fees to aid her in the defence of this suit, and vouches the record to substantiate the same.

This defendant denies and brands as absolutely false the allegations contained in the said amended bill that she committed adultery with one J. L. Johnson on the fourth Monday night in August, 1905, or the following morning, that is to say between the hours of 9 P. M. of Monday, August 28th, and 3:30 A. M. of August 29th, 1905, at the home of said complainant in the Town of Smithfield, Virginia, or with the said J. L. Johnson or any other person on the fourth Monday night in August, 1905, or at any other time, at the home of the said complainant or at any other place.

This respondent admits that the complainant and this defendant lived together as man and wife until the 27th day of April, 1906, and states further that they lived together as man and wife until Saturday, the 28th day of April, 1906.

This respondent denies that the said complainant was convinced on the 27th day of April, 1906, or at any time thereafter, that she was unfaithful to him, and certain it is that she never gave him any cause whatsoever for so believing; indeed, the said complainant well knew that her physical condition since the birth of the said Francis Burton Hearn has been such as to prevent any desire on her part which would render her unfaithful, even had she been disposed had her physical condition been perfect. She denies that he warned several people that he would hold them liable for repeating statements made by them reflecting upon her chastity and good name.

This respondent denies that on the 27th day of April, 1906, the said complainant found a letter written by this re-

spondent, and filed as evidence in this cause, marked "Exhibit A", but states that it is a fact that on the 27th day of April, 1906, the said complainant accused her of writing some letter which he refused to show her or let her read, but read the same in her hearing, which sounded very much like the letter filed as "Exhibit A". When accused by her husband of writing such a communication, she immediately branded it as false, denied that she had ever written such a communication to anyone whatsoever and naturally was indignant over such a base accusation. She denies, however, that she made any conflicting or contradictory statements; she also denies that she became desperate and drank a large quantity of some drug that rendered her insensible and it was only by the combined efforts of a physician, several neighbors and the complainant that she revived some hours afterwards.

This respondent denies that after this time the friends of said complainant who had theretofore remained silent came to him and gave him information which convinced him that the charges contained in said bill were true, and calls for strict proof of this allegation.

This respondent states that said complainant has never had reason to believe and has never been convinced that this respondent has ever committed adultery, and calls for proof of same. This respondent alleges that the said complainant co-habited with her until 10 o'clock A. M. of the 28th day of April, 1906, and calls for proof of any allegation of the bill to the contrary thereof.

This respondent further answering, says that she is entitled to the care, custody and maintenance of the said child and prays that the Court may bestow the same upon her; that proper counsel fees and allowances for defending this suit

may be allowed this respondent; that proper alimony for her support and the support of said child may be decreed to be paid her for herself and her said child.

And now, having fully answered the complainant's amended bill, prays to be hence dismissed with her reasonable costs by her in this behalf expended.

And your respondent will ever pray etc.

Lula Bourn Hearn
Adms. Wm. J. H.

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

I, *E. H. Williams* *a Clerk in Chancery for the County of*
~~_____~~, a Notary Public in and
for the County of Isle of Wight, in the State of Virginia, do
hereby certify that Lula Bourn Hearn this day personally
appeared before me in my County aforesaid and made oath that
the statements made in the foregoing answer are true.

Given under my hand this *12th* day of *Sept.* 1906.
1906.

My Commission expires.

E. H. Williams
Clerk in Chancery

Hearn,

vs.

Hearn,

~~Answer to Amended Bill.~~

*Filed - October 2nd
1906, in Court
Johnson*

Sept 11

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

S. W. Hearn/.....Plaintiff

v.)
):-
)

IN CHANCERY.

Loula Bourn Hearn.....Defendant.

THE ANSWER of Loula Bourn Hearn, the defendant, to a bill of complaint exhibited against her in the Circuit Court of the County of Isle of Wight, Virginia, by S. W. Hearn, complainant.

The respondent, reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as she is advised that it is material she should answer, answers and says, that:-

True it is that on the 19th day of April, 1899, in the County of Isle of Wight, Virginia, the complainant was married to this defendant;

That it is true that complainant and defendant are now residents of Isle of Wight County, Virginia;

That it is not true that the said complainant has been a constant, faithful and dutiful husband;

That it is not true that this defendant has been unfaithful to her husband, and broken her solemn marriage vow and committed adultery with one J. L. Johnson on the 30th day of May, 1905, near Isle of Wight Court House, and again during the month of July, 1905, in the Town of Smithfield,

Virginia, in the house rented by the complainant for a home; nor on the third Monday night in August, 1905, nor at various other times; nor is it true that she has ever committed adultery with J. L. Johnson or any other person whatsoever, and she calls for strict proof of all the allegations contained in the said bill;

That it is true there was born one child, Francis Burton Hearn, a boy who was six years old on the 1st day of May, 1906, who is now in her care and custody;

This defendant denies that she is unfit to have the care and custody of the said child or that she is affected with a suicidal mania; she denies that she is guilty of any immorality or that she is unfitted for the great responsibility of training a young child. She admits she has no means of support except by her ~~own~~ efforts, but knows that by her own ability and labors she can maintain herself and her child, but even though she might not be, she has three brothers and two married sisters, all of whom have offered to aid her, and that she is advised and so charges that the Court will require the complainant in this cause to pay a certain amount for the support of the said child;

This respondent denies that the complainant is a man of highest character and of high standing in the community in which he lives. It is true, however, that he is able to support and educate the said son, Francis Burton Hearn, but this defendant denies that he is able to surround him with the influences that tend to the building up of a strong and manly character; this defendant denies that the interest of the said child will be best attained and promoted by giving to said complainant the maintenance, care and custody of the said infant; this respondent will hereafter make her home with her mother, Mrs. Alice Nelms, the wife of the late Frank

Nelms, of Smithfield, Virginia. One half of the first two years of the life of the said child was spent at the home of the said Mrs. Frank Nelms, and during this time, the affections of the grand-mother were lavished upon said child, and a large part of the clothing worn by the child was given to it by its grand-mother; that the said grand-mother, Mrs. Frank Nelms, is still devoted to the child and will gladly receive this defendant and her said child into her home, and has so informed this respondent.

This respondent further answering says that all of said allegations touching the committing of adultery on her part and insanity mania are base fabrications and she challenges proof of all or any of the said allegations. When she took upon herself the marriage vow, she realized its solemnity and all that it meant and has been true and faithful to all of the sacred rights contained in the marriage covenant.

The said complainant is possessed of a violent temper, is rough in his manner, unsociable in temperament and is totally unfit for the care and custody of an infant child.

This respondent admits that since the separation of the said complainant from this defendant the said child has been in her care and custody.

This respondent asks that she may be given the custody of the said child; that she may be allowed proper counsel fees and expenses for defending this suit and that she may be allowed temporary and finally permanent alimony for the support of herself and child.

Now, having fully answered the complainant's bill, prays to be hence dismissed with her reasonable costs by her in this behalf expended.

And she will ever pray etc.

Witness my hand and seal this 1st day of June 1911
Lula Bonnie Neame

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, TO-WIT:

I E. H. Williams ^{at Law in, Chancery & the Circuit Court}, a Notary Public in and for the County of Isle of Wight in the State of Virginia, do hereby certify that Lula Bourn Hearn this day personally appeared before me in my County aforesaid and made oath that the statements made in the foregoing answer are true.

Given under my hand this 12th day of September 1906.
1906.

E. H. Williams

Notary Public.

My Commission expires

at Law in, Chancery &

HEARN,

vs.

HEARN.

Answer to Bill

*Filed October 2nd
1906, in Court,
Appomattox Co*

NELMS & WISE,
COUNSELLORS AT LAW,
NELMS BUILDING,
NEWPORT NEWS, VIRGINIA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, Virginia:
S.W.Hearn-----Plaintiff.

V. In Chancery.

Lula Bourn Hearn-----Defendant.

To the Honorable R.E.Boykin, Judge of the Circuit Court of Isle
of Wight County:

Your complainant S.W.Hearn respectfully represents: That on
the 9th. day of May, 1906, he exhibited in this Court his original
bill of complaint against Lula Bourn Hearn wherein he setforth that,
"That on the 19th. day of 1899, in the County of Isle of Wight, Vir-
ginia, your orator was married to the said Lula Bourn Hearn, a cer-
tified copy of the marriage license is herewith filed, marked ex-
hibit"A" and is prayed to be read as a part of this bill;

That your orator and the said defendant are now residents of
the County of Isle of Wight, the said defendant has lived in the
said County all of her life and your orator has lived here for a
number of years;

That your orator has been a constant, faithful and dutiful hus-
band, while on the other hand, the said Lula Bourn Hearn has been
unfaithful to her devoted husband and has broken her solemn mar-
riage vows, and committed adultery with one J.L.Johnson on the 30th.
day of May, 1905, near Isle of Wight Court-house, and again she
committed adultery with the said J.L.Johnson during the Month of
July, 1905, in the town of Smithfield, Virginia, in the house rented
by your orator for a home; and on the 3rd. Monday night in August,
1905, in the same house she committed adultery with the said J.L.
Johnson and at various other times;

That of this unfortunate marriage was born one child, Francis
Burton Hearn, a boy, who was six years old on the 1st. day of
May, 1906;

Your orator says and so charges that the said Lula Bourn Hearn
is absolutely and totallly unfit to have the care and custody of
the said child because she is affected with a suicidal mania and
in a fit of despondency might kill both the child and herself; that
owing to her immorality she is unfitted for the great responsibil-
ity of training a young child; that she has no means of support
and will be unable to take care of the child, while on the other

hand your orator is a man of the highest character, sober, industrious and honest and of ~~high~~ standing in the community in which he lives, and able to support and educate the said Francis Burton Hearn, and to surround him with the influences that tend to the building up of a strong and manly character; that the interest of the said child will be best attained and promoted by giving to your orator his maintenance, care and custody;

That since the separation of your orator and the said defendant the said child has been in the custody of the defendant"; and thereupon he prayed that "In tender consideration whereof and for as much as your orator is remediless in the premises save in this Honorable Court of Equity where matters of this sort are alone and properly cognizable, he prays that the said Lula Bourn Hearn may be made a party defendant to this bill, and be required to answer the same, an answer under oath is hereby expressly waived as by the statute in such cases made and provided; that your orator may be divorced from the said Lula Bourn Hearn a vinculo matrimonii; that your orator be given the maintenance, care and custody of the said Francis Burton Hearn; and that all such other, further and general relief may be afforded your orator as the nature of his case may require or to equity shall seem meet";

That the said Lula Bourn Hearn has neither demurred to or answered the said bill but has appeared at the taking of the testimony of several of your complainants witnesses, to-wit, the testimony of B.W.Hearn, Chas. A. Parker, S.J.Brayant, H.M.Phillups, Stella Edwards, E.J.Williams, J.S.Hite, David Rawls and Ben Briggs;

Your complainant respectfully represents that since the filing of his bill he has ascertained that the charge of adultery which was alleged to have been committed with one J.L.Johnson on the 3rd. Monday night in August, 1905, should have been alleged and charged as having been committed on the 4th. Monday night in August, 1905, or the following morning' that is to say between the hours of 9 P.M. of Monday August 28th. 1905, and 3:30 A.M. of Tuesday August, 29th. 1905, and at the home of your complainant in the town of Smithfield as charged in the said original bill;

That this error was due to inadvertence and a misunderstanding between counsel and your complainant;

Your complainant further alleges that he and his wife lived together until the 27th. day of April, 1906, at which time he became convinced that she was unfaithful to him, while prior to that time he had heard vague rumors he was loathe to believe that such a charge could be true and warned several people that he would hold them liable for repeating statements made by them reflecting upon her chastity and good name. Finally however, on the 27th. day of April, 1906, he found a letter written by his wife (the same being filed in the evidence in this case marked exhibit "A"), which caused him to present the letter to her and request an explanation: Thereupon, she, the said defendant, became very much excited, made conflicting and contradictory statements and finally, appearing to be desperate, drank a large quantity of some drug that rendered her insensible and it was only by the combined efforts of a physician, several neighbors and your complainant that she revived some hours afterwards;

It was after this time that the friends of your complainant, who had heretofore remained silent, came to him and gave him information which convinced him that the charges herein set forth were true;

Your complainant further states that since he had reason to believe and was convinced that his said wife had committed adultery he has not co-habited with her.

Wherefore your complainant prays that the said Lula Bourn Hearn be made defendant to this amended bill; that she be required, but not on oath, to answer the same, the oath being hereby waived; that a divorce from the bond of matrimony created by the aforesaid marriage be decreed him; that he be given the care and custody of the said Francis Burton Hearn; and that your complainant may have all such other, further and general relief in the premises as the nature of his case may require or to equity shall seem meet.

And your complainant will ever pray, etc. *S. M. Hearn*

State of Virginia
County of Isle of Wight to-wit:
D. E. H. Williams, a Commissioner in Chancery for the Circuit Court of the County
of said, in the State of Virginia, do certify that S. W. Hearn this day
personally appeared before me in my County - said and
made oath that he believes the statements made in the am-
ended bill to be true.
Given under my hand this 23rd day of June, 1906,
D. E. H. Williams,
Commissioner in Chancery.

J. W. Kern 8
V. Lee Chaney -
Paulo Barron Kern -
Amended bill -

15th July rules - 1906
Amended Bill filed. Process
returned executed. No nisi.

20th July rules 1906
Defendant still failing
to appear. Nisi awarded
on default. Case set for
hearing on amended Bill.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

S.W.Hearn-----Plaintiff.

V. In Chancery.

Lula Bourn Hearn-----Defendant.

To the Honorable Robt. R. Prentis, Judge of the Circuit Court of
the County of Isle of Wight.

Humbly complaining, sheweth unto the Court your orator, the
following case, to-wit:

That on the 19th. day of April, 1899, in the County of Isle of
Wight, Virginia, your orator was married to the said Lula Bourn
Hearn, a certified copy of the marriage license is herewith filed,
marked exhibit "A" and is prayed to be read as a part of this bill;

That your orator and the said defendant are now residents of
the County of Isle of Wight, the said defendant has lived in the
said County all of her life and your orator has lived here for a
number of years;

That your orator has been a constant, faithful and dutiful
husband, while on the other hand, the said Lula Bourn Hearn has
been unfaithful to her devoted husband and has broken her solemn
marriage vows, and committed adultery with one J.L.Johnson on the
30th. day of May, 1905, near Isle of Wight Court-house, and again
she committed adultery with the said J.L.Johnson during the month
of July, 1905, in the town of Smithfield, Virginia, in the house
rented by your orator for a home; and on the 3rd. Monday night in
August, 1905, in the same house she committed adultery with the
said J.L.Johnson and at various other times;

That of this unfortunate marriage was born one child, Francis
Burton Hearn, a boy, who was six years old on the 1st. day of May,
1906;

Your orator says and so charges that the said Lula Bourn Hearn
is absolutely and totally unfit to have the care and custody of
the said child because she is affected with a suicidal mania and
in a fit of dispondency might kill both the child and herself; that
owing to her immorality she is unfitted for the great responsibility
of training a young child; that she has no means of support and will
be unable to take care of the said child, while on the other hand,
your orator is a man of the highest character, sober, industrious
and honest and of high standing in the community in which he lives,

and able to support and educate the said Francis Burton Hearn, and to surround him with the influences that tend to the building up of a strong and manly character; that the interest of the said child will be best attained and promoted by giving to your orator his maintenance, care and custody;

That since the separation of your orator and the said defendant the said child has been in the custody of the defendant.

In tender consideration whereof and forasmuch as your orator is remediless in the premises save in this Honorable Court of Equity where matters of this sort are alone and properly cognizable, he prays that the said Lula Bourn Hearn may be made a party defendant to this bill, and be required to answer the same, an answer under oath is hereby expressly waived as by the statute in such cases made and provided; that your orator may be divorced from the said Lula Bourn Hearn a vinculo matrimonii; that your orator be given the maintenance, care and custody of the said Francis Burton Hearn; and that all such other, further and general relief may be afforded your orator as the nature of his case may require or to equity shall seem meet.

And your orator will ever pray &c.

S. W. Hearn

State of Virginia,

County of Isle of Wight, to-wit:

I, E.H. Williams, a commissioner in chancery for the Circuit Court of the County aforesaid, in the State of Virginia, do hereby certify that S.W. Hearn this day personally appeared before me in the County aforesaid, and made oath that he believes the statements made in the foregoing bill to be true.

Given under my hand this 9th. day of May, 1906.

E. H. Williams

Commissioner in Chancery.

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Hearn

vs) Bill.

Hearn

1st. May rules, 1906.
Process returned executed. Bill
filed. De. nisi.

2nd. May rules, 1906.
Case set for hearing.