

1913-013 Chancery Causes : Annie L. Brockwell vs Prettow J. Brockwell

154

Isle of Wight County

other surnames: Gwaltney, Gay
Randolph, Moore

³
Ann L. Brockwell
U.S. Bill
Peterson J. Brockwell

2nd. November rules, 1913: Process returned executed:
Bill and exhibit filed. Decree nisi.

3rd. November rules, 1913: Defendant not appearing,
etc. case docketed for hearing.

WILLIAM L. FOLK
ATTORNEY AND COUNSELLOR
SMITHFIELD, VA.

this state, and

5th. That your complainant last cohabited with the said Pretlow J. Brockwell in Smithfield Virginia during the year 1908.

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Pretlow J. Brockwell may be made a party defendant to this bill, and required to answer the same, but an answer on oath is hereby waived, that proper process may be issued; that a divorce from the bonds of matrimony which was created by the aforesaid marriage be decreed her; and that your complainant may have all such further and other and general relief in the premises as the nature of her case may require, or to equity shall seem meet

Annie L. Brockwell
Complainant

W. L. Folk, Counsel.

State of Virginia,

County of Isle of Wight; to-wit;

This day personally appeared before me, the undersigned, a Notary Public in and for the county of Isle of Wight Virginia, Annie L. Brockwell and made oath that she believes the foregoing statements are true.

Given under my hand this 14th., day of November 1913

L. E. McQuinn Notary Public
My Commission expires May 1 - 1916

Annie L. Brockwell,)
)
 vs) Bill;
)
Pretlow J. Brockwell)

To the Honorable B. D. White, Judge of the Circuit Court of Isle of Wight County, Virginia:

Your complainant, Annie L. Brockwell respectfully represents;

1st. That on the 25th., day of July 1888, your complainant, whose maiden name was Annie L. Gwaltney, was lawfully married at Bay View Church in Isle of Wight County Virginia, to Pretlow J. Brockwell, as will appear from a certificate of marriage, herewith filed, marked Exhibit A"and made a part of this bill; and

2nd. That continuously from that date of said marriage until some time during the year of 1908 , your complainant and the said Pretlow J. Brockwell lived together as husband and wife in Isle of Wight County Virginia; and

3rd. That the said Pretlow J. Brockwell has wilfully deserted and abandoned your complainant for a period of more than three years, that he has done nothing towards the support of herself and the four children born during the wedlock, that he has been thriftless, indulged in the use of intoxicating liquors to excess, has led a disolute and shiftless life, consorted with people of low morals and brought shame and mortification to your complainant and children, while on the part of your complainant, she has been a true and faithful wife at all times and under all conditions, that she has for the past five years, and much longer, had the entire support of the family upon herself.

4th. That your complainant has resided and domiciled in this state ever since the aforesaid marriage and for more than one year previous to the commencement of this suit, and is domiciled and now resides in

 Annie L. Brockwell

vs) Subpoena in Chancery

Pretlow J. Brockwell.

I executed in
 the City of New
 York
 By leaving a
 true copy of
 the within
 Notice with
 Pretlow J. Brockwell
 in person
 this 14th day
 of Nov 1913
 Thomas W. Taylor
 City Sergeant

Returned and filed
 In the Clerk's Office of the
 CIRCUIT COURT,

OF THE
 COUNTY OF ISLE OF WIGHT

this 15th day of Nov 1913

Attest: *R. J. Johnson* Cr.

COMMONWEALTH OF VIRGINIA.

Sgt. of the City of Newport News,
TO THE ~~SHERIFF OF ISLE OF WIGHT COUNTY~~—Greeting;

We command you that you summon Pretlow J. Brockwell,

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
3rd. Monday in November, 1913, to answer a bill in
chancery exhibited against him in our said Court by Annie L.
Brockwell,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-
house, this 6th. day of November, 1913, and in the
year of the Commonwealth.



..... Clerk.

Brockwell
vs } Du Chene
Brockwell

Plaintiff's Deposition

WILLIAM L. FOLK
ATTORNEY AND COUNSELLOR
SMITHFIELD, VA.

He did practically nothing for their support and did not do enough to support himself very well.

Q. Was he physically able to work? A. Yes sir, that he was. And he could do good work when he would.

Q. Is Mrs. Brockwell able to take care of her minor children? A. Yes sir, she has always done it.

Q. Do you consider Mr. Brockwell a proper person to have the custody of the minor children? A. That I do not.

Q. How old is the youngest child? A. Some seventeen or eighteen years. Every one of them are at work and are industrious children.

And further this deponent saith not.

B. P. Gay.

B. P. Gay being duly sworn, deposes and says.

Q. Please state your name, age, residence and occupation? A. B. P. Gay, live in Smithfield, Isle of Wight County, Virginia. I am a lumberman, and am forty nine years old.

Q. Do you know Annie L. Brockwell and P. J. Brockwell, the complainant and defendant in this suit? A. Yes sir.

Q. What do you know of them? A. About 1896 I employed Mr. Brockwell and he lived at my mill for about four years, right by me. In that time I knew Mrs. Brockwell to be an industrious, patient, and upright woman. They were living together all that time. Brockwell is a good blacksmith and can do splendid work when he will. He is a shiftless sort of a fellow, and very unreliable. He was drinky at times and would run after women, negro women at that. Once while they were with me he was so harsh to his wife that I had to go to him and threaten to use force to restrain him. He would work while he was being watched but when left alone would trifle his time away.

Q. How long have they been separated? A. I think six or seven years. I know that is as much as six. He has not been back to live with her in this time. They were practically separated longer than that for she has been paying the rent and supporting the family for much longer than that.

Q. Where were they living when they separated? A. Here in Smithfield.

Q. Do you think he has ever contributed to the support of his wife and children since they separated the last time? A. I have no idea that he has. When they lived with me he did not do that and they were then living together. During the four years that he was with me I think he gave his wife one pair of shoes. Mrs. Brockwell made garments for me to sell in the commissary and ten cents a piece and clothed herself and her daughter Mabel. They would go to church now and then, but he and the boys never did go. He would, sometimes, buy a chicken for himself and would get up nearly Sunday morning and cook it and none of his family would get a taste of it.

J. R. Moore being duly sworn deposes and says:

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

Moore, forty three years old the 25th. day of the coming December.
live in Smithfield and am town sergeant.

Q. Are you acquainted with P. J. Brockwell and Annie L. Brockwell,
his wife? A. Yes sir.

Q. How long have you known them? A. Eight years or so.

Q. How long have the been separated? A. About six years.

Q. Do you know whether or not he has contributed to the support of his
wife and family since the separation? A. He may have sent some little
thing home once or twice but I am satisfied that it amounted to little
or nothing. I do not know that this is true.

Q. Where were they living when they separated? A. In the town of Smith-
field, County of Isle of Wight and State of Virginia.

Q. What sort of a man is Mr. Brockwell? A. I should call him worthless
in every way. I cannot say anything for his good character.

Q. How do you regard Mrs. Brockwell? A. I have lived right by her
for about four years and she appears to me to be an upright christian wo-
man. She is a fine neighbor. none better.

Q. Who has raised the children? A. Mrs. Brockwell has, ever since I have
known her. Had she not they would have faired pretty common. After they
separated I let Brockwell have a room in my house and he drank and did
so bad that I had to drive him away from me.

And further this deponent saith not.

J. R. Moore J. R.

Q. Who has raised the children and supported them? A. Mrs. Brockwell.

Q. How long have you known these people? A. Some twenty two, three or four years, probably twenty five. I have known Mrs. Brockwell ever since she was a child. He has worked for me from time to time and he would do very well for awhile and then he would go off and no one would know when he was coming back. He is not a man to be relied upon at all.

Q. Does he drink? A. I have known him to be addicted to drinking. Have seen him under the influence of it several times.

Q. Where does Mrs. Brockwell now live? A. In Smithfield, in Isle of Wight County, Virginia.

Q. Where were they living when they separated? A. In Smithfield. He left her at the time they lived at the old Stephens place. He owes the rent for the place now.

And further this deponent saith not.

G. L. Randolph

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

BROCKWELL

VS) CHANCERY

BROCKWELL.

The depositions of B. P. Gay and others, taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight and State of Virginia, at the office of W. L. Folk, in the Town of Smithfield, County of Isle of Wight and State of Virginia, on Saturday the 29th. day of September, 1913, pursuant to adjournment, at three o'clock P.M.

F. W. Randolph being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. F. W. Randolph, fifty four years, live in Smithfield, and Engineer.

Q. Are you acquainted with the complainant and the defendant in this suit, Annie L. Brockwell and P. J. Brockwell? A. Yes sir.

Q. How long since they have lived together as man and wife? A. About six years or a little better.

Q. Do you know anything of the habits of the defendant, P. J. Brockwell?

A. Yes, he is a shiftless, worthless sort of a chap.

Q. Do you know whether or not he has ever contributed to the support of his family since the separation, or made any attempt to do so? A. I do not think he has, he has been dodging about from pillar to post and has not had steady employment.

Q. Is he a man physically able to work for his living? A. Yes sir.

Q. Are there any children. A. Yes sir, there are four, the oldest something like twenty one or two years of age.

Executed in
the City of Newport
News Va. this
20th day of Nov
1913 by leaving
a copy of the
within notice
with P. G. Brock-
well in person
Chas. M. M. M.
Sgt

Sgt

fee 50 cents

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

ANIE L. BROCKWELL

VS) CHANCERY

P. J. BROCKWELL.

To P. J. Brockwell:

Take notice that I shall, at my office on the 26th. day of November, 1913, at eleven o'clock A.M. take the depositions of B. P. Gay and others, to be read as evidence in behalf of the complainant in the above entitled suit in the Circuit Court of the County of Isle of Wight now pending, and in which you are the defendant, at which time and place you are required to attend.

Respectfully,

W. J. Dock p.q.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Annie L. Brockwell

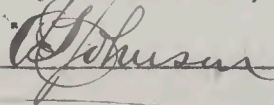
vs) Chancery

P. J. Brockwell.

To the Judge of the Circuit Court of the County of Isle of Wight.

The undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, respectfully reports that on the 26th. day of November, 1913, at eleven o'clock A.M. he attended at the office of W. L. Folk, Attorney at law, in the town of Smithfield, County of Isle of Wight and State of Virginia, to take the depositions of D. P. Gay and others to be read in behalf of the complainant in the suit in chancery in the Circuit Court of the County of Isle of Wight pending, in which Annie L. Brockwell, is the complainant, and P. J. Brockwell is the defendant, and, on account of absence of witnesses the taking of the testimony was adjourned till the 29th. day of November, 1913, at the same office in the same town, and three o'clock P.M, Notice to the defendant, showing service thereupon, is hereto attached.

Respectfully submitted,



Commissioner in Chy.

Bockwell

vs

Brockwell

Decree; to be entered

1913

Dec. 1.

Enter this.

B.W.

Annie L. Brockwell

vs

Pretlow J. Brockwell;

This cause, in which the defendant has been duly served with process, came on this day to be heard on the bill of complaint, exhibit filed therewith, the deposition of witnesses, the notice of the taking of the same having been duly served on the defendant, and was argued by counsel.

On consideration whereof, it appearing to the court from the evidence that the parties have domiciled in this state for more than one year, that the parties last cohabited in the County of Isle of Wight, ^{and has resided in said County for a great number of years,} and that the plaintiff now resides in said County, and that the defendant has wilfully deserted and abandoned the plaintiff for more than three years before the commencement of this suit; the Court doth adjudge, order and decree that the plaintiff Annie L. Brockwell be divorced from the bonds of matrimony existing between her and the defendant Pretlow J. Brockwell, ^{and} that the marriage heretofore solemnized between the said plaintiff and defendant be and the ~~same~~ same is hereby dissolved; and that the care and custody of the ~~the~~ minor children of the said parties be awarded to the said Annie L. Brockwell with whom they shall remain free from all molestation off the said defendant; ^{and the said defendant to pay the costs of this suit including a fee of twenty five dollars to the attorney} And nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket.

*For the Complaint and Decree
to be filed in the Court Records
the Clerk of the Court is directed
to make record hereof, and
also, and that said decree
be filed on the first day of
the next month.*

Brockwell

vs) Mamorandum--Chancery.

Brockwell.

Attorney's memo.

Filed November 6th. 1913.

Teste, *Ed. Johnson* Clerk.

WILLIAM L. FOLK
ATTORNEY AND COUNSELLOR
SMITHFIELD, VA.

November 5th., 1913

To the Clerk of the Circuit Court of Isle of Wight County, Virginia.

Please issue summons in Chancery to 2nd. Rules in November for
Annie L. Brockwell

vs Divorce--a vinculo matrimonii.

Pretlow J. Brockwell

A handwritten signature in cursive script, appearing to read "W. L. Folk", with a horizontal line underneath.

p/q

Dear Sidney:-Send the process to me and I will send it to Newport News
also make memo of fees and I will deposit to your credit

Yours truly
WLF

4

Exhibit
"A"

Brookwell -
n of Chauncy
Brookwell

Filed with Bill
2nd Novm rules 1913
Robt. Johnson. Clerk

MARRIAGE LICENSE



Virginia Sunny 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,

Prellon Jackson Brockwell
and Annie L. Swainney

Given under my hand, as Clerk of the County Court
of Sunny this 19 day of July 1888 ~~1911~~
A. S. Edwards 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 16, 1910.

Time of Marriage, <u>July 25, 1888</u>	Place of Husband's Birth, <u>Prince Geo. Co. Va.</u>
Place of Marriage, <u>Isle of Wight Co.</u>	Place of Wife's Birth, <u>Isle of Wight Co. Va.</u>
Full Names of Parties Married, <u>Prellon J. Brockwell & Annie L. Swainney</u>	Place of Husband's Residence, <u>Isle of Wight Co. Va.</u>
Race (white or colored), <u>White</u>	Place of Wife's Residence, <u>Sunny Co.</u>
Age of Husband, <u>24 years old</u>	Names of Husband's Parents, <u>John W. Brockwell & Caroline R. Brockwell</u>
Age of Wife, <u>17</u>	Names of Wife's Parents, <u>James T. Swainney & Fanny A. Swainney</u>
Condition of Husband, <u>Single</u> Widowed or single or divorced	Occupation of Husband, <u>Blacksmith</u>
Condition of Wife, <u>Single</u> Widowed or single or divorced	

Given under my hand this 19 day of July 1888 ~~1911~~
A. S. Edwards Clerk

Certificate of Time and Place of Marriage

I, _____, a _____ of the _____
Church, or religious order of that name, do certify that on the 25th day of
July 1888 ~~1911~~, at Bayview M. E. Church, under authority of the
above license, I united in Marriage the persons named and described therein, under
authority of the annexed license
Given under my hand this _____ day of _____ 1911
a G. Y. T. A. S. Edwards J. W. Hildreth

The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (See Section 2229 of the Code of Virginia, as amended, by Act approved February 16th, 1910, Acts 1910, chapter 28, pages 36 and 37.)