1904 - 018
Nansemond Co (Suffolk) Chancery Causes: Richard H. Dillard vs Mary E. Dillard

Henshaw, Brown

Norfolk, Va., June 1, 1904.

M. S. E. Everett atty
Dillard vs Dillard

To **Virginian and Pilot Publishing Company,** Dr.

Subscription	Advertising 3 inches 1 week 5T	Months	7 50

For the daily **VIRGINIAN-PILOT**

From March 26 190.... To..... 190.....

Received Payment, VIRGINIAN AND PILOT PUBLISHING CO.,

Per P. L. Pruden.

CIRCUIT COURT.

Second Monday in January, March, May, July and October.

HON. ROBERT R. PRENTIS, Judge.
ROBERT R. SMITH, Clerk.
E. E. HOLLAND, Commonwealth's Attorney.
ALEX. H. BAKER, Sheriff.
SYDNEY T. ELLIS, County Treasurer.
LEE BRITT, Commissioner of Accounts.

Nansemond County Clerk's Office.

SUFFOLK, VA.,

VIRGINIA—IN THE CIRCUIT COURT of Nansemond County, to-wit: In vacation on the 28th day of March, 1904.

Richard H. Dillard.....Plaintiff

against

Mary E. Dillard.....Defendant.

IN CHANCERY.

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 Richard H. Dillard, the plaintiff, to ascertain the whereabouts, and in what county or corporation the defendant, Mary E. Dillard, is or resides, and that the said defendant, Mary E. Dillard, is not a resident of this State, it is ordered that she appeard, 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 Virginian-Pilot, (a newspaper published in Norfolk, Virginia,) once a week for four successive weeks, and that this order be published and posted according to law.

A Copy—Teste:

A. P. GOMER, D. C.

S. E. Everett, p. q. mh29-w-4t

Posted at the Courthouse door according to law.

Dillard
vs
Dillard
Order of Publication

Virginia:

VIRGINIA—IN THE CIRCUIT COURT of Nansemond County, to-wit: In vacation on the 28th day of March, 1904.

Richard H. Dillard.....Plaintiff

against

Mary E. Dillard,.....Defendant.

IN CHANCERY.

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 Richard H. Dillard, the plaintiff, to ascertain the whereabouts, and in what county or corporation the defendant, Mary E. Dillard, is or resides, and that the said defendant, Mary E. Dillard, is not a resident of this State, it is ordered that she appeard, 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 Virginian-Pilot, (a newspaper published in Norfolk, Virginia,) once a week for four successive weeks, and that this order be published and posted according to law.

A Copy—Teste:

A. E. GOMER, D. C.

S. E. Everett, p. q. mh29-w-4t

I, ... Editor of the **Daily Pilot,** a newspaper published in the City of Norfolk, State of Virginia, do certify that the advertisement hereto annexed, of

Richard H. Dillard
against
Mary E. Dillard

has been published once a week for 4 successive weeks in said newspaper, commencing on the 30th day of March 1904, and ending on the 20th day of April 1904

Given under my hand this 25th day of May 1904

R. C. Garner

EDITOR ~~DAILY PILOT~~ Virginian-Pilot

7.64

Order of
Publication
of Dillard by
Dillard
in hands of
P E Everett

Richard H. Dillard.....Plaintiff,

Gainst. In Chancery.

Mary E. Dillard.....Defendant.

Issue summons to ~~First~~ Rules (First Monday) in April, 1904.

S. E. Everett P. Q.

I, S. E. Everett, hereby make affidavit that due diligent has been used by Richard H. Dillard to ascertain the whereabouts and in what county or Corporation the defendant, Mary E. Dillard is or resides, without effect, and that the said defendant Mary E. Dillars is not a resident of this State.

Given under my hand this 25th. day of March, 1904.

S. E. Everett

Sworn to and subscribed to before me this 25th. day of March 1904.

A. P. Gomey D.C.

Tax $1.50

Richard Dillard
vs
In Chancery
Mary Dillard

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mary Dillard

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 April 1904, to answer a Bill in Chancery, exhibited against Hez in the said Court by Richard Dillard

and have theu and there this summons.

Witness, ~~A. P. GOMER~~ W W Smith, Clerk of our said Court, at his office, this 26th day of March, 1904, in the 128th year of the Commonwealth.

A copy—Teste:
A. P. Gomer D. C., CLERK.

Teste:
A. P. Gomer D. C., CLERK.

S E Everett p. q.

A Copy Sur
Mary Dillard

vs. | *In Chancery.*

1904

April *Rules.*

Sept *Monday.*

Nansemond Circuit Court.

Process Book No. 21

Page 252

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mary Dillard

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 April 1904, to answer a Bill in Chancery, exhibited against Her in the said Court by Richard Dillard

and have then and there this summons.

Witness, ~~A. P. COMER~~ R V Smith, Clerk of our said Court, at his office, this 26th day of March, 1904, in the 128th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A. P. Comer D.C., CLERK.

L. E. Everett p. q.

Richard Dillard

vs. | In Chancery.

Mary Dillard

1904

April Rules.

Sust Monday.

Nansemond Circuit Court

Process Book No. D

Page 252

Virginia,

Circuit Court of Nansemond County to-wit:-

Richard H. Dillard , Complainant

vs. } In Chancery

Mary E. Dillard , Defendant

The depositions of Henry Hanshaw and A.J. Brown, taken before the undersigned, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County of Nansemond, at his office, No. 21 Washington Square, in the Town of Suffolk, in said county, on the 2nd. day of November 1904, to be read as evidence in behalf of the complainant in a certain suit in Equity pending in said court between Richard H. Dillard ,Complainant, and Mary E. Dillard, Defendant; the said Mary E. Dillard being a non-resident of the State of Virginia and an Order of Publication having been duly published and posted according to law as to her in said suit.

Present: Seth. E. Everett, Counsel for Complainant

No counsel for Defendant

Henry Hanshaw being duly sworn deposes and says:

Q. Give your name ,age residence,and occupation?

A. Henry Hanshaw,38, Nansemond County, farmer.

Q. Are you related to the parties to this suit?

A. In no way.

Q. Do you know whether Richard H. Dillard lives with his wife to-day or not?

A. Yes. I know that he does not.

Q. How long ago has it been since they separated?

A. About three years.

Q. Where is she?

A. In New York.

Q. How did she leave?

A. She left without any cause on the part of Richard H. Dillard. I rented land from him and was there nearly every day,and he was as kind and good as any husband.

Q. Do you know anything about her as to her treatment of her hisband?

A. I know that I used to be there nearly every day when Richard H. Dillard was away from home,and when Dillard was away I have seen men go there,and one man especially I have seen go there very often,and he is the same man that Professor Brown was talking about being in the boarding house.

Q. Would you ~~##~~ give his name?

A. Joshua Cross.

Q. Do you know anything about her to-day as to how she is living?

A. I heard that she is in New York living with Willie Milteer as man and wife.

Q. Is there anything else you wish to say.?

A. I don't blame Richard H. Dillard,too good a man to be tied up with a woman of that character. Something ought to be done to keep her out of his property,if he never married again. Do not think that she is entitled to anything of his.

And further this deponent saieth not.

Witness:
Wilbur J. Kilby, Comr.

Henry his X mark Hanshaw

A.J. Brown being duly sworn deposes and says as follows:

Q. Give your name ,residence ,and occupation?

A. A.J. Brown,Suffolk, 37 years old, school-teacher,

Q. Do you know the parties to this suit and are you related to either?

A. I know the parties, but am not related to either.

Q. How long have you been knowing these parties?

A. 15 years.

Q. Do you know her reputation in the neighborhood in which she lived near South Quay?

A. Her reputation was not good,if you mean as to virtue. Her conduct was suspicious and that created the neighborhood talk.

Q. Do you know how long they have been living ##p apart?

A. She has been in New York to my own knowledge going on four years.

Q. Do you know the reputation of Rich-ard H. Dillard, that is as to whether he is a good quiet,peacable citizen,and as to whether he was a kind and loving husband.

A. He has been a peacable citizen,to my knowledge,for 15 years and his conduct as a husband number one .

Q. Do you know of your own knowledge whether Mary E. Dillard is guilty of adultery or not?

A. Just before she left here she came to Sufflk with a man and put up at Mrs. Martha Wells' boarding house as man and wife. I was boarding there at the time. Mrs. Wells did not know these people ,but I did. They never would have stopped ~~there~~ there,if they had known I was boarding there. I know it to be a fact that they stayed in one room together all night. I was a little surprised at the man's action,but the conduct of the woman did not surprise me,and I watched to be certain so that I would know whether they stayed in the room together or not. I have heard from people coming from New York that she is now in New York,living with a man as man and wife.

Q. How did Richard know that you knew that his wife stayed in a room with another man?

A. I have been knowing Richard for a long time and we were

friends and after his wife deserted him, I told him about this affair at the boarding house.

And further this deponent saieth not.

A. J. Brown.

Virginia,

County of Nansemond to wit:-

I, Wilbur J. Kilby, Commissioner in Chancery of the Circuit Court for the County of Nansemond, in the State of Virginia, do hereby certify that the foregoing depositions of Henry Hanshaw and A.J. Brown were duly ~~sworn~~ taken, to, and subscribed before me, at the time and place and for the purpose mentioned in the caption thereto.

Given under my hand this 2nd. day of November 1904.

Wilbur J. Kilby.
Commissioner in Chancery.

Fee of Comr. $5.00

Dillard

vs. } In Chy.

Dillard

Depositions taken
2 Nov. 1904 to be
read as evidence
in behalf of the
Complainant.

Richard H. Dillard,.....Complainant.
vs. In Chancery.
Mary E. Dillard,.....Defendant.

This cause, in which the complainant, Richard H. Dillard has proceeded against the said Mary E. Dillard in the mode prescribed by law 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 A. J. Brown and Henry Henshaw.

On consideration whereof, the court, being of the opinion from the evidence furnished in the case that the defendand, Mary E. Dillard, wilfully deserted the said Richard H. Dillard and is guilty of adultery as charged in the bill, doth adjudge order and decree that the said complainant, Richard H. Dillard, be divorced from the said defendant, Mary E. Dillard, 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 complainant shall henceforth cease and determine, and the court doth further adjudge and order that the said defendant pay unto the said complainant 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.

Richard H. Dillard,
vs. In chancery.
Mary E. Dillard.

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Enter on the 3 day of
November, 1904.

Robt R. Prentis

Entered in Chancery Order
Book No. 3, page 618.

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

Richard H. Dillard,.....Plaintiff.

vs.

Mary E. Dillard,..... .....Defendant.

Complaining showeth unto the Court your orator, Richard H. Dillard, husband of mMary E. Dillard the following case: That your complainant has been a resident of this State over a year and last co-habited with the said Mary E. Dillad in Nansemond County; that in the year 1891 Jan 4th your orator was married to the said Mary E. Dillard in Nansemond County and they lived together until the fall of 1900 at which time the said Mary E. Dillard wilfully deserted your orator without cause and went North and has never returned to him. Your orator further states that he did all within his power to please the said Mary E. Dillard as far as his financial condition would permit but she seemed indifferent and cold towards him. In fact your orator believes that she cared nothing for him as she has often stated and would not live with him. And your orator states that she was not only indifferent and cold towards him but she has broken her marriage vows and guilty of adultery by one Joshua Cross.

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 Mary E. Dillard 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 Mary E. Dillard a vinculo matrimonii; and that all

other further and general relief may be afforded your orator as the nature of this case may require or to equity may seem meet.

And your orator will ever pray, etc.

Richd Dillard

Counsel.

S. E. Everett

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

I, S. E. Everett, a Notary Public for the County and State aforesaid, do certify that Richard H. Dillard, the complainant in this bill, has this day personally appeared before me in my County and State and made oath that all the facts stated in the above bill are true.

Given under my hand this 15th day of May, 1904.

S. E. Everett

Notary Public.

Richard H. Dillard
against
Mary E. Dillard.

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

Richard Dilland
Vs In Chancery
Mary Dilland

1904 March 26th Process issued returnable
to April Rules 1st Monday.

" " 28th Order of Publication
Bill filed

" May 9th Set for hearing on order
of publication

Le Fraicoury Nolès

Costs

Clerk	4.98
Tax	1.50
Atty	15.00
Comr	5.00
Pilot Co.	7.50
	33.98

Dillard vs Dillard

S. E. Everett p.q.

Richard Dillard

vs } In Chancery

Mary Dillard

1904

November 3rd

Final Decree

Dillard vs Dillard