

1907-003
Nansemond Co (Suffolk) Chancery Causes: Walter Byrd vs Mary V. Byrd

Wilkins, Peele, Holland, Jordan, Copeland, Worrell, Bredshaw

\$ 6 $\frac{88}{100}$



March 20. 1907

Received of W. H. Rawles atty
Six $\frac{88}{100}$ Dollars

in full payment of writ tax, Clerk's
and Sheriff's fees in case of Walter
Byrd vs Mary W. Byrd in Chancery.

W. H. Rawles

W. H. Rawles D.C.

To the Clerk of the Circuit Court
of Massachusetts County:

Walter Byrd
^{vs}

~~Pltff~~

Mary V. Byrd

Def.

Issue summons to second Feb. rule
1907 (third Monday) for plaintiff
against defendant to answer said
plaintiff of a Bill in chancery.

Att. Rader /g.

Send summons right up to me at
once. Party here now & will accept
summon.

R. A. Raikes pg

Walter Byrd

vs } Memorandum

Mary V. Byrd

THE COMMONWEALTH OF VIRGINIA, *Southampton*
TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMONS

Thomas Worrell
to appear at the office of R. H. Rawles, Notary
Public, in Suffolk, Virginia, on Tuesday, the 5th
Day of March 1907, at 10 o'clock a.m.

~~to appear before the Judge of the Circuit Court of Nansemond County, at the Courthouse of said County, on the~~
~~day of~~ _____, to testify and the truth to say on behalf of _____

Walter Byrd —

in a certain matter of controversy in our said Court depending and undetermined between *David*

Walter Byrd —

Plaintiff

and

Mary V. Byrd —

Defendant

And this the witness _____ shall in no wise omit, under the penalty of \$100 each. And have then and there this summons.

WITNESS, R. R. SMITH, Clerk of our said Court, at his office, this *22nd* day of *February*
190*7*, in the *12th* year of the Commonwealth.

R R Smith —

CLERK.

By S. M. Lawrence D.C.

Walter Byrd

vs } Spa.

Mary V. Byrd

Executed March 1st 1807
by serving a true copy
of the within writ on
Thomas Worrell in
person

J. L. Gillett Sheriff
of Southampton Co

Scut air

Nansemond

Circuit Court

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMONS Isaac W. Everett, Jackson Peele,
John R. Holland, Richard Jordan, Jack Copeland, Alex Byrd and Thomas
Worrell, to appear at the office of R. H. Rawles, Notary Public, in Suffolk,
Virginia, on Tuesday the 5th day of March, 1907, at 10 o'clock, A.M.

~~to appear before the Judge of the Circuit Court of Nansemond County, at the Courthouse of said County, on the~~
~~day of~~ _____, to testify and the truth to say on behalf of _____

Walter Byrd

in a certain matter of controversy in our said Court depending and undetermined between said _____

WALTER BYRD

Plaintiff

and _____

MARY V. BYRD

Defendant

And this the witness ~~21~~ shall in no wise omit, under the penalty of \$100 each. And have then and there this summons.

WITNESS, R. R. SMITH, Clerk of our said Court, at his office, this 22nd day of February
1907, in the 421st year of the Commonwealth.

R R Smith

, CLERK.

By M Lawrence & Co

Executed this Feb 28 1907 by delivering a true copy of the within
process in person to Leake W. Everett, Jackson Peeler, pro R Halland, &
Alex Byrd, Richard Jordan & Jack Copeland writing found at
their respective places of abode. I took a true copy of the same
on the front door of their dwelling.

Attest
By J. A. Baker Sheriff
By J. A. Dunning Deputy

Walter Byrd
vs }
Spa
Mary W. Byrd

Nansemond

Nansemond
Circuit Court

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Mary V Byrd*

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 *February 1907*, to answer *a* Bill in Chancery, exhibited against *her* in the said Court by *Waller Byrd*

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *16th* day of *February*, 190*7*, in the 13/^{*th*}/_{*th*} year of the Commonwealth.

A copy—Teste :

Teste :

_____, CLERK. }

R R Smith, CLERK.

Byrd, Homer D, C

I hereby accept sufficient and legal service
of the within summons or notice.
Feb. 16th 1907.

Witness:-

E. E. H. H. H.

Charge v. Byrd
made

R. H. Rawley, p. q.

Walter Byrd

VS.

IN CHANCERY.

Mary V Byrd

1907

February Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No.-----

Page-----

Mr. A.P. Gomon Dist. Clerk Circuit
Court;

Summon the following witnesses to
appear at the Office of R.H. Rawles
Notary Public in Suffolk Va. at 10 o'clock
A.M. on Tuesday March 5th 1907 to
testify and the truth to say on
behalf of the plaintiff in the case
of
Walter Byrd
vs
Mary V. Byrd.

- ✓ Isaac W. Everett
- ✓ Jackson Peeler near I.W. Everett's
- ✓ John R. Holland " " "
- ✓ Richard Jordan " " "
- ✓ Jack Copeland " " "
- ✓ Alex Byrd (at Boxelder)
- ✓ Thomas Worrell (Smith Quay)

make 2 copies for each witness.
Direct one to Sheriff Maunumund &
the other to Sheriff of Southampton Co.
Send each to him.

R.H. Rawles.

76-22
Gomed, Delivered to Judge Rawles - Feb 28/07

Walter Byrd
vs } witnesses
Mary V Byrd.

The depositions of A. J. Peele, and others, taken before me, R. W. Withers, a commissioner in chancery, of the Circuit Court of Nansemond County, at the office of R. H. Rawles, in Suffolk, Virginia, on the 6th day of March, 1907, pursuant to notice, hereto annexed, to be read as evidence on behalf of Walter Byrd, in a certain suit in equity depending in the said Circuit Court, in Nansemond County, wherein the said Walter Byrd is plaintiff and Mary V. Byrd is defendant.

Present:

R. H. Rawles, counsel for plaintiff.

Defendant did not appear, either in person or by counsel.

CHARLES WILKINS.

Charles Wilkins, being duly sworn, deposes and says as follows:

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

A. Charles Wilkins, 36 years, Nansemond County, farmer, and I know both of the parties to the suit.

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

A. I have known both of them about 17 years.

Q. Will you state whether or not they ever lived on your land?

A. Yes, sir, they lived on there first of last year, 1906, and they lived there ^{the whole} ~~xxlittkx~~ of the year 1905.

Q. Are they now living on your land?

A. No, they are not.

Q. Will you state whether or not you objected to their living on your land, and whether that was the reason they left?

A.. Yes, sir, I objected to their living on my land on account of her conduct.

Q. Will you state whether you forbid them to live there any longer, and told them they would have to move away?

A. I did, sure.

Q. Will you state whether her conduct was such as a pure and virtuous woman would be supposed to have?

A. No, sir, it certainly was not. It was just the contrary.

Q. Do you know a young man by the name of Livy Lewis, and how long have you known him, if you do?

A. I sure do know him. Been knowing him about 6 years.

Q. Can you state whether or not he has been in the habit of visiting Mrs. Byrd's home and of keeping company with her?

A. Yes, sir, he certainly has.

Q. What seemed to be his business over there?

A. His whole business seemed to be paying attentions to Mrs. Byrd.

Q. Was that one of the reasons why you caused them to leave your place?

A. It sure was. I was just not going to have any such mess around me.

Q. State anything you may know of ^{Mrs. Byrd} having left Mr. Byrd about the

CHARLES WILKINS.

early part of the year 1906, and if you know who carried her away?

A. She certainly went away from Mr. Byrds home in the early part of the year 1906. I don't know of my own knowledge who carried her away, but I saw the buggy tracks. Mr. Walter Byrd came down the road and hollered at me and says, "She's gone," and I says, "Who's gone?" He says "Mame's gone." I asked him to come in and tell me something about it, and he says "Livv Lewis has carried her away and left them children there on me."

Q. Do you know how long she remained away?

A. I think she was gone a little upwards of nine months.

Q. Do you know whether Livv Lewis was also gone from the neighborhood at the same time?

A. I did not see him around there during that time.

Q. When did you first see Mrs. Byrd after she returned?

A. I met her in the road with her uncle, Alex Hayes, driving in a cart, and he drove up beside of me, but she did not speak, she was sitting with her feet toward the hind part of the cart, and had the little child there with her, and her un cle said to me, "Is Walter at your house," and I told him he was there when I drove out. He says, "I started to your house, I have started some where, I hardly know where." I told him he was in a mighty bad fix. I was worried then, but I drove on, and when I came back home I put my horse up, ate my dinner, and went down to Byrd's place. Mame, his wife, was at the well. I said "Mame what are you doing back her," and she says, "I have nowhere to go." I says, "You have got nowhere here." I says, "Mame I think it is best for you to go right away from here now." She says, "No, try me a day or two. I have done wrong, I know, but I will show you that I will now do right. I will not give you any trouble." I says, "Mame, I just aint going to have Livv Lewis piled up around me burning my fences and wood all night long here," and she did not say any more. I permitted them to remain there a day or two longer to see if she would do better. This took place on Friday. On the Sunday following I went down in the field to look for a cow and I saw Livv Lewis going in there again, and I decided right there I was going to move them. I went down there and said "Livv Lewis what are you doing here." He said "I have just as

CHARLES WILKINS.

much right her as any where else." I says, "Get right out of here, get on," and he went on about 50 yards to the line of my land and says, "I am not going any further." I stood there talking with him a few minutes. Next week I saw Lewis there again and I went on back to my house and said to my wife that he was down there again, and she said she would attend to him, and she went down there and drove him away again. Next Monday evening I moved the whole business from my land. They went then to Mr. Isaac Everett's where Mr. Byrd is still living.

Q. Will you state in what, if any, particular act or bad conduct which you have seen yourslef on the part of Mrs. Byrd, which caused you to object to their living near you?

A. I certainly did see causes and things that were wrong. During the very first part of the year 1906, I think it was about the 7th day of January, 1906, after I got through eating my supper, my wife told me to go down to Byrd's and run Livy Lewis away from there. I went down there and just as I was in the act of putting my hand on the door someone pulled it open from the inside, and I stepped back by the side of the house in the dark, and Livy Lewis walked out with this woman, Mane Byrd, right behind him. I stood perfectly still and he took her in his arms and carried her up against the window, and there I saw them in the act of adultery. There was no doubt in the world about the fact. I stood there and saw the whole performance. After they were through they passed around a little house in the yard and I saw them no more that night. I did not make my presence known, but went quietly home and told my wife what I had seen.

Q. Was that one of the reasons why you did not want Mrs. Byrd to live near you?

A. Yes, sir, that was the main reason. I needed tenants on my place, but I did not want such as her.

And further this deponent saith not.

Charles Wilkins

A. J. PEEL.

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

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

A. A. J. Peel, 59 years, farmer, Nansemond County, Virginia, I know both the parties to the suit.

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

A. I have known the plaintiff, Walter Byrd, ever since he was born. I have known the defendant for 18 or 20 years.

Q. How far do you live from where Walter Byrd and his wife live?

A. Not over 1200 yards.

Q. How long have you been living that close to them?

A. The plaintiff moved there about last October.

Q. On whose land do they live?

A. Mr. I. W. Everett's

Q. Can you state from your knowledge how Mr. Byrd has endeavored to take care of and provide for his wife during their married life?

A. So far as I know he has treated her all right.

Q. What has been the conduct of the defendant, Mary V. Byrd, toward her husband, and what has been her general conduct for chastity in the neighborhood for some time past?

A. Her conduct showed up very bad to the whole community.

Q. Can you state whether her conduct was such as to cause complaint in the neighborhood among her immediate neighbors?

A. It looked so to me.

Q. Have you not heard complaint made of her presence in the neighborhood?

A. Yes, sir, I have.

Q. On what ground was the complaint made?

A. Complaint was made on account of her relations with Mr. Livy Lewis, who was always there. It seems that he was always there from the complaint, and from what I have seen myself.

Q. Is Mr. Livy Lewis a young man living in the neighborhood?

A. Yes, sir, he lives about 3 miles from the Byrd's.

Q. During the past 12 months has he been a constant visitor to her house?

A. He has, I suppose, since they have been living where they now

2

A. J. PEEL.

live on Mr. Everett's land. It looks so from what I have seen.

Q. Is it not a fact that you have frequently seen Mr. Lewis over there with her yourself?

A. I saw him there one Sunday.

Next day I passed there again and he was there.

Q. Do you know whether or not he had been forbidden to visit there by Mr. Byrd.

A. I don't know except what Mr. Byrd said. He has been complaining that there had to be a separation, he could not stand it any longer.

Q. Do you know whether or not Mr. Isaac W. Everett ever forbid Lewis from coming on his land?

A. Mr. Everett said he had forbidden him to come on his land.

Q. Is it not a fact that during the early part of last year, 1906, the defendant, Mary V. Byrd, left her husband's home and went off with Lewis and remained away for some months?

A. Yes, sir.

Q. Do you know where they went?

A. I do not.

Q. Did you hear rumors as to where they had gone?

A. No, sir.

Q. Did both Mr. Byrd and his wife live in Nansemond County one year ago?

A. Yes, sir.

And further this deponent saith not.

A. J. Peel

JOHN R. HOLLAND.

John R. Holland, being duly sworn, deposes and says as follows:

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

A. John R. Holland, 46 years, farmer, Nansemond County, Virginia, near Holland station, I know the parties to the suit.

Q. How long have you known plaintiff and defendant?

A. I have been knowing Walter ever since he was a child. I have been knowing defendant for 14 years.

Q. How far do you live from where the parties live?

A. I live within 500 yards of them.

Q. On whose land do they live?

A. I. W. Everetts.

Q. How long have they been living in Nansemond County?

A. Walter all his life, and defendant some 18 years.

Q. Where did they last cohabit?

A. Right here in Nansemond County, within 600 yards of my house.

Q. Can you tell anything in regard to the character and disposition of Mr. Walter Byrd?

A. I have been knowing him all my life, and I have known nothing against his character. Gets along best he can like all we poor folks do.

Q. Has he, to your knowledge, been straining the best he could to make a comfortable living for his wife?

A. He has, to the best of my knowledge.

Q. Is he an honest, upright and industrious man?

A. To the best of my knowledge he is.

Q. What is the reputation for chastity and purity of his wife, Mary V. Byrd, in the neighborhood in which she resides?

A. She has a very poor reputation.

Q. Can you state whether her conduct has been such as to cause her neighbors to complain of it?

A. It certainly has. I have made complaint to Mr. I. W. Everett of it myself.

Q. On what ground was the complaint against her made?

JOHN R. HOLLAND.

A. I have five or six children and they have been going to school, and she and Lewis have been standing there in the road just as close together as they could get. From what I have heard there were very close connections sometimes. I have not seen it.

Q. Who is this Lewis that you speak of?

A. His name is Livy Lewis, a young man in the neighborhood, and a son of Mr. Henry Lewis.

Q. Has he been a constant visitor to her house?

A. He has been since they moved there near where I live.

Q. How often have you seen him there with her?

A. About every time I went out the gate I saw him there.

Q. Can you state whether or not this was several times a week?

A. Yes, sir, several times a week.

Q. What business had he over there?

A. I could not tell you that.

Q. What did their relations appear to be?

A. They acted better than any lovers you generally see.

Q. Do you know whether or not he was forbidden to visit Mr. Byrd's home?

A. I only know that Mr. Walter Byrd told me he had forbidden him to visit there.

Q. Can you tell whether Mr. Isaac Everett had ever forbidden him to come on his land?

A. I cannot tell you about that. I was out there within 300 yards of the house some time last February. Mr. Everett came up by me, talked with me, and said he was going there and forbid him stopping there. And he went and stopped there and talked with them. He was too far away for me to hear the conversation.

Q. Why did Mr. Everett say that he would forbid him to come on his land?

A. I suppose because Mr. Byrd made complaint to him.

Q. Is it not a fact that the defendant, Mary V. Byrd, left her husband on the early part of the year 1906, and went off with the said Livy Lewis and remained away from home about nine months?

A. It is said they left together. They left some time in January,

JOHN R. HOLLAND.

and came back some time in October, in 1906.

Q. Can you say whether or not the conduct of the said Livy Lewis towards the said Mary V. Byrd during the past 12 months has been such as to cause all the neighbors to look upon him as her lover?

A. I can't tell you for the last 12 months. I can only speak for since they have been living near me since last October. Since that time he has been there at her house at least two-thirds of the time. I think the people considered Livy Lewis was her lover.

Q. Is she now living with her husband?

A. She is not.

Q. When did she last leave him?

A. About four weeks ago this last Saturday.

Q. Do you know where she is living now?

A. I do not know. The last day that she left home, her husband's home, Mr. Livy Lewis was the man that rode with her and took her away.

And further this deponent saith not.

J. R. Holland

ALEXANDER BYRD.

Alexander Byrd, being duly sworn, deposes and says as follows:

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

A. Alexander Byrd, 40 years, farmer, I live at Boxelder in Mansemond County, Virginia, and I know both of the parties to the suit.

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

A. I have known him all our lives. I have know her ever since she was about 10 years old.

Q. Do you live in the neighborhood in which she lives?

A. Just a mile away from them.

Q. Can you state anything in regard to the character of Mr~~s~~. Byrd, whether he is an honest, upright and hardworking man?

A. He is like the most of the poor folks, he only gets his living by his work.

Q. Has he done the best he can to earn a decent living for himself and wife?

A. Yes, sir, he has.

Q. Have you ever heard of his treating her cruelly or unkindly?

A. I have never heard of his doing such a thing.

Q. What is the character and reputation of his wife for chastity and purity?

A. It is so bad I could not explain it.

Q. Tell us all you may know about it?

A. After Walter Married her, Captain P. H. Lee said it surprised him to think that Walter had married such a thing as that. He said she was not anything, and her character was nothing at all, that she was as low-down as a dog as to character. Said she was a common whore and had been ever since she had lived with him. I do not think Walter was acquainted with these facts. Since her marriage her character has been very bad, evidently known by the neighbors everywhere she has lived.

Q. Can you tell with whom she has been fond of going?

A. For the last 12 months or more she has been pretty fond of Livy Lewis, a young man in the neighborhood of about her age.

ALEXANDER FYRD.

Q. Do you know whether he has been a frequent visitor to her home?

A. I know he has since she has been back in the neighborhood.

Q. Do you know whether or not in the early part of the year 1906 she ran away from home and her husband and went off with Lewis and remained away from home for some nine months or more?

A. Yes, sir, I know this to be a fact.

Q. When did she return? A. I think some time in October.

When she came back Lewis came too.

Q. Is she now living with her husband? A. No, sir.

Q. Do you know where she is? A. I do not.

Q. Can you say of your own knowledge whether Lewis has been a constant visitor to her house? A. Yes, sir, he was. I saw

him there every time I passed, which was 2 or 3 times a week.

Q. What did he seem to be doing there?

A. He and she were sitting around talking, generally by the roadside.

Q. Do you know whether the neighbors complained of her conduct?

A. Of course they did. The white people would not allow her to come to their homes for a visit, and colored ones had nothing to do (with her.

Q. Plaintiff and defendant are white people are they not. A. Yes.

Q. From what you have seen and heard, do you think she was fit to be the chaste and pure wife of any good man? A. No, sir, I do not.

And further this deponent saith not.

Alexander Byrd

RICHARD JORDAN.

Richard Jordan, being duly sworn, deposes and says as follows:

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

A. Richard Jordan, 40 years, lumberman, Nansemond County, Virginia, I know both of the parties to the suit.

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

A. From last September up till now.

Q. Have you lived in the neighborhood in which they lived?

A. Yes, sir, I now live in 700 yards of them. I formerly lived a mile or mile and a half from them.

Q. Can you tell us anything in regard to the conduct of the defendant, Mary V. Byrd, during the time that you have known her?

A. I can. I pass by the house morning and night every day. During that time and every time that I passed there, if it were sunrise, this Livy Lewis was there. If I came back by four o'clock or sunset, or 10 o'clock in the night, or eleven, he was still there.

Q. What did he seem to be doing there?

A. His business altogether was with her. He seemed to be making love to Mrs. Byrd.

Q. Did you ever see him very close to her?

A. Yes, sir, just as close as they could get without a band around them.

Q. Was their conduct such as to cause suspicion and talk in the community?

A. Yes, sir, it was.

Q. What sort of a reputation did she bear in the community?

A. It was terrible amongst both white and colored.

Q. Do you know whether the reputable citizens permitted her to visit them or not?

A. They would not permit her to visit them.

Q. Do you know whether or not she left her husband in the early part of last year and went away?

A. I did not know them at the time she was gone, but still all the neighbors said that she was away at the time you have just spoken of.

RICHARD JORDAN.

Q. Is she now living with her husband? A. She is not.

Q. Who carried her away from him? A. Livy Lewis.

Q. Do you know where he carried her? A. I do not with the exception that he brought her to Suffolk. Mr. Everett told her she had to quit that life or leave his land at once. Lewis was standing near and heard him and said "She can get a place to go."

And further this deponent saith not.

J R Jordan

W. J. COPELAND.

W. J. Copeland, being duly sworn, deposes and says as follows:

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

A. W. J. Copeland, 44, farmer, Nansmond County, Virginia, I know the parties to this suit.

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

A. I have been knowing Mr. Byrd since we were boys together. I have been knowing his wife about 18 years, at the time she lived with Captain P. H. Lee, and ever since.

Q. Do you live in the neighborhood in which they lived?

A. Yes, sir, in about a mile of them.

Q. Can you state whether or not Mr. Byrd has always treated his wife properly and kindly?

A. He has so far as I know. I have never heard any complaint of him.

Q. Is he a hardworking and industrious man? A. Yes, sir.

Q. What has been the conduct of his wife for chastity and purity during the past few years?

A. Ever since I have been knowing her, and she has been big enough, it has been quite bad.

Q. Have you ever seen anything in connection with her conduct that excited your suspicion?

A. I could not say that except of what I have seen between she and Livy Lewis.

Q. Tell what you have seen between those two?

A. I have passed there sometimes twice a week, sometimes once a week, and every time I passed there he was there. If I passed there in the afternoon, he was there. I have been by there at dusk dark and she and he would be over in the road, standing as close as they could get together talking, and when I would return they would be standing there still same as any two lovers.

Q. Then from what you say Mr. Lewis has been a constant and continual visitor at her house?

A. Yes, sir, every time I passed he was there.

Q. Do you know whether he and she ran off together during the year 1906?

W. J. COPELAND.

A. That was the talk of the neighborhood. I know she went away, and that Lewis was away at the same time too.

Q. Is she now living with her husband? A. No, sir.

Q. Do you know who carried her away from home? A. I do not.

Q. Do you know where she is? A. I cannot say.

Q. Do you know whether her conduct was such as to cause her neighbors to complain of her? A. There certainly was complaint.

Q. Do you know whether or not she was allowed to visit her respectable neighbors?

A. No, I do not think she was permitted to visit them.

Q. What was her reputation, good or bad? A. It was bad.

And further this deponent saith not.

W. J. Copeland

Thomas L. Worrell being duly sworn deposes and says as follows.

Ist Ques .State your name age, residence, occupation, and if you know the parties to this suit ?

Ans .Thomas L. Worrell, age .23 years, occupation farmer, and I know the parties, both Walter Byrd and his wife Mary V. Byrd.

2nd Ques. How long hve you known them both ?

Ans . I have known them both for ten years .

The plaintiff Walter Byrd, charges his wife with having been guilty of adultery since their marriage, state anything you may know as to the truth of this charge?

Ans ?Well I think the charge is true; some time during the month of January 1907 when I was living in Nansemond county, not far from where the Byrds live, I was passing along the road in company with some other persons, and when I got near Walter Byrd's residence I saw his wife Mary V. Byrd and Livie Lewis lying side by side near the road apparently in the act of adultery: I am quite sure that they were in such act; I called the attention of the others to it, and they saw the same act. Those with me were N. B. Cutler J. E. Petersen, Libbie Worrell Jerry Hedgepeth and one or two others.

4th Ques .What is the reputation of the said Mary V. Byrd for chastity and virtue among her respectable neighbors?

Ans .Her reputation in that respect is very bad indeed; she had no good standing in the neighborhood. And further this deponent saith not .

Thomas L. Worrell.

N T Bradshaw being duly sworn deposes and says as follows;

Ist. ~~State~~ your name, ~~age~~, residence, occupation and if you know the parties to this suit ?

Ans . N. T. Bradshaw, sixty years of ~~age~~, residence Nurnysville in Nasemond county, Virginia, farmer, I know the ~~dendant~~ ^{for}; I do not know the plaintiff, though I have seen him.

And. This is a suit for absolute divorce brought by the plain/-tiff, Walter Byrd, against his wife Mary V. Byrd, charging adultery on her part, since marriage ; ~~state~~ all and anything you may know in regard to the ~~case~~.

Ans .I saw Mrs Byrd in Suffolk some short time ago ; I think she was here then, in connection with this suit; in a conversation with me, she plainly said that she has been married to Byrd about thirteen years; that she had given birth to three children du/-ring that time; that her ~~hahad~~ husband Walter Byrd was not the father of ~~either~~ of them; that he was a weakly man, and she did not think him capable of becoming the father of a child. She made this statement voluntarily, and smiled when she said it.

This is about all I know about the case.

And further this deponent ~~sai~~ th not .

N T Bradshaw

State of Virginia,

County of Nansemond, To-wit:

I, R. W. Withers, a commissioner in chancery, of the Circuit Court, for the County of Nansemond, in the State of Virginia, do certify that the foregoing depositions of A. J. Peele, J. R. Holland, Alexander Byrd, Charlie Wilkins, Richard Jordan, Jack Copeland, Thomas L. Worrell and N. T. Bradshaw, were duly taken and subscribed to before me, at the office of R. H. Rawles, in Suffolk, Virginia, on the 6th day of March, 1907, pursuant to notice, hereto annexed and returned.

Given under my hand this 6th day of March, 1907.

R. W. Withers,
Comm. in Chancery *R. W.*

To Mary V. Byrd

TAKE NOTICE that I shall, on the 5th day of March 1897,
at the office of R. H. Rawles
in Suffolk Virginia

between the hours of 8 A. M. and 6 P. M., on that day, proceed to take the depositions
of Jackson Peel and others, to be read in evidence in my
behalf, in a certain suit in Equity
depending in the Circuit Court for the County
of Maumond wherein you are defendant
and I am plaintiff;
and if, from any cause, the taking of the said depositions be not commenced on that day, or, if
commenced, be not concluded on that day, the taking of the same will be adjourned and continued
from day to day, or from time to time, at the same place and between the same hours, until the
same shall be completed.

Respectfully yours,

Written Byrd by
R. H. Rawles
Counsel.

I hereby accept sufficient and legal
service of the within notice to take
depositions.

Henry ^{Wm} Byrd
_{made}

Feb. 16th 1907.

Witness:—

E. E. Holland

Walter Byrd

vs

Mary V. Byrd

In Chancery .

This cause came on this day to be heard on the bill, the depositions of A. J. Peele and other witnesses, taken after due notice to the defendant, and the defendant who appears to have been regularly proceeded against according to law, failed to plead answer or demur , and was argued by counsel .

On consideration whereof, it appearing to the court from the evidence filed in the case, that the defendant Mary V. ~~W.~~ Byrd has been guilty of adultery since her marriage with her husband, the plaintiff; and it not appearing the said parties ~~so~~ voluntarily ~~co~~habited after knowledge of the fact of adultery, or that it occurred more than five years before the institution of this suit, ~~or~~ that it was committed by the procurement or connivance of the plaintiff; and it further appearing ~~that~~ both the plaintiff and defendant have been domiciled in this state for at least one year preceding the commencement of this suit; that they last cohabited in this county of Vansemond and that they both now reside in said county, and resided here when the suit was instituted, the court doth order, adjudge, and decree that the plaintiff, Walter Byrd, be, and he ^{is} hereby granted a full and absolute divorce, a vinculo matrimonii from his said wife Mary V. Byrd, and the marriage heretofore solemnized between them is hereby annulled and set aside; and nothing further remaining to be done

in this cause, the same is ordered to be stricken from the docket

Final Decree.

Enter March 11, 1909
Robert Mantis

Entered in Chancery
Order Book No. 4
Page 127

To the Honorable R. R. Prentiss
Judge of the Circuit Court of
Mauremound County:-

Assembly complaining sheweth unto
the Court your orator Walter Byrd
of Mauremound County Virginia the
following case:-

Your orator says that on the 3rd
day of June in the year 1896 he
was married in Mauremound County Va.
to Mary V. Hayes his present wife: that
they were both very poor people at the time
and that since then he has struggled
hard to make a decent and comfortable
living for his said wife and that he
has done everything in his power to
make her life happy and pleasant ac-
cording to their humble circumstances.
He further says that he has not enjoyed
good health and has some times been
an invalid, but has never suffered his
wife to want for any of the necessities
of life. He further says his said wife
seemed to be contented with her lot
in life for some years after the marriage
and gave birth to three (3) children
whom he supposed to be his children
but that he now has good reason

to believe that none of said children
are his: in fact his said wife has
recently boasted that they were not
his children.

He further says that a year or two
ago his said wife became very indifferent
toward him and plainly showed that
she was tired of him and desired
other company. When he brought this
home to her she became abusive and
said she was tired of him and
would not live with him any longer.
He further says that in the early part
of the year 1804 she left his home
and was gone for about nine months
before she returned: and that he has
been informed and believes and there-
fore charges that she left and ran
away with one Ling Lewis with whom
she lived in adulterous intercourse
during said nine months or more:
that upon her return he accosted her
with this fact: she admitted it was
true and again declared she was tired
of the companionship of her said husband
and that she would never live with him
again: that she immediately left his
said house and bed and board and

went off with said Ling Lewis a young
white man with whom she seemed
to be ^{completely} infatuated: and with whom
^{she has since been living in adultery.}
Jury voter further says that he has
since been informed and charging
charges that his said wife has been
repeatedly guilty of adultery since
their marriage, though he knew nothing
of it until recently when her con-
duct became openly, shamefully and
notoriously lewd, so much so that
all the reputable neighbors complained
of her presence in the neighborhood.
Jury voter further says that he has not
voluntarily cohabited with his said wife
after he had knowledge that she was, or
had been guilty of adultery: that said
adultery has not to his knowledge occurred
more than five years before the institution
of this suit, and that it was not
committed by the procurement or con-
nivance of the plaintiff.

Jury voter further says that both he
and his said wife have lived in
Harrison County Virginia all their
lives, that they are now both residents of
said County and State: that they last
cohabited in said County and have
not been domiciled here for upwards

of one year next preceding the Commencement of this suit.

Your orator therefore charges that since his said marriage his said wife has been guilty of adultery, without his knowledge or connivance. And since he can never hereafter have for her only feelings of contempt and disgust he thinks it better for all concerned that he should have an absolute divorce.

In tender consideration whereof and inasmuch as your orator is remediless in the premises save by the aid of a court of equity where such matters are alone and properly cognizable your orator prays that the said Mary V. Byrd may be made a party defendant to this suit and required to answer this bill tho an answer under oath is waived: that proper pivars may issue: that proper depositions may be taken and that your orator may be granted a full and absolute divorce a vinculo matrimonii from his said wife, and the marriage heretofore solemnly between them may be wholly annulled and

Set aside, and for all ^{such} other, further
and general relief as his case may
require or which to equity may
seem meet and he will ever
pray &c.

Walter ^{his} Byrd
~~mark~~

Witness:-

A. J. Peck

Virginia: Nassau County to-wit:

I, R. H. Rawles a Notary Public for the
County aforesaid in the State of Virginia do certify
that Walter Byrd whose name is signed to the
 foregoing bill has this day personally appeared
 before me in my said County and made oath
 that the statements contained in said bill as
 coming of his own knowledge are true: and
 that all other statements therein contained
 as coming of knowledge or information
 received from others he believes to be true.
 Given under my hand this 18th day of
 February 1907. My term of office expires
 Jan. 30, 1911.

R. H. Rawles N.P.

Bill.

Filed Feb. 18. 1907.

Walter Byrd
vs In Chancery
Mary T Byrd

1907 July 16th. Process issued returnable
February Rules 3rd Monday
" " 18th Process returned Service
accepted Rice filed and
decree nisi vs said defendant
" March 4th. Decree nisi confirmed
and Cause set for hearing.

Rawles p.g.

Walter Byrd

vs.

Mary V. Byrd

1907

March 11th

Final Decree

Costs
Clerk \$ 4.18
Tax 1.50
Shff N. 1.20
" So. 20
Atty 15.00
\$22.08