1904-007
Nansemond Co (Suffolk) Chancery Causes: Fletcher Newby alias Newborn vs Maggie Newby alias Newborn

Smith, Jones

VIRGINIA: IN THE CLERK'S OFFICE of the Circuit Court of Nansemond County, to wit: In vacation on the twenty-sixth day of May, 1903.

Fletcher Newby, sometimes called Newborn.....Complainant.

vs.—In chancery

Maggie Newby, sometimes called Newborn.....Defendant.

The object of this suit is to obtain a decree of divorce from the bond of matrimony for the plaintiff against the defendant, on the ground of willful desertion and abandonment. And affidavit having been made that the said defendant is not a resident of this State and that diligence has been used by or on behalf of the plaintiff to ascertain in what county or corporation the defendant is, without effect, it is ordered, that the said defendant do appear here within fifteen days after due publication of this order and do what is necessary to protect her interest in this suit; and that a copy of this order he forthwith published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper published in the town of Suffolk in Nansemond county, Virginia, and to be posted at the front door of the Courthouse of said county, on the first day of the next County Court of said county, after the date of this order.

ROBERT W. WITHERS, p. q.
A. P. GOMER, Clerk.

A copy—Teste:
A. P. GOMER, Clerk

my29-4t

Ar.
"
"
Ar
"
A.
"
"
A
"

Office of The Herald.

Suffolk, Va., March 14 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.

W. J. Kendrick

Editor Herald.

Office of The Herald.

Suffolk, Va., ... 18

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.

.....

Editor Herald.

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 CLERK'S OFfice of the Circuit Court of Nansemond County, to wit: In vacation on the twenty-sixth day of May, 1903.

Fletcher Newby, sometimes called Newborn.....Complainant.

vs.—In chancery

Maggie Newby, sometimes called Newborn.....Defendant.

The object of this suit is to obtain a decree of divorce from the bond of matrimony for the plaintiff against the defendant, on the ground of willful desertion and abandonment. And affidavit having been made that the said defendant is not a resident of this State and that diligence has been used by or on behalf of the plaintiff to ascertain in what county or corporation the defendant is, without effect, it is ordered, that the said defendant do appear here within fifteen days after due publication of this order and do what is necessary to protect her interest in this suit; and that a copy of this order be forthwith published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper published in the town of Suffolk in Nansemond county, Virginia, and to be posted at the front door of the Courthouse of said county, on the first day of the next County Court of said county, after the date of this order.

ROBERT W. WITHERS, p. q.
A. P. GOMER, Clerk.

A copy—Teste:
my29-4t
A. P. GOMER, Clerk.

I A P Gomer Clerk of the Circuit Court of Nansemond County do hereby certify that the above order of publication was posted at the front door of Nansemond County Court house on Monday the 8th day of June 1903 it being the first day of the June term of said Court

A P Gomer Clerk

MEMORANDUM

In the circuit court of Nansemond county, to wit,

May 26th, nineteen hundred and three.

Fletcher Newby, sometimes called Newborn,---------Complainant

Versus----------In Chancery

Maggie Newby, sometimes called Newborn,----------Defendant

Issue chancery subpoena returnable to First June Rules, nineteen hundred and three.

The object of this suit is to obtain for the complainant an absolute divorce from the bond of matrimony from the defendant upón the ground of desertion for more than three years. The clerk of the Issue and Order of Publication, in accordance with the affidavit herein set forth.

Robt. W. Withers p. q.

Affidavit for Order of Publication, Virginia, Nansemond county, to wit,

This day Robert W. Withers, Attorney for the complainant in the chancery suit of Fletcher Newby, or Newborn versus Maggie Newby or Newborn, personally appeared before me and being sworn made oath and said, that diligence has been used by or on behalf of the plaintiff to ascertain in what county or corporation the defendant is, without effect, and to the best of his belief the defendant is not a resident of this state.

Robt. W. Withers

Sworn and subscribed to before me this twenty-sixth day of May, nineteen hundred and three.

A. D. Gomey clerk

Say $1.50 Paid

Newby
vs
Sun Chy.
Newby

1903 - May, 26 -

Memorandum
and
Affidavit for Order of Publication.

Robt. W. Nuckols p.q.

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, TO WIT:

In Vacation, on the twenty-sixth day of May, 1903.

Fletcher Newby, sometimes called Newborn,----------Complainant

vs.----------In chancery

Maggie Newby, sometimes called Newborn,----------Defendant

The object of this suit is to obtain a decree of divorce from the bond of matrimony for the plaintiff against the defendant, on the ground of willful desertion and abandonment. An affidavit having been made that the said defendant is not a resident of this state and that diligence has been used by or on behalf of the plaintiff to ascertain in what county or corporation the defendant is, without effect, it is ordered, that the said defendant do appear here within fifteen days after due publication of this order and do what is necessary to protect her interests in this suit; and that a copy of this order be forthwith published once a week for four successive weeks in the "Suffolk Herald", a newspaper published in the town of Suffolk in Nansemond County, Virginia, and to be posted at the front door of the court-house of said county on the first day of the next county court of said county, after the date of this order.

Robert W. Withers, p.q.

A. P. Gomey clerk

A Copy: Teste

Clerk.

Neeley

vs

Neeley

Order of Publication

original

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Maggie Newby Sometimes called Newbolm

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in June 1903, to answer a Bill in Chancery, exhibited against her in the said Court by Fletcher Newby Sometimes called Newbolm

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 26th day of May 1903, 1~~9~~, in the 127th year of the Commonwealth.

A copy—Teste:
A P Gomer, CLERK.

Teste:
A P Gomer, CLERK.

R W Withers p. q.

A Copy for
Maggie Newby

vs. | *In Chancery.*

1903

June Rules.

Sept Monday.

Nansemond Circuit Court

Process Book No. 21

Page 241

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Maggie Newby sometimes called Newborn

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in June 1903, to answer a Bill in Chancery, exhibited against her in the said Court by Fletcher Newby sometimes called Newborn

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 26th day of May 1903, in the 127th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

A. P. Gomer, CLERK.

R. W. Withers p. q.

Fletcher Newby
Sometimes called Newbom

vs. | In Chancery.

Maggie Newby
Sometimes called Newbom

1903

June Rules.

First Monday.

Nansemond Circuit Court

Process Book No. 2

Page 241

Fletcher Newby, etc., ...Plaintiff/

vs.

Maggie Newby, etc.,.....Defendant.

Depositions of Robert Smith and Lewis Jones taken pursuant to notice, at my office, Suffolk, Virginia, on Saturday January 16th, 1904, to be read as evidence on behalf of the plaintiff in the above styled suit.

---------o---------

Robert Smith, being duly sworn, deposes and says:

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

A. Robert Smith, fifty, Chuckatuck, laborer and I know the parties to this suit.

Q. For how long have you known Fletcher and Maggie Newby?

A. I have known Fletcher about thirty years, I reckon, and I have been knowing Maggie about twenty-seven years.

Q. Do you remember when the said Fletcher and Maggie were married?

A. I don't know the date or the year, but I remember the fact.

Q. Do you know how long they lived together as man and wife?

A. About twelve months.

Q. Do they live together now?

A. No sir.

Q. Why not?

A. That I can not tell you Boss.

Q. Does Fletcher Newby live where he lived when she lived with him?

A. No sir.

Q. Where does Fletcher Newby live now?

A. Fletcher lived last year with Mr. T. J. Saunders.

He told me where he lives, now coming on, but I don't know where it is exactly. He said he lived with Mr. Claud Minton.

Q. I mean does he now live in Nansemond County?

A. Yes sir.

Q. Does he now live in Chuckatuck Magisterial District?

A. Yes sir.

Q. Do you know where Maggie Newby now lives?

A. No sir.

Q. Does she live in Nansemond County?

A. I could not tell you.

Q. Have you seen or heard of her living in Nansemond County?

A. I see her once and a while. I went to Church last August to a protracted meeting and she was there. She lived on the other side of the River, on a truck farm. Where she lives now I don't know.

Q. Did Fletcher leave Maggie or did Maggie leave Fletcher?

A. Dr. Tynes had a farm near Mr. Claud Eley's gate. Fletcher was working for him and I was working for him at the same time. They lived together as near as I can recollect between four and five months and she left him. He stayed in that house about two months by himself. And they have not lived together since that time as I know of. It has been eight or nine years ago.

Q. Between eight or nine years ago you say?

A. Yes sir. She left him and went on the truck farm.

Q. Has Fletcher Newby called Chuckatuck his home since that time or most of the time since then?

A. He went down to work at Everetts ~~the~~ Bridge part of the time, I don't know whether you would call that in Nansemond County or not.

Q. Did Fletcheer Newby give Maggie any cause to leave him so far as you know?

A. I don't think he did.

Q. What is the general reputation of Fletcher Newby as a man?

A. A gentleman as far as I know. I never heard any body say anything else.

Q. Does he work?

A. Yes sir.

Q. Have you ever heard of his getting drunk and beating her and treating her badly?

A. No sir.

Q. How far did you live from him?

A. I lived about a mile and a quarter. Me and he worked on the same farm. She has never been back and lived with him since she left him.

Q. Do we understand that Maggie Newby left her husband, Fletcher, between eight and nine years ago and has never lived with him since and are you sure that she left him and he did not leave her and did he provide a comfortable home for her?

A. Yes sir.

Q. Do we understand that you have seen her roaming about the country since she left him.

A. Yes sir.

Q. Have you seen her in company with other man?

A. Yes sir.

And further this deponent saith not. his
Robert X Smith
mark

Witness:
Wilbur J. Kilby.
Comr. in Chancery.

Lewis Jones, being duly sworn, deposes and says as follows:

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

A. Lewis Jones, fifty, Chuckatuck, laborer and I know the parties to this suit.

Q. How long have you known them?

A. About thirty years.

Q. Do you know how Fletcher treated his wife when they lived together?

A. I ought to. I lived about seventy-five feet from them. And I was at his house nearly every night.

Q. How did he treat her?

A. He treated her all right. He was kind to her. I don't think any body around Chuckatuck could say that he did not or speak against him.

Q. Do they live together now?

A. No sir.

Q. Why not?

A. She wanted to go to live on a truck farn and he would not go with her so she left him and everything and went.

Q. The plaintiff in his bill charges that sometime in the month of July, in the year 1898, that Maggie Newby wilfully and cruelly abondoned and deserted him without just cause or excuse, is that true?

A. She had no occasion to leave him whatever.

Q. Do you know about what time this was?

A. I don't really know the dates.

Q. Would you say that it was in July, 1898?

A. Yes sir.

Q. How long had they lived together since they were married?

A. About twelve months.

Q. Have they lived together since she left him?

A. No sir. She told me at Western Branch that she did not want him.

Q. When did she tell you that?

A. Year before last. I was there to see a friend of mine and she told me.

Q. What kind of a man is Fletcher Newby?

A. He is a perfectly kind man, sober, industrious, and

was kind to his wife, provided for her and gave her a good comfortable home. He worked steady and was good to her but she left home and everything.

Q. Do you know where Fletcher now lives and have you known where he lived since she left him?

A. He lived with Mr. T. J: Saunders. I don't recollect the years but I know every where he has worked because he worked where my children worked and when I went to see my children I saw him. I had a son that worked in Smithfield and when I would go to see him I would see Fletcher. I know about where he was all the time. He is now working for Mr. Claud Minton. He has been in Chuckatuck District ever since she left him.

Q. Are you certain that they have not lived together since she left him?

A. Yes sir because she told me that she did not want him because he would not go around and have a fast time. She has been spending her time going from New York to Boston and to the Branch and other places and I have seen her with other man. She don't need a home and she has not got a home.

And further this deponent saith not.

Witness:
Wilbur J. Kilby,
Comr. in Chancery

his
Lewis X Jones
Mark

STATE OF VIRGINIA,
County of Nansemond. To-wit:

I, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County of Nansemond, do certify that the foregoing depositions were taken before me to be read as evidence for the Complainant in the suit of Fletcher Newby, etc., vs. Maggie Newby, etc. at my office, this day, as ~~shown~~ stated in the caption hereto attached.

Given under my hand this 16th day of January,

1904.

Comrs' fee $5.00

Wilbur J. Kilby

Commissioner in Chancery.

Fletcher Newby etc.
vs.
Maggie Newby etc.
Deposition

J. U. BURGES,
ATTORNEY-AT-LAW,
SUFFOLK, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Fletcher Newby, sometimes called Newborn,.....Plaintiff.

vs. In Chancery.

Maggie Newby, sometimes called Newborn,.....Defendant.

This cause, in which the plaintiff appears to have proceeded against the defendant in the mode prescribed by law as to absent defendants, and she still failing to appear and plead, answer or demur, came this day to be heard on the bill and depositions of Robert Smith and others, and was argued by counsel.

On consideration whereof, the court, being of the opinion from the evidence in this cause that the defendant has wilfully abondoned and deserted the plaintiff and a period of three years having now elapsed since the said abandonment, doth adjudge, order and decree that the said plaintiff, Fletcher Newby sometimes called Newborn, be forever divorced from the said defendant, Maggie Newby sometimes called Newborn, and that the marriage heretofore solemnized between them be wholly and entirely dissolved and that all the right, title and interest of the said defendant in the estate of the said plaintiff shall cease and determine, and further that the plaintiff recover of the defendant the costs in this suit.

And nothing further remaining to be done it is ordered that this cause be stricken from the docket.

To the Clerk of the Circuit Court of Nansemond County.

Fletcher Newby —
vs —
Maggie Newby

Final Decree —

Entered Mar. 15, 1904

Entered in Chancery
Order Book No. B.
Page 566.

In the circuit court of Nansemond county, to wit,

First June Rules, nineteen hundred and two.

Fletcher Newby, sometimes called Newborn,----------Complainant

Versus----------In Chancery

Maggie Newby, sometimes called Newborn,----------Defendant

To the Hon. Robert R. Prentis, Judge,

Humbly complaining, your orator, Fletcher Newby, sometimes called Newborn, but hereafter called Newby, of the county of Nansemond, showeth unto Your Honor, the following facts.

Your orator was married to the defendant, Maggie Newby sometimes called Newborn, but hereinafter spoken of as Newby ~~born~~, on the twenty-fourth day of July, eighteen hundred and ninety-five, in the county of Nansemond, in which county he has ever since made his home and domicile. Up to the time of his wife's desertion hereinafter mentioned, he had been unto her a dutiful, faithful and constant husband and endeavored to make her home and life happy and comfortable. Fortunately, there have been no issue of this marriage.

Your orator charges that sometime in the month of July in the year eighteen hundred and ninety-eight his said wife willfully and cruelly abandoned and deserted him without just cause or excuse; that since her said abandonment of him she has not returned to his old home or to him and that he has not since cohabited with her; that she has not visited or communicated with him in any way and that he does not know now where she is.

He further charges that he and his said wife last cohabited in the county of Nansemond in the state of Virginia, that his said wife willfully abandoned and deserted him without just cause or excuse, more than three years last past before the commencement of this suit; that he believes and so charges that she never intends to live with him as his wife again. Under these circumstances he is advised that he is entitled to an absolute divorce from the said defendant

his wife and he has reached the conclusion that it will be best for him to be so absolutely divorced from her.

In tender consideration whereof, and forasmuch as your orator is remediless in the premises save by the aid of a court of equity, where such matters are alone and properly cognizable, to the end therefore that justice may be had, he prays that Maggie Newby may be made a party defendant to this bill, and required to answer the same, but not on oath, the same being hereby made; that proper process may issue; that all proper depositions may be taken; that your orator may be divorced from the said Maggie Newby, a vinculo matrimonii; and that all such other further and general relief may be afforded to your orator as may be just and right in the premises. And your orator will ever pray, etc.

Note G. E. Bunting J.P. ---------- Fletcher his x Newby mark ----------

Virginia, Nansemond county, to wit,

I ~~Geo. E. Bunting~~ ---------- a ~~Notary Public~~ Justice of the Peace in and for the county and state aforesaid do certify that Fletcher Newby, whose name is signed to the above bill in chancery, has this day personally appeared before me in my county and state and made oath that all the facts stated therein are true to the best of his knowledge and belief.

Given under my hand this 2nd day of June nineteen hundred and three.

G. E. Bunting J. P.

1908

Nansemond Co. Circuit Court

Fletcher Newby (or Newborn)

vs } In Chancery

Maggie Newby (or Newborn)

Bill

ROBT. W. WITHERS,

ATTORNEY AT LAW,

SUFFOLK, VA.

PRACTICING IN ALL COURTS IN
FIRST JUDICIAL CIRCUIT.

JEWELL & COMPANY, PHILADELPHIA.

Fletcher Newby
against } In Chancery
Maggie Newby,

1903 May 26th. Process issued returnable to June Rules first Monday

" " " Order of Publication.

" June 21st Set for hearing on order of Publication

R W Wickes pg

Fletcher Newby &c

vs } In Chancery

Maggie Newby &c

1904

March 15th

Final Decree

Costs
Clerk G. 8.99
" S 6.5
Sat 1.50
atty 15.00
21.14