1904-004
Nansemond Co (Suffolk) Chancery Causes: Thomas Hale vs Louisa Hale

Duke, Elliott, BeGuinn

Thos Hale vs Louisa Hale

S & Everett Sol

Thomas Hale

vs In Chancery

Louisa Hale

1904

May 13th

Final Decree

Costs
Clerk 3.50
Tax 1.50
Comr 5.00
Atty 15.00
$25.00

VIRGINIA—In the Circuit Court of Nansemond county, to-wit: In vacation on the 11th day of February, 1904.

Thomas Hale ..... Plaintiff.

AGAINST

Louisa Hale..... Defendant.

The object of this suit is to ask for a decree of divorce a vinculo matrimonii for the plaintiff from the defendant. And affidavit having been made and filed that due diligence has been used by Thomas Hale, the plaintiff, to ascertain the whereabouts, and in what county or corporation the defendant, Louisa Hale, is or resides, and that the said defendant, Louisa Hale, is not a resident of this State, it is ordered that she appear, within fifteen days after due publication of this notice, in the Clerk's Office of said court and do what may be necessary to protect her interest. And it is ordered that a copy of this order be published in the SUFFOLK HERALD (a newspaper published in the town of Suffolk, Virginia) once a week for four successive weeks, and that another copy thereof be posted at the front door of the Court House of this county on or before the succeeding rule day after this suit is entered. A copy—Teste:

A. M. LAWRENCE. D. C.

S. E. EVERETT, p. q.

Office of The Herald.

Suffolk, Va., April 15 1904

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law==once a week for four successive weeks, dating from Febry. 17, 1904

W. J. Kendrick

Editor Herald.

S E Everett Atty

1904

To R. R. SMITH, Clerk Circuit Court of Nansemond County, Dr.

Feby. 10. Tax ~~and Clerk Fees~~ in suit Thos Hale vs Louisa Hale

$1.50

3/23/04 Paid E M Lawrence D.C. Clerk.

Circuit Court.

Tuesday after the Second Monday in April and October.

HON. ROBERT R. PRENTIS, Judge.
AZRA P. GOMER, Clerk.

County Court.

Second Monday in each month.

HON. WILBUR J. KILBY, Judge.
ROBERT R. SMITH, Clerk.
E. E. HOLLAND, Commonwealth's Attorney.
ALEX. H. BAKER, Sheriff.
SYDNEY T. ELLIS, County Treasurer.
JOHN B. PINNER, Commissioner of Accounts.

Nansemond County Clerks' Office.

Suffolk, Va., ... 190....

VIRGINIA—In the Circuit Court of Nansemond county, to-wit: In vacation on the 11th day of February, 1904.

Thomas Hale ....Plaintiff.

AGAINST

Louisa Hale..... .....Defendant.

The object of this suit is to ask for a decree of divorce a vinculo matrimonil for the plaintiff from the defendant. And affidavit having been made and filed that due diligence has been used by Thomas Hale, the plaintiff, to ascertain the whereabouts, and in what county or corporation the defendant, Louisa Hale, is or resides, and that the said defendant, Louisa Hale, is not a resident of this State, it is ordered that she appear, within fifteen days after due publication of this notice, in the Clerk's Office of said court and do what may be necessary to protect her interest. And it is ordered that a copy of this order be published in the SUFFOLK HERALD (a newspaper published in the town of Suffolk, Virginia) once a week for four successive weeks, and that another copy thereof be posted at the front door of the Courthouse of this county on or before the succeeding rule day after this suit is entered. A copy—Teste:

S. M. LAWRENCE, D. C.
S. E. EVERETT, p. q.

Virginia,

County of Nansemond , To-wit:

I, S. M. Lawrence,deputy for R. R. Smith,clerk of the circuit cou rt for said county in the State of Virginia do certify that the foregoing copy of the order of publication in the suit in equity pending in said court between Thomas Hale Complainant, and Louisan Hale ,Defendant was posted by me at the front door of the court -house of said county on the next succeeding rule day after such order was entered to-wit: on the 15th. day of February 1904,that being the third Monday in said month and rule day .

Given under my hand this 15th. day of April 1904.

S M Lawrence, DC.

Thomas Hale
vs
Louisa Hale
Order of Publication

VIRGINIA- In the Circuit Court of Nansemond County, to-wit: in vacation on the IIth day of February, I904.

Thomas Hale,.....Plaintiff.

Against

LouisaHale,.....Defendant.

The object of this suit is to ask for a decree of divorce a vinculo matrimonii for the plaintiff from the defendant. And affidavit having been made and filed that due diligence has been used by Thomas Hale, the plaintiff, to ascertain the whereabouts, and in what County or corporation the defendant, Louisa Hale, is or resides, and that the said defendant, LouisaHale, is not a resident of this State, it is ordered that she appear, within fifteen days after due publication of this notice, in the Clerk's Office of said Court and do what may be necessary to protect her interest. And it is ordered that a copy of this order be published in the Suffolk Herald (a newspaper published in the town of Suffolk, Virginia) once a week for four successive weeks, and that another copy thereof be posted at the front door of the Court House of this County on or before the succeeding rule day after this suit is entered.

Teste: S. McLawrence, DC.

Order of Publication

Thomas Hale,..... .....Plaintiff.

vs. In Chancery.

Louisa Hale,.....Defendant.

Issue summons to Second Rules (Third Monday) in February, 1904.

Tax $1.50

F. E. Everett

S C Everett Atty

Thomas Hale
vs
Louisa Hale

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Louisa Hale

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 February 1904, to answer a Bill in Chancery, exhibited against Her in the said Court by Thomas Hale

and have then and there this summons.

Witness, ~~A. P. COMER~~ R R Smith, Clerk of our said Court, at his office, this 11th day of February, 1904, in the 128th year of the Commonwealth.

A copy—Teste:
S M Lawrence DC, ~~CLERK.~~

Teste:
R R Smith, CLERK.
By S M Lawrence, DC

S E Everett p. q.

A Copy for
Louisa Hale

vs. | *In Chancery.*

1904

February *Rules.*

Third *Monday.*

Nansemond Circuit Court

Process Book No. 2

Page 251

Not found

CHANCERY SUMMONS.

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Witness, ~~A. P. COMER~~ R R Smith, Clerk of our said Court, at his office, this 11th day of February, 1904, in the 128th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R. R. Smith

_____, CLERK.

By J. M. Lawrence D.C.

Nat Aaron
Clerk by Jul
A M

S E Everett p. q.

Thomas Hale

vs. | In Chancery.

Louisa Hale

1904

February Rules.

Third Monday.

Nansemond Circuit Court

Process Book No. 21

Page 251

Writ Tax 1.50 pd

I, S. E. Everett, hereby make affidavti that due diligence has been used by Thomas Hale to ascertain the whereabouts and in what County or Corporation the defendant, Louisa Hale is or resides without effect, and that the said defendant Louisa Hale is not a resident of this State.

Given under my hand this IIth day of February, I904.

S E Everett

Sworn to and subscribed to before me this IIth day of February, I904.

S M Lawrence DC

Affidavit

Thomas Hale ----------Complainant.

Against } In Chancery.

Louisa Hale----------Defendant.

The depositions of Mary Duke, C.C. Elliott, and others, taken before me, Wilbur J. Kilby, a commissioner in chancery of the circuit for the County of Nansemond, at my office, in the Town of Suffolk, in said county, on the 15th. day of April 1904, to be read as evidence in behalf of said Thomas Hale, Complainant, in a certain suit in equity, pending in the said court between the said Thomas Hale, Complainant, and Louisa Hale, Defendant.

Present: S.E Everett, attorney for the Complainant,
The defendant being absent and not
represented by attorney.

Mary Duke, being duly sworn, deposes and says as follows:

Q. What is your name, age, residence and occupation?

A. Mary Duke, thirty years old, Sleepy Hole, Nansemond County and I do house-work.

Q. Do you know the parties to this suit?

A. Yes sir.

Q. Did they live together as man and wife near you at Sleepy Hole?

A. Yes sir.

Q. How near did you live to them when he and she were living together?

A. Two blocks from them.

Q. How far in yards or feet.

A. I lived about as far as ~~father or than~~ Washington Square in Suffolk, Virginia, is wide.

Q. Do you know when Tom and Louisa were married?

A. Yes sir.

Q. Do they live together to-day?

A. No sir.

Q. How long have they been separated?

A. I think about four or five years.

Q. How long have they been married?

A. About fifteen years.

Q. Did Louisa Hale leave Tom and go away or did Tom leave her?

A. She left him.

Q. Why did she leave him?

A. I could not say why she left him, but she left with Blunt Johnson.

Q. Do you mean that Blunt Johnson took her and carried her away from her husband?

A. She left her husband and went with Blunt Johnson.

Q. Where did they go?

A. I heard that they went to Norfolk.

Q. Was he a single man?

A. I don't hardly know.

Q. Did she go with him and live with him?

A. Yes sir.

Q. Do you know whether Tom Hale ever gave her any cause to desert him or not?

A. No sir he did not.

Q. Was he a good and kind husband?

A. Yes sir he was good to her.

Q. Was there ever any distubrance between Hale and his wife?

A. None that I know of.

Q. Then she left him without any cause?

A. Yes sir.

Q. Has she ever returned to him?

A. No sir.

Q. Has he always been anxious to get her to return to him and did he try to get her to return?

A. Yes sir. He went to look for her and she did not return.

Questioned by the Commissioner.

Q. Where has Tom Hale been living since his wife went away?

A. He has been living at Sleepy Hole.

Q. What has he been doing all this time?

A. He has been working. He kept a cook-shop at Sleepy Hole.

Q. Was Tom Hale living where he lives now before his wife went away?

A. No sir.

Q. Where was he living then?

A. He was living next door to me then, but he now lives at Sleepy Hole.

Q. Has he been a man of good character?

A. Yes sir.

Q. Has he ever tried to get his wife ~~her~~ to come back to live with him?

A. Yes sir.

Q. Did he take care of her when she ~~did~~ lived with him?

A. Yes sir.

Q. Has he been in fault?

A. None as I know of. He moved back from Sleepy Hole to the house he lived in when she lived with him, to see if she would come back to him. After he moved to Sleepy Hole he kept a cook-shop. He owned the house he lived in before he moved to Sleepy Hole, and the house he lived in before his wife left him.

Q. Have you heard Tom Hale say why he went back to his home and stayed there?

Q. Yes sir. I heard him say that he went back to see if she would come back to him.

And further this deponent saith not.

Mary her X Duke
mark

Witness:
Wilbur J. Kilby

C. C. Elliott, being duly sworn, deposes and says as follows:

Q. What is your name, age, residence and occupation?

A. C. C. Elliott, twenty-seven, Sleepy Hole, barber.

Q. Do you know the parties to this suit?

A. Yes sir I know the parties to this suit.

Q. Are you related to either one?

A. I am related to Hale.

Q. What relation?

A. First cousin to Hale.

Q. Were you living at Sleepy Hole when Tom Hale and his wife lived together?

A. Yes sir. I was living in Sleepy Hole District.

Q. Do you know when they were married?

A: Yes sir.

Q. How long ago has it been?

A. About fourteen or fifteen years.

Q. Are they living together to-day?

A. No sir.

Q. How long have they been separated?

A. About five years I think. Four or five, something like that.

Q. Did he leave her or did she leave him?

A. She left him.

Q. Has she ever returned to him since she left him?

A. No sir.

Q. Do you know whether he has ever tried to get her to come back to him or not?

A. Yes sir. He told me that he had tried to get her to come back. He told me he spent as much as twenty-five or thirty dollars going to and from Norfolk trying to get her to come back.

Q. Did he ever leave his home and go to Sleepy Hole and return to his home to see if she would come back to him?

A. Yes sir.

Q. Were you in the family enough to know as to how Tom Hale treated his wife as to whether he was a good and dutiful husband, and did he support her?

A. I don't think she ever suffered for anything. He treated her good.

Q. Was there any disturbance between them at all?

A. I don't think there was. If there was I never heard anything about it.

Q. Do you know why she left him?

A. I know she went away with this man Blunt Johnson.

Q. Did she leave without any cause?

A. Hale never gave her any cause to leave him.

Q. Are you in the position to know the reputation of Hale?

A. Yes sir.

Q. Is he a good peaceable citizen?

A. Yes sir, a good quiet citizen.

Q. Hard worker and liked by both white and colored?

A. Yes sir.

Q. Who was this man that his wife went away with?

A. Blunt Johnson.

Questioned by the Commissioner.

Q. He owned the home place did he not?

A. Yes sir.

Q. Did he have a house on it?

A. Yes sir?

Q. Was it a good home?

A. Yes sir.

Q. She had no reason to leave because he did not take care of her?

A. No sir. He was a good provider and took care of her. And he was faithful to her.

Q. Did you see them often?

A. Yes sir. Never a week passed that I did not see them.

Q. Did you ever see Blunt Johnson?

A. I worked with him many a day.

Q. Did she seem to have a liking for him?

A. She seemed to pay him a good deal of attention. I have seen her with him often.

Q. Then Hale's wife seem to be fasinated by this man Johnson?

A. Yes sir. She seem to pay him a good deal of attention. She liked to go with him and she went with him to Norfolk.

Q. Has she been back to Hale since she left him?

A. No sir.

Q. Did he ever try to reconcile her and to get her to come back?

A. Yes sir ./

Q. Did he give her any cause for leaving him?

A. None so far as I know.

Q. How far did you live from them?

A. About a mile.

And further this deponent saith not.

C C Elliott

Mattie BeGuinn, being duly sworn, deposes and says, as follows:

Q. What is your name, age, residence and occupation?

A. Mattie BeGuinn, twenty-nine, Skeepy Hole, work on the farm.

Q. Do you know the parties to this suit?

A. I do.

Q. Do you know when they were married?

A. Yes sir.

Q. How long has it been?

A. About fourteen or fifteen years.

Q. Do you know when they separated?

A. Yes sir.

Q. Do you know whose fault it was that they separated?

A. Yes sir I do. She left him about five years ago. She got tired of Tom Hale and wanted Blunt Johnson.

Q. Did she leave with Blunt Johnson?

A. Yes sir.

Q. Do you know whether Tom gave her any cause to leave him?

A. No sir. He did not give her any cause to leave him.

Q. How do you know this?

A. I lived with them. They kept a cook-shop at Sleepy

Hole and I did the cooking. I saw them every day and lived in the house with them. Blunt John was around there all the time.

Q. Was Tom kind to her and did he do all he could for her comfort?

A. He certainly did. He was a good husband and gave her freely.

Q. Do you know whether Tom has been anxious for her to come back to him and whether he has tried to get her to come back?

A. Yes sir he has tried to get her to come back.

Q. Then you say that you know that they lived together and that Tom was kind to her and that she left him without any cause and has never returned?

A. Yes sir. She has never returned.

Q. Do you know where Blunt Johnson and Louisa Hale went after she left her husband?

A. I could not name any other place except Philadelphia, Penn. They came there while I was living there. I saw them there.

Q. Were they living, or cohabiting, together while in Philadelphia?

A. They were living as man and wife.

Q. Do you know whether she has given birth to a child since she left Tom?

A. She has. The child was born, (about two years after she left Tom, in Philadelphia. They were there about two years. He came back to Montgomery County before I did, and left her in Philadelphia. After

I came from Philadelphia, she came to Bowers Hill, Norfolk County, and, after remaining there about two weeks, returned to Philadelphia, where she is now. She is my first cousin.
And further this deponent saith not.

her
Mattie x Beguinn
mark

Witness:
Wilbur J. Kilby

Virginia,

County of Nansemond, To-wit:

I, Wilbur J. Kilby, a commissioner in chancery, of the circuit court for the County of Nansemond, in the State of Virginia do certify that the foregoing depositions of Mary Duke, C.C. Elliott, and Mattie Beguinn were duly taken, sworn to, and subscribed, before me, at the time, and place, and for the purpose in the caption therein mentioned.

Given under my hand this 15th. day of April 1904.

Wilbur J. Kilby,
Commissioner in Chancery
of the Circuit Court for
the County of Nansemond.

Comrs' fee $5.00, Paid 16 May 1904
Charged to S. E. Everett,
Atty. for Complainant.

W. J. Kilby
Comr.

Thomas Hale

vs. } In Chy.

Louisa Hale

Depositions taken in behalf of the Complainant 15th. April 1904

1904 April 18.
Filed A.P. Gomez DC

Thomas Hale,.....Complainant.

vs. In Chancery.

Louisa Hale,.....Defendant.

This cause, in which the complainant has proceeded against the said Louisa Hale in the mode prescribed by law ~~against~~ as to absent defendants and she still failing to appear and plead, answer or demur, came on this day to be heard on the bill and depositions of Mary Duke, C. C. Elliot and Mattie BeGuinn, and was argued by counsel.

On consideration whereof the Court, being of the opinion, from the evidence furnished in the cause, that the defendant, Louisa Hale, has wilfully deserted the said Thomas Hale as charged in the bill for more than three years, doth adjudge, order and decree that the said plaintiff, Thomas Hale, be divorced from the said defendant, Louisa Hale, and that the said marriage heretofore solemnized between them be wholly and entirely dissolved and that all the right, title and interest of the said defendant, Louisa Hale, in the estate of the said plaintiff, Thomas Hale, shall henceforth cease and determine.

And the Court doth further adjudge, order and decree that the said Louisa Hale pay unto the said plaintiff, Thomas Hale, his costs expended in the prosecution of this suit, and nothing further remaining to be done it is ordered that this cause be stricken from the docket.

Thomas Hale,

vs. InChancery.

Louisa Hale.

Enter on the 13 day of

May, 1904.

Robert R. Dennis

Entered in Chancery

Order Book No. 3,

page 580.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Second February Rules, I904.

Complaining showeth unto your Honor your orator, Thomas Hale, husband of Louisa Hale, the following case: That he has been a resident of this State over a year and last co-habited with the said Louisa Hale, his wife, in Nansemond County; that in the year I890 October the 25th, your orator was married to the said Louisa Hale in Nansemond County, and since that time and up until the year I896 as far as the said Louisa Hale would permit your orator has been to her a constant, faithful and dutiful husband discharging all his duties and obligations as a husband and to the best of his ability; your orator's wife, Louisa Hale, on the other hand has been negligent, cold and indifferent as a wife and was often abusive to your orator and in the year I896 in the month of July, the said Louisa Hale wilfully deserted and abandoned your orator without just cause and has never since returned and your orator has been anxious for her to return and had people to go to see her and to persuade her to return but she has refused to do so.

In tender consideration whereof, and for as much as your orator is remediless in the premises save in a Court of equity he prays that the said Louisa Hale may be made a defendant to this bill and be required to answer the same on oath; that your orator may be divorced from the said Louisa Hale a vinculo matrimonii and that all such other further and general relief may be afforded your orator as the nature of this case may require or to equity shall seem meet.

And your orator will ever pray, etc.

Counsel.

S. E. Everett

Thomas Hale

STATE OF VIRGINIA,
To-wit:
Nansemond County.

I, S. E. Everett, a Notary Public for the County and State aforesaid, do certify that Thomas Hale, the complainant in the above

bill,has this day personally appeared before me in my County and State amd made oath that all the facts stated in the above bill are true.

Given under my hand this I5th day of February, I904.

J E Everett

Notary Public.

Thomas Hale.
H. Bill
Louisa Hall

Thomas Hale
vs. Divorce
Louisa Hale

S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.