

1904-017
Nansemond Co (Suffolk) Chancery Causes: Harriet A. Hofter vs John Hofter

Saunders, Twitty, Minkins, Howard

OVERSIZE
Box 4
- 1 marriage license (exhibit A)

\$5⁰⁰



Jan 31. 1905
Received of R. H. Reels all
Five Dollars

on cash & note pay in
Harriet Hofter in Jan. Hofter

A. P. Gomez & Co

No

To the Clerk of the Circuit Court
of Nassau and County:

Harriet A. Hofer. ~~Plff.~~

vs
John Hofer.

Def.

Issue summons to 1st June Rules
1504 for plaintiff vs defendant to
answer a Bill in Chancery.

Pay \$1.50

R. H. Raab f. g.

Send summons to me.
R. H. Raab

Memo. for Clerk.

Hofler vs Hofler
In Chancery

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

John Hoffer

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 1904*, to answer

A Bill in Chancery, exhibited against

in the said Court by

Narrett A. Hoffer

and have then and there this summons.

Witness, *R. R. Smith* A. P. GOMER, Clerk of our said Court, at his office, this *1st* day of

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

A copy—Teste:

, CLERK.

Teste:

A. P. Gomer, CLERK.

The order this 4 day of June 1904
by authority of your copy
of the within process
of John Hoffer in person
A. B. Baker Sheriff

Sheriff fee .50

R. A. Rawles p. q.

Narrett A. Hoffer

vs.

In Chancery.

John Hoffer

1904

June Rules.

First Monday.

Nansemond Circuit Court

Process Book No. 21

Page 254.

To John Hofter

TAKE NOTICE that I shall, on the 24th day of June 1904 189
at the office of R. H. Rawles
in Suffolk Virginia

between the hours of 8 A. M. and 8 P. M., on that day, proceed to take the depositions
of Nelson A. Twitty 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 Macon where 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,

Harriett A. Hofter
By Counsel

He cut on the 4 day¹⁹⁰⁴ of
June¹⁹⁰⁴ by delivering a true
copy of the within note
to John Hopper in person
AS BAKER & SHUTT

50
Sherry for

The depositions of Nelson A. Twitty and others, taken before me, R. W. Withers, a commissioner in chancery, for the Circuit Court of Nansemond County, at the office of R. H. Rawles, in Suffolk, Virginia, on the 24th day of June, 1904, between the hours of eight A. M. and eight P. M. of that day, to be read as evidence on behalf of Harriet A. Hofler, in a certain suit in equity depending in the Circuit Court of Nansemond County, wherein the said Harriet A. Hofler is plaintiff and John Hofler is defendant.

Present:

R. H. Rawles, counsel for plaintiff.

Defendant did not appear either in person or by counsel.

-----Nelson A. Twitty-----, being
duly sworn, deposes and says as follows:·

1st Q. State your name, age, residence, occupation, and if you know
the parties to this suit?

A. Nelson A. Twitty, forty one, 41, years of age, Suffolk Virginia,
I work in the drug store of Dr A. W. Eley; I know both the plaintiff
and the defendant.

2nd Q. How long have you known both the plaintiff and the defendant?

A. I have known both of them about ten or twelve years .

3rd Q. Where is the plaintiff now living, and how long has she been
living there, continuously?

A. She is living in Suffolk in Nansemond county Virginia, and has
been living here continuously ever since I have known her, say ten or
twelve years .

4th Q. Where is the defendant now living?

A. On the farm known as the Delvis farm in Nansemond county .

5th Q. Where did the plaintiff and defendant last cohabit?

A. In Suffolk, in Nanssemond county, Virginia .

6th Q. Can you tell us whether the defendant is now living with his wife, the plaintiff?

A. He certainly is not .

7th Q. Do you know when he abandoned and deserted her?

A. It was in the spring of the year, about April or ~~May~~ some six or seven years ago, probably in the year 1897 .

8th Q. Do you know whether or not he has ever, since that time, returned to live with her?

A. He has not .

No. 3.

9th Q. What are, and what have been, your opportunities for knowing that he left her, at the time stated, and that he has not since returned to live with her?

A. My opportunities are these ; at the time he left her, she moved over to our house, and became a member of the same family where I resided, at Mrs Parks, on Wilson street in Suffolk, and since that time I have seen her nearly every day since.

10th Q. Is it morally certain you would have known the fact, if he had returned since then to live with her?

A. It is; he could hardly have come back to live with her right there with us without my knowing it; I have known where they both lived ever since he left her, and I know they have lived apart ; he has certainly never come back; there is no ^{question} ~~question~~ whatever about the fact; she could prove that by fifty witnesses if it were necessary ; it is a matter of common knowledge ; it is known to all her acquaintances .

11th Q. Do you know why, and under what circumstances, he left his wife?

A. I do not know. I never knew them to have any quarrel or fight or open rupture; he left: I do not know the cause .

12th Q. Can you tell whether his wife ever gave him any cause or reason for abandoning and deserting her?

A. She never did to my knowledge .

13th Q. Will you please state how his wife behaved and conducted herself during their married life, and how she has behaved and conducted herself since he left her?

A. She was always a straight forward hard working woman: She always acted and conducted herself with great propriety; she went to church . She has acted just the same since he left her.

14th Q. How does she earn a living?

A. . By her own daily labor; she formerly lived in service, but now s she washes and irons for families.

15th Q. Since his desertion, has he ever, to your knowledge, in any way contributed to her maintenance or support?

A. He has not to my knowledge; I have heard him say he was not going to contribute any thing else to her support.

16th Q. If you know any other facts in this case that will throw any light on the question of his desertion, will you please kindly state them?

A. This is about all I know about it; he has certainly gone; from ^{what} I have heard him say I am very sure he never intends to return to live with her any more .

And further this deponent saith not.

Nelson A. Switz

-----~~Edward Minkins being duly~~-----, 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?

A. Edward Minkins, age 63 years, Suffolk Virginia, bridge keeper, and I know both the parties to the suit .

2nd Q. How long have you known both the plaintiff and the defendant?

A. I have known the plaintiff all her life, and I have known the defendant for about ten years .

3rd Q. Where is the plaintiff now living, and how long has she been living there, continuously?

A. She is living on Smith street in Suffolk Virginia, and has been living in said town in Nansemond county all her life.

4th Q. Where is the defendant now living?

A. He is living on a farm in Nansemond county .

No. 2.

5th Q. Where did the plaintiff and defendant last cohabit?

A. In Suffolk, in ~~Nansemond~~ county, Virginia.

6th Q. Can you tell whether the defendant is now living with his wife, the plaintiff?

A. No sir, he certainly is not .

7th Q. Do you know when he abandoned and deserted her?

A. It was about the month of April or May; certainly in the spring of the year, in the year 1897.

8th Q. Do you know whether or not he has ever, since that time, returned to live with her?

A. He has not .

9th Q. What are, and what have been, your opportunities for knowing that he left her, at the time stated, and that he has not since returned to live with her?

A. At the time of his departure she and he were next door neighbors of mine; they lived right in front of me; I saw them almost daily then, and I have seen her almost every day since that time. She and my wife were intimate and friendly, and we knew pretty much all the out goings and incomings of each other. His desertion of her was a matter of common neighborhood talk; every body knew of it.

10th Q. Is it morally certain you would have known the fact, if he had returned since then to live with her?

A. I would certainly have known it if he had come back like a man would come back to his wife; and not like a thief in the night. He certainly has not been back openly and above board so that I and the other neighbors could see him and know of it.

11th Q. Do you know why, and under what circumstances, he left his wife?

A. They never had any open quarrel or rupture that I haerd of. He simply became careless and indifferent toward to his wife and his married life and drifted away and apoth .

12th Q. Can you tell whether his wife ever gave him any cause or reason for abandoning and deserting her?

A. Not to my knowledge; she always seemed to me to ~~be~~ be mild and pleasant to him, and to treat him kindly and well .

13th Q. Will you please state how his wife behaved and conducted herself during their married life, and how she has behaved and conducted herself since he left her?

A. She always conducted herself properly and in a ladylike manner she was, and is a woman who stands very high among her race, and is a teacher in the Sunday school. Her life has been without reproach.

14th Q. How does she earn a living?

A. She is an industrious, hard working woman; and sometimes lives out in service, and sometimes takes in washing. She is not an idler .

15th Q. Since his desertion, has he ever, to your knowledge, in any way contributed to her maintenance or support?

A. . Not to my knowledge ; I heard him say myself since he left her that he was not ever any more going to furnish her with a place to live ,

16th Q. If you know any other facts in this case that will throw any light on the question of his desertion, will you please kindly state them?

A. I have said about all I know about it ; I certainly think he has left her for good and all, and that he intends to remain away .

And further this deponent ^{his} saith not,

Edward J. Minkins
mark

Witness:
Robt. H. Minkins

-----William T. Howard-----, being duly sworn,
deposes and says as follows:

1st Q. State your name, age, residence, occupation, and if you know
the parties to this suit?

A. William T. Howard, age 41 years, Suffolk Virginia, fish dealer,
and I know both the parties to the suit .

2nd Q. How long have you known both the plaintiff and the defendant?

A. I have know Harriet, about twenty years, and John about twelve or
fourteen years.

3rd Q. Where is the plaintiff now living, and how long has she been
living there, continuously?

A. I Suffolk, in Nansemond county Virginia, and she has been living
here continuously ever since I have known her.

4th Q. Where is the defendant now living?

A. On a farm about one mile from Suffolk in said county .

5th Q. Where did the plaintiff and defendant last cohabit?

A. In Suffolk, in Nansemond county, Virginia.

6th Q. Can you tell us whether the defendant is now living with his wife, the plaintiff?

A. . No sir, he is not .

7th Q. Do you know when he abandoned and deserted her?

A. As well as I can remember, it was about seven years ago; I think it was in the spring of the year 1897 . She has been living at the same place or in a few t yards of it ever since he left her, right on the same street in Suffolk .

8th Q. Do you know whether or not he has ever, since that time, returned to live with her?

A. He has not ever ^{be}~~ben~~ back since that time.

9th Q. What are, and what have been, your opportunities for knowing that he left her, at the time stated, and that he has not since returned to live with her?

A.

Because I live right here in the same place, I know and have known both of them intimately ; I know of their daily walk in life; I see her every week, and often two or three times a week, and from these facts I know he has not been back to her .

10th Q. Is it morally certain you would have known the fact, if he had returned since then to live with her?

A. O yes sir, I would have known it, if he had come back, for the reason already stated. It is well known in the community where she lives that he has abandoned and deserted her.

11th Q. Do you know why, and under what circumstances, he left his wife?

A.

I do not know ; I never knew them to be fussy.

12th Q. Can you tell whether his wife ever gave him any cause or reason for abandoning and deserting her?

A. I do not know of any, and I never heard of any .

13th Q. Will you please state how his wife behaved and conducted herself during their married life, and how she has behaved and conducted herself since he left her?

A. I never heard any disrespectful report about her in my life; she stands well here in Suffolk, and goes with the best colored people here; her conduct has never been questioned to my knowledge .

14th Q. How does she earn a living?

A. Lives in the service sometimes, and then washes and irons for white families . She is a very smart woman.

15th Q. Since his desertion, has he ever, to your knowledge, in any way contributed to her maintenance or support?

A. Never to my knowledge; I have often heard her say that he was doing nothing for her.

16th Q. If you know any other facts in this case that will throw any light on the question of his desertion, will you please kindly state them?

A.

This is all I can remember at present; from the long time he has been away, I should say he has gone to stay.

And further this deponent saith not.

William. J. Howard

Virginia, Nansemond County, To-wit:

I, R. W. Withers, a commissioner in chancery, for the Circuit Court of Nansemond, do certify that the foregoing depositions of Nelson A. Twitty, Edward Minkins and William T. Howard, were duly taken, sworn to and subscribed before me, at the office of R. H. Rawles, in Suffolk, Virginia, on the 24th day of June, 1904, between the hours of eight A. M. and eight P. M. of that day, and that I was personally present during the entire examination of said witnesses.

Given under my hand this 24th day of June, 1904.

R. W. Withers
Comm. in Chy.

Depositions.

Harriet A. Hofler

vs.

John Hofler

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In Chancery.

This cause came on this day to be heard on the bill and exhibit filed, the depositions of witnesses taken after due notice, and the defendant ^{on} whom ~~process has been duly served, and he having~~ ~~appears to have been proceeded against in the manner prescribed by law~~ ^{appear and} failed to plead, answer or demur, and was argued by counsel.

On consideration whereof, it appearing to the court from the evidence submitted in the case, that the defendant has willfully abandoned and deserted his wife, the plaintiff, for a period of more than three years, next preceding the commencement of this suit; that the plaintiff has been domiciled in this State for upwards of one year, next preceding the commencement of this suit; that she is now a resident of Nansemond County, and was at the institution of this suit; that the defendant is also a resident of Nansemond County, in the State of Virginia, and that the plaintiff and defendant last cohabited in the County of Nansemond; the court doth order, adjudge and decree that the said plaintiff, Harriet A. Hofler, be, and she is, hereby granted an absolute divorce, a vinculo matrimonii, from her said husband, John Hofler, and the marriage relations heretofore existing between them, are hereby wholly annulled and set aside; and the court ^{further} doth order, adjudge and decree that the plaintiff, Harriet A. Hofler, shall have the privilege of resuming her maiden name of Harriet A. Saunders; and that she 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.

Final Decree.

Entered July 12, 1904
Robert R. Dentis

Entered in Chancery
Order Book No. 3.
Page 592.

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

Humbly complaining sheweth unto your honor, your oratrix, Harriet A. Hofler, of Nansemond County, Virginia, the following case:

Your oratrix says that on the 20th day of October, 1892, she was united in marriage in Suffolk, Nansemond County, Virginia, to John Hofler, as will appear from a certified copy of the marriage license and a certificate of marriage, herewith filed, marked exhibit A and prayed to be taken as a part of this bill.

She further says she was at all times, after the said marriage, a constant, faithful and dutiful wife to her said husband, doing all in her power to please him and to make his life and home comfortable and happy; and that she fully discharged all her duties towards him as a wife, and never gave him any cause for complaint, whatever.

She further says that she was born and raised in the town of Suffolk, where all of her people have always resided, and that she is well known in this community.

She further says that for four or five years, after the marriage, aforesaid, she and her husband lived together peacefully, comfortably and happily, and no event that she can recall occurred to in any manner mar their married life, and during that time, her said husband appeared to be contented with her and with his lot in life. But, about ^{the spring of} the year 1897, her said husband became idle, dissolute, and neglectful of his home and of his duties toward his home and his wife. There never was any open rupture, quarrel, or disturbance between them, that she can recall; but ^{the month of June or May of} during this year, 1897, her husband, without any cause, justification, or excuse, willfully abandoned and deserted her and left his home, and bed, and board, and since that time, to-wit, for a period of nearly seven years he has never once returned to live with her, or to recognize her as his wife; nor has he, in any manner, since that time contributed one penny toward her support, maintenance, or comfort. He has never since then called upon her, visited her or recognized her. There were no children by said marriage.

She, therefore, further charges that her said husband has willfully

abandoned and deserted her for a period of upwards of three years before the commencement of this suit.

She further says that she and her said husband last cohabited in this County of Nansemond; that she is now a resident of this County, and has been domiciled here in this County and State for upwards of one year preceding the commencement of this suit, in fact, during her whole life; and she is informed and believes that her said husband is a resident of this County of Nansemond.

Your oratrix is thoroughly of the opinion that there is no chance, whatever, of a reconciliation between her and her said husband, and she is further of the opinion that her own happiness in life will be better promoted by being entirely divorced from him as she is now, in fact, a wife in name only:

In tender consideration whereof, and forasmuch as your oratrix is remediless 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 John Hofler may be made a party defendant to this bill and required to answer the same, though an answer under oath is waived; that proper process may issue; that all proper depositions may be taken; that a full divorce, a vinculo matrimonii, may be granted your oratrix from her said husband; and that she may be allowed to resume her maiden name of Harriet A. Saunders, and for all such other, further and general relief, as this case may require, or which to equity may seem meet, and she will ever pray, etc.

Harriet A. Hofler.

Virginia, Nansemond County, To-wit:

I, R. H. Rawles, a notary public for the county aforesaid, in the State of Virginia, do certify that Harriet A. Hofler, whose name is signed to the foregoing 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, 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 6th day of June, 1904:

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

RH Rawles N.P.

Bill
murphy

1904 June 6th Friday
A.P.G. DC

Narriett J Hofler
vs In Chancery
John Hofler

1904 June 1st. Process issued returnable
to June Rules 1st Monday

" " 6th. Process returned duly
executed in the debt.

Bill filed and decree
nisi against him

" " 20th. Decree nisi confirmed
and cause set for hearing.

Chaucer
Notes,

Costs
Clerk 3.30
Tax 1.50
Shff 1.00
Atty 15.00

\$20.80
By Cash
\$5.00

Marriett A Hoffer as John Hoffer

Rt Rawles for

Marriett A Hoffer

vs In Chancery

John Hoffer

1904

July 12th

Final Decree

MARRIAGE * LICENSE



Virginia, Stafford 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,

John Hoffer
and Harriett A. Saunders

Given under my hand, as Clerk of the County Court
of Stafford County this 20th day of October 1892
R. P. 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 2, 1900.

Time of Marriage, <u>1892 Oct. 20th</u>	Place of Husband's Birth, <u>Gates Co. N. C.</u>
Place of Marriage, <u>Tuffolk</u>	Place of Wife's Birth, <u>Tuffolk</u>
Full Names of Parties Married, <u>John Hoffer & Harriett Ann Saunders</u>	Place of Husband's Residence, <u>Gates Co. N. C.</u>
Color, <u>Colored</u>	Place of Wife's Residence, <u>Tuffolk</u>
Age of Husband, <u>24</u>	Names of Husband's Parents, <u>Alex Hoffer and Jane Francis his wife</u>
Age of Wife, <u>23</u>	Names of Wife's Parents, <u>Polmon Saunders & Fannie his wife</u>
Condition of Husband (widowed or single or divorced) <u>single</u>	Occupation of Husband, <u>Laborer</u>
Condition of Wife (widowed or single or divorced) <u>single</u>	

Given under my hand this 20th day of October 1892
Attest: R. P. Smith Clerk.

Minister's Return of Marriage ~~Certificate of Time and Place of Marriage.~~

I, Rev. L. H. Melton, of the Church, as religious order of that name, do certify that on the 20 day of Oct 1892, at Tuffolk Va., under authority of the State, I united in Marriage the persons named and described above, having under authority of the State annexed License.

Given under my hand this ten days day of Nov 19.

Rev. L. H. Melton

The Minister celebrating a marriage is required, within two months 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.

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Jno. Hofer

With } Marriage
Certificate

Harriet A. Saunders

1892

Oct 20th

Ex. A.