

1918-013 Chancery Causes: Fannie Warren vs James Robert Warren

279

Isle of Wight County

other surnames: Chapman,
Savage, Ashburn

No. _____

James Warner

vs.

J.R. Warner

papers of W. H. Hollander

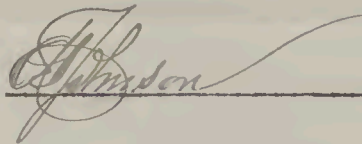
#19119, 18

"Exhibit A"

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF
THE COUNTY OF ISLE OF WIGHT.

I, A. S. Johnson, Clerk of the Circuit Court of
the County of Isle of Wight, in the State of Vir-
ginia, do hereby certify that it appears of record
in my office that on the 1st. day of December,
1897, a license was issued for the marriage of J. R.
Warren and Fannie E. Chapman, colored; and that said
marriage was solemnized on the 2nd. day of December,
1897.

Given under my hand this 25th. day of
January, 1918.



Clerk.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE WIGHT:

Fannie Warren-----Complainant.

vs. Memorandum.

James Robert Warren-----Defendant.

To A. S. Johnson, Clerk.

Please summons the defendant to the First March
Rules to answer a bill in chancery for a divorce.

Wm B. Holland

By counsel.

W.S.Holland, P. Q.

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Warren
n } Cy
Warren

Memo

Filed 7/21/1918

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

v.-----DECREE.

James Robert Warren.

in which the complainant has proceeded against the defendant in the
This cause, ^{and} came on this day to be heard on the bill of

complaint, and depositions of witnesses ~~taken in the manner pre-~~
~~scribed by law, and the defendant, who appears to have been pro-~~
~~ceeded against in the manner prescribed by law, having failed to~~
plead, answer, or demur, ^{and} ~~the cause~~ was argued by counsel for the
complainant.

On consideration whereof, it appearing to the Court from the
evidence submitted in this cause, that the said defendant, James
Robert Warren, since his marriage with the said complainant,
Fannie Warren, ^{highly} ~~has~~ deserted her for a period of more than three
years next before the institution of this suit, that the ^{said} complain-
ant, Fannie Warren, has been domiciled in, and a resident of Vir-
ginia, for more than one year preceeding the commencement of this
suit; ^{and} that they cohabited last in the said County of Isle of
Wight, Virginia; the Court doth adjudge, order and decree that
the said complainant be and she is hereby granted a divorce a
vinculo matrimonii from the said defendant, and that the said
marriage ceremony heretofore solemnized be and the same is hereby
~~annulled and~~ set aside, and it appearing that nothing further re-
mains to be done in this cause, it is ordered to be stricken
from the docket.

Married previously has appeared before the Court in non resident wife's case

(Please enter me)

Fannie Warren

vs. Decree

James Robert Warren

1918
June 3. v
Enter this.
B. W.

C. O. B. 7.

page 463.

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

Fannie Warren-----Complainant.

vs. Application or petition for order of publication.

James Robert Warren.

Clerk of the
To the Honorable Circuit Court of Isle Wight County:

Your ~~petitioner~~, Fannie Warren, represents that the afore-
said James Robert Warren, the above named defendant, is not
a resident of this state, as shown by her affidavit filed
herewith. Your petitioner further represents that the last
known place of abode and post-office address of the said defend-
and is Sparrow Point, Maryland; that she seeks a divorce a
vinculo matrimonii on the ground of desertion. Your petitioner
further prays that she be granted an order of publication against
the above named James Robert Warren.

Respectfully submitted.

Fannie Warren

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James Warren

and

James Robt Warren

~~affidavit~~

Filed 7/7/1918

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

Fannie Warren-----Complainant.

vs. Affadavit.

James Robert Warren-----Defendant.

State of Virginia,

City of Suffolk-----to-wit:

 This day Fannie Warren, the above named plaintiff, personally appeared before me, Wm. S. Holland, a Notary Public, in and for the city and State aforesaid, in my city aforesaid, and made oath that James Robert Warren the above named defendant, is not a resident of this state.

 Given under my hand this 26th day of January, 1918.

William S. Holland.
Notary Public.

James Warren

n^o 3 Cy

James Robt Warren

Affidavit

Dated 7/11/1918

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF
WIGHT COUNTY, FEBRUARY 21st 1918.

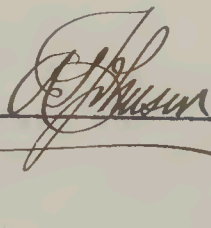
Fannie Warren-----Complainant.

vs.-----Order of Publication.

James Robert Warren-----Defendant.

The object of the above styled suit is to obtain from the said defendant a divorce a vinculo matrimonii on the grounds of desertion. And, it appearing by affidavit filed according to law that James Robert Warren, the aboved named defendant, is not a resident of this State, it is therefore ordered that the said James Robert Warren do appear within fifteen days after due publication of this order, in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, and do what is necessary to protect his interests. And it is further ordered that this order be published once a week for four successive weeks in the Suffolk Herald, a newspaper printed in the City of Suffolk, Virginia.

Williams S. Holland, p. q.
Suffolk, Va.



Fanni Warren

"
James Robert Warren

Boys and Girls

Filed Jan/1918

the Clerk's Office of the
Circuit Court of Isle of Wight
County, in vacation, the 21st day
of February, 1918.

Fannie Warren-----Complaint
Order of Publication.

James Robert Warren -- Defendant.

The object of the above styled suit
is to obtain from the said defendant
a divorce a vinculo matrimonii, on the
grounds of desertion. And, it ap-
pearing by affidavit filed according to
law that James Robert Warren, the
above-named defendant, is not a
resident of this State, it is therefore
ordered that the said James Robert
Warren do appear within fifteen days
after due publication of this order, in
the Clerk's Office of the Circuit Court
of Isle of Wight county, Virginia, and
do what is necessary to protect his
interests. And it is further ordered
that this order be published once a
week for four successive weeks in the
Suffolk Herald, a newspaper printed
in the city of Suffolk, Virginia.

A copy Teste.

A. S. JOHNSON,
Clerk.

WILLIAM S. HOLLAND, p. q.,

Suffolk, Va.

March 1-22 4t.

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA., *March 22nd* 191*8*

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
weeks.

beginning *March 1st* 191*8* and ending
March 22nd 191*8*

James

Editor Herald

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~~Warren~~
~~by~~
Warren

Trubbs cert. O.P.

Filed 3/23/1918

The depositions of Isaac Savage and others taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County in the State of Virginia, at the office of William S. Holland in the City of Suffolk, Virginia, on the 20th. day of April 1918, between the hours of 8.A.M. and 5 P.M. to be read as evidence in behalf of Fannie Warren in a certain suit in equity depending in the Circuit Court of Isle of Wight County, Virginia, wherein James Robert Warren is defendant and Fannie Warren is Complainant.

Present: William S. Holland, Attorney for the Complainant.

No Attorney for Defendant.

Isaac Savage.

Isaac Savage being duly sworn deposes as follows:

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

A. Isaac Savage, 49 years old, Suffolk, Va., Laborer.

Q. Are you acquainted with the parties to this suit?

A. Yes, Sir.

Q. How long have been acquainted with James Robert Warren, the defendant in this case?

A. About thirty years.

Q. Are James Robert Warren and Fannie Warren living together now?

A. No, Sir.

Q. How long have they been living apart?

A. Over three years. He left her just a few days before Christmas of 1914.

Q. Did he leave her voluntarily without any cause on her part?

A. Yes, Sir. I never heard of any cause.

Q. How far did you live from them at the time he left her?

A. About a mile, or a mile and a half.

Q. If she had given him any cause, would you have heard or known what it was?

A. I certainly would have known it, because I saw them about once or twice a week, and we all went to the same church.

Q. Do you know any reason why he went away at that particular time.

A. He caught a bad disease, the siphilis, is the reason he gave for leaving. He told all us neighbors that he was going away never to return, and that he was not going to support his wife.

Q. Do you know where he is now, or have you ever heard from him since he left her in December 1914?

A. No, Sir.

And further the deponent saith not.

Isaac Savage

JOSEPH ASHBURN

Joseph Ashburn being duly sworn deposes as follows:

- Q. Please state your name, age, residence and occupation?
- A. Joseph Ashburn, 59 years old, near Myrtle in Nansemond County, Virginia. Farmer.
- Q. Do you know the parties to this suit?
- A. Yes, Sir.
- Q. How long have you been knowing the parties to this suit?
- A. About twenty years.
- Q. Are they living together now?
- A. No, Sir.
- Q. How long have they been living apart.
- A. Over three years. He left her sometime before Christmas of 1914.
- Q. Did he leave her without any cause on her part?
- A. Yes, Sir. She did not give him any reason to leave. I have never heard of her giving him any cause.
- Q. Do you know why he left her?
- A. Well, the only cause that I know of is that just before he left her, he caught the syphilis, and he a pretty bad case of it when he left.
- Q. Do you know where he is now?
- A. No, Sir. I have not heard where he has been staying since he left.
- Q. Where did they last cohabit?
- A. Near Old Benn's church in Isle of Wight, County, Virginia.
- Q. How long has Fannie Warren been living in this State.
- A. All during her life. She was born in Southampton County.

And further this deponent saith not.

Joseph Ashburn

Annie C. Ashburn.

Annie C. Ashburn being duly sworn deposes as follows:

- Q. Please state your name, age, residence and occupation.
- A. Annie C. Ashburn, 41 years old, near Myrtle in Nansemond County, Va., Laundry.
- Q. Do you know the parties to this suit?
- A. Yes, Sir.
- Q. How long have you been acquainted with James Robert Warren?
- A. I have been knowing him every since he married Fannie, and they were married about twenty years ago.
- Q. Does James Robert Warren live with his wife, Fannie Warren, now?
- A. No, Sir.
- Q. Did he leave her or did she leave him.
- A. He left her.
- Q. Did he leave her with out any cause or justification?
- A. He did. She did nothing to cause him to leave.
- Q. Did he leave voluntarily?
- A. Yes, Sir?
- Q. When did he leave her?
- A. He left her over three years ago, during the week before Christmas of 1914.
- Q. Why did he leave her, or what were the immediate circumstances?
- A. Well, the only reason that I know of is that ~~that~~ he caught a bad case of siphilis from some of his common women, and just as soon as he found out he had it, he left home and went way off somewhere. I have not seen him since and I do not know where in the world he is.
- Q. Where did they last cohabit?
- A. Near Old Benn's Church in Isle of Wight County, Virginia.
- Q. How long has Fannie Warren been living in this state?
- A. All her life.

And further the deponent saith not.

Annie C. Ashburn

1022

Fannie Warren.

- Q. Please state your name, age, residence and occupation.
- A. Fannie Warren, 45 years old, Suffolk, Va., Laborer.
- Q. Are you the plaintiff in this suit?
- A. Yes, Sir.
- Q. Is your husband living with you now?
- A. No, Sir?
- Q. Did you leave him, or did he leave you.
- A. He left me.
- Q. When did he leave you?
- A. Two or three days before Christmas of 1914.
- Q. Do you know that he has been gone over three years.
- A. Yes, Sir. He certainly left me just before Christmas of 1914.
- Q. Did you give him any cause to leave you.
- A. No, Sir. I did my part, but ^{he} got to running around at night with some common women and caught a bad disease.
- Q. What was that disease?
- A. Siphilis.
- Q. Do you know from whom he caught it.
- A. No, Sir. I never could find out where he caught it, but I know he had case of it. He left just as soon as I found he had it, and he had a pretty bad case when I first knew it.
- Q. What did he tell you when he left?
- A. He said he was never coming back, and that he was never going to take care of me any longer.
- Q. Have you ever heard from him since he left you.
- A. No, Sir. I have no idea where he has been, nor where he is now? A short time after he left I heard he was in Sparrow's Point, Maryland, and I did not hear that from him.
- A. Where did you and your husband last cohabit?
- A. Near Old Benn's Church in Isle of Wight C_o.

Q. How long have you been living in this State?

A. All my life.

Q. Did your husband leave you voluntarily without any justification?

A. Yes, Sir. I certainly did not give him any cause.

And further the deponent saith not.

Fannie Warren

Virginia,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County in the State of Virginia, do certify that the foregoing depositions of Isaac Savage, Joseph Ashburn, Annie C. Ashburn, and Fannie Warren were duly taken, sworn to and subscribed before me at the time, and place and for the purpose in the caption hereto mentioned.

Given under my hand this 20th. day of April 1918.

Bradford Kilby
Commissioner in Chancery.

DEPOSITIONS.

Fannie Warren

v.

James Robert Warren.

In Chancery.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

VIRGINIA:

In the Circuit Court of Isle Wight County.

Fannie Warren

v.

James Robert Warren

BILL.

To the Honorable Circuit Court of Isle Wight County:

Your complainant, Fannie Warren, respectfully represents:

(1) That on the 2nd day of December, 1897, your complainant, whose maiden name was Fannie Chapman, was lawfully married in Isle Wight County, Virginia, to James Robert Warren, as will appear from a certificate of marriage herewith filed, and marked "Exhibit A," and made a part of this bill.

(2) That continuously from the date of said marriage until the 1st day of December, 1914, your complainant and the said James Robert Warren lived together as husband and wife in Isle Wight County, Virginia; and,

(3) That the said James Robert Warren has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, on the 1st day of December, 1914, the said James Robert Warren did, voluntarily, wilfully and without any justification whatever, leave his home; that immediately before leaving he stated to your complainant that he was going to leave her for ever and that he would never return to her; and the said James Robert Warren has never returned to your complainant; and,

(4) That your complainant has resided and been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in this State; and,

(5) That your complainant last cohabited with the said James Robert Warren near Old Ben's Church, in Isle Wight County, Virginia.

In consideration whereof, and for as much as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said James Robert Warren may be made a party defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that the proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed to her; and that your complainant may have all such further, and other, and general relief in the premises as the nature her case may require, or to equity shall seem meet.

Fannie E. Warren Complainant.

State of Virginia,

City of Suffolk,

Fannie Warren, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are stated to be on information, and that so far as they are therein stated to be upon information, she believes them to be true.

Fannie Warren Complainant.

Taken, sworn to and subscribed before me, William S. Holland, a notary public in and for the City of Suffolk, Virginia, this

31st day of January, 1918.

William S. Holland
Notary Public.

February 21st. 1918: Affidavit for order publication filed.
Order entered, copy posted, filed and sent to Suffolk Her
ald for publication. Copy mailed to last known address of
defendant

March 7th. 1st. March Rules: Continued on O.P.

March 21st. 2nd. March Rules: Continued on O.P.

March 23rd. Certificate of printer filed, showing
completion of publication March 22nd. 1918.

March 29th. 3rd. March Rules: Continued on O.P.

April 17th. 2nd. April Rules: O.P. executed, cause
set down of court docket for hearing.

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

James Harrison
W. S. Holland