1931-011 Chancery Causes. Lizzie Holloway vs Joe Taylor Holloway 597

Isle of Wight County

other SURNames: Boothe, Johnson, Butler, Jones, Gelmore

COMMISSIONER IN CHANCERY

COMMISSIONER OF ACCOUNTS

NOTARY IN OFFICE

E. H. WILLIAMS

Attorney-at-Law

SMITHFIELD, VIRGINIA

March 19, 1951.

Mr. R. A. Edwards,

Isle of Wight., Va.

Dear Gus: Re: Lizzie Holloway vs. Joe Taylor Holloway.

I beg to herewith enclose memorandum, bill and check for $7.50 in the above suit.

Joe Taylor Holloway lives in Smithfield. I am

Very truly yours,

E. H. Williams

EHW-W

(ENCLS)

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,

Jaylor Holloway *and* Elizabeth Butler

Given under my hand, as Clerk of Circuit *Court of* Isle of Wight *County (~~or City~~)*

this 6 *day of* Feb. ,19 26

R. A. Edwards, *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 Feb. 7. 1926 Place of Marriage Smithfield. Va.

FULL NAMES OF PARTIES

Jaylor Holloway *and* Elizabeth Butler

Age of Husband 30 years; Condition (single, widowed or divorced) single

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

Race (White or Colored) Colored

(PRESENT)

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

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

Names of Parents { Husband Sal Jones and Emma Crocker Talmore

Wife David Butler and Lizzie Butler

Occupation of Husband Farmer

Given under my hand this 6 day of February, 19 26.

R. A. Edwards, *Clerk.*

Certificate of Time and Place of Marriage

I, C. D. Ellis, a minister of the Hill St. Baptist Church, or religious order of that name, do certify that on the 6th day of February 19 26 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 sixth day of February, 19 26

C. D. Ellis

(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).

County (~~or City~~) Dale Wright

Taylor Holloway

Husband

and { **Marriage License**

Elizabeth Butler

Wife

Date of Issue 2/6/26

Marriage Register No. 4 *Page* 75

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

Lizzie Holloway,.....Plaintiff

vs. IN CHANCERY.

Joe Taylor Holloway,.....Defendant

Issue summons in chancery for said plaintiff against said defendant, to 1st June rules, 1931, to answer the said plaintiff a Bill in Chancery.

E. H. Williams p. q.

Lizzie Holloway.

vs # Cy. 597

Jos Taylor & Holloway.

Memo Filed

5/23/31

Def. 4.50

Pd Sept. 50

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

VIRGINIA.

JULY TERM, 1931.

- - - - - - - - - - - - - - - -

Lizzie Holloway.....Plaintiff

Vs In Chancery

Joe Taylor Holloway.....Defendant.

- - - - - - - - - - - - - - - -

This cause came on this day to be heard on the complainant's bill, the depositions of witnesses reduced to writing, the defendant on whom process has been duly served, still failing to plead, answer or demur, and was argued by Counsel: ~~On consideration whereof, the Court being of the opinion from the evidence in this cause, that the defendant has wilfully deserted and abandoned the said plaintiff, and that such desertion and abandonment still doth continue, it is, therefore,~~ adjudged, ordered and decreed, that the said plaintiff and the said defendant be, and they are, hereby divorced a vinculo matrimoni.

And it is ordered that this cause be stricken from the docket.

Lizzie Holloway

Plaintiff.

VS. IN CHANCERY

Joe Taylor Holloway

Defendant.

DECREE.

1931
June 6
Entered this
9-5
9th day

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

Lizzie Holloway.....Plaintiff.

Vs. IN CHANCERY

Joe Taylor Holloway.....Defendant.

The depositions of Lottie Johnson, Charles Boothe, et als, taken before me, George F. Whitley, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, pursuant to notice hereto annexed, in the office of E. H. Williams, in the town of Smithfield, Virginia, on the 22nd day of June, 1931; the taking of the said depositions having been continued from time to time as provided in the annexed notice, to be read as evidence on behalf of the plaintiff, in a certain suit in equity, pending in the Circuit Court of the County of Isle of Wight, Virginia, wherein Lizzie Holloway is plaintiff and Joe Taylor Holloway is defendant.

PRESENT: E. H. WILLIAMS,
ATTORNEY FOR THE PLAINTIFF.

Charles Boothe, being duly sworn, deposes as follows:

Q. What is your name, age, residence and occupation?

A. My name is Charles Boothe, age, 61, residence, Smithfield, Virginia, and occupation, carpenter.

Q. On May the 30th, 1927, where were you living?

A. I was in Sea-Bright, New Jersey.

Q. How far did you live in Sea-Bright from Lizzie Holloway and Joe Taylor Holloway?

A. When they was at home and in their room and I was in mine, I was nearly in their room. Their room was about as far from my room as from here to that door. Just a hall separated our rooms.

Q. You lived on the same floor and just had a hall separating you?

A. On the same floor - that's right.

Q. Tell the Court what you know, if anything, about some clothes of Lizzie Holloway that were cut.

A. All I know about it - I don't know when they was cut but I saw them the next evening when I came home and she came and showed 'em to me and my wife, but I couldn't swear to who cut them. But I remember seeing them.

Q. What happened to the other clothes of Lizzie Holloway?

A. Nothing I know about what happened to them. She told me he had took all her clothes and put them in suit cases and carried them to the Post Office and shipped them home. That's all I know about it. She was crying about it and said she didn't have any clothes. I asked her if she had any money and she said no. And I said I don't have much but I'll lend you some if you want to go to where your mother is.

Q. After he sent all of her clothes back home to Smithfield, what did Joe Taylor Holloway do?

A. He left. I didn't see him any more - not until I got home.

Q. And what did Lizzie Holloway do - continue to stay there and work?

A. She stayed about one day and then she went up to East Orange to where her mother lived.

Q. Just for the summer?

A. Yes sir. Her father and mother both were over there.

Q. They haven't lived together since then, have they?

A. No sir. Not to my knowing.

Q. You have been keeping up with them, haven't you?

A. She was here sometime last year and I saw her then but I see him every week.

Q. They're not living together?

A. No sir. Because she aint here.

Q. This is her home?

A. It had been for some years. She was born close to Windsor. Her father and mother were living there then, but they moved down here and stayed seven or eight, probably ten years.

And further this deponent saith not.

Charlie Booth

Melinda Boothe, being duly sworn, deposes as follows:

Q. What is your name, age, residence, and occupation?

A. My name is Melinda Boothe, age, 42, residence, Smithfield, Virginia, and occupation, house-cleaner.

Q. In May, 1927, were you living in Sea-Bright, New Jersey?

A. Yes, I was up there.

Q. How far did you live from Lizzie Holloway and Joe Taylor Holloway?

A. Her room was across the hall from mine. Our doors was facing each other.

Q. How did Joe Taylor Holloway treat his wife, Lizzie Holloway?

A. I couldn't tell much about how he treated her 'cause she wouldn't tell me much but I could hear him at night grumbling and fussing in their room. He used to fuss and try to make her give him her money that she worked for. I told her not to give it to him. By having the doors closed I couldn't tell what they was fussing about.

Q. Do you know anything about her dress being cut up?

A. Yes sir.

Q. Tell us what you know about it.

A. The white lady she was working for gave her a black satin dress and he came home and cut it up.

Q. How do you know he cut it up?

A. He told me so.

Q. Did he give any reason for cutting it up?

A. No sir. He didn't give a reason for cutting it up. He just said he was mad but he didn't say who he was mad with.

Q. What did he do with her other clothes?

A. He sent them all home but I don't know whether Richard Holloway got them and sent them back or not.

Q. Where did he go after sending her clothes away?

A. He came on home. I don't know whether he stopped in Norfolk or not but he came home.

Q. Did she come with him?

A. No sir.

Q. Have they lived together since?

A. No sir.

Q. You and your husband were up there for the summer and so were Lizzie and Joe Taylor Holloway, weren't you?

A. Yes sir. Just for the summer.

And further this deponent saith not.

Melinda Boothe

Lottie Johnson, being duly sworn, deposes as follows:

Q. What is your name, age, residence, and occupation?

A. My name is Lottie Johnson, age, 23, residence, Smithfield, Virginia, and occupation, work in a restaurant.

Q. Do you know Lizzie Holloway and Joe Taylor Holloway?

A. Yes sir.

Q. How long have you known them?

A. I have known Lizzie Holloway all of my life and Joe Taylor Holloway about ten years, I guess.

Q. What relation is Lizzie Holloway to you?

A. Sister.

Q. When were Lizzie Holloway, who was Butler, and Joe Taylor Holloway married and where?

A. They were married in Smithfield, Virginia, on January the 6th, 1926.

Q. Where did they live first after they were married?

A. They lived with his uncle and her aunt, Richard and Betty Holloway, not far from Smithfield, at Scott's Factory.

Q. Where were they living in the summer of 1927?

A. They were living in Sea-Bright, New Jersey.

Q. How long did they live up there together?

A. About two months.

Q. Are they living together now?

A. No sir.

Q. How long have they been apart?

A. Ever since that May, 1927.

Q. What happened in May, 1927?

A. Well, they were working up there. This is all hearsay because I wasn't in Sea-Bright. They both had a job and Joe Taylor quit his job and wanted Lizzie's money to spend. He couldn't get it all because she had some in the bank and he couldn't get that. He sent a telegram to my mother that he wasn't able to take care of her any longer and then he sent her clothes to Smithfield and cut and burned the rest of them. I saw the telegram myself.

Q. Where is that telegram?

A. I guess it is in ashes by now. I'm sure of it.

Q. Have you ever had any talk with him since he sent the telegram?

A. Yes sir.

Q. What did he say?

A. He said it was all he could do to take care of himself. He wasn't going to take care of her any longer.

Q. They haven't lived together since then?

A. Nosir. Not a night. Not even to one night.

Q. Where has he been living since he left her?

A. He has been living here mostly. I think he went to Baltimore and Newport News last summer but he soon came back. He has been living here principally all the while.

Q. Where has Lizzie Holloway lived all her life?

A. She lived here all her life until she went up to East Orange to work.

Q. Where does she call her home?

A. Smithfield.

Q. She is up there temporarily working?

A. Yes sir.

Q. Where has Joe Taylor Holloway lived all his life?

A. Smithfield, I reckon. I can't say exactly.

Q. Where has he lived since you've been knowing him?

A. Smithfield or Sea-Bright.

Q. All except a few weeks he has been living in Smithfield, has he?

A. Yessir.

Q. You don't know anything about her dresses being cut up?

A. No sir. But I know he cut up several pairs of underwear and then burned them. Some brand new pieces, too. She showed me what was left of them.

And further this deponent saith not.

Lottie Johnson

VIRGINIA:

COUNTY OF ISLE OF WIGHT, TO-WIT:

I, George F. Whitley, a Commissioner in Chancery for the Circuit Court for the County aforesaid, in the State of Virginia, do hereby certify that the aforesaid depositions of Charles Boothe, Melinda Boothe, and Lottie Johnson were duly taken, sworn to and subscribed before me, at the times and place and for the purpose in the caption hereto mentioned.

Given under my hand, this 3rd day of July, 1931.

Geo. F. Whitley.
Commissioner in Chancery.

VIRGINIA:

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

Lizzie Holloway.....Plaintiff.

VS. IN CHANCERY

Joe Taylor Holloway.....Defendant.

TO JOE TAYLOR HOLLOWAY:

Take notice, that on the ~~11th~~ 22nd day of ~~April~~ June, 1931, in the office of E. H. Williams, in the Town of Smithfield, Virginia, between the hours of 9:00 A. M. and 4:00 P. M. of that day, I shall proceed to take the depositions of ~~myself~~ Lottie Johnson and others, to be read as evidence in my behalf, in a certain suit in equity, pending in the Circuit Court for the County of Isle of Wight, wherein I am plaintiff and you are defendant; and if, for any cause the taking of the said depositions be not commenced, or if commenced, but not concluded, on that day, the taking thereof will be adjourned from day to day, or from time to time, in the same place and between the same hours, until the same shall be completed.

Respectfully,

Lizzie Holloway

By Counsel.

E. H. Williams p.q.

Executed this within notice this the 19th day of June 1931 by serving a true copy of the same on Joe Layton Holladay in Person in the County of Polk of Night.

W. O. Whitehead Sheriff

LIZZIE HOLLOWAY

PLAINTIFF

VS. IN CHANCERY

JOE TAYLOR HOLLOWAY

DEFENDANT

DEPOSITIONS.

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon Joe Taylor Holloway,

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 June, 1931, to answer a bill in chancery, exhibited against him in our said Court by Lizzie Holloway,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 23rd day of May, 1931, and in the 155th year of the Commonwealth.

R. A. Edwards Clerk.

Lizzie Holloway,

vs. } CHANCERY NO.

Joe Taylor Holloway,

ORIGINAL SUBPOENA

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

....., 19.....

Returned, entered and filed.

Teste:

R. G. Edwards. *Clerk*

To First June *Rules*

19 31

E. H. Williams, *p. q.*

Executed the within summons this the 24 day of May 1931 by serving a true copy of same on Joe Taylor Holloway in person Within the County of Isle of Wight.

W. C. Mullins Sh'ff

D. S.

VIRGINIA:

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

Lizzie Holloway,.....Plaintiff

vs. IN CHANCERY

Joe Taylor Holloway,.....Defendant.

TO THE HONORABLE JUDGE OF SAID COURT:

Your Complainant, Lizzie Holloway, respectfully represents:

That on January 6, 1926, in the county of Isle of Wight, Virginia, she was married to the said defendant, as will appear by a copy of the marriage license herewith filed, marked "Exhibit A," and made a part of this bill; and,

That your Complainant and the said defendant lived in Isle of Wight County, just after said marriage, for a period of fourteen (14) months, and then the said defendant got a temporary job in Sea-Bright, New Jersey, where your Complainant and the said defendant lived together for a period of two (2) months, that is to say, until May the 30, 1927, at which time the said defendant became furiously mad with your said Complainant because she refused to give to him all of the money which she had earned cleaning houses, and on the said last named date the said defendant, while in a rage, cut into shreds your Complainants best clothes, including her two best dresses, and then took away with him the remainder of your said Complainant's clothes; and,

That your Complainant was a constant, faithful and dutiful wife to the said defendant; and,

That the said defendant did, on May the 30th, 1927, without justification, wilfully desert and abandon your said Complainant, and such desertion and abandonment has continued from then until now.

That your Complainant has resided in the county of Isle of Wight all of her life, excepting when working temporarily in New Jersey, and that while working temporarily in New Jersey, she still claimed Isle of Wight County as her residence.

That the said defendant has been a resident of the said county of Isle of Wight all of his life, except the two months while temporarily employed in New Jersey, and at that time he still claimed Isle of Wight as his residence, and since May the 30, 1927, the said defendant has lived and resided in the said county of Isle of Wight.

In tender consideration whereof, and for as much as your Complainant is remediless save in a court of equity, she prays that the said Joe Taylor Holloway may be made a party defendant to this bill and be required to answer the same; that proper process may be issued; that a divorce from the bond of matrimony may be decreed to your said Complainant; and, that your said Complainant may have 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.

Lizzie Holloway

By Counsel

A. Williams, p. q.

#597

Lizzie Holloway..Plaintiff

VS.) IN CHANCERY

Joe Taylor Holloway.....

Defendant.

BILL

5/22/31

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA