

1904-011
Nansemond Co (Suffolk) Chancery Causes: J M. Butler vs Mary J. Butler

Herrell, Bosselman, Copeland

To R. R. Smith, Clerk of Circuit Court of Hansemond
County, Virginia.

J. M. Butler,.....Plaintiff.

vs. In Chancery.

Mary J. Butler,.....Defendant.

Issue summons to Third Monday (Second Monday Rules)
in July.

Pay \$1.50

D. E. Everett p. q.

J M Butler
vs ch
Mary J Butler

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Mary J Butler

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 *June 1904*, to answer

a Bill in Chancery, exhibited against *her*

in the said Court by

J M Butler

and have then and there this summons.

Witness, *R R Smith* A. P. GOMER, Clerk of our said Court, at his office, this *7th* day of

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

A copy—Teste:

, CLERK.

Teste:

A P Gomer, CLERK.

Executed in the City of
Norfolk this the 20th
day of June 1904
by serving a copy here
of Mary J. Butler

J. F. Lawler Sargent
City of Norfolk
By J. S. McLean
deputy

61
S E Everett p. q.

J M Butler

vs

In Chancery.

Mary J Butler

1904

June Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 21--

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To Mary J Butler

TAKE NOTICE that, on the 8th day of July, 1904, next, at
the office of W. J. Kelley, Suffern N.Y.

between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of

William Copeland and others

~~and others~~, to be read as evidence in my behalf, in a certain suit
depending in the Circuit Court of Harrison county, wherein

I am Plaintiff and you are Defendants;

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,

To the Sheriff of

Harrison
county to execute.

J. M. Butler by
H. E. Brown, his atty

June 6 - 1904

J. M. Butler
Jury } notice to take
Depositions
Mary J. Butler

Executed in the City of
Norfolk this the 20th day
of June 1904 by serving
a copy hereof —
Mary J. Butler

J. T. Lawler Sergeant
City of Norfolk
by J. G. McLyne
Deputy

In the Circuit Court of Nansemond County:
J. M. Butler, _____ Complainant

vs. In Chancery.

Mary J. Butler, _____ Defendant

The depositions of Mike R. Harrell, George A. Bosselman, and W. R. Copeland, taken before ~~me~~ me, Wilbur J. Kilby, a Commissioner in Chancery, of the Circuit Court of the County of Nansemond, in the State of Virginia, pursuant to notice hereto annexed, at ^{my} ~~his~~ office in the town of Suffolk, in said County, on the 8th day of July, 1904, between the hours of eight A. M. and six P. M., to be read as evidence in behalf of the complainant, in a certain suit in Equity pending in said Court between J. M. Butler, complainant, and Mary J. Butler, defendant.

Present, S. E. Everett, Atty. for complainant.

No atty. for defendant.

Mike R. Harrell, being duly sworn, deposes and says as follows:

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

A. Mike R. Harrell, forty-five, Nansemond County, near Buckhorn, Virginia, and I am not related ^{to} but I know, the parties to this suit.

Q. How long have you been knowing them?

A. About twenty years.

Q. Did you live near them?

A. Yes sir. I lived in hearing distance from them about eight years.

Q. Do you know when they were married?

A. I do not. They have been living together ever since I knew them.

Q. Do you know whether they are living together to-day or not?

A. I know that they do not.

Q. When did they separate?

A. In June 1900.

Q. Do you know whether Mr. Butler has been, or was, a faithful husband to Mrs. Butler, or not ?

A. He was.

Q. Did he leave Mrs. Butler, or did Mrs. Butler desert him?

A. She deserted him.

Q. Please state as to how this was done, where they lived, and where she went?

A. They lived at Mrs. M. O. Holland's. She left and rented a place in Buckhorn from Ben Baines. After she left he went to Buckhorn and tried to get her ~~to get her~~ to stay with him and she said she would never live with him another minute.

Q. Did you hear her say this to him?

A. Yes sir.

Q. Then, as you understand it, was it her purpose to leave Mrs. Holland's in order to get away from him?

A. Yes sir.

Q. And that he has never been able to get her back?

A. Yes sir.

Q. Do you know where she went, in what County, City or State?

A. Norfolk, Virginia.

Q. Please state further all you know about the matter.

A. Sometime about January 1901, Mrs. Mary J. Butler was living in Buckhorn. Mr. Butler went there and I went also. He asked me to go with him to the house where his wife was staying in Buckhorn. I told him I did not care to go, but did finally agree to go part of the way and went near enough to hear what passed between them. He commenced talking to her and was trying to beg and persuade her to go home with him, but she refused, saying that she never expected to live with him another minute. He did not succeed in getting her to go home with him. The house she was living in was not his home, and she had been living there away from him since June, 1900. His home was on some land he rented from Mrs. M. O. Holland about three miles from

Buckhorn.

Q. Where was he living at the time of the conversation of ^{which} ~~which~~ you speak?

A. He was living on the land he rented from Mrs. M. O. Holland. She left the house and went away.

And further this deponent saith not.

Mike R Harrell

George A. Bosselman, being duly sworn, deposes and says as follows:

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

A. George A. Bosselman, forty-nine, four years ago I lived at Buckhorn, I now live at Myrtle, farmer, I am not related to the parties, but I know them and have been knowing them about fifteen or sixteen years.

Q. Do you know when they were married in 1878?

A. No, I do not.

Q. They were married before you knew them?

A. Yes sir.

Q. Are they living together to-day?

A. No sir.

Q. Do you know when they separated and why?

A. I know when they separated. It was about four years ago, in June, ~~(last month)~~. She lived with him on the land of Mrs. M. O. Holland. She left there and went to Buckhorn and rented a house and lived by herself. She stayed there about one year and a half. She left there and came to my house at Myrtle. After that she went to Norfolk where she has been ever since, as far as I know.

Q. Do you know whether Mr. Butler has ever made any efforts to get her to return?

A. Yes sir. I was there twice myself with him to see her

while she was in Buckhorn, and he begged her and cried like a baby in my presence to get her to come back and live with him and she said she would never live with him any more. She was pretty positive in her replies and from her manner she showed plainly that she had no idea of going back with him. While she was at my house, I often tried to persuade her to go back to her husband, but she said she would not.

Q. How long was she at your house?

A. I Believe, about four or five months.

Q. Was the conversation, both times you went with him to see her in Buckhorn, about the same?

A. Yes sir, they were about the same thing, ^{she} declaring that she would not go back.

Q. What position did she hold at your house?

A. She was there with my wife as a help-mate, to help her with her domestic duties.

Q. What has been her reputation since she has left your ~~home~~ house?

A. It has been, and is now, that of a bad, or lewd, woman and ~~ke~~ keeping a house of ill fame in Norfolk. I suspected ~~her~~ when she was at my house that she was disposed to be a woman of bad character and that was the reason that I got her to leave. When she left she went to Norfolk.

And further this deponent saith not.

George A. Bosselman.

W. R. Copeland, being duly called, affirmed and said as follows:

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

A. W. R. Copeland, forty-two, farmer, near Buckhorn, Nansemond County, Virginia, and I am not related to either one of them, but I know the parties.

Q. Do you know when they were married?

A. I heard of it, but I was small.

Q. They have been living oft and on near you since they were married, have they not?

A. Yes sir.

Q. Do you know whether they are living together to-day or not?

A. They are not.

Q. When did they separate?

A. Sometime in June, 1900.

Q. Where did they live before they separated?

A. At Mrs. M. O. Holland's.

Q. Who left Mrs. Holland's, did both leave, or did one leave the other?

A. Mrs. Mary J. Butler left Mr. Butler.

Q. Where did Mrs. Butler go?

A. She rented a house in Buckhorn from Mr. Ben Baines and moved there.

Q. Did Mr. Butler give her any cause for leaving.

A. Not as I know of.

Q. Was he a faithful husband and did he treat her as good as a man in his situation in life could do?

A. Yes sir.

Q. Have they lived together since then?

A. No sir.

Q. Do you know whether he has ever tried and been anxious for her to return to him?

A. He has been there two or three times. She would not let him come in. She told me that he could not come in and

that she would never live with him another hour in her life, and she postively declined living with him any more. He went there one cold night and asked her to let him come in and stay all night and she would not let him come in, and he had to go four or five miles that night in the cold.

Q. Do you know where she is to-day?

A. I heard, in Norfolk.

Q. When did she leave Mr. Butler?

A. Sometime in June 1900.

Q. How long did she stay in Buckhorn?

A. About one and a half years.

Q. Do you know where she went then?

A. To MR. Bosselman's. I don't know how long she stayed there.

Q. Where did she go after that?

A. To Norfolk.

Q. Has she ever lived with Mr. Butler since she left him and went to Buckhorn to live in June 1900?

A. No sir.

Q. Why did Mrs. Butler leave Mr. Butler?

A. My store at Buckhorn is less than one hundred yards from the house she lived in and both night and day I could see men go in and out of this house. This made me believe that she was a bad woman. I could not see that they had any business there, except for evil purposes. Disturbances took place there between men over her, and her reputation was bad. She is said to be keeping a bad house now in Norfolk.

And further this deponent saith not.

M. R. Capeland

VIRGINIA,
County of Hansemond, To-wit:

I, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of

(7)

Mike R. Harrell, George A. Bosselman and W. R. Copeland
were duly taken, sworn to, and subscribed, before me at the ^{caption}
time and place and for the purposes mentioned in the ~~caption~~
thereto.

Given under my hand this 8th day of July, 1904.

Wilbur J. Kilby

Commissioner in Chancery

Courts' fee \$5.⁰⁰
Charged to S. E. Everett,
Atty. for Complainant.

J. M. Butler

vs. } In Chy.

Mary J. Butler

Depositions to be read
in behalf of the Com-
plainant

J. M. Butler,
vs. In Chancery.

Plaintiff.

Mary J. Butler,

Defendant.

This cause, in which process has been duly served on the defendant, Mary J. Butler, and she still failing to appear and plead, answer or demur, came on this day to be heard on the bill and depositions of W. R. Copeland, George A. Bosselman and Mike R. Harrell, and was argued by counsel.

~~In~~ ^{On} consideration whereof, the Court, being of the opinion from the evidence furnished in the cause that the defendant, Mary J. Butler, wilfully deserted the said J. M. Butler as charged in the bill, doth adjudge, order and decree that the said plaintiff, J. M. Butler, be divorced from the said defendant, Mary J. Butler, 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 henceforth cease and determine.

And the Court doth further adjudge, order and decree that the said defendant, Mary J. Butler, pay unto the said plaintiff 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.

Plaintiff

Defendant

Vol. 11

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July 1, 1904

J. M. Butler,
vs.
Mary J. Butler.

Enter on the 16th day of
July, 1904.

Robert Smith

Entered in Chancery Order

Book No. 3, page 897.

J. M. Butler,.....Plaintiff.

vs. In Chancery.

Mary J. Butler,.....Defendant.

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

Complaining, sheweth unto your honor your orator,
J. M. Butler, husband of Mary J. Butler, the following case:
That he has been a resident of this State over one year
and last co-habited with the said Mary J. Butler, his
wife, in Nansemond County, that in the year 1878 your
orator was married to the said Mary J. Butler in Nansemond
County, and since that time as far as the said Mary J.
Butler would permit, your orator has been to her a constant,
faithful, and dutiful husband, discharging all his duties
and obligations as a husband to the best of his ability.
Your orator's wife, the said Mary J. Butler, was a true and
dutiful wife up until about four years ago and on the 7th
day of June, four years this last June, the said Mary
J. Butler wilfully ²des₁erted and abandoned your orator with-
out just cause and has never since returned and your ora-
tor has been anxious for her to return, but she has stubborn-
ly refused to do so. Your orator has been to see her and
begged her to let him come and live with her again and still
she refused. Your orator further states that he has had
his friends and her friends to talk to her and see if she
would not come back to him and still she refused without
cause and is now living from house to house some where in
the city of Norfolk.

In tender consideration whereof, and forasmuch as
your orator is remediless in the premises save in the court
of equity, he prays that the said Mary J. Butler may be made

And your orator will ever pray, etc.,

Witness.

J. M. Butler

I, S. E. Everett, a Notary Public for the County aforesaid, in the State of Virginia, do certify that J. M. Butler, the complainant in the above bill has this day appeared before me in my said County and State and made oath that all the facts stated in the above bill are true.

Given under my hand this 17 day of June, 1904.

Notary Public.

J. M. Butler
vs. Bill.

Mary J. Butler.

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

J M Butler
vs Subancery
Mary J Butler

1904 June 7th Process issued returnable
to June Rules third Monday

" " 20th Process Returned
executed on debt
Bill filed and decree
nisi vs defendant.

" July 4th Decree nisi confirmed
and cause set for
hearing.

Chancery Notes

Costs
Clerk 3.15
Tax 1.50
Shff 50
Acty 15.00
Com. 5.00

\$25.15

J. M. Butler as m. d. Butler

S. E. Everett Esq.

J M Butler
23 Ingham
Mary J Butler

1904
July 16th
Final Decree.