

1914-015 Chancery Causes: Roy R. Turner VS Florence Nellie Turner

164

Joh of Wight County

other SURnames: Devilbiss

4
R. R. Jones. Prof.

R. L. Chaney

Florence Nellie Jones

Bill -

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

January 23rd. 1914: Memorandum and affidavit for order of publication filed. Order entered, copy sent to Suffolk Herald for publication, and a copy posted at the front door of the Courthouse:

3rd. January Rules, 1914: Continued for Bill and on order of publication.

2nd. February Rules, 1914: Continued for Bill and on order of publication.

Feb. 25th. 1914. Printers certificate, showing completion of publication of order February 20th. 1914.

1st. March Rules, 1914: Bill filed.

March 9th. 1914: Order of publication executed. Case set down for hearing.

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

R.R.Turner-----Plaintiff.

V. In chancery,

Florence Nellie Turner-----Defendant.

TO THE HON. B.D.WHITE, JUDGE OF THE CIRCUIT OF ISLE OF WIGHT
COUNTY:

Your complainant, R.R.Turner, respectfully represents:

That on the ____ day of February, 1910, in the town of Rockville,
Maryland, your complainant was lawfully married to the said de-
fendant, who was Devilbiss, as will appear from a certificate
of marriage herewith filed, marked exhibit "A" and made a part
of this bill; and,

That continuously from the date of said marriage until the 2nd.
day of January, 1911, your complainant and the said defendant
lived together as husband and wife in the County of Isle of
Wight, Virginia; and,

That the said defendant, Florence Nellie Turner, has wilfully
deserted and abandoned your complainant for a period of more
than three years: that is to say, on the 2nd. day of January,
1911, the said Florence Nellie Turner did, voluntarily, willful-
ly and without any justification whatever, leave your said com-
plainant, stating at the time that she never expected to live
with him again and that she was leaving forever, and that such
desertion and abandonment has continued from that time until
now; and,

That your complainant has resided in this State for more than
one year next preceeding the commencement of this suit, and now
resides in this State; and,

That your complainant last cohabited with the said defendant in t
the County of Isle of Wight, Virginia;

In consideration whereof, and forasmuch as your complainant is
remediless in the premises save in a court of equity, your com-
plainant prays that the said Florence Nellie Turner may be made
a party to this bill, and required, but not on oath, to answer the

same, the oath being hereby waived; that proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed him; and that your complainant may have all such other, further and general releif as the nature of his case may require or to equity shall seem meet.

And your complainant will ever pray, etc.

Williamos p.q.

R. R. Turner
By Counsel

R. R. TURNER, Complainant.

VS.

FLORENCE NELLIE TURNER, Defendant.

Laurence Waring, Esq.
Commissioner in Chry.

DEPOSITIONS

INDEX.

[illegible]

ROBERT H. RUSH
SHORTHAND REPORTER
340-2 MONTICELLO ARCADE
NORFOLK, VIRGINIA

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

: : : : : : : : : : : : : : : :

R. R. TURNER, Complainant, :

vs. :

DEPOSITIONS.

FLORENCE NELLIE TURNER, Defendant. :

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The depositions of witnesses, taken before Laurence Waring, Esq., a Commissioner in Chancery for the Circuit Court of the City of Norfolk, Virginia, pursuant to an order of publication, at the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, on the 18th day of March, 1914, at 11:30 A. M., to be read as evidence on behalf of the complainant in the above entitled cause, pending in the Circuit Court of Isle of Wight County, Virginia.

PRESENT:

E. M. Williams, Esq.,
Counsel for Complainant,
No counsel appeared for Defendant.

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1 DR. WILLIAM D. TURNER, affirmed to speak the truth,
2 testified as follows:

3 Examined by Mr. Williams:

4 Q. Please state your name, age, residence and occupation.

5 A. William D. Turner; age, fifty-four; residence, Ocean
6 View, Virginia; occupation, physician.

7 Q. Do you know the parties to this suit - R. R. Turner and
8 Florence Nellie Turner?

9 A. Yes.

10 Q. What relation is the plaintiff to you - R. R. Turner?

11 A. He is my son.

12 Q. Doctor, Ray R. Turner has instituted suit for divorce
13 in the Circuit Court of Isle of Wight County, Virginia, in
14 which he alleges that on January 2nd, 1911, Florence Nellie
15 Turner, his wife, wilfully deserted and abandoned him, the
16 said R. R. Turner. Please tell us what you know about this,
17 if anything.

18 A. Well, about Christmas time she announced the fact that
19 she was going to leave Ray, and I had several talks with her.
20 She told me she didn't love him and she was going to leave him,
21 and I used every effort that I could to convince her that she
22 was making a false move and a very bad move, but the 2nd day
23 of January - I think it was the second -

24 Q. (Commissioner) What year? A. 1911; or it
25 was the 1st day of January she announced positively that she
26 was going away on the morrow, that is on the 2nd, and she did

1 go away. She offered to kiss me good-bye, and I said, "No,
2 Nellie, you have acted wrong and I can't kiss you", and she
3 did go - left the house and I sent her to Smithfield to take
4 the boat - that was on the 2nd day of January. She announced
5 that she was going and going forever.

6 Q. Have they lived together as man and wife since the 2nd
7 day of January, 1911?

8 A. No, oh no.

9 Q. (Commissioner) Were your relations with them such dur-
10 ing that time if they had resumed their marital relations,
11 you would have known it?

12 A. Oh, yes.

13 Q. How long has R. R. Turner been a resident of the State of
14 Virginia, County of Isle of Wight?

15 A. All of his life.

16 Q. Where did they last cohabit as man and wife?

17 A. At my place in Isle of Wight County - Shoal Bay, Isle of
18 Wight County, Virginia.

19 Q. Did the defendant have any just cause or reason for
20 leaving and deserting the plaintiff?

21 A. None that I know of, sir. I asked her why she was leav-
22 ing him and she said she didn't love him.

23 And further this deponent saith not.

24 William D Turner

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1 MRS. SALLY A. TURNER, a witness for the complainant,
2 being first duly sworn, testified as follows:

3 Examined by Mr. Williams:

4 Q. Mrs. Turner, what is your name, age and residence?

5 A. My name is Sally A. Turner - I live at Ocean View,
6 Virginia, and my age is fifty-four.

7 Q. What relation are you to Mr. R. R. Turner, the plaintiff
8 in this case?

9 A. He is my son.

10 Q. Mrs. Turner, R. R. Turner has instituted suit for divorce
11 in the Circuit Court of Isle of Wight County, Virginia, in
12 which he alleges that on January 2nd, 1911, Florence Nellie
13 Turner, his wife, wilfully deserted and abandoned him, the said
14 R. R. Turner. Please tell us what you know about this, if any-
15 thing?

16 A. I know that she told me she was going to leave him, and I
17 asked her why and she said because she didn't love him. I
18 asked her if he mis-treated her and she said no, he had been
19 as good and kind to her as any man could be to anybody, and
20 that she just didn't love him and she didn't intend to stay
21 another day.

22 Q. When did this occur?

23 A. She left him the 2nd day of January, 1911.

24 Q. What happened at the time she left him?

25 A. She was in a rage of temper, that is all I know.

26 Q. Was there any statement made by her at the time of her

1 leaving?

2 A. Nothing in the world that I know of, only she said that
3 she didn't love him, that is all. There was no reason she
4 said for her going only she didn't love him, that he hadn't
5 done anything to her but be kind to her and treated her all
6 right.

7 Q. Did she announce the fact that she was going to leave him?

8 A. Yes; she announced that a week beforehand.

9 Q. Was there any effort made by you and by Dr. Turner to
10 persuade her from leaving?

11 A. Yes; we both talked to her at different times; he talked
12 to her and I talked to her and tried to persuade her to see
13 that she was making a mistake, and she said she had fully made
14 up her mind to go and nothing on earth could change her - I
15 think her words were "God himself couldn't stop her when she
16 got ready".

17 Q. Did they last live together as man and wife in Isle of
18 Wight County, Virginia?

19 A. Yes, they lived in Isle of Wight County, Virginia.

20 Examined by the Commissioner:

21 Q. Where does R. R. Turner, the plaintiff in this suit, now
22 reside?

23 A. Isle of Wight County, Virginia.

24 Q. How long has he been a resident of Isle of Wight County,
25 Virginia?

26 A. All of his life.

And further this deponent saith not.

Mrs Sally A Turner

1 STATE OF VIRGINIA

2 CITY OF NORFOLK, to-wit:

3 I, Laurence Waring, a Commissioner in Chancery for
4 the Circuit Court of the City of Norfolk, Virginia, do hereby
5 certify that the foregoing depositions of Dr. William D. Turner
6 and Mrs. Sally A. Turner, were duly taken, sworn and subscribed
7 to before me at the time and place and for the purpose in the
8 caption mentioned.

9 Given under my hand this 18th day of March, 1914.

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Laurence Waring
Commissioner in Chancery for the
Circuit Court of the City of
Norfolk.

ROBERT H. RUSH
SHORTHAND REPORTER
340-2 MONTICELLO ARCADE
NORFOLK, VIRGINIA

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R. R. Turner
No 164 - Chancery
Florence Nellie Turner

6

Received from Commis
Waring Apr 13/1914

Sealed

Est. J. Johnson Clerk

STENOGRAPHER'S TRANSCRIPT.

R. R. Turner

vs) Chancery

Florence Nellie Turner.

Affidavit for order
of publication.

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

this *28* day of *January* 19*10*
Test *Ch. Johnson* Clerk

V. IN CHANCERY.

Florence Schie _____ DAYTON, OH.

SEATS OF VIRGINIA.

Corporation of the City of Norfolk, to wit:—

Rev. J. Holmes,

a Notary Public, in and for the *Corporation* aforesaid, in the State of Virginia, do

tiff, this day personally appeared before me, in my said Corporation and made oath

Given under my hand this 19th day of January, 1914.

Geo. J. Holmes

Notary Public.

My Commission expires on March 21, 1914.

19

R. R. Turner

vs) Chancery

Florence Nellie Turner.

Copy order of pub-
lication.

VIRGINIA: COUR

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

this *26* day of *January*, 19*14*

Test. Robinson, Clerk

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT THIRD JANUARY RULES, 1914.

R. R. TURNER,.....COMPLAINANT.

vs) Chancery

FLORENCE MELLIE TURNER,.....DEFENDANT.

The object of the above styled suit is for the complain-
ant to obtain a divorce a vinculo matrimonii from the
defendant. 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 due diligence has been
used by and on behalf of the complainant to ascertain
in what county or corporation the defendant is, without
effect, it is ordered that the said Florence Mellie
Turner do appear in the Clerk's Office of said court
within fifteen days from the due publication hereof, and
do what may be necessary to protect her interests herein.

A copy,

Teste, *A. Johnson* Clerk.

E. H. Williams, p.d.

A copy of the above order posted at the front door of
the Court House of the County of Isle of Wight on the
Fourth Monday in February, 1914, and a copy sent to
Suffolk Herald for publication.

Teste, *A. Johnson* Clerk.

Office of SUFFOLK HERALD.

SUFFOLK, VA., FEB 23 1914 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 Jan 30 1914 *and ending*
Feb 20 1914

Charges 6.00 *U. J. Kendrick*
Editor Herald

VIRGINIA: Clerk's Office of the Circuit Court of the County of Isle of Wight Third January Rules, 1914.

R. R. TURNER,.....Complainant.
vs) Chancery

FLORENCE NELLIE TURNER,..

.....DEFENDANT

The object of the above styled suit is for the complainant to obtain a divorce a vinculo matrimonii from the defendant. 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 due diligence has been used by and on behalf of the complainant to ascertain in what county or corporation the defendant is, without effect, it is ordered that the said Florence Nellie Turner do appear in the Clerk's Office of said court within fifteen days from the due publication hereof, and do what may be necessary to protect her interests herein.

A copy,

Teste, A. S. JOHNSON, Clerk.

E. H. Williams, p. q.

Jan. 29-4t.

5
P. R. Turner
v. J. Chauncy
Florence Nellie Turner

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 75 day of Feb 1914
Jst. J. H. M. Cls.

R. R. TURNER, Plaintiff,

Vs) DECREE:

Florence Nellie Turner, Dfnt.

1914
April 15-1914
Entered this.
B.D.W.

CORBY 230

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

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

* * * * *
R. R. TURNER,Plaintiff,
--VS--
FLORENCE NELLIE TURNER,Defendant.
* * * * *

This cause came on this day to be heard on the complainant's bill, and the depositions of witnesses, ^{the defendant on} ~~the defendant~~ whom process has been duly served, and she still failing to appear, plead, answer or demur, and was argued by counsel:

On consideration whereof, the Court being of the opinion, from the evidence in this cause, ^{*2} that the defendant ~~has~~ willfully deserted and abandoned the said plaintiff for a period of three (3) years, doth adjudge, order and decree that the marriage heretofore had and solemnized between said plaintiff and said defendant shall be, and the same is, hereby dissolved and that the said plaintiff be forever divorced from the said defendant.

And ~~the Court doth further adjudge, order and decree that the said defendant do pay unto the said plaintiff his costs expended in the prosecution of this suit, and nothing further remaining to be done herein, it is ordered that this suit be stricken from the docket.~~

**2) that the complainant has been a resident of the County of Isle of Wight for more than one year and that the complainant and defendant last cohabited in said County, and*

in which the complainant has proceeded against the defendant in the manner provided by law against defendants whose place of residence is unknown. (affidavit having been duly made that the defendant has been unable to find or locate the complainant in which County or Corporation the defendant is) and the order of publication has been made in the manner provided by law.

1
R. P. Turner

vs) Chancery

Florence Nellie Turner.

Memorandum.

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

this *13* day of *Jan'y* 191*4*

J. E. Johnson Clerk

TO THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
VIRGINIA:

* * * * *
R. R. Turner,Plaintiff. *
Vs) In chancery, *
Florence Nellie Turner, ...Defendant. *
* * * * *

Issue summons for said plaintiff against said de-
fendant to First February Rules, 1914, to answer the said plain-
tiff a bill in chancery.

R. R. Turner
By Counsel.

J. M. Williams, p. q.