

1921-012 Chancery Causes, Richard F. Hedgereth vs Gertrude Hedgereth

371

Isle of Wight County

Other SURNAMES: Henderson,
Roberts

2
RICHARD F. HEDGEPEETH.

VS) CHANCERY. No. 371

GERTRUDE HEDGEPEETH.

BILL.

Filed June 27th. 1921. 3rd. June Rules:

Order publication entered, copy posted
and copy sent to Smithfield Times for
publication, and copy sent to the defend
ant at her last known address.

Second July Rules, 1921:
Defendant not yet appearing, continued
on order of publication.

1st. August Rules, 1921: Defendant not
appearing and order of publication ex-
ecuted, cause set down for hearing.

A.S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H., VA.

waived; that a divorce from the bond of matrimony, created by the marriage aforesaid, be decreed to your complainant; and that he may have all such further general and special relief as to equity shall seem meet, or that the nature of his case may require.

And your complainant will ever pray, etc.

R. J. Hildreth

State of Virginia,

County of Isle of Wight, to-wit:

This day personally appeared before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, Richard, the complainant in the foregoing bill, and who signed the same, and made oath that the statements and allegations therein made are true so far as made of his own knowledge, and so far as made upon information obtained by him from others he believes to be true.

Given under my hand this 27th. day of June, 1921.

A. S. Johnson
Commissioner in Chancery.

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

Richard F. Hedgepeth

vs) Bill in Chancery.

Gertrude Hedgepeth.

TO THE HONORABLE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Your complainant, Richard F. Hedgepeth, respectfully represents to the Court that:

On the 16th. day of December, in the year 1919, in the County of Isle of Wight and State of Virginia, he obtained a license, from the Clerk's Office of this Court, to marry one Gertrude Henderson, and, on the same day, was, in the said County of Isle of Wight, by Rev. J. Martyn Roberts, a minister of the Christian Church, married to the said Gertrude Henderson, as will appear by a certified copy of the said marriage license, attached hereto, and made a part of this Bill:

On the 19th: day of December, 1919, your complainant was informed, for the first time, that the said Gertrude Hedgepeth, formerly Gertrude Henderson, was with child by some other person other than him, the said Richard Hedgepeth; and that your complainant, since so being informed, has not cohabited with the said Gertrude Hedgepeth:

That some time during the month of May, 1920, a child was born to the said Gertrude Henderson, and lived some little time after its birth:

In tender consideration whereof, and forasmuch as your complainant is without remedy in the premises, save in a court of equity, where matters of this nature are alone and properly cognizable, your complainant prays that the said Gertrude Hedgepeth be made a party defendant to this bill, and required, but not under oath, to answer the same, oath to such answer being hereby expressly

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF
ISLE OF WIGHT JUNE 22TH. 1921.

Richard F. Hedgepeth

vs) Chancery. No. 371

Gertrude Hedgepeth.

The object of this suit is for the complainant, Richard F. Hedgepeth to have an absolute divorce from Gertrude Hedgepeth, upon the ground that the defendant was, at the time of her marriage with the complainant, without the knowledge of the said complainant, with child by some other person other than said complainant. And, an affidavit having been filed which asserts the defendant is not a resident of this State, it is ordered that the said defendant do appear here within ten days after due publication hereof and do what is necessary to protect her interest.

A copy,

Teste, R. A. Edmund Clerk.

R. F. Hedgepeth

vs) Chancery. No. 371.

Gertrude Hedgepeth

DEPOSITIONS OF WITNESSES.

Filed Aug 3, 1921.

Teste, R. A. Eason,
Clerk.

A.S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H., VA.

Q. Are you a married man? Ans. Yes sir.

Q. Have you any children? Ans. Yes sir one.

Q. How old is it? Ans. It is not quite three years of age now.

Q. Where were you living when your father was married the last time? Ans. I was living a few hundred yards of him.

Q. How long did he and his last wife, Gertrude Henderson, stay together after they married? Ans. Not but two or three days.

Q. Has she lived with him any since that time? Ans. Not to my knowledge. I have been living at the same place all the time since and he has been living at the same place, and if she has staid there a night since I do not know of it and I think I would had it been so. She came there twice since they were married and was there only a short time in each day.

Q. Did the baby, so far as you know, have the appearance of being a normal child except being weak and sickly looking? Ans. Yes sir, it seemed to be well formed, though puny looking.

Q. Did you hear of any fuss between your father and his wife, Gertrude? Ans. No sir, she just went away, and I do not know the reason except what I have heard, and the baby, which could not have been my father's unless he had something to do with her before they were married, and he did not do that I do not think.

And further this deponent saith not.

Adner. Hedgketh

The foregoing testimony was taken before me, R. A. Edwards, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, on this 3rd. day of August, 1921.

R. A. Edwards
Commissioner in Chancery.

and I have not had anything to do with her at all, of any nature, since.

Q. Where is she living now? Ans. I do not know. I have heard nothing from her or of her since I was told she was in Roanoke Rapids or Rosemary, North Carolina, probably living with another man, though of this I do not know except by hearsay and that was very uncertain.

Q. Who else saw the baby and heard her admit it was hers, when she and her mother were at your house in 1920, and what month was that in? Ans. My folks saw the baby, they were all there about dinner time. When she and her mother came to my house it was a few days after she and Mrs. Holland were there and it was in July, both times when she came.

Q. How old is Mrs. Hedgepeth? Ans. She is about twenty two or twenty three years of age.

Q. Did you, at any time, have sexual intercourse with Mrs. Hedgepeth? Ans. No, I never have, at any time.

And further this deponent saith not.

A. F. Hedgepeth

~~A. F.~~ Hedgepeth being duly sworn, deposes and says:

Q? Please state your name, age, residence and occupation? Ans. My name is Atna Hedgepeth, I am about twenty eight or nine years of age, live in Isle of Wight County, Virginia, and am a farmer.

Q. Are you the son of R. F. Hedgepeth? Ans. Yes sir, I am.

Q. When was the last time you saw the wife of your father? Ans. Yes sir, in July, some time of last year. I was putting plaster on peanuts I think.

Q. Where did you see her? Ans. It was at my father's house.

Q..Who was with her at that time? Ans. Her mother and a baby, which she, my father's wife, said was hers.

Q. What sort of physical condition was Mrs. Hedgepeth in at that time? Ans. She was able to get about all right, did not appear to me to be weak or sick.

Q. How old was the baby? Ans. I do not know. It was a weakly looking little thing, but I should judge it to have been a month or more old from its appearance, and from the condition of its mother.

brother took her home or somewhere. I did not see her any more till some time about the following July when she came to my house in the early part of that month with John Holland's wife. They came on an automobile with some one to the forks of the road and then walked up to my house to get some peaches. I gave them some peaches and gave them dinner and took them to Windsor to catch the train in the afternoon, for Suffolk.

Q. What sort of condition did your wife appear to be in when she came to your house with Mrs. Holland. She was getting about all right and appeared to me to be about as she was when I married her. I paid very little attention to her. I treated them civilly and with kindness. I felt sorry for her.

Q. Who else came with Mrs. Holland and your wife? Ans. No one.

Q. How do you know she had any baby, as stated in your bill? Ans. Well, a few days after she and Mrs. Holland came to my house she and her mother came and she then brought the baby. They came to my house walking. They said some one brought them a part of the way and they walked the rest. I do not know who brought them. I gave them dinner and took them to Windsor to take the train that afternoon.

Q. How old was the baby when she and her mother brought it to your house? Ans. I do not know, she, Gertrude, told me that it was born the 19th. of May, that is the year 1920.

Q. Why did your wife and mother come to your home— do you know? Ans. I do not know why they came. They did not tell me, and I did not talk to them very much. I reckon the old lady thought I would tell her to come and bring the baby and stay, because I had been civil to she and Mrs. Holland when they came a little before.

Q. State what County you were married in? Ans. I was married in Isle of Wight County, got my license at Isle of Wight County Courthouse, was married by Preacher Roberts, at his home, in Isle of Wight County, and my home is in Isle of Wight County, where I have lived, continuously, for thirty years or more. I do not know how long. I do not notice nothing like that much.

Q. Have you cohabited with Gertrude Hedgepeth since you learned that she was pregnant, by another man? Ans. No? I have not cohabited with her at all. She would not let me have anything to do with her before she admitted being wrong

R. F. Hedgepeth being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation: Ans. R. F. Hedgepeth, sixty two or sixty three years of age, I do not know exactly, I live in Isle of Wight County, Virginia, and am a farmer.

Q. Are you a married man or a single man? Ans. I do not know what I am. I was married to Gertrude Henderson in December of 1919, December 16th., but she is not living with me now.

Q. When did she leave you? She staid with me for three days, and then left me?

Q. Why did she leave you? Ans: Well, we were married in the evening of December 16th. 1919- I came to the Courthouse, after dinner, and got my license, and we then went to Preacher Roberts' house and got married and then went to her mother's and staid a little while, and went home and had supper, and then retired about nine or ten o'clock. After we had retired I took hold of her arm and pulled her a little, and she grunted and kicked at me and told me to let her alone, which I did. I did not bother again that night, at all. The next day she took my horse and buggy and went to her home and got some of her things and her little sister and came back. That night she went to our room and retired and when I got there she was on one side of the bed and her little sister in the middle. There was no other place for me but on the other side. I then went to bed and after a while took hold of her again and asked her to let me hug her, and she said she did not want me to, that there was something the matter with her. I asked her if she was sick and she told me no, that there was something the matter with her. Not being disposed to annoy her I let her alone and went on to sleep, the little child still in the bed, and I slept so till morning and got up and went about my business. The next night when I went to my room she was in bed, with her little sister, as she was the night before. I then asked her if she did not expect to let me have anything to do with her and she said no. I asked her why, and she said that there was something the matter with her; that Jim Knight had fooled her. I asked her if he had had anything to do with her and she said yes. I asked her when she was sick the last time and she said in September she thought. She then asked me if Jim Knight could come to see her, and from that we had some words, and she took her sister and went along to another room in the house and the next day her

RICHARD F. HEDGEPEETH
VS(CHANCERY. No. 371.
GERTRUDE HEDGEPEETH.

Depositions of Richard F. Hedgepeth et al. taken, on the 3rd.
day of August, 1921, to be read as evidenced in the above entitled cause,
pending in the Circuit Court of the County of Isle of Wight, State of Vir-
ginia.

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R. F. H. dy. p. 15
r. f. Cy. No 371
Gastm. H. dy. p. 15

Affidavit for
order of publication

Filed 6/18/11.
J. B. Adams.
cch

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

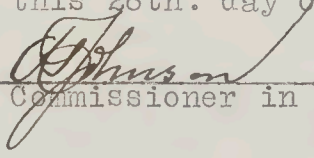
Richard F. Hedgepeth

vs) Chancery. No. 371

Gertrude Hedgepeth.

This day personally appeared before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, Richard F. Hedgepeth, the complainant in the above titled suit, and made oath that Gertrude Hedgepeth, the defendant, is a non-resident of the State of Virginia, and that her last known address was Rosemary, in the State of North Carolina.

Given under my hand this 28th. day of June, 1921.



Commissioner in Chancery.

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R. M. Hedgbeth.

371
371Vs. ~~Affidavit for Order~~
~~Of Publication.~~
Gertrude Hedgbeth.

...Copy of Order Publication...

Filed 6/28 1921.

Teste R. A. Edmund Clk

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF
ISLE OF WIGHT JUNE 28TH. 1921.

Richard F. Hedgepeth

vs) Chancery. No. 371

Gertrude Hedgepeth.

The object of this suit is for the complainant, Richard F. Hedgepeth to have an absolute divorce from Gertrude Hedgepeth, upon the ground that the defendant was, at the time of her marriage with the complainant, without the knowledge of the said complainant, with child by some other person other than said complainant. And, an affidavit having been filed which asserts the defendant is not a resident of this State, it is ordered that the said defendant do appear here within ten days after due publication hereof and do what is necessary to protect her interest.

A copy,

Teste, R. A. Edmunds Clerk.

The foregoing order was this day entered, a copy posted at the front door of the Court House, a copy mailed to the defendant, at Rosemary N. C. and a copy delivered to the Attorney herein to be mailed to the Smithfield Times for Publication.

Given under my hand this the 28th day of June 1921.

R. A. Edmunds Clerk.

Hedgepeth

vs) Chancery. No. 371.

Hedgepeth.

Printers certificate on order
of publication.

Filed August 1st. 1921.

VIRGINIA: CLERK'S OFFICE OF
THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT
JUNE 27TH. 1921.

Richard F. Hedgepeth
vs) Chancery No. 371
Gertrude Hedgepeth.

The object of this suit is for the complainant, Richard F. Hedgepeth to have an absolute divorce from Gertrude Hedgepeth upon the ground that the defendant was, at the time of her marriage with the complainant, without the knowledge of the said complainant, with child by some other person other than said complainant. And, an affidavit having been filed which asserts the defendant is not a resident of this State, it is ordered that the said defendant do appear here within ten days after due publication hereof and do what is necessary to protect her interest.

A copy,
Teste, R. A. Edwards, Clerk.
A. S. Johnson, p. q. adv-4t

Office of Smithfield Times,

Smithfield, Va. July 22nd, 1921.

I hereby certify that the order of which the annexed is a copy, has been published in the Smithfield Times, in the manner prescribed by law, once a week for four successive weeks, beginning July 1st. 1921, and ending July 22nd. 1921.

William F. Bennett
Editor of Smithfield Times.

A. S. Johnson, Attorney at Law,

To Smithfield Times, ...Dr.

To printing order of publication, four weeks @ 1.75 \$ 7.00

*Paid By check, July 24, 1921
Smithfield Times
By W. F. Bennett*

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Richard F. Hedgepeth

vs) Chancery. No. 371.

GertrudgHedgepeth.

Note for decree.

Enter this.

R. F. W.

September 6th. 1921.

Entered in Chancery Order Book No.

8, page 85.

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

Richard F. Hedgepeth,

vs) Chancery. No. 371.

Gertrude Hedgepeth.

This cause, in which the complainant, Richard F. Hedgepeth, has proceeded against the defendant, Gertrude Hedgepeth, in the manner provided by law as to defendants who are not residents of the State of Virginia, came on this day to be heard upon the complainant's bill, and upon the deposition of witnesses taken on behalf of the complainant, the said defendant still failing to appear, plead, demur or answer the said bill, and was argued by counsel: Upon consideration whereof, the court being of opinion, from the evidence in this cause, that the said Gertrude Hedgepeth was, at time of her marriage with the said Richard F. Hedgepeth, to-wit: on the 16th. day of December, 1919, which marriage took place in the County of Isle of Wight, State of Virginia, and without the knowledge of the said Richard F. Hedgepeth, with child by some person other than the said Richard F. Hedgepeth, and is entitled to the relief prayed for in his bill, it is, therefore, adjudged, ordered and decreed that that said complainant, Richard F. Hedgepeth, be forever divorced from the said Gertrude Hedgepeth, the defendant.

And it is further adjudged, ordered and decreed that neither party to this suit shall again marry within six months from the entry of this order.

And nothing further remaining to be done in this cause it is ordered to be stricken from the docket.

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Hedgepeth

vs) Chancery. No. 370

Hedgepeth.

Attorney's memorandum.

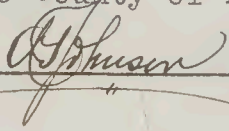
Filed May 27th, 1921.

Teste, R. H. Edwards, Clerk.

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

Richard F. Hedgepeth,
vs) Chancery. No. _____.
Gertrude Hedgepeth.

Issue summons for defendant to answer a bill, filed by
plaintiff, against her, returnable to Second June Rules, 1921, di-
rected to the Sheriff of the County of Isle of Wight.


_____ f.c.

County (~~or City~~) Isle of Wight

R. F. Hedgepath Husband,

and { Marriage License

Gertrude Henderson Wife.

Date of Issue December 16, 1919

Marriage Register No. 3 Page 430

MARRIAGE LICENSE

Virginia Isle of Wight County to-wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

Richard F. Hedgepeth and Gertrude Henderson
Given under my hand, as Clerk of Circuit Court of Isle of Wight County (~~or City~~) this
16th day of December 1919
A.S. Johnson Clerk.

MARRIAGE CERTIFICATE

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (~~or City~~) of Isle of Wight
Date of Marriage Dec. 16th. 1919 Place of Marriage Isle of Wight Co. Va.

FULL NAMES OF PARTIES

Richard F. Hedgepeth and Gertrude Henderson
Age of Husband 61 years; Condition (single, widowed or divorced) Widowed
Age of wife 21 years; Condition (single, widowed or divorced) Single
Race (White or Colored) White
Husband's Place of Birth Southampton Co. Va. Residence Isle of Wight Co. Va.
Wife's Place of Birth Mt. Olive, N. C. Residence Isle of Wight Co. Va.
Names of { Husband Murphy Hedgepeth and Eliza Hedgepeth
Parents { Wife John Henderson and Alvaney Henderson
Occupation of Husband Farmer
Given under my hand this 16th day of December 1919

A.S. Johnson Clerk.

Certificate of Time and Place of Marriage

I, J. Martyn Roberts, a Minister of the Christian
Church, or religious order of that name, do certify that on the 16 day of December 1919,
at Orbit, Virginia, under authority of the above License, I united in Marriage the persons named and
described therein. I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County
(or City) of Isle of Wight, State of Virginia.

Given under my hand, this 18th day of Dec. 1919
A Copy
Teste,

J. Martyn Roberts

(Person who performs ceremony sign here.)

R.A. Edwards Clerk R.E. Kay Wills 1919
The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (see Section 2229 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 23, pages 36 and 37).