

1926-007 Chancery Causes. Mariah. Jones VS Robert A. Jones

478

Isle of Wight County

other surnames: Webster,
Brinkley, Falcon

LAW OFFICES OF
HARRY A. BRINKLEY
314 NEW KIRN BUILDING
PORTSMOUTH, VIRGINIA

May 7th,

1 9 2 6.

R. A. Edwards, Esq.,
Clerk of the Circuit Court of Isle of Wight County,
Isle of Wight, Virginia.

My Dear Mr. Edwards:-

I am herewith inclosing you the depositions
and the decree in the case of Mariah Jones vs. Robert A.
Jones and will ask you to kindly hand this to Judge White
as soon as he comes to Isle of Wight, which I understand
will be about the 17th of this month, and as soon as the
decree is entered and you can send me certified copy of
the same, I will appreciate it very much.

Thanking you for your past courtesies in
this matter, I am

Very truly yours,

Harry A. Brinkley
Attorney.

HAB*B

Chg. for suit-
With Outfit
Copy of same
100

LAW OFFICES OF
HARRY A. BRINKLEY
814 NEW KIRN BUILDING
PORTSMOUTH, VIRGINIA

March 16th,

1 9 2 6.

Clerk of the Circuit Court of Isle of Wight Co.,
Isle of Wight Courthouse, Virginia.

Dear Sir:-

I herewith inclose you papers in the case of
Mariah Jones against Robert A. Jones, which I will ask
you to file and have process served on Robert A. Jones
together with the notice to take depositions which I
also inclose.

This man is a colored man working at the present,
I am informed, with the A. B. Hartz Company, which has a
small mill or stave factory, I think near or at Windsor.

When these papers have been served, will you kindly
have the sheriff return to me the notice to take depositions.

I am inclosing you also check for \$7.50,
deposit on the Court costs, together with check for \$1.00
to the sheriff for services of the process and notice to take
depositions.

Thanking you for your attention to the above, I am

Very truly yours,

Harry A. Brinkley

HAB*B

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Virginia:

At a Circuit Court continued and held in and for the County of Sussex, at the Courthouse thereof Friday November 13th. 1925.

Commonwealth

Vs. Indictment for Forgery, Felony.

R. A. Jones.

This day came again the Attorney for the Commonwealth and the prisoner R. A. Jones, was set to the ~~bar~~ in the custody of the Sheriff of this County;

And thereupon renewed, by counsel, his motion to set aside the verdict of the jury, which motion had been heretofore continued from September 29th, 1925, of the September Term 1925, of this Court;

Thereupon the Court having heard argument of counsel, and maturely considered the said motion; doth overrule the said motion;

And thereupon it being demanded of the prisoner if any thing he ~~had~~ or knew to say why the Court should not proceed to pronounce judgment against him according to law; and nothing being offered or alleged in delay thereof; if is considered by the Court that the said R. A. Jones be confined in the Penitentiary of this Commonwealth for the period of two (2) years, the period by the jury in their verdict ascertained; on the 29th. day of September, 1925; at the September Term, 1925, of this Court.

And it is further considered by the Court that the Commonwealth of Virginia recover of the defendant its costs by it in this behalf expended;

And on motion of the said R. A. Jones, the prisoner, by counsel, that the Penitentiary sentence declared by the judgment herein be suspended;

Thereupon it is considered by the Court that the execution of the judgment of this Court this day pronounced adjudging the said R. A. Jones to be confined in the Penitentiary of this Commonwealth for the period of two (2) years, be and the same hereby is, suspended during the good behavior of the said R. A. Jones.

A Copy Teste:

Jesse Hargrave Clerk.

Excluded C.

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

MARIAH JONES

V

ROBERT A. JONES

"EXHIBIT C "

Virginia:

At a Circuit Court continued and held in and for the County of Sussex, at the Courthouse thereof, Tuesday September 29th. 1925.

Commonwealth

Vs. Indictment for Forgery, Felony.

R. A. Jones

This day came the Attorney for the Commonwealth and the prisoner R. A. Jones, was set to the bar in the custody of the Sheriff of this Court, and being arraigned pleaded, "Not Guilty", to the charge contained in the indictment:

And the said Sheriff having returned the original writ of venire facias and the alias writ of venire facias, heretofore directed, on September 8th. and the pluries writ of venire facias on September 10th. 1925, being the first and third days respectively of this term of the Court a panel of twenty (20) jurors free from exceptions is constituted of the jurors thus summoned, to-wit: A. H. Maifeld, Jr., A. B. Fannin, C. R. Vaughan, P. J. Homes, L. J. Conwell, C. P. Brown, S. J. Jenkins, J. T. Kestler, T. M. Bobbitt, C. R. Smith, C. A. Freeman, E. W. Carroll, A. J. Hite, W. D. Weeks, A. H. Spivey, W. V. Rogers, M. L. Birdsong, Cary D. Mayes, H. M. Pennington and G. L. Murphy,

And thereupon in response to an enquiry by the Court the prisoner by counsel stated that the panel is unexceptionable, and thereupon the Attorney for the Commonwealth having stricken four (4) persons, and the accused four (4) persons, from the said panel, the striking off such jurors having been done alternately, the Commonwealth beginning, the remaining twelve (12) constitute the jury for the trial of the prisoner to-wit: L. J. Conwell, E. W. Carroll, J. T. Kestler, T. M. Bobbitt, G. L. Murphy, H. M. Pennington, A. B. Fannin, W. V. Rogers, P. J. Homes, C. A. Freeman, C. D. Mayes and A. H. Spivey, who were thereupon duly sworn the truth of, and upon, the premises to speak;

B.
Exhibit

and after having heard the evidence and argumant of counsel retired to consider of their verdict, and, after sometime returned into Court and reported a verdict in the following words and figures, to-wit:

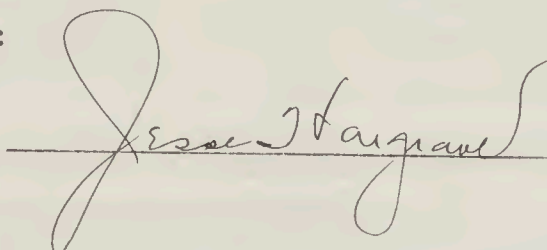
"We the jury find the defendant R. A. Jones, guilty as charged in the within indictment and fix his term of punishment at two years in the State Penitentiary".

Geo. L. Murphy, Foreman.

Thereupon the prisoner by counsel moved the Court to set aside the verdict of the jury on the ground that the same is contrary to the law and the evidence, of which said motion the Court takes time to consider, and doth continue the same,

And the prisoner is remanded to Jail.

A Copy Teste:


Clerk.

VIRGINIA,

IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY;

MARIAH JONES

V

ROBERT A. JONES

"EXHIBIT B".

MARRIAGE LICENSE

Virginia Sussex 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,

Robert A. Jones

and

Maria Webster

Given under my hand, as Clerk of Circuit

Court of

Sussex

County (or City) this

15th

day of

January

, 1917.

R. D. Harris

, 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

Sussex

Date of Marriage

Jan. 17th

Place of Marriage

Sussex County

FULL NAMES OF PARTIES.

Robert A. Jones

and

Maria Webster

Age of Husband

30

years; Condition (single, widowed or divorced)

Widowed

Age of Wife

45

years; Condition (single, widowed or divorced)

Widow

Race (White or Colored)

Colored

Husband's Place of Birth

Sussex Co.

Residence Full Mailing Address

Sussex Co.

Wife's Place of Birth

Sussex Co.

Residence Full Mailing Address

" "

Names of Parents

Husband

Watt Jones

and

Henrietta Jones

Wife

Decatur Falcon

and

Isma Falcon

Occupation of Husband

Labour

Given under my hand this

15th

day of

January

, 1917.

R. D. Harris

, Clerk.

Certificate of Time and Place of Marriage

I, Rev. M. C. Halland

a Pastor

of the

1st Baptist

Church, or religious order of that name, do certify that on the

17

day of

Jan

, 1917,

at Waverly, 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 Sussex, State of Virginia.

Given under my hand this

17

day of

Jan

, 1917.

W. C. G. Fester, Clerk

Rev. M. C. Halland

(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).

Exhibit A

County (~~or City~~) Sussex

Robert A. Jones
Husband

and { **Marriage License**

Maria Webster
Wife

Date of Issue Jan 15, 1917

Marriage Register No. Page

"Copy"

VIRGINIA,

IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY:

MARIAH JONES

V

ROBERT A. JONES

"EXHIBIT A."

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

MARIAH JONES	)	PLAINTIFF
V 478	)	IN CHANCERY
ROBERT A. JONES	)	DEFENDANT

TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Kindly issue process in the above entitled cause return-
able to the first April, 1926 rules.

Defendant is a colored man, working for the A. B.
Hartz Company at or near Windsor, Virginia.

Harry C. Brinkley
p.q.

VIRGINIA,

IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY:

MARIAH JONES

V #478

ROBERT A. JONES

MEMORANDUM.

3/17/76. Leticia
Procesos unido a Mariah
Dep. 750

LAW OFFICES OF
HARRY A. BRINKLEY
814 NEW KIRN BUILDING
PORTSMOUTH, VIRGINIA

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

MARIAH JONES	)	PLAINTIFF
V	)	
	)	IN CHANCERY
ROBERT A. JONES	)	DEFENDANT

THIS CAUSE in which the defendant, Robert A. Jones, has been regularly served ^{in person} with process and he having failed to appear, plead, answer or demur, came on this day to be heard upon the plaintiff's bill and exhibits filed therewith, and upon the depositions of witnesses ^{after notice served in person on the Defendant} taken before a Commissioner in Chancery, and filed herein and was argued by counsel.

AND, IT APPEARING ~~TO THE COURT~~ ^{as} that the said parties hereto were lawfully married on the 17th day of January, 1917, ~~and~~ that they are both actual bona fide residents of and domiciled in the State of Virginia and have been such residents for more than one year next preceding the institution of this suit; ~~and~~ that the said Robert A. Jones is a resident of Isle of Wight County in the State of Virginia; ~~and~~ that subsequent to said marriage the said defendant, Robert A. Jones, was on the 29th day of September, 1925, convicted in the Circuit Court of Sussex County, State of Virginia under an indictment for forgery and sentenced to serve two (2) years in the State Penitentiary; ~~and~~ that since said conviction, no cohabitation has been resumed between the plaintiff and the defendant, since the said plaintiff obtained knowledge of said conviction and the sentence to confinement in the State Penitentiary.

UPON CONSIDERATION WHEREOF, IT IS ADJUDGED, ORDER-

ED and DECREED that the said Mariah Jones and Robert A. Jones be divorced from the bonds of matrimony which were created by the aforesaid marriage and that the said marriage be dissolved; and that the said Mariah Jones is hereby granted the right to resume her former name of Mariah Webster by which she shall hereafter be known and called; and that she shall hold all property, both real and personal, which she is now seized or possessed of or may hereafter become seized or possessed of, free from any claims of courtesy or otherwise of the said Robert A. Jones.

But, neither of the parties to this suit shall be permitted to remarry until six (6) months shall have elapsed from the date of the entry of this decree.

And nothing further remaining to be done, it is ordered that this cause be removed from the docket.

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

MARIAH JONES

V

ROBERT A. JONES

DECREE .

1936
May 25
Auto. sup.
BOW.

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LAW OFFICES OF
HARRY A. BRINKLEY
814 NEW KIRN BUILDING
PORTSMOUTH, VIRGINIA

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

MARIAH JONES	)	PLAINTIFF
	)	
V	)	IN CHANCERY
	)	
ROBERT A. JONES	)	DEFENDANT

The depositions of Mariah Jones and others taken before me, R. Triplett, a Commissioner in Chancery for the Court of Hustings for the City of Portsmouth, pursuant to a notice hereto annexed, at the Office of Harry A. Brinkley, #314 New Kirm Building, Portsmouth, Virginia on the 23rd day of April, 1926, between the hours of 10 A. M. and 6 P. M. of that day, to be read as evidence in behalf of the plaintiff in a certain suit in chancery, depending and undetermined in the Circuit Court of Isle of Wight County, wherein Mariah Jones is the plaintiff and Robert A. Jones is the defendant.

Present: Harry A. Brinkley, attorney for the Plaintiff.

Witness, Mariah Jones, being duly sworn, deposes and says:

Q. What is your name, age and residence?

A. Mariah Jones, I am about fifty-two years of age and at present I live in Norfolk, Virginia.

Q. Are you the plaintiff in this suit?

A. Yes.

Q. When, where and to whom were you married?

A. I was married on the 17th day of January, 1917 to Robert A. Jones at Waverly, Virginia.

Q. Are you and Robert A. Jones now living together?

A. No.

Q. Do you know where he is now living?

A. The last I heard of him he was living at Windsor, Isle of Wight County, Virginia.

Q. Please state whether or not your husband has ever been convicted and sentenced to serve a term in the Penitentiary?

A. Yes, sir, on the 29th day of September, 1925 at Sussex County, in the Circuit Court he was found guilty of forgery and sentenced to serve two years in the penitentiary.

Q. Were you present when he was convicted?

A. Yes, sir.

Q. Have you and your husband lived together since this conviction?

A. No.

Q. How long has it been since you lived together?

A. Three or four years or more. He got hold of my money and papers and forged everything and got my money.

Q. Did he ever take care of you after he married you?

A. No sir, I have worked for my living ever since.

Q. Have you been an actual bona fide resident of and domiciled

in the State of Virginia for more than one year next preceding the institution of this suit?

A. I have lived in Virginia all of my life and still live here. And further, this deponent sayeth not.

Signature waived.

Witness, A. Brinkley, being duly sworn, deposes and says:

Q. What is your name and residence?

A. A. Brinkley and I reside at Norfolk, Virginia.

Q. Do you know Mariah Jones and Robert A. Jones, the parties to this suit, and if so, how long have you known them?

A. I have known her for fourteen years and have known him ever since they were married.

Q. Do you know whether or not they are now living together?

A. They are not.

Q. Were you present in the Circuit Court of Sussex County on the 29th day of September, 1925 when Robert A. Jones, the defendant in this suit was tried for forgery?

A. Yes.

Q. What was the result of that trial?

A. He was convicted and given two years in the penitentiary.

Q. Do you know whether or not since that time that any cohabitation has been resumed between Mariah Jones and her husband, Robert A. Jones.

A. No, there has not.

Q. Do you know really how long it has been since they lived together?

A. It has been about four years.

Q. Is it a fact that he has really never taken care of her since they were married?

A. She has always been with my wife and myself as our cook ever since she married him.

Q. Has Mariah Jones been an actual bona fide resident of and domiciled in the State of Virginia for more than one year next preceding the institution of this suit, and is she still such a resident?

A. Yes, she has resided in Virginia ever since I have known her and she is still such a resident.

Q. Do you know where Robert A. Jones lives?

A. The last I heard he was in Isle of Wight County at Windsor. And further this deponent sayeth not.

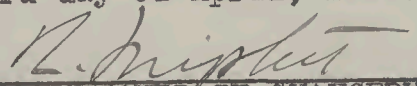
Signature waived.

STATE OF VIRGINIA,

CITY OF PORTSMOUTH, to-wit:

I, R. Triplett, a Commissioner in Chancery for the Court of Hustings, for the City of Portsmouth, do hereby certify that the foregoing depositions of Mariah Jones and A. Brinkley were duly taken, sworn to and the signatures thereto waived before me at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this 23rd day of April, 1926.


COMMISSIONER IN CHANCERY for
the Court of Hustings for the
City of Portsmouth.

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

MARIAH JONES

V

ROBERT A. JONES

DEPOSITIONS.

VIRGINIA CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

Filed May 7th 1926
N. A. Brinkley

LAW OFFICES OF
HARRY A. BRINKLEY
314 NEW KIRN BUILDING
PORTSMOUTH, VIRGINIA

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

MARIAH JONES	)	PLAINTIFF
V	)	IN CHANCERY
ROBERT A. JONES	)	DEFENDANT

TO
Robert A. Jones:

You are hereby notified that on the 23rd day of April, 1926, at the Office of Harry A. Brinkley, 314 New Kirn Building, in the City of Portsmouth, Virginia, between the hours of 10 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of myself and others to be read as evidence in my behalf, in a certain suit in Chancery, depending and undetermined in the Circuit Court of Isle of Wight County, wherein I am the plaintiff and you are the defendant; and if for any cause, the taking of said depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time at the same place and between the same hours until concluded.

Mariah Jones
BY COUNSEL.

Harry A. Brinkley
p. q.

Executed in the County of Isle Of Wight this the 22nd day of March 1926,
by serving a true copy of the within summons on Robert A. Jones, in person.

W. H. Chapman, Sheriff.

By W. J. Bruckham D.S.

(Original)
VIRGINIA,
IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY:

#476

MARIAH JONES

V

ROBERT A. JONES

NOTICE TO TAKE DEPOSITIONS.

LAW OFFICES OF
HARRY A. BRINKLEY
314 NEW KIRN BUILDING
PORTSMOUTH, VIRGINIA

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon

Robert a. Jones

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 *First* Monday in *April*, 192*6*,
to answer a bill in chancery, exhibited against *him*
in our said Court by

Mariah Jones

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this *17*
day of *March*, 192*6*, and in the *100th* year of the
Commonwealth.

R. A. Edwards Clerk.

Executed this 22 Day of March 1926 By Delivering a copy of
the within writ to Robert A Jones ^{person} in each of Wight County
State of Virginia W H Chapman Sheriff

By J H Bradshaw Deputy

Mauid Jones

VS.

CHANCERY NO. 476

Robert A Jones

ORIGINAL SUBPOENA

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

Returned, entered and filed. 19.....

Teste:

Clerk

To 1st April Rules

H. A. Bradshaw p. q.
1926

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

MARIAH JONES	)	PLAINTIFF
V	)	IN CHANCERY
ROBERT A. JONES	)	DEFENDANT

TO THE HONORABLE B. D. WHITE,
JUDGE OF SAID COURT:

Your petitioner, Mariah Jones, respectfully represents
as follows:

FIRST: That she is an actual bona fide resident of
and domiciled in the State of Virginia and has been such a resident
for more than one year next preceding the institution of this suit.

SECOND: That she and the above named defendant, Robert
A. Jones, were lawfully married on the 17th day of January, 1917, as
will appear from a certified copy of the marriage license attached
hereto, marked "Exhibit A" and prayed to be taken as a part of this
bill, her name at that time being Mariah Webster.

THIRD: That the above named defendant, Robert A. Jones,
is a resident of Isle of Wight County in the State of Virginia.

FOURTH: Your petitioner further represents that she and
the said defendant are not living together as husband and wife, and
that subsequent to said marriage, the said defendant was convicted in
the Circuit Court of Sussex County on the 29th day of September, 1925,
under an indictment for forgery, and sentenced to serve two (2) years
in the State Penitentiary, as will appear from a certified copy of
the Court record of said Circuit Court, attached hereto and marked
"Exhibit B" and prayed to be taken as a part of this bill; and that

subsequent to said conviction, to-wit: on the 13th day of November, 1925, the said defendant, Robert A. Jones, was sentenced by the said Circuit Court of Sussex County to be confined in the Penitentiary of this Commonwealth for a period of two (2) years, that being the verdict ascertained in the above mentioned cause, as will appear from a certified copy of the record of said Circuit Court of Sussex County, which is attached hereto, marked "Exhibit C" and prayed to be taken as part of this bill.

Your petitioner further represents that no cohabitation has been resumed between your petitioner and the said defendant since she obtained knowledge of said conviction and sentence to confinement in the State Penitentiary.

YOUR PETITIONER, THEREFORE, PRAYS that the said Robert A. Jones be made a party defendant to this bill and required to answer the same but not on oath, the oath being hereby waived; that proper process may issue and that she may be awarded a divorce from the bonds of matrimony which were created by the aforesaid marriage and that the said marriage be dissolved; and that she may be allowed to resume her name of Mariah Webster, by which said name she shall be hereafter known and called; and that she may hold all property, both real and personal, which she is now seized or possessed of or may hereafter become seized or possessed of, free from any claims of courtesy or otherwise of the said Robert A. Jones; and that she may have all such further, other and general relief as the nature of her case may require or to equity shall seem meet.

And she will ever pray, etc.

Harry A. Brinkley
p. q.

Mariah Jones
BY COUNSEL.

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

MARIAH JONES

V #478

ROBERT A. JONES

B I L L.

LAW OFFICES OF
HARRY A. BRINKLEY
314 NEW KIRN BUILDING
PORTSMOUTH, VIRGINIA