1908-006
Nansemond Co (Suffolk) Chancery Causes John Austin vs Celia Austin

Butler, Copeland

To the Clerk of the Circuit Court of Nansemond County.

John Austin,

vs. In Chancery,

Celia Austin.

Issue summons to Third Monday, (Second Rules) in November, 1907.

R. E. Bevill Jr.

Pay $1.50

Memorandum

John Carlton

or

Colin Carlton.

State of Virginia,

to-wit:

County of Nansemond.

This is to certify that Celia Austin is not a resident of this state, and that diligence has been used by and on behalf of the plaintiff to ascertain in what county or corporation she is, without effect, and that process, directed to the officer of the county or corporation in which she resides or is, has been twice delivered to such officer more than ten days before return day, and been returned without being executed.

Witness my hand this 12th day of Noevmber, 1907.

S. E. Everett

State of Virginia,

to-wit:

County of Nansemond.

Subscribed to and sworn to by S. E. Everett before me, a Notary Public, the 12th day of November, 1907.

Given under my hand this 12th day of November, 1907.

W. W. Burgess

Notary Public.

Affidavit

John Custer

or

Celia Custer

State of Virginia, Nansemond County, in the Circuit Court,
In Vacation, Nov. 13th, 1907.

John Austin.....Plaintiff

vs.

Celia Austin.....Defendant

IN CHANCERY.

The object of this suit is to obtain an absolute divorce for the said John Austin, plaintiff, against the said Celia Austin, defendant. And it appearing by proper affidavit filed that the said defendant, Celia Austin, is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication of this notice in the Clerk's Office of our said court, and do what is necessary to protect her interest in this suit; and that this order be published and posted according to law.

R. R. Smith Clerk.
By A. P. Gomer D.C

Order of Pub

NOTICE.

State of Virginia, Nansemond County, in the Circuit Court, in vacation, November 13, 1907.

John Austin.....Plaintiff

vs.

Celia Austin.....Defendant

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R. R. SMITH, Clerk.
By A. P. GOMER, D. C.

S. E. EVERETT, p. q.

A Copy Teste:—

R. R. SMITH, Clerk.
By A. P. GOMER, D. C.

Nov. 15-tf

Order of Publication

NOTICE.

State of Virginia, Nansemond County, in the Circuit Court, in vacation, November 13, 1907.

John Austin.....Plaintiff

vs.

Celia Austin.....Defendant

In Chancery.

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R. R. SMITH, Clerk.
By A. P. GOMER, D. C.

S. E. EVERETT, p. q.

A Copy Teste;—

R. R. SMITH, Clerk.
By A. P. GOMER, D. C.

Nov. 15-tf

$2.00

Office of SUFFOLK HERALD.

SUFFOLK, VA., Jan 12 *1908*

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law---once a week for four successive weeks. beginning Nov 15/07 *and ending* Dec. 13/07

W J Kendrick

Editor Herald

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Celia Austin

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 1907, to answer a Bill in Chancery, exhibited against her in the said Court by John Austin

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 13th day of November, 1907, in the 132nd year of the Commonwealth.

A copy—Teste:
R. R. Smith, CLERK.
By L. P. Gomey D.C

Teste:
R. R. Smith, CLERK.
By L. P. Gomey D.C

S E Everett, p. q.

A Copy for
Celia Austin

VS. } IN CHANCERY.

1907--

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 43

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Teste: R. R. Smith, CLERK.

By A. D. Gomer D.C.

S E Everett, p. q.

John Austin

vs. } In Chancery.

Celia Austin

1907---

November ---Rules.

Third ---Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 43

John Austin,

vs. Deposition.

Celia Austin,

The Depositions of John Austin, Sam Butler, and W. R. Copeland, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, in the State of Virginia, at the office of S. E. Everett, in Suffolk, Virginia, on the 4th day of January, 1908, between the hours of six A. M. and six P. M., to be read as evidence on behalf of the plaintiff, in a certain suit in equity, depending in the Circuit Court of Nansemond County, in the State of Virginia, wherein John Austin is plaintiff and Celia Austin is defendant.

Present, S. E. Everett, Attorney for the plaintiff.

Absent, Attorney for the defendant.

John Austin,being duly sworn. Answers as follows:

Q. 1- Give your name, age, residence and occupation.

A. 1- John Austin, 51 or 52 years old, Farmer, Isle of Wight County.

Q. 2- Are you the complainant in this suit?

A. 2- Yes, sir.

Q. 3- Are you now living with your wife, Celia Austin?

A. 3- No, sir.

Q. 4- Do you know where she is?

A. 4- No, sir.

Q. 5- Have you had any information as to where she is?

A. 5- I heard she was in Norfolk, but never could find her. I had officers to try to find her but have been unable to find her.

Q. 6- How long has it been since she left you?

A. 6- About Christmas, 1922.

Q. 7- Did you give her any cause for leaving?

A. 7- No, sir.

Q. 8- Did you provide for her?

A. 8- Yes, sir.

Q. 9- Do you think you have a good reputation in the neighborhood?

A. 9- Yes, sir.

Q. 10-Do you live in Nansemond County, and how long have you been living here?

A.10- Yes, sir. I have been living here two years.

Q.11- Were you in Isle of Wight County when she left you?

A.11- Yes, sir.

Witness: Bradford Kilby. John his X Austin mark

And further this deponent saith not.

Sam Butler, being duly sworn, deposes as follows:

Q. 1- Give your name, age, position and occupation.

A. 1- Sam Butler, forty-eight years old, farmer, Isle of Wight County.

Q. 2- Do you know John Austin and Celia Austin?

A. 2- Yes, sir.

Q. 3- Did you know them when they lived in Isle of Wight County?

A. 3- Yes.

Q. 4- Were you living near them when she left him?

A. 4- Yes, sir.

Q. 5- Did you know when she left?

A. 5- Yes, sir.

Q. 6- How long ago?

A. 6- About Christmas, 1905.

Q. 7- Did she ever have any conversation with you.- I mean did she tell you she was going to leave?

A. 7- Yes, sir, she told me she was going to leave John and was done with him forever.

Q. 8- Were you in a position to know whether John gave her any reason to leave, or not?

A. 8- No, sir, he was a good provider and I don't think he gave her any excuse for leaving, as he had a plenty.

Q. 9- Was he glad to see?

A. 9- Yes, he certainly was.

Q.10- Did you ever hear her make any complaint as to him treating her wrong?

A.10- I don't think I did.

(Sam Butler continued)

Q. 11- Has she ever been back there since then?

A. 11- Not that I know of.

Q. 12- Did she have a good reputation in the community?

A. 12- Nothing extra.

Q. 13- Was she a woman with bad reputation?

A. 13- Seems nearer being that than anything else.

Q. 14- Have you ever heard as to where she went to?

A. 14- I heard she went to Norfolk to her daughter's.

Q. 15- Have you ever heard what her reputation was there?

A. 15- No, sir; I have not.

Q. 16- Is there anything more that you wish to say about the matter?

A. 17- No, sir. Witness: B. Kelby Sam his X mark Butler.

And further this deponent saieth not.

S. H. Copeland, being duly sworn, deposes as follows:

Q. 1- Give your name, age, residence and occupation.

A. 1- H. H. Copeland, 58 years old, farmer, Isle of Wight County.

Q. 2- Are you related to John Austin and Celia Austin?

A. 2- No, sir.

Q. 3- Do you know where John now lives?

A. 3- No, sir.

Q. 4- How long has he been in the second County?

A. 4- Going on three years.

Q. 5- Does he live with his wife,now?

A. 5- No, they are not living together now, and have not been for going on the last four years.

Q. 6- Do you know when she left him, and where?

A. 6- She left him in Isle of Wight County, going on about four years ago.

Q. 7- Has she ever returned to him?

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

Q. 8- Did he give her any cause for leaving?

A. 8- Not as I know of.

Q. 9- Were you in position to know whether he was a good provider, or not?

A. 9- Yes, sir.

Q.10- Did you know he was a kind and good provider?

A.10- From what I saw and he was.

Q.11- How he about the average colored man for providing?

A.11- He was a little above the average in this line.

Q.12- Did you ever hear her say why she left?

A.12- No, Sir.

Q.13- Was her reputation good while in that community?

(W. R. Copeland continued.)

A. 13- Not very good.

Q. 14- What do you mean by"Not very good."

A. 14- Her character was bad.

Q. 15- Did you ever hear where she went to?

A. 15- Norfolk.

Q. 16- Did you ever hear anything about her reputation in Norfolk?

A. 16- I have heard that she has not improved in character.

Q. 17- Then you have that they have not lived together for about four years, and that John Austin has provided for his wife well and gave her no cause for leaving?

A. 17- Yes, sir.

Q. 18- Do you think that John Austin had a good cause for leaving her?

A. 18- I think John Austin had good cause to leave her, but he never did leave her.

Witness: Bradford Kilby. W. R. his X Copeland mark.

And further this deponent saith not.

STATE OF VIRGINIA,

to-wit:

COUNTY OF NANSEMOND.

I, Bradford Kilby, 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, and signed by the witnesses, respectively, before me, at the place and time therein mentioned,

In witness whereof I have hereunto set my hand at Suffolk, Virginia, aforesaid, this 4th day of January, 1905.

Bradford Kilby

Commissioner in Chancery.

Commissioner's fee $5.00

John Austin.

vs. Depositions

Celia Austin.

John Austin.....Complainant

vs.

Celia Austin.....Defendant.

This cause, in which the plaintiff has proceeded against the said Celia Austin in the mode prescribed by law as to absent defendants, and the said Celia Austin still failing to appear and plead, answer and demur, came on this day to be heard on the bill, and the depositions taken on the 4th day of January, 1908, before Bradford Wilby, a Commissioner in Chancery, and filed as of said date, and was argued by counsel:

On consideration whereof, and it appearing to the court that the said parties were lawfully married, and that the defendant has abandoned the said plaintiff, and a period of more than three years having now elapsed since the said abandonment, and that the said plaintiff is a resident of the County of Hancock, and that the said plaintiff has been domiciled in this state for more than one year next preceding the commencement of this suit, the court doth adjudge, order and decree, that the said John Austin and Celia Austin be divorced from the bond of matrimony, which was created by the aforesaid marriage, and that the said marriage be, and the same hereby is dissolved and annulled.

And it is ordered that the said Celia And in shall pay unto the said John Austin his cost by him in this behalf expended, and nothing further remaining to be done in this suit it is further ordered that the same be stricken from the docket.

John Austin,

vs.

Celia Austin.

Enter January 14, 1908.

James D McGilmore

Entered in Chancery Order
Book No. 4, page 214.

John Austin,

Vs. Bill.

Celia Austin.

To the Honorable Circuit Court of Nansemond County.

Your complainant, John Austin, respectfully represents:

(1) That ten years ago your complainant was lawfully married in Nansemond County, Virginia, to Celia Austin.

(2) That continuously from the date of said marriage until the spring of 1903 your complainant and the said Celia Austin lived together as husband and wife, part of the time in Isle of Wight County and part of the time in Nansemond County.

(3) That the said Celia Austin has wilfully deserted and abandoned your complainant, for a period of more than three years, that is to say, in the Spring of 1903 the said Celia Austin did voluntarily, wilfully, and without any justification whatever, leave her home, and has never returned to your complainant, and that your complainant for the last twelve months or more has never been able to find her, or does he now know where she is or whether she be dead or alive.

(4) That your complainant has resided and has been domiciled in this state ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in this state.

(5) Your complainant says that he is not certain which county he last cohabited with her in. He lived in Nansemond County but was really last with her in Isle of Wight County, but your complainant says that he is now a resident of

Nansemond County, and has been for about two years, and if the said Celia Austin be alive she must be out of this state.

H. E. Brewer John Austin

Complainant.

State of Virginia,
to-wit:
County of Nansemond.

John Austin, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true.

John Austin

Complainant.

Taken, sworn to and subscribed before me, H. E. Brewer a notary public of and for the county and state aforesaid, in my county aforesaid, this 12 day of November, 1907.

H. E. Brewer.

Notary Public.

H. C. Everett P. V.

John Courtin
02 Bige
Celia Courtin

John Austin
Vs} Chancery
Celia Austin

1907 Novr 13th. Process issued returnable to November Rules 3rd Monday

" " 18th Process returned unexecuted

" " 13 Order Publication Bill filed.

" Decr 28. Docketed on order of Publication

Chancery Notes

John Austin
vs } In Chancery
Celia Austin

1908
January 14th
Final Decree.

Costs
Clerk 4.20
Jax 1.50
Atty 15.00
$20.70