

1894-013
Nansemond Co. (Suffolk)

Chancery Causes: Ida Susan Mitchell by etc vs George Washington Mitchell

Richardson

*****)
 Ida Susan Mitchell, who sues)
 by Martha Richardson, her next)
 friend)
 vs.) In Chancery.
)
 George Washington Mitchell)

Take notice that I shall, on the 3rd day of September, 1894, at the Office of J.K.M. Newton, Notary Public, in Newport News, Virginia, between the hours of 9 A.M. and 6 P.M. on that day proceed to take the depositions Ida Susan Mitchell, Martha Richardson and others, to be read as evidence in my behalf in a certain Chancery suit pending in the Circuit Court of the County of Nansemond, Virginia, wherein you are Defendant and I am Plaintiff; and if from any cause the taking of said depositions 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.

Yours truly,

Ida Susan Mitchell

Martha Richardson,
 her next friend

by R.G. Bickford
 Counsel.

Exhibit this the 18th day of Aug 1894 by delivering
a true copy of the within process to George
Washington Mitchell in person

Or 2 Jozley Dept
For A.H. Barker Dep

Mitchell
vs. } In Chancery
Mitchell

Notice to take depositions

Original

Received of
George Washington Mitchell
the sum of \$100.00
for the above
deposited

The depositions of Ida Susan Mitchell and others, taken before me, J. K. M. Newton, a notary public, for the County of Warwick, in the State of Virginia, pursuant to notice hereto annexed, at my office, in New Port News, Virginia, Warwick County, Virginia, on the 3rd day of September, 1894, between the hours of 9 A.M. and 6 P.M. to be read as evidence in behalf of the Plaintiff in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein Ida Susan Mitchell who sues by Marcha Richardson, her next friend, is Plaintiff and George Washington Mitchell is defendant.

Present:-

William C. Stuart, Counsel for Plaintiff.

No Witnesses appearing the taking of these depositions is on motion of Attorney for Plaintiff continued until Tuesday, the 25th day of September, 1894, at the same place and between the same hours

Office of J. K. M. Newton, New Port News, Warwick County, Virginia, September 25th 1894
between the hours of 9 A.M. and 6 P.M.

Present:-

William C. Stuart, Attorney for the Plaintiff

Susan Mitchell

Ida ~~Richardson~~, who being duly sworn dep^oseth and saith as follows:-

Q.- Give your full name

A.- Ida Susan Mitchell

Q.- Where do you reside?

A.- With my mother in Newfort News

Q.- Are you the Plaintiff in the Case of
Ida Susan Mitchell who sues Ge. vs George
Washington Mitchell?

A.- Yes Sir

Q.- State your age

A.- Twenty three years old on my last birth
day, I will be 24 years old on the 4th of next
February

Q.- When were you married to George Washington
Mitchell?

A.- December 26th, 1887

Q.- State where this marriage occurred and
the circumstances attending the same

A.- At Elizabeth City, North Carolina, I ran
away to marry this man, didn't marry him
at home. I ran away with him because
my mother and father bitterly opposed the
marriage.

Q.- How old were you at the time of the mar-
riage?

A.- I was sixteen years old

Q. Have you ever had any children by your said husband?

A. Yes sir, one.

Q. Is that child alive?

A. No sir, it is dead.

Q. After your marriage where did your husband and yourself go to live?

A. His brother was a widower and he took us to live with him.

Q. What was the name of your husband's brother to whose house you went to live after your marriage, and where did he live?

A. His name was Sanford Mitchell and he lived in Nausimond County.

Q. Was Sanford Mitchell a single or married man?

A. He was single at the time we went to live with him, his wife was dead.

Q. When did the first trouble occur between yourself and your husband?

A. It has been such a long time that I can't exactly remember, but I know it was very soon after we were married.

Q. What was the nature of the trouble and the differences between your husband and yourself?

A. It was on account of another woman.

Q. You say it was on account of another woman, please state exactly what you mean.

A. When he thought more of her than he did of me, he was with her all the time, except when he was eating and he was not at home half the time then.

Q. Do you mean that he lived with her and was unfaithful to you?

A. Well I can't say that he really lived with her as she had a husband, but whenever her husband was out he was in there.

Q. Where?

A. In her house.

Q. - Paying her attention and associating with her?

A. - Yes Sir.

Q. - Were you a dutiful wife, constant and faithful to your husband and to your marriage vows?

A. Yes Sir.

Q. About how soon after your marriage did ~~the~~ your husband begin to pay his attentions to the other woman?

A. He was when I married him and I thought that after I married him he would stop, but he was worse.

Q. - Do you mean that after the morning, from that time on his attentions and intimacy with another woman continued and increased to a greater extent than before he married you?

A. Yes Sir

Q. What was his conduct towards you?

A. It was awful bad, he didn't treat me good at all, he cursed me, and ^{he} beat me once on her account.

Q. What do you mean when you say that he beat you on account of her?

A. He used to go there all the time when her husband was not at home and when it was time for him to come home he (my husband) would leave her house. And the morning he beat me I was talking to him and begging him not to go there and told him I didn't think he was treating me with any respect and he cursed me and told me he would do to suit himself, that he loved her better than he did me and that he would go there when he wanted, and then I talked to him about it and he beat me.

Q. How did he beat you?

A. He hit me with his fist and punched my head through the window pane.

Q. How long did you and your husband live at

Dandford Mitchells?

A. We lived there all the time we lived together and that was about twenty one months.

Q. Did your husband continue to treat you badly?

A. Yes Sir.

Q. You mean all the time that you lived together?

A. Yes Sir.

Q. What was the occasion of your leaving Dandford Mitchells?

A. Why he married soon after I was married and he brought his wife there and she said that the house wasn't large enough for two families.

Q. Were you compelled to leave their house on account of the position taken by Dandford Mitchell's wife?

A. Yes Sir.

Q. When it became necessary for you to leave, what home did your husband provide for you?

A. — He didn't provide any.

Q. Did you ask him to provide you a home?

A. Yes Sir, I asked him to rent a house and to get some furniture. He said he would not, that I could look out for myself. I said that I would have to go back to my people, and I cried but he said he would

not take care of me any longer, that I would have to look out for myself.

Q. Where did you then go to live?

A. I went home to Papa and Mama.

Q. About how long after you were married did Sanford Mitchell's marriage occur?

A. About 18 months.

Q. How long after your marriage did you leave Sanford Mitchell's and go to your father's to live?

A. It was about 21 months.

Q. After you went to live with your father did you ever request your husband to provide a home for you?

A. Yes sir. I sent for him several times to come and have a talk with me, but he never would, he always said he wouldn't have anything to do with me.

Q. Did he refuse to provide you a home?

A. Yes sir, he did.

Q. Did you ever ask him to come and see you or allow you to go to see him and if so, what was his response?

A. Yes sir I sent to him several times and he sent me word that he wouldn't have anything else to do with me but that I could look out and provide for myself.

Q. Has he ever lived with you since you left Sanford Mitchell's house?

A. No Sir.

Q. Have you been willing to live with him, and requested him to do so, and how often have you asked him to come and live with you?

A. Yes Sir. I guess I have sent for him a dozen times or more than that.

Q. Has he ever contributed anything to your support or assisted you in any way since you have been separated from him?

A. No Sir.

Q. Have you ever asked him to do this, and if so what was the reason?

A. Yes Sir and he said he would have the money first.

Q. Has he ever had any ^{thing whatever to do} communication with you ~~or~~ since you were separated?

A. No Sir.

Q. How long is it since you and your husband last lived together?

A. About five years.

Q. Where did you and your husband last co-habit together.

A. At Sanford Mitchell's in Nausemond County, Virginia.

Q. Where does your husband now reside.

A. Nausemond County.

2. I understand you, then, to testify that it has been five years since your husband, George Washington Mitchell, abandoned you and refused to live with you and to support you and that he has continued to refuse to live with you or to contribute any thing to your support during the whole of that time. Is this correct.

A. Yes Sir. It will be five years some time this month. He has never done anything for me during all that time and has refused to live with me or to have any thing to do with me. And I have sent to him and asked him to come and live with me and to help me and I have been willing to live with him.

And further this deponent saith not

G. A Mitchell

Martha Richardson, a witness for the Plaintiff,
who being duly sworn deposes and says
as follows:-

Q. Please state your name and residence.

A. My name is Martha Richardson and I live
in Newport News, Virginia.

Q. Do you know the Plaintiff, Ida Susan
Mitchell and the defendant in this case, George
Washington Mitchell?

A. Yes Sir, she is my daughter and he
is her husband.

Q. Do you remember the fact of the mar-
riage of your daughter to George Washing-
ton Mitchell?

A. Yes Sir.

Q. How old is your daughter now and
what was her age when she was married?

A. She will be 24 years old on the 2nd day
of next February, and she was 16 years
old when she was married.

Q. Where were you living at the time
of the marriage?

A. In Nansemond County, Virginia.

Q. Where did the marriage occur and
state what you know of the circumstances
attending it?

A. She was married in North Carolina. She

had to run away to be married because her father and me both positively objected to it. We objected because he was so very young and was frolicsome and was a dead poor boy and had nothing to support her with but his hands.

Q. You say you objected because he was frolicsome, how was he frolicsome?

A. He used to drink right hard and get drunk.

Q. When did this marriage occur?

A. She was married in December, 1887.

Q. Where did your daughter and her husband live after their marriage?

A. They lived in Nausetown County with Sanford Mitchell, brother of her husband.

Q. How long did they live there?

A. About twenty one months.

Q. Did they have any children by this marriage?

A. Yes sir one.

Q. Is the child alive?

A. No sir, it's dead.

Q. Do you know anything of the treatment of your daughter by her husband?

A. I know that he treated her very bad.

Q. How soon after her marriage did he begin to treat her badly?

A. It was a very short time.

Q. Did your daughter remain to you after treatment at the hands of her husband?

A. Yes Sir.

Q. In what way did he treat her badly.

A. He didn't support her and didn't look out for her as a husband should to his wife.

Q. Do you know whether her husband furnished her with necessary wearing apparel while they lived together.

A. Yes Sir, I know that he did not.

Q. State how you know this.

A. Because I had to buy her clothes for her myself, he never bought her any clothes except one dress, just after they were married and he bought this because I had kept her clothes to keep her from running away, he never even bought her a pair of shoes.

Q. Do I understand you to say then that during the time your daughter and her husband lived together you were compelled to furnish her with clothes and necessary wearing apparel.

A. Yes Sir, I had to furnish her or she would not have had any.

Q. Didn't her husband furnish her with food?

A. Yes Sir he did for awhile at first but after he began to treat her bad I had to furnish her with food too before she left I had to support her entirely. She used to have to come over to me

have to go often to get food and had to make her
grab something.

Q. Why did Ida Mitchell leave Sanford
Mitchell's house where she lived with her hus-
band?

A. The house was so small Mrs. Mitchell said
it wouldn't do for two families.

Q. Who was Mrs. Mitchell?

A. She was Sanford Mitchell's wife.

Q. Was Sanford Mitchell married at the time
Ida and her husband went to live with him?

A. No, he was not.

Q. How long after they went there was he married?

A. About 18 months, I guess.

Q. Did your daughter have any occupation
while she lived at Sanford Mitchell's, if so
what was it?

A. She used to cook and wash for Sanford
and her husband and herself and do all the
mending up to the time of his marriage.

Q. If your daughter did the cooking how was
it that she did not get enough to eat and you
had to feed her?

A. The two Mitchells were dyspeptics and
they would frequently go away and stay,
sometimes as long as two weeks at a time
and wouldn't leave her any money and
no grub in the house, so I had to give

her something to eat.

Q. Was your daughter compelled to leave Sanford Mitchell's home?

A. Yes sir, she was

Q. Where?

A. The house was a little bit of a cottage house, a shanty with only two rooms and one of them was used for a bed room and the other for a kitchen and dining room. And after Sanford Mitchell was married, you see, there was no where in it for her to stay. All four had to sleep in one very small room and Mrs Sanford Mitchell told her a dozen times almost that she would have to leave.

Q. Was your daughter averse to leaving this house?

A. Yes sir, she did not want to leave, but had to.

Q. Did her husband provide her with another home?

A. No sir, he did not.

Q. Where did she then go to live?

A. She came home to live with her mother and father.

Q. After she came to live with you and her father did she ever endeavor to induce her husband to provide a home for her?

Q. Yes sir.

Q. Do you know this to be a fact?

A. Yes sir I certainly do.

Q. How do you know it?

A. She once or twice wrote to him asking him to provide a home for her. I know that she wrote twice and I saw the letters. I also heard her often send messages to him by a girl, who lived. Rose Bey, asking him to rent a house for her and I heard this girl deliver the answers that he would not provide her a home or take her back to live with him.

Q. Did George Mitchell ever come to see your daughter after she came to live at your house?

A. No sir, he did not, he never would speak to her that I know of, after this.

Q. Did he ever contribute anything to her support, after or assist her in any way after she came to live with you?

A. No sir, he did not.

Q. How has she gotten her living and her support since she came to live with you?

A. She got it by my giving it to her.

Q. How long has she been living with you?

11. She has been living with me ever
since Waddy and her separated

Q. Who is Waddy?

A. Her husband, every body calls him Waddy.

Q. How long ago is it since she left
Randford Mitchell's house and came to
live with you?

A. Five years.

Q. And you state as a fact that during
all that time he has failed to provide her
with a home or to support or assist
her in any way whatever.

A. Yes Sir I do.

Q. Where do your daughter and you now
live?

A. In Newfort News, Warwick County, Vir-
ginia.

Q. Where does George Mitchell now live?

A. He lives in Nausemond County.

And further this deponent saith not

Martha ^{her} Richardson
mark

Witness

J. M. Curtis

Virginia.

County of Warwick, to wit:

I, J. K. M. Newlon, a Notary Public for
the County of Warwick, in the State of Virginia,

do hereby certify that the foregoing depositions
of Eda Susan Mitchell and Martha Richardson
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 25th day of Septem-
ber, in the year 1894.

C. R. M. Newton, N. P.

Time employed in taking these depositions
Six hours

Ida Susan Mitchell who
Dues &c

vs { In Chancery
George Washington Mitchell

Declarations to be read in
behalf of Plaintiff

Ida Susan Mitchell, who)
sues by Martha Richardson,)
her next friend)
) In Chancery.
)
)
George Washington Mitchell)

In the Circuit Court for the County of Nansemond, Virginia,
October Term, 1894.

This cause came on this day to be heard on the Bill,
~~taken up and confessed as to the Defendant, George Washington~~
~~Mitchell~~, and ^{depositions} examinations of witnesses, and was argued by
Counsel. On consideration whereof, the Court being of
opinion, from the evidence furnished in the cause, that the
defendant has ^{culpably and dishonestly} abandoned the Plaintiff for a period of more
than three years, doth adjudge, order and decree that the mar-
riage heretofore had and solemnized between the defendant,
George Washington Mitchell, and the Plaintiff, Ida Susan Mitch-
ell, (formerly Ida Susan Richardson) shall be, and the same
is, hereby dissolved; and that the said Ida Susan Mitchell
be forever divorced from the said George Washington Mitchell
And the Court doth further adjudge, order and decree that
the said George Washington Mitchell do pay unto the Plaintiff
her costs expended in the prosecution of this suit.

W. W. W.

not costs expended in the prosecution of this suit.

the said George Washington Mitchell do pay into the Plaintiff

And the Court both for her expenses, order and decree that

be forever divorced from the said George Washington Mitchell

is, hereby dissolved; and that the said Ida Susan Mitchell

all' (formerly Ida Susan Richardson) shall be, and the same

George Washington Mitchell, and the Plaintiff, Ida Susan Mit-

with heretofore had and continued between the Plaintiff,

that three years' order and decree have for mal-

plaintiff has expended the Plaintiff for a period of more

plaintiff, the evidence furnished in the case, that the

consideration whereof, the Court shall find that the

and examinations of witnesses, and was directed by

the Court, and the Plaintiff, George Washington Mitchell,

This cause came on this day to be heard on the Bill.

October Term, 1891.

In the Circuit Court for the County of Washington, Virginia,

George Washington Mitchell

her next friend

vs. George Washington Mitchell, who

Ida Susan Mitchell, who

In Chancery.

Entered in Chancery
Order Book No 2
Page 584

R. G. BICKFORD,
COUNSELOR AT LAW,
NEWPORT NEWS, VA.

May 29th, 1894.

To the Clerk of the

Circuit Court of Nansemond County, Virginia,

Dear Sir :-

Enclosed I send you memorandum and Bill in suit in Chancery of Ida Susan Mitchell, who sues etc. vs. George Washington Mitchell. I also enclose \$1.50 to pay Writ Tax. Please place Memorandum on your Mem. Book, issue summons as directed, file Bill, and oblige,

Yours very truly,

R.G.Bickford

per "S"

*Defendant lives 18 miles from
Suffolk - Chuckatuck Creek.*

*Be sure and get summons returned by
First June Rules.*

*If Bill shall be "taken for confessed", I shall
be glad if you will drop me a line informing me of the fact.*

R. G. BICKFORD,
COUNSELOR AT LAW,
NEWPORT NEWS, VA.

Ida Susan Mitchell, who sues by Martha Richardson,
her Next Friend

vs.

George Washington Mitchell

Issue Summons in Chancery

To First Rules in June, 1894.

R.G.Bickford, p.q.

Memorandum
Enclosed to Clerk of House and Cir. Ct.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE, HEREBY COMMANDED TO SUMMON

Mitchell

George Washington

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 *June 1894*, to answer

a Bill in Chancery, exhibited against

him

in the said Court by *Ida*

*Susan Mitchell, who sues by
Martha Richard her next friend*

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *31st* day of

May

189*4*, in the *118*th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Executed this the 2nd day of June 1894 by delivering
a true copy of the within summons to George
Washington Mitchell in person.

R. E. Mayland Depy
For Attorney Sapp

R. G. Bickford pg
Ida Susan Mitchell
vs. In Chancery
George Washington Mitchell

1894
June Rules
1st Monday

Sansemond Circuit
Court
Process Book
No 2. Page 101.

To The Honorable

Judge of the Circuit
Court for the County ofausemond.

Complaining sheweth unto your honor your oratrix Ida Susan Mitchell, wife of George Washington Mitchell, who swers by Martha Richardson her next friend, - that she is now twenty three years old. - At the age of sixteen she left her fathers house (ran off, in common language) with the said George Washington Mitchell and was married to him, and since that time has been to him a constant, faithful and dutiful wife, - during her coverture she has borne her said husband one child, which died soon after its birth.

Your oratrix husband, on the other hand, very soon after their marriage, (which occurred at Elizabeth City North Carolina on the 26th day of December 1887) became most indifferent to your oratrix, treating her with no kindness or consideration whatever, - That your oratrix and her said husband after returning from North Carolina took up their abode at the house of Sanford Mitchell, the brother of your oratrix' husband, who was at that time a single man. About eighteen months after your oratrix' marriage, Sanford Mitchell married and there being no longer any room in the house of the said Mitchell to shelter the two families, Mrs Annie Mitchell, wife of the said Sanford Mitchell, told your oratrix that she, your oratrix, must find some other place of residence, - Upon this requirement becoming known to your oratrix'

husband, he failed and refused to procure other or any shelter for your oratrix. - Your oratrix being therefore compelled to leave the house which had been her home during all of her married life, went to the only shelter which offered itself, namely the house of her father.

From this place she sent frequent messages to her husband with reference to providing a home for her, however humble, and earnestly entreated her said husband to come and see her or allow her to go and see him, but these entreaties met with no response from her said husband, who avoided your oratrix upon all occasions.

That the desertion and abandonment of your oratrix by her said husband has continued for a period of more than five years anterior to the bringing of this suit, and that in all that time your oratrix has received aid comfort and assistance of no nature whatsoever from her said husband, nor has he once during that time, ~~either~~ either directly or indirectly held any communication with her.

That both your oratrix and her said husband are domiciled within the State of Virginia, that her said husband now resides within the said County of Hansemond, and that your oratrix now resides within the County of Warwick, That your oratrix and her said husband last resided within the County of Hansemond and last cohabited there.

In Tender consideration whereof, and for as

much as your oratrix is remediless in the
premises, save in a Court of Equity, she prays
that the said George Washington Mitchell may be
made a defendant to this bill and required to an-
swer the same, but answer on oath is hereby
expressly waived, that your oratrix may be
divorced from him a vinculo matrimonii
and that all such other, farther and general
relief may be afforded your oratrix as the
nature of her case may require or to equity
may seem meet.

J. G. Pickford sq.

Virginia

County of Warwick Circuit

This day personally appeared before me,
the undersigned, a notary public in and for
the County aforesaid in the State of Virginia
Ida Susan Mitchell, oratrix in the foregoing
bill, and made oath that the matters and things
therein stated are true.

Given under my hand this 28th day of
May 1894.

J. G. Pickford

Notary Public

R.G. Buckford Jr

Mitchell

vs. 3 J. Chancery

Mitchell

Bill.

Ida Susan Mitchell
Against } In Chancery
George Washington Mitchell
Chancery Notes

1894 May 31st. Process issued returnable June
Rules 1st Monday.

" June 4th. Process Returned executed on
the defendant.

Bill filed and decree nisi
against defendant.

" " 18th. Decree nisi confirmed and
cause set for hearing.

Mitchell
vs
Mitchell
Chancery Notes.

R. G. Bickford p. g.

Ida Susan Mitchell

vs In Chancery

Geo Washg. Mitchell

1894

October 11th

Final Decree

Nansemond
Circuit Court.

Costs
Clerk \$ 4.23
Shff 50
Tax rd. 1.50
Atty 15.00

\$ 21.23