

1931 - 004 Chancery Causes: Robert S. Nicholson vs Selma Gay Nicholson
Isle of Wight County

531

other SURNAMES: Gay, Holland
Owens, Noon

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,

Robert S. Nicholson and Selma Gay

Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this 27th day of October, 1910.

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 November 16, 1910 Place of Marriage Smithfield-Virginia

Robert S. Nicholson and Selma Gay

FULL NAMES OF PARTIES

Age of Husband 24 years; Condition (single, widowed or divorced) Single

Age of Wife 23 years; Condition (single, widowed or divorced) Single

Race (White or Colored) White

(PRESENT)

Husband's Place of Birth Petersburg-Va. Mailing Address Windsor-Virginia

Wife's Place of Birth Isle of Wight Co., Va. Mailing Address Smithfield-Virginia

Names of Husband J. Y. Nicholson and Helen M. Nicholson

Parents Wife B. P. Gay and Emma C. Gay

Occupation of Husband Railroad Agent

Given under my hand this 27th day of October, 1910. A. S. Johnson, Clerk.

Certificate of Time and Place of Marriage

I, R. T. Waterfield, a Minister of the Methodist E.

Church, or religious order of that name, do certify that on the 16th day of November, 1910,

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 17 day of Nov., 1910.

R. T. Waterfield

(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"

A
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A. S. Johnson

County (or City) of *Isle of Wight*

Robert S. Nicholson
Husband

and { **Marriage License**

Selma Gay
Wife

Date of Issue *Oct. 27, 1910*

Marriage Register No. Page.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

Robert S. Nicholson

v.

Selma Gay Nicholson

To: R. A. Edwards, Clerk

Please issue subpoena in chancery against the above
defendant to answer bill of complaint at the first April Rules,
1928, in your office.

Holland & Woodward
p. q.

March 26, 1928.

ROBERT S. NICHOLSON

v.

SELMA GAY NICHOLSON

MEMORANDUM

4/12/28

Deposit - 75⁰⁰

3/26/28

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

Robert S. Nicholson

Complainant.

vs.

Selma Gay Nicholson

Defendant.

This cause came on this day to be heard on the papers formerly read and upon the proceeding had herein upon the decree of divorce a mensa et thoro heretofore entered on the 7th day of May, 1928, upon the application of the complainant for a decree of divorce a vinculo matrimonii, after due notice to the defendant, and upon depositions on behalf of the complainant, ~~hereby filed by leave of court~~, the said depositions being taken after due notice to the defendant, and was argued by counsel, ^{and} ~~on consideration~~ ^{whereof}, it appearing to the court, as established by the said decree heretofore rendered in this cause, that the defendant had abandoned and voluntarily deserted the said complainant on the 18th day of March, 1927, and it appearing from satisfactory evidence that the said parties have not been ^{and can not be} reconciled to each other since the rendition of the former decree herein, ^{On consideration thereof} it is adjudged, ordered and decreed that the bonds of matrimony heretofore celebrated and existing between the complainant, Robert S. Nicholson, and the defendant,

Selma Gay Nicholson, be, and they are hereby, dissolved, and the said parties are forever divorced

from each other, *but neither of the parties hereto shall again marry within six months after*

It is further ordered that the complainant,

Robert S. Nicholson, recover of the defendant, Selma Gay Nicholson, his costs in and about the prosecution of his suit in this behalf expended, including a statutory attorney fee of Fifteen Dollars (\$15.00).

Robert S. Nicholson

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

Robert S. Nicholson

vs.

Selma Gay Nicholson

D E C R E E

1931
Mar 2
Entered
B. H. W.

8-583

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

Robert S. Nicholson

v.

Selma Gay Nicholson

in which the defendant has been served with process,
This cause came on this day to be heard upon process

~~duly executed upon the defendant, Selma Gay Nicholson; upon the~~

complainant's bill with the exhibits ~~regularly~~ ^{taken} filed at rules;

upon the depositions ^{taken} on behalf of the complainant ^{after} ~~taken~~ upon due

being duly served in person on the defendant
notice, and filed herein; and upon the argument of counsel: and it is af-
firming that the complainant and defendant are bona fide residents of and

domiciled in the Commonwealth and have been for more than one year
Upon consideration of all of which, the court is of the
opinion that the complainant, Robert S. Nicholson, is entitled to
before the institution of this suit, that the parties last cohabited in
a divorce from the defendant, Selma Gay Nicholson, from bed and
the home of the defendant, in this County, and that the defendant
board, the said Selma Gay Nicholson having voluntarily deserted.

on consideration whereat the court doth
the said Robert S. Nicholson on the 18th day of March, 1927; there-

fore, it is adjudged, ordered and decreed that the complainant,

Robert S. Nicholson, and the defendant, Selma Gay Nicholson, be,

and they are hereby, divorced from each other from bed and board: and

And this cause is ordered continued.
the Court doth award the custody of the infant child of said
said marriage, Marguerite Nicholson, the infant child of the
said marriage, to the complainant.

And this cause is retained on the docket for such other
relief as the parties may be entitled to.

Robert S. Nicholson

v.

Selma Gay Nicholson

DECREE

1928

May 7

Entered
P.D.W.

Book 8

Page 445

See Chandler v. Chandler

132 Va 418

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

Robert S. Nicholson

vs.

Selma Gay Nicholson

Depositions of Robert S. Nicholson and
R. D. Holland taken before me, M. E. Watkins, a Commissioner
in Chancery, for the Circuit Court of the City of Suffolk,
Virginia, pursuant to notice herewith filed, at the office
of W. S. Holland, 305 National Bank Building, Suffolk,
Virginia, on the 25th day of February, 1931, between the
hours of three and seven o'clock P. M., of that date, both
of which are to be read as evidence on behalf of the com-
plainant, Robert S. Nicholson, in a certain suit in equity,
depending in the Circuit Court of Isle of Wight County,
Virginia, wherein the said Robert S. Nicholson is complainant,
and Selma Gay Nicholson is defendant.

PRESENT: Wm. S. Holland
 Attorney for complainant.

 No appearance by defendant.

ROBERT S. NICHOLSON, being duly sworn, deposes and says, as follows:

Examined by Mr. W. S. Holland:

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

A. Robert S. Nicholson; 44; Railroad Agent at Waverly, Va.

Q. How long have you been residing at Waverly?

A. I resided at Windsor until the 5th of January, 1931; and was then transferred by the Railroad Company to Waverly, Virginia.

Q. Are you the plaintiff in this suit?

A. Yes, sir.

Q. On the 7th day of May, 1928 a decree was entered in this cause, granting you a divorce from bed and board; which decree set forth that your wife voluntarily deserted you on the 18th day of March, 1927. Please state whether or not there has been any reconciliation between you and your wife since the above decree was entered.

A. None.

Q. Have you cohabited or lived with your wife since the above decree was entered?

A. No, sir.

Q. Do you know where your wife has been living since she deserted you in March, 1927?

A. I understand that she has been living at Ocean View.

Q. Where is your daughter, Marguerite Nicholson?

A. She is in school in Baltimore, at the Peabody Conservatory.

Q. Who is paying her expenses?

A. I am.

Q. Has her mother contributed to her support in any way since she deserted you in March, 1927?

A. Not a penny that I know of.

Q. Has your wife ever made any effort to see your daughter since she deserted you?

A. Not that I know of; she has never even written to my daughter as far as I know.

Q. Did your daughter visit you Christmas?

A. Yes, sir.

Q. Have you seen your daughter since Christmas?

A. Yes, I spent last Monday with her in Washington.

Q. Has your wife shown any signs whatsoever for being in any way sorry for the way that she has treated you and your daughter?

A. Not the least.

And further this deponent saith not.

Robert S. Johnson

R. D. HOLLAND, being duly sworn, deposes and says, as follows:

Examined by Mr. W. S. Holland:

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

A. R. D. Holland, 31 years; Postmaster at Windsor, Va.

Q. How long have you been knowing Mr. and Mrs. R. S. Nicholson?

A. About ten years.

Q. Were you living at Windsor, or near Windsor, in May, 1928?

A. I was living in Windsor.

Q. On the 7th day of May, 1928 a decree was entered in this cause divorcing Robert S. Nicholson from Selma Gay Nicholson from bed and board. Have they cohabited together or has there been any reconciliation whatsoever between them since that time?

A. Not that I know of. I have seen nothing of Mrs. Nicholson in Windsor since she left in 1927.

And further this deponent saith not.

R. D. Holland

STATE OF VIRGINIA,)
CITY OF SUFFOLK,)

To-wit:

I, M. E. Watkins, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, duly sworn to, and signed by the witnesses, respectively, before me, at the place and between the hours mentioned in the caption hereto attached, pursuant to the notice herewith filed.

In witness whereof, I have hereunto set my hand this 25th day of February, 1931.

M. E. Watkins
Commissioner in Chancery.

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

ROBERT S. NICHOLSON

VS.

SELMA GAY NICHOLSON

DEPOSITIONS

Filed this 4 day of
~~February~~, 1931.
March

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Mr. Robert S. Nicholson, being duly sworn, deposes and says:

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

A. Robert S. Nicholson, 41, Norfolk & Western Agent, Windsor, Virginia.

Q. Are you the husband of Selma Gay Nicholson, and the plaintiff in this suit?

A. Yes sir.

Q. How long have you been a resident of and domicile in the County of Isle of Wight, Virginia?

A. Ever since 1895.

Q. When did you last cohabit with Mrs. Nicholson?

A. March 18, 1927, in Windsor, Virginia.

Q. Have you cohabited with her since that date?

A. No sir. Ever since then she always locked her bed room door as soon as she went in to retire. I was not permitted to come in, and she always made that plain.

Q. After March 18, 1927, how long did your wife reside in the same house in which you resided?

A. Until September 15, 1927.

Q. Did you support Mrs. Nicholson in every way commensurate with your financial income?

A. Yes sir.

Q. Just explain, if you will, how you supported Mrs. Nicholson before she left on September 15, 1927?

A. I furnished all the groceries and a servant most of the time, washing, ironing and cleaning, and all other incidental house expenses. Then in addition to that, I gave her \$50.00 a month for her own use, and she also had a pass to ride on the Norfolk & Western whenever she wanted to and at any time.

Q. How was the \$50.00 paid?

A. Twice a month in \$25.00 payments.

Q. Did you and Mrs. Nicholson have any children?

A. One daughter, Marguarite Nicholson, who is now sixteen years old.

Q. Did you support her in addition to the amount paid Mrs. Nicholson?

A. Yes indeed, she never spent a cent on her that I know of.

Q. Just explain, if you will, how Mrs. Nicholson acted for several months prior to March 18, 1927, and until she left in September 15, 1927, that is, with reference to attending to her household duties?

A. She would make frequent trips to Norfolk and other places, but she looked after the household duties fairly good, when she was there, up until March 18th, but after March 18th, she took absolutely no interest in the home. After March 18th, she went more than usual, and frequently she would go away one morning say, and spend the night and be back the next day.

- Q. Did she ever tell you where she was going, or what she was going for?
- A. Sometimes she would tell me that she went to Norfolk on her business, and sometimes she would say it was just her "damn" business, and that is all the answer I ever received.
- Q. How many times did she average going to Norfolk or other places away from home each week after March, 1927?
- A. She averaged at least four or five times a week.
- Q. From March 18, 1927, until she left in September, was she in anyway agreeable in her home?
- A. No indeed, not with me, and not much so with Marguarite. For the month of June, 1927, she did not speak to me.
- Q. Did you eat at the same table during that month?
- A. No. She always planned to eat at some other time than at the time I was at the table, either before or after I ate.
- Q. Is your daughter, Marguarite Nicholson, living with you now in Windsor?
- A. Yes Sir.
- Q. Where is Mrs. Nicholson living now?
- A. In Norfolk, I reckon, I haven't heard from her since she left.
- Q. What church do you belong to?
- A. Methodist.
- Q. Who is the pastor?
- A. Rev. R. W. Owens.
- Q. Did you ever consult Rev. Owens with your family troubles and ask him for his help in trying to make your home more pleasant?
- A. Yes sir, several times.
- Q. Will you now state when and under what circumstances?
- A. The first time was in June, 1927, I asked him if he would mind seeing her and seeing what he could do and his answer was that he was going to hold a revival in a few days, and thought it best not to say anything to her until after that, but after the revival he would see her.
- Q. Did you ever meet Rev. Owens in your house in the presence of your wife, if so, tell what happened.
- A. Yes sir. After talking to Mrs. Nicholson, he came up to the depot to see me, and said that she was willing to meet me half way if I would do the same, and return her diamond ring, which I did. Then we went home, and we talked probably an hour, and she agreed to do all in her power she could to meet me half way.
- Q. After that conference, did she make any change at all in her attitude and disposition as it was prior to that time?
- A. She was a little more pleasant in her speech, but she still refused to live with me.
- Q. How many days did that "little more pleasant" attitude continue?

- A. That was the 15th of July, and it continued for nearly three weeks.
- Q. After the three weeks, did she again refuse to speak to you or have any conversation with you?
- A. She acted very cold and indifferent like she did before Mr. Owens came.
- Q. When she left on September 15, 1927, what remarks did she make, or did she tell you where she was going?
- A. About nine o'clock a. m., she came to the depot and asked me to give her her money. I told her that I didn't have it at that time, as my salary check had not come, she said "Well, I want it, as I am going away today."
- Q. Did she say for what purpose she was going away or where she was going?
- A. No.
- Q. Did she tell you in any other conversation during that day or the day before that she was intending to leave home on September 15?
- A. No.
- Q. Has she ever been back to stay in the house since September 15, 1927?
- A. No.
- Q. When did you last see Mrs. Nicholson after September 15, 1927?
- A. On September 24, 1927, in Norfolk. I saw her in a car on Atlantic Street and spoke to her. A few minutes after that she saw me on Plume Street and asked me what I was going to do in regard to a divorce, then I asked her if she would come back home and live as man and wife, and she replied "No, and I don't mean 'maybe.'"
- Q. Did you see her after that time?
- A. I saw her again in Norfolk, but I don't remember the date, but she was in a car with a woman and three children, and I don't know whether that was after October 19th, or not, but I didn't get near enough to speak to her. I was walking up Granby Street, and she was in a car riding down Granby Street.
- Q. Whose car was she in?
- A. Her's.
- Q. How did she get that car?
- A. She bought it with money from her father's estate.
- Q. Did you ever see Mrs. Nicholson in Windsor after September 15, 1927, if so, tell what happened.
- A. On October 19, 1927, she came to Windsor and told me that I either had to buy the furniture, or she was going to sell it, every piece she had in the house, including that that Marguarite used, because she said she was never going to put her foot in the house again.
- Q. Why did she claim any of the furniture?
- A. The original furniture in the house was mine. She exchanged that for new furniture and paid the difference with some money she got

from her father's estate.

Q. Did you then pay her anything for her claim on the furniture, if so, how much.

A. I paid her what she charged, \$500.00, as I had to keep the house open on account of my daughter, marguarite, who is still living with me, and after I paid her what she charged and she agreed to leave everything in the house, I had to go back to the telegraph office, and then she carried away one bridge lamp, one set of silverware, Portsmouth design. This silverware was bought by me with bunus money that I received from the government, and a pistol, one flashlight, blankets off my bed, one stick pen, one O. R. T. Watch charm, and other items.

Q. Has she ever been back to Windsor, since October 19, 1927?

A. Yes, on December 10, she went to the house while I was at work in the office and got five or six vases, and flower stands without saying a work to me.

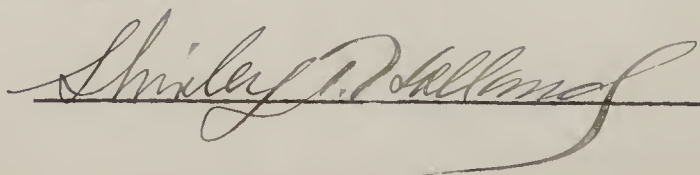
And further this deponent saith not.

Robert S. Dickson

Mr. Shirley T. Holland, being duly sworn, deposes as follows:

- Q. Please state your name, age, occupation and residence?
- A. Shirley T. Holland, age 31, Cashier of Farmers Bank of Windsor, Windsor, Virginia.
- Q. How long have you been acquainted with Mr. & Mrs. R. S. Nicholson?
- A. About ten years.
- Q. Were you personally acquainted with both parties, and did you have an occasion to see them often?
- A. Yes sir.
- Q. Please state whether or not you know of your own knowledge that Robert S. Nicholson was a good and faithful husband.
- A. So far as I know.
- Q. Did he ever do anything to cause Mrs. Nicholson to become dissatisfied with her home?
- A. Not to my knowledge. He always impressed me as doing all he could to make his home happy and peaceful.
- Q. Do you know whether he provided for and supported his family within reason according to his financial income?
- A. Yes sir, I think so. She generally got her checks cashed at my bank twice a month, for \$25.00 each, for money from Mr. Nicholson for her own personal use.
- Q. Do you know when Mrs. Nicholson left her home in Windsor, if so when?
- A. September 15, 1927.
- Q. Have you ever had any conversation with Mrs. Nicholson as to whether or not she would return to her home?
- A. Yes sir, the latter part of October, 1927, she told me that she did not expect to live in Windsor again.
- Q. Did she give any reason for leaving?
- A. No sir.
- Q. Do you know where Mrs. Nicholson is living at this time?
- A. I think she is living at 124 Leicester Ave., Ocean View, Virginia.
- Q. Do you know how many trips Mrs. Nicholson would make to Norfolk and other places each week on an average several months prior to September 15, 1927?
- A. For three or four months prior to September, 1927, Mrs. Nicholson would make trips to Norfolk or other places three or four times a week.
- Q. Could she make these trips and still look after her household duties and the rearing of her daughter, Marguarite, in a faithful manner?
- A. I don't think so; I don't see how she could.

And further this deponent saith not.



Rev. Richard V. Owens, being duly sworn, deposes as follows:

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

A. Richard V. Owens, 46, Windsor, Virginia, Methodist pastor.

Q. How long have you been acquainted with Mr. & Mrs. R. S. Nicholson?

A. 29th day of October, 1926, I met Mrs. Nicholson and the next day, Mr. Nicholson. The date is fresh because that is the date I went to Windsor and assumed the pastorate there at the Methodist church.

Q. Were both Mr. & Mrs. Nicholson members of your church?

A. They were.

Q. Did Mr. Nicholson ever discuss with you his family troubles and seek your aid in effecting a peaceful home, if so, please tell when and under what circumstances?

A. He did, on several occasions, first either the latter part of May, or the first portion of June. He seemed to be very much wrought up over the welfare of his home, and came to me frequently requesting that I see Mrs. Nicholson and try to effect a reconciliation between them, which I promised to do after our revival services, which were held in June, 1927, were over. After the meeting was over, things seemed to be working a little more smoothly in the Nicholson home, and Mr. Nicholson and I talked it over; we decided to wait until my return from Richmond before seeing Mrs. Nicholson. I went on my vacation following the meeting in Windsor. About the middle of July, I went to the railway station. Bob (Mr. Nicholson) informed me that things were worse than ever in the home. I asked him why, what had he done, and he said that he did not know of anything that he had done except that he had Mrs. Nicholson's diamond ring. I asked him why he had taken it and why he did not give it back, and he replied that she was not wearing it, and that he had considerable money tied up in it, she having taken her engagement ring which he gave her and another ring which he had given her, and made them both into one setting. He suggested that I see Mrs. Nicholson and see if their differences could not be adjusted, which I did. The same day, about the 15th day of July, I went to Mrs. Nicholson's home about four o'clock in the evening, and talked with her for a half or three-fourths of an hour, as I had frequently talked with Bob (Mr. Nicholson), showing to her the folly and wrong in the way they were living, and requested that she meet Bob (Mr. Nicholson) half way, telling her that he was ready to do the same with her, to which she agreed. During this conversation she said that Mr. Nicholson had taken her diamond ring, and I asked her how did she know that he had taken the ring, and she replied that she heard Bob in her bedroom during the morning on which she missed the ring, and that he (Bob) had absolutely no business in her bedroom. I being somewhat astonished said "And you say Bob had no business in your room," and she answered by saying, "Yes sir, that is what I said, Bob had absolutely no business in my room, and that he has not been in my bedroom for several months for any purpose whatsoever." I went to the station and Bob (Mr. Nicholson) accompanied me back to their home. Apparently a reconciliation was effected, after pledging to do their part by and to the other. In other words, they kissed and made up, and Bob (Mr. Nicholson) returned her ring. Both agreed that they would do all in their power to live as husband and wife ought to live, but from all appearances to me, there was no actual change.

Q. Did they ever attend church after March 18, 1927?

A. They did.

Q. Were they present together or not?

A. They did not come together, nor return together. Mrs. Nicholson usually came in her car, while Mr. Nicholson walked and returned to their home in like manner. I have never seen Mr. & Mrs. Nicholson together at a social function in church or elsewhere outside of their home.

Q. As their pastor and friend, did you visit their home and did you frequently see them in the home or outside?

A. Between October 29, 1926, and the time Mrs. Nicholson left Windsor in the middle of September, 1927, apparently for good, I made four visits to the home, twice in the day time when only Mrs. Nicholson was at home. On these visits, Mrs. Owens accompanied me. Twice at night when Mr. Nicholson was there, one time of which was the time referred to in the previous question at about five thirty p. m., but I saw them around town very frequently.

Q. Did you consider that Mr. Nicholson was a faithful and good husband for Mrs. Nicholson?

A. I do.

Q. In your opinion, did he do everything a husband could do to make his home pleasant and peaceful?

A. As far as I know, he did. It seemed to be his desire that there should be peace in the home. He provided the necessities for the home and gave Mrs. Nicholson \$50.00 a month personal spending money, which at one time I advised him not to do, feeling that perhaps this might bring her to her senses, and because I felt that she was leaving home too often and making too many trips, and that I did not think she was taking the proper interest in her home.

And further this deponent saith not.

J. A. Owen.

E. F. Noon, being duly sworn, deposes as follows:

- Q. Please state your name, age, occupation and residence?
- A. E. F. Noon, age 33, foreman at A. B. Hartz & Company, lumber mill, Windsor, Virginia.
- Q. How long have you been knowing Mr. & Mrs. Robert S. Nicholson?
- A. I have been knowing them for about nine years.
- Q. Please state whether or not you know that Mr. Nicholson has always been a good and faithful husband.
- A. Yes sir.
- Q. Have you ever seen Mr. & Mrs. Nicholson together very much?
- A. Seldom.
- Q. Did Mrs. Nicholson have to pass your house in going to Norfolk and other places in that direction from her home?
- A. Yes sir.
- Q. Can you tell about how many times per week that Mrs. Nicholson took trips to Norfolk and places in that direction?
- A. Three or four times a week to my knowing. Of course, sometimes she may have gone without my knowing, but I would see her pass my house in the morning in her machine and not return until sometime that afternoon or later. Of course, I don't know where she went except that she did leave three or four times a week for trips to some place.
- Q. Do you know of your own knowledge that Mr. Nicholson supported his family and took care of them according to his financial income and means?
- A. Yes sir, I do, I know that he did that. I clerked at W. T. Joyner's grocery store and dry goods store, generally on Saturday, and I really know that he provided his home with everything that was needed or wanted. He was always generous in making purchases for his home.
- Q. Did this happen particularly during 1927 until September 15, 1927?
- A. All during 1927. Since September 1927, he has been keeping house with his daughter.

And further this deponent saith not.

E. F. Noon

Miss Marguarite Nicholson being duly sworn deposes and says:

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

A. Marguarite Nicholson, 16 year old, Windsor, School.

Q. Are you now living with your father, R. S. Nicholson in Windsor?

A. Yes, Sir.

Q. When did your mother, Mrs. Selma Gay Nicholson, leave your home.

A. Last September.

Q. Do you know ~~when~~ your father and mother occupied the same bed room to-gether as husband and wife, I mean the last time?

A. In March 1927, I do not know the exact day of the Month.

Q. Did your occupy a seperate room after that time?

A. Yes, Sir, and she kept her room door locked at Night.

Q. How did your mother act to-wards her husband several months before she left in September 1927.

A. Well, she never said anything to him, except to occasionally answer his questions by "yes" or "no". She had a very in-different attitude towards him.

Q. Please state if your father did what he could to make his home pleasant and happy.

A. He did everything he could do. He tried to give her everything she wanted. He certainly did his part.

And further this deponent saith not.

Marguarite Nicholson

STATE OF VIRGINIA,
City of Suffolk, to-wit:

I, William M. Birdsong, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, ^{duly sworn to,} and signed by the witnesses, respectively, before me, at the place and between the hours mentioned in the caption hereto attached, pursuant to the notice herewith filed.

In witness whereof, I have hereunto set my hand this
25th day of April, 1928.

William M. Birdsong
Commissioner in Chancery

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

Robert S. Nicholson

v.

Selma Gay Nicholson

Depositions of Robert S. Nicholson, Richard V. Owens, Shirley T. Holland and E. F. Noon taken before me, William M. Birdsong, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, pursuant to notice herewith filed, at the offices of Holland & Woodward, 305 National Bank of Suffolk Building, Suffolk, Virginia, on the 14th day of April, 1928, between the hours of eleven o'clock a. m., and six o'clock p. m., of that date, the taking of the said depositions then and there being adjourned until April 25, 1928, at the same place and between the same hours, at which time and place, and between the same said hours, the deposition of Marguerite Nicholson was taken before me, William M. Birdsong, a Commissioner as aforesaid, all of which are to be read as evidence on behalf of the complainant, Robert S. Nicholson in a certain suit in equity, depending in the Circuit Court of Isle of Wight County, Virginia, wherein the said Robert S. Nicholson is complainant, and Selma Gay Nicholson is defendant.

Present: Holland & Woodward, Attorneys for complainant

No appearance by the defendant.

ROBERT S. NICHOLSON

v.

SELMA GAY NICHOLSON

DEPOSITIONS

Third May Rule 1948.

Filed

N.A.E.

HOLLAND & WOODWARD
THOMAS L. WOODWARD

ATTORNEY AND COUNSELLOR AT LAW

SUFFOLK, VIRGINIA

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

Robert S. Nicholson

vs.

Selma Gay Nicholson

To: Selma Gay Nicholson,
131 Leicester Avenue,
Ocean View, Norfolk, Virginia.

Take notice that on the 25th day of February, 1931, at the office of William S. Holland, 305 National Bank of Suffolk Building, Suffolk, Virginia, between the hours of 3:00 and 7:00 o'clock P. M., of that day, I shall proceed to take the depositions of Robert S. Nicholson and others, to be read as evidence in my behalf, in a certain suit in chancery, depending in the Circuit Court of Isle of Wight County, Virginia, wherein I am complainant and you are defendant; and if from any cause the taking of the said depositions be not commenced, or, if commenced, be not concluded, on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Also take notice that the said Robert S. Nicholson will apply to the Honorable B. D. White, Judge of the Circuit Court of Isle of Wight County, Virginia, on Saturday, February 28, 1931, for a decree providing for an absolute divorce from the bond of matrimony, pursuant to the prayer

of the complainant in the bill of complaint filed in
this cause.

Given under my hand this 18th day of February,
1931.

ROBERT S. NICHOLSON

By *Wm. S. Holland*
His attorney.

Executed in the City of Norfolk,
Va., this 20th day of Feb-1931
by serving a Copy hereof on

Selma Gay Nicholson

IN PERSON.

CHAS. E. FRANCIS,
Sgt. City of Norfolk, Va.,
By W. D. Cameron Deputy.

ORIGINAL
Sgt. Fee
PAID
VIRGINIA:
IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY.

Robert S. Nicholson

vs.

Selma Gay Nicholson

NOTICE OF DEPOSITIONS

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

Robert S. Nicholson

v.

Selma Gay Nicholson

This cause in which the defendant has been served in person, with process, came on this day to be heard; upon the complainant's bill with the exhibit filed at rules; upon the depositions taken on behalf of the Complainant after notice, being duly served in person on the Defendant and filed herein; and upon the argument of counsel; and it appearing that the Complainant and Defendant are bona fide residents of and domiciled in this Commonwealth and have been for more than one year before the institution of this suit, that the parties last cohabited in the town of Windsor, in this County, and that the Defendant, Selma Gay Nicholson voluntarily deserted the said Robert S. Nicholson on the 18th day of March, 1927; on consideration whereof the Court doth adjudge, order and decree that the Complainant, Robert S. Nicholson, and the Defendant, Selma Gay Nicholson, be, and they are hereby, divorced from each other from bed and board, and the Court doth award the custody of Marguerite Nicholson, the infant child of the said marriage, to the Complainant.

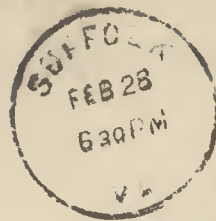
And this cause is retained on the docket for such other relief as the parties may be entitled.

Copy made &
Sent to H. 25/11.
5/8/28

After 5 days, return to
HOLLAND ~~AND WOODWARD~~, Wm. S.
Suite 301-307 National Bank Building,
SUFFOLK, VIRGINIA.

*Recd
27*

Mr. R. A. Edwards, Clerk,
Isle of Wight, Va.



To Selma Gay Nicholson:

Take notice that on the 14th day of April, 1928, at the office of Holland & Woodward, 305 National Bank Building, Suffolk, Virginia, between the hours of eleven o'clock a. m. and six o'clock p. m., of that day, I shall proceed to take the depositions of Robert S. Nicholson and others, to be read as evidence in my behalf, in a certain Chancery suit, 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, be not concluded, on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Given under my hand this 27th day of March, 1928.

Robert S. Nicholson
By counsel.

Holland & Woodward
p. q.

³
PAID

ROBERT S. NICHOLSON

v.

SELMA GAY NICHOLSON

NOTICE TO TAKE DEPOSITIONS

Executed in the City of Norfolk
Va., this the 28 day of Mar 1928
by serving a Copy hereof on

Selma Gay Nicholson

IN PERSON.

C. H. TUMBLESON,
Sergt. City of Norfolk, Va.

By C. B. Lauer Deputy

Commonwealth of Virginia,

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

WE COMMAND YOU, That you summon ^{*Sgt*} Selma Nicholson,

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, 1928,
to answer a bill in chancery, exhibited against her
in our said Court by Robert S. Nicholson,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 26th
day of March, 1928, and in the 150th year of the
Commonwealth.

R. A. Edwards Clerk.

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R. S. Nicholson

vs. }

CHANCERY NO.

531

Selma Nicholson

ORIGINAL SUBPOENA

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

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

Teste:

.....Clerk

ToRules

19.....

.....p. q.

Executed in the City of Norfolk,
Va., this the 28 day of Mar 1928
by serving a Copy hereof on

Selma Gay Nicholson

IN PERSON.

C. H. TUMBLESON,

Sergt. City of Norfolk, Va.

By C. B. Lesner Deputy

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

Robert S. Nicholson

v.

Selma Gay Nicholson

To The Honorable B. D. White, Judge:

Your complainant, Robert S. Nicholson, respectfully represents:

1. That on the 16th day of November, 1910, your complainant was lawfully married at Smithfield, in the County of Isle of Wight, Virginia, to Selma Gay Nicholson, whose maiden name was Selma Gay, which said marriage will appear from a certificate of marriage herewith filed, marked "Exhibit A", and made a part of this bill; and

2. That continuously from the date of said marriage until the 18th day of March, 1927, your complainant and said Selma Gay Nicholson lived together as husband and wife at Windsor, in the said County of Isle of Wight; and

3. That the said Selma Gay Nicholson has wilfully deserted and abandoned your complainant, that is to say, that on the 18th day of March, 1927, your complainant last cohabited with the said Selma Gay Nicholson in the Town of Windsor, Isle of Wight County, Virginia; that thereafter and until the 15th day of September, 1927, your complainant and the said Selma Gay Nicholson resided in the same house, but the said Selma Gay Nicholson voluntarily and without any cause occupied a separate bedroom, refusing to live as man and wife in anyway, and that on the 15th day of September, 1927, the said Selma Gay Nicholson moved to the City of Norfolk and carried with her all her clothes and personal effects; that during the wedlock, a daughter was born, who is now about fifteen or sixteen years old; that for a long time prior to the 15th day of September, 1927, the said Selma Gay Nicholson left the said house without saying where she was going, or when she was going, and made frequent trips each week to the City of Norfolk, sometimes spending the night, her whereabouts on these trips being unknown to your complainant;

that during the said period from the 18th day of March until the 15th day of September, 1927, the said Selma Gay Nicholson went day after day and sometimes week after week without speaking to your complainant, and treating your complainant with every contempt within her power, often using abusive and defamatory language towards your complainant; that on the 15th day of September, 1927, when said Selma Gay Nicholson left the house in which she resided in the Town of Windsor, the said Selma Gay Nicholson stated to your complainant that she would never return to live with your complainant, and as a matter of fact, the said Selma Gay Nicholson has never returned to live with the said Robert S. Nicholson, but still resides in the City of Norfolk as aforesaid; and

4. That your complainant has resided and has been domiciled in this state ever since the aforesaid marriage, and is domiciled in, and is and has been an actual bona fide resident of this state for at least one year preceding the commencement of this suit.

5. That your complainant last cohabited with the said Selma Gay Nicholson at Windsor, in the County of Isle of Wight, Virginia:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Selma Gay Nicholson 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, a mensa et thoro may be decreed him; that this cause be permitted to remain on the docket until your complainant and the said Selma Gay Nicholson be absolutely divorced from the bond of matrimony, which was created by the aforesaid marriage; that when the said Selma Gay Nicholson shall have deserted and abandoned your complainant for a period of more than three years, that a divorce from the bond of matrimony, which was created by the aforesaid marriage, be decreed him, and that the said marriage be then dissolved and annulled, and that your complainant may have all such further, and other, and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

Holland & Woodward p.q.

Robert S. Nicholson
Complainant By Counsel

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ROBERT S. NICHOLSON

v.

SELMA GAY NICHOLSON

BILL OF COMPLAINT

HOLLAND & WOODWARD

~~THOMAS L. WOODWARD~~

ATTORNEY AND COUNSELLOR AT LAW

SUFFOLK, VIRGINIA

7. 4/4/28

M.H.E.