1904-003
Nansemond Co (Suffolk) Chancery Causes: Kate Allen vs James R Allen

Wilson, Gaines, Pierce, Briggs, Farrar

Kate Allen vs. Jas. R. Allen

R N Rawles Sol

Kate Allen

vs } In Chancery

James R Allen

1904

March 14th

Final Decree

Costs

Clerk G	2 79	
" S	1 01	
Sheriff	1,5 0	
Sergt	1,0 0	Pd
Depositions	5.0 0	Pd
Atty	15 0 0	Pd
	$ 26.3 0	
By Cash	5,0 0	

Kate Allen
VS In Chancery
James R Allen

1903 November 17th.	Process issued returnable to December Rules first Monday.
" December 7th.	Process returned executed on defendant. Bill filed and decree nisi against said defendant.
" December 21st	Decree nisi confirmed and Cause set for hearing.

Kate Allen

vs

James R. Allen

Chancery Notes

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

Humbly complaining showeth unto the court, your oratrix, Kate Allen, a citizen of Suffolk, County of Nansemond and State of Virginia, the following case:

Your oratrix says that previous to her marriage, her name was Kate Wilson, and that on the---29th---day of---Dec.---in the year--1897--she was married to James R. Allen in the said town, county and state, by the Rev. W. W. Gaines, a minister of the gospel, all of which will more fully appear from 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 further says that she is now a resident of the County of Nansemond and State of Virginia; and that she has lived continuously here for many years; that she has been domiciled in this state for at least one year, preceding the commencement of this suit; that she and her husband last cohabited in the said County of Nansemond.

Your oratrix further says that at all times, after her marriage with her said husband, she was to him a true, faithful and affectionate wife, doing all in her power to make his life a pleasant and a happy one, and to make his home attractive to him; that she has never, at any time, given him cause to find fault with her, or any of her actions; that she has always been true and faithful to all of her marriage vows and has been, in a word, everything that a wife could or should be to a husband. She has never had any quarrels or misunderstandings with her said husband, nor has she ever heard any complaint from him as to any actions on her part. But notwithstanding all these well known facts, her said husband, without any apparrent cause or excuse, and without any legal, or justficable reason, abandoned and deserted her and her home and fire-side, upwards of three years, before the commencement of this suit, to-wit: on or about the--15th---day of--May---in the year--1900---; that he never informed her that he expected to leave, but left suddenly and without any cause; that since that

time he has never returned to live with her, nor in any manner shown any interest in her; that he has not written to her or held any communication with her in any manner, nor has he, at any time, since the said period, in any manner contributed to her support; but that, on the contrary, he has left her alone to struggle along in the world as best she could, depending entirely on her own resources for her existance; she further says that she does not know where her said husband is, but is informed that he is now, and has been for sometime, in the city of Newport News in this state; that he has ceased to be a husband to her; has ceased to show any interest in her, and has wilfully abandoned and deserted her for upwards of three years.

As your oratrix sees, or knows of no method of bringing about a reconciliation, of inducing her said husband to return to his proper allegiance to her, or in any manner to again recognize her, as his wife, she is forced to the conclusion that it will be best for the marriage, herein existing between them, to be annulled.

In tender consideration whereof, and forasmuch as your oratrix is remidless in the premises, save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your oratrix prays that the said James R. Allen may be made a party defendant to this suit and required to answer the same; ~~that~~ though an answer under oath is waived: that proper process may issue; that all proper depositions may be taken and that a divorce a vinculo matrimonii may be granted her, and that the marriage, heretofore existing, between her and the said defendant, may be wholly annulled and set aside, and, ~~in~~ for all such other, further and general relief as her case may require, or which to equity may seem meet, and she will ever pray. &c.

Kate Allen

Virginia, Nansemond County, To-wit:

I, R. H. Rawles, a notary public for the county aforesaid in the State of Virginia, do certify that Kate Allen, whose name is signed to the fore-

going bill, has this day personally appeared before me in my said county, and after being duly sworn, made oath that the statements, contained in the said bill, as coming of her own knowledge are true; and that all other statements, therein contained, as coming from knowledge or information derived from others, she believes to be true.

Given under my hand this----7th----day of Dec---in the year 1903.

My term of office ends on the 28th day of January, 1907.

R.A. Rawles N.P.

Bill.

Filed December 7. 1903.

A P Gomez clk

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,

James R. Allen

and Kate Wilson

Given under my hand, as Clerk of the County Court of said County this 29th day of December 1897.

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, ~~AS AMENDED BY ACT OF FEBRUARY 1, 1900~~.

Time of Marriage, 1897 Dec. 29th.

Place of Marriage, Suffolk, Va.

Full Names of Parties Married, James R. Allen and Kate Wilson

Color, Colored

Age of Husband, 25 years

Age of Wife, 28 years

Condition of Husband (widowed or single ~~or divorced~~) Widowed

Condition of Wife (widowed or single ~~or divorced~~) Widowed

Place of Husband's Birth, Warren Co. N.C.

Place of Wife's Birth, Mecklenburg Co. Va

Place of Husband's Residence, Suffolk Va.

Place of Wife's Residence, Suffolk Va.

Names of Husband's Parents, James Allen and Margaret his wife

Names of Wife's Parents, Shadrach Farrar and Pinky his wife

Occupation of Husband, Porter

Given under my hand this 29th day of December 1897

R R Smith Clerk.

Minister's Return of Marriage.

~~Certificate of Time and Place of Marriage.~~

I certify that on the 29th day of ~~the~~ Dec. 1897 at Suffolk Va I united in marriage the above-named and ~~Church, or religious order of that name, do certify that on the day of~~ described parties, under authority of the annexed License, ~~19 , at~~ W. W. Gaines ~~under authority of the above License, I united in Marriage the persons named and described therein.~~

~~Given under my hand this day of 19 .~~

☞ The Minister celebrating a marriage is required, within ~~two months~~ 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,
By S M Lawrence, D.C.

Dec. 9. 1903.

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James R. Allen

with } Certificate of Marriage

Kate Wilson

1897

Dec. 29th.

" A Copy "

50 Paid

To James R. Allen Esq:-

TAKE NOTICE that I shall, on the 12th day of December 1903

at the office of R. H. Rawles on Washington Square

in Suffolk Virginia, before some properly Qualified Officer

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

Kate Allen

By Counsel.

Depositions.

Executed This the
20th day of November
1903 by delivering a
true copy of the within
notice to James
R. Allen in person
within the City of
Newport News Virginia
E. W. Hillstead Sergeant
of the City of Newport
News Va
By C. C. Curtis. Deputy Sgt.

Sgts fee Paid
C. C. Curtis D. S.

Virginia, Nansemond County, To-wit:

I, C. H. Causey Jr., a commissioner in chancery, of the Circuit Court in Nansemond County, in the state aforesaid, do hereby certify that the foregoing depositions were all taken, sworn to and duly signed before me, by the several witnesses therein, at the office of R. H. Rawles in Suffolk, Virginia, on the 12th day of December, 1903, between the hours of 8 A. M. and 6 P. M., of that day.

Given under my hand this 12th day of December, 1903.

C. H. Causey Jr.
Com'r in Chancy

Fee $1.50
Pd
C. H. C. Jr.

The depositions of Richard Pierce and others, taken before me, C. H. Causey Jr. a commissioner of the Circuit Court for the county of Nansemond and State of Virginia, on the I2th day of December, I903, between the hours of 8 A. M. and 6 P. M., at the office of R. H. Rawles in Suffolk, Virginia, persuant to the notice, herewith annexed, and returned to be read as evidence in the chancery cause of Kate Allen Vs James R. Allen, now pending in the said court; said depositions to be read as evidence in behalf of the plaintiff, Kate Allen, she being the plaintiff and the said James R. Allen, being the defendant.

Present.

R. H. Rawles, counsel for plaintiff.

W. W. Gaines being duly sworn deposes and says as follows:

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

Ans. W. W. Gaines, 45 years, Suffolk Virginia, minister of the gospel, and I know both the parties very well .

2nd Q. How long have you known the plaintiff and defendant and what have been your opportunities for knowing anything concerning their married life?

Ans. I have known both of them for over ten years ; I married them wh when they were married and I have lived next door to them for nearly or about all their married life : My family and they were intimate neighbors and friends and visited each other quite often; these were my opportunities of knowing something of their married life .

3rd Q. Is the defendant now living with his wife, Kate Allen?

Ans. No/ He is not .

4th Q. How do you know this fact?

Ans. Because I have been.living right next door to them on the same street in Suffolk all the while. I am still living at the same place and Kate is also still at her a same home .

5th Q. Do you know where the defendant, James R. Allen, now is?

Ans. In Newport News Virginia . I have seen him there .

6th Q. How long has it been since he abandoned or deserted his said wife ?

Ans. A little over three years .

7th Q. Has he since that time returned to live with her?

Ans. No he has not .

8th Q. What have been your opportunities for knowing this fact?

Ans. Just the same as.above stated . I have been living right tt there all the while . He has not been back .

9th Q. Has he, during the time of his alleged desertion, supported, taken care of, or in any manner provided for his said wife?

Ans. I do not think he has . I have seen nothing to indicate that he did. She is a member of my church and I have often heard her complain that he was doing nothing for her support .

IOth Q. How did the plaintiff conduct herself toward her said husband while they were living together and how has she acted and conducted herself since he left her?

Ans. Her conduct has always been above reproach. She is a good kind hearted woman. She is still the same.

IIth Q. How does she obtain a living?

Ans. By her own handiwork ; washing and ironing.

I2th Q. If the defendant had returned to live with his said wife since the time of his desertion, would you have known the fact, and if so, why?

Ans. I do not think there is any doubt of that ~~fact~~ fact . I think I ~~she~~ should certainly have seen him. I have not seen him back at any time and as I am right there next door all the time, I must say he has not been back. I have never seen him, nor ever heard of his coming back and I am morally certain that he has not been back since he left .

I3th Q. Did she, to your knowledge, ever give him any cause for leaving her?

Ans. Never.to my knowledge. She was a little ~~over~~ older than he is . She always appeared to me to be a model woman.

I4th Q. Where is the plaintiff now living and how long has she been living there?

Ans. In Suffolk Virginia and has been living right here in the same town in Nansemond county continuously for upwards of ten years .

I5th Q. State any other facts you may know in regard to this case.

Ans.

I cannot state any thing else.. He went away without any apparent cuase ; just got tired and wandered away; then perhaps got weaned f from his wife . I never heard of any quarrel or difficulty whatever between them. It is just simply one of those unaccountable cases when men do strange things.

And further this deponent saith not.

W. W. Gaines

Richard Pierce ----------being duly sworn deposes and says as follows:

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

Ans. Richard Pierce, age 57, Suffolk, Virginia, Oysterman and laborer, and I know the parties to this suit, both very well.

2nd Q. How long have you known the plaintiff and defendant and what have been your opportunities for knowing anything concerning their married life?

Ans. I have known both of them quite intimately for nine or ten years. They have been living on my street about fifty yards from me during their whole married life. Our families were very intimate and visited each other very often, I saw both of them almost daily, and know about as much about them as it is possible for one person to know about the affairs of a close neighbor. I saw nothing in their conduct or married life to excite any suspicion or to cause any comment. They seemed always to be getting on well together and I was surprised when James left., as I never heard him m make any complaint about any trouble in his family.

3rd Q. Is the defendant now living with his wife, Kate Allen?

Ans. No he is not, he has been gone for over three years.

4th Q. How do you know this fact?

Ans. Because I live within fifty yards of their residence on Smith street in Suffolk, and am well acquainted with the movements of such near neighbors. I saw Jim every day when he was at home; I know when he left a little over three years ago and I have not seen him back there since. I know to a moral certainty that he has not been there.

5th Q. Do you know where the defendant, James R. Allen, now is?

Ans. I have heard that he was living now in Newport News and making thathis home but I have never seen him there.

6th Q. How long has it been since he abandoned or deserted his said wife?

Ans. He left sometime in the month of May in the year I900, and he has not since that time evr returned.

7th Q. Has he since that time returned to live with her?

Ans. No he has not. It would have been almost impossible for him to have come back without my knowing it. I pass their house several times every day of my life and I have never seen him back there since in May 1900. He could not very well have come back without my knwoing it unless he came i n the night and went in the night and then I would have probably heard something of it.

8th Q. What have been your opportunities for knowing this fact?

Ans. I have already answered that by saying I was one of his nearest neighbors and knew all of his movements and saw him daily when he was here; have never seen him back since he left at the time mentioned. This is the only reason I can give you.

9th Q. Has he, during the time of his alleged desertion, supported, taken care of, or in any manner provided for his said wife?

Ans. He has not to my knowledge. It was a matter of common rumor that he did not, because I have heard his wife and her family often complain of this fact.

IOth Q. How did the plaintiff conduct herself toward her said husband while they were living together and how has she acted and conducted herself since he left her?

Ans. So far as I have been able to observe, her conduct was always proper and most exemplary while she was living with her husband. I never saw or heard of anything to the contrary and never heard of any act on her part to even give rise to suspicion so far as I could see she was all that she could have been. She was and is of a kind and affectionate disposition never heard of her being quarrelsome or even having a bad temper. Since he le ft she has always acted as a ~~modern~~model woman.

IIth Q. How does she obtain a living?

Ans. By her own manual labor. She washes and irons for different families and attends to rooms ofr ladies and others. She is a very industrious woman never idles butalways seems to be busy.

I2th Q. If the defendant had returned to live with his said wife since the time of his desertion, would you have known the fact, and if so, why?

Ans. Yes I certainly should, if he had come back even for half a day I would have seen him for I pass his house several times every day. Besides this everybody in the community knows that he has gone and gone for good. It is a matter of common neighorhood knowledge.

I3th Q. Did she, to your knowledge, ever give him any cause for leaving her?

Ans. She never did, I am sure. She always seemed to be a mighty nice woman and a kind-hearted wife. I never knew them to have a word of dispute in my life.

I4th Q. Where is the plaintiff now living and how long has she been living there?

Ans. She is living right here in Suffolk, and has been continuously liv living here for ten or twelve years probably even more than that.

I5th Q. State any other facts you may know in regard to this case.

Ans. Well I have stated about all I can. I can only repeat that James left his wife about the month of May, I900 without any cause, so far as I know and has never been back to live with her and she is now trying to ean earn her own living.

And further this deponent saith not.

Witness:
L. D. Jacobs.

Richard his X Pierce mark

Maria F. Briggs ---------- being duly sworn deposes and says as follows:

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

Ans. Maria F. Briggs, thirty eight yers , Suffolk Virginia, public work, and I know both of the parties to the suit .

2nd Q. How long have you known the plaintiff and defendant and what have been your opportunities for knowing anything concerning their married life?

. Ans. I have known them both about ten years, and for many years I have lived on thesame street where they last resided, and where the plaintiff now resides, I have been quite intimate with them ; we were nieghbors, friends, and constant visitors.

3rd Q. Is the defendant now living with his wife, Kate Allen?

Ans. No he is not ; he has been gone for a litle over three years .

4th Q. How do you know this fact?

Ans. Because I live in a few yards of them and I know when he went a away, and I have not seen him there since. When he was there I saw him every day and sometimes several times a day. I have not seen him since he left .

5th Q. Do you know where the defendant, James R. Allen, now is?

Ans. They tell me he is in Newport News; I have never seen him there .

6th Q. How long has it been since he abandoned or deserted his said wife?

Ans. . A little over three years . He went away in May 1900.

7th Q. Has he since that time returned to live with her?

Ans. No he has not; he has never been back to live with her since he went away in the early part of 1900. I dont suppose he ever intends to come back any more.

8th Q. What have been your opportunities for knowing this fact?

Ans. I have lived the second door from them on the same street all the while. I am sure I am well aware of all their out comings and out goings. I saw him daily when he lived with her, but have never seen him since he left.

9th Q. Has he, during the time of his alleged desertion, supported, taken care of her or in any manner provided for his said wife?

Ans. I do not think he has. I have never seen or heard of any thing he has done for her since he left. I know she has to work hard for her living and I have heard her and her mothers family say many times that Jim was not doing any thing for Kate.

10th Q. How did the plaintiff conduct herself toward her said husband while they were living together, and how has she acted and conducted herself since he left her?

Ans. Her conduct was always like a lady so far as I can judge. I never saw or heard of any thing wrong about her, or her conduct or actions. She always carried herself well. Since he left she has been pretty much the same. Always quiet and peaceable.

11th Q. How does she obtain a living?

Ans.

By her own daily labor, washing and ironing, and atending to rooms.

I2th Q. If the defendant had returned to live with his said wife since the time of his desertion, would you have known the fact, and if so, why?

Ans. I think I would surely have known it. It could hardly have been otherwise. Why he could not have come back and stayed there without my knowing it unless he was in hiding all the time. If he had been about the ~~st~~ street, or door, or even in the house, I most likely would have seen him some time, as I was over there very often .

I3th Q. Did she, to your knowledge, ever give him any cause for leaving her?

Ans. No I am sure not . Kate is a good and an amiable woman who always did her duty by him, and by every one else as well. I never heard of them having a quarrel or a difficulty in my life, and I cannot see why he left her like he did.

I4th Q. Where is the plaintiff now living and how long has she been living there?

Ans. Right in the same place on Smith street in Suffolk where she has lived continuously for the past ten years. She lives with her mother who owns, in her own name, one of the best houses on that street. It is a nice home and a nice family.

I5th Q. State any other facts you may know in regard to this case.

Ans. Well not much else. Kate is older than Jim, and I reckon he just got tired of her and wanted a younger woman. He never told me why he left. He seemed to have a good wife, and a good home, and was always well provided for.

Maria F Briggs

Kate Allen
vs.
James R. Allen. } In Chancery.

This cause came on this day to be heard on the bill and exhibits filed, and the depositions of N. N. Gaines, and other witnesses, taken after due notice; and the defendant, on whom process has been properly served, and who appears to have been proceeded against, regularly, in the manner prescribed by law, failed to plead answer or demur.

On consideration whereof, it appearing to the court from the papers filed in the case, that the defendant had wilfully abandoned and deserted his wife, the plaintiff, for upwards of three years next preceeding the commencement of this suit; that the plaintiff and defendant last cohabited in the county of Nansemond; that the plaintiff was a resident of the said county, and State of Virginia, at the time of bringing this suit, and that she has been domiciled in Nansemond County and State of Virginia, for at least one year, next preceeding the commencement of this suit; the court doth order, adjudge and decree that the plaintiff be absolutely divorced from her said husband, the defendant, and that the marriage, heretofore existing between them, be, and the same is, hereby wholly and entirely annulled and set aside, and a divorce, a vinculo matrimonii, be granted to said plaintiff, from her said husband, the defendant; that the plaintiff recover of the defendant her cost 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.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

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

YOU ARE HEREBY COMMANDED TO SUMMON James R. Allen

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 December 1903, to answer a Bill in Chancery, exhibited against him in the said Court by Kate C. Allen

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 17th day of November, 1903, in the 128th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A. P. Gomer, CLERK.

Return to
R. H. Rawles, Suffolk Va

R N Rawles p. q.

Kate Allen

vs. | In Chancery.

James R Allen

1903

December Rules.

First Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 249

Executed this the 30th day of November 1903 by delivering a true copy of the within summons to James R. Allen personally in the City of Newport News Va.

C. W. Whitehead Sergeant of the City of Newport News Va.

Fee paid
C. W. Curtis Dept. Sgt.

City of Newport News Va.
30th day of Nov. 1903

Executed this the 30th day of November 1903 by delivering a true copy of the within summons to James R. Allen personally in the City of Newport News Va.

C. W. Whitehead Sergeant of the City of Newport News Va.

Fee paid
C. W. Curtis Dept. Sgt.

To A.P. Gomer clerk of the Circuit Court of Nansemond County:

Kate Allen — Pltff

vs

James R. Allen — Defdt

Issue summons in Chancery to First Dleamba Ruler 1903 In plaintiff against defendant to answer a Bill in Chancery.

R H Rawles
p.q.

Dlirect to Sergeant of City of Newport News Va.

Tax $1.50

Kate Allen
vs
James R Allen
Memo. for Clerk

Kate Allen R S & Rawles Jr Q

1904

To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

Apl 4th,

Tax and Clerk Fees in suit in Chancery D D

James R Allen Pyleosh $5 30

5 00

30

Clerk.