

1907-025

Nonsement Co (Suffolk)

Chancery Causes: Miles Smith vs Mary Smith

Moore

R N Rawles pay

To R. R. SMITH, Clerk Circuit Court of Nansemond County, Dr.

1906--

Tax and Clerk Fees in suit of Miles Smith vs

Novr  
19th

Mary Smith in Chancery \$1.50

Paid Dec. 7. 1906 J M Lawrence DC Clerk.

\$15<sup>-00</sup>



March 6. 1907

Receipt of A. P. Gorman D.C.

Fifteen x x x x Dollars

att taxed fee in cause of  
Miles Smith vs May Smith

RH Rawles atty

No

R N Rawles pg

To R. R. SMITH, Clerk Circuit Court of Nansemond County, Dr.

190----

~~Tax and~~ Clerk Fees in suit of Myles Smith  
vs Mary Smith  
Dismissed at Rules.

\$1.21

-----Clerk.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

*Mary Smith*

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, *December 1906*, to answer *a* Bill in Chancery, exhibited against *her* in the said Court by *Miles Smith*

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *19th* day of *November*, 190*6*, in the 13*th* year of the Commonwealth.

A copy—Teste:

*R R Smith* CLERK.

Teste:

*R R Smith* CLERK.

*By A G Lomer Deputy Clerk*

*By A G Lomer Deputy Clerk*

Nov 22<sup>nd</sup> 1906 Not found in my County  
At Baker Shop  
By J. W. Waring

R N Rawles, p. q.

A copy for  
Mary Smith

VS.

IN CHANCERY.

Near Somerton

1906

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 221

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CLERK. }

Teste :

*R R Smith*, CLERK.

*By A B Somers Deputy Clerk*

R. H. Rawles, p. q.

Miles Smith

VS.

IN CHANCERY.

Mary Smith

1906

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 2

Page 22,

Noted 22nd Nov. Not found in my County  
The best information I can get  
this party is at Concord Mass  
H. B. Smith  
by J. B. Smith

R. R. Smith Clerk of the Cir-  
cuit Court of Macomb Co.

Miles Smith

Pliff

<sup>vs</sup>  
Mary Smith

Def.

Isu summons for plaintiff  
against defendant to 1<sup>st</sup> of  
December 1906 to answer  
a Bill in chancery.

R. H. Rawls Jg.

Levi near Linton.

Inquiry of Miles Smith.

\$150 Paid

Miles Smith  
vs  
Mary Smith  
Memorandum.

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

Humbly complaining, sheweth unto the court, your orator,  
Miles Smith, of Nansemond County, Virginia, the following case:

Your orator says that, on the 4th day of June, 1905, he  
was united in marriage to Mary Moore, in the said county of Nanse-  
mond, as will appear from the marriage records in the clerk's of-  
fice of said county; he further says that, since the said marriage,  
he has, at all times, been a faithful, kind and loving husband to-  
wards his said wife; he has provided her with a good home and all  
the necessaries of life, and tried in every manner in his power to  
make her life a pleasant and a happy one.

Your orator further says that he is a well to do colored  
man, living near Somerton, in said county; that he owns a tract of  
land with good buildings on it, it being a nice farm, well stocked;  
and that he also owns personal property of various kinds.

Your orator further says that for a few months after his  
said marriage, everything went on pleasantly and nicely, but, that  
during the first part of the year 1906, his wife began to show a  
restless disposition, and that she was tired of her situation.  
She became possessed of a violent temper, quarrelled with him  
almost incessantly, and finally, about the first part of the said  
year, left his home and bed and board and went down in Norfolk  
County to live, declaring at the same time that she would never  
live with him again; that she intended to strike out for herself  
in life and that he might do the same.

Your orator further says that he never gave his wife any  
just or legal or sufficient cause for acting in the manner as she  
did, or for thus willfully deserting him; but, on the contrary,  
did everything in his power to persuade her to remain at her home  
and conduct herself as a dutiful wife should.

He further says that he is informed and believes, and

therefore, also charges, in addition to the charge of desertion, that his said wife, who claimed to be a widow, at the time he married her, was then, at that time, a married woman, and that her husband, a man by the name of Jim Scott, is still living, and that the two have never been divorced. He further says that his said wife made this statement to several of his neighbors; specially to Lucy Mullen, Levinia Langston, Joe Langston, and others.

Your orator therefore is somewhat at a loss to know exactly what position he occupies, and, as his wife has willfully abandoned and deserted him, though not for upwards of three years, he wishes a divorce, a mensa et thoro, from her; and, if it be true that, at the time of his said marriage to her, she was, in fact, a married woman, with a living husband, undivorced, then he wishes his said marriage with her declared null and void by the court.

In tender consideration whereof, and forasmuch 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 Moore may be made a party defendant to this bill and required to answer the same, though an answer under oath is hereby waived; that proper process may issue; that all proper accounts and depositions may be taken; and that your orator may be granted a divorce, a mensa et thoro, from his said wife, on account of her desertion from him, and that the marriage heretofore existing between them, may be declared null and void.

And for all such other, further and general relief, as this case may require or which to equity may seem meet, and your orator will ever pray, etc.

Virginia,

County of Nansemond, To-wit:

I, \_\_\_\_\_, a Notary Public, for the county aforesaid, in the State of Virginia, do certify that Miles

Smith, whose name is signed to the foregoing bill, has this day personally appeared before me, in my county aforesaid, and made oath that the statements contained in the said bill, as coming of his own knowledge and belief are true, and that all other statements, contained therein, as coming from knowledge or information derived from others, he believes to be true.

Given under my hand this 3rd day of December, 1906.

My term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_.

Notary Public.

Bill.

Filed Dec 3, 1906

R. H. Rawles / p. q.

Miles Smith  
W. In Chancery  
Mary Smith

Dismissed at  
Rules, 1906

Dismissed this court  
and out all costs  
including atty. fee &  
expenses.

R. H. Rawles

Costs-  
Clerk \$ 1.21  
Tax 1.50  
Shff 50  
Paia R.A.R. Atty 15.00  
\$ 18.21