

1922-005 Chancery Cause: Izoner Boothe vs George Boothe

374

Isle of Wight County

Other SURNAMES: Holmes

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Boothe

vs(Chancery No. 374

Boothe

Bill for Complaint.

Filed 11/2/31

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

County (~~or city~~) Ile of Wight

George Boothe
Husband

and { **Marriage License**

Eleanor Holmes
Wife

Date of Issue August 13, 1920

Marriage Register No. 3 Page 463

And your complainant will ever pray, etc.

Izoner Boothe
By counsel.

A. S. Johnson, p. q.



MARRIAGE LICENSE



Virginia Isle of Wight Co. 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,

George Boothe and Izoner Holmes
Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this
13 day of August, 1920 A. S. Johnson, Clerk.

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1919, 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 August 15th, 1920 Place of Marriage Isle of Wight Co. Va

FULL NAMES OF PARTIES.

George Boothe and Izoner Holmes
Age of Husband 22 years; Condition (single, widowed or divorced) Single
Age of Wife 18 years; Condition (single, widowed or divorced) Single
Race (White or Colored) Colored
Husband's Place of Birth Isle of Wight Co. Va Full Mailing Address Windsor Va
Wife's Place of Birth Isle of Wight Co. Va Full Mailing Address "Boothe"
Names of { Husband Isiah Boothe and Cornelia Boothe
Parents { Wife John Holmes and Milly Holmes
Occupation of Husband Farmer
Given under my hand this 13th day of August, 1920 A. S. Johnson, Clerk.

Certificate of Time and Place of Marriage

I, J. M. Dent, a Minister of the A. M. E.
Church, or religious order of that name, do certify that on the 15th day of August, 1920
at Windsor, Virginia, under authority of the above License, I joined together in the Holy State of
Matrimony 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 Weythille, State of Virginia.
Given under my hand this 17 day of August, 1920

A copy
Sect. R. A. Edwards. Clerk.
By E. Kaywell, D.C.

(Person who performs ceremony sign here.)

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 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

grant him a new trial, which motion was continued.

5. That on the 3rd. day of January, 1921, the said Court heard argument upon the said motion for a new trial, and did set aside the said verdict and granted a new trial.

6. That upon said 3rd. day of January, 1921, the said George Boothe was again arraigned upon said indictment, and, in person tendered a plea of guilty, and the Court with the consent of the Commonwealth's Attorney, entered of record, ^{*without the submission of a jury*} proceeded to a trial, found the said George Boothe to be guilty of murder in the second degree, and sentenced him to confinement in the penitentiary of this Commonwealth for the term of five years, all of which will appear by the certificate of the Clerk of this Court, attached hereto, and made a part of this bill, and the said George Boothe was taken to said penitentiary where he now is, serving such sentence.

7. That by reason of such conviction and sentence and confinement in the penitentiary aforesaid, your complainant is entitled to a divorce from the bonds of matrimony.

8. Your complainant, therefore, prays that inasmuch as she is without remedy, save in a Court of Equity, where matters of this kind are alone and properly cognizable, that the said George Boothe be made a party defendant to this bill, and required to answer the same, answer under oath being hereby expressly waived; that proper process issue; that your complainant be granted a divorce from the bonds of matrimony, created by the marriage, aforesaid; and that all such other, further, and general relief may be granted to your complainant as the nature of her case may require, or to equity shall seem meet.

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

Izoner Boothe

vs) Chancery No. ____

George Boothe.

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

Humbly complaining, your complainant, Izoner Boothe,
sheweth unto the Court the following case:

1. That on the 13th. day of August, 1920, a license
was issued by the Clerk of this Court for the celebration of
the marriage of your complainant and George Boothe; *a copy of which is filed herewith* and that
on the 15th. day of August, 1920, in the said County of Isle
of Wight, State of Virginia, your complainant and George Boothe
were united in the holy bonds of matrimony, which will appear
by the certificate of the Clerk of this Court, which is attach-
ed to and made a part of this, your complainant's bill.

2. That on the 3rd. day of November, 1920, the said
George Boothe was indicted in the Circuit Court of this County
of murder.

3. That on the first day of December, 1920, the said
George Boothe was put upon trial for murder, as charged in the
indictment, which trial was continued to, and completed on the
2nd. day of December, 1920, the verdict of the jury being guilt-
ty, and his punishment fixed at twenty five years in the peni-
tentiary.

4. That the said George Boothe, upon the return of
the said verdict moved the Court to set aside the same and to

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Boothe

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Boothe

Subpoena.

Executed in the City of
Richmond, Va., on the 10th
day of November 1921,
by delivering a true copy
hereof: to J. B. Wood, Super-
intendent of the Virginia
State Penitentiary, as provided
by law, further executed at
same time & place by delivering
a copy of the Bill of particu-
lars.

John S. Fosterfield
by Emily F. Fosterfield
Richmond, Va.
Paul F. Fosterfield
deputy

fee 50^c Paid

COMMONWEALTH OF VIRGINIA:

Sergeant of the City of Richmond,
TO THE ~~SHERIFF OF ISLE OF WIGHT COUNTY~~ Greeting:

We command you that you summon George Boothe

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
3rd. Monday in November, 1921, 192, to answer a bill
in chancery exhibited against him in our said Court by Izonor
Boothe,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 8th. day of November, 1921, 192, and in
the year of the Commonwealth.

R. A. Edwards Clerk.

By E. Kay Wiles
D.C.

Izoner Boothe

vs) Chancery. No. 374.

George Boothe.

Deposition.

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

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

IZONER BOOTHE

VS) Chancery. No. 374.

GEORGE BOOTHE.

TO GEORGE BOOTHE.

Take notice that I will, at my office, at the Court-house of the County of Isle of Wight, in the State of Virginia, at ten o'clock in the morning, on the 30th. day of January, 1922, take testimony to be read in behalf of the complainant, in the suit now pending in the Circuit Court of the said County of Isle of Wight, in which Izoner Boothe is the complainant and you are the defendant, which suit is for the purpose of obtaining a divorce a vinculo matrimonii by the said complainant from you.

Given under my hand this 14th. day of January, 1922.

E. Johnson

Counsel for the complainant.

Executed in the City of Richmond, Va. Jan. 16-1922 by delivering a copy of foregoing notice to Superintendent of Virginia State Penitentiary. The said George Boothe being a convict in said Penitentiary.

850 paid

J. HERBERT MERCER, Sheriff.

by J. C. Lumsden, Deputy Sheriff

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

IZONER BOOTHE

vs) Chancery. No. 374.

GEORGE BOOTHE.

TO E. H. WILLIAMS, GUARDIAN AD LITEM FOR GEORGE BOOTHE.

Take notice

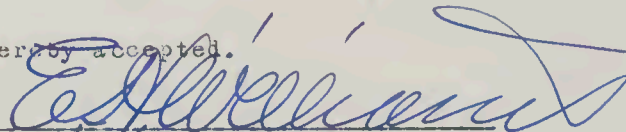
that I will, at my office, at the Courthouse of the County of Isle of Wight, in the State of Virginia, at ten o'clock in the morning, on the 30th. day of January, 1922, take testimony to be read in behalf of the complainant, in the suit now pending in the Circuit Court of the said County of Isle of Wight, in which Izoner Boothe is the complainant and George Boothe is the defendant, which suit is for the purpose of a divorce a vinculo matrimonii by the said complainant against the said defendant.

Given under my hand this 14th. day of January, 1922.



Counsel for complainant.

Service of the above notice is hereby accepted.



Guardian ad litem for
George Boothe.

at Holly Grove Church, in the County of Isle of Wight, Virginia, by the Reverend Dent. Some time in the Fall of the same year they were married George Boothe, her husband, killed Mr. Wells Lewis, and was tried sometime in the Fall and convicted and sent to the penitentiary where I suppose he now is. He has not been back here since.

Q. Has your daughter, Isoner Boothe, been to see George Boothe since he was sent to the penitentiary? Ans. No sir, she has not—has seen nothing at all of him since he went away.

Q. In what court was George Boothe tried? Ans. In the Circuit Court of this County.

And further this deponent saith not.

Teste,

John L. Holmes
must

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

IZONER BOOTHE

VS) CHANCERY. NO 374.

GEORGE BOOTHE.

The following is the deposition of John Holmes, taken before me, R. A. Edwards, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, on the 30th. day of January, 1922, at ten o'clock A.M., at the office of A. S. Johnson, Attorney at Law, at his office, at the Courthouse of said County of Isle of Wight, Virginia, in pursuance to notice, and in the presence of A. S. Johnson, counsel for the complainant, and E. H. Williams, guardian ad litem for the defendant, notice of the taking hereof, showing service thereupon, being returned herewith.

Given under my hand this 30th. day of January, 1922.

R. A. Edwards
Commissioner in Chancery.

John Holmes being duly sworn, deposes and says:

(Examined by Mr. Johnson)

Q. Please state your name, age, residence and occupation? Ans. My name is John Holmes, I am fifty three years of age, live in Isle of Wight County, Virginia, and am a farmer.

Q. The Bill, in this suit, is filed for the purpose of a divorce between Izoner Boothe and George Boothe, Izoner Boothe being the complainant. Will you please state if you know these parties, if they have been married and when, and what else you may know about them? Ans. Izoner Boothe is my daughter. She and George Boothe were married the 15th. day of this last gone August twelve months ago,

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Izoner Boothe

vs) Chancery. No. 374.

George Boothe.

Note for decree.

1922

Enter this decree

P.W.

Book 8.

page 99

EXAMINED AND VERIFIED

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

Izoner Boothe,

vs) Chancery. No. 374.

George Boothe:

Upon the motion of the complainant, by counsel, it is adjudged, ordered and decreed that E. H. Williams, a discreet and competent attorney at law, practicing in this court, be and is, hereby appointed guardian ad litem for the defendant, George Boothe, who is confined in the penitentiary of this Commonwealth under a sentence for a felony, in the Circuit Court of the County of Isle of Wight.

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Izoner Boothe

vs) Chancery. No. 374.

George Boothe.

Note for decree

To be entered

Hold

Copy to Joe Williams

C & V

Book 8 Page 102

Make up for
add 500 Am. pr.

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

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

Izoner Boothe

vs) Chancery. No. 374.

George Boothe.

This cause came on this day to be heard upon the complainant's bill, and upon legal service of notice upon the defendant, he still failing to appear to demur, plead or answer, and upon the deposition of John Holmes, taken after due notice served upon the defendant, George Boothe, and upon E. H. Williams, his guardian ad litem, appointed by the Court on the 3rd. day of January, 1922; and it appearing to the court that the said George Boothe, subsequent to his marriage with the said Izoner Boothe, which was on the 15th. day of August, 1920, has been, by the Circuit Court of the County of Isle of Wight, in the State of Virginia, sentenced to confinement in the Penitentiary of this State, and cohabitation has not been resumed after such confinement, it is adjudged, ordered and decreed that the said Izoner Boothe be divorced a vinculo matrimonii from the said George Boothe.

Neither the complainant nor the defendant, herein, shall again marry till six months has elapsed from the date of the entry hereof.

Izoner Boothe

vs) Chancery. No. 374

George Boothe

Memorandum.

1/7/71

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

Izoner Boothe

vs) Chancery. No. _____

George Boothe.

Issue summons, directed to the Sgt. of the City of Richmond, returnable to Second November Rules, 1921.

Thurman, pg.

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

I, R. A. Edwards, 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 13th. day of August, 1920, a license was issued to George Boothe, colored, to marry Izoner Holmes, colored; and that the said parties were duly married in Windsor, in the County of Isle of Wight, Virginia, on the 15th. day of August, 1920, as appears by the return upon said marriage, the said license and the return thereupon, being entered of record in Marriage Register No. 3, page 463.

That the said George Boothe, ~~was~~, on the 3rd. day of November, 1920, was indicted, in the Circuit Court of the said County, of murder, as appears upon Common Law Order Book No. 6, page 406.

That on the 1st. day of December, 1920, the said George Boothe was put upon trial for said offense, and on the 2nd. day of December, 1920, a verdict was returned by the jury trying the case, of guilty of murder in the first degree, and carrying with it a term of confinement in the penitentiary of this State of twenty five years.

That on the day of the completion of the trial aforesaid, and upon the return of the verdict, the said George Boothe filed his motion to set aside the same and to grant him a new trial; and, on the 3rd. day of January, 1921, the said Court heard the said motion and argument thereupon, and did set aside the same and grant the said George Boothe a new trial, whereupon the said George Boothe, upon an arraignment under said indictment, tendered a plea of guilty, and the said Court, with the assent of the Attorney for the Commonwealth, proceeded to hear and determine the case without the intervention of a jury, and thereupon found the said George Boothe guilty of murder in the second degree, and that for said offense he should be confined in the said penitentiary for the term of ten years, and upon which verdict sentence was pronounced, all of which appears by entries in Common Law Order Book, pages 412, 413, and 417.

Given under my hand this 8th. day of November, 1921.

R. A. Edwards Clerk.

By E. Ray Wills
W. S.