1907-014
Nansemond Co (Suffolk) Chancery Causes: Alberta Bernard vs Lemuel Bernard

Jordan, Jones, Tiner

Oversize
Box 4
Marriage License

A. L. TOLIVER
ATTORNEY-AT-LAW
2408 JEFFERSON AVE.

NEWPORT NEWS, VA., Oct. 11th 1907

Capt. A. P. Gomer
Suffolk, Va.

Dear Sir:-

Am reminding you of matter of Bernard Vs. Do. Would be pleased for you to hand papers to the Judge early so if there be any further objections same may be adjusted before adjournment.

With thanks in advance,

I am truly yours

A. L. Toliver

A. L. TOLIVER
ATTORNEY-AT-LAW
NEWPORT NEWS, VA.

OCT 12
7-AM
07

JAMESTOWN
CELEBRAT

Capt. A. P. Gomer,
Suffolk,
Court House, Va.

NORFOLK, VA.
OCT 12
10-AM
1907

1907
JAMESTOWN
CELEBRATION

Form No. 44.

NIGHT MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Night Messages**, sent at reduced rates, beyond a sum equal to ten times the amount paid for transmission; nor in any case when the claim is not presented in writing within thirty days after the message is filed with the Company for transmission.

This is an **UNREPEATED NIGHT MESSAGE**, and is delivered by request of the sender, under the conditions named above.

ROBERT C. CLOWRY, President and General Manager.

717a

NUMBER	SENT BY	REC'D BY	CHECK
1			7 Paid Night

RECEIVED at

Dated Newport News Va 2c 5/21 1907

To Mr Lee Britt 401 Main St

Nfk Va

Continue Case To May 29th

A L Palmer

Form 116.

The Western Union Telegraph Co.

INCORPORATED

CABLE SERVICE TO ALL PARTS OF THE WORLD.

Pay no Charges to Messenger unless written in Ink in Delivery Book.

No. 25 Lee D. Britt, ag.

Charges Pd

NIGHT MESSAGES AT REDUCED RATES.

MONEY ORDERS BY TELEGRAPH.

Bernard, Alberta
vs } Memo. to Clerk.
Bernard, Lemuel

Kindly make process returnable to 2nd Nov. rules (Nov. 19th).

Defendant resides at 187 Queen st. Norfolk.

Oliver.
J. P.

Jay $1.50 Paid

Bernard
vs
Bernard,

Memo to Clerk.

A. L. TOLIVER
ATTORNEY-AT-LAW
2408 JEFFERSON AVE.

NEWPORT NEWS, VA., May 16th 1907.

Wm Lee Britt,
Suffolk, Va.

Dear Sir:

If subpoena in Bernard vs DO. appears to have been executed by leaving a copy with some person (other than defendant) over 16 years of age &c. &c., kindly send same to me at once. Am handing you necessary postage.

With thanks in advance,

I am very truly, yours,

A. L. Toliver

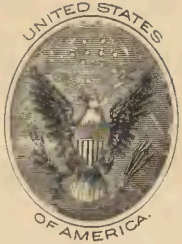
Mailed
May 17/07

Sept. Term, July 16/07.

Am hoping you will not forget to hand Judge papers in Bernard vs. Do. before adjournment. This is just a reminder.

A. L. Tolivar

2408 Jeff. ave.



THE SPACE ABOVE IS RESERVED FOR POSTMARK.

POSTAL CARD.

THE SPACE BELOW IS FOR THE ADDRESS ONLY.

Capt. A. P. Gomer,
Suffolk,
The Court House. Va.

A. L. TOLIVER
ATTORNEY-AT-LAW
2408 JEFFERSON AVE.

NEWPORT NEWS, VA., March 26th 1907.

Mr. A. P. Garner,
Suffolk, Va.

Dear Sir;

Kindly send subpoena for defendant in Bernard vs Bernard to Mr. Lawler returnable to second April rules (Apr. 15).
Have located defendant at 178 Queen St Norfolk.

With thanks,
I am yours &c,
A. L. Toliver.

Am not satisfied that abandonment continued uninterrupted for 3 years. No evidence as whether defendant has lived here in Suffolk and probably with Plaintiff apart of the time. Evidence not strong enough on these points.

L. M.

March 26th 1907

A. L. TOLIVER
ATTORNEY-AT-LAW
2408 JEFFERSON AVE.

(Bernard vs Do.)

NEWPORT NEWS, VA., Nov. 27th 1906.

Jno R. R. Smith,
Suffolk, Va.

Dear Sir;

As we are experiencing some trouble in locating defendant in above cause; and the time having expired for service of within subpoena, I am handing you same. Shall write you as soon as defendant can be located.

Very truly, yours
A. L. Tol'r

A. L. TOLIVER
ATTORNEY-AT-LAW
2408 JEFFERSON AVE.

NEWPORT NEWS, VA., Dec. 11th 1906.

R. R. Smith, Esq.,
Suffolk, Va.

Dear Sir:

Kindly issue subpoena as per memo. below.

Memo.

Alberta Bernard vs Lemuel Bernard, in Chan.
Defendant may be found with Hiram White,
1775 Berkley ave., Berkley, Va.
Make process returnable to 7th Dec. rules.

Respectfully, yours
A. L. Oliver

P. S.

P. S. Am informed that Berkley is now part of Norfolk. Shall, therefore, send necessary fee to Sur. Lawler.

A. L. T.

A. L. TOLIVER
ATTORNEY-AT-LAW
2408 JEFFERSON AVE.

Alberta Bernard
vs.
Lemuel Bernard.

NEWPORT NEWS, VA., Dec. 19th 1906.

Jno. R. R. Smith,
Suffolk, Va.

Dear Sir,

Kindly re-issue subpoena in above styled cause returnable to 1st Jany. (the 7th) rules. Am in touch with Jno. Lauder relative to address etc.

Respectfully yours
A. L. Toliver.

Deer 1905 1906.

A. L. TOLIVER
ATTORNEY-AT-LAW
2408 JEFFERSON AVE.

NEWPORT NEWS, VA., July 6th. 1907.

Capt: A. P. Gorrer,
Suffolk, Va.

Dear Sir:

I am handing you under cover herewith decree in cause of Bernard vs Bernard. The one you will find with papers was prepared hurriedly, and, therefore, not as I would like. Kindly destroy same. Am confident you will hand papers to the Judge as soon as possible.

With thanks in advance,

I am, respectfully yours,

A. L. Toliver

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk —Greeting:

~~YOU ARE HEREBY~~ We COMMANDED ~~TO SUMMON~~ you, as often heretofore we have commanded you to Summon Samuel Bernard

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in January 1907 to answer a Bill in Chancery, exhibited against him in the said Court by Alberta Bernard

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 20th day of December, 1906, in the 131st year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R. R. Smith, CLERK.

By A. L. Somers, Deputy Clerk.

A L Toliver, p. q.

Alberta Bernard

vs. } Plurie Summons In Chancery.

Samuel Bernard

1907

January Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 25

Nox Named
C W Lawrence Sgt
City of Norfolk
by W A Thompson Dty

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk —Greeting:

~~YOU ARE HEREBY~~ We COMMAND~~ED TO SUMMON~~ you as often heretofore we have commanded you, to Summon Samuel Bernard

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in January 1907, to answer a Bill in Chancery, exhibited against him in the said Court by Alberta Bernard

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 20th day of December, 1906, in the 131st 11th year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A L Gomer Deputy Clerk

Teste:
R R Smith CLERK.
By A L Gomer Deputy Clerk

A L Toliver, p. q.

A Copy for

Pleas
Summons

VS. } IN CHANCERY.

Samuel Bunard

1907

January Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 25

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk—Greeting:

~~YOU ARE HEREBY COMMANDED TO SUMMON~~ We Command you as oftentimes heretofore we have commanded you, to Summon Samuel Bernard

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 April 1907, to answer a Bill in Chancery, exhibited against him in the said Court by Alberta Bernard

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 28th day of March, 1907, in the 131st year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R. R. Smith, CLERK.

By A. P. Gomez D.C.

178 Queen

A L Toliver, p. q.

Alberta Bunard

Pluries
Summons
vs. } In Chancery.

Samuel Bunard

1907

April Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 28

Send Bill to A. L. Toliver
Atty at Law
Newport News Va

Not finding Samuel Bunard or any member of his family over the age of 16 years at his usual place of abode in the City of Norfolk this the 29th day of March A.D. 1907 I left a copy hereof for him, on the front door of said abode

J. H. Tanner D.Q.
By W. A. Thompson D.Q.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant Berkley OF ~~NANSEMOND COUNTY~~—Greeting:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ as at another time you have been Commanded that you Summon Samuel Bernard

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 December 1906, to answer a Bill in Chancery, exhibited against him in the said Court by Alberta Bernard

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 13th day of December, 1906, in the 131st year of the Commonwealth.

A copy—Teste:
R. R. Smith, CLERK.
By A. P. Gomer Deputy Clerk

Teste:
R. R. Smith, CLERK.
By A. P. Gomer Deputy Clerk

A L Toliver, p. q.
Newport News.

A Copy for

Alias

Summons

VS. } IN CHANCERY.

Samuel Bernard

1225 Berkley Ave,
Berkley Va

1906

December Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 24

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant Ber Riley OF ~~NANSEMOND COUNTY~~—Greeting:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ as at another time you have been commanded that you Summon Lemuel Bernard

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 December 1906 to answer a Bill in Chancery, exhibited against him in the said Court by Alberta Bernard

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 13th day of December, 1906, in the 131st year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R. R. Smith, CLERK.

By A. D. Gomey Deputy Clerk

12,25 Berkley Ave

A L Polivier, p. q.
Newport News.
Jefferson Avenue 2408.

Alberta Bernard
alias Summons

VS. } IN CHANCERY.

Samuel Bernard

1225 Berkley Ave
Berkley Va

1906

December Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 24

Not found
S. S. Lawrence D.Q.
City of Norfolk
by W A Thompson D.Q.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Samuel Bernard

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 November 1906 to answer a Bill in Chancery, exhibited against him in the said Court by Alberta Bernard

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of November, 1906, in the 131st year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By H P Gomer Deputy Clerk

Teste:
R R Smith, CLERK.
By H P Gomer Deputy Clerk

147 Queen

A L Toliver, p. q.

A Copy for
Samuel Bernard

VS. } IN CHANCERY.

147 ~~167~~ Queen Street
Norfolk Va

190 6

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 2

Page 21

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Samuel Bernard

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 November 1906 to answer a Bill in Chancery, exhibited against him in the said Court by Alberta Bernard

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of November, 1906, in the 131st year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R R Smith, CLERK.

By A B Gomey Deputy Clerk

A L Toliver, p. q.

Alberta Bernard

vs. } In Chancery.

Lemuel Bernard

1906

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 2

Page 21

In the Circuit Court of Nansemond County, Virginia----------

Alberta Bernard -----Plaintiff-

Vs) In Chancery-----

Lemuel Bernard Defendant----

Depositions taken before me in said cause and filed in the Clerk's Office of Nansemond County this 29th day of May, 1907.

Lee Britt

Commissioner in Chancery

Virginia;
In the Circuit Court of Nansemond County this day of , 1907.

Present, Hon. , Judge.

This cause in which the defendant appears to have been regularly proceeded against, and which has duly matured at rules and the defendant having failed to appear and plead or answer, came on this day to be heard upon the bill of the plaintiff and the exhibit therewith filed, on the depositions of witnesses duly taken and filed on behalf of the plaintiff and the same was argued by counsel. On consideration whereof it appearing to the court that the charge of wilfull desertion or abandonment has been fully proven against the defendant in this cause independently of the admissions or confessions of either party in the pleadings or otherwise; the court doth adjudge, order and decree that the plaintiff, Alberta Bernard, be and she is hereby forever and absolutely divorced from the defendant and that the marriage solemnized between them on the 7th day of July, 1898, be and the same is hereby dissolved and annuled. Nothing further appearing to be done in this cause, it is ordered that same be removed from the docket.

Alberta Bernard
vs } Decree
Lemuel Bernard.

#

I respectfully
ask this decree.

A. L. Soliver.
J. P.

To Lemuel Bernard.

Take Notice: That I shall on the 14th day of May, 1907, between the hours of 9 A.M. and 6 P.M. on that day, at the office of Lee Britt, Esq., Commissioner in Chancery, Washington Square, in the town of Suffolk, Va., proceed to take the deposition of witnesses to be read in evidence on my behalf in a certain suit pending in the Circuit Court of Nansemond County wherein you are defendant and I am plaintiff.

Respectfully,
Alberta Bernard.
By counsel.

A. L. Toliver,
p. q.

Alberta Bernard,
vs } Notice to take &c,
Lemuel Bernard.

178 Queen

Not finding Lemuel
Bernard nor any
of his family over
the age of Sixteen
years at his usual
place of abode, I
executed in the
City of Norfolk
this 7th day of May
1907. I tacked a
copy hereof for
him on the front
door of said abode

J. T. Lawler Sergt
City of Norfolk.
by C. L. Quinn
Deputy

Return to R. K. Smith
Clerk.

Sergts fee 50 cts paid
C L. Quinn
DS

Oliver, Esq

To Lemuel Bernard,

Take Notice:

That I shall on the 14th day of August, 1907, between the hours of 9 A.M. and 6 P.M. on that day, at the law office of Wilber J. Kilby, Esq., Commissioner in Chancery, in the town of Suffolk, Va., proceed to take additional testimony to be read as evidence in a certain suit pending in the Circuit Court of Nansemond County wherein you are defendant and I am plaintiff.

Respectfully,

Alberta Bernard,

By Counsel.

A. L. Toliver,

p. q.

Bernard, Alberta

vs 3 Notices to take vs
Lemuel Bernard
Executed in the
City of Norwood this
9th day of August
1907 by serving a
copy hereon, Lemuel
Bernard

J. F. Lawler Sergt
City of Norwood
by J. J. McLynn Sgt
To Pro. High Sheriff
Suffolk

Sergeants fee 50 & pg

J. F. Lawler
P. C.

M. McLynn
Sgty

Virginia,

Circuit Court of Nansemond County, to-wit:

Alberta Bernard — Complaiant.

vs. — In Chancery.

Lemuel Bernard — Defendant.

The depositions of John Jones and Joseph Tiner taken before me, Wilbur J. Kilby, a Commisioner in Chancery of the Circuit Court for the County of Nansemond in pursuance of the notice hereto annexed at the office of Wilbur J. Kilby in the Town of Suffolk, Virginia, on the I4th. day of August, I907, to be read as evidence in behalf of the Complainant in a certain suit in Equity pending in said court wherein Alberta Bernard is complainant and Lemuel Bernard is defendant.

Present: A. L. Toliver, attorney for the Complainant.

No attorney for the defendant.

No witness appearing the taking of these depositions is continued until to-morrow at the same place and time.

Wilbur J. Kilby

Commissioner in Chancery.

Office of Wilbur J. Kilby,

Suffolk, Virginia.

I5th. August I907.

Present: A. L. Toliver, Attorney for the Complainant.

No attorney for the defendant.

John Jones being duly sworn,deposes and says as follows:

Q. Please state your name,age,occupation and place of residence?

A. John Jones,42 years, laborer,Suffolk, Va.

Q. Are you the same John Jones who testified in this cause on May 29th.?

A. Yes.

Q. At that time you testified that Alberta Bernard and her husband had been apart for more than 3 years. Has their separation been continuous during that time?

A. Yes sir.

Q. Where has Lemuel Bernard lived during the 3 years of their separation?

A. He has been living first in Norfolk and then in Suffolk.

Q. What was the cause of Bernard's leaving his wife?

A. So far as I know there was no cause at all.

Q. So far as you know was there anything on her part which would cause him to leave?

A. No sir.

Q. Then you are of the opinion that he wilfully deserted her?

A. yes sir.

Q.

And further this deponent saith not.

John Jones

Joseph Tiner,being duly sworn,deposes as follows:

Q. What is your name, age ,occupation and residence?

A. Joseph Tiner,39 years,blacksmith,Suffolk, Va.

Q. John Jones has just testified that Lemuel Bernard left his wife more than 3 years ago,that he lived from her continuously during that time,that he has lived in Suffolk and Norfolk during that time and that he left her without cause. Do you corroborate that statement?

A. Yes.

Q. You are the same Joseph Tiner who testified in this cause heretofore?

A. Yes.

And further this deponent saith not.

Joseph Tiner

Virginia,

County of Nansemond, to-wit:

I Wilbur J. Kilby, a Commissioner in Chancery, of the Circuit Court for the County of Nansemond in the State of Virginia, do hereby certify that the foregoing depositions of John Jones and Joseph Tiner were duly taken, sworn to and subscribed before me at the times and place and for the purposes in the caption thereto mentioned.

Given under my hand this 15th. day of August 1907.

Wilbur J. Kilby

Commissioner in Chancery.

Bernard

In Chy.

Bernard

Depositions to be read on behalf of the Complainant.

Taken 15 August 1907.

Filed Aug 15th 1907.

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

In the Circuit Court of Nansemond County-

Bernard vs Barnard-

The depositions of John Jones and Joseph Piner, taken before me.Lee Britt,a Commissioner in Chancery of the Circuit Court for the County of Nansemond,in the State of Virginia, pursuant to notice hereto annexed,at my office in Suffolk,Virginia, on the I4th day of May,I907,and subsequent days by regular adjournment,between the hours of 9 A.M. and 6 P.M.,to be read as evidence in behalf of Alberta Bernard in a certain suit in equity depending in the Circuit Court for the County of Nansemond,wherein Alberta Bernard is plaintiff and Lemuel Bernard is defendant.

Present:-A.L.Toliver,attorney for the plaintiff.

The witness,John Jones,being duly sworn,deposes as follows:-

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

I A-John Jones;age 4I years;residence,Suffolk,Virginia;occupation, laborer.

By consent the further taking of these depositions is adjourned to May I5,I907,at 9 A.M.

Lee Britt
Commissioner.

Pursuant to adjournment counsel for the plaintiff and the witness appeared this I5th day of May,I907,at 9 A.M.,and the Commissioner,by consent,adjourned the further taking of the testimony in this cause to Tuesday,May 2I,I907, at I0 A.M.

Lee Britt
Commissioner.

At the request of counsel for the plaintiff the further taking of testimony in this cause is adjourned from this 2Ist day of May,I907, to the 29th day of May,I907 at I0 A.M.

Lee Britt
Commissioner.

Pursuant to adjournment the further taking of testimony in this cause is hereby resumed this 29th day of May I907 at I0 A.M.

2 Q-Do you know Alberta Bernard and Lemuel Bernard,andif,so,state how long you have known them?

2 A-I have known Alberta Bernard about sixteen years and Lemuel Bernard about eight years.

3 Q-Are they living tggether at the present time?

3 A-They are not.

4 Q-Did he leave her or did she leave him?

4 A-He left her, so far as my undertanding is concerned.

5 Q-Please state as far as you can what was the cause of his desertion-

5 A-I do not know any just cause.I do not know any cause at all.

6 Q-Do you mean to say that he just wilfully left her?

6 A-It appears so to me,I do not know any other.

7 Q-Where were they living at the time they separated?

7 A-They were living here in Suffolk.

8 Q-Where does Alberta Bernard live at the present time?

8 A-Here in Suffolk.

9 Q-How long have they been apart?

9A-About four years to the best of my estimation,every bit of it.

I0 Q-Are you sure that they have been apart three years and a day?

I0 A-Yes,sir,I am satisfied that they have.

II Q-Has Alberta Bernard been continuously here during the time of separation?

II A-Yes,sir,so far as I know.I have not missed her her.She certainly has.

I2 QWhat opportunity did you have for knowing that she lived here continuously during the time of the separation?

I2 A-For a long time I lived on the lot next to her and afterwards I lived in the next block,and visited the house.I lived next door to her before he left her and I was living there continously until after he left her.

Further this deponent saith not,

John Jones

The witness,Joseph Tiner,being duly sworn,deposes as follows:-

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

I A-Joseph Tiner;age,38 years;residence,Suffolk,Virginia;occupation, blacksmith.

2 Q-Do you know Alberta Bernard and Lemuel Bernard,the parties to this suit?

2 A-Yes,sir,I know them.

3 Q-How long have you known them?

3 A-I have known Alberta Bernard twelve or fourteen years.I have known him about ten years.

4 Q-Does Alberta Bernard live in the city of Suffolk now?

4 A-Yes,sir.

5 Q-John Jones has testified that Lem Bernard left his wife without cause more than three years ago,they have continuously lived apart since that time,do you corroborate that statement?

5 A- I do corroborate his statement.

6 Q-How do you fix it in your mind that they have been apart more than three years?

6A-Just before they separated she came to me to borrow two dollars and I told her that I did not have it.Less than a week after that time I was called to Murfreesboro ,N.C.,to see my people who were sick,where I remained a day and a half and then returned to Suffolk when I found that they had separated.I am satisfied that it was in 1903 when I was called home.

Further this deponent saith not,

Joe Tiner

State of Virginia,

County of Nansemond,To Wit:-

I,Lee Britt,a Commissioner in Chancery of the Circuit Court for the County of Nansemond,in the State of Virginia,do hereby certify that the aforesaid depositions of John Jones and Joseph Tiner,were duly taken,sworn to and subscribed before me at the times and place and for the purpose in the caption hereto mentioned.

Given under my hand this 29 day of May,1907.

Lee Britt

Commissioner in Chancery.

In the Circuit Court of Rockbridge County this ~~the~~ day of ~~~~, 1907.

Alberta Bernard, Plaintiff,

against

Lemuel Bernard, Defendant.

This cause in which the defendant appears to have been properly proceeded against, and which has duly matured at rules and the defendant having failed to appear and plead or answer, came on this day to be heard upon the bill of the plaintiff, and the exhibit therewith filed, on the depositions of witnesses duly taken and filed on behalf of the plaintiff after reasonable notice given to defendant and the same was argued by plaintiff's counsel. On consideration whereof, and it appearing to the court that the parties to this suit were lawfully married on the 7th day of July, 1898, that they have lived in the state of Virginia for more than a year prior to the commencement of this suit, and that the charge of wilful desertion or abandonment made in plaintiff's bill against the defendant has been fully proven, independently of the admissions or confessions of either party interested, in the pleadings or otherwise; the court doth adjudge, order and decree that Alberta Bernard be, and she is hereby absolutely divorced from the defendant, Lemuel Bernard, and that the marriage aforesaid be and the same is hereby ~~dissolved~~ and annulled. And ~~nothing further appearing~~ remaining to be done in this cause, it is ordered that same be removed from the docket.

Alberta Bernard,
vs. } Final Decree.
Lemuel Bernard.

I respectfully ask this decree.

A. L. Toliver,
p.t.v.

Enter, Octo. 14, 1907
J. Allen L. McLemore

Entered in Chancery Order Book No. 4. Page 181.

EVERETT WADDEY CO.
RICHMOND, VA

To the Hon. R. R. Prentis judge of the Circuit Court of Nansemond County.

Humbly complaining, your oratorix, Alberta Bernard, whose maiden name was Alberta Jordan, showeth unto your honor the following case, to wit:

That she has been domiciled in the state of Virginia for more than a year prior to the commencement of this suit; that on the 7th day of July, 1898, she was joined in the Holy State of matrimony to Lemuel Bernard in the town of Suffolk, Va., as will appear from a certificate of R. R. Smith, Esq., herewith filed marked "Ex A"; that the said town of Suffolk is the place where the said Lemuel Bernard and your oratorix last lived together and co-habited as husband and wife, and is the place where she now resides.

Your oratorix alleges, That about the month of August, 1903, her said husband deserted her without cause, and has since continuously presisted in living separate and apart from her - contributing to her support in no manner manner whatsoever. She says further that she was left with a babe, of which he was the father, then of the tinder age of three months, which your oratorix provided for as best she could until Oct. 17th, 1905, at which time it departed this life. Your oratorix

feeling that a reconciliation cannot be had between her husband and herself, she therefore charges: that the said Lemuel Bernard is guilty of wilful desertion or abandonment for a period of more than three years. And since she is remidless save in a court of equity where all such causes are alone cognizable, therefore she prayeth:

That the said Lemuel Bernard may be made party defendant to this bill, that he may be required to answer same, but not under oath, the same being hereby waved, that the certificate of R. R. Smith, Esq, herewith filed marked "Ex. A" may be read and considered as part of this bill; that process may issue; that she may be granted a divorce a vinculo matrimonii, and that all other, further and general relief may be awarded your oratrix as the nature of her case may permit, or as to equity may deem meet.

In duty bound she will ever pray. &c.

Alberta Bernard.

By counsel.

A. L. Toliver,

p. q.

a & Toliver p.g.

Alberta Bernard,
W. } Bill
Lemuel Bernad.

A. L. Toliver, p. g.,
2408 Jefferson ave.,
Newport News,
Va.

Alberta Bernard
vs In Chancery
Lemuel Bernard.

1906 Dec 13th Process issued returnable to Dec Rules 3rd Monday.

" " 17th. Process Returned unexecuted

" " 20th. Alias Process issued returnable to January Rules First Monday.

1907 Jany 7th Process returned unexecuted.

" March 28 Pluries Summons issued returnable to April Rules Third Monday.

" April 15 Pluries summons returned executed Bill filed and decree nisi vs defendant.

" May 6. Decree nisi confirmed and cause set for hearing.

Chancery
Notes.

Costs

Clerk	4.79
Jay	1.50
Sugh Nop	1.50
Atty	15.00
	$ 22.79

A L Toliver Esq.

Alberta Bernard

vs } In Chancery

Lemul Bernard

1907

Octo 14 th

Final Decree.

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,

Lemuel Bernard

and Alberta Jordan

Given under my hand, as Clerk of the County Court of said county this 7th day of July 1898

R. R. Smith Clerk.

Ex. A.

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, 1898 - July 7th

Place of Marriage, Suffolk Va.

Full Names of Parties Married, Lemuel Bernard & Alberta Jordan

Color, Colored

Age of Husband, 23 years

Age of Wife, 21 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, Northampton Co. N.C.

Place of Husband's Residence, Suffolk Va.

Place of Wife's Residence, Suffolk Va.

Names of Husband's Parents, Aquarius Bernard and Bell his wife

Names of Wife's Parents, Robert H. Jordan and Annie his wife

Occupation of Husband, Laborer

Given under my hand this 7th day of July 1898

R. R. Smith Clerk.

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

I, certify ——— , ~~a~~ of the ~~Church, or religious order of that name, do certify~~ that on the 7th day of July 1898 ~~by~~, at Suffolk Va., ~~under authority of the above License,~~ I united in Marriage the ~~persons~~ above named and described ~~therein~~ parties

~~Given under my hand this ——— day of ———~~ 1898.

under authority of the annexed License. W. W. Saunders

☞ The Minister celebrating a marriage is required, within ~~two months~~ ten days 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.

Ten cents in Revenue Stamps

A Copy Teste: R. R. Smith } Ex. A.

99

Lemuel Bernard
With } Certificate
of Marriage
Alberta Jordan.

1898
July 7th.

"Ex A"

Alberta Bernard
vs }
Lemuel Bernard.

504 Pd.

Page 217.