

1925-015 Chancery Causes: Sidney Allen vs Castoria Allen

462

Jake of Wight County

other SURNAMES: Ward,
Ricks, Lufsey, Powell

Sidney Allen, Complainant.

VS. In Chancery.

Castoria Allen, Defendant.

BILL

Filed 7/1/25
3 P.M.

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

Commonwealth of Virginia,

Sargeant Of City Of Portsmouth
To the ~~County of Isle of Wight~~ — Greeting:

WE COMMAND YOU, That you summon Castoria Allen,

(833 Stonewall Street, Portsmouth, Va,)

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 fifth Monday in June, 192 5,
to answer a bill in chancery, exhibited against her
in our said Court by Sidney Allen,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 19th
day of June, 192 5, and in the 149th year of the
Commonwealth.

A Copy. Teste R. A. Edwards
Clk.

R. A. Edwards Clerk.

Executed this 23rd day of June
1923 in the City of Portsmouth, Va. by
delivering a copy of the within summons
to Castoria Allen

..... in person.

Re. Brown City Serg't.

by J. B. Taylor Deputy Serg't.

Executed this day of

..... in the City of Portsmouth, Va.,

delivering a copy of the within

to

..... in person.

..... City Serg't.

by Deputy Serg't.

..... Sidney Allen, ...

vs. }

CHANCERY NO.

..... Castoria Allen, ...

ORIGINAL SUBPOENA

.....
Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

June 29th, 1925
Returned, entered and filed.

Teste:

A. A. Edmunds Clerk

To Third June Rules

1925

(Fifth Monday)

..... C. F. Whitley, ... p. q.

J. B. Taylor

VIRGINIA:

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

-----oOo-----

Sidney Allen,.....Complainant.

Vs. In Chancery.

Castoria Allen,.....Defendant.

-----oOo-----

To the Honorable B.D. White, Judge of the said Court:

1. Your Complainant, Sidney Allen, respectfully represents that he was married to the said Castoria Allen, nee Ward, on the 15 day of June 1915, in the County of Isle of Wight, State of Virginia, a certificate of which marriage being herewith filed, marked "Exhibit A" and prayed to be read and made a part of this bill.

2. That your complainant and defendant co-habited as man and wife in Isle of Wight County, Virginia, from the date of said marriage until the fall of 1921, when the said Castoria Allen, willfully deserted, and abandoned your Complainant, while living near Benns Church in the County of Isle of Wight, Virginia, and went with Fred Ricks, to or near the city of Suffolk, in Nansemond County, Virginia, where she was arrested, tried and convicted for co-habiting with the said Fred Ricks as husband and wife. After serving her time in jail for co-habiting with Fred Ricks and committing adultery with Fred Ricks she left the town of Suffolk and went to live with him again as husband and wife at number 833, Stonewall Street, Portsmouth, Virginia, where she now resides with Fred Ricks.

3. That your Complainant is now domiciled in and has been a bona-fide resident of the State of Virginia, for more than one year, next preceeding the institution of this suit, and that your Complainant and defendant last co-habited as man and wife in the County of Isle of Wight, Virginia.

In consideration whereof, and for as much as your Complainant is remediless save in and by the aid of a Court of Equity where such matters are cognizable; your Complainant prays that the said Castoria Allen may be made a party defend-

ant to this bill, and be required to answer the same;
that an answer under oath is hereby expressly waived; and
that a divorce a vinculo matrimonii be decreed him on the
grounds of desertion, abandonment and adultery. That your
Complainant may have all such further, other and general
relief in the premises as the nature of his case may require,
or to equity shall seem meet.

And your Complainant will ever pray, etc.

C. Fairfield Phillips, q.

Sidney Allen
By Counsel.

Sidney Allen, Complainant.

Vs) In Chancery.

Castoria Allen, Defendant.

Depositions.

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

HAMPTON ROADS PAPER CO., NORFOLK

VIRGINIA;

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

Sidney Allen,.....Complainant,

vs) In Chancery

Castoria Allen,.....Defendant.

The following depositions of Sidney Allen, Frank Powell and W.T.Lufsey, taken before me, E.H.Williams, a Commissioner in Chancery in and for the County of Isle of Wight, Virginia, on the 25th day of July, 1925, at the office of C.Fairfield Whitley, in the town of Smithfield, Virginia, pursuant to the notice hereto attached, to be read in the behalf of the Complainant.

Present C.Fairfield Whitley,

Counsel for the Complainant, and

E.H.Williams, Commissioner in Chancery.

Sidney Allen of lawful age being first duly sworn deposes and says:

Q- Please state your residence and occupation?

A- I live in Suffolk and work for the King Peanut Company.

Q- When did you and Castoria get married?

A- I don't know exactly, but it was ten or twelve years ago.

Q- Where did you marry her?

A- At Mr. Sam Edwards.

Q- In this county?

A- Yes Sir.

Q- When did you and Castoria separate?

A- It was this fall four years ago.

Q- Where did you live at the time she deserted you?

A- I lived at Mr. Frank Powell's.

Q- In this county?

A- Yes Sir.

Q- Why did she desert you?

A- I don't know; she just got running with Fred Ricks and went away with him.

Q- Where did she go?

A- They went to Suffolk.

Q- How long did she live with Fred Ricks in Suffolk?

A- She lived with him until I put Mr. John Branch on them and he caught them living together and locked Castoria up but Fred jumped out of the window and got away.

Q- Where is Castoria now?

A- She is living with Fred Ricks on Stonewall Street, in Portsmouth.

Q- Have you lived with her since she ran away with Fred ?

A- No Sir.

Q- How long have you and Castoria been bona fide residents of Va?

A- All of our lives.

Q- Will you ever live with her again?

A- No Sir.

Further this deponent saith not.

Sidney Allen
his mark

W.T.Lufsey of lawful age being first duly sworn deposes and says.

Q- Please state your occupation and residence?

A- I am a farmer and live near Benns Church.

Q- In This county?

A- Yes.

Q- How long have you known Sitney Allen and Castoria Allen his wife?

A- I have known Castoria for years and I have known Sitney about 15 years.

Q- Where did they reside at the time they separated?

A- At Frank Powell's right next to me.

Q- When did they separate?

A- Three or four years.

Q- Why did they separate?

A- Like all other negroes when they get tired of living with one they go on with another.

Q- Why did she go away with?

A- Fred Ricks.

Q- Where did she go with Fred Ricks?

A- She went to Suffolk.

Q- What became of her after they went to Suffolk?

A- I heard that she was arrested for living with Fred Ricks.

Q- Have Sitney and Castoria lived together since they separated at Frank Powell's?

A-No.

Q- Where did they last live as man and wife?

A- There at Frank Powell's.

Q- In this county?

A- Yes.

Further this deponent saith not.

W. T. Lufsey

Marked.

F.L.Powell being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 53 years old, live near Benns Church and I am a farmer.

Q- Do you know Sitnes Allen and Castoria Allen his wife, and if so, how long have you known them?

A- Yes I know them; I reckon I have known them ten years.

Q- Where have they lived for the past ten years?

A- Up to about two and a half years ago they lived with your father (meaning S.J.Whitley), Sam Edwards and around at different places in Isle of Wight Co. For the past two and half years Sitney Allen has been living in Suffolk and I don't know where she has been.

Q- When did they separate?

A- My boy was born on the first day of October, 1922 and Castoria worked and waited on my wife from that time to about the middle of November, 1922, and during this time Sitney was working for me on the farm. I heard that some men had been running after her but I don't know it to be true, but I do know about the middle of November, 1922, she and Fred Ricks ran away together and went near Suffolk on this side of the bridge and lived there as man and wife, and John Branch caught them there living as man and wife, but Fred got away, and Castoria was convicted for living with Fred and got 30 days in jail and fined \$26.00 fine and cost. She wrote to me and asked me to come and pay her fine and she would come and work it out but I didn't think she was worth it and didn't go.

Q- Where did Sitney Allen and Castoria Allen last reside as man and wife?

A- At my place near Benns Church.

Q- In this county?

A- Yes.

Q- Have they lived as man and wife since they separated?

A- No.

Q- Do you think they will ever live together as man and wife?

A- No, she didn't care any thing about him and I don't think she will ever come back to him.

Further this deponent saith not.

L L Powell

State of Virginia,

County of Isle of Wight, to-wit:

I, E.H. Williams, a Commissioner in Chancery, for the County and State aforesaid, do hereby certify that the foregoing depositions, were duly taken, reduced to writing, signed and sworn to before in my county aforesaid, at the time and place mentioned in the notice hereto attached.

Given under my hand this 25th day of July, 1925.

E. H. Williams
Commissioner in Chancery.

TO CASTORIA ALLEN:

TAKE NOTICE, that on the 25th, day of July, 1925, at the office of C. Fairfield Whitley, Attorney-at-Law, Smithfield, Virginia, between the hours of 10 A. M. and 4 P. M., of that day, I shall proceed to take the depositions of Ben Powell and others, to be read as evidence in his behalf in a certain suit pending in the Circuit Court for the County of Isle of Wight, Virginia, wherein Sidney Allen is complainant and you are the defendant. And if from any cause the taking of said depositions, be not commenced, or if commenced be not concluded on that day, the taking thereof will be ^dajourned from time to time at the same place and between the same hours, until the same shall be completed.

Given under my hand this ^{23rd}~~25th~~, day of June, 1925.

Sidney Allen
By *C. Fairfield Whitley*
his atty.

Sidney Allen

vs.

Castoria Allen.

Notice to take depositions.

Executed this 23rd day of June
1925 in the City of Portsmouth, Va. by
delivering a copy of the within Notice
to Castoria Allen.

..... in person.

W. E. Stewart City Serg't.

by J. H. Talbot Deputy Serg't.

Wm. T. P. H.

Sidney Allen, Complainant.

VS) IN CHANCERY.

Castoria Allen, Defendant.

DECREE.

Enter this

1975
8/24/30
W.C.

Judge.

Book 8
P. 292

VIRGINIA:

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

Sidney Allen,.....Complainant.

VS) IN CHANCERY.

Castoria Allen.....Defendant.

This cause, in which the defendant has been served in person with process came on this day to be heard upon the bill and exhibit, and the defendant failing to appear, to demur, plead or answer and on the depositions of witnesses taken after ~~due~~ notice ~~having been~~ served in person upon the said defendant, and was argued by Counsel;

And it appearing from the depositions filed in this cause that the complainant and defendant were married in the County of Isle of Wight, Virginia, that the said complainant and defendant last co-habited as man and wife in the County of Isle of Wight, Virginia, that the said defendant has been and is a bona fide resident of and domiciled in the State of Virginia, for more than one year next proceeding the institution of this suit, and that the defendant has deserted the said complainant and has committed adultery as charged in said complainant's bill.

On consideration whereof, the Court being of the opinion that the said defendant has deserted said complainant and has been guilty of adultery, doth adjudge, order and decree that the marriage heretofore had and solemnized by the said complainant and defendant, shall be and the same is hereby dissolved and that the said complainant, Sidney Allen, be forever divorced a vinculo matrimonii from the said defendant Castoria Allen, and that each of the said parties hereto shall on and after this date hold any property which either of them may now or hereafter have free from any marital right, claim, or interest of the other, but neither party shall be permitted to marry again for six months from the date of

this decree, nor shall such bonds of matrimony be deemed to be dissolved as to any subsequent marriage to this decree until the expiration of the said six months.

Nothing else remaining to be done in this cause it is ordered that the same be dismissed from the docket of this Court.

Sidney Allen, Complainant.

VS) IN CHANCERY.

Castoria Allen, Defendant.

DECREE.

Enter this

1975
8/24/30
R. H. W.

Judge.

Book 8
P. 292

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

VIRGINIA.

TO THE CLERK OF SAID COURT:

Sidney Allen,.....Complainant.

vs. In Chancery.

Castoria Allen,.....Defendant.

Issue summons in Chancery to first July rules
being the fifth Monday in June, 1925, for said Complain-
ant against the said Defendant to answer the said Complain-
ant a bill in Chancery.

C. Fairfield Whitley, P.g.

The defendant resides at 833 Stonewall Street,
Portsmouth, Va.

C.F.W.

Sidney Allen

43 Inchamary -

Castania Allen

memo -

Filed

6/19/25

Process to Sgt City

Pts. va

Defect 750

County (~~or City~~) Delaware

Sidney Allen

Husband

and

Marriage License

Castoria J. Ward

Wife

Date of Issue June 4, 1915

Marriage Register No. 3 Page 242

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,

Sidney Allen

and

Castoria Virginia Ward

Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this 4th day of June, 1915

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 June 5th, 1915

Place of Marriage Nansemond Co. Va.

FULL NAMES OF PARTIES

Sidney Allen

and

Castoria Virginia Ward

Age of Husband 22 years; Condition (single, widowed or divorced) single

Age of Wife 21 years; Condition (single, widowed or divorced) single

Race (White or Colored) colored

(PRESENT)

Husband's Place of Birth Smithfield, Va. Mailing Address Isle of Wight Co. Va

Wife's Place of Birth Nansemond Co. Mailing Address Isle of Wight Co. Va.

Names of Husband Isaiah Allen and Emma Allen

Parents { Wife James R. Ward and Lizzie Ward

Occupation of Husband Laborer

Given under my hand this 4th day of June, 1915

A.S. Johnson

, Clerk.

Certificate of Time and Place of Marriage

I, Rev. G. W. Davis, a Minister of the Baptist

Church, or religious order of that name, do certify that on the 5th day of June, 1915, at Smithfield, 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 Isle of Wight, State of Virginia.

Given under my hand this 19th day of June, 1915

Rev G. W. Davis

(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).

a copy sent to R. A. Edwards Clerk by S. H. W. J. C.