

1927-024

Chancery Causes: Elnora White vs Benjamin White

498

Jble of Wight County

Other surnames: Barnes,
Drew, Jones, Pryor

Marriage License

(Seal of Court
here superim-
posed on an
adhesive wafer)

Virginia Surry 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,

Benjamin White and Elmira Barnes
Given under my hand, as Clerk of Circuit Court of Surry County
(or City) this 23 day of Dec., 1911.
A. S. Edwards, Clerk

Marriage Certificate

To be annexed to License required by Section 5074 of the Code of Virginia.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Surry
Date of Marriage December 23, 1911 Place of Marriage Surry Co.
(FULL NAMES OF PARTIES)

Benjamin White and Elmira Barnes
Age of Husband 25 years; Condition (single, widowed or divorced) Single
Age of Wife 17 years; Condition (single, widowed or divorced) Single
Race (White or Colored) Colored

Husband's Place of Birth War Co. N.C. Mailing Address (PRESENT) Smithfield, Va.
Wife's Place of Birth Surry Co. Va. Mailing Address Surry County, Va.
Names of { Husband George and Sarah White
Parents { Wife Walter and Isabell Barnes
Occupation of Husband On steamer

Given under my hand this 23 day of December, 1911.

A. S. Edwards, Clerk.

Certificate of Time and Place of Marriage

I, William Haywood, a Minister of the Gospel
Church, or religious order of that name, do certify that on the 23 day of December, 1911,
at my residence, 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 authoriz-~~
~~ing me to celebrate the rites of marriage in the County (or City) of~~ State of Virginia.

Given under my hand this 23 day of December, 1911.

A. Copy Wm Haywood
Tate: B. B. Backman Jr. Clerk (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, 1919).

Clerk.

Certificate of Person Performing Marriage Ceremony

To be detached and delivered to the parties married.

I, _____, a _____ of the _____
Church, or religious order of that name, do certify that on the _____ day of _____, 19____,
at _____, Virginia, under authority of a license issued by _____,
Clerk of _____ Court of _____ County (or City), State of Virginia, dated the
_____ day of _____, 19____, I joined together in the Holy State of Matrimony
_____, husband, and _____, his wife.
Given under my hand this _____ day of _____, 19____.

(Person who performs ceremony sign here.)

2 1/2

County (or City) Sunny

Benjamin White
Husband

and { Marriage License

Elmora Barnes
Wife

Date of Issue Dec 23 1911

Marriage Register No. 1 Page 130

a copy.

Exhibit "A" 1

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

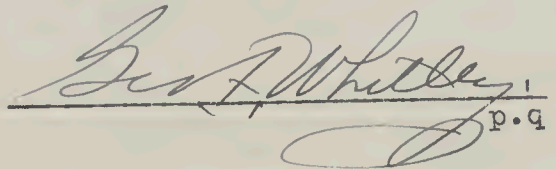
ELNORA WHITE -----Plaintiff,

VS)

Ben White -----Defendant.

To the Clerk of the Circuit Court for the County of Isle of
Wight, Virginia:

Issue summons in Chancery to 2nd, February Rules 1927


p.q

Direct summons to Sergeant of the
City of Norfolk, Va. The address
of the defendant is 363 Queen Street,
Norfolk, Va.

1
Elmora White

V-498

Ben White

Memorandum

Frid- 2/3/27

Wip.

750

VIRGINIA,

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

Elnora White.....Plaintiff

VS:

Benjamin White..... Defendant

This cause which has regularly matured at rules and in which, service of process upon the defendant has been had, came on to be heard upon the complainant's bill, and the exhibits filed therewith; the respondent failing to plead, answer or demur and upon the depositions of witnesses duly taken, legal notice of the taking of said depositions having been given the respondent, and was argued by counsel.

And it appearing to the court independently of the admissions of either party in the pleadings or otherwise and from the exhibits, together with the depositions filed, that the said parties were lawfully married on the 23d day of December, 1911; that the said plaintiff and said defendant last cohabited as man and wife in the County of Isle of Wight, State of Virginia; that the defendant is domiciled in, and is, and has been an actual bona fide resident of the State of Virginia for more than one year preceding the commencement of this suit; that the said Benjamin White has wilfully deserted and abandoned the said Elnora White for a period of more than three years next, preceding the institution of this suit; and that the said plaintiff and defendant have not cohabited as man and wife since the said desertion and abandonment of the said plaintiff by the said defendant; ^{on} consideration whereof the Court doth adjudge, order and decree, that the said Elnora White and Benjamin White be divorced from the bond of matrimony, which

was created by the aforesaid marriage; and that the said
marriage be, and the same hereby is, dissolved, ~~and annulled.~~

And neither of the parties hereto shall again marry within six
And there remaining nothing further to be done in this
cause, the same is ordered to be stricken from the docket.

Months after the entry hereof.

White VS: White
|||||

white
or
white,

Decree
|||||

14

Decree

1927.
Apr 13th
Enter ship
P.H.W.

Mail copy
to S. H. White.

Book 6 382
page

VIRGINIA,

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

Elnora White.....Plaintiff

VS) Depositions

Benjamin White.....Defendant

The depositions of Fannie Drew et als, taken before me A. S. Barrett, a Notary Public, for the County of Isle of Wight in the State of Virginia, pursuant to a notice hereto annexed, at the office of Geo. F. Whitley, in the town of Smithfield, Virginia, on this 2nd day of April 1927, between the hours of 10:00 and 11:00 O'clock, to be read as evidence on behalf of Elnora White in a certain suit in equity, depending in the Circuit Court of Isle of Wight County in the State of Virginia, wherein Benjamin White is defendant and Elnora White is plaintiff.

Present: Geo. F. Whitley,

Attorney for plaintiff.

Fannie Drew, being duly sworn
deposes and says as follows:

Q. Please state your name, age, residence and occupation?

A. Fannie Drew, forty-eight, Smithfield, Va., house-work.

Q. How long have you lived in Smithfield, Virginia?

A. About thirty-five years.

Q. Do you know Elnora White and Benjamin White, if so, how long have you known them?

A. Yes, I know them both; have known Elnora since she was a child, and have known Benjamin about 18 years.

Q. Were they ever married, if so, where were they married?

A. They were married in Surry County, some 13 or 14 years ago or more.

Q. Where did they live together as man and wife?

A. They came to Smithfield when they were first married, and lived here until Benjamin left her.

Q. You say that Benjamin left her, do you mean that they are not now living together?

A. Yes sir; they are not living together, Benjamin left her going on 7 years ago.

Q. Were they living in the town of Smithfield here at the time Benjamin left her.

A. Yes sir; they were not living right in town, but just outside of town at River View.

Q. River View is in Isle of Wight County, is it not?

A. Yes sir.

Q. What became of Elnora after Benjamin left?

A. She continued to live here in Smithfield for some time.

Q. Why did Benjamin leave Elnora?

A. All I know he seemed to have gotten tired of her and just left.

Q. Where did he go?

A. He went to Norfolk.

Q. Has he ever come back to live with Elnora?

A. Never no more.

Q. Where is Benjamin now?

A. He has been living in Norfolk eversince he left Elnora.

Q. Was Elnora a good and dutiful wife?

A. Yes sir; she ~~looked~~ after him all right and was a good wife to him.

Q. Did Benjamin contribute to her support after he left her?

A. No sir; I don't think he did, because Elnora had to go to work and support herself.

Q. Then, if I understand you, Benjamin White has never been back to live with Elnora since he left her?

A. No sir, he has never been back, and they have never lived together since.

And further this deponent saith not.

Fannie Dress

Avrilla Jones being duly sworn
deposes and says as follows:

Q. Please state your name, age, occupation and residence?

A. Avrilla Jones, Thirty-four, House-wife, Smithfield, Va.

Q. How long have you been living in Smithfield.

A. About 15 years.

Q. Do you know Elnora White and Benjamin White, if so,
how long have you known them.

A. Yes sir; I have been knowing Elnora all my life, and
been knowing Benjamin eversince I've been here.

Q. Where did Benjamin and ~~Elnora~~ live after they were
married.

A. They lived here in Smithfield in the same house that
I lived in.

Q. Are they living together now as man and wife?

A. No sir; Benjamin left her in the fall of 1920.

Q. Where were they living at the time Benjamin left her?

A. They were living at River View in this County just
outside of Smithfield.

Q. Why did Benjamin leave her?

A. I think he just got dissatisfied, and did not want to
stay with her any longer. I don't believe it was on
account of anything that Elnora had done.

Q. Did Elnora make Benjamin a good wife?

A. Yes sir; I lived in the same house with them for
about 8 years and she treated him all right, so far
as I could see. He left her soon after they left the
house in which we were living.

Q. Where did Benjamin go when he left?

A. He went to Norfolk, and has been living there eversince.

Q. What did Elnora do?

A. She stayed here and worked for her living.

Q. Have they ever lived together as man and wife since Benjamin left her in 1920.

A. No sir; they have never lived together since Benjamin never came back.

Q. Has Benjamin been living in Norfolk eversince he left her?

A. Yes sir; he has been right down there and I understand he is working for the Pennsylvania Railroad Company, on a boat running to Cape Charles.

Q. Where did he work when he was in Smithfield?

A. He worked on the Smithfield boat.

And further this deponent saith not.

Avilla Jones

Junius Pryor being duly sworn
deposes and says as follows:

- Q. Please state your name, residence, age and occupation?
- A. Junius Pryor, Smithfield, Virginia, 54 years of age, running a restaurant.
- Q. How long have you been living in Smithfield?
- A. Been living here all my life.
- Q. Do you know Benjamin White and Elnora White, if so, how long have you known them.
- A. I have known them ever since they were married.
- Q. Where did they live after they were married?
- A. They lived in Smithfield in that house right back there.
- Q. Who lived in the same house with them?
- A. Avrilla Jones and husband.
- Q. How long did they live there?
- A. They lived there until they moved over at River View.
- Q. Are they living together now?
- A. No sir, Benjamin went away while they were living in River and Benjamin has never come back to live with her.
- Q. Where did Elnora live after Benjamin left her?
- A. She kept living over there at River View, and then she came to live with Avrilla.
- Q. What did she do?
- A. She worked for a living around Smithfield.
- Q. Where did Benjamin go?
- A. He went to Norfolk, and I have not seen him but once since, and I saw him in Norfolk.
- Q. How long did they live together before Benjamin left her?
- A. They lived together as best I can recollect some 8 or nine years.

And further this deponent saith not.

J. Pryor

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

Elnora White,

Plaintiff

Vs

Benjamin White,

Defendant

To Benjamin White:

Take notice that on the 2nd day of April, 1927, .
at the office of Geo. F. Whitley, in the town of Smithfield,
Virginia, between the hours of 10:00 and 12:00 O'clock of
that day, I shall proceed to take the depositions of Abrilla
Jones and others, to be read as evidenced in my
behalf, in a certain suit in equity, depending in the Circuit
Court of Isle of Wight County, wherein I am Plaintiff and you
are Defendant; and if from any cause the taking of the said
depositions be not commenced, or, if commenced but not con-
cluded on that day, the taking thereof will ^{be} adjourned from
time to time, in the same place, and between the same hours,
until the same shall be completed.

Given under my hand this 23d day of March, 1927.

Elnora White
By Counsel

Geo. F. Whitley, p. gr.

PAID

WHITE VS WHITE

In Chancery

Notice of taking

deposition

Executed in the City of Norfolk,
Va., this the 26 day of Mar 1927

by serving a Copy hereof on

Burgman White

IN PERSON.

C. H. TUMBLESON,

Sergt. City of Norfolk, Va.

By W. Carmel Deputy

State of Virginia,

County of Isle of Wight to-wit:

I, A. S. Barrett, a Notary Public, for the County of Isle of Wight in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectfully, before me, at the place and time therein mentioned, pursuant to the annexed notice.

Given under my hand this 2nd day of April 1927.

A. S. Barrett
Notary Public.

My commission expired on the 11th day of July 1927.

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~~White VS White~~

VS

White,

Depositions

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Commonwealth of Virginia,

Sargeant of Norfolk City
To the ~~Sheriff of Isle of Wight County~~ — Greeting:

WE COMMAND YOU, That you summon Ben White,

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 Third Monday in February, 1927,
to answer a bill in chancery, exhibited against him
in our said Court by Elnora White.,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 3rd
day of February, 1927, and in the 151st year of the
Commonwealth.

R. A. Edwards, Clerk.

A Copy Teste. R. A. Edwards Clk.

Executed in the City of Norfolk,
Va., this the 5 day of Feb 1927
by serving a Copy hereof on
Ben White

IN PERSON.
C. H. TUMBLESON,
Sgt. City of Norfolk, Va.
By Dr. Conner Deputy

²
PAID

Elnora White,

vs. } CHANCERY NO. 498

Ben White,

ORIGINAL SUBPOENA

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

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

Teste:
.....Clerk

To Second February Rules

1927...

George E. Whitley, p. q.

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

ELNORA WHITE

PLAINTIFF

VS

BENJAMIN WHITE

DEFENDANT

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF THE COUNTY,
ISLE OF WIGHT/

Your complainant, Elnora White respectfully
represents;

That on the 23d day of December NINETEEN HUNDRED
AND ELEVEN (1911) your complainant, whose maiden name
was Elnora Barnes, was lawfully married, in the County
of Surry, State of Virginia, to Benjamin White, as will
appear from a certified copy of the Marriage License
herewith filed, marked "Exhibit A." and made a part of
this bill; and,

That continuously from the date of said marriage
until during the Fall of the year NINETEEN HUNDRED &
TWENTY (1920) your complainant and the said Benjamin
White lived together as husband and wife at Smithfield,
Virginia; and,

That the said Benjamin White has willfully deserted
and abandoned your complainant for a period of more than
three years next, proceeding the institution of this
suit; that is to say, during the Fall of the year NINETEEN
HUNDRED & TWENTY (1920), the said Benjamin White did
voluntarily, wilfully and without any justification what-
ever, leave your complainant; and did go to the City of
Norfolk, Virginia; that the said Benjamin White has not
since his desertion of your complainant as aforesaid
returned to live with your complaintant nor has he

contributed in any manner to the support of your complainant, and that your complainant and the said defendant has not cohabited as man and wife since the desertion as aforesaid; and,

That the said defendant has resided and has been domiciled in this State every since the aforesaid marriage and is domiciled in and is and has been an actual bona fide resident of the State of Virginia for at least one year proceeding the commencement of this suit; and,

That your complainant last cohabited with said Benjamin White in the Town of Smithfield, in the County of Isle of Wight, State of Virginia:

In consideration whereof and forasmuch as your complainant is remediless in the premises save in a Court of equity, this complainant prays that the said Benjamin White 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 of 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.

And your complainant will ever pray etc.

Elvira White
By Counsel

Genl. W. H. Whitley
Counsel

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Elnora White

VS Bill 498

Benjamin White

GEORGE F. WHITLEY
ATTORNEY-AT-LAW

SMITHFIELD, VA.

2nd Feb 1888 Filed
H.C.

HAMPTON ROADS PAPER CO., NORFOLK