1906-011
Nansemond Co (Suffolk) Chancery Causes: John A. King vs Annie Maria King

Hinton, Lassiter, Batts, Davis, Riddick, Welker, Saunders,
Taylor, Wells, Jackson, Newby, Ricks

OVERSIZE
Box 4
- 1 marriage license (exhibit A)

To A. P. Gomer, Deputy Clerk of the Circuit Court for the County of Nansemond.

Please issue process as follows:-

John A. King — Complainant.

vs.

Annie Maria King — Defendant.

To answer a Bill in Chancery.
To rules on third Monday in October 1905.

October 12. 1905

Bradford Kilby p. q.

Jno A King

vs

Jno Chancey

Annie Maria King

E. A. Jackson. 10-15-05.

Date	Hours		Price	Cr.	Dr.	Bal.
1		—				
2		—				
3		100				
4		175				
5		150				
6		150				
7		100				
8		—				
9		—				
10		—				
11		—				
12		90				
13		100				
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" E A "

Date	Hours		Price	Cr.	Dr.	Bal.
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To Annie Maria King

TAKE NOTICE that, on the 15 day of November, ~~18~~ 1905, next, at the office of Robert W. Withers, in Suffolk, Virginia between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of Willie Hill and others, to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit Court of Nansemond 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,

John A. King
by Bradford Kilby
his attorney.

To the Sheriff of Nansemond county to execute.

October 27 1905 ~~18~~

Executed by delivering a true copy of the within notice to Annie Maria King, in person, this 7th day of Nov — 1905.

H. W. Gaines
Sheriff

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Annie Maria King

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 October 1905, to answer a Bill in Chancery, exhibited against her in the said Court by John A. King

and have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of October, 1905, in the 130th year of the Commonwealth.

A copy— Teste:

_____, CLERK.

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

Bradford Kelby p. q.

John A King

vs. | In Chancery.

Anne Maria King

1905

October Rules.

Third Monday.

Nansemond Circuit Court

Process Book No.

Page

Executed this 13th day of October 1905 by delivering a true copy of the within process to Annie Francis King in person.

B. E. Bottom D.S.

For Wyatt Eason S.S.N.

Rebuttal testimony of defendant

(5)

The deposition of Henry Lassiter and others taken before me, Robert W. Withers, Commissioner in Chancery for the Circuit Court of Nansemond County pursuant to agreement of parties; notice of time and place being expressly waived, this 22nd day of December, 1905. To be read in evidence in behalf of Maria King, in the Chancery suit entitled John King vs. Annie Maria King depending in the Circuit Court of Nansemond County.

Present: S. E. Everett for defendant.
Bradford Kilby for complainant.

Henry Lassiter being duly sworn deposes as follows:

1. Q. State your name, age, residence and occupation.
1. A. Henry Lassiter, age 57 years, Suffolk, Virginia, wood-sawyer.
2. Q. Do you know the parties to this suit?
2. A. Yes sir.
3. Q. Are you the husband of Maggie Lassiter?
3. A. Yes sir.
4. Q. It has been stated here by Maggie Lassiter's mother, Bessie Batts, and also by Lucy Anne King that Maggie Lassiter, your wife, was not "thoroughly bright in mind" and they also say that they cannot rely upon anything that she tells, will you please state as to whether this is true or not and what you know about the same.
4. A. Well what I know about her she is got bright sense, only she cannot utter her words plain, she has got solid sense, I have been with her two years and I ought to know. Yes sir I can depend on what she tells me.
5. Q. Have you any reason to believe that she would tell anyone anything that was not so?
5. A. I do not.
6. Q. Have you ever known her to do this?
6. A. I never did.

7. Q. Lucy Anne King stated that she went to see your wife one Wednesday afternoon in November concerning the trouble between John King and his wife and that she had a conversation with your wife, Maggie Lassiter, and you were present and that Maggie Lassiter told her that she did not know anything about this matter of John King , will you please state as to whether your wife told her this or not.

7. A. I was present and she stated to her if she came down here she would get herself into trouble, that they would send her to the penitentiary, I reckon she told her this to kinder influence her mind. All the time she said she seed these things that happened and she came home that night and told me about it and she stood to it to the last and yet stands to it.

8. Q. Did she tell Lucy Anne King what she told you the night she saw it?

8. A. Yes sir.

9. Q. And you say that Lucy Anne King told her that she better not tell this that they would put her in the penitentiary?

9. A. Yes sir she certainly told her that.

10. Q. Then when Lucy King says that Maggie Lassiter told her that she did not know anything about the matter, Lucy King told something that was not true?

10. A. Yes sir.

CROSS EXAMINATION BY MR. KILBY.

1. Did not Lucy King call your wife out of the house on this occasion.

1. A. When she came there she called me first and I did not know who she was I taken her to be some one else, I went in the house and says to my wife it is your Aunt, then after she got ready to go off she said come and go with me out to the road and she says no she did not want to go and then she

insisted on her and then she went, she did not go ver far, and that was all the calling that was done.

2. Q. Were you in the house ?

2. a. I went in the house before I went out to her.

3. Q. When they took this walk were you with them?

3. A. I was right present.

4. Q. Were you with them all the time?

4. A. Yes sir.

5. Q. Didn't Lucy King and your wife walk off some distance together before you joined them?

6. A. No sir.

7. Q. Were you with them all the time they were talking together?

7. A. I was with them all the time.

8. Q. Who asked you to be a witness in this case?

8. A. Maria.

9. Q. Why did she ask you to be a witness.

9. A. She knew that I knew something about this.

10. Q. What did she say to you when she ask you to come to be a witness?

10.A. All that she said was that Mr. Everett wanted me down here , she did not quiz me at all.

11. Q. How far do you live from Maria King's house?

11. A. I live little over a half a mile, as well as I can guess at it.

12. Q. Where were you on the Saturday night,the 11th of November, between six and seven o'clock?

12. A. I was off to my work.

13. Q. You do not know where your wife was that night do you?

13. A. That act was passed in the day time.

14. Q. What act?

14. A. That act.

15. Q. What was passed in the day time?

15. A. I don't know exactly I was not there.

16. Q. How do you know it was in the day-time?

16. A. No more than what my wife told me.

17. Q. What did your wife tell you about going?

17. A. She did not stay with him she was at Maria King's mothers they are not keeping house at all. She told me about what happened and what she had seen, I did not know anything about it until she came home and told me because I was at work, I work all the time, I do not know no more about it.

18. Q. How far do you life from Mrs. Hinton's house?

18. A. About a half a mile.

19. Q. Then your wife will have to go one-half a mile to pay a visut to Mrs . Hinton?

19. A. Yes sir.

20. Q.Is your wife a special friend of Mrs. Hinton's?

20. A.Yes sir. They are on good terms and have always been.

21. Q. And Maria King's too?

21. A. Not so very, they visit once and a while.

22. Q. Does your wife pay visits between six, seven and eight o'clock,or, is she usually at home getting supper for you?

22. A. She is usually at home getting supper for me, she is never out at night.

23. Q. Then when she paid a visit to Mrs. Hinton between six and seven on this afternoon she was doing an unusual thing, wasn't she?

23. A. Then the days were longer and six o'clock come in sooner than it does now, the sun was shining.

24. Q. Was it not an unusual thing for your wife to go pay a visit one-half a mile from home about supper time?

24. A. She was already away. She left early in the evening.

Question repeated.

A. She was at home at supper time and she was home and had my supper ready when I got there.

25. Q. Do you know why she was away from home on this special occasion.

25. A. She was not away on that occasion , while she was away this occurred

26. Q. Do you know whether any one requested your wife to go to Mrs. Hinton's that afternoon or not ?

26. A. No sir.

Further this deponent saith not.

Signature waived by consent.

I, Robert W. Withers, a Commissioner in Chancery for the County of Nansemond in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, before me at the place and time therein mentioned, pursuant to the annexed notice. In witness whereof I have hereunto set my hand this 22nd day of December, 1905.

Robt. W. Withers

Commissioner in Chancery.

Time 10 hrs
fee $7.50

Rebuttal Testimony of Plaintiff.

(4)

The deposition of Bessie Batts and others taken before me, Robert W. Withers, a Commissioner in Chancery for the Circuit Court of Nansemond County, pursuant to ~~agreement~~ adjournment; notice being expressly waived, this 19th day of December, 1905. To be read in evidence in behalf of John King in the Chancery suit entitled John King against Annie Maria King depending in the Circuit Court of Nansemond County.

Present: Bradford Kilby for complainant.

S. E. Everett for defendant.

Bessie Batts being duly sworn deposes as follows:

Examined by Mr. Kilby.

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

1. A. Bessie Batts, age over forty, residence, Suffolk, Virginia, occupation, house-keeper, I know the parties by sight.

2. Q. Are you the mother of Maggie Lassiter?

2. A. Yes sir.

3. Q. Please state whether or not Maggie Lassiter has a sound mind?

3. A. No sir she has not got real good sense, she has been a foolish child all her life, she is not fit to be a witness for any body. You can look at her and tell she has not got solid sense. I ought to know I am her mother.

4. Q. Could you rely on anything that Maggie Lassiter would say under oath?

4. A. No sir. Her mind goes and comes.

5. Q. State whether or not Maggie could be easily persuaded to say anything that a person wanted her to say by a gift of some kind?

5. A. Yes sir, she can easily be persuaded like that. You know she has not got real good sense.

CROSS EXAMINATION BY MR. EVERETT.

1. Q. You say your daughter hasn't very good sense and you also said that she could not be believed on oath. Do you mean that your daughter hasn't very good sense and that she is also a liar and could not be depended upon.

1. A. She is one of those kind that can be pursuaded because she has not solid sense. She has not bright sense. Because she can be persuaded easily is the reason that thay got her.

2. Q. Why do you say that they got her and who got her?

2. A. Well those parties she is living with, I reckon she is with them but I do not know whether she is with them or not because she is not with me, she has not been with me for a long time, I know that she has not got good sense.

3. Q. Why do you say that they got her because she did not have good sense, do you mean to say now that she has been persuaded to tell something that was not so and she did go on the stand and swear to something that was not so?

3. A. Yes sir that is what I meant.

4. Q. Why do you think that your daughter, if she has not got very good sense that she will go on the stand and swear to a thing that is not so. Please explain yourself. Also explain how you got here.

4. A. Well it is just like I said she has not got good sense. John King came to my house and ask me to explain about the matter because I knew more about her than any body else, because I am her mother.

Attorney for the plaintiff wishes to state that it was his wishes that John King went after the witness.

5. Q. I want you to explain why you say that your daughter told something that was not so in this case.

5. A. She has not got sound sense. She is a foolish child.

6. Q. Can you depend upon anything that she tells you at all.

6. A. No sir I never have. When she was with me she would come and tell me one thing and then forget all about it .

7. Q. If she was to tell you to-day that her husband was very sick and she had to have a doctor to go to see him, would you believe it or not?

7. A. I wo ld not believe it unless some one else came after me and told me, that is all.

8. Q. Do you know what Maggie Lassiter, your daughter, tesfified to in this case?

8. A. No more than what King told me, that is all that I know about it, that his wife got her in it, as a witness for her.

9. Q. Did King tell you what she had told in this case?

9. A. Yes sir he told me about it. He told me what she had said.

10. Q. Did'nt he tell you that if he did not do something to prove that it was not so that he would lose his case and would be in trouble, and that he wanted you to help him out.

10. A. Yes sir.

11. Q. You do not know what she told in this case is so or not, do you?

11. A. No sir that I don't, No sir.

12. Q. And the only thing you know about Maggie testifying is that John told you that his wife got Maggie to do this.

12. A. Yes sir that is all I know about it.

13. Q. Do you know Cherry Walker?

13. A. No sir I do not know anything about her.

14. Q. You have never met her?

14. A. No sir I never met her.

15. Don't know anything about her repetation?

15. A. No sir that I don't.

16. Q. You do not mean to say what your daughter testified to in this case is not so, do you, but you mean to say that she has not very good sense and cannot tell everything straight?

16. A. No sir, she can't tell ev-erything straight , that is just what I told you. I don't mean to say that what she said is not so; I just don't know.

17. Q. John King told you, if he did not do something to break down her evidence that he was ruined in the case?

By Mr. Kilby: I object to leading questions on matter not brought out in direct examination.

17. A. He did not tell me that. He said all that you wanted to see me for is to learn from me if she has solid sense, he said if I could come he would send for me, but he did not tell me anything of the kind.

18. Q. Did you not state just now, before Mr. Kilby made his objection to this question , that John King told you that he was ruined in this case .

18. A. No sir I did not say so.

Further this deponent saith not.

Signature waived by consent.

The deposition of Lucy King and others taken before me, Robert W. Withers, a Commissioner in Chancery for the Circuit Court of Nansemond County, pursuant to agreement & notice being expressly waived, this 20th day of December, 1905. To be read in evidence in behalf of John King in the Chancery suit entitled John King against Annie Maria King depending in the Circuit Court of Nansemond County.

Present: Bradford Kilby for complainant.

S. E. Everett for defendant.

Lucy King being duly sworn deposes as follows:

EXAMINED BY MR. KILBY.

1. Q. State your name, age, residence and occupation.

1. A. Lucy Anne King, age 44 years, residence, Suffolk, Virginia, occupation, house-keeper.

2. Q. Do you know the parties to this suit, John King and wife?

2. A. Yes sir I know them.

3. Q. Do you know Maggie Lassiter?

3. A. I do.

4. Q. How long have you known her and what relation are you to her?

4. A. I am her Aunt. I have been knowing her ever since she first cried, every since she was an infant.

5. Q. State whether or not Maggie Lassiter has a sound mind.

5. A. No sir she has not.

6. Q. Can you rely on anything that Maggie Lassiter says?

6. A. I cannot, Mr. Kilby, I look upon her this way she is not thoroughly bright in mind, she has not got the knowledge of a sensible person ought to have and I can ~~reply~~ rely on nothing she has to tell.

7. Q. Are there any other reasons why you cannot ~~reply~~ rely on her, have you known her to tell untruths?

7. A. Yes sir she has told me untrue things. I cannot put any dependence in what she tells at all.

8. Q. Could anything that Maggie Lassiter said under oath be relied upon?

8. A. No sir.

9. Q. Would you believe anything that Maggie Lassiter said unless somebody else who knew the facts were to come along and say the same thing.

9. A. I would not.

10. Q. Did you go to see Maggie Lassiter on a certain Wednesday afternoon in November?

10. A. Yes sir.

11. Q. At whose request did you go?

11. A. Johnny King's.

12. Q. Why did John ask you to go?

12. A. He told me that he found out that she was related to me, and he thought he would come and see me about it, and if I thought she did not have good sense, would I go up to see her and ask her, if she was going to appear in this case and to tell her to tell what she knew, and not to tell what she did not know.

13. Q. Did you go to see Maggie in response to John's request?

13. A. Yes sir.

14. Q. Just tell what conversation you had with Maggie Lassiter about this matter on that afternoon.

14. A. I ask her if she knew anything about this case of John King and wife, she says to me that she did not, well, I says, if you do not know of anything about it you better not have anything to do with it at all , when you go in law it is something else you must tell the truth and nothing but the truth, then I ask her over again if she knew anything about the case and she said "No Aunt Lucy I do not know anything about it".

(Witness here imitates Maggie Lassiter's stammering.)

14. A. Contin.

I says now you tell me that you don't know anything about it, I says, I suppose you are not going to have anything to do with it, she said, "No man I don't know anything about it and I am not going to have anything to do with it. I told her if she did not know anything about it, as I fore told you, when you go in law it is something else, you had better mind you might wind up in jail or the penitentiary.

CROSS EXAMINATION BY MR. EVERETT.

1. Q. How long has you first husband been dead?

1. A. He has been dead twenty years according to my judgment this last gone September.

2. Q. How long have you been married the second time?

2. A. I have been married twelve years this December.

3. Q. Do you now live with your husband?

3. A. Yes sir.

4. Q. Is your husband related to John King, the plaintiff in this case?

4. A. No sir.

5. Q. When Maggie Lassiter told you that she did not know anything about this case did you believe her?

5. A. Certainly I believed her Mr. Everett I did not have no other way , I do not know anything about, whether she knew anything about it or not. If I had said I knew anything, I would tell what I knew, if it wont but two words.

6. Q. Did you believe what she told you, when she said she did not know anything about the case?

6. A. Yes sir.

7. Q. Did John King come to see you and get you to come here to-day.

7. A. Yes sir.

8. Q. He came with you up here to-day, did he not?

8. A. I met up with him on the street, of course, he came on up and said there is no better time than now and I said alright I will go and tell what I know.

9. Q. Did any one hear the conversation that you had with Maggie Lassiter when you took it on yourself to go over there and see her for your friend?

9. A. No one but her husband that I saw.

Further this deponent saith not.

Signature waived by consent.

Defendants testimony

(2)

The further taking of testimony is this 6th., day of December 1915, continued.

Present: Bradford Wilby for the complainant.
Present: S. E. Everett for the defendant.

Mahalia Davis being duly sworn deposes as follows.

I. Q.- Give your name, age residence and occupation.

I. A.- Mahalia Davis, 45 years old, Culloden Road, Macher.

2. Q.- Do you know John King and Maria King, and are you related to either one of them?

2. A.- Yes sir, I know them, but I am not relatcted to either one of them.

3. Q.- Do you know whether John King and Maria King have been living together as man and wife up u til the 15th., of November?

3. A.- I don't know sir, the last I knew of them they were living together. Until some time in November.

4. Q.- Have you seen them together any time during the month of November?

4. A.- I have.

5. Q.- Please state the time and where it was?

5. A.- It was right in front of my gate, leaning against the Horse rack. It was on Saturday a real cold damp Saturday some time in November, sometime right recently. They were there about two hours.

6. Q.- Have you seen them together at any other time?

6. A.- No Sir, not since then.

Cross Examination.

I. Q.- Do you know what it means by the question, Did they live together as man and wife?

I. A.- You mean did they stay in the same house together.

2.-Q.- Do you know if John King and Maria King have been living together as man and wife since the 9th. day of October.

2. A.- I do not know when they last lived together as man and wife All that I know is,at that time they were living in an old field. I meant to say that I saw them talking on the street in front of my house in November.

Signature waived by consent.

The witness , Louise Hinton, being duly sworn deposes as follows:

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

I. A.- Louise Hinton, age about 60, Tines Street and is a house-keeper.

2.-Q.- Do you know the parties to this suit, that is John King and Maria King?

2. A.- Yes I know them.

3. Q.- Are you the mother of Maria King?

3. A.- I am the mother.

4. Q.- Do you know whether John King and Maria,his wife, have been going together and living together as man and wife any time since October?

4. A.- I don't know about their living together, but I know they have been together.

5. Q.- State when you saw them and where it was?

5. A.- It was the IIth., of November up stairs in my bed-room.

6. Q.- Then you did see John King with his wife, Maria, in your own house on the IIth., of November, I905.

6. A.- Yes, on Saturday night, How I know the date I had a debt to meet on that day.

7. Q.- Have you seen them together any other time since October?

7. A.-No sir, I have not.

8. Q.- Can you state as far as you know as to whether Maria King has been a faithful and dutiful wife to her husband John King.

8. A.- She were so far as I know. They did not live with me.

Cross-examination.

I. Q.- When you came in your bed-room on the IIth., of November you say you saw John King there?

I. A.- Yes Sir.

2. Q.- Was he dressed or undressed?

2. A.- He was dressed sitting behind the door when I opened it.

3. Q.- Did he have on his over-coat and hat?

3. A.- I did not notice.

4. Q.- How long had he been there before youcame?

4. A.- I don't know sir.

5. Q.- How long had you been out?

5. A.- I had been out about an hour I guess. It was between 6 and 7 o'clock when I returned.

6. Q.-,Did any one else come in the room with you?

6. A.- Cherry Walker.

7. Q.- Any body else?

7. A.- Maggie Lassiter.

8. Q.- Was that the only time you have seen John King and his wife together since October?

8. A.- Yes sir?

9. Q.- What did John King do or say while you were there?

9. A.- He did not say anything. He spoke to me and says mamma is that you, and said how are you feeling. The paper boy was at the door after his money, and I went down stairs to give him his money, and as soon as I opened the door, John was on the stairs coming down and he said again: Mamma is that you How are you getting along? and then he went out the bank door.

IO. Q.- So he left very shortly after you came in?

IO. A.- Yes Sir I came down stairs and he came behind me.

II. Q.- Do you know how long John King had been there?

II. A.- No sir, I do not.

I2. Q.- Was Maria dressed or undressed?

I2. A.- She was undressed in the bed.

I3. Q.- Was she sick?

I3. A.- No sir, not that I know off.

I4. Q.- Do you know the purpose of John King's visit to your house that evening?

I4. A.- I do not.

I5. Q.- You don't know why he came or what he came for?

I5. A.- No sir, all that I know he was in the room.

I6. Q.- And that he was dressed, and sitting behind the door?

I6. A.-Yes sir, sitting in the chair behinf the door.

The witness Maggie Lassiter being duly sworn deposes as follows:

I. Q.- Give your name, age , residence and occupation.

I. A.- Maggie Lassiter, age 2I years, Peanut Park, House-keeper.

2. Q.- Do you know John King and Maria King and are you related to either one of them?

2. A. I been knowing John King for a long time and I know his mother a long time, and I been knowing Maria King a good while.

3. Q.- Have you seen John King and Maria King talking since the later part of October, on Sycamore street, or anywhere else?

3. A.- I seen John King talking to Maria King on Sycamore Street Me and my bidbman were there together and he stopped her there on Sycamore Street and had a talk with her.

4. Q.- Have you seen them together since this time?

4. A.- No sir, I have not. I went over there to her mothers and went up stairs with her mother and knocked at the door . Nobody answered and I opened the door and went in and I see John in the bed with his wife. I turned around and came out.

5. Q.- Have you seen them together since that time?

5. A.- No sir I have not.

Cross Examination

6. Q.- You stammer don't you?

6. A. No sir.

7. Q.- You have some impediment in your speedh have you not?

7. A.- I am Tongue-tied.

8. Q.- Have you ever been paralized?

8. A.- No sir, I have not. It is something the matter at the bottom of my tongue.

9. Q.- You say you saw John King talking to Maria King on Sycamore Street?

9. A.- Yes sir, on Sycamore Street, me and my old man together.

IO. Q.- Did not Maria stop John ?

IO. A.- No sir, John stopped Maria on Sycamore Street, and had a talk with her, Maria never said anything at all.

II. Q.- Were they talking when you first saw them?

II. A.- No sir.

I2. Q.- Did Maria King have a pistol?

I2. A.- No, sir, I did not see it, she never showed me any pistol at all.

I3. Q.- Did not Maria King and her sister, and you and your husband all leave the house over there in the field together?

I3. A.- Yes, we all left together.

I4. Q.- For what purpose were you all going out together ?

I4. A.- For no purpose at all.

I5. Q.- When you all met John King, did not Maria threaten the boys ~~th~~ that were with John King.

I5. A.- I did not see that at all.

I6. Q.- What night was it that you went to Maria King's house?

I6. A.- I forget the day of the month . It was a Saturday in Novdmber but I forget the date of the month.

I7. Q.- What time of the evening was it?

I7. A.- Between 6 and 7 o'clock.

I8. Q.- Who met you at the door.

I8. A.- Her mother met me at the door.

I9. Q.- Did you go up stairs with her mother?

I9. A.- Yes sir.

20. Q.- And you went into Maria King's bed-room?

20 A - Yes sir

21. Q.- And whom did you find in there?

21. A.- I find John King in bed with his wife and I turned around and came back.

22. Q.-Did you go back there any more?

22. A.- No sir.

23. Q.- Was anybody else with you?besides her mother?

23. A.- No, sir, nobody but her mother.

24. Q.- Now, are you sure that John King was in the bed with his wfe?

24. A.- Yes Sir, I went in there,I am telling no lie, I see him.

25. Q.-Did you go in the room with her mother.

25. A. Yes Sir.

26. Q.- Now was not John King sitting behind the door in a chair when you went in there?

26. A.- No Sir, I did not not see him sitting behind the door, her mother saw that.

27. Q.- And you came up to the door with her mother?

27. A.- Yes sir, I went on back down stairs.

28. Q.- Was not Cherry Walker with you?

28. A.- No sir, she stepped in the door when me and her mother went up.

29. Q.- How did you know that Mrs. Hinton saw John King sit'ing behind the door?

29. A.- She told me,that is all I know.

I put you on your guard.

30. Q.- Did you not tell Lucy King that you had never seen John King and his wife in bed together?

30. A.- I never saw my Aunt, Lucy King, at all, that she made up, she never seen me at all.

31. Q.- Did you not tell Lucy King that you were not going to have anything to do with this case.

Atty for the defendant.

The above question should give the time and place that the conversation took place.

31. A.- On the _ _____ day of November, in the afternoon between 3 and 6 o'clock .

32. Q.- Didn't Lucy King go to your house and did not you on that occasion tell Lucy King that you had never seen John King in bed with his wife, and that you did not know anything about this case and were not going to have anything to do with it.

32. A.- No I did not, she has not been there at all.

33. Q.- Was Cherry Walker and Mrs? Hinton in Maria King's room at the same time you were that Saturday evening when you saw John King in bed with his wife?

33. A.- Yes sir.

34. Q.- Do you mean that Cherry Walker was in the house at the same timethat you were, or do you mean that they went in the room that John King and Maria were in, at the same time you were in the room.

34. A.- Cherry walker went in the room the same time that I did.

35. Q.- Why did you say that Louise Hinton, the mother of Maria, did not see what you saw, but saw John in the room?

35. A.- I stopped outside the door, I did not stay in there many minutes. I never saw him sitting behind the door, but her mother saw that.

36. Q.- You have stated that Maria's mother and Cherry Walker went in the door with you, why is it that they could not have seen the same thing as you did, if they went in the door with you?

36. A. I went in and saw John in bed with his wife. His mother said that she saw him behind the door. I did not see that part. Cherry saw him in bed, I think, because I went in the room, stayed a few minutes, and came on down stairs, and met her mother and went back up stairs with her mother but came straight out. Cherry went in with me the the second time I went up.

37.- The second time that you went up, did you go in the room?

37. A.- Yes sir, but I came out.

38. Q.- The second time that you came up did you see John?

38. A.- Yes sir, I saw him.

39. Q.- Where did you see him? the second time you went up?

39. A.- The last time I see him he was undressed in the bed with his wife. And that was the last time I see him.

40. Q.- And this was the second time that you had seen him this day?

40. A.- Yes sir. Re-direct Examination.

41. Q.- Have you any sense at all?

41. A.- Yes sir, I have plenty of sense.

42. Q.- Will you tell a lie?

42. A.- No sir, You can go and ask mother. I wont tell a lie for anybody.

43. Q.- If you have got sense and wont tell a lie , why is it that you state one time that the first time you went in the room you saw John in the bed and that the second time you did not see him, and then in another place state that you saw John in the bed the first time and that you saw him in bed the second time and that was the last time you ever seed him?

43. A.- I told you that when I went in there that John was up in the chair.

44. Q.- Did not you state one time before that Maria's mother saw John after you saw him behind the door, but you never saw him any more.

44. A.- What her mother seed I had nothing to do with that.

45. Q.-, When you went up there the second time did Maria's mother see John in the rocking chair?

45. A/- She told me that she seed him behind the door. I did'not see them.

46. Q.-You have stated that the second time that you went in this room that Maria's mother went in the room with you. If she went with you in the room, why is it that she did not see King sitting in the rocking chair.

46. A.- He got up and stepped behind the door is why she saw him in this position.

47. Q.- If she went in the door the same time that you went in, why is it that she could not have seen John in the rocking chair, as you did.

47. A.- I went on down stairs and talked some business with her and when she came back, he was sitting behind the door that is all I know, I dont know any more than that.

48. Q.- Then Maria's Mother did not go in the door with you did she?

Witness cried.

If you are crying because you feel that you have told something wrong, it will be better for you to confess it now, than to let it go as it is. Have you told the truth as near as you can?

ANS. No. I have not lied at all.

Q. Why is it that you have broken down and cried on the stand?

A. They have hurt my feelings so bad.

Q. When were your feelings hurt, in this office or before you came in this office?

A. Before I came.

Now, then, you have stopped crying, listen at the question and get it straight.

Question repeated.

48. Q.- Did Maria's mother go in that room with you or not?

48. A.- She went along in there with me.

49. Q.- Why is it that Maria's mother could not have seen John in the rocking chair, if she went in the room with you?

49. A.- When I saw him he was sitting in the rocking chair and he got up and got in the rocking chair to keep her mother from seeing him and I came on out and that is why I did not see him behind the door.

The witness, Pearl Riddick, being duly sworn deposes as follows.

I. Q.- Give your name, age , residence and occupation.

I. A.- Pearl Riddick, I8 years old, I been working at Thompson & Co., but I have quit now, I live in Suffolk.

2. Q.- Do you know John King and Maria King?

2. A.- Yes sir I know their names.

3. Q.- Do you know them when you see them?

3. A.- Yes sir, I think so.

4. Q.- Have you seen them together anywhere since the later part

of october r during the month of November.

4. A.- I don't think I have seen them since that Sunday they were down to Mrs. Cherry Walkers.

5. Q.- What Sunday was it?

5. A.- I dis-remember now.

6. Q.- Was it in August, July or November?

6. A.- In last month.

7. Q.- Have you ever seen them together at any other time during last month?

7. A.- I don't know sir, whrther I have or not.

Cross-examination.

8. Q.- Did you see John King talking to Cherry Walker that afternoon

8. A.- Yes sir.

9. Q.- Did Maria come out and join them?

9. A.- Yes sir she came over ~~there where John King and Cherry were talking~~ there.

IO. Q.- John and Cherry were talking together?

IO. A.- Yes sir.

II. Q.- Do you know why Maria came out there?

II. A.- No sir.

I2. Q.- You just saw her come?

I2. A.- Yes sir.

~~I3. Q.- Who do you sympathise with in this case John King or his wife?~~

~~I3. A.- Both I have no preference.~~

I3. Q.- Is that the only time that you have seen John King in the presence of his wife since the middle of October?

I3. A.- Yes sir.

The witness Prime Davis being duly sworn deposes as follows:

I. Q.- Give your name, age, residence and occupation.

I. A.- Prime Davis, age 42, Culloden Road, and drive a wagon for W. B. Keller & Bros.

2. Q.- Have you seen John King and Maria King together since Oct., the Ist.,

2. A.- Yes sir.

3. Q.- Were they together one Sunday in last month about the middle of November or the last part, say there about.

3. A.- I did not notice. I went over to the Peanut Factory and Maria King was inside of Wille Walker's fence and John King was on the street.

What they were talking about I do not know. After I had been over to Mr. Dardens sometime about an hour I came on back and they ~~were still~~ were still standing there talking. That is all I know about it.

Cross Examination.

4. Q.- Is Wille Walker, Cherry Walkers brother?

4. A.- No sir, Cherry Walkers husband.

5. Q.- Then Maria King was over at Cherry Walker's place?

5. A.- Yes sir.

6. Q.- Were they talking when you first saw them?

6. A.- Yes sir, they were talking when I first and last saw them.

7. Q.- Is that the ~~xxxx~~ only time you have seen them together since the ~~xxxx~~ 9th., of October

7. A.- Yes sir.

8. Q.- Does Maria King visit Cherry Walker often?

8. A.- I could not tell you , that was the first time I have ever seen her in my life.

The witness, M. B. Hucless, being duly sworn deposes as follows:

I. Q.- Give your name, age, residence and occupation.

I. A.- M. B. Hucless, age 37, Suffolk, Minister.

2. Q.- Do you know John King and Maria King?

2. A.- Yes I know them.

3. Q.- Maria King has in her answer charged John King with being with a woman by the name of Pearl Harris on the 25th., day of November. Do you know anything about them, if so please tell what you know about it.

3. A.- If it was on Saturday I don't know anything about it. I don't know anything about Pearl Harris, but I remember I had an engagement in Atlantic City on the fourth Sunday In the evening I took the 4:30 train and went to Nor folk. While I was on Main Street I met John King with a female, I did not know anything anout it at all.

4. Q.- Will you please describe the female?

4. A.- I c uld not do that.

5. Q.-Have you no idea of her complection and size?

5. A.- Ihave no idea of her complection or size, definitely

6. Q.- In other words you could not take your brush and give a good picture of the woman without seeing her again?

6. A.- I could not give anything definitely it was only a passing glance, I did not think anything abouf their being togebher.

Cross-examination.

I. Q.- If I u derstand you correctly, on a certain Sunday afternoon you saw John King walking down Maine Street in Norfolkwith a female

I. A.- Yes Sir.

2. Q.- On that same day did you see Maria King?

2. A.- No sir.

3. Q.- Did you not see her on the train coming back to Suffolk?

3. A.- No sir not that day, I saw her the next day. I came up on the 4:00 o'clock train Monday and I saw Maria on Main Street about two squares before I got to the depot. She met me and joined me.

4. Q.- Did Maria say anything to you about John King on that occasion?

4. A.- Yes I am sure she did?

5. Q.- What did she say?

5. A.- I think the first thing that she said, I asked her what she was doing there, She said she came Saturday evening and that John was endeavoring to secure a divorce and she asked me, had not I heard about it and I told her no , and she went on to make some statement to which I paid very little attention, because I never thought that I would never have to report. ~~xxxxxx~~ She said this about as near as I could remember, that John's mother was urging him to secure a divorce from her and that his mother had promised if he secured a divorce from her that she would give him his portion of her estate or property. John had slandered her character in endeavoring to secure this divorce and that she would exhaust every effort to vindicate herself. I think that is about right.

6. Q.- Did she explain why she was in Norfolk?

6. A.- No sir.

7. Q.- She said nothing about her purpose for being down there.

7. A.- No sir.

8. Q.-,Do you know why she was down there?

8. A.- No Sir.

9. Q.- Who do you sympathize with in this suit?

9. A.- John King and his wife both, I have no preference.

Cherry Walker.

The witness, Cherry Walker, being duly sworn deposes as follows:

I. Q.- Give your name, age, residence and occupation.

I. A.- Cherry Walker, ageThirty some odd, I don't know exactly, Tines Street, Lummis Peanut Factory.

2. Q.- Do you know Maria King and John King?

2. A.- Yes Sir.

3. Q.- Are you related to either one?

3. A.- I aint kin to either one.

4. Q.- Do you know whether John King & Maria King have been living together as man and wife during the month of last Nov., or

or if you know anything about this in any way please state it.

4. A.- All that I know about it Maria and John were at my house one night about four weeks ago and while they were there, Maria's sister came up and called for her and I told her that Maria was not there. Then John and Maria were in the room. I went in the room to tell Maria that Barbara had come there and called for her and when I went to the room door he had his arm around her neck. He soon came out and went away. And on the following Saturday night, Three or Four Saturday nights ago, I went over to Mrs. Smith's and Maria's mother was over there and I went in and we were all talking and presently Maggie, she came in and said John King was over there in bed with Maria. Then after a while the paper boy rapped at the door at Mrs Hintons and Mrs. Hinton ~~xxxxx~~ said to me Cherry come on and go with me over home, and I went . When we got over there John was sitting behind the door and Maria was in the bed, and then I came on out and said. _____ I did not know you had company. He came out behind me and he said I reckon they will raise "James Henry" after I leave. So John came to my house on that following ~~Saturday~~ Sunday and asked me if they fussed any, I told him no, I had not heard anything/. Presently Maria came out and Maria and John talked about two hours.

5. Q.- Then you have seen them together since several times in the month of November?

5. A.- Yes sir I saw them together the saturday before that ~~xxx~~ standing and talking between Prime Davis and Hines the shoemaker's.

6. Q.- Did John King ever come to see you and ask you to please not tell these things on him?

6. A.- Yes sir he certainly did, On the next Sunday after that Saturday I was up stairs and he called me down and I went to the fence and he asked me had not I been summoned up here. I told him no I had not heard anything about it. He then asked me had I heard anything about anybody summoning me as

a witness, and he being there that night. I told him no that nobody had said anything to me about it, and he said to me, " I have heard say that they are going to summons you down there,but you can easily know nothing about it" and he said to me " If you will know nothing about it or wont be there I will pay you any amount. I aint going to own it myself. I am goin to make them out a lie that I was not there."

7. Q.- Did he ever tell you to meet him at a certain place to talk over this matter.

7. A.- Yes sir, I told him that I could not see him that Sunday. he then asked me if I would meet him Monday about Boyetts. I told him that I would come down there,but I had to go home and cook dinner/ and he told me if I would come , he would buy me a dinner of anything I called for. I told him I would come, but I did not go.

Cross-examination.

I. Q.- You said I believe that when Barbara came to your house when John King and his wife were there,that you went to the door and told Barbara that John and Maria were not there.

I. A.- Yes sir, I told her they were not there.

2. Q.- Then you told something that was not true?

2. A.- Well she had told me that her sister would fuss with her , it was her husband and I thought it was not any harm.

3. Q.- So you don't think it was any harm to tell a lie?

3. A.- No sir, not for peace. I don't.

4. Q.- Now aint you telling a lie about the rest of this?

4. A.- Do you suppose that I would get up there, and kiss a Bible and tell a lie on it?

5. Q.- Have not you admitted, after kissing the Bible, that you have told a lie.

5. A.- Not that I know off.

6. Q.- For what purpose are you giving this testimony here? for peace or not?

6. A.- For peace, I am just telling what I know.

7. Q.- You said just now that you would tell a lie for peace, and now you say you are giving this testimony for peace, then xxxxxxxxx aren't you lying in this testimony?

7. A.- If I am lying, I don't know it.

8. Q.- You said that the news boy came to Mrs. Hinton's door, you were at Mrs. Smith's and Mrs. Hinton was at Mrs. Smiths?

8. A.- Yes sir, she was there when I went there She was there when I went in.

9. Q.- And Maggie Lassiter came in and siad that John King was over at Mrs. Hintons in bed with his wife?

9. A.- yes sir.

IO. Q.- What did you and Mrs Hinton and Maggie Lassiter do then?

IO. A.- We sat there a while, until the boy rapped at the door and then she went over I suppose xxxxxx to pay him.

II. Q.- Rapped at whose door?

II. A.- Mrs. Hintons, Maria's Mother.

I2. Q.- And you and Mrs. Hinton went up stairs xx together?

I2. A.- Yes Sir:

I3. Q.- was Maggie Lassiter withyou?

I3. A.- Yes sir.

I4. Q.- When you got in the room, John King was dressed and sitting behind the door.

I4. A.- Yes Sir.

I5. Q.- Did he have on His Goat and hat?

I5. A. His hat and all of his clothes xxxxxxx so far as I know.

I6. Q.- Is that the only time you have seen John King and his wife togetherin a room?

I6. A.- No sir, I saw them at My house in a room together.

I7. Q.- John King came down the steps out of the room behind you?

I7. A.- Yes Sir.

Signatures waived to these testimonies by consent.

The further taking of testimony is resumed by agreement this 30th day of December, 1905.

J. R. Saunders being duly sworn deposes as follows.

Direct Examination by Mr. Everett.

Q.-State your name, age, residence and occupation.

A.-J. R. Saunders, age 19 years, residence, Suffolk, Virginia, occupation, book-keeper at Virginia Manufacturing Company.

Q.-Will you state whether Adolphas Jackson worked with you or the Company on the 9th day of October, 1905.

A.-Well in that department Jackson is a basket maker, each days time is taken up and turned in at night and there was not any time turned in for Jackson on that day. My record shows that he did not work on that day.

I file a copy of this man's time card for the first two weeks in October marked exhibit "A".

Cross Examination by Mr. Kilby.

Q.-Is it possible for a man to work at the Virginia Manufacturing Company and no record of his time be taken?

A.-It never has been done.

Q.-You know Adolphas Jackson personally.

A.-Yes sir.

Q.-State whether or not you know his repetation for truth.

A.- I do not.

Q.-Have you ever known him to tell a lie?

A.-No sir I have never known him to lie, I know nothing of his repetation whatever. I just know him as a basket maker.

Q.-How long has he been at work at the Virginia Manufacturing Company?

A.-I cannot tell you, he has been there as long as I have been there.

Q.-How long have you been there?

A.- Over two years, about twenty-eight months.

Q.-Do you consider him a good hand?

A.-He is a fairly good basket maker, as to his reliability I do not know.

Further this deponent saith not.

Signature waived by consent.

Defendants testimony

The further taking of defendants testimony
is this day resumed by agreement
3) of parties.

Examined by Mr.Everett.

What is your name,age,residence and occupation?

A. James Taylor,30 years old,Reids Ferry,Farmer.

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

A.I do not; I am not related to either.,

Q. Will you state whether or not you saw John King on October,9th.1905, and if so,tell where it was and all that happened while you were together

A.I saw him.I was going out of town ,he was at Capt. Billy Olivers gate He hailed me and came up to the buggy and said he thought it wsas Mr.xRr Branch. He asked me if I minded taking him up the road a piece. I told him No. He got in .He then asked me if I would mind raising the top of the buggy as it was shut down. I said "What for". He said "My wife has an act every evening of walking out every evening with a man"ahd he got in and went on with me. He said,"I want to find what she's up to and where she's going". So we drove on I reckon 150 yards and we passed two people in the little drain of the road and he said,"That's them now". We drove on by them about 150 yards and he got out a little ways beyond the little ground bridge. There was a man standing inside Mr. Oliver's field and he said "They are back down here,I passed them". That man turned and went back down the field towards Oliver(s house. I left King standing in the road. I drove on. That's all I know about it.

Q. Have you been there to day and located the places and made measurements

A. Yes,sir.

QHow many yards is it from where you saw the man and woman ,to where John got out of the buggy?

A. One hundred and fifty steps.

Q .How far from where they were standing to where John got in the buggy?

A. About 150 yards.

Q. Did you know Adolphus Jackson and Willie Rix?

A. No, sir. I don't know either one of them.

Q. Did you see two men standing in the road at the place John got out of the buggy?

A. No, sir. There was a man standing inside the field.

Q. You are absolutely sure there was no man in the road around you except John King.

A. I am certain.

Q. It has been stated here by Willie Rix that he said "Hello" to you when you drove up, did you hear him say this to you or anything else?

A. No, sir.

Q. Adolphus Jackson has stated that you got out of your buggy and went with them to where the man and woman stood, did you get out of your buggy?

A. No, sir, I did not get out. I ~~haulted~~ halted only long enough to let him get out.

Q. Adolphus stated that he always called you Willie Brown and that you are sometimes called Willie Brown. Do you remember that he ever called you this in your life or spoke to you by any such name?

A. No, sir. He never called me Willie Brown and no one else calls me by that name.

Q. Adolphus Jackson said you had a gentle horse that you could leave stading in the road a month. State if you had a gentle horse or not on that night?

A. No, sir, she is not gentle. Anybody can see that she is not gentle.

Q. Is there another James Taylor near Reids Ferry of Chuckatuck?

A. Yes, sir there is another one . They call him Black Taylor.

Q. Why do they call him black Taylor?

A. Because I used to work with Mr. Will Phillips and he came there and he is very dark and I am light. He was called Black Taylor to distinguish us. His real name is Jim Taylor.

Q. Please give me the color of his hair and state if he has a mustache?

He has black hair and a very little mustache, sometimes none.

Q. Is your hair light or red. Give me the color.

A. I would call it black.

Q. Do you know if Willie Rix or Adolphus Jackson have seen you?

A. Not as I remember.

Q. PLease describe the place as near as you can,where this man and woman were standing.

A. They were standing about a hundred yards beyond Mr.Olivers gate in th the ditch or little drain. Between two cedars in the open. They were standing as two people who were standing there takling.

Q. Were there any bushes or weeds in the field or outside to prevent people from seeing them?

A. No,sir. On the road side there are no bushes. On rhe field side there may be a little cedar or bush.

Q.Then they were standing in an open place and could have been seen by one standing in the field or in the road?

A. Any body could see them.

Q.When you started up here with me a few moments ago did the plaintiff in this case,John King,try to get a tald with you?

A. Yes,sir. He met me and said,"They've got you over here,have they"?I said,"Yes". He said,"You remember the night you taken me up in the road". I said,"Yes". He said,"Doo you remember that those fellows were standing in the road that night where you put me out at". I told him,"I did'nt remember any fellow in the road,but there was one in the road". He was in the field too.

Q. DID you talk with John King that night when you parted.

A. No,sir.

Q. Could the man and woman have heard any conversation between you when he got out.

A.They could,I suppose if they had been listening. I dont say they could or they couldn't. They were about 150 yards off.

Q. Could they have seen John get out of your buggy if they had been look ing.

A.They could if they had been looking.

CROSS)EXAMINATION.

Q.What time of the evening was this?

A. About a little after sunset. Between sunset and dark.

Q.Did you see any men on the road just before John King got out of your buggy?

A. No,sir.I did not only the man in the field.

Q.Did you see any men in the road just after John got out of the buggy?

A.No,sir. I met one man near the hollow bridge near Luke's gate.

Q.Did you overtake any body between the time John King got out of the buggy and the time you reached the forks of the road?

A. No,sir, I only passed one man at the hollow bridge.

Q. Do you know Clifton Newby?

A. I am not certain.I know several Newbys by favor but not by name.

Q. You drive along this road frequently?

A. Yes,sir.

Q. Adolphus Jackson,Clifton Newby and Willie Rix all live there at the forks of the road,if they would say that they knew you,would they lie or not.

A. I think they do know me.

Witness
D. E. Emerson

his
James X Taylor
mark

Complainant's Testimony.

Further taking of this testimony was continued on this 6th day of January, 1906.

Present; Mr. Kilby taken with consent and agreement of Mr. Everett.

Martha J. Wells being duly sworn deposes as follows.

Witness for complainant.

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

A.-Martha J. Wells, 46 years, Suffolk, Virginia, boarding-house, I know the parties to this suit.

Q.-Please state whether or not John King has been living with his wife since October 9th or sometime prior thereto.

A.-No sir he has not been living with her since a week or so before he learnt what happened on October 9th.

Q.-Where has he been living?

A.-Living with me.

Q.-Has he been staying with you constantly since about a week before the 9th of October?

A.-Yes sir.

Q.-You are certain then that he has not been back to live with his wife since about a week before the 9th of October?

A.-Yes sir.

Q.-Has he been sleeping and spending the nights at your house since a week before the 9th?

A.- Yes sir.

No cross examination.

Further than this the deponent saith not.

Signature waived by consent.

Fenton King being duly sworn deposes as follows.

Witness for complainant.

State your name, age, residence and occupation?

A.-Fenton King, 28 years, Suffolk, Virginia, I run a pool-room.

Q.-Do you know the parties to this suit?

A.-Yes sir.

Q.-Please state whether John King has been living with his wife since October 9th, or sometime prior thereto.

A.-No sir he has been living with Mamma ever since they parted.

Q.-Has he made your mothers home his home?

A.- Yes sir.

Q.-Both sleeping there and taking his meals there?

A.-Yes sir.

Q.-Do you know how he has been spending his time during the day since October 9th?

A.-Yes sir. At the pool-room, he works for me and spends his time right there.

Q.-John King then has not lived with his wife since that time?

A.- No sir.

Q.-What kin are you to John King?

A.-Brother.

Q.-What kin is Martha Wells a prior witness?

A.-Mother.

No cross examination.

Further than this the deponent saith not.

Signature waived by consent.

(1)

— Complainants Testimony —

The depositions of Adolphus Jackson and others, taken before me, Robert W. Withers, a Commissioner in Chancery of the Circuit Court of Nansemond County, Virginia, at my office in Suffolk, Virginia, on Wednesday, the 15th. day of November, 1905, ~~by consent of all parties, plaintiff and defendant;~~ pursuant to notice hereto annexed as to time and place, to be read as evidence on behalf of the complainant in the chancery suit pending in the circuit court of Nansemond County, Virginia, wherein John King is complainant and Annie Maria King is defendant.

Present:

Bradford Kilby, Counsel for Complainant.

S.E. Everett, Counsel for Defendant.

Adolphus Jackson being duly sworn, deposes as follows:

What is your name, age, occupation and where do you reside?

A. Adolphus Jackson, age 31, residence Nansemond County, occupation, laborer.

Q. Do you know the parties to this suit?

A. Yes, Sir.

Q. The defendant Annie Maria King is charged with adultery with Sam Brown, what do you know about it?

A. All I know about it is, that I was coming from town, Suffolk towards Chuckatuck with Will Rix, when we got to Capt. Billie Oliver's place, Clifton overtook us walking. He whistled for us. We were waiting for him, walking along slowly. John King then overtook us in a buggy; he got out of the buggy and joined us. John said to us, "boys, stop a minute, I want to find out for myself something. I want to show you something." We then got over the wire fence, all four of us, in the field on the other side of the house. We came down the corn rows, John leading the way, we

came through the field towards Suffolk until we came to the Suffolk side of the bottom,on Capt.Olivers place,near the road. Then John said,"wait a minute". We stopped. He went upon his hands and knees up to the wire fence. There were little weeds and grass by the fence and he stopped there. All at once he rushes over the fence and we came up close,Clifton in front. We were about twelve feet off from the parties before we went up to them. We found Sam Brown and Annie King.When John got over the fence he said,"Now, I have found out for myself that I have been working and laboring for you and you have been doing such acts as this". Brown then ran his hands in his coat pocket once or twice John said,"If you run your hands in your pocket,I'll blow your brains out". Brown made two or three attempts to do it and John told him the same thing every time. She said,"Where is your proof"? He said"there it is"pointing to us. We then got over the fence and went home,Willie Rix and I. Clifton came to Suffolk with John King.

Q. Before John King disturbed Annie King and Sam Brown by jumping over the fence,did you hear any conversation between them?

A. No,sir,they were talking low and we were twelve feet off and we could not understand what they were saying.

Q. Gould you see them?

A.No,sir,you could not fairly see them for the grass and weeds.

Q. When you stood up what did you see?

A.We saw this girl and man.

Q. What was their behavior when you saw them?

A. When I saw them to realize anything,was when John jumped the fence,then,she jumped up and ran and said,"This is John's wife".

Q. Before she jumped up,what was her position?

A. I could not well see her until she jumped up.

Q.You say she jumped up,was she not then lying down,if she jumped up?

A. She must either have been sitting or lying down;she could not have been standing up.

Q.Was Sam Brown close to her?

A.Yes Sir.

Q.Could you tell whether Sam Brown was standing up or lying down?AThey could not have been standing up.

Q. Were they in a place which concealed them from observation f-

from the road?

A. No sir, not exactly.It was getting late and it was between sunset and dark.

Q. Could you say whether or not Sam Brown and Annie King were h having sexual intercourse at that time and place?

A.Well I think they were.

Q.

Cross Examination,By Mr.Everett.

Q.You stated that you knew Maria King and John King,when was the first time you ever saw Maria to know her?

A. To know her name,I have just learned it recently; but I have seen her dozens of times to know her before.

Q. You ~~leanded~~ learned that she was John's wife on that night or learned it afterwards?

A.I knew she was John's wife before,but did not know her name.

Q.Are you related to John King?

A. No,sir.

Q. Do you live the other side of the place,this took place?

A. Yes,Sir:

Q. You said you were waiting for Clifton Newby,where does Clifton live?

A. Next door to me.

Q.Where did you part with Clifton that night before you met at Capt. Oliver's?

A. At Luke's store down town.

Q. Do you remember what day this was?

A. No,sir.

Q. You do not know whether it was a Monday,Tuesday or Saturday?

A. I know it was a work day.

Q.Where did you work on this day?

A. Va. Mfg. Co.

Q. What time did you leave Va. Mfg. Co.that day?

A. I dont know the hour,it was nearly night. I don' work by the day but by the piece.

Q. What is you work at the mill?

A. Making baskets.

Q.Did you make baskets this day?

A. Yes,sir.

Q.Is a record kept at the mill of you time of coming an going.

A. No,sir.

Q.What time did you go to the mill and what time did you go home?

A. I don't know.

Q. Do you know if you did an average day's work or not?

A. I did an average day's work on this day.

Q.Did John tell you what he wanted you to see ?

A. He never did.

Q. Then you mean to say that John King over-took you on the road, John riding in a buggy,and said to you,"Boys stop a minute," and took you through the field of Mr.Oliver's as you stated,leading up to the cedar tree where you found King's wife ,without saying anything to you as to what he wanted you to see. Do you want to say this?

A.Yes,sir.

Q. Did you ask John King,while you were going across the field what was up?

A. I did not.

Q. Then you had no more idea what he was after than nothing on earth?

A. No,sir.

Q. You would thought he was running down a pig,just as soon as thinking that he was running down his wife?

A.I did'nt think he was raising any stock out there.

Q. Did'nt you know that he didn't keep his wife out there under the cedar tree?

A.I didn't know where he kept her.

Q. You didn't know under the cedar tree was her home or not?

A.No,sir.

Q.Did you see John come up in the buggy?

A.He overtook me just the other side of the first hollow bridge, on the hill,just the otherside of Capt.Olivers'.

Q.Did you find Maria King and Sam Brown under a cedar tree beside the road, on this Suffolk side of Capt Olivers'?

A.No. The cedar tree was between Capt. Olivers' lane and the point John got out of the buggy.

Q.You said no one was riding with john King?

A. No,sir,I didn't. He was with Will Brown.

Q.I understood,John King and Clifton Newby and Willie Rix.were the only people there, where he got out of the buggy?

A. With myself. Willie Brown drove on.

Where does Will Brown live?

A. Over Reids Ferry somewhere. He is a colored man.

Q.You stated he was in abuggy. Can you state if he was driving a mule or a horse,and its color?

A. I couldn't state its color. I don't know if it was a horse or a mule.

Q.How near to the mule or horse when he came by?

A.I don't know.

He was in the track fatherest from me.

Q.Would you know Sam Brown if you were to see him today?

A. Yes,sir.

Q. Was this the first time you ever saw him?

A. I have seen him at different places.

Q. Then you say it was so dark,between sun-set and dark,that you could not tell a horse from a mule in the road by you and at the same time or a little later on, you could stand in Mr.Olivers ~~field~~ field behind some bushes and tell who strangers were in the road?

A.I knew her.

Q Didn't you say,that Clifton Newby ~~road~~ rode back to Suffolk with John?

A. No,sir. Came back.

Q?Clifton Newby lives actoss the bridge and you waited for him to go home with you that night,do you know why he came back with John?

A.To see that no harm was done to John.

Q.You did not see Sam Brown in the act of having connection with John King's wife,did you?

A. No,sir.

Q There was no one there that saw Sam Brown in the act with which he is charge,except John King himself,is that true?

A. I couldn't say. Clifton was ahead of us.

Q. Then you were in twelve feet of Maria King and John was ahead of Clifton,and Clifton was ahead of you and Willie Rix?

A. Yes,sir.

Q. Did John ever talk with you about this matter,since that night?

A. No,sir.

Q. Were you summoned here today?

A.No sir.

Q.So John never ~~told~~ saw you about this matter since that day?

A. No,sir.

Q.Did you see Clifton Newby any more that night?

A. No,sir.

Q. Did you go directly home from there?

A. Yes,sir.

Q. Will you go with me,as soon as we go from here,and point out the spot under the cedar tree where you saw them?

A. Yes,sir.

REDIRECT EXAMINATION.

Q. You came to my house one night,did you not?

A. Yes,sir.

Q. Who did you come with?

A. I have forgotten.

Q. Was John King with you?

I think Clifton was with me.

Q.Was John King there?

A. I think he came there after I came there.

Q. Was that the only time you saw and talked with John? .

A. Yes,sir.

Further than this the deponent saith not.

Adolphus Jackson.

CLIFTON NEWBY, being sworn testifies as follows.

State your name, age, residence and occupation and do you know the parties to this suit?

A. Clifton Newby, age 22, live in Nansemond County, farming, I know the parties by sight.

Q. Annie King is charged with committing adultery with Sam Brown, tell what you know about it?

A. On Monday night, I think, on the 9th. of last month, John King said to me, "I see my wife and another man going over the bridge, I would like for you to walk over there with me, to see what action they are going to get at." We walked on slowly behind them. Then he said to me. "By their not knowing you, suppose you walk on by them." I walked by them. Just before I got to them, they went on the right hand side of the road under a cedar tree near Mr. Whitfield's gate and sat down there. I passed them there. I walked on to the ravine beyond Capt. Billie Olivers'. Then I stopped. John came up in a buggy with James Taylor driving a bay horse with the curtains all around the buggy. Just before he came up I whistled to Will Rix and Adolphus Jackson, and they stopped and waited for me. We all got there about the same time We got over in Capt. Olivers' field. We walked back, I was next to John and Will was next to me. I was telling Willie Rix what was about to occur-what we were expected to see. We crept on to about ten or twelve feet from them. John was nearer to them than we were. He could hear what they were saying. I could not understand what they were saying. But I could see them. I saw her pull off her hat and lie down and he got on her. She kept a funny fuss. About that time John jumped the fence, with his gun in his hand. Brown motioned as though he were going to pull his gun and John told him if he pulled his gun he would blow his brains out. Then I could hear her say, "Don't do any thing to him, if you are going to do anything do it to me"? Then John said, "I don't want to do any thing to either one of you, I just wanted to catch you in the act". She asked him then, "where are your witnesses" He said, "Look behind". She looked behind and she was compelled to see me. John walked on and I walked on as far as Mr. Wallace Lassiter's residence, before I overtook Annie King and Brown. They came back to me and said, "Who are you"? Is this Adolphus"? I said, "No, this is not Adolphus." She said, "Well this is Johnnie

King's wife". I said,"Well,I have not any thing to do with that".

Q. Where did you first meet King that day?

A. At Mr.Luke's store.

Q.Did he approch you and ask you to go with him?

A. Yes,sir. He first spoke to Bud Thompson.

Q.What reason did he give for asking you to go with him?

A. He said he had seen his wife go over the bridge with another man and he wanted me to go as a witnes to see what they were doing.

Q. Did you consent to go?

A. Yes,sir.

Q.DDd you two then go on together?

A. As far as where Mr. John Branch used to live ,he then told me to go ahead.

Q.Where were they when you saw them after they had moved from Mr.Whitfield's gate?

A. About 50 or 75 yards below Capt. Billie Oliver's Gate.They were on the road side,under a tree at a wire fence.

CROSS EXAMI NATION.

Q. What time a day was this?

A. About 7 o'dclock I reckon.

Q.Where did you first leave John?

A.At the cedar tree just this side of where Mr.John Branch used to live.

Q.Then you saw Sam Brown and Maria in front of Mr.Whitfield's on the same side of the road?

A. Yes,sir.

Q.You walked by and left them on the right hand side of the road?

A. Yes,sir.

Q. Did you stop on this or the other side of the hollow bridge at the bottom of the ravine beyond Capt. Oliver's?

A. I stopped on this side.

Q.Who met you there?

A. Willie Rix,Adolphus Jackson and John King.

Q. How long had you been there before John came up in the buggy?

A. About 3 or 4 minutes.

Q. Did you see Willie Rix and Jackson before you saw them at that time?

A. Yes, sir. I first saw Adolphus at Felton Kings' pool room on Washington Street, about One o'clock, I suppose.

Q. You speak of Fenton Kihg's place, is that where John King stays?

A. Yes, sir. I didn't finish my answer. I next saw them at Mr. David Q Luke's about a quarter after six.

Q. Did you part at Luke's store?

A. They left me there and went to Mr. Whitfields' store.

Q. Where does James Taylor live?

A. I think somewhere around Reids Ferry.

Q. Is he the mail carrier?

A. He used to carry it, Charles Artis carries it now.

Q. You say Taylor came up with John in the buggy with all of the curtains up, did you ever see James Taylor riding around in a buggy before this?

A. Yes, sir.

Q. Was this his buggy?

A. I don't know, he has been driving it for some time, he is driving it now:

Q. Don't you know that James Taylor does not own and does not drive a top buggy?

A. I know he is in a top buggy every time I see him.

Q. Was he carrying mail at that time?

A. I don't know.

Q. Does Adolphus Jackson know James Taylor?

A. I don't know.

Q. Does Willie Rix know him ?

A. I don't know.

Q. Do you know Willie Brown who lives the other side of Reids Ferry?

A. I know one Willie Brown who lives down that way somewhere.

Did you see Willie Brown come by Capt. Olivers' that night?

A. I don't know that I did:.

Q. Now wasn't it Will Brown and not James Taylor who brought John that

night?

A. No,sir.

Q.When you and the rest of the boys were coming up through the field, looking for Maria King,you explained to them what was up?

A. I explained to Willie Rix.

Q. And he understood wht was going on?

A. Yes,sir.

Q. you all started out on the search as near together as you could get? And you were inthe presence of each other all the time?

A. Not exactly. Adolphus was behind us all. I was next to John,Will Rix next to me.

Q. When you all met in the road,didn't Adolphus and all of you understand what you were up to when you got over the fence?

A.I knew.I told Adolphus and Will in the road what we were looking for, then we got over the fence.

Q. Didn't you say before John King's mother ,Marion King,and others that you did not see Brown have connection with Maria?

A. No,sir,I certainly did not. I havn't said any thing to either one of them.

Q. And you say John King's mother has not said one word to you about this matter?

A No,sir,she has not.

Q.Did you come up to the cedar tree and wait to see what they were going to do or were they in the act when you came up?

A.I was there about a minute.

Q. And you did see Brown on Maria King?

A. Yes,sir.

Q. Do you know whether Willie Rix and Adolphus Jackson saw Maria that nigh underthe cedar tree?

A. Yes,sir,Willie Rix did I know.

Q.Did Maria King see or know Willie or Adolphus were there that night?

A.I don't know. I know Johnie got over the fence first,then I got over. They were a little late in getting over.

Q. Did Maria King and Sam Brown leave before Willie and Adolphus got over the fence?

A. Yes,sir,I am sure they did that.

Q.Didn't you tell Maria King there under that cedar tree that you saw nothing wrong with her, except that she ought not to have been out there with that man?

A. No, sir, I never told her anything until I got to Mr. Wallace Lassiter's.

Q. Why did you follow them up and come back to town?

A. I said to my self, "I'll go back to town". I wanted to see Johnnie.

Q. Did you tell Adolphus Jackson that you wanted him to come up here today?

A. Never told him any thing about coming up here.

Q. Didn't you tell Maria King and Sam Brown in front of Wallace Lassiter's that you saw nothing wrong of her that night?

A.No, sir.

Q.Didn't John King go to you while Adolphus jackson was testifying in this case and tell you that Adolphus had ruined him and he wanted you to make some corrections?

A.No, sir .

Note:Mr. Everett requests the commissioner to insert in the record that while the question above was being transcribed that the complainant who is in the room is gesticulating to indicate a negative to the witness. Mr. Kilby, denies that any such gesture was made and asks the witness if he observed such gesture, and he replies that he did not. The defendant says she saw it.

Q. Didn't John King while Jackson was testifying tell you to say that it was James Taylor who brought him up in the buggy.

A. No, sir, he certainly did not. He asked me who was that man I came up with and I told him, James Taylor. John asked me this question the same night or the next day after it occurred.

RE-CROSS EXAMINATION.

Q.Willie Rix and Adolphus Jackson were the last two to get over the fence at the cedar tree, could they see what was going on without getting over the fence?

A.Yes .

Q.What kind of fence was there?

A.A barb-wire fence.

Q Do you know James Taylor well? If so describe him.

A. He is a man of about my size, and of light complexion, and has a heavy mustache.

Q. Do you know whether James Taylor is ever called Willie Brown?

A. I do not know.

Q. Did John King make any remarks to you and Willie Ricks in the other room about Adolphus Jackson's testimony?

A. He did not.

Q. Do you know whether Adolphus Jackson knew what the party was expected to see before he climbed the fence up the road from the Cedar Tree?

A. I do not know . I was talking low.

Q. Was Adolphus near when you told the others what they might expect to see?

A. He was about as near to me as you are, not over four feet.

And further this deponent saith not

Wilson Newby

Willie Ricks being duly sworn deposeth as follows,

Q. Give your name, age and occupation and do you know the parties to th this suit?

A. Willie Ricks, 26, live over the bridge about a mile, and am farmer and know the parties to this suit.

Q. Annie King is charged with commtting adutery with one Sam Brown; tell what you know about this?

A. On the 9th. day of October I was working at the Butter Dish Factory and came on from my work and saw Newby and Jackson at Powell's store, Jackson and I went on and stopped at Whitfield Store, and then went on , then Clifton came up between John Branch's and Whitfield and called us and we stopped and he came up to us this side of Whitfield and told us what was up, and I said I had to go home. Clifton said John King' s wife and a man had come up the road together , and we went down the rod road to the bridge in the road the other side of Capt. Oliver, and then John came up in a top buggy. Clifton said stop here.

Clifton said stop before John came up in the buggy.
About five minutes after Clifton said this. John came up in the buggy. John said "Hello" and jumped out of the buggy. John Got ower the fence C Clifton got over the fence, Willie Rix got over the fence, Jackson got over the fence. We went on up in the field to a place ten or twelve feet from the place they were sitting at. John waved his hand for us to stop. He got on his knees and crawled to within 3 or 4 feet of them. He stopped ~~the re~~ there a little while, then he got over the fence. He said to them "I don't want to hurt either one of you, and I don't want either one of you to hurt me". Sam Brown started back in his pocket, John said "Dont take out nothing, if you do I'll blow you down. Annie King started to run but she stopped. John said "Now I see for myself". he said, "I've been often told this, and now I see for myself". Clifton was over the fence at that time. She asked Johnnie, "Where is you proof", he said "Look behind you". She asked Clifton what was his name, he said "that aint none of your business". She asked Clifton if he was Johnnie's friend. Clifton said "That's none of your business." Jackson and I got over the fence then. They came towards town and Clifton said "I believe I'll go to town with Johnnie". I said "Go ahead, for I am going home". We parted.

Q. How far were you from these parties when they were in the act?

A. At least 10 or 12 feet.

Q.Was there any thing to obstruct your view of them?

A. No,sir.

Q.Well then,what did you see?

A. I saw her pull her hat off and lay down and he got on top of her.

Q. And then what?

A. Johnnie waited a little while before he got over the fence,about a minute--not hardly a minute,then he got over the fence and did as I said.

Q. Had they finished the act of sexual intercourse when John jumped the fence?

A. No,sir,they had not.

Q. So you saw them in the act of sexual intercourse,and John King interrupted them in that act?

A. Yes,sir.

CROSS EXAMINATION.

Q.Is James Taylor sometimes called Willie Brown?

A. No,sir.

Q. Did he have the top of his buggy up or down that night?

A. He had it up.

Q.Did he have his curtains on?

A. He had the hindmost ones on,I did'nt notice about the side ones.

Q. Which side of the road were you and the others when James Taylor came by you?

A. On the left going out.

Q.Which side of the road did he drive on?

A. He was driving in the middle of the road.

Q. Could Jackson have seen what you saw under the cedar tree?

A. I guess not,he was behind me.

Q. Did you hear any noise when Sam got up on the woman?

A. Yes,sir.

Q. Who made it?

A. The woman made a noise.

Q. Do you believe that John King stood there and looked at ~~th~~ this man have connection with this wife,and not shoot him?

A. Certainly he did.

Q. Could you have done such?

A. I cant tell,I have never been caught in such a snap.

Q. Did you ever hear of such a thing before?

A. [illegible]

A. Yes, sir.

Q. If this is so ,what you have told,do you believe John King would go and sleep with his wife now?

A. Not if he wanted a divorce from her.

Q.(Question repeated)

A.No sir he couldn't.

Q. Don't you know from what John has told you that John has slept with his wife since that time?

A. He hasn't told me any thing about that.

Q. What time did you get home that night?

A. Five minuted after seven.

Q. This act was done beside the road where the people were passing all of the time?

A. Yessir.

Q.Wasn't there a great many people passing at that time,on account of there being Speaking and a court day in Suffolk?

A. I never saw but two.

Q. You had some whiskey this night?

A. I didn't,Clifton had it.

Q. John got over the fence and came back to Suffolk,without saying anything more to you?

A. He said nothing more to me. Clifton came with him.

Q. Don't you three stay around John King's pool room agreat deal and aint you good friends?

A. No,sir. I never played but two games up there in my life.

Q.Wasn't you up there that very day?

A. No,sir.

Q.Did you show yourself to Maria King that noght?

A. She could have seen me if she had wanted to. I don't know whether she saw me or not.

Q.Do you know Willie Hinton?

A. I do not.

Q. Don't you know that Willie Hinton was there and saw the same things you saw that night.

A. He came by the road,so they said,but that's not his name. Somebody called him and he came over the fence.

Q. He was on the same side of the fence as you and the other fellows were?

A. When he got over the fence,he was.

Please give me his right name ?

A. I don't know it.

Q. Please describe the man so that I can tell him when I see him, I want to find him.

A. He is a tall spare built fellow,a little taller than I am, about Jackson's complexion. He lives in Boston I believe.

Q. He got over the fence when the rest of you got over?

A. No,sir.

Q. When did he get over the fence?

A. After we called him."e were already in th field.

Q.. Did you aall him before or after the thing was over?

A. Before".

Q. Then,Willie Hinton saw Maria King with Sam Brown just as you and the others did?

A. He was behind Jackson,I do not know whether he saw it of not.

Q.Didn't Willie Hinton meet you all at the time aJohn drove up and didn't he come from towards Chuckatuck,riding an ox with a saddle on him?

A. He had gone past us,and he had missed us,by some means I suppose. He turned around and was coming towards town.Then some tone called him.

Q. He was leading or driving an ox.

A. I didn't see an ox.

Q. If Jackson and Clifton Newby and Will Rix were to saw that the three that I have mentioned and John King,making the fourth,were the only parties that saw Maria King and Sam brown in this act,don't you think they would be telling something that wasn't so?

A.I can tell about myself,John King and Clifton. About Jackson and WillieHinton I cannot tell.

Q. Don't you know that Billie Simpson passed there about two minutes before you saw Sam and Maria under the tree?

A. I don't know Willie Simpson.

Q.If you do not iknow Simpson,did not you see a man pass them about two minutes before you saw them in the act,who was about the size of Clifton Newby?

A. No,sir.

RE) ~~CROSS~~ Direct EXAMINATION.

Q. Do you think that Will Hinton saw this act?

He could have seen it if he had sood up. We were all standing as on,right in a line.

Q. DO you think he could see it about as well as Jackson saw i it?

A. Yes,sir.

Q. Has John king said to you,that he slept with his wife since this act?

A. No,sir.

Q. Has he said that he has not?

A. He has not mentioned it.

Q. As I understand it you ,Adolphus Jackson,Clifton Newby and John King had climed over the fence and were approching these parties under the cedar tree,when you saw Willie Himton coming along the road,and one of you called out to Hintonto join you? and he did so and followed along behind Adolphus Jackson,and could h have seen this act about as well as Adolphus saw it,is that correct?

A. Yes,sir.

Willie Hinton

Adolphus Jackson,re-called by Mr.Everett.

Q. There is one thing I possibly did not understand you.I want to ask you over. I understood you to say,that you,John King,Clifton Newby and Will Rix got over the fence and went up to the cedar tree where you found Maria King and Sam Brown am I correct as to my understanding?

A. Yes,sir.

Q. Then there were only four of you?

A. There was that fellow Brown in the Buggy.

Q. There were only four that got over the fence?

A. He came on with us.,The man who drove John up got over the fence.

Q. Did the man in the buggy get over the fence and follow you all up to the cedar tree?

A. When we got to the cedar tree,we were about 10 feet from t the fence. He was behind us

Q. This made five over the fence?I will name them,John King, yourself, Wilie Rix,Clifton Newby and the man out of the buggy,these were all who got over the fence. You are sure of that.

A.Yes,sir.

Q. Do you know Willie Hinton?

A. No,sir.

Q. Then if Willie Hinton should say he was with you it would not be so?

A. Willie Rix you mean. I don't know Willie Hinton.

Q. You are sure of this,that he was not in this party that night?

A. No,sir,I didn't see him.

Q. And you are sure of this also that no one but the five mentioned by me got over the fence?

A. Yes,sir.

aRE) Direct EXAMINATION.

Mr.Kilby.

Q. Do you know Willie Hill?

A. No,sir.

Q. You,Will Rix,Clifton Newby and John King got over the fence and were walking down towards th3 tree,now as you were walking towards the tree,dOd any one of you call out to a fellow

in the road to come there?

A. No,sir,not as I heard.

Q.After you four had started towards the cedar tree,did any one join you?

A.No,sir.

Q. Did any one join you before you started to the tree?

A. No more than this fellow.

Q.Who is this fellow?

A. Willie Hill ,Willie Brown,I should have said.

Q. Do you know James Taylor?

A. I know the man they call James Taylor,I call him Willie Brown.

Q. Will you describe the man in the buggy John drove up in?

A. He is about the height of Will Rix,but has a stouter breast,had yellow skin,heavy coat of mustache,light hair and mustache,between red and light.

Q. Is he the man who joined you and followed you to the cedar tree?

A. Yes,sir.

Q. What became of his horse and buggy?

A.It stood there.

Q. Are you acquainted with that man?

A. No sir. I call him Will Brown,I don't know his name. I call him Wil Brown,others call him Taylor.

Q. Did any body come along there with an ox?

A. I never saw any ox.

Q. After the act was over,what did this fellow do?

He went on back and got in his buggy and drove off.

Q. You say you remember no body joining your party after starting to the tree?

A. No,sir.

By Mr.Everett:

Q. Do you mean to say that you know a mans horse so well that dyou know his horse would stand with out tyinh him and yet dont know the name of the ~~xxxx~~ man who owns the horse?

A.I didn't know the man's name. I call him Will Brown.

Q. Havn't you been told that you ought to have said James Taylor instead of Willie Brown?

A. No,sir.

Adolphus Jackson

John A. King — Complainant.

vs. — In Chancery

Annie Maria King. — Defendant.

This cause in which process has been duly served on the defendant,Annie Maria King,and which has been regularly matured and set for hearing at rules,came on this day to be heard on the Bill of the Complainant,John A. King, the Answer of the Defendant,Annie Maria King,the examinations of witnesses and was argued by counsel.

On consideration whereof,it appearing from the evidence furnished in this cause that the Defendant,Annie Maria King,has been guilty of adultery with one Sam Brown,the Court doth adjudge,order and decree that the marriage which on the 17th. day of October 1900,was solemnized between the complainant,the said John A. King and Annie Maria King,formerly Annie Maria Hinton, the defendant, be and the same is hereby dissolved,and that the said complainant, ,John A. King,be and he is hereby absolutely divorced forever from the bond of matrimony hitherto existing between himself and the defendant,the said Annie Maria King.

And the Court doth further adjudge ,order and decree that the said defendant,Annie Maria King,do pay unto the complainant ,the said John A. King,his costs expended in the prosecution of this suit.

And the object of this suit being accomplished,it is ordered that it be stricken from the docket of the court.

John A. King

Vs. } In Chancery

Annie Maria King

In the Circuit Court of Nansemond County, ~~January~~ May 15 1906.

DECREE.

To be entered.

Robert N. Willis

Entered in Chancery Order Book No. 4. Page 61.

John A. King,

Vs.

Annie Maria King.

The answer of Annie Maria King, defendant, to the bill of complaint exhibited against her in the Circuit Court of Nansemond County by John A. King.

This defendant, now and at all times hereafter, saving and reserving to herself all benefits and advantages of exception which can or may be had or taken to the many errors uncertainties and insufficiencies in the said bill contained for answer hereto, or to so much thereof as she is advised it is material or necessary for her to answer, this defendant answering saith, that, it is true as alleged in the bill that the defendant was married to the complainant, but it is not true that the complainant has been a constant and faithful husband to the defendant.

Your defendant knows that he has not been, but your defendant states regardless of his faults she always lived with him, trying to get him, and hoping to get him to live a better life.

The complainant has not taken care of the defendant as he has stated, on the other hand the greater part of his time he was idle and when he was working he wasted his money at other places and never brought it to his home to assist the defendant in making a support.

Your defendant worked for her own living making her main work washing and being a good washer commanded the best prices and made a fair support.

The charges made against your defendant in the bill are not true. Your defendant has always been true to the complaintiff and is yet and anxious to live with him. On the 9th., day of October, 1905, which was Court Day and speeling in Suffolk your defendant did go out with one Sam Brown walking and passed over the Town bridge up the road

at a little beyond Capt. Oliver's gate. It was about sunset, people were constantly passing going out from Town. The complainant the husband of your defendant came out there and had also with him a boy by the name of Clifton Newby.

While Sam Brown and the defendnnt were walking along the road so near the wheel track that they had to stop and get out of the way for a buggy to pass, the complainant came along with James Taylor in the buggy. The defendant did not know at the time that the complainant was in the buggy. The two in the buggy passed by Sam Brown and the defendant and went up the road about seventy five '75' yards from where Brown and the defendant were standing and there the complainant got out of the buggy and told James Taylor good-by. This was the first time that the defendant knew that the complainant was anywhere around. When the complainant got out of the buggy he spoke to Newby that was in Mr. Oliver's field at the time and Newby and the complainant immediately walked back to where the defendant and Brown were standing. The said complainant then threatened your defendant with a devorce and says"Now I have caught you and I have a witness to prove it , meaning that there was Newby.

Clifton Newby and the complainant were the only persons around there anywhere at the time they walked up there where the defendant and Brown were standing.

It was a conspiracy between the complainant, Sam Brown and Newby. Sam Brown had been to see me several times before the 9th., day of October 1905, claiming that the complainant sent him to see me. The charges referred to on the 9th., day of October, 1905 is not the first time that the complainant has accused the defendant falsely. Before the 9th., day of October the complainant and defendant were not on good terms. The complainant had threatened to leave the defendant and the the said Sam Brown would bring messages from the complainant in the way of an apol-

ies from the complainant for the way he had been actinn towards the defendant.

The said Sam Brown came two or three times concerning this matter and that on the 9th., day of Oct., 1905, he met up with the defendant on the street and brought the subject up again claiming that the complainant was very much disturbed over the matter and that the complainant wanted to make up with the defendant again and said to her "let us walk out and talk the matter over. The defendant was over anxious to have her husband to return to her and the anxiety she had at that time caused her to be inconsiderate enough to walk with the said Sam Brown over the bridge.

Your defendant here states that itwas the most unbecoming thing in her to have done as she did but here states that she was innocent in the matter and at any other time when there were no worries on her mind she would not have thought about walking out with a young man..

Your defendant is thoroughly satisfied that the complainant conspired with Sam Brown to get him, the said Sam Brown, to get the defendant over the said bridge at this time or to some other place so that he could make the charges that he wanted to make against the defendant. The said Clifton Newby was also a party to the conspiracy, he being a pool-room friend of the said complainant. The other two witnesses, Jackson and Hicks were not present and were not parties to the conspiracy, but they have afterwards been captured by the complainant and gotten to swear that they were there at this time. I know them also to be Bar-room friends of the said complainant.

The said Sam Brown remained in this Town until a few days before the taking of depositions and then left and has not been seen around here since. The defendant has every reason to believe that it was a conspiracy, in fact the defendant could not believe anything else since her husband did not return to her and also knowing the charge that he

made against her were not true.

The complainant has been in love with another woman some little time. The woman's name is Pearl Harris. She is a light complection woman, right much stouter than the defendant who weighs about 120 pounds and has very heavy hair. The said complainant has told people that he wanted to marry this Harri woman and on Sunday the 15th., of November, 1905 the complainant left this Town to go to Norfolk, this was told to your defendant and she at once arrainged to go to Norfolk and see if she could see what he was doing. The defendant did see him on the Ferry-Boat that evening about 6 o'clock with this girl, Pearl Harris, and also he was seen with her by other people.

And further the defendant states that since the 9th., day of October, 1905, and up until the 15th., day of Nov., on which day the depositions were commenced the said complainant was constantly coming to the defendant talking about the matter.

The complainant met the defendnat on Sycamore Street while she was with Maggie Lasseiter and her husband and talked to her a long time and wanted to get her to walk out where he could meet her and have a long talk with her.

He often sent word to the defendant to meet him at Cherry Walker's which the defendant did do and he also came to see the defendant at her house and stayed with her a part of the evening on the 11th., day of November 1905.

He would continually tell the defendant not to raise any objection to this devorce, that after it was over he would be willing to marry her again and that so long as the matter had started it would be much better for her to say nothing. It was his purpose at the time to get the defendant not to fight the case so that he could secure the devorce and marry the said Pearl Harris, and up until the 15th., day of Nov., 1905 he continually came to see the defendant and was really more affectionate than he ever was

before duringtheir marriel life, but since the I5th., day of October he has appeared very uneasy and has never spoken to the defendant.

Your defendant further states that the said complainant and the said defendant have lived together as man and wife since the 9th., day of October I905.

Notwithstanding all of this that the said complainant has done against the said defendant the said defendant still loves her husband and could over look it all if he will return to her, but the said defendant has no hope of his ever returning for if he fails in securing a devorce your defendant is satisfied that he will leave this place and go with this woman, Pearl Harris somewhere else.

And now having fully answered the complainant's bill this respondant prays to be dismissed with her reasonable cost in this behalf expended, and she will ever pray, Etc.

annie Maria King

State of Virginia,
To-Wit:
County of Nansemond,

This day personally appeared before me, the undersigned a Notary Public for the County aforesaid Annie Maria King and made oath that the foregoing answer, so far as made of her knowledge, are true, and, so far as made upon the knowledge or information derived from others, he believes them to be true.

Given under my hand this 6th day of December, I905.

H. E. Everett

N. P.

John Krug

vs

Emil Hans Krug

Answer

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

Complaining showeth unto Your Honor,your complainant,John A. King,that on the seventeenth day of October 1900 ~~1905~~ ,he was married to Annie Maria Hinton,as is shown by a duly authenticated copy of the marriage license,herewith filed,marked exhibit A.,which he prays may be read as a part of this Bill.

That he lived and cohabited with his wife until about one month ago,at their home in Suffolk,Virginia; that he was a kind, constant and faithful husband,providing his wife with all the comforts and pleasures which his means and station in life justified,and gave his wife no cause whatever for being unfaithful in her marital vows to him.

Your complainant,on the other hand,avers and charges that his wife ,for more than a month past,has been receiving and permitting constant attentions from one Sam Brown,and disregarding her marriage vows,did,on or about the ninth day of October 1905,commit adultery with the said Sam Brown.

Your Complainant furthermore avers that since the attentions of Sam Brown began,and especially since the said act of adultery was committed,he has not lived with,nor cohabited with the said Annie Maria King (formerly Hinton),as man and wife.

In tender consideration whereof,and forasmuch as your complainant is remediless,save in a Court of Equity,where matters of this kind are alone and properly cognizable,your complainant prays that the said Annie Maria King (formerly Hinton),may be made a party defendant to this Bill,and required to answer the same,but an answer under oath is waived; that your complainant may be divorced from her,the said Annie Maria King,a vinculo matrimonii,and that all such other and further relief may be afforded to your complainant as the nature of the case may require or to Equity shall seem meet.

And your complainant shall ever pray etc.

John A. King

Virginia,

Nansemond County,to-wit:

I Bradford Kilby,a Notary Public for the county aforesaid in the State of Virginia,do certify that John A. King the complainant in this Bill,has this day personally appeared before me in my county aforesaid and made oath that all the facts stated in the Bill,as coming of his own knowledge,are true,and that all other facts stated as derived from the knowledge of other persons are believed to be true.

My commission expires the 17th. day of July 1906.

Given under mu hand this 18th day of October,1905.

Bradford Kilby

Notary Public.

Bradford Kilby Att'y.

John A. King

vs. } In Chancery.

Annie M. King

Bill.

Bradford Kilby

Att'y

WILBUR J. KILBY,
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

John A King
vs In Chancery
Annie Maria King

1905 October 12th Process issued returnable to October Rules Third Monday

" Nov 26 Process returned executed
Bill filed and Decree Nisi vs her.

1 Dec 4th Decree nisi confirmed and cause set for hearing

Chancery Notes.

Bradford Kelley Pig.

John A King

VS In Chancery

Annie Maria King.

1906

May 15th

Final Decree

Costs
Clerk 4.45
Jax 1.50
Sheff 1.00
Atty 15.00
$21.95

A. P. A.—143

MARRIAGE LICENSE

Virginia, Nansemond 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 A King

and Annie Maria Hinton

Given under my hand, as Clerk of the Circuit Court of Nansemond County this 17th day of October 1900

S M Laurence Dep Clk.
for R R 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 3, 1900.

Time of Marriage, 1900 October 17th

Place of Marriage, Nansemond Co Va

Full Names of Parties Married, John A King

& Annie Maria Hinton

Color, Colored

Age of Husband, 21 Years

Age of Wife, 22 Years

Condition of Husband (widowed or single or divorced) Single

Condition of Wife (widowed or single or divorced) Single

Place of Husband's Birth, Suffolk Va

Place of Wife's Birth Nansemond Co Va

Place of Husband's Residence, Suffolk Va

Place of Wife's Residence, Suffolk Va

Names of Husband's Parents, John A King &

Martha J Wells (nee King)

Names of Wife's Parents, Benjamin R Hinton

& Louisa his wife

Occupation of Husband, School Teacher

Given under my hand this 17th day of October 1900

S M Laurence Dep Clk.
for R R Smith Clerk

Certificate of Time and Place of Marriage.

I, Rev Thos E Wise, Minister of the Universalist Church, or religious order of that name, do certify that on the 17th day of October 1900, at the St Pauls Mission under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 17th day of October 1900.

A copy Teste A T Gomey D C

Rev Thos E Wise

☞ 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.

195

John A King
with Certificate
of
Marriage
Annie Maria Anton

1900
October 17th "

Exhibit - "A"