1898-010
Nansemond Co (Suffolk)

Chancery Causes: Atlas Vaughan vs Eva Vaughan

Coles, Crocker, Willis, Chapman

OVERSIZE
Box 2
- 1 marriage license (exhibit A)

Vaughan vs Vaughan

R. A. Rawles p.q.

Atlas Vaughan

vs } In Chancery

Evie Vaughan

1898

April 12th

Final Decree

Costs
Clerk 3.80
Shff .50
Atty 15.00
Jail 1.50
$20.80

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Eva Vaughan

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 1st Monday in February 1898, to answer a Bill in Chancery, exhibited against her in the said Court by Atlas Vaughan

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 21st day of January, 1898, in the 122 one th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

A. P. Gomer, CLERK.

Not finding Evie Vaughan nor any member of her family above the age of 16 yrs at her usual place of abode this 22nd day of January A.D. 1898 I tacked a copy hereof on the front door of said abode.

J. T. Lawler Sergt
City of Norfolk
by C. Z. Lemon
Deputy

Sergts fee 50cts paid
C. Z. Lemon
Deputy Sgt

Original

R. D. Rawles p. q.

vs. } In Chancery.

Evie Vaughan

1898

February Rules.

Finis Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 158

I hereby accept service of the within writing this 24th day of Feb. 1898.
Eva Vaughan

Lucy Woodlief

To the Clerk of the Circuit
Court of Nansemond County.

Atlas Vaughan Plff

vs

Evie Vaughan Defts

Issue summons for plaintiff
against defendant to First
February rule 1898 to answer
a Bill in chancery.

R H. Rawles
p.q.

11115

Direct to Sergeant of
Norfolk City.

Send summons to me.

Pay $1,50

Atlas Vaughan
vs } Memorandum
in Chancery

Evie Vaughan

The depositions of John Crocker and others taken before me, J. U. Burgess, a notary public for the county of Nansemond, in the State of Virginia, pursuant to notice herto annexed, at the office of R. H. Rawles, in the Boothe Building, in Suffolk Virginia, on the I8th day of March I898, between the hours of 9 A. M. and 6 P. M., to be read as evidence on behalf of Atlas Vaughan, in a certain suit in equity depending in the Circuit Court for the county of Nansemond, wherein the said Atlas Vaughan is plaintiff, and Eva Vaughan is defendant .

Present ; R. H. Rawles counsel for the plaintiff .

John Crocker being duly sworn deposes and says as follows ;

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

Ans . John Crocker, age 52 years, Chuckatuck District, Nansemond county, Virginia, occupation farmer . I know both the parties to the suit .

2nd Ques. Where did they last cohabit ?

Ans . They last cohabited, or lived together, near my residence, in Chuckatuck District, in Nansemond county Virginia .

3rd Ques. Can you state whether they are now living together ?

Ans. They are not now living together, as Eva left her husband several years ago .

4th Ques. When did Eva Vaughan leave or desert her said husband ?

Ans . She left her husband, Atlas Vaughan, and left his bed and board, on or about the IIth day of April in the year I894. It was about this time . Certainly within three days of this time .

5th Ques. Has she to your knowledge been back to live with him since that time ?

Ans . To my certain knowledge, she has not been back .

6th Ques. How far do you live from their home ?

Ans . I live in about one hundred yards of their home, where they then resided .

7th Ques. What were your opportunities for knowing that she left him, and that she has not since that time returned to live with him ?

Ans . I lived in one hundred yards of them, and saw them every day of my life ; some times several times a day . I remember the time she went away, and I persuaded her not to go away . I saw Atlas the day after his wife left, and he seemed to take it to heart very much indeed ; he was much cast down and grieved .

8th Ques. Is it probable that you would have seen her, and would have known the fact, if since her said departure, she had been back to live with him again ?

Ans . . It is more than probable . It is almost certain that I should have seen her, if she had come back to live with him again . I was right there in sight all the time . I should have seen her and would have known all, about her return, if she had returned . I was much interested in the case, and would only have been too glad to have known that she had come back .

9th Ques. Can you state how Atlas Vaughan conducted himself toward his said wife when they lived together, and how he discharged his duties as a husband ?

Ans . I feel sure he did his whole duty toward her . He is an industrious man , works all the time ; he is also a very temperate man, of good habits and kind temper . He provided well for all her wants, and furnished her with all the necessaries of life, and such comforts as he was able to .He was a kind, good husband .

IOth Ques. Do you know why, and under what circumstances Eva Vaughan left her said husband ?

Ans . I knew her well . She was a womman of a gay and frolicksome disposition ; she was more fond of social pleasures than of her domestic duties . She liked to go to night balls, and dances, and did often go ; much oftener I am sure than she went to church . She was also very fond of the society of other men . I have heard her husband remonstrate with her, in a kind way, in regard to her conduct as to these things, and she always resented such remonstrances with a good deal of wrath, and seemed to feel that it was an interference with her individual liberty . She expressed herself as determined to do as she pleased, and that if it did not suit him, they had better part . It did not suit him, and so she left . He was a member of the church ; he often asked her to go with him to church but she always refused, or gave some excuse . So far as I could see, her conduct became more wayward as time went on . One one occasion he asked her, What he could do to please her, and her reply was " not a damned thing ". She soon left him after this . I tried to talk to her in a fatherly way and tried to persuade her not to leave Atlas, but she refused to be guided by my advice, and said she would not live with him ; then she left and has not been back since . The reason she left was because she was not the right sort of a woman for a wife ; that she wanted more gaiety than she got at home ; that she disaatisfied / and she left under the circumstances I have just stated . .

IIth Ques. Have you any reason to think or believe that she left him because he was cruel to her ; or because he failed to povide her with the comforts and necessaries of life as a man should provide for his wife ?

Ans I have no reason to think so : he was not cruel to her ; on the contrary he was as kind and good a husband and man as I ever saw, and did his duty by her well .

I2th Ques . Where does Atlas Vaughan now live ?

Ans . At the same place still . In Chuckatuck District, In Nansemond County Virginia .

And further this deponent saith not .

Witness
J. E. Burgess

his
John X Crocker
Mark.

Aaron Willis being duly sworn deposes and says as follows ;

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

Ans . Aaron Willis, age 38 years, oChuckatuck District in Nansemond county Virginia . I know both the parties to this suit .

2nd Ques . Where did they last cohabit ?

Ans . At the residence of the plaintiff, in Chuckatuck District, in Nan - semond county, Virginia, near my home .

3rd Ques. Can you state whether they are now living together ?

Ans . They are not . Atlas wife left him several years ago, and has not since returned .

4th Ques. When did Eva Vaughan leave or desert her said husband ?

Ans . In the latter part of the month of April in the year I894.

5th Ques .

Has she to your knowledge been back since that time to live with him ?

Ans . She has not .

6th Ques. How far do you live from their home ?

Ans . I live in sight of it ; within half a mile of it ; and I see thereevery day . I was, and am, very often there .

7th Ques . What were your opportunities for knowing that she left him, and that she has not sincethat time returned to live with him ?

Ans . I.know it because the day she left her husband she came to the place where I lived and stayed ther, some time . She told me plainly, that she had left him and her home for good . That she was not going back there to live with him any more . She kept her word . She has not been back because I certainly would have seen her if she had come back . I saw he nearly every day when she was at home before she left .

8th Ques. Is it probable that you would have seen her and would have known the fact if since her said departuee, she had been back to live with him .

Ans . Yes ;I would have seen her if she had come back ; she could not well kept herself hidden or out of sight. She was right intimate with my wife, and if she had ben back, she would certainly have run over to see my wife : She frquently did so when she was at home .

9th Ques . Can you state how Atlas Vaughan conducted himself toward his said wife when they lived together, and how he discharged his duties as a husband ?

Ans .He was a kind, good husband, as well as a good man . He treated her kindly and well ; he provided for all her wants the best he could . He is a temperate industrious man and saves his money ,

10th Ques. Do you know why, and under what circumstances Eva Vaughan left her said husband ?

Ans . I think she left him.because she was what I call a fast woman . She was not satisfied with home or home life . She loved to run about the neighborhood with other men too well . She went to all the night dances and balls, and was generally the merriest one there; more like a giddy girl tham a married woman . She often complained of being tied down at home too closely . She left because she wanted to see more of the world tham she could see at home . This brought about some friction between her and her husband ; he would speak to her kindly about running about so much and she would always get angry with him and say a great deal. Sometimes she would curse a little bit. She finally left, as I have said, and came over to where I lived . I tried to persuade her to go back home and live with her ~~husband~~ husband, but she said she was tired of married life any way, and that she did not intend ever to go back again . She then left my place and went to Norfolk . She has not since returned .

11th Ques . Have you any reason to think that she left because her husband was cruel to her, or because he did not provide for her properly?

Ans, I have not : as I have said, he was a good husband ; better than she will ever get again .

And furter this deponent saith not . Cross mark

witness
J. H. Burgess

George W. Vaughan being duly sworn deposes and says as follows ;

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

Ans . George W. Vaughan, age 32 years, residence Chuckatuck District, in Nansemond county, Virginia .I well know both the plaintiff and the defendant .

2nd Ques. Where did they last cohabit ?

Ans . At the residence of the plaintiff in said district, county, and State .

3rd Ques. Can you state whether they are now living together ?

Ans . They are.not now living together as Eva left her husband some years since .

4th Ques . When did Eva Vaughan leave or desert her said husband ?

Ans . On the IIth day of April I894 .I lived with them .

5th Ques . Has she to your knowledge been back to live with him since that time ?

Ans . She has not ; I have lived right there all the time, and I know positively that she has not . I am the uncle of the plaintiff and lived with him .

6th Ques . How far do you live from their home ?

Ans . I lived right there with them .

7th Ques . What were your opportunities for knowing that she left him, and that she has not since that time returned to live with him?

Ans . As I have already stated I lived in the house with them . This was the opportunity I had to know all about the matter .

8th Ques . Is it probable that you would have seen her, and would have known the fact, if since her said departure she had been back tolive with him ?

Ans . Of course it is probable ; She could not well come there without my knowing it . As a matter of fact she has never come back to live with him .

9th Ques. Can you state how the plaintiff conducted himself toward his his said wife when they lived together and how he discharged his duties as a husband ?

Ans . He did as well as he could ; and as well as any poor man or person in moderate circumstances could have done . He worked hard ; did not idle any ; saved his money and provided well for her .

IOth Ques .Do you know why and under what circumstances Eva Vaughan left her said husband ?

Ans . She wanted to have her pleasures ; she was dissatisfied with her married life ; I have often heard her say so : she used to want to go to all the places of public amusement such as balls dances and other parties ; she did not like to be confined at home too closely . Atlas was a member of the church and did not like to see her giong all the times to dances ; especially at night when she would frequently remain out all night and come home in the morning . I talked to her about this conduct and told her I did not think it becoming in a married woman but she was not a person who took kindly to advice ; she was headstrong and would have her way . I am sure she tired of her married life, and wanted to put an end to it . I have heard her say so . Atlas used oftn to talk kindly to her and did his best to bring about a change in her conduct ; he was very kind to her and would often give her nice little presents ; but when he spoke to her about her ways she would always get very angry ~~with~~ with him and threaten to leave . On the day in question that is the IIth day of April I894 she became very angry because he kindly spoke to her about some trifling matter ; she went on and said a good deal ; used some bad language and finally left that day saying that she never would come back again . She has never come back again . She has been gone now over three years . She is in Norfolk now .

IIth Ques . Have you any reason to believe that her husband's cruelty drove her away from home .?

Ans . I know that it did not ; He was not cruel to her at all ; he was very good to her . He hated for her to leave him and tried to persuade her not to do so but she would not hear to anything he said . He was much out of heart at her going away .

12th Ques . Where does Atlas Vaughan now live, and where did he live when he instituted this suit ?

Ans . At the same place, in the said district, county, and State .

And further this deponent saith not .

Witness
J. A. Burgess

George F. Vaughan

James Chapman being duly sworn deposes and says as follows .

What is your name, age, rsidence, occupation, and do youn know the parties to this suit .?

Ans . James Chapman, age 22 years, residence Chuckatuck district in Nansemond county Virginia . Occupation steward . I know both the parties to this suit .

2nd Ques . Do you know ~~there~~ where ~~Eva where~~ Eva Vaughan now is ?, where she has been since April 1894, and what she has been doing ?

Ans . Yes Sir ;She has been living in Norfolk since that time ; I have often seen her there: ~~I~~ I used to visit her sister, who lived with her . Her sister is not living now . She died last year . Eva got so bad, and did so ugly that her sister left her house and would not liv with her . She acted disreputably . She was ~~The common woma she She lived with and she her man when in Norfolk~~ .
a common woman . She lived with another man when in Norfolk . This man furnished her room and they used to room together at night . At least when bed time came they would both go into this room toghetr. She is still in Norfolk .
And further this deponent saith not .

Witness
J. A. Burgess

his
James x Chapman
mark

State of Virginia ; County of Nansemond to-wit;

I,J. U. Burges, a notary pulic for the ~~co~~ county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, sworn to, and subscribed before me, at the time and place mentioned therein .

Given under my hand this 18th day of March 1898.

J. U. Burges
Notary Public

To Evia Vaughan

TAKE NOTICE that I shall, on the 18th day of March 1898, at the Office of R. H. Rawles in the Booth Building in Suffolk Nansemond County Virginia between the hours of 9 A. M. and 6 P. M., on that day, proceed to take the depositions of John Crocker and others, to be read in evidence in my behalf, in a certain suit in equity depending in the Circuit Court for the County of Nansemond wherein you are defendant and I am plaintiff; and if, from any cause, the taking of the 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.

Respectfully yours,

Atlas Vaughan

By R. H. Rawles, Counsel.

Original

Not finding Eva
Vaughan nor any
member of her family
above the age of 16
years at her usual
place of abode this
22nd day of January
A D 1898. I tacked a
copy hereof for her
on the front door
of said abode

J. F. Lawler Dep
Sheriff City of New York
by b Z. Levine
Deputy

Serts fee 50cts paid
Z. Levine Dr

DEPOSITIONS!

I hereby accept service of the within Petition and legal Notice this 1st day of Feb 1898.

Eva O'Vaughan

Lucy Scarlin Sr

ATLAS VAUGHAN VS EVA VAUGHAN .

This cause came on this day to be heard on the bill and exhibit filed, the deposition of John Crocker and other witnesses and was argued by counsel .

On consideration whereof, it apeaaring from the evidence in the cause, that the defendant, Eva Vaughan, had wilfully abandoned and deserted her husband, Atlas Vaughan, for ~~upwards of~~ more than three years before the commencement of this ~~action~~ suit, and that the parties, plaintiff and defendant, had last cohabited in the county of Nansemond , the court doth order ,adjudge and decree that the marriage heretofore solemnized between the said Atlas Vaughan and his said wife, Eva, be, and the same is hereby wholly dissolved and annulled ; and the said Atlas Vaughan is hereby wholly and entirely divorced from his said wife ; and that the plaintiff recover of the defendant the cost of this suit by him expended ; and nothing further remaining to be done, it is ordered that this cause be stricken from the docket .

Final Decree,

Enter:

April 12, 1898

Robert S. Ellis

Entered in

Chy OB 3 Page 140

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Nansemond County ;

Humbly complaining, sheweth unto the court, your orator Atlas Vaughan a citizen and resident of Nansemond county, the following case ;
That on the 27th day of May 1891 he was married to Eva Coles in the said county of Nansemond, by the Rev. W. M. Reid, a minister of the Gospel, which fact will more fully appear from a copy of the marriage license, and endorsements thereon, herewith filed, marked Exhibit " A. ", and prayed to be rad as a part of this bill .
That after the said marriage was solemnized, he was at all times a constant, faithful, and dutiful husband to his said wife, furnishing her with a good and pleasant home, and all the comforts and necessaries of life .
His said wife on the contrary, after about three years of married life seemed to grow careless and indifferent toward him, and neglectful of her duties as a wife, which said negligence and indifference on her part continued and increased until about the month of April 1894 when without any cause on his part whatever, and without any just, sufficient, or legal cause, or reason, his said wife wilfully deserted and abandoned him, his house, and his bed and board, and left for parts unknown, all of which was greatly against his wishes and desires, and to his great sorrow and mortification . And he further says and charges that since that time to-wit; since the month of April 1894 or for a period of ~~over~~ about four years, his said wife has not returned to live with, or even to see him, but during that whole time has wilfully abandoned and deserted him . Your orator therefore charges that his said wife has wilfully abandoned and deserted him for over three years, since which time he has neither seen, or cohabited with her ; and that they last cohabited in the county of Nansemond .and your orator fully believihg that it is the intention of his said wife, never to return again, to live with him, desires that he may be forever divorced from her .
In tender consideration whereof, and forasmuch as ~~yur~~ your orator is remediless in the premises, save by the aid of a court of equity, where such matters are alone and properly cognizable, your orator prays that the said Eva Vaughan may be made a party defendant to this cause and required to answer this bill, though an answer under oath is waived ; that proper process may issue ; and that your orator may be forever divorced from his said wife

and that the marriage heretofore solemnized between them, may be wholly and entirely dissolved , and for all such further and general relief as this cause may require, or ~~&~~ which to equity may seem meet, and your orator will ever pray &

Atlas Vaughan.

Virginia ; Nansemond County to-wit ;

I, R. H Rawles

a Notary Public for the county of Nansemond in the State of Virginia do certify that Atlas Vaughan whose name is signed to the above bill has this day personally appeared before me in my said county and made oath, after being duly sworn, that all the statements in the said bill, coming of his own knowledge, are true ; and that all other statements which are made on information obtained from others he believes to be true .Given under my hand this 21st day of February 1888.

R H Rawles

N P.

Bill.

Vaughan vs Vaughan

Atlas Vaughan
Against } In Chancery
Evie Vaughan
Chancery Notes

1898 Jan 21st Process issued returnable to Feby rules 1st Monday

" Feby 7th Process returned and service accepted.
Bill filed and decree nisi against said defendant.

" " 21st Decree nisi confirmed and cause set for hearing.

Vaughan
V. J. in Chancery
Vaughan
Chancery Notes

$1.50 Rec'd of R H. Rawles One & 50/100 dollars mnt tax in suit of Atlas Vaughan vs Eva Vaughan. Nov. 1st 1898.

A. P. Toomey Clerk

Virginia.

No. _____ Suffolk, Va., _____ 18

THE First National Bank

Pay to the order of _____

_____ Dollars

$ _____

SAM. W. ROWMAN - NORFOLK, VA.

MARRIAGE LICENSE

Virginia, Nansemond 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,

Atlas Vaughan

and Eva Coles

Given under my hand, as Clerk of the County Court of Nansemond this 27th day of May 1891

R. R. Smith Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE. REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA.

Time of Marriage, 27th inst

Place of Marriage, Chuckatuck Va

Full Names of Parties Married, Atlas Vaughan and Eva Coles

Color, Colored

Age of Husband, 27 years

Age of Wife, 18 years

Condition of Husband (widowed or single), Single

Condition of Wife (widowed or single), Single

Place of Husband's Birth, Murfreesboro, NC

Place of Wife's Birth, Nansemond Co

Place of Husband's Residence, Chuckatuck Va

Place of Wife's Residence, Nansemond Co

Names of Husband's Parents, George Vaughan and Fanny his wife

Names of Wife's Parents, James Cole and Queen his wife

Occupation of Husband, Laborer

Given under my hand this 27th day of May 1891

R. R. Smith Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 27th day of May 1891 at Chuckatuck Virginia I united in Marriage the above-named and described parties, under authority of the annexed License.

W. M. Reid Minister

☞ 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.

A Copy, Teste: R. R. Smith Clerk

100

Atlas Vaughan
with } Certificate
of
Marriage

Eva Coles

1891 May 27th

" Ex. A "