

1919-017 Chancery Causes'. Mary E. Briggs vs John Briggs

304

Isle of Wight County

Other SURNAMES: COFFER,
BRIGGES, BRIGGE, DRIVER,
BYRD, COFER

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT
COUNTY, IN VACATION, ON THE 15TH. DAY OF APRIL, 1919.

Mary E. Briggs,.....Complainant

vs) Chancery. No. 297 $\frac{1}{2}$

John Briggs,.....Defendant.

The object of this suit is for the complainant to obtain from
the defendant a divorce a vinculo matrimonii, on the ground of desertion;
and affidavit having been made that the defendant is not a resident
of the State of Virginia, he is, hereby, required to appear within fif-
teen days after due publication hereof, and do what may be necessary to
protect his interest.

A copy,

Teste, _____ Clerk.

Virginia,
Clerk's Office of the Circuit Court of the County of Isle of Wight April
15th. 1919.

I, A. S. Johnson, Clerk of the Circuit Court of the County
aforesaid, do hereby certify that, on this day, a copy of the above
was sent to Suffolk Herald for publication, a copy posted at the front
door of the Courthouse of this County, and a copy mailed to defendant
at his address given in the memorandum of the complainant.

Given under my hand the day and year ~~have~~ written.

_____ Clerk.

Mary E. Briggs
vs) Chancery. No. 297 $\frac{1}{2}$
John Briggs.

Copy of order of publication
and certificate of Clerk.

Filed April 15th. 1919.

Application and Affidavit for Order of Publication in the
Circuit Court of Isle of Wight County, Virginia:

Mary E. Briggs.....Complainant.

vs.

John Briggs.....Defendant.

To the Clerk of said Court:

Please issue process in the above-styled cause, returnable to
1st. May Rules, 1919.

The object of this suit is to obtain a divorce a vinculo matri-
monii upon the ground of desertion for a period of more than three
years.

In conformity with Chapter 99, Acts of Assembly of Virginia,
1912, and as counsel for the Complainant in this cause, we make
application for an order of publication against the defendant, John
Briggs, who is not a resident of the State of Virginia and whose
last known place of abode was Greenbury, North Carolina, and we
direct the clerk to mail a certified copy of said order of publi-
cation, when entered, to the said defendant at the address given
herein, and to certify the mailing of the same as required by the
statute herein above referred to.

Samuel H. Hutton

Counsel for Complainant.

State of Virginia,

County of Isle of Wight, to-wit:

I, Mary E. Briggs, being first duly sworn, do make oath that
the above mentioned defendant, John Briggs, is not a resident of
the State of Virginia.

Given under my hand this 7th day of April, 1919.

x *Mary E. Briggs*

Complainant.

Commissioner
Subscribed and sworn to before me, the undersigned ~~notary~~
in chancery
public, in my said county this 7 day of April, 1919.

Edmund Carson, Jr.

Notary Public.

Mary E. Briggs
vs) Chancery. No. 297 $\frac{1}{2}$
John Briggs.

Affidavit for O.P.

Filed April 15th. 1919.

The depositions of Mary E. Briggs and others taken before me, G. A. Harris, Commissioner in Chancery for the Circuit Court of the City of Suffolk, in the State of Virginia, at the office of Saunders and Hutton, in the City of Suffolk, Virginia, on the 15th day of September, 1919, between the hours of ten o'clock A. M. and five o'clock P. M., to be read as evidence in behalf of Mary E. Briggs, in a certain suit in equity depending in the Circuit Court of Isle of Wight County, wherein Mary E. Briggs is complainant and John Briggs is defendant.

Present: John K. Hutton, Attorney for
Mary E. Briggs.

No attorney for the defendant.

Mary E. Brings, being duly sworn, deposes as follows:

Q. Are you the complainant in the divorce proceedings brought in the Circuit Court of Isle of Wight County under the style of Mary E. Briggs against John Briggs?

A. Yes, sir.

Q. Is John Briggs your husband?

A. Yes, sir.

Q. Do you live together now?

A. No, sir.

Q. When did the separation take place.

A. The 6th day of January, 1914.

Q. How do you remember that it was on the 6th?

A. I remember it was on the 6th day of January because it was on old Christmas Day.

Q. Tell what happened on old Christmas Day, 1919?

A. He said one or the other of us had to leave and he said he was going to leave. I am talking about my husband.

Q. Did he take all his personal belongings with him?

A. Yes, sir, everything he had except one old bureau and that wouldn't stand up and he gave that to one of the children.

Q. Where did he go?

A. He left my house and went to Jim Hamblin's and left his things. That's the last I heard of him except what others told me.

Q. Where was he living when you last heard of him?

A. Greenbury, North Carolina.

Q. How did you hear that?

A. From people passing back and forth and Mr. George Savage brought the news to me. Everybody heard the same as I did, and it is understood in the community that he lives in Greenbury, North Carolina.

Q. Has he been back since that day?

A. No, sir, he has been back but not to stay.

Q. Have you ever lived together since?

A. No, sir, I understand he has been back through that country since. I have seen him only once and that was on the 4th day of

July at church.

Q. What kind of a husband did he make before he deserted you.

A. He ain't never done no sort of fashion. He stayed away from home most of the time and did not take care of the children at all. The year before he left he sent the children twenty-eight cents in Lincoln pennies.

Q. How many children have you.

A. Four.

Q. Where did he go the last time he left before January 6, 1914?

A. He went up in the neighborhood of Petersburg.

Q. When did he come back?

A. The day before Christmas.

Q. Did you hear from him while he was gone?

A. No more than what the people come and said.

Q. How long did he live at the house with you after he returned from this trip before the 6th day of January, 1914?

A. From the day before Christmas to the 6th day of January, 1914.

Q. Do you own the home you now live in?

A. Yes, sir.

Q. How did you get it?

A. Through my father.

Q. How have you been taking care of the children for the past five or ten years?

A. Me and the children worked and supported ourselves.

Q. Did you give him any cause to leave you?

A. No, sir, he just won't settled any time he got home. Seemed like he was going around with women folks so much he just kept worried.all the time.

Q. Where do you live now?

A. Live right at the same place - Isle of Wight County, Virginia.

Q. How long have you been living there?

A. Been living there all my life.

And further this deponent saith not.

May E. Briggs

Joe Driver, being duly sworn, deposes as follows:

Q. Are you acquainted with John Briggs and Mary Briggs?

A. Yes, sir, been living up there seventeen year not three hundred yards from them.

Q. Are they living together now?

A. No, sir.

Q. When did they separate?

A. I remember the time - it was old Christmas day that they been talking about in this testimony. I was right close to them.

Q. How long ago did they separate?

A. About seven years ago.

Q. Which one left the other?

A. Mr. Briggs left her.

Q. Where did he go?

A. Went to Mr. Jim Hamblin's.

Q. Where did he go from there?

A. I couldn't tell you. One place I remember was Smithfield. He went to different places.

Q. Have they ever lived together since old Christmas day, 1914?

A. No, sir.

Q. What kind of a wife did she make him?

A. She was a hard working lady and tried to take care of her children.

Q. What kind of a man was he?

A. He was a man that was a rounder, that's all I can tell you.

Q. Did he stay away from home a lot of his time?

A. Yes, sir.

Q. Do you know whether he took care of his family?

A. No, sir. He did not take care of them. I heard complaint from the lady that he was away working long distances and never came home and took care of them.

And further this deponent saith not.

Witness:
Ray Loring

^{his}
Joe Driver
mark

John W. Byrd, being duly sworn, deposes as follows:

Q. Do you know the parties to this suit?

A. Yes, sir.

Q. Are they living together now?

A. No, sir.

Q. How long have they been separated?

A. He called himself gone about six years, but he has always been gone the better part of the time.

Q. Do you know anything that occurred between the parties on the 6th day of January, 1914?

A. He come to where I was at on the 6th day of January, 1914, and was going hunting - a crowd of us - and said that he had left for good and was not coming back no more.

Q. How far away did you live?

A. Hardly a quarter of a mile.

Q. Where did he leave his trunk and personal belongings?

A. At Jim Hamblin's.

Q. Did Jim Hamblin go hunting with you on that day?

A. Yes sir, Jim went and two of her brothers.

Q. Has he been back since January 6, 1914?

A. Not more than through the country, I think he has been back once.

Q. Have they lived together since January 6, 1914?

A. No, sir.

Q. If they had lived together would you have known it?

A. Sure.

Q. What kind of a wife did Mary Briggs make John Briggs?

A. She was all right so far as I know - never heard nothing after her or seen nothing after her.

Q. Was she a hard working woman and stayed home and tended to her own business?

A. Yes, sir.

Q. What sort of a man was John Briggs?

A. John was a man who worked all right but was trifling and liked women very well.

Q. Why do you say he liked women very well?

A. He and I worked together very much. I was working at Tarbay near Petersburg for Mr. Joseph Breese getting out logs. He had a girl up there - some said it was his wife and some said it was not his wife. We stayed up there from then until the last of November. We left there and went to Sebrell Station and the girl went back to Smithfield, and then I used to do his writing for him. We worked up there until four days before Christmas.

Q. Where did he go Christmas time?

A. We left Sebrell Station and come to Norfolk and he had written her to meet him in Norfolk and we left him and her in Norfolk, and I and Jim Bamblin and the other boys came on to Smithfield.

Q. State whether this girl you refer to was Mary Briggs.

A. No, her name was Fannie Cofer.

Q. Where did she live?

A. Lived on the other side of Smithfield.

Q. Is this time you are talking about the Christmas of 1914?

A. Yes, sir. This is the same Christmas that he came where I was at. It was the old Christmas day that we went hunting.

Q. Where is John Briggs living now?

A. The last I heard from him was at Greensbury, North Carolina.

And further this deponent saith not.

John W. Briggs

Virginia,

City of Suffolk, to-wit:

I, G. A. Harris, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, do hereby certify that the foregoing depositions of Mary E. Briggs, Joe Driver, and John W. Byrd were duly taken, sworn to, and subscribed before me, at the time and place, and for the purpose in the caption hereto annexed.

Given under my hand this 15 day of Sept, 1919.

G. A. Harris
Commissioner in Chancery

DEPOSITIONS

Mary E. Briggs

v. IN CHANCERY

John Briggs.

SAUNDERS & HUTTON

Attorneys at Law

Suffolk, Va.

Mary E. Briggs.....Complainant.

vs. IN CHANCERY

John Briggs.....Defendant.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Your complainant, Mary E. Briggs, respectfully represents:

(1) That on the 16 day of May, 1896, your complainant, whose maiden name was Mary E. Coffer, was lawfully married in Isle of Wight County, Virginia, to John Briggs, as will appear from a certificate of marriage herewith filed, marked "EXHIBIT A", and made a part of this bill; and,

(2) That continuously from date of said marriage until the 5th day of January, 1914, your complainant and the said John Briggs lived together as husband and wife in Isle of Wight County, Virginia; and,

(3) That the said John Briggs has willfully deserted and abandoned your complainant for a period of more than three years: that is to say, on the 5th day of January, 1914, the said John Briggs did voluntarily, willfully and without any justification whatever, leave his home and your complainant; that said John Briggs carried away with him when he left all of his personal belongings, and stated to your complainant that he was going to leave her forever, and that he would never return; that the said John Briggs, after leaving your complainant, continued to live for a short space of time in said County of Isle of Wight, after which he left the said County of Isle of Wight, and State of Virginia, and removed to the State of North Carolina; that the last known place of abode of the said John Briggs is Greenbury, North Carolina; that your complainant does not know at this time whether the said John Briggs be dead or alive; and,

(4) That your complainant has resided and has 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 John Briggs in Isle of Wight County, Virginia.

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 John Briggs 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 proper process may be issued; that a divorce from the bond or matrimony which was created by the aforesaid marriage be decreed her; and that your complainant may have all such further, and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Mary E. Briggs
Complainant.

Samuel Hutton
Counsel.

State of Virginia,

County of Hansemond, to-wit:

Mary E. Briggs, 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 therein stated to be upon information, and that so far as they are therein stated to be upon information she believes them to be true.

Mary E. Briggs
Complainant.

Taken, sworn to and subscribed before me, John K. Hutton, a Commissioner in Chancery of and for the County and State aforesaid, in my county aforesaid, this 26th day of May, 1919.

Commissioner in Chancery John K. Hutton

Mary E. Briggs

vs. B I L L

John Briggs.

April 15th. 1919:

Affidavit for order of publication
filed: Order entered: Copy posted,
copy sent to Suffolk Herald for pub-
lication, and copy mailed to defend-
ant's last known address.

April 16th. 2ND. APRIL RULES, 1919:

Bill filed, continued on O.P.

May 7th. 1ST. MAY RULES:

Continued on O.P.

MAY 21ST. 2ND. MAY RULES: Continued
on O.P.

MAY 28TH. 3RD. MAY RULES: Continued
on O.P.

JUNE 5TH: Certificate of printer
filed showing completion of publi-
cation May 30th. 1919.

JUNE 15TH: Order Publication executed,
cause set down for hearing.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

Mr. and Mrs. Boulds and daughter, Annie Joe spent Sunday at the home of Mr. A. D. Hingerty.

Mr. Edward Lane of Isle of Wight county will make a talk on the Centenary movement next Sunday morning at the Providence M. E. church. Everybody is invited.

Miss Lucile Hingerty spent the week-end with her sister, Mrs. C. W. Smith of Pitch Kettle.

Mr. and Mrs. Reverend Johnson and daughter, spent Sunday with the former's sister, Miss R. A. Wright and Mr. Wright.

CHUCKATUCK

Mr. and Mrs. N. B. Peck gave a very enjoyable dinner last Sunday in honor of their daughters birthday, Miss Susie May Peck. Those present

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA., ----- June 11 1919 -----

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 --- May, 9th., 1919 ----- and ending
--- May, 30th., 1919 -----

----- *Jasbone* -----
Editor Herald

Mary E. Briggs

vs) Chan

666hn Briggs

Certificate of printer on
order of publication.

Filed June 5. 1919

Mary E. Briggs.....Complainant
vs. IN CHANCERY { 304
John Briggs.....Defendant.

This cause, in which the defendant has been proceeded against in the mode prescribed by law against non-resident defendants, came on this day to be heard on the complainant's bill and the exhibit~~d~~ filed therewith, the respondent failing to appear and plead, answer or demur, the depositions taken before G. A. Harris, commissioner in chancery, and duly filed in this cause, and was argued by counsel.

On consideration whereof, the court being of opinion, independently of the admissions of either party, in the pleadings or otherwise, from the evidence ~~furnished~~ in the cause, that the defendant has, without cause, abandoned the plaintiff for a period of more than three years, doth adjudge, order and decree that the marriage heretofore had and solemnized between the defendant, John Briggs and the plaintiff, Mary E. Briggs (formerly Mary E. Coffey), shall be, and the same is hereby dissolved, and ^{that} the said Mary E. Briggs be forever divorced from the said John Briggs; and there being nothing further to be done in this cause, the same is ordered stricken from the docket.

Mary E. Briggs

v. DECREE 304

John Briggs.

1919
Nov. 7.
Entered this
B.D.W.

60977 519

Exhibit "A". Filed with Rec

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 Virginia, do hereby certify
that it appears of record in my office, that on the 26th. day
of December, 1896, John Briggs and Mary Cofer were married
by Rev. T. H. Pool, colored.

Given under my hand this 26th. day of May, 1919.

A. S. Johnson Clerk.