

1893-022
Nansemond Co. (Suffolk)

Chancery Causes: Mary Louisa Gardner by etc vs James Gardner

Beale, Holland

OVERSIZE
Box 2
- 1 marriage license (exhibit A)

To James Gardner

Take Notice, That I shall proceed on the 28th day of February 1884
being Thursday and between the rising and setting of the sun, at the office of R. H.
Rawles in Suffolk Virginia, proceed

to take the deposition of Jos. G. Holland, Geo. T. Gardner Robert Rawles
Mary Louisa Gardner and others

to be read as evidence in the suit now depending in the Circuit Court of the County of
Kauaunuu

in which

I am

plaintiff and

you are

defendant. And if, from any cause, the said deposition should not be 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.

Jan 28th 1884.

Mary Louisa Gardner by
Geo. T. Gardner her next friend
per R. H. Rawles Attorney

I hereby acknowledge sufficient and legal service
of the within notice. Jan 31st 1884.

~~James Gardner~~
James Gardner

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING :
YOU ARE HEREBY COMMANDED TO SUMMON *James Gardner,*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *February* next to answer a

Bill in Chancery, exhibited against him
in the said Court by *Mary Louisa Gardner, wife of said James*
Gardner, who sues by George J. Gardner, her next friend

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *21st* day of *January* 188*4*, in the *108th* year of the Commonwealth.

Teste :

Peter B. Prentis Clerk.

Rules. p. 9

Mary Louisa Gardner

who was de

is ⁴ } Sum. in Chy:

James Gardner

To Sel. Rules, 1884

Pr. B. No. 1. lay

C. W. G.

I hereby acknowledge full
and sufficient service of
the within summons.
Jan 23rd 1884

James Gardner.

The depositions of Mary L. Gardner and others
taken before me Ch. Courney Notary Public
for the County of Hanover, pursuant to
notice hereto annexed, at my office in
the said County on the 28th day of February
1884 between the hours of am and

P.M. to be read as evidence on behalf of
Mary Louisa Gardner in a certain action in
equity depending in the Circuit Court
for the County of Hanover wherein
M. L. Gardner is Plaintiff and Jas. Gardner
is Defendant.

Present R. H. Reade for Plaintiff.

Ch. Courney

Notary Public

Mary Louisa Gardner being duly sworn
deposes and says as follows:—

What is your name age ~~residence~~ and
where do you reside?

Mary Louisa Gardner, age 24, residence in
Hanover County Va:—

Are you the wife of James Gardner and
the Plaintiff in this suit?

I am.

Were you married to him at the time
stated in Ex No "A" herewith filed?

I was.

How many children have you?

Two, both girls, aged six & seven years.

What was the conduct of your husband after your marriage?

He was, intemperate to a great excess,

was disagreeable, cruel and unkind.

He was also negligent and failed to provide for his family: so much so that the whole burden fell on my shoulders.

I did every thing I could to make his home pleasant and attractive but he

was always abusive and treated me very

badly: so much so that at times I

really thought he would kill me.

Does he now live with you?

No. He left me about six years ago.

He had before that time frequently threatened

to desert me: and about that time he

did desert me and his children, leaving

us without property or any means of

support and declaring his intention to

permanently desert me - never to return.

Has he ~~not~~ since returned?

No I have never seen him since. I

feel sure that he will never return again

that he has deserted us entirely and

for all time.

Do you know where he now is?

I have heard he was in the State
of North Carolina?

Did he leave you any property?

No sir, none at all.

Have you been compelled to take care
of your children & yourself by your
own exertions?

Yes sir I have. He has never given me
a cent or penny.

Have you had any communication with
him of any kind since he left you
five years ago?

I have not.

Does he now own any property?

No sir he does not.

Is it your wish to be, and do you believe
it to be to the interest of yourself and
your children to be entirely divorced from
him.

Yes sir I do.

Explain why?

Because I have the best reason for
saying that he is now living a debauched
life with other loose and abandoned
women and that he will never return to
me. Hence I think that what little I
can accumulate ought to be mine and
my children's free from his interference.

and further this defendant with not.
witness Mary & Lucretia Gardner
Joseph G. Hollander

George J. Gardner being duly sworn deposes
and says as follows:-

What is your name, age residence and do
you know the parties to this suit?

G. J. Gardner, age 32, residence, Southampton
Co. Va., and I know the parties to this
suit: the defendant Jas. Gardner is my
brother.

Have you read the bill of the Complainant
in this case and are the facts therein
set forth true?

I have, and the statements of it are true.

You know of the marriage of the parties?

I do.

What has been the conduct of your brother
the said Jas. Gardner since the marriage?

He did not act as a husband ought to. He drank
very hard and to excess and was to my
knowledge cruel and disagreeable to his
wife and family. I do not think he ever
fit to be a husband or father.

Did he provide for his family?

No sir he did not. He stayed with me for
some time after his marriage and I had

to provide for his family. He was negligent
and abusive.

Did he, or does he own any property?
Nothing that I know of.

What do you know of the location of
his family?

He left them about six years ago.

Did you ever hear him declare his
intention to desert them permanently?

Yes sir. He told me he never would return.
And during last year I saw him and
he said again he never expected to return
to his family or to give them anything or
to have anything more to do with them.

Did he to your knowledge have any cause
for the leaving his family.

He did not. His wife was kind and gentle
to him and he ought to have done better.
And further this defendant saith not.

Geo. J. Gardner

J. G. Holland being duly sworn depose and
say as follows:-

What is your name, age, residence and do
you know the parties to this suit?

J. G. Holland, age 53, residence housewound county,
and I know all the parties to this suit.

Do you know of the marriage of the plaintiff

to the defendant?

Yes sir.

State what you know about the character
of the husband and any other facts?

I was living near by him as a neighbor
when he left. He left about 6 years ago.
Leaving his wife and children in a bad
and helpless condition: so much so
that I helped to move him to her mother's.
He had been in a spree before he left. He
told me a day or two before he left
that he intended to desert her, as to use
his language to go away for good: he
told me since then on one occasion when
I saw him that he never expected to return.
Did he tell you himself how just cause
for leaving?

He did not. He had a good wife who always
discharged her duties faithfully.

Is he now absent?

He is.

How far does his wife now live from you?

Half a mile.

Who provides for the family?

She and her mother?

And further this deponent says not.

Joseph G. Hallam

Virginia
Nansemond County to wit: -
J. C. H. Cooney a Notary Public for
the County aforesaid do hereby certify
that the foregoing Definitions were duly
taken, sworn to and subscribed before
me at the times and place mentioned
therein.

Given and my hand this 28th Feb
1884.

J. C. H. Cooney
N. P.

May Louisa Gardner
vs

Jas. ~~H.~~ Gardner.

} In Chancery.

On motion of the plaintiff this cause
is dismissed at her cost and ordered
to be removed from the docket.

Gordner vs Gordner.

Oct. 13 1893.

To be entered.

CWZ

Entered in Chancery
Order Book
No. 2. Page 520.

Gardner

¹⁴
25

Gardner.

This cause come on this day to be heard on the bill, exhibits filed and definitions and was argued by Counsel. And the defendant failing to plead, answer or demur, on consideration whereof, the Court being of opinion that the charges in the said bill have been fully proved doth, adjudge order and decree, that the marriage heretofore solemnized between Mary Louisa Beale ^{now Gardner} and James Gardner be and the same is hereby dissolved and the said Mary Louisa Gardner is forever divorced from her husband the said James Gardner: and that the Plaintiff recover from the defendant her costs by her expended in the prosecution of this suit And nothing further remaining to be done in this suit it is ordered that the same be removed from the docket.

Final decree

Gardner

75

Gardner.

Cardinal Gardner

To the Hon. George B. Blair, Judge of
the Circuit Court of Hanover County:-

Humbly Complaineth sheweth unto the
Court, your oratrix, Mary Louisa
Gardner wife of James Gardner
who owes by Geo. S. Gardner her next
friend, that she is now 24 years
old. During the year 1876 she was
married to the said James Gardner in
the County of Southampton as appears
by a copy of the said marriage license
herewith filed marked "A" and prayed
to be taken as a part of this bill; that
since that time she has been a constant
faithful and dutiful wife, and has
borne to her said husband two girls
aged respectively ~~six~~ six and seven years.
Her husband, on the other hand has been
negligent, excessively intemperate in drinking
ardent spirits and cruel and abusive to
her. Your oratrix further shews that about
six years ago her said husband announced
to her, without any provocation on her part,
his intention to desert her entirely, at which
time he did desert her, leaving the
State of Virginia, and leaving her to support
and maintain herself and her children

* Your oratrix is now and has for some time
been a resident of Transcendental County Mo.

as best she could, at the same time leaving
her no property or means of any kind,
and that during the whole of the said
six years her husband has never returned
to her, nor has she had any communi-
cation with him: that he is still absent
as a non-resident of this state and
will not return. *

And she further states that the said
James Gardner neither owns nor pos-
sesses any real estate whatever and
their personal property is of very little
value being only such as she has
accumulated since her husband's de-
sertion. In tender consideration whereof
your oratrix prays that the said
James Gardner may be made a party
defendant to this bill and required to
render a full true and perfect an-
swer to the same upon his corporal
oath: that your oratrix may be
entirely divorced from him and
the marriage dissolved, and that
such other and further relief may be
granted her as her case requires and
to equity may seem meet. And
she will ever pray &c.

Virginia
Staunton County; to wit:-

This day personally appeared
before me Mary Louisa Goudner and
made oath that the allegations in
the foregoing bill are correct and
true. Given under my hand this
21st day of January 1884.

R. H. Rawles

Notary Public

R. H. Lucas. p. 9
Riel

Gardner

²
H

Gardner.

Mary Louisa Gardner, who says she
is ^{7th} of Chy: Notes

James Gardner

1884. Juny: 21. ^{5th} Sum'm: Chy: issued to Jdy: Rules, 1884

" Jdy: 4th: Bill do filed - & decree nisi as doft

" March 3rd: Decree nisi confirmed & cause set for hearing

Chy: Notes

MARRIAGE LICENSE



Virginia, *Southampton 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,

James Gardner
and *Mary Louisa Beale*

Given under my hand, as Clerk of the *County* Court of *Southampton Co* this *5th* day of *January* 1886
L. E. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 15th March, 1861, and February 27th, 1866.

Time of Marriage,	<i>Southampton County</i>	Place of Husband's Birth,	<i>Hanseman Co</i>
Place of Marriage,	<i>Southampton County</i>	Place of Wife's Birth,	<i>Spilburgh Co. Va</i>
Full Names of Parties Married,	<i>James Gardner</i> & <i>Mary Louisa Beale</i>	Place of Husband's Residence,	<i>Southampton</i>
Color,	<i>White</i>	Place of Wife's Residence,	<i>Beale</i>
Age of Husband,	<i>22 years</i>	Names of Husband's Parents,	<i>James Gardner & Martha Samuels</i>
Age of Wife,	<i>16</i>	Names of Wife's Parents,	<i>Lamar & Ann P. Beale</i>
Condition of Husband, (widowed or single)	<i>Single</i>	Occupation of Husband,	<i>Farmer</i>
Condition of Wife, (widowed or single)	<i>Single</i>		

Given under my hand this *5th* day of *January* 1886
James + Gardner Clerk.
Mark

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the *5th* day of *January* 1886,
at *Southampton County* I united in Marriage the
above-named and described parties, under authority of the annexed License.

R. L. Evans

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

Attest: J. B. Prince

Mary Louisa Gardner,
who sues for

~~the~~ ²⁷ Cly.

James Gardner

Exhibit A

filed with the Bd.