

1931-009 Chancery Causes: Mary Randall Tazewell vs James Frank Tazewell

437

Isle of Wight County

other surnames: Randall
Boone, White, Jordan, Harrison,
Winfield

ALLAN D. JONES
COUNSELLOR AT LAW
NATIONAL MECHANICS BANK BUILDING
NEWPORT NEWS, VIRGINIA

April 2, 1924.

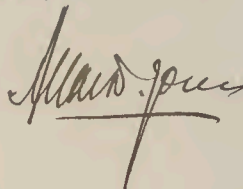
Clerk of Isle of Wight County,
Isle of Wight Court House, Va.

Dear Sir:

Enclosed herewith please find memoranda for
chancery suit, together with my check for \$7.50
deposit on account of costs.

Please advise the date of the Second April
Rules of the Court.

Very truly yours,



J:M.
Encs.

Tazewell v. Tazewell.

*Process issued Sent to
Shiff 4/8/24.
Dep.*

ALLAN D. JONES
COUNSELLOR AT LAW
NATIONAL MECHANICS BANK BUILDING
NEWPORT NEWS, VIRGINIA

In the Circuit Court for Isle of Wight County, Virginia.

Mary Randall Tazewell,	)	
Complainant,	)	
	)	
vs.	)	In Chancery
	)	
James Frank Tazewell,	)	
Defendant.	)	

The Clerk will please summon the defendant to
answer a Bill in Chancery to be filed at the Second
April Rules, 1924.

Allan D. Jones
p.q.

Doymell

N. G. No —

Doymell

Friday 4/8/24.

Dep 75⁰⁰

Dear Mr. Whitley -

Please file with
the papers in Tazewell v.
Tazewell the enclosed
Certificate of marriage,
and hand Judge
White the letter
addressed to him from
Mr. Jones. I shall
thank you also to
present the papers to
the Judge on the 24.

I have in due
demon and marked
"seen" by Mr. Jones
and a Carbon to
be certified for him.
A letter follows as

OFFICE: 2509 JEFFERSON AVENUE
TELEPHONE 568

RESIDENCE: OAK AVENUE AND 28TH STREET
TELEPHONE 985

J. THOMAS NEWSOME
ATTORNEY-AT-LAW
NOTARY PUBLIC

NEWPORT NEWS, VA..

April 24, 1924.

Clerk, Circuit Court,
Isle of Wight Co., Va.

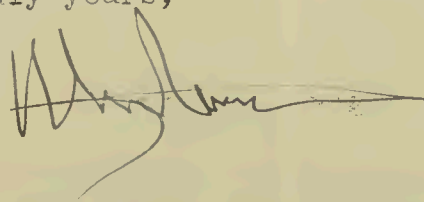
MARY R. TAZEWELL V. JAMES F. TAZEWELL.

Dear Sir-

I am handing you herein Answer in the above matter.

Very truly yours,

JTN*IME.
(Enc.)

A handwritten signature in dark ink, appearing to read "J. Thomas Newsome", with a long, sweeping horizontal stroke extending to the right.

LAW OFFICES

ALLAN D. JONES
COUNSELLOR AT LAW
FRANKLIN O. BLECHMAN

ALLAN D. JONES
NATIONAL MECHANICS BANK BUILDING
NEWPORT NEWS, VA.

TELEPHONE 368

June 30, 1928.

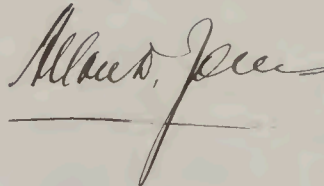
J. Thos. Newsome, Esq.,
Newport News, Virginia.

In re: Tazewell v. Tazewell.

Dear Newsome:

I have your letter of the 29th enclosing the proposed final decree in the above entitled cause. I have endorsed the decree as requested, and am enclosing herewith a letter to Judge White, which I will be glad to have you hand him. Should the decree be entered, please ask the Clerk to send me a certified copy of same.

Very truly yours,


A handwritten signature in cursive script, reading "Allan D. Jones", is written over a horizontal line.

ADJ/J

ISLE OF WIGHT COUNTY

No. 437.

Mary R. Jazevel.

vs.

Jas. F. Jazevel.

See Box 82

Mailed to me thru. mistake
Intended for Chas Harrison Mahany University Nashville Tenn.

Mar 2, 1922

199 W. 134 St.

New York.

My dear Chas:-

My heart is aching so to-
night as I want you & you only.
I have quit my job, as the madam
& I had a run in, so I may leave
for Va real soon. But my dear
how can I give up the happy
days I had planned to spend
with you this summer? They
will mean the world to me or in
other words life or death.

Write me at once and
may leave the middle of next
week. Should I stay here and
wait for you & the happiness you'll
bring me or should I go to Va and
live my wasted life away? It is
left to you. My only is begging for
me & my comfort, to see you for
you & your comfort. Now what am I
to do? I am leaving it to you entirely.

Excuse paper & write me at once.
If I go to Va. I will see Danville or
Petersburg.

So glad you passed in your
examination.

Best wishes & Lots of love,
Yours,

MARRIAGE LICENSE

Virginia *Alexandria* City 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,

James Frank Tazewell and Mary E. Randall

Corporation

Given under my hand, as Clerk of Court of *Alexandria* County (or City) this 28 day of Sept., 1918.

Nevell S. Greenaway, Clerk.

By: Cora Duffey, D. C.

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 *Corporation* Court for the County (or City) of *Alexandria*

Date of Marriage Sept. 28, 1918 Place of Marriage *Alexandria*

FULL NAMES OF PARTIES

James Frank Tazewell and Mary E. Randall

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 Smithfield, Va.

Wife's Place of Birth Petersburg, Va. Mailing Address Coropolis, Pa.

Names of { Husband Richard and Emma

Parents { Wife Bristol and Elizabeth

Occupation of Husband Soldier

Given under my hand this 28 day of Sept., 1918.

Nevell S. Greenaway, Clerk.

by Cora Duffey, D. C.

Certificate of Time and Place of Marriage

I, Jacquelyn Strange, a. A. M. E. of the Church, or religious order of that name, do certify that on the 28 day of Sep., 1918, at Alexandria, 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 Alexandria, State of Virginia.

Given under my hand this 28 day of Sep., 1918.

Rev. J. Strange

(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).

State of Virginia
City of Alexandria. To Wit:

I, Elliott F. Hoffman, Clerk of the Corporation Court in and for
the City of Alexandria, State of Virginia, do certify that the within
copy of marriage license is a true and exact copy of the original on
file and now a part of the records of this office.

Given under my hand this 3d day of April, 1924.

Teste:

Elliott F. Hoffman Clerk.

County (or City) ...Alexa.....

James F. Tazewell

Husband

and { **Marriage License**

Mary F. Randall

Wife

Date of Issue Sept. 28" 1918

Marriage Register No. 7075 Page 53

Exhibit "F"

Tazewell

Tazewell

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

Marriage License

Virginia City of Alexandria 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,

James Frank Tazewell and Mary E. Randall

Given under my hand, as Clerk of Corporation Court of Alexandria County
(or City) this 28 day of Sept., 1918.

Nevell S. Greenaway, Clerk
By Cora Duffey, D. C.

Marriage Certificate

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

VIRGINIA: In the Clerk's Office of the Corporation Court for the County (or City) of Alexandria
Date of Marriage Sept. 28, 1918 Place of Marriage

(FULL NAMES OF PARTIES)

James Frank Tazewell and Mary E. Randall

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

Husband's Place of Birth Smithfield, Va. (PRESENT) Mailing Address Smithfield, Va.

Wife's Place of Birth Petersburg, Va. Mailing Address Coraopolis, Va.

Names of { Husband Richard and Emma

Parents { Wife Bristol and Elizabeth

Occupation of Husband Soldier

Given under my hand this 28 day of Sept., 1918.

Nevell S. Greenaway, Clerk.
By Cora Duffey, D. C.

Certificate of Time and Place of Marriage

I, Jacquelyn Strange, a A. M. E. of the

Church, or religious order of that name, do certify that on the 28 day of Sep., 1918,
at Alexandria, 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 Alexandria, State of Virginia.

Given under my hand this 28 day of Sep., 1918.

Rev. J. Strange

(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).

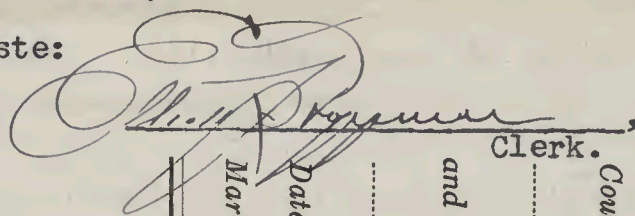
STATE OF VIRGINIA,
CITY OF ALEXANDRIA,

TO WIT:-

I, Elliott F. Hoffman, Clerk of the Corporation Court of the City of Alexandria, do certify that the within copy of marriage license is a true and exact copy of the original on file in this office with the minister's return thereon.

Given under my hand this 30th day of June, 1928.

Teste:


Clerk.
County (or City)
and { Marriage License
Husband
Wife
Date of Issue
Marriage Register No. Page

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
AUGUST 6TH, 1931.

Mary Randall Tazewell

Vs: #437 In Chancery

James Frank Tazewell

This cause came on this day to be heard upon the complainant's original bill regularly filed and matured at rules, the answer of the defendant, which answer is here made a Cross Bill, the exhibit filed with the pleadings herein and was argued by Counsel, and it appearing that the parties were duly married in the State of Virginia, on the 28th day of September, 1918, that they last cohabited in Isle of Wight County, Virginia, that the defendant has been a bona fide resident and regularly domiciled in said County ever since the aforesaid marriage and for more than one year prior to the commencement of this suit, and that the desertion by the complainant as alleged in defendants cross-bill has been clearly proved, that the said desertion by the complainant from the defendant has existed for more than three years, to-wit: for seven years and that no reconciliation is probable, on consideration whereof the court doth adjudge, order and decree that the marriage heretofore solemnized between the parties be, and the same is hereby dissolved and the said James Frank Tazewell is hereby divorced a vinculo matrimonii from the said Mary Randall Tazewell and she from him.

It is further ordered and decreed that the custody of the child, Margaret Tazewell, be awarded to Mary Randall Tazewell with leave of said child to visit the said James Frank Tazewell when the same is agreeable to the said Mary Randall Tazewell. And it further ordered that neither of the parties hereto shall again marry within six months after the entry hereof, and nothing further remaining to be done in this suit it is ordered removed from the docket

A Copy:

Teste _____ Clerk.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
AUGUST 6TH, 1931.

Mary Randall Tazewell.....Plaintiff

vs) Chancery . FINAL DECREE

James Frank Tazewell Defendant

This cause came on this day to be heard upon the complainant's original bill regularly filed and matured at rules, the answer of the defendant, which answer is here made a Cross-bill, the exhibit filed with the pleadings herein and was argued by counsel; and it appearing that the parties were duly married in the State of Virginia, on the 28th day of September, 1918, that they last cohabited in Isle of Wight County, Virginia, that the defendant has been a bona fide resident and regularly domiciled in said county ever since the aforesaid marriage and for more than one year prior to the commencement of this suit, and that the desertion by the complainant as alleged in defendants cross-bill has been clearly proved, that the said desertion by the complainant from the defendant has existed for more then three years, to-wit; for seven years and that no reconciliation is probable, on consideration whereof, the court doth therefore adjudge, order and decree that the marriage heretofore solemnized between the parties be, and the same is hereby dissolved and the said James Frank Tazewell is hereby divorced a vinculo matrimonii from the said Mary Randall Tazewell and she from him.

It is further ordered and decree that the custody of the child, Margaret Tazewell, be awarded to Mary Randall Tazewell with leave of said child to visit the said James Frank Tazewell when the same is agreeable to the said Mary Randall Tazewell. And it further ordered that neither of the parties hereto shall again marry within six months after the entry hereof. And nothing further remaining to be done in this suit it is ordered removed from the docket.

A Copy, Teste, _____ Clerk

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
AUGUST 6TH, 1931.

Mary Randall Tazewell.....Plaintiff

vs) Chancery . FINAL DECREE

James Frank Tazewell Defendant

This cause came on this day to be heard upon the complainant's original bill regularly filed and matured at rules, the answer of the defendant, which answer is here made a Cross-bill, the exhibit filed with the pleadings herein and was argued by counsel; and it appearing that the parties were duly married in the State of Virginia, on the 28th day of September, 1918, that they last cohabited in Isle of Wight County, Virginia, that the defendant has been a bona fide resident and regularly domiciled in said county ever since the aforesaid marriage and for more than one year prior to the commencement of this suit, and that the desertion by the complainant as alleged in defendants cross-bill has been clearly proved, that the said desertion by the complainant from the defendant has existed for more then three years, to-wit; for seven years and that no reconciliation is probable, on consideration whereof, the court doth therefore adjudge, order and decree that the marriage heretofore solemnized between the parties be, and the same is hereby dissolved and the said James Frank Tazewell is hereby divorced a vinculo matrimonii from the said Mary Randall Tazewell and she from him.

It is further ordered and decree that the custody of the child, Margaret Tazewell, be awarded to Mary Randall Tazewell with leave of said child to visit the said James Frank Tazewell when the same is agreeable to the said Mary Randall Tazewell. And it further ordered that neither of the parties hereto shall again marry within six months after the entry hereof. And nothing further remaining to be done in this suit it is ordered removed from the docket.

A Copy,

Teste, _____ Clerk

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

MARY RANDALL TAZEWELL,.....Plaintiff,)

V.)

FINAL DECREE.

JAMES FRANK TAZEWELL,.....Defendant.)

This cause came on this day to be heard upon the Complainant's original Bill regularly filed and matured at rules, the answer of the defendant, which answer is here made a Cross-bill, the Exhibits filed with the pleadings herein and was argued by counsel.

On consideration whereof and it appearing to the court that the parties were duly married in the State of Virginia; that they last cohabited in Isle of Wight County, Virginia; that the defendant has been a bona fide resident and regularly domiciled in said County ever since the aforesaid marriage and for more than one year prior to the commencement of this suit, and that the desertion by the complainant as alleged in defendant's bill has been clearly proved; that the said desertion by the complainant from the defendant has existed for more than three years, to-wit for seven years and that no reconciliation is probable, the court doth therefore adjudge, order and decree that the marriage heretofore solemnized between the parties be, and the same is hereby dissolved and the said James Frank Tazewell is hereby divorced a vinculo matrimonii from the said Mary Randall Tazewell and she from him.

It is further ordered and decreed that the custody of the child, Margaret Tazewell, be awarded to Mary Randall Tazewell with leave of said child to visit the said James Frank Tazewell when the same is agreeable to the said Mary Randall Tazewell. And it further appearing to the court that the costs of these proceedings, including counsel fees have been paid by the said James Frank Tazewell, and that nothing further remains to be done in this suit it is ordered removed from the docket.

MARY RANDALL TAZEWELL,

v.

JAMES FRANK TAZEWELL.

FINAL DECREE.

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

MARY RANDALL TAZEWELL, ...Plaintiff,)

V.

FINAL DECREE.

JAMES FRANK TAZEWELL, ...Defendant.)

This cause came on this day to be heard upon the Complainant's original Bill regularly filed and matured at rules, the answer of the defendant, which answer is here made a Cross-bill, the Exhibits filed with the pleadings herein and was argued by counsel:

~~On consideration whereof~~ and it appearing ~~to the court~~ that ^{On the 28th day of September 1912} the parties were duly married in the State of Virginia; that they last cohabited in Isle of Wight County, Virginia; that the defendant has been a bona fide resident and regularly domiciled in said County ever since the aforesaid marriage and for more than one year prior to the commencement of this suit, and that the desertion by the complainant as alleged in defendant's ^{Cross-} bill has been clearly proved; that the said desertion by the complainant from the defendant has existed for more than three years, to-wit for seven years and that no reconciliation is probable, ^{On consideration whereof} the court doth therefore adjudge, order and decree that the marriage heretofore solemnized between the parties be, and the same is hereby dissolved and the said James Frank Tazewell is hereby divorced a vinculo matrimonii from the said Mary Randall Tazewell and she from him.

It is further ordered and decreed that the custody of the child, Margaret Tazewell, be awarded to Mary Randall Tazewell with leave of said child to visit the said James Frank Tazewell when the same

is agreeable to the said Mary Randall Tazewell. And it further ^{Order of the court} appearing to the court that the costs of these proceedings, including ^{and} counsel fees have been paid by the said James Frank Tazewell, and that nothing further remains to be done in this suit it is ordered removed from the docket.

MARY RANDALL TAZEWELL,

V.

JAMES FRANK TAZEWELL.

Have seen: *Alfred D. Jones.*
Counsel for Complainant,

FINAL DECREE.

1931

Aug. 6.

Entered this
B.D.W.

Book 9
page 8.

In the Circuit Court for the County of Isle of Wight, Va.

Mary E. Tagwell Plaintiff

VS.

In Chancery

J. Frank Tagwell Defendant

To Mary E. Tagwell

TAKE NOTICE, That I shall on the 28 day of June, 1928
at the office of J. D. Kinn of the County of Isle of Wight

between the hours of 6 A. M. and 6 P. M., of that day, proceed to take the depositions of.....

Myself and others to be read as evidence... My behalf, in a
certain suit depending in the Circuit Court..... wherein you are

Plaintiff and I am Defendant Plaintiff, and if from any cause the taking of the
said deposition be not commenced on that day, or if commenced, be not concluded on that day,
the taking of the same will be adjourned and continued from day to day, or from time to time,
at the same place, and between the same hours until the same shall be completed.

Respectfully yours,

Legal service of this
notice is hereby accepted Mary Tagwell.

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

MARY RANDALL TAZEWELL, ...Plaintiff,)

v.)

JAMES FRANK TAZEWELL, ...Defendant.)

DEPOSITIONS.

The Depositions of James Frank Tazewell and others taken before me, W. E. Mason, a Notary Public, in and for the City of Newport News, Virginia, at the office of J. Thomas Newsome, 2509 Jefferson Avenue, in said City, on the 28th day of June, 1928, pursuant to the attached Notice to take Depositions, no other notice for the taking of depositions being required by law, to be read on behalf of the defendant in the suit of Mary Randall Tazewell v. James Frank Tazewell.

Present: Mr. Allan D. Jones, Attorney for the Complainant and

Mr. J. Thomas Newsome, Attorney for the Defendant.

It is agreed between the parties hereto that the defendant, on whose behalf the depositions are now taken, will confine himself solely to proof of desertion, and the parties being before the court, that a decree for a divorce from the bond of matrimony may be entered on behalf of the defendant, provided his proof justifies the granting of said decree and that the prayer of his Bill may be amended as to pray for that relief.

The witness James Frank Tazewell, of lawful age, being by me first duly sworn deposeth and sayeth as follows:

Q. You are the defendant in the case of Mary Randall Tazewell, are you?

A. I am.

Q. Where do you live?

A. In Smithfield, Isle of Wight County, Virginia.

Q. How long have you been living in Smithfield?

A. I was born there and have resided there all my life.

Q. Where were you married?

A. In the City of Alexandria, in the State of Virginia.

Q. Where did you and your wife last cohabit, that is live together as husband and wife?

A. In Smithfield, Isle of Wight County, Virginia.

Q. Do you both reside there now?

A. No, sir, we do not, I still reside there, but my wife does not.

Q. In your Cross Bill, which was filed more than three years ago, you alleged that your wife, without just cause, left your bed and board and that you made an effort to have her return to you without avail. Has such an effort been repeated on your part?

A. It has, but she refused to live with me and has told me that she does not intend to live in the South any more and she is now living in New York. She was here as late as Saturday, June 23, and took the child with her and said that she intended to make her home in the North in the future.

Q. Please tell the court how long you and she have been separated?

A. More than seven years.

Q. Will you please state to the court whether you made ample provision for her as far as your means would permit when she lived with you?

A. I did.

Q. Can you assign any reason for the separation?

A. I think the reason is that she had become weary of married life, and while we would have some disputes as are common among married people, she nevertheless took that to give her a right to leave.

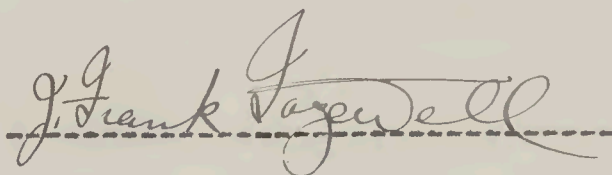
Q. Have you any children?

- A. Yes we have a daughter aged eleven years and she is now with her mother, and her mother has agreed that she may visit me at any time she desires, and as we are both very fond of her I am sure that she will not suffer whether she is with her mother or with me, and I am always ready to do anything for her that it is possible for me to do.
- Q. You have made this fact known to your wife?
- A. Yes, sir, I have.
- Q. When the child is with you with whom does she stay?
- A. She stops with my mother, we have our own home, with every convenience that could be expected in a small town and the child is kept in school whenever she is with us, and I am satisfied that her mother will keep her in school whenever she is in New York.
- Q. Then you and your wife have come to a full understanding as to the child, I understand, and you have no intention to ask the court for the custody of the child?
- A. Yes, we have made full arrangements in regards to the child and I am perfectly willing for her to have full custody of the child at present.
- Q. Who are your parents?
- A. My parents are Richard and Emma Tazewell, all of Isle of Wight County, Virginia.
- Q. Is there anything further that you wish to tell the court with reference to your case?
- A. No, sir.

Right is reserved to Mr. Jones to cross-examine this witness at any time he may desire prior to the filing of these depositions.

And further this deponent sayeth not.

No Cross-Examination.

A handwritten signature in cursive script, reading "J. Frank Tazewell", is written over a horizontal dashed line.

The witness T. E. Winfield, of lawful age, being by me first duly sworn, deposeth and sayeth as follows:

- Q. Your name is R. E. Winfield, is it?
- A. Yes, sir.
- Q. Will you please state to the court where you live and in what business you are engaged?

A. Yes we have a daughter eleven years

A. I live in the town of Smithfield, and I am Superintendent of the Richmond Beneficial Insurance Company, the same Company as is represented in your office, (speaking of Lawyer Newsome's office).

Q. How long have you been connected with this Company?

A. Fifteen years.

Q. Are you acquainted with James Frank Tazewell and Mary Randall Tazewell, his wife?

A. Yes, sir, I am I have known them for a good many years, the fact is that when they were living together as husband and wife in Smithfield I was also living there and they were both among my best friends.

Q. You have no interest in the outcome of this suit one way or the other, have you?

A. No, I have not, I am equally friendly with both of the parties and naturally being a neighbor, I regret the separation.

Q. Will you please tell the court whether James Frank Tazewell has resided and been permanently domiciled in Isle of Wight County for more than a year prior to the institution of his suit?

A. Yes, sir, he has lived in Smithfield all his life, for when he was in school, I called him still living in Smithfield as he would come home to spend his vacations.

Q. Do you know his parents?

A. Yes, sir, I know them very well, they are among our best people in Smithfield, standing high among both white and colored.

Q. Will you please tell the court if James Frank Tazewell and Mary Randall Tazewell, his wife, are now living together or not?

A. No, sir, they are not living together, I am sorry to say that she left him a little over seven years ago. Repeated efforts have been made by James Frank Tazewell to have her return to him but she is positive that she will not, and says that she does not intend to live with him again.

Q. Do you know of any cause that James Frank Tazewell gave her for leaving?

A. I do not, it seems to be just another one of those cases where ~~the~~ she became tired of living with him, and as young people will sometimes do, she went off and left him, and as I said, refuses to come back to him. They seem to be on friendly terms, no animosity between them but she just will not come back to live with him.

Q. Please tell the court, if you know, what sort of man James Frank Tazewell is?

A. Well, we regard him as one of our best young men, he was well reared, has been well trained at the schools, is now engaged in business and has bright prospects in life.

Q. ~~Was~~^{Were} there any children born of the union between James Frank Tazewell and Mary Randall Tazewell?

A. Yes, they have a lovely child which seems to be equally devoted to mother and father, and for a long time I thought the child would bring them together, but it seems that this is not to be

if I am to judge from the attitude of the wife.

Q. I understand you then, to tell the court, that as far as you are advised, you have nothing to say to the detriment of the wife except her refusal to live with her husband?

A. That is correct, I have nothing against either of the parties and regard them both as my friend.

Right is reserved to Mr. Jones to Cross-Examine this witness if he so desires at any time before the filing of the depositions.

And further this deponent sayeth not.

J. E. Winfield

The witness W. S. Jordan, of lawful age, being by me first duly sworn deposeth and sayeth as follows:

Q. Where do you live, Mr. Jordan?

A. I live in Smithfield, Virginia.

Q. What is your occupation?

A. Common laborer.

Q. Are you acquainted with James Frank Tazewell and Mary Randall Tazewell, his wife?

A. Yes, I am I have known Frank all his life and his wife since they were married.

Q. Where did they last live together as husband and wife?

A. They last lived together as husband and wife in our town, that is, Smithfield, Virginia.

Q. Do they live together now in that town?

A. They do not, they have been separated for something over seven years.

Q. Do you know the cause of the separation?

A. Well, as well as I can make it out, and I am very well acquainted with both of them, is that she simply seemed to have gotten tired of the married life and desired to leave.

Q. You know of no cause then, given her by James Frank Tazewell, her husband, to leave him?

- A. No, sir, I do not, I think that every one who knows Frank Tazewell will say that he is a quiet young man, of good temper, a good neighbor and well thought of by white and black in the community. I am sure you will find no one that will say anything different about him.
- Q. Do you know whether or not, since his wife left about seven years ago, as you say, that any effort has been made on the part of James Frank Tazewell to become reconciled with his wife?
- A. Yes, sir, I know that he has tried several times to have his wife return to him but she says that she will not live with him again, that she does not intend to live in the South again. James Frank Tazewell, her husband, has a good home there, and both his mother and father are there and they could do well if she would return to live with him.
- Q. Are you related to either party, that is James Frank Tazewell or Mary Randall Tazewell?
- A. No, sir, I am not, and I have no concern in the case at all, I simply came over as I was asked by Lawyer Newsome to just tell what I knew about this case. If I had my way, they would both be living together now, but she is positive that she will not do so.
- Q. Tell the court generally about how, to your knowledge, James Frank Tazewell treated his wife?
- A. Well, I can only say that he did all for her that could be expected for any colored man to do for his family, in fact, they lived much better than the ordinary run of colored people do, Frank was well reared, and went, as he always did, with the best people of our race, he is a member of the church and a Trustee of his church which is the Hill Street Baptist Church, the oldest colored Baptist Church in the town of Smithfield.

Right is reserved to Mr. Jones to cross-Examine this witness at any time he so desires before the filing of these depositions.

And further this deponent sayeth not.

W. E. Mason

STATE OF VIRGINIA,

CITY OF NEWPORT NEWS, to-wit:-

I, W. E. Mason, a Notary Public, do hereby certify that the foregoing depositions were taken, sworn and subscribed to before me in the City of Newport News, Virginia, on the 28th day of June, 1928, pursuant to the attached Notice to take Depositions, no other notice being required by law to be read in evidence in the suit of Mary Randall Razewell against James Frank Tazewell.

Witness my hand this 28th day of June, 1928.

W. E. Mason

Notary Public.

MARY RANBALL TAZEWELL,

v.

JAMES FRANK TAZEWELL.

DEPOSITIONS.

6/33/29 Final.

OFFICE OF
J. THOMAS NEWSOME
ATTORNEY-AT-LAW
NEWPORT NEWS, VIRGINIA

This is to certify that at
this time of the signing of
the motion to settle depositions
my wife was in the city of
Newport News at the office
of J. Thomas Jameson

J. Frank Tazwell

County of Of Wight

State of Virginia to wit:

On this day personally appeared before me, P.E. Winfield, a Notary
Public for said County, Frank Tazwell who made oath that the statement ab
ove is true in every particular. Sworn to before me this 1st. Day of May
1929

P.E. Winfield

N.P.

My Commission Expires May 14th, 1931

Mr. Charles

Please take this
of business with

Tazwell Jameson papers

Newport News

Jaynell
is affidavit
Jaynell.

5-2-29.

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon James Frank Tazwell,

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 April, 1924, to answer a bill
in chancery exhibited against him in our said Court by

..... Mary Randall Tazwell.....

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 8th day of April, 1924, and in
the 148th year of the Commonwealth.

Allen D. Jones p.q.

R. A. Edwards Clerk.

Shuttle's Fee adj. to Clerk's
Fees, viz. 1/10, 1/10, 1/10, 1/10,

James Frank Taggart. His usual place of abode,
located the within sub. 10th day of April 1884
by serving a true copy of same on Emmeline Taggart for the
James Frank Taggart explained to her the purport of
same, she being a member of the family of the said James Frank Taggart
and over the age of sixteen years, in the County of Isle of Wight.

H. H. Chapman Sheriff

James Frank Taggart

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

MARY RANDALL TAZEWELL, Complainant)

V.

A N S W E R.

JAMES FRANK TAZEWELL, Defendant.)

The Answer of James Frank Tazewell to a Bill of Complaint, filed against him in the Circuit Court of Isle of Wight County, by Mary Randall Tazewell, complainant.

This respondent, reserving to himself the benefit of all just exceptions to the said Bill of Complaint, for answer thereto or to so much thereof as he is advised that it is material he should answer, answers and says:

1.

That it is true that he intermarried with one Mary Randall, his present wife, on the 28th day of September, 1918, in the City of Alexandria, Virginia;

2.

That it is also true that at the time of the separation alleged in complainant's Bill, the complainant and defendant were residing in the County of Isle of Wight, Virginia, where for more than two years prior to July 27th, 1923, they resided and were bona fide domiciled, last cohabiting in said County; but,

3.

It is not true that prior to the time of the separation between

him and his wife that he exhibited towards her harsh and cruel treatment, inflicting upon her bodily harm; but,

4.

On the contrary, aside from unpleasantness arising from incompatibility of temper and temperament, this respondent sought in every way possible to live with his said wife, furnishing her with a home and all of the comforts that a man in his station in life could provide, moving from place to place because she was hard to suit as to a home, and its surroundings; that when she lived with him in the home of his parents, she was provided with every comfort and given every care and consideration that could be expected from the members of the family, being treated as a daughter, and provided with unusual convenience and comfort for one in her station of life; that notwithstanding this, complainant refused to remain in respondent's home, and moved to a furnished room belonging to Elnora White, which said room was paid for by this respondent; that he visited his wife while she was living at Elnora White's, and some angry words passed between them because of her refusal to return to live with him, but this respondent indignantly denies that he inflicted upon her any bodily harm, but that on the contrary, the last time he entreated her to return to him, she inflicted a dangerous scar on his head with a piece of iron, the mark of which is now visible; that not only did he not forbid her to return to him, but he entreated her so to do, as will more fully appear by a letter filed herewith, written by his said wife, and mailed to this respondent through mistake, being intended for Charles Harrison, who was at that time a student at Mahary University, Nashville, Tenn. In this love letter to Charles Harrison, she not only expressed her affection for him, but informed this respondent that she did not intend to return to him. This letter is filed herewith as a part of this Answer, marked Exhibit "A", and is prayed to be taken and read as such. This re-

spondent is also in possession of a diary, which it is not convenient to file herewith, which was kept by the complainant in this Bill, from which it will be seen that she was nursed and cared for by this respondent, who always exhibited towards her a willingness to forgive her wrongs and to live with her as best he could under his marital obligations;

5.

This respondent admits the separation, but alleges that his wife, without any just cause, deserted him;

6.

As to the child, this respondent denies that the mother is a proper person to have the custody of the child because of her migratory habits, going from city to city in the North, where the environments are not such as to be best for the interest of a child of such tender years. The child is now with respondent's mother, in a splendid home, far superior to the average home of colored people, is a regular attendant at Sunday School and church, is given every opportunity for a Christian education, and is being reared in an atmosphere that has been found congenial to this respondent and his parents all of their lives, and it would be detrimental to the best interest of the child to permit it to be taken North in strange surroundings, while the mother is out in services, or drifting from place to place, with no one to give the child care and attention. This respondent will not deny the right of the mother to visit the child at any time, believing that by that means, she will be mollified towards him as the years go by, notwithstanding the desertion above complained of.

This respondent making this answer as a Cross Bill, the parties all being before the court, prays that a divorce a mensa et thoro may be at once decreed him, and that as soon as three years shall have elapsed

since the desertion complained of, that he may be given a divorce from the bonds of matrimony, with the custody of his child, with the privilege of the wife to visit it so long as it is done peacefully and without a breach of the peace.

And now having fully answered the Complainant's Bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended.

James Frank Tazewell
Respondent.

[Signature]
Counsel.

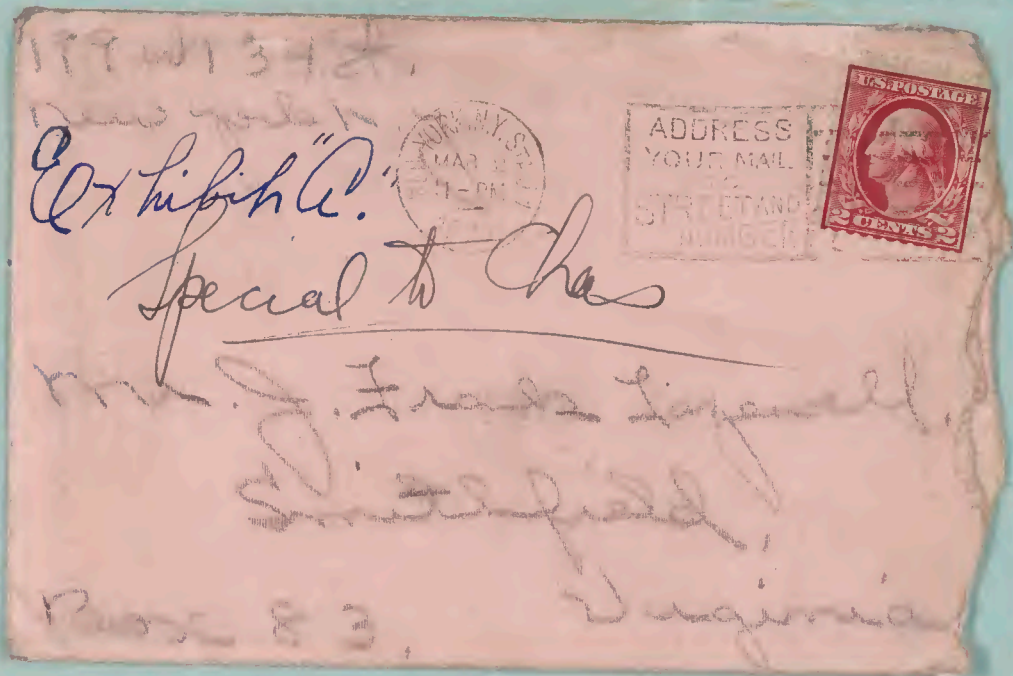
STATE OF VIRGINIA,
CITY OF NEWPORT NEWS, to-wit:-

James Frank Tazewell, the respondent named in the foregoing Answer being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information he believes them to be true.

James Frank Tazewell
Respondent.

Taken, sworn to and subscribed before me, in my said City Thomas Newsome,
a Notary Public of and for the City aforesaid, this 22nd day of
April, 1924.

[Signature]
Notary public.



- 437 -

MARY RANDALL TAZEWELL,

v.

JAMES FRANK TAZEWELL.

ANSWER.

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

Filed 4/25 1924

Teste, N. H. Edwards Clerk

OFFICES OF
J. THOMAS NEWSOME
ATTORNEY-AT-LAW
NEWPORT NEWS, VIRGINIA

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

MARY RANDALL TAZEWELL,	)	
Complainant,	)	
vs.	)	In Chancery.
JAMES FRANK TAZEWELL,	)	
Defendant.	)	

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

Your complainant, Mary Randall Tazewell, whose maiden name was Mary E. Randall, sheweth unto the Court that she and the defendant, James Frank Tazewell, were lawfully married at Alexandria, Virginia, on the 28th day of September, 1918, as will be more fully shown by the certified copy of the marriage license herewith filed, marked Exhibit "A" and prayed to be read and taken as a part of the bill.

1. That subsequent to said marriage complainant and defendant resided for a time in the City of Newport News, Virginia, but at the time of the separation, hereinafter alleged, the complainant and defendant were residing in the County of Isle of Wight, Virginia, where for more than two years prior to July 27, 1921, they resided and were domiciled, and in said County the parties hereto last cohabited as husband and wife.

2. That prior to the time the defendant caused the complainant to leave his domicile there had been occasions on which the defendant exhibited toward complainant harsh and cruel treatment, going to the extent of the defendant visiting upon the complainant bodily harm.

3. That about June 1919 the complainant and defendant were living at the home of defendant's father and mother; that at that time the defendant's mother drove complainant from the house and defendant made no effort to provide for complainant or her child, and complainant took up her residence with Lelia Boone, where she resided for six months; that thereafter complainant procured a furnished room from Elnora White, where complainant and her child resided for a time; that the defendant came to this house and there made an attack upon complainant and brutally assaulted her and on divers other times and occasions used force and cruelly treated and abused complainant; that in July 1921 complainant was living with the defendant at the home of Buddie Jordan, that defendant there continued to inflict upon complainant cruel and harsh treatment and finally drove complainant from the house and personally conveyed her with her child together with her clothing to Suffolk, instructing and insisting that complainant do not return to his domicile; that complainant, at all times,

made every effort to maintain the household and demean herself as a good and faithful wife, but with no avail.

4. That prior to the aforesaid marriage, on November 9, 1916, there was born to the complainant a child whose father was the defendant herein; that the said child is now in her eighth year and is named Margaret Tazewell, and more recently has been with her father in Smithfield; that it was understood between the parties hereto that within the last month the child should go with the complainant to New York, where complainant is employed, but defendant, after agreeing and delivering the clothes of the infant to complainant, declined to permit the child to go and the child is now in Smithfield without proper means being taken for the education and care which a child of such tender years should have.

5. That the said defendant is engaged in a profitable business in the City of Smithfield, Virginia, but has wholly failed and neglected to make any provision whatsoever for the support of complainant.

6. That on, or about, July 27, 1921, the defendant, without any just cause whatsoever and without any misconduct on the part of complainant, drove complainant from home and has made no effort to secure her return, nor has he provided any means of support for said complainant.

In tender consideration whereof, and for as much as your complainant is remediless in the premises save in a Court of equity where such matters are properly cognizable, she prays that proper process may issue; that the defendant, James Frank Tazewell, may be made a party defendant hereto and be required to answer, but answer under oath being waived; that a divorce from the bonds of matrimony which were created by the aforesaid marriage be decreed your complainant on the grounds of cruelty, wilful desertion and abandonment; that when the statutory period of three years may have elapsed, that your complainant may have a final decree for absolute divorce; that the care and custody of the infant child be awarded your complainant; that the defendant be required to pay the costs of this suit, including a reasonable fee to complainant's counsel, and that he may be required and directed to make a suitable and regular allowance for the support of complainant and her child, and that your complainant may be afforded all such other, further and general relief as the nature of her case may require, or to equity shall seem meet. And your complainant will ever pray.

Allan D. Jones

Mary Randall Tazewell
by Counsel

STATE OF VIRGINIA,

City of Newport News, to-wit:

This day personally appeared before me, Hylton P. Mottley, a notary public in and for City and State aforesaid, whose commission expires on the 16th day of October, 1924, Mary Randall Tazewell, who being first duly sworn doth depose and say that the statement of facts contained in the foregoing bill made of her own knowledge are true, and those made upon information derived from others she believes to be true.

Mary Randall Tazewell

Sworn and subscribed to before me this 7th day of April, 1924.

Hylton P. Mottley
Notary Public.

-437-

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

MARY RANDALL TAZEVELL,
Complainant,

vs.

JAMES FRANK TAZEVELL,
Defendant.

In Chancery.

ALLAN D. JONES
ATTORNEY AND COUNSELLOR AT LAW
STEARNS BUILDING
NEWPORT NEWS, VIRGINIA