

1908-018
Nansemond Co (Suffolk) Chancery Causes: James H. Morgan vs Martha Barnes Morgan

Barnes, Kilby

25/1/1908

To the Clerk of the Circuit Court of Nansemond County.

James H. Morgan.....Plaintiff

vs.

Martha Morgan.....Defendant.

Issue summons to Second Rules (Third Monday)
in March, 1908.

W. L. Morgan

James H Morgan
vs} Chauncy
Martha Morgan

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

Martha Morgan

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 *March 1908*, to answer *a* Bill in Chancery, exhibited against *her* in the said Court by *James A Morgan*

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *25th* day of *February*, 1908, in the 132^{*and*}*7* year of the Commonwealth.

A copy.—Teste :

Teste :

CLERK. }

R R Smith, CLERK.

By A L Gomez D.C

Executed this 6th day of March, 1908, by
delivering a true copy of the within
process to Martha Morgan in person.
Attest, A. H. Baker, Sheriff
By D. E. Jordan, Deputy.

D. E. Everett, p. q.

James N. Morgan

VS. } IN CHANCERY.

Martha Morgan

1908

March Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 2

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James H. Morgan,

vs. Deposition.

Eartha Barnes Morgan.

The depositions of M. J. Kilby, Spencer Morgan and Jane H. Morgan, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, in the State of Virginia, pursuant to notice hereto annexed, at the office of S. E. Everett, in Suffolk, Virginia, on the 10th day of April, 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 Martha Barnes Morgan is defendant and James H. Morgan is plaintiff.

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

To Martha Morgan:

Take notice that on the 10th day of April, 1908, at the office of S. E. Everett, in the city of Suffolk, Nansemond County, Virginia, between the hours of nine o'clock A. M. and six o'clock P. M. of that day, I shall proceed to take the depositions of Spencer Morgan, M. J. Kilby, and John F. Faulk, to be read in evidence in my behalf in the suit in equity depending in the Circuit Court of Nansemond County, in which I am plaintiff and you are defendant; and if from any cause the taking of the said depositions be not commenced on that day, or if commenced, if they be not completed on that day, the taking of the said depositions will be adjourned and continued from time to time at the same place and between the same hours until they are completed.

Respectfully,

James H. Morgan

Executed this 6th day of March, 1908, by
delivering a true copy of the within
process to Martha Morgan in person.

A. H. Baker, Sheriff,
By D. E. Jordan, Dep.

James A. Morgan
1908

Martha Morgan.

To all whom these presents shall come, I, the Sheriff of the County of ... State of ... do hereby certify that the within and foregoing is a true and correct copy of the original of the within and foregoing as the same appears from the records of the County of ... State of ...

Witness my hand and seal of office at the City of ... this 6th day of March, 1908.

Mr. W. J. Kilby being duly sworn deposes as follows.

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

A. W. J. Kilby, 49 years old, Nansmond County, near Churchland, Farmer.

Q. Do you know James H. Morgan and Martha Morgan, his wife?

A. Yes.

Q. Do you know about when they were married.?

A. About 1903.

Q. How far did they live from you?

A. James Morgan lived with me at the time he was married, and then moved on my place.

Q. How long did he live with you?

A. About three years.

Q. Did his wife leave him while he lived with you?

A. He was working with me but had moved off my place at the time they separated.

Q. About what time did they separate?

A. They separated some time the next year.

Q. Are you satisfied that they have been apart more than three years before March 1st?

A. Yes.

Q. Was James as far as you know a good and faithful husband?

A. Yes.

Q. Why did she leave him?

A. I could not say, but she went off with another man.

Q. Has she ever returned to him?

A. No, I know she has not.

Q. Can you say what she left him?

A. I presume because she liked the other man better.

Q. Did James give her any reason to leave him?

A. From what I know of him I do not think he could have given her any reason to leave. I am satisfied that she

left without any cause on his part.

Q. Is there anything else that you wish to say Mr. Kilby?

A. She is now living with another man, but not the same man that she ran off with when she left James Morgan.

And further this deponent saith not.

M. J. Kilby

Spencer Morgan being duly sworn deposes as follows:

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

A. Spencer Morgan, 39 years old, Huntersville Nansemond County, farmer.

Q. Do you know James Morgan and Martha Morgan, his wife?

A. Yes, I know them and I lived in the house with them after they were married.

Q. Do you know when they were married?

A. I do not know the exact date.

Q. Do you know the year?

A. About four years ago.

Q. Do you know whether they were married in the Fall or Spring?

A. They were married in the Fall.

Q. Did they separate the next Spring?

A. I was not living with them when they separated but she left him the next spring. They lived together a very short while after they were married.

Q. You say you were not there when they separated?

A. No, I was not living in the same house but living in Huntersville where they separated.

Q. Do you know why she left him?

A. Yes, she left him because she fell in love with another man.

- Q. Did he ever beat or abuse her to cause her to leave?
- A. I know that he did not abuse her or beat her in any way.
- Q. Was he a good husband?
- A. He certainly was a good husband.
- Q. And you say she had no cause to leave except to go off with another man?
- A. Not a bit in the world.
- Q. Have they ever lived together since then?
- A. No they have not.
- Q. You are satisfied that they have been separated more than three years?
- A. Yes, they have been separated four years this spring.
- Q. You have stated that you were in a position to know that James Morgan was a good husband and gave her no reason to leave him, and also she left and did not come back.
- A. I lived in the house with them for four months just after they were married, and they separated shortly after I stopped rooming there, and when I was there he was kind to her, and I never saw the least disturbance. After I moved from there I lived in sight of the house and I was in and out there, and I am satisfied he gave her no cause to leave, and I know that she has never been with him since then.
- Q. Is there anything further you wish to say in this case?
- A. She is now living with a man in a house alone, she was there with him this morning when I came by there. This makes two men she has lived with since she left James Morgan.

And further this deponent saith not.

Witness:

Bradford Kilby.

Spencer Morgan
witness

James Morgan being duly sworn deposes as follows:

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

A. James Morgan, 26 years old, Huntersville, Nansemond County, farmer.

Q. What time were you married?

A. I was married a little while before Christmas, 1903.

Q. How long did you live with your wife?

A. My brother lived in my house after I was married about four months and my wife left me about two months after he left.

Q. Then your wife lived with you until about the spring of 1904?

A. Yes.

Q. Did you give her any cause to leave?

A. No.

Q. Did you ever have any difficulty with her before she left?

A. She left me to go off with Pete Jordan, and had no other cause whatever.

Q. You never gave her any cause?

A. No.

Q. Did you take care of her?

A. Yes, and she took my wages and gave them to the other man and I had to work. She told me I had to "buss"

myself open to work and keep her and her man up, and

finally she went off with this man. When I came home one day she had gone and she never has returned.

Q. Is she living with that same man now?

A. No, she does not live with Pete Jordan now, she had a burst up with him and she is now living with another man, John Burnell, Secretary of God's Church.

Q. You were always good to your wife and she left you without any cause?

A. I certainly was good to her. Everything I worked for and Mr. Kilby would pay me I would dump it over in her lap and she would spend it as soon as she got it, and would ask me for more.

Q. Is there anything else you want to say?

A. No.

Q. You are afraid to get married again, are you not?

A. Yes, if they are all like she was I would pass them bye.

James H. Morgan
made

Witness:

Bradford Kilby

STATE OF VIRGINIA,

to-wit:

COUNTY OF NANSEMOND.

I, Bradford Kilby, a Commissioner in Chancery for the County of Nansemond, 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, pursuant to the annexed notice.

In witness whereof I have hereunto set my hand at Suffolk, Virginia, aforesaid, this 10th day of April, 1908.

Bradford Kilby
Commissioner in Chancery.

Commissioner's fee \$5.00

Morgan
v. } In Chancery
Morgan

Depositions.

Filed 10th. Apr. 1908
J. H. Morgan, Jr.

James H. Morgan.....Complainant
vs. Decree.
Martha Barnes Morgan.....Defendant.

This cause, in which process has been duly served on Martha Barnes Morgan, and she still failing to appear and plead, answer ~~and~~ demur, came on this day to be heard on the bill and depositions taken before ^{after reasonable notice to the defendant of the time and place of taking same} Bradford Hilby, a Commissioner in Chancery, and filed on behalf of the plaintiff on the 10th day of April, 1908, and was argued by counsel.

On consideration whereof and it appearing to the court that the said parties were lawfully married, and that the said defendant has abandoned the said plaintiff and a period of more than three years having now elapsed since the said abandonment, that the said plaintiff and ^{last} defendant [^]cohabited together in the County of Nansemond, and 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 James H. Morgan and Martha Barnes Morgan 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 Martha Barnes Morgan shall pay unto the said James H. Morgan 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.

James H. Morgan,

vs. Decree.

Marta Barnes Morgan.

Enter 11th May, 1908.

James L. O'Connor

Entered in Chancery Order

Book No. 4, page 243.

(2.)

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In the Circuit Court of Nansemond County, Rules Third
Monday, March, 1908.

James H. Morgan,
vs. Bill.
Martha Barnes Morgan.

To the Honorable James L. McLemore, Judge of the
Circuit Court of Nansemond County.

Your complainant, James H. Morgan, respectfully represents:

1. That on the 29th day Of November, 1903 your complainant was lawfully married in Nansemond County, to the defendant, Martha Barnes.

2. That continuously from the date of said marriage until the spring of 1904 your complainant and the said defendant lived together as husband and wife, in Nansemond County, Virginia.

3. That in the spring of 1904 the defendant deserted your complainant without cause, and has never since returned to him.

4. And both your complainant and the said defendant have resided and have been domiciled in this county ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and are now domiciled and now reside in this county, and last cohabited in the County of Nansemond.

On consideration whereof, and for as much as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Martha Barnes Morgan may be made a party defendant to this bill, and required but not on oath, to answer the same, the oath being hereby waived, that a divorce from the bond of matrimony, which was created by the aforesaid marriage be

decreed him, and your complainant may have all such further
and other general relief in the premises as the nature of
his case may require, or to equity shall seem meet.

H. E. Stevens

Counsel.

James H. Morgan
Complainant.

State of Virginia,

County of Nansemond, to-wit:

James H. Morgan, the complainant named in
the foregoing bill, being duly sworn, says that the facts
and allegations therein contained are true, except so
far as they are therein stated to be on information, and
that so far as they are therein stated to be upon
information he believes them to be true.

James H. Morgan
Complainant.

Taken, sworn to and subscribed before me, S. E. Everett,
a Notary Public of and for the county and state aforesaid,
in my county aforesaid, this 25th day of March, 1908.

S. E. Everett

Notary Public.

S.E. Everett P.Y.
James H. Morgan
13 Bell
Weather Warner Morgan

James N Morgan
vs

Martha Morgan

1908 Feb'y 25th Process issued returnable
to March rules 3rd Monday.

" March 16. Process returned executed
Bill filed and Decree
nisi against said
defendant.

" April 6th. Decree nisi confirmed
and cause set for
hearing.

Chancery
Notes.

S E Everett 199.

James & Morean
Wm Chancy
Martha Morean

1908

May 11th

Final Decree.

Costs
Clerk \$ 3.83
Tax 1.50
Shff 1.00
Alty 15.00
Comm 5.00

\$ 26.33