

K14-011 Chancery Causes: James T. Holloway vs Berta Holloway

150

Isle of Wight County

Other surnames: Jefferson,
Jones, Wilson, Quarles

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

JAMES T. HOLLOWAY _____ PLAINTIFF.

v. IN CHANCERY.

BERTIA HOLLOWAY _____ DEFENDANT.

TO THE HON. B.E. THIST, JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

Your complainant, James T. Holloway, respectfully represents:

That in the Month of November, 1912, your complainant ^{married} was lawfully in the County of Isle of Wight, Virginia, to the said defendant as will appear from a certificate of marriage herewith filed as "Exhibit A", and made a part of this bill; and,

That the said defendant left your complainant in the Month of May, 1913, and went to Norfolk, Virginia, to live with one J.B. Jefferson or Jones, a colored man, who works on a steam-boat running from Norfolk to Baltimore; and,

That the said defendant claiming that the said J.B. Jefferson or Jones was her husband has continued to live with the said J.B. Jefferson or Jones as man and wife since the said defendant left your said complainant; and,

That the said defendant has committed adultery with the said J.B. Jefferson or Jones during the Month of July, 1913, in the city of Norfolk, Virginia, and at various other times and places; and,

That while the said plaintiff was in Isle of Wight County and after her marriage to your said complainant she committed adultery with many men living near to the home of your complainant; and,

That at the time of the institution of this suit it had not been five years since the said adultery occurred, and that it was not committed by the procurement or connivance of your complainant; and,

That your complainant has lived in the County of Isle of Wight, Virginia, all his life and last co-habited with the said defendant in the said County.

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 Berta Holloway may be made a party defendant to this bill and be required to answer the same; ^{that proper process issue} that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed him; and, that all such other and further relief be granted your complainant as the nature of his case may require.

And your Complainant will ever pray.

Geo. F. Holloway
By Counsel.

E. L. Williams P. A.

Commonwealth of Virginia:

To the Sergeant of the City of Norfolk, Greeting—

WE COMMAND YOU that you summon *Helwig Jones and Mary Jones* *live on east side Chapel St about four doors south of Wood street*

to personally appear before *a Commissioner in Chancery* the Judge of our Circuit Court, of the City of Norfolk, at the *Clerks Office thereof* Court House of our said city on the *28th* day of *January* 191*4*, at *11:30* o'clock a. m., to testify and the truth to say on behalf of the *Plaintiff* in a certain matter of controversy ~~in our said Court before the said Judge depending and undetermined~~, between *Jas J. Holloway*, Plaintiff, and *Berta Holliday*, Defendant,

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

WITNESS, LAURENCE WARING, *Come in Chancery* Clerk of our said Court, at his office the *24th* day of *January* 191*4*, in the year 13*8* year of the Commonwealth.

TESTE:

Laurence Waring *Come in Chancery* Clerk.
By _____ D. C.

CIRCUIT COURT

NORFOLK, VA.

Holloway

v. { SUBPOENA

Holloway

P.

Return day Jan 28 1914

RETURN

Executed in the City of

Norfolk this 26th day

of Jan 1914, by

serving a copy hereof on Mary

Jones. Not finding
Wesley Jones at his usual
place of abode. Executed in
the City of Norfolk this 26th day

of Jan 1914 by serving a copy
hereof on Mary Jones his wife
she being there and member
of his family over the past
thirty years and gave information
of his present address.

I have fee 600

C. P. Sumbly
Deputy

James T. Hallaway
vs. Appdick
Bertha Hallaway.

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF WIGHT

this 3 day of Nov. 1913
Test. John W. Clark

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

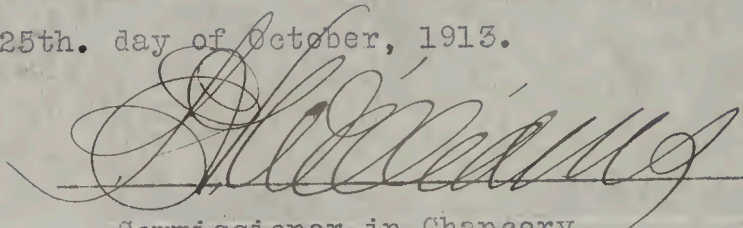
JAMES T. HOLLOWAY _____ PLAINTIFF.

VS. IN CHANCERY.

BERTA HOLLOWAY _____ DEFENDANT.

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 James T. Holloway, the above named plaintiff, this day personally appeared before me in my County aforesaid and made oath that diligence has been used by and on behalf of the plaintiff to ascertain in what County or Corporation the defendant is, without effect.

Given under my hand this 25th. day of October, 1913.



Commissioner in Chancery.

Jas. T. Holloway, Plaintiff,

Vs) DEPOSITIONS:

Berta Holloway, Defendant.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

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

JAMES T. Holloway, Complainant,

--VS--

BERTA HOLLOWAY, Defendant.

The depositions of witnesses taken before George F. Whitley, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, Virginia, pursuant to an order of publication, at the Clerk's Office of the Circuit Court of the County of Isle of Wight, Virginia, on the 10th. day of January, 1914, between the hours of 9 A. M. and 6 P. M. of that date, to be read on behalf of the complainant in the above entitled cause, pending in the Circuit Court of Isle of Wight County, Virginia.

PRESENT: E. H. Williams, Counsel for
Complainant:

Sudie Wilson,, being duly sworn, deposes as follows:

EXAMINATION by Mr. Williams:

Q. What is your name, residence and occupation?

A. Sudie Wilson, Isle of Wight County, house-keeping and I am fifty two years of age.

Q. Do you know Berta Holloway, the defendant in the above suit, and if so, how long have you known her and where is here present whereabouts?

A. I never saw her before she came to this County as a peanut picker, about four years ago; I do not know where she is now. She left James Holloway to go down to Norfolk to live with another man.

Q. How do you know that she went down to Norfolk to live with another man?

A. How do I know it - why, because, I saw a letter from her lover in Norfolk telling her to come down there and stay with him, and she left at once and has been away from Uncle Jim ever since.

Q. How long did she live with Uncle James, and how did she act while living with him?

A. She never stayed with him as much as three months all put together, and never cooked him a meal of victuals. She just want no count no how; she was a common strumpet.

Q. Did Uncle James and Berta Holloway last live together in Isle of Wight County?

A. Yes.

Q. How long has James Holloway lived in the County?

A. He was bred and born in the County; has lived here ever since and is now the ripe of seventy years old.

Q. When were James and Berta Holloway married and where?

A. They were married Sept. 27th., 1911, in Isle of Wight County.

Q. Did she receive company, i.e. men, in the absence of Uncle James?

A. Men went and came as they got ready.

And further this deponent saith not.

In the witness

Mattie Quarles, being duly sworn, deposes as follows:

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

A. Mattie Quarles? age forty-five, Isle of Wight County, house-keeping.

Q. Do you know Berta Holloway and if so tell what sort of a woman she is?

A. Yes sir, I knew her while she was here. She was no sort of a woman. Sorry woman.

Q. Why do you say that she is a sorry woman?

A. Because she wouldn't honor her husband and always tried to be with other men.

Q. Why did she leave Uncle James?

A. She got a letter from one of her other gentlemen to come to live with him and she went to Norfolk to live with him.

Q. What was the nature of the letters of which you speak and tell some of the things that was in the letter?

A. It was a love letter and you never heard of so many "darlings", "honays" and "loves" in your life and he said that he would send her some money to come to Norfolk on the 13th. and she left on the 13th. or 14th. and there is no doubt in my mind that she went to live with another man as she was the commonest kind of a woman. Uncle Jim had no business marrying any such trash.

Q. How did she act when Uncle Jim went away from home?

1. Willie Fitzgerald and other men in the neighborhood would go there and lay up with her for hours at the time she was nothing but a common whore there ain't no other name I could give her.

And further this deponent shall not:

Witness:
Geo. F. Whitley.

^{his}
Mathew Quarles
mark

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

I, George F. Whitley, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, do hereby certify that the foregoing depositions of Sudie Wilson and Mattie Quarles were duly taken, sworn and subscribed to before me at the time and place and for the purpose in the caption mentioned.

Given under my hand this 10th. day of January, 1914.

Geo. F. Whitley.
Commissioner in Chancery for the Circuit
Court of the County of Isle of Wight, Va.

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[illegible]

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

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4 JAMES T. HOLLOWAY, Complainant,

5 v.

6 BERTA HOLLOWAY, Defendant.
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9 The depositions of witnesses taken before Laurence
10 Waring, Esq., a Commissioner in Chancery for the Circuit Court
11 of the City of Norfolk, Virginia, , pursuant to an order of
12 publication, at the Clerk's Office of the Circuit Court of the
13 City of Norfolk, Virginia, on the 28th day of January, 1914,
14 between the hours of 9 A. M. and 6 P.M. of that date, to be
15 read on behalf of the complainant in the above entitled cause,
16 pending in the Circuit Court of Isle of Wight County, Virginia.
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18 PRESENT:

19 Mr. E. H. Williams,
20 Counsel for Complainant

21 No Counsel appeared for defendant.
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1 JAMES T. HOLLOWAY, a witness for the complainant being
2 duly sworn, testified as follows:

3 Examined by Mr. Williams.

4 Q. Uncle Hillery, what is your name, age, residence and
5 occupation?

6 A. Hillery Jones. age about forty nine, residence 516 Chapel
7 Street, Norfolk, Virginia, occupation, work on the railroad as
8 a section hand.

9 Q. Do you know Berta Holloway, the defendant in this case,
10 and if so when and where did you know her?

11 A. The first I got acquainted with her sahe came to my house to
12 lodge there - that was in July 1913, and she came there for a
13 lodging place for herself and her husband, J. B. Jefferson, and
14 she stayed there under that name and left there under that name,
15 and when she left my house she went back to Baltimore, so she
16 would be more convenient for him to be with her at the time he
17 was not at work on the boat.

18 Q. You say while she was at your house she went under the
19 name of Jefferson?

20 A. Yes, sir.

21 Q. Do you know whether or not she is the same ~~xx~~ woman known
22 as Herta Holloway, who married Uncle James Holloway in Isle of
23 Wight County?

24 A. That is the only one I know of, and she claimed to be married
25 to the same man - of course I never saw that man.

26 Q. Commissioner) Which man? A. The man that lived in

1 Isle of Wight County, where same came from; Jefferson was
2 the man that ran from here to Baltimore on the night boat.

3 Q. As a matter of fact you know that this woman that lived in
4 your house claimed to be the wife of J. B. Jefferson, and
5 that she was in fact the same woman known as Berta Holloway
6 in Isle of Wight County?

7 A. Yes, sir.

8 Q. Just tell how they acted when Jefferson came to see her
9 at your house?

10 A. Well, when he came there they always had a separate room
11 to themselves, and they went in there and stayed all night
12 in a separate room to themselves. Sunday morning when he woke up
13 they walked down town together to the boat, and I don't think
14 he returned with her when she returned to the house, as he had
15 to go on duty again.

16 Q. (Commissioner) In other words, they lived at your house
17 as man and wife?

18 A. Yes, sir.

19 And further this deponent saith not.

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23 MARY JONES, a witness for the complainant, being first
24 duly sworn, testified as follows:

25 Examined by Mr. Williams.

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

Hillery Jones

1 A. Mary Jones. live at 516 Chapel Street, Norfolk, Virginia,
2 and occupation, I takes in sewing at home.

3 Q. Are you the wife of Hillery Jones who has just testified?

4 A. Yes, sir.

5 Q. Do you know Berta Holloway, the defendant in this case?

6 A. Yes, sir.

7 Q. When did you know her?

8 A. Last July she came to my house to lodge, and stayed there
9 about two months?

10 Q. She she claim to have a husband while she lived there at
11 your house?

12 A. Yes, sir; when she came there I asked her was she married,
13 and she told me yes, that that was her husband, and of course we
14 would not have let her in if she had not told me she was married

15 Q. What was the name of the man she claimed to be her husband?

16 A. J. B. Jefferson she called him.

17 Q. Did they live together at your house as man and wife?

18 A. Yes, sir.

19 And further this deponent saith not.

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hu
Mary x Jones
Smack

Witness to
signature of
Mary Jones
Robert H. Rush

1 STATE OF VIRGINIA

2 CITY OF NORFOLK TO WIT:

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4 I, Laurence Waring, a Commissioner in Chancery for the
5 Circuit Court of the City of Norfolk, Virginia, do hereby
6 certify that the foregoing depositions of Hillery Jones and
7 Mary Jones were duly taken, sworn and subscribed to before me
8 at the time and place and for the purpose in the caption mention-
9 ed.

10 Given under my hand this 28th day of January, 1914.

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12 *Laurence Waring*
13 Commissioner in Chancery for the Circuit
14 Court of the City of Norfolk, Va.
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STENOGRAPHER'S TRANSCRIPT.

191

James J. Holloway
Joseph D. Dickey

James J. Holloway
Joseph D. Dickey

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT

this 30 day of January 1914

Test. W. H. H. Clerk

James T Holloway

2 1/2 Chaucery 150

Betta Holloway

Copy of
Order Publication

Filed

In the CLERK'S OFFICE of the

CIRCUIT COURT,

OF THE

COUNTY OF ISLE OF WIGHT

this 3rd day of Novm 1913

Test. Johnson. Clerk

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

November 3rd 1913

JAMES T. HOLLOWAY,.....PLAINTIFF.

vs) Chancery.

BERTA HOLLOWAY,.....DEFENDANT.

The object of the above styled suit is for the plaintiff, James T. Holloway, to obtain a divorce a vinculo matrimonii from the defendant, Berta Holloway. And an affidavit having been filed in the Clerk's Office of the Circuit Court of the County of Isle of Wight which asserts that diligence has been used by and on behalf of the plaintiff to ascertain in what county or corporation the defendant is, without effect, it is ordered that the said Berta Holloway appear at the Clerk's Office of this Court within fifteen days after due publication hereof, and do what may be necessary to protect her interests herein.

Tests,

A. H. Williams Clerk.

B. H. Williams, p.c.

A copy of the above order of publication was this day posted at the front door of the Court house; a copy sent to Suffolk Herald for publication, and a copy filed in the papers.

Given under my hand this 3rd. day of November, 1913.

A. H. Williams Clerk.

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

JAMES T. HOLLOWAY,.....Plaintiff
vs.) Chancery. "

BERTHA HOLLOWAY,.....Defendant

The object of the above styled suit is for the plaintiff, James T. Holloway, to obtain a divorce a *vinculo matrimonii* from the defendant, Bertha Holloway. And an affidavit having been filed in the Clerk's Office of the Circuit Court of the County of Isle of Wight which asserts that diligence has been used by and on behalf of the plaintiff to ascertain in what county or corporation the defendant is, without effect, it is ordered that the said Bertha Holloway appear at the Clerk's Office of this Court within fifteen days after due publication hereof, and do what may be necessary to protect her interests herein.

Teste,

A. S. JOHNSON, Clerk.

E. H. Williams, p. q.

Office of SUFFOLK HERALD.

SUFFOLK, VA., DEC 6 1913 190---

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. beginning Nov 7-1913-----and ending

Nov 28-1913-----

W. J. Kendrick

Editor Herald

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va.,

DEC 9 1913

191

Mr *E. H. Williams Atty*

Smithfield, Va.

To SUFFOLK HERALD CORPORATION, Dr.

:: Newspaper and Job Printing ::

No. 912 WASHINGTON STREET

TERMS OF THIS BILL—NET CASH

BELL PHONE 135

1913
Nov 28 To Order Publication for J. Holloway
v.s. Bertha Holloway 4. T.
Nov 7-14-21-28

10
16

640

James T. Holloway

vs) Chancery

Berta Holloway

Attorneys memo.
Filed Sept. 9th. 1913.

2nd Circuit to the Court of Appeals
of the District of Columbia - Virginia

No. 1. Heccey - - Plaintiff
vs. Du Chaussey
Denton Hawkey - - Defendant.

Assess Summons to Du Chaussey to
5th Sept. 1913, for said
Plaintiff & said Defendant
to deliver the said Plaintiff
a piece of land.

Defendant
in Norfolk, Va

Plaintiff

Geo. D. Woodbury *Pltff*

N. Du Cheney

Berta Woodbury *Def*

W. Cree

1914
June 20
Enter this.
B.D.W.

Corr. No. 2 - p 239

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

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

JAS. T. HOLLOWAY-----PLAINTIFF.

V. IN CHANCERY.

BERTA HOLLOWAY-----DEFENDANT.

This cause, ^{*}came on this day to be heard on the complainant's bill, ^{and} the exhibits therewith filed, the ^{depositions} ^{taken} of witnesses on behalf of the said plaintiff, ~~the said defendant, upon whom process was duly served by order of publication, as by the statutes in such cases made and provided, still failing to appear, answer or demur~~ ^r, and was argued by counsel.

On consideration whereof, ~~and~~ it appearing to the court independently of the admissions of either party in the pleadings or otherwise, ^{*}that the said Defendant has committed adultery since her marriage to the said plaintiff; ^{x3} the court doth adjudge, order and decree that Jas. T. Holloway and Berta Holloway be divorced from the bonds of matrimony created by the marriage of the said parties, and that the said marriage be, and the same hereby is, dissolved.

And nothing further remaining to be done in this suit it is ordered that this cause be stricken from the docket.

^{that the complainant}
^{*}2. Who is about seventy five years of age. Has resided in this County and Commonwealth all his life. That said parties last cohabited in this County.

^{knowledge}
^{*}3 that since the ~~commission~~ ^{knowledge} of said acts of adultery the said parties have ^{voluntarily} cohabited, and that the same did not occur more than five years before the institution of this suit, and that the same was not committed by the procurement or connivance of the plaintiff. On consideration whereof

*in which the complainant has proceeded against the Defendant. and in the manner prescribed by law against Defendants whose whose place of residence within the State is unknown, the proper order of publication having been duly published and published according to law.

Staceyway
V. In Chan cerer
Staceyway.
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