

1904-002

Nansemond Co (Suffolk)

Chancery Causes: Lizzie B Thorpe vs Ruffin Thorpe

Short, Rhodes, Ballard, Peebles, Short

George Thorpe vs Rufus Thorpe

R N Rawles p q

Lizzie B Thorpe

vs In Chancery

Rufus Thorpe

1904

May 14th

Final Decree

Thorpe vs Thorpe

Costs
Clerk 365
Tax 150
Shff 100
Atty 1500

\$ 21,15-

By Cash \$5.00

Lizzie B Thorp
vs In Chancery
Ruffin Thorp

1904 April 4th Process issued returnable
to April rules third Monday.

" " 18th Process returned executed
on defendant

Bill filed and decree nisi
against him.

17 May 2nd Decree nisi confirmed and
cause set for hearing.

Chancery Notes

Lizzie B. Thorpe

vs.

Ruffin Thorpe.

In Chancery.

This cause came on this day to be heard on the bill and exhibit filed and the depositions of witnesses and the defendant who appears to have been regularly proceeded against *by the service of process and he still failing to appear and* failed to plead, answer or demur; and was argued by counsel.

On consideration whereof, it appearing to the court, upon the evidence submitted in the case, that the defendant has willfully abandoned and deserted his wife, the plaintiff, for more than three years preceding the commencement of this suit; that the plaintiff is now a resident of the County of Nansemond, and State of Virginia, and has been, for upwards of one year, and that she has been domiciled in this State for upwards of one year next preceding the commencement of this suit; the court doth order, adjudge and decree that the marriage, heretofore existing between the said plaintiff, Lizzie B. Thorpe and the defendant, Ruffin Thorpe, be, and the same is, hereby wholly annulled and set aside, and a divorce a vinculo matrimonii is hereby granted the plaintiff from her said husband, *that the plaintiff shall have the entire control and custody of her two children and* and the court doth further order that the plaintiff recover of the defendant her costs in this behalf expended; and nothing further remaining to be done in this cause, it is ordered that the same be stricken from the docket.

Thorp to Thorpe.
Final decree.

Enter:

May 14, 1904

Robert R. Pentis

Entered in Chancery
Order Book No. 3.
Page 581.

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

Humbly complaining showeth unto your honor, your oratrix, Lizzie B. Thorpe, a citizen of Nansemond County, Virginia, the following case:

Your oratrix was united in marriage to Ruffin Thorpe, on the 28th day of October, 1880, in the City of Raleigh, in the State of North Carolina, as will fully appear by a copy of the marriage license and certificate of marriage, herewith filed marked "exhibit A", and prayed to be taken as a part of this bill.

Your oratrix says that after said marriage, she and her husband lived together for many years, and that she was always a faithful, constant, and dutiful wife unto him, and did everything in her power to please him and to make his life happy; and that she never heard any complaint from him of her or her conduct.

She further says that there were two children by said marriage, James Thorpe, now 18 years of age, and William Thorpe, now 16 years of age.

She further says that after the said marriage they resided in North Carolina for many years, but, about five years ago, they moved to Suffolk, Virginia, and she has, since that time, been residing in said town in

Virginia. *she further says she is an inhabitant of the State of Virginia and has been domiciled in this State for upwards of some years preceding the commencement of this suit and that she and her said husband cohabited in this State and County.*

Your oratrix further says that about four years ago, to-wit: about the first of April, in the year 1900, her said husband, Ruffin Thorpe, willfully abandoned and deserted her, without any sufficient or just cause, or in fact, without any excuse, whatever, she and her said husband, at that time, living in said county and state; and since the said desertion by her said husband, he has never been back or returned to live with her, not for an instant; she has often written him and beseeched him to return, but all to no avail, as he will not even pay any attention to any of her letters. She is informed that he is now living in the City of Norfolk, Virginia.

She has raised and had all the care of her two children; he, her said

husband, in no manner helping her to provide or take care of them. And she has at last reached the conclusion that her prospects in life and her own happiness would be better promoted if the marriage, heretofore existing between them, were wholly annulled.

In tender consideration whereof, and forasmuch as your oratrix is remediless ^{in the premises} save by the aid of a court of equity, where such matters are alone and properly cognizable, your oratrix prays that the said Ruffin Thorpe may be made a party to this bill, and be required to answer the same, though an answer under oath is hereby waived. That proper process may issue; that all proper depositions may be taken; and inasmuch as the husband of your oratrix has willfully abandoned and deserted the complainant, upwards of three years, she prays that she may be absolutely and entirely and wholly divorced from him, and a divorce, a vinculo matrimonii be granted her, and that she may be given the control, care and custody of her two children. And for all such other, further and general relief as this case may require, or which to equity may seem meet, and your oratrix will ever pray, etc.

Neither she nor her said husband owns any real property and but little personal property.

Lizzie B. Thorpe

Virginia, Nansemond County, To-wit:

I, R. H. Rawles, a notary public for the county aforesaid, in the State of Virginia, do certify that Lizzie B. Thorpe, whose name is signed to the above bill, has this day personally appeared before me in my said county and made oath that the statements contained in the said bill as coming of her knowledge are true, and all other statements, therein con-

tained, as coming from knowledge or information derived from others, she believes to be true.

Given under my hand this 7th day of April, 1904.

My commission expires on the 28th day of January, 1907.

RA Rawles. N. P.

Bill

1904 Apr 18th Filed

Bill
of
the
House
of
Representatives
for
the
Territory
of
Alaska
and
the
Territory
of
Hawaii
to
provide
for
the
establishment
of
a
Department
of
the
Interior
for
the
Territory
of
Alaska
and
the
Territory
of
Hawaii
and
for
other
purposes
Approved
April
18th
1904

Virginia ; Nansemond county to-wit ;

The depositions of Letitia Rhodes and others taken before me, Lee Britt, a commissioner in chancery for the Circuit court of the county of Nansemond, in the State of Virginia, pursuant to notice hereto annexed and returned, at the office of R. H. Rawles, on Washington Square, in Suffolk Virginia on the 3rd day of May 1904, between the hours of eight o'clock a.m. and ~~eight~~ ^{eight} o'clock p. m. to be read as evidence on behalf of the plaintiff in the chancery cause of Lizzie B. Thorpe vs. Ruffin Thorpe now pending in the said Circuit court of Nansemond county wherein said Lizzie B. Thorpe is plaintiff and Ruffin Thorpe is defendant.

Present;

R. H. Rawles counsel for plaintiff .

Defendant not represented.

Letitia-Rhodes----- being duly sworn deposes and
says, as follows:

Q. State your name, age, residence, occupation, and whether you know
the parties to this suit?

A. Letitia Rhodes , 33 years, in West Jericho, near Suffolk Va,
housekeeper, I know both the parties to the suit .

Q. How long have you known the plaintiff, Lizzie B. Thorpe, and how
long have you known the defendant, Ruffin Thorpe?

A. I have known Lizzie B. ~~Thorpe~~ Thorpe all my life; I have known
Ruffin Thorpe about eighteen years.

Q. Where is the plaintiff, Lizzie B. Thorpe, now living?

A. In West Jericho, near Suffolk, ~~is~~ in Nansemond county Virginia .

21
Q. How long has she been living there, continuously?

A. Over three years .

Q. Can you state whether or not her husband, Ruffin Thorpe, is now living with her?

A. He is not .

Q. Do you know where he is now living?

A. He is said to be in Norfolk ; I do not know of my own knowledge .

Q. Can you state about when he left her and ceased to live with her?

A. About four years ago, in Tarboro North Carolina ; they were living there at that time ; in less than a year after he left her, she ~~was~~ moved to Suffolk and has been here ever since .

13

Q. Tell, if you can, whether he has ever since that time returned to live with her.

A. He has not . I know this because she lives near me, and I see her every day, and if he had come back I ^{would} ~~would~~ have seen him and known it .

Q. Please state your opportunities for knowing that he left her, at the time stated, and that he has not since returned to live with her.

A. I know it, because I was at Tarboro at her house, on a visit when he left . He went to the Red Springs, and she received a letter from the Red Springs telling her that her husband was there with another woman, and if she wanted him she had better come up and look after him. She did not go ; he afterwards left there, and went to Atlantic City ; he did not come back any more . She moved to Suffolk soon after that, and I know he has never ~~been~~ back since then because she has been right under my eye.

Q. Would you likely have known the fact if he had returned to live with her?

A. Surely I would, because I would have seen him if he had come back . Our families were very intimate, and I visited and saw them ~~every~~ every day, and he never come back .

Q. Do you know or can you tell why he left her and went away, and has not since returned?

A. I do not know, but I think it was another woman .

Q. Did she, to your knowledge, ever give him any cause for leaving her?

A. None that I know of . I have known her daily life, and I never saw anything in her life or conduct that would justify him in leaving her.

Q. Will you please state, if you can, how she behaved and conducted herself towards her husband when they were living together?

A. I think she behaved as a wife should . I did not see ~~any~~ thing wrong that she did .

Q. How has she behaved and conducted herself since he left her?

A. All right so far as I know . I see ^{her} all the time, and I never ~~see~~ see any thing wrong .

Q. From the facts which you have just stated, can you say whether or not he has willfully abandoned and deserted her?

A. I can . Because he has never come back for nearly four years .
And further this deponent saith not .

Letitia Rhodes.

---Johnson Ballard----- being duly sworn deposes and says, as follows:

Q. State your name, age, residence, occupation, and whether you know the parties to this suit?

A. Johnson Ballard, age 38 years, Nansemond county near Suffolk, driver on the street I know Lizzie B. Thorpe ; I do not know Ruffin Thorpe.

Q. How long have you known the plaintiff, Lizzie B. Thorpe, and how long have you known the defendant, Ruffin Thorpe?

A. I have known Lizzie B. Thorpe three years, nearly four years ; as I have stated I do not know Ruffin Thorpe .

Q. Where is the plaintiff, Lizzie B. Thorpe, now living?

A. In West Jericho near Suffolk in Nansemond county .

Q. How long has she been living there, continuously?

A. Over three years .

Q. Can you state whether or not her husband, Ruffin Thorpe, is now living with her?

A. No sir he is not .

Q. Do you know where he is now living?

A. The last time I heard of him he was living in Norfolk ; I have never seen him .

Q. Can you state about when he left her and ceased to live with her?

A. I do not know just when he left her but I have known her for over three years and he has not been living with her during that time .

Q. Tell, if you can, whether he has ever since that time returned to live with her.

A. .As I stated I do not know just when he left her, but he has not returned to live with her during the three years or more that I have been knowing her in Suffolk and since she has been living here .

Q. Please state your opportunities for knowing that he left her, at the time stated, and that he has not since returned to live with her.

A. She has been living within a hundred yards of me ever since she has been living here in this county, and there has not been a day during that time that I have not seen her .

Q. Would you likely have known the fact if he had returned to live with her?

A. Yes Sir ; he could hardly have come here without my knowing something about it .

4.
Q. Do you know or can you tell why he left her and went away, and has not since returned?

A. No sir, I cannot..

Q. Did she, to your knowledge, ever give him any cause for leaving her?

A. Not that I know of.

Q. Will you please state, if you can, how she behaved and conducted herself towards her husband when they were living together?

A. I cannot say that, as I did not know them when they were living together .

Q. How has she behaved and conducted herself since he left her?

A. Just like a lady so far as I know ; she has two children, two boys; she works at the factory and takes care of them and herself, and I have never seen or heard of any thing wrong or immoral about or concerning her % her life has been upright so far as I have been able to observe it, and as I said I have seen her every day ,

Q. From the facts which you have just stated, can you say whether or not he has willfully abandoned and deserted her?

A.

It looks like it to me ; he has not been here in about four years. And further this deponent saith not .

Witness

Lee Britt

Johnson ^{his} Ballard
mark

Phebe-Peebles----- being duly sworn deposes and
says, as follows:

Q. State your name, age, residence, occupation, and whether you know
the parties to this suit?

A. Phebe Peebles, 38 years, West Jericho near Suffolk, Housekeeper,
I know ~~a~~ both the parties to the suit.

Q. How long have you known the plaintiff, Lizzie B. Thorpe, and how
long have you known the defendant, Ruffin Thorpe?

A. I have known her a little over two years; I have known him ~~af~~
ever since he was a child.

Q. Where is the plaintiff, Lizzie B. Thorpe, now living?

A. In West Jericho near Suffolk In Nansemond county.

Q. How long has she been living there, continuously?

A. She has been living there ever since I got acquainted with her a little over two years ago .

Q. Can you state whether or not her husband, Ruffin Thorpe, is now living with her?

A. He is not .

Q. Do you know where he is now living?

A. I do not know. but I heard that he was in Norfolk in Norfolk .

Q. Can you state about when he left her and ceased to live with her?

A. I do not know this, because I have known her only about two years . He has not been living with her any during that time .

3,

Q. Tell, if you can, whether he has ever since that time returned to live with her.

A. I can only say that he has not returned to live with her during the two years that I have known her .

Q. Please state your opportunities for knowing that he left her, at the time stated, and that he has not since returned to live with her.

A. I do not know ; I can only speak for the last two years .

Q. Would you likely have known the fact if he had returned to live with her?

A. I cerainly would . I live so near her that I would have known it if he had returned the last two years .

Q. Do you know or can you tell why he left her and went away, and has not since returned?

A. No sir I cannot .

Q. Did she to your knowledge, ever give him any cause for leaving her?

A. I cannot tell, because I did not know her at the time he left.

Q. Will you please state, if you can, how she behaved and conducted herself towards her husband when they were living together?

A. I do not know, for the reason stated in my last answer .

Q. How has she behaved and conducted herself since he left her?

A. During the last two years she has been a perfect lady so far as I know. I have never seen or heard anything about her or her conduct that would throw discredit on her .

Q. From all the facts which you have just stated, can you say whether or not he has willfully abandoned and deserted her?

A. He certainly has as far as I know for the last two years .
And further this deponet saith not . *Philo Deebled*

----- Allen Rhodes ----- being duly sworn deposes and
says as follows:

Q. State your name, age, residence, occupation, and whether you know
the parties to this suit?

Ans. Allen Rhodes, age 39 years, West Jericho, near Suffolk Virginia,
cleaner and presser of clothes, and I know both the parties to the suit,

Q. How long have you known the plaintiff, Lizzie B. Thorpe, and how
long have you known the defendant, Ruffin Thorpe?

Ans. I have known Lizzie Thorpe since 1874 ; I have known Ruffin ~~Thorpe~~
Thorpe about twenty years .

Q. Where is the plaintiff, Lizzie B. Thorpe, now living?

Ans. In West Jericho, near Suffolk, in Nansemond county .

Q. How long has she been living there, continuously?

Ans. About four years .

2

Q. Can you state whether or not her husband, Ruffin Thorpe, is now living with her?

Ans. No sir, he is not .

Q. Do you know where he is now living?

Ans. I do not know of my own knowledge, but I have heard that he is in Norfolk .

Q. Can you state about when he left her and ceased to live with her?

Ans. I think it has been about four years as near as I can come at it .

Q. Tell, if you can, whether he has ever since that time returned to live with her?

Ans. No sir, he has not .

Q. Please state your opportunities for knowing that he left her and that he has not since returned to live with her.

Ans. Because we both live in West Jericho ; have been living there ~~a~~ nearly four years ; our families are intimate, and visit each other and I have never seen him come back .

Q. Would you likely have known the fact if he had returned to live with her?

Ans. Yes, sir because as I said, we live close together; I see her every day; I pass her house two or three times a day in coming and going to and from my work. I am sure if he had been there I would have seen him also, as I know him, well .

Q. Do you know why he left her and went away?

Ans. I do not .

Q. Did she, to your knowledge, ever give him any cause for leaving her?

Ans. Not to my knowledge ; I never saw any trouble and never heard of any thing she ever did to cause him to leave her .

Q. Will you please state how she behaved and conducted herself toward her husband when they were living together?

Ans. I ~~x~~ cannot well answer that question, as when they were living ~~t~~ together, they were in Tarboro, and I was here.

Q. How has she behaved and conducted herself since he left her?

Ans. She has conducted herself well as far as I know . I never h
heard of any thing wrong about her and I never saw any misconduct
on her part~~s~~ in my life .

Q. From the facts which you have just stated, can you say whether or not he has willfully deserted and abandoned her?

Ans. I should ^{say} that he has .

And further this deponent saith not .

Allen R. Rhodes

Virginia, County of Nansemond, To-wit:

I, Lee Britt, a Commissioner in Chancery, for the Circuit Court of Nansemond County, do certify that the foregoing depositions of Letitia Rhodes, Johnson Ballard, Phebe Peebles and Allen Rhodes were duly taken, sworn to and subscribed before me at the office of R. H. Rawles, on Washington Square, in Suffolk, Virginia, on the 3rd day of May, 1904, between the hours of 8 o'clock A. M. and 8 o'clock P. M., pursuant to notice hereto annexed and returned.

Given under my hand this 4th day of May, 1904.

Lee Britt
Commissioner in Chancery

Depositions

STATE OF NORTH CAROLINA, }
WAKE COUNTY.

OFFICE OF REGISTER OF DEEDS,

Raleigh October 26 1880

TO ANY ORDAINED MINISTER OF ANY RELIGIOUS DENOMINATION, OR ANY JUSTICE OF THE PEACE OF SAID COUNTY:

Andrew Williams having applied to me for a LICENSE for the marriage
of Ruffin Thorpe of Halifax County, aged 21 years,
color Colored, the son of Benjamin Thorpe and Margaret Thorpe
the father now Living, the mother Living resident of Virginia
and Lizzie B. Short of Wake County, aged 20 years,
color Colored, daughter of Caesar Short and P. X
the father Living, the mother Living resident of Wake County
And the written consent of _____, the _____ of the

said _____, to the proposed marriage having been filed with me:

And there being no legal impediment to such marriage known to me, you are hereby authorized, at any time within one year from the date hereof, to celebrate the proposed marriage at any place within the said county.

You are required, within two months after you shall have celebrated such marriage, to return this License to me, at my office, with your signature subscribed to the Certificate under this License, and with the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars to the use of any person who shall sue for the same.

W. W. White

Register of Deeds.

Andrew Williams

being duly sworn, says: That the parties applying for License are of lawful age, and so far as he is informed and believes, there is no lawful cause or impediment forbidding said marriage.

Witness: M. V. B. Gilbert

Andrew ^{his} X Williams
mark

STATE OF NORTH CAROLINA, }
WAKE COUNTY.

I, B. W. Morris, a²

united in matrimony³ Ruffin Thorpe and Lizzie B. Short
the parties licensed above, on the 28th day of Oct. in the Year 1880 at the Brides
Brother's in Raleigh Township, in said county, according to law.

*WITNESSES PRESENT AT MARRIAGE.

Rex W. Warrick of Wake
S. J. Green of Wake
Caesar Short of Wake

B. W. Morris

1. Name of person officiating.
4. Name of woman married.

2. If Minister, of what denomination; if Justice of the Peace, so state.
5. Place of marriage.

6. Township.

3. Name of man married.
*At least three persons present at marriage must sign as witnesses.

Ruffin Thorpe
AND
Lizzie B. Short



MARRIAGE LICENSE.

October 26 1880

RETURN TO REGISTER OF DEEDS.

Recorded Nov 9 1880

NOTE.—Minister or Justice is required to fill the blanks in the certificate and return the License within two months after marriage.

J. H. Bernard Register of
Deeds for Wake County do hereby
Certify that the within is a true
and accurate Copy of Marriage
License of Ruffin Thorpe and Lizzie
B. Short. Same being on file in my
office witness my hand and
Official Seal this April 1st 1904
J. H. Bernard
Register of Deeds

To Ruffin Thorpe

TAKE NOTICE that I shall, on the 3rd day of May 1894,
at the office of R. H. Rawles on Washington
Square
in Suffolk Virginia

between the hours of 8 A. M. and 8 P. M., on that day, proceed to take the depositions
of Letitia Rhodes 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,

Lizzie B. Thorpe
By Counsel.

Original.

Executed in the City
of Norfolk on the 5th
day of April 1904,
by delivering a copy
hereof to Ruffin
Thorne in person.

J. F. Rawles Supt
City of Norfolk
by C. L. Decimus
Deputy

Sent to fee 50cts paid
C. L. Decimus J.S.

Return this to
R. H. Rawles, Atty.
Suffolk Va.

CHANCERY SUMMONS.

The Commonwealth of Virginia,
Sergeant, the City of Norfolk
TO THE ~~SHERIFF~~ OF ~~NANSEMOND COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Ruffin Thorpe

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 *Third* Monday in *April 1904*, to answer

a Bill in Chancery, exhibited against *him*
in the said Court by *Lizzie B Thorpe*

and have then and there this summons.

Witness, *R R Smith*
~~A. P. GOMER~~, Clerk of our said Court, at his office, this *4th* day of

April, 1904, in the 128th year of the Commonwealth.

A copy—Teste:

, CLERK.

Teste:

A. P. Gomer, CLERK.

Executed in the City
of Norfolk on the 5th
day of April 1904.
by delivering a copy
hereof to Ruffin
Thorpe in person

J. A. Rawles, Supt
City of Norfolk
by C. L. Decimus
Deputy

Serpts fee 50cts paid
C. L. Decimus
Deputy

Return to R. H. Rawles
Suffolk Va

R H Rawles p. q.

Lizzie B Thorpe

vs.

In Chancery.

Ruffin Thorpe

1904

April Rules.

Third Monday.

Nansemond Circuit Court

Process Book No. 21

Page 252 a

To R R Smith Clerk of the Circuit
Court of Macomb County;

Lizzie B. Thorpe

Plff

<sup>att
w.</sup>
Ruffin Thorpe

Def

Issue summons to 2nd April Rules
1904 (Third Monday) for plaintiff
against defendant to answer a
Bill in Chancery.

Sax \$1.50

R R Rawls p.g.

Direct Summons to Sergeant City of
Naples and send to R R Rawls.

Memo. for Clerk
Thorpe vs Thorpe