

1914-020 Chancery Causes: Lizzie Smith vs Solomon Smith

151

Dale of Wight County

other surnames: Holloway,
Bailey

Lizzie Smith

2 Du Cherry

Salisbury Smith

Bice.

E. H. WILLIAMS

ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

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

LIZZIE SMITH-----PLAINTIFF.

V. IN CHANCERY.

SOLOMON SMITH-----DEFENDANT.

BEFORE THE HON. E.C. SMITH, JUDGE OF THE SAID COURT:

Your complainant, Lizzie Smith, respectfully represents:

That on the____ day of____, 19____, she was married to the said defendant, in the County of Isle of Wight, Virginia, as will appear by a copy of the marriage certificate herewith filed, marked "Exhibit A", and made a part of this bill; and,

That your complainant was a constant, dutiful and faithful wife to the said defendant; and,

That the said defendant has wilfully deserted and abandoned your complainant for a period of more than three years, that is to say, that more than ten years ago the said defendant without any justification deserted and abandoned your complainant and when leaving said that he would never return and such desertion and abandonment has continued to this time; and;

That your complainant has resided in the County of Isle of Wight, Virginia, for the past ten years 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, she prays, that the said Solomon Smith may be made a party defendant to this bill and be required to answer the same; that proper process may be issued; that a divorce from the bond of matrimony created by the said marriage be decreed her; and that your complainant may have all such further and general relief as the nature of her case may require, or to equity shall seem meet.

H. Williams P. 1.

Lizzie Smith
By Counsel

Lyzie Smith - Ref

D. Appadach

Solomon Smith. Ref.

Filed

In the CLERK'S OFFICE of the

CIRCUIT COURT,

OF THE

COUNTY OF ISLE OF WIGHT

this 3rd day of November 1913

Test. Johnson. Cl.

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

LIZZIE SMITH _____ PLAINTIFF.

VS. IN CHANCERY

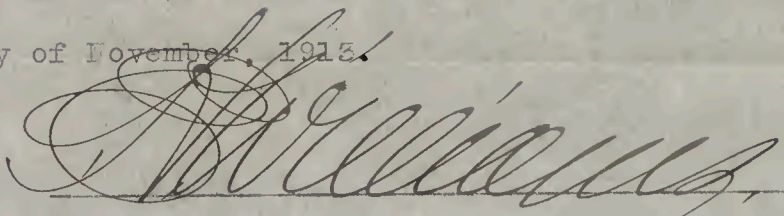
SOLOMON SMITH _____ DEFENDANT.

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, TO-WIT:

I, J. M. Williams, A Commissioner in Chancery for the Circuit Court of the County aforesaid, in the State of Virginia, do here by certify that Lizzie Smith, the above named plaintiff, this day personally appeared before me in said County and made oath that diligence has been used by and on behalf of the plaintiff to ascertain in what County and for Corporation the defendant is, without effect.

Given under my hand this 1st. day of November, 1913.



Commissioner in Chancery.

November 3rd. 1913: Order publication issued, sent to printer, entered and posted, upon affidavit filed.
Bill filed.

2nd. December rules, 1913: Order publication executed.
Case set down for hearing.

Lizzie Smith,

vs.) DEPOSITUMS:

Solomon Smith.

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

* * * * *
 Lizzie Smith, ...Plaintiff.
 --VS--
 Solomon Smith, ...Defendant.
 * * * * *

DEPOSITIONS of Mary Holloway and Frances Bailey, wit-
 nesses, taken before me, George T. Whitley, a Commissioner in Chancery
 for the Circuit Court of the County of Isle of Wight, Virginia, on
 the 11th. day of December, 1913, at the Office of W. W. Williams, in
 the town of Smithfield, Virginia, the defendant, upon whom process
 has been duly served by Order of Publication, having failed to appear,
 answer, plead or demur to the Complainant's bill in the above style
 suit, the evidence of the said suit was taken to be read in behalf
 of the said plaintiff in the said suit.

PRESENT: E. B. Williams, Counsel for
 plaintiff:

Mary Holloway, being first duly sworn, deposes as follows:

EXAMINATION by Mr. Williams:

Q-1. What is your name, age, residence and occupation?

A. Mary Holloway, 45 years, Isle of Wight County. I cook, wash
 and iron.

Q-2. Do you know Lizzie Smith, the complainant in the suit of Lizzie
 Smith -VS- Solomon Smith, and if so is she any kin to you?

A. I know her and she is my sister.

Q-3. Do you know her husband, Solomon Smith?

A. Yes, sir;

Q-4. When was Lizzie Smith and Solomon Smith married?

A. About twenty-five (25) years ago, in the month of December -

and they lived together about two years.

Q-5. Was Lizzie Smith a constant, dutiful and faithful wife?

A. So far as I know.

Q-6. Has Solomon Smith deserted and abandoned your sister, Lizzie Smith?

A. Yes, sir; he left her twenty-three years ago.

Q-7. How do you know that it was twenty-three years ago when he left her?

A. Because he left her in the Spring of the year I was married, and I was married in December 23 years ago.

Q-8. Did Lizzie Smith and Solomon Smith last live together in the County of Isle of Wight?

A. They did.

Q-9. Does Lizzie Smith now live in the County of Isle of Wight?

A. She do.

Q-10. How long has she been living in the County of Isle of Wight?

A. All of her life. She was borned in Isle of Wight Co.

Q-11. Has Solomon Smith lived with Lizzie Smith any time since you were married 23 years ago?

A. No, sir;

Q-12. Do you know whether he is living now or not?

A. No, sir, I don't know whether he is living or dead.

And further this deponent saith not.

Mary Holloway. x

Frances Bailey, being first duly sworn, deposes as follows:

EXAMINATION: by Mr. Williams.

Q-1. What is your name, age, residence and occupation?

A. Frances Bailey, 28 years, Smithfield, Virginia. I cook.

Q-2. Do you know Lizzie Smith and if so how long have you known her?

A. I have been knowing her for 14 years.

Q-3. Has her husband, Solomon Smith, lived with her during that time?

A. No, sir, not that I know of; I have'nt seen him.

Q-4. How near do you live to Lizzie Smith?

A. Right in talking distance. I can stand in my door and talk to her.

Q-5. If Solomon Smith had lived with her or came to see her at any time during the past 14 years you would have known it wouldn't you?

A. Yes, sir;

Q-6. Where has Lizzie Smith resided for the last 14 years?

A. In Smithfield, Virginia.

Q-7. What sort of a woman is Lizzie Smith?

A. She is a good woman and a smart woman and would make any man a good wife.

And further this deponent saith not.

Witness:
M. S. Ham

her
Frances + Bailey
mark

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

I, George E. Whitley, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the place and the times therein mentioned.

In WITNESS whereof I have hereunto set my hand this 11th. day of December, 1917.

Geo. E. Whitley
Commissioner in Chancery.

Lizzie Smith

vs) Chancery

Solomon Smith.

Attorney's Memo.

Filed Sept. 9th. 1913.

I the Clerk of the Circuit Court
County of Delaware County, Delaware

Lizzie Smith - - - - - Plaintiff
vs. Du Pont
Solomon Smith - - - - - Defendant

Do hereby summon Mr. Chauncy to 2nd Sept 1910
Attest, for said Plaintiff v. said
Defendant to answer the said
Plaintiff a Circuit Chauncy

Attest in
Municipal Bonds

Chauncy

Lizzie Smith
vs
Chancery
Solomon Smith

Copy of order Return

Filed

In the CLERK'S OFFICE of the
CIRCUIT COURT,

OF THE

COUNTY OF ISLE OF WIGHT

this 3rd day of November 1913

Attest Solomon Clerk

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

LIZZIE SMITH,.....,PLAINTIFF.

vs) Chancery.

SOLOMON SMITH,.....,DEFENDANT.

The object of the above styled suit is for the plaintiff, Lizzie Smith, to obtain a divorce a vinculo matrimonii, from the defendant, Solomon Smith. 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 Solomon Smith do appear at the Clerk's Office of this Court within fifteen days after due publication hereof and do what may be necessary to defend his interests herein.

Teste,

E. H. Williams Clerk.

E. H. Williams, p.g.

A copy of the above order of publication was this day posted at the front door of the Courthouse; 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.

E. H. Williams Clerk.

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

this *1st* day of *December* 19*13*

Wm. H. Johnson, Clk.

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

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

LIZZIE SMITH,.....Plaintiff
vs) Chancery.

SOLOMON SMITH Defendant

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Teste,

A. S. JOHNSON, Clerk.

E. H. Williams, p. q.

Nov. 7-4t.

Lizzie Smith, Plaintiff,

Vs) DECREE:

Soloman Smith, Defendant.

1914
Feb. 2.
Enter this.
P. D. W.

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

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

* * * * *
Lizzie Smith, ...Plaintiff. *
--VS-- *
Soloman Smith, ...Defendant. *
* * * * *

*
This cause ⁱⁿ came on this day to be heard on the complain-
ant's bill, and the depositions of witnesses, ~~the defendant on~~
~~whom process has been duly served, and he 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, 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 here-
tofore had and solemnized between said plaintiff and said defend-
ant 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 her costs
expended in the prosecution of this suit, and nothing further re-
maining to be done herein, it is ordered that this suit be strick-
en from the docket.

* in which the plaintiff has proceeded against the defendant in the manner of law
against the defendant when due diligence has been used by agent & sheriff of the
County of Isle of Wight, or Coroner in which County, or Coroner in the County of Isle of Wight
affect.