

1914-030 Chancery Causes: Ethel H. Bell vs Walter Percy Bell

188

Isle of Wight County

other surnames: Cofer, Golden,
Hunnicutt

ETHEL H. BELL,

VS) BILL:

^{Walter}
PERCY W. BELL.

Oct 12/1914 O.T. entered.
Copy posted at Cr Door

Nov 6/1914. O.T. completed
by price in support
Hearings

Nov 11 O.T. executed
Course set for hearing

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

* * * * *
ETHEL H. BELL,.....Plaintiff, *
*
VS. *
*
WALTER PERCY BELL,.....Defendant. *
*
* * * * *

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TO THE HONORABLE B. D. WHITE, JUDGE OF THE
CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

Complaining, showeth unto the Court your complainant,
Ethel H. Bell, the following:

- 1- That she is now 29 years old; that she was married to Walter Percy Bell in the County of Isle of Wight on the 18th day of November, 1906, as will shown by a certified copy of the marriage license filed herewith, and marked exhibit "A", and prayed to be taken as a part of this bill.
- 2- That your complainant and the said defendant, Walter Percy Bell, lived together as man and wife in the County of Isle of Wight from the date of their marriage until some time during the month of July 1908, during which time your complainant was a constant, faithful and dutiful wife to her said husband; that during the month of July, 1908, the said defendant, Walter Percy Bell, without any cause known to your complainant, did willfully desert and abandon your complainant.
- 3- That immediately after your complainant was deserted and abandoned by her said husband, she took up her abode with her parents, who were then, and are now, living in the County of Isle of Wight. And that she has continued to live with her said

parents from the date of her desertion by her said husband to the present time, during which time your complainant's husband has not in any manner contributed to her support. Indeed, your complainant states that she has not seen or heard from her said husband since the above mentioned date on which he deserted her.

4- Your complainant states that she has been domiciled in the State of Virginia, and the County of Isle of Wight for at least one year preceding the commencement of this suit; that she last co-habited with her husband in the said county of Isle of Wight, but that she has not co-habited with her said husband at any time since she was deserted and abandoned as aforementioned.

5- In tender consideration whereof and forasmuch as your complainant is remediless in the premises save in a court of equity she prays that the said Walter Percy Bell may be made a defendant to this bill and required to answer the same upon his oath; that your complainant may be divorced from him A VINCULO MATRIMONII and that all such other, farther and general relief may be afforded your complainant as the nature of her case may require or to equity shall seem meet. And your complainant will ever pray, etc.

Mrs Ethel H Bell.

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

Subscribed and sworn to before me, Geo. F. Whitley, a Commissioner in Chancery for the Circuit Court for the County of Isle of Wight, in my county aforesaid this 20th day of October, 1914.

Geo. F. Whitley.

Commissioner in Chancery.

Ethel H. Bell,

VS) DEPOSITIONS:

Walter Percy Bell.

GEORGE F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

ETHEL H. BELL

VS) CHANCERY

WALTER PERCY BELL.

The depositions of C. J. Cofer and others, taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, to be read in behalf of the complainant, at the office of George F. Whitley, Esq. in the Town of Smithfield, County and Isle of Wight and State of Virginia, Wednesday the eighteenth day of November, 1914.

C. J. Cofer being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is C. J. Cofer, I am forty three years of age, I reside in Isle of Wight County, and am a merchant.

Q. Are you acquainted with the complainant and defendant in this suit? A. I am.

Q. When were they married? A. Some time about 1906.

Q. Where has the complainant been living for the past several years? A. At Fergussons wharf, in this County.

Q. Has the defendant been living there with her in that time? A. No sir.

Q. How long have you known them to be separate? A. For over five years. I have been living there for a little over five years and he has not been there during that time.

Q. With whom has she lived during that time? A. With her father, all of that time.

Q. Where were they living when they separated? A. They were living right there at Fergussons Wharf when he left. That is in Isle of Wight County.

Q. Do you know when they separated and why? I was living at Burwells Bay at the time, keeping store there, and I left there this last gone September four years ago. They separated a year or more before that time. I do not know anything about why they separated. He had been gone several days before I knew of it. I moved from the Bay, which is only a mile or so from the Wharf and have been in the neighborhood all the time. She has been living right there all the time and I have not heard a word of him. They were living right there when they separated.

Q. When they separated was the house they were living in located in this County? A. Yes sir.

Q. Had you heard anything of any difference between the parties to this suit before the separation took place? A. No sir, I had not. So far as I know he just pulled out and left and has not been hear from since.

And further this deponent saith not.

W J Baylis

W. T. Golden being duly sworn, deposes and says:

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

W. T. Golden, I am twenty two years of age, live in Isle of Wight County, at Fergussons wharf, and am a waterman.

Q. Do you know the parties to this suit? A. Yes sir.

Q. How long have you known them? A. I have known them about seven years.

Q. Are they now living together as man and wife? A. No sir. He left her about five years ago or a little more. I have been living right in the neighborhood for about six years. Soon after I went there he left her. At the time he left they were living on the same farm that her father lived on then. He just left and since that time she has been living with her father. I do not know why he left, but have not heard anything of him since he did leave.

Q. Are you related to either of the parties, by blood or marriage? A. No sir.

And further this deponent saith not.

W. T. Golden

J. W. Hunnicutt being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is J. W. Hunnicutt, I am fifty eight years of age, I live in Isle of Wight County, and have lived in it for fifteen years, now, continuously; and am a merchant.

Q. Are you acquainted with the parties to this suit? A. I am, I am the father of the complainant.

Q. Are the parties living together at this time as man and wife? A. No sir.

Q. How long have they been separated, and why did they separate?

A. He left about the first of July, 1909. I know this because he was farming with my team and I charged supplies to him, and by referring to my books I know by the entries when he left. That has been a little over five years ago. I could not tell you why he left. She nor none of us have ever known. The night he left she was at my house. She went there that afternoon and was expecting him there to take supper with us, but he did not come. We went with her home and found that he was not there. He had some bacon and we found that he took that out of the house and to Mr. Cofer's store and sold it and since that time we have not heard of him. She has been living with me ever since that time.

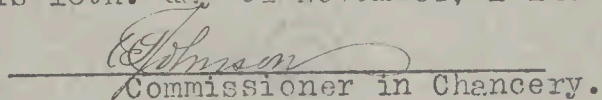
Q. Has she ever heard from him since he left? A. No sir, not a word.

Q. Were there any children born of this marriage? A. No sir.

And further this deponent saith not.



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


Commissioner in Chancery.

1
Ethel H. Bee

27 January 1888

Percy W. Bee

affidavit for order
Publication

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,

OF THE
COUNTY OF ISLE OF WIGHT

this 17 day of Oct. 1914

Int. Johnson, etc.

Ch. J. Bee

Johnson, etc.

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

Geo. F. Whitley, of the Town of Smithfield, State of Virginia,
being duly sworn, deposes and saith, as follows:

That due diligence has been used on behalf of the
plaintiff in the suit of Ethel H. Bell vs. Percy W. Bell to
ascertain in what County, or corporation, Percy W. Bell, the
said defendant, is, without effect.

Geo. F. Whitley (SEAL)

Subscribed and sworn to before me Jas R. Rawlee Jr., a Notary
Public for and in the County of Isle of Wight, this 9th day of
October, 1914.

My commission expires the 1st day of December,
1917.

Jas R. Rawlee Jr N. P.

2
Ethel H. Bell
n. of Chancery 188
Peter W. Bell

Order Publication

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

this 12 day of Oct. 1914

Int. C. Johnson, Clk.

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT, OCTOBER 12TH. 1914.

ETHEL H. BELL,.....COMPLAINANT

VS) CHANCERY

PERCY W. BELL,.....DEFENDANT.

The object of this suit is for the complainant to obtain
a divorce a vinculo matrimonii from the defendant. And
affidavit having been made and filed that diligence has
been used by and on behalf of the complainant to ascer-
tain in what County or Corporation the defendant re-
sides without effect. It is, therefore, ordered that
the said Percy W. Bell appear at the Clerk's Office
of the said Circuit Court of the County of Isle of
Wight within fifteen days after due publication here-
of, and do what may be necessary to defend his interests
herein.

A copy,

Teste, *G. F. Whitley* Clerk.

George F. Whitley, p.q.

A copy of the foregoing order was this day sent to Suffolk
Herald for publication, and a copy posted at the front door
of the Courthouse of Isle of Wight County.

Given under my hand this 12th. day of October, 1914.

Teste, *G. F. Whitley* Clerk.

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Dee.
n / Chancery
Dee

Est. Princes on
O.D.

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

this 1st day of Nov 1914

Est. Robinson Clerk

Office of SUFFOLK HERALD.

SUFFOLK, VA., NOV 7 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 Oct 16-1914 *and ending*
Nov 6-1914

WJ Kendrick
Editor Herald

Charges \$2.80
16" 22

VIRGINIA:..Clerk's Office of the Circuit Court of the County of Isle of Wight, October 12th, 1914.

Ethel H. Bell Complainant.
vs) Chancery

Percy W. Bell.....Defendant

The object of this suit is for the complainant to obtain a divorce a vinculo matrimonii from the defendant. And affidavit having been made and filed that diligence has been used by and on behalf of the complainant to ascertain in what County or Corporation the defendant resides without effect. It is, therefore, ordered that the said Percy W. Bell appear at the Clerk's Office of the said Circuit Court of the County of Isle of Wight within fifteen days after due publication hereof, and do what may be necessary to defend his interests herein.

A copy,

Teste,

A. S. JOHNSON, Clerk.

George F. Whitley, p. q.

Oct. 16-4t.

ETHEL H. BELL,

VS) D E C R E E:

WALTER PERCY BELL.

1914
Dec. 9
Entered
B.D.W.

Entered 179/1914
C O B 7 7 7 6 9
at J

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

ETHEL H. BELL,.....Plaintiff, *

- VS -

WALTER PERCY BELL,.....Defendant. *

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This cause, in which the ^{Complainant}~~plaintiff~~ has proceeded in ^{the mode}~~the mode~~ prescribed by law, against Walter Percy Bell, the defendant in this cause, due diligence having been used by or on behalf of the ^{Complainant}~~plaintiff~~ to ascertain in what County or Corporation the said defendant is, without effect, and which has regularly matured at rules, came on this day to be heard on the complainant's bill, which is verified by her oath thereto, and exhibits filed therewith, the defendant, Walter Percy Bell, having failed to appear, plead, answer, or demur, and on the depositions of witnesses, and was argued by counsel.

On consideration whereof, it appearing to the court, from the evidence ~~furnished~~ in this cause, that the ^{Complainant}~~said plaintiff~~ has been domiciled in the State of Virginia for at least one year preceding the commencement of this suit, and that the ^{Complainant}~~plaintiff~~ now resides in the County of Isle of Wight, that on the 18th day of November, 1906, the ^{Complainant}~~plaintiff~~ and the defendant were lawfully married; that the said ^{Complainant}~~plaintiff~~ and defendant last co-habited in the said County of Isle of Wight, and that the defendant has willfully deserted and

Complainant
abandoned the said ~~plaintiff~~ without just cause, and
that a period of more than three (3) years has
elapsed since the said desertion and abandonment,
the court doth adjudge, order and decree that the
marriage heretofore had and solemnized between the
said *Complainant* ~~plaintiff~~, Ethel H. Bell, and the said defendant,
Walter Percy Bell, shall be and the same is hereby
dissolved, that the said Ethel H. Bell be divorced
A VINCULO MATRIMONII from the said Walter Percy
Bell.