1910-011
Nansemond Co (Suffolk) Chancery Causes: Dora C. Jones vs David Jones

Joyner, Sullivan

Mr. R. H. Rawles, Jr.

TO R. R. SMITH, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK, VA.

1910 Dora C. Jones vs. David Jones

Oct. 18

~~TRANSFER FEE FOR COMR.~~

STATE TAX.

CLERK'S FEES.

592

Paid _____ 191

A. L. Pretty, D.C. Clerk.

VIRGINIA, NANSEMOND COUNTY, to-wit:

In the Clerk's Office of the Circuit Court of said county, in vacation, on the 29th day of June 1910.

Dora C. Jones, complainant.

vs. In Chancery.

David Jones, defendant.

The object of the above suit is to obtain for the plaintiff a full and complete divorce from the bonds of matrimony, from the defendant, and to ask the court to make such orders as may be proper concerning alimony to be paid to said complainant, and any other such sums as are necessary for her maintenance and to enable her to carry on this suit; and affidavit having been made and filed that the defendant is not a resident of this State, it is ordered that he appear at the Clerk's Office of the Circuit Court of Nansemond County, within fifteen (15) days after due publication hereof, and do what may be necessary to protect his interest in this suit; and it is further ordered that a copy of this order be published once a week for four successive weeks in the Suffolk Herald, a newspaper published in said county, and posted as the law directs.

A Copy-Ttste:

R. R. SMITH, Clerk.

By M. M. WATKINS, D. C.

R. H. RAWLES, p. q.

July 1-4t W.

Office of SUFFOLK HERALD.

SUFFOLK, VA., Aug 24 1910

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 July 1, 1910 *and ending* July 29/1910

W J Kendrick.

Editor Herald

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., Aug. 24 1910

M R H. Rawles atty.

To SUFFOLK HERALD CORPORATION, Dr.

: : Newspaper and Job Printing : :

No. 912 WASHINGTON STREET

TERMS OF THIS BILL — NET CASH

BOTH PHONES

July	29	Pub. Notice Suit Dora Jones vs David Jones	4 40

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., Sept 1 1910

M R. H Rawles Atty

To SUFFOLK HERALD CORPORATION, Dr.

: : Newspaper and Job Printing : :

No. 912 WASHINGTON STREET

TERMS OF THIS BILL — NET CASH

BOTH PHONES

July 7	Adv. Suit Dora Jones vs David Jones			4 40

PAID
Sept 1/10
THE SUFFOLK HERALD CORPORATION
By C

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Dora C. Jones Pltft.
vs.
David Jones Df't
In Chancery

I hereby certify that on the 29th day of June 1910. I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered.

Given under my hand this 29th day of June, 1910.

R. R. Smith, Clerk,

By M M Warwick, Deputy Clerk.

Dora C. Jones

vs } Certificate that Clerk has posted Order of publication

David Jones

Virginia: Nansemond County
to wit:—

I R. H. Rawles agent and attorney for Dora C. Jones do solemnly swear that to the best of my knowledge in promises and belief David Jones the defendant in the chancery cause now pending in said Circuit court of Nansemond County under the style of Dora C. Jones vs David Jones, is not a resident of the State of Virginia. Witness my hand this 29th day of June 1910.

R. H. Rawles.

Sworn to before me by R. H. Rawles in the clerk's office of Nansemond County Circuit Court on this 29th day of June 1910.

R. R. Smith, Clerk
By M. M. Watkins D.C.

Dora C. Jones
vs.
David Jones

Affidavit of Service.

VIRGINIA, NANSEMOND COUNTY, to-wit:

In the Clerk's Office of the Circuit Court of said county, in vacation, on the 29th day of June, 1910:

Dora C. Jones, complainant.		
vs.	v	In chancery.
David Jones, defendant.		

The object of the above suit is to obtain for the plaintiff a full and complete divorce from the bonds of matrimony, from the defendant, and to ask the court to make such orders as may be proper concerning alimony to be paid to said complainant, and any other such sums as are necessary for her maintenance and to enable her to carry on this suit; and affidavit having been made and filed that the defendant is not a resident of this state, it is ordered that he appear at the Clerk's Office of the Circuit Court of Nansemond County, within fifteen (15) days after due publication hereof, and do what may be necessary to protect his interest in this suit; and it is further ordered that a copy of this order be published once a week for four successive weeks in the Suffolk Herald, a newspaper published in said county, and posted as the law directs.

Teste:

R. R. Smith, Clerk
By M. M. Warren, D. C.

Dora C. Jones
V/s Order of Publication
David Jones

R. R. Smith Clerk of the Circuit
Court of Nansemond County:

Dora C. Jones — Plff

vs

In chancery.

David Jones — Deft.

Issue summons for plaintiff against
defendant to first July rules 1910 to
answer a Bill in chancery.

R. H. Rawles p.q.

Dora C. Jones
vs.
David Jones
Memo. for Clerk.

Short note of Argument.

(1)

The plaintiff in this case is a most estimable and well deserving white lady, who has an interesting family of daughters, and who resides about two miles from Suffolk on a small farm, which she has purchased, and which they are paying for with their daily labors. They are all stirring and industrious people. They sell milk, butter, poultry and country produce.

(2)

This action is based chiefly on willful abandonment and desertion for upwards of three years. The evidence in the case proves that her husband has abandoned and deserted her for upwards of three years before she brought the suit; that she has been domiciled in this state and county for more than one year before the suit, and that she is still a resident of this county, and expects to remain all her life; that her husband is now in N. C. These are the only requirments of statute.

(3)

The Law. I have lately been reading, not with reference to this case, but to one of more far reaching importance, all the latest cases decided on the subject of divorce by the Supreme Court of the U. S., including the celebrated cases of Haddock vs. Haddock and Atherton vs. Atherton. From all of these cases it clearly appears -

(1)

That the Congress and the Government of the U. S. has nothing whatever to do with the subject of divorce; that it is a matter left entirely for each state to decide for itself; that where the proceeding in any state is according to the requirments of the law of that state, the decision is valid and binding in that state.

(2)

The sole question generally presented to the U. S. Supreme Court was not, as to territorial effect of such judgment, but as to the extra territorial effect thereof - that is to say, what effect should be given to a judgment in such cases, rendered in one state, by the courts of another state, under the 4th section of the Constitution of the United States, commonly known as the "full, faith and credit clause", when there was no personal service but the proceedings were by publication.

(3)

The courts have decided that outside of this phase of the question, all the states have the right to, and very often do recognize such judgment as valid on the ground of state comity, but whether they are compelled to recognize such judgments, the Supreme Court has decided the different cases according to the facts of each case.

(4)

But is everywhere and universally stated in all the cases, including the cases in which the Supreme Court held that the courts of another state were not bound to recognize such judgments as valid, that they were still valid and binding in the state where rendered, if the proceedings were had according to the statutes of such state, even though there was no personal service but only publication. In many cases they have been held valid and binding everywhere and enforcible in foreign states, by the 4th section of the Constitution.

(5)

This court is not asked to consider, nor is it proper that it should consider, any extra territorial effect of the decree asked for. Such decree is binding, by universal authority, in this state, and with that the plaintiff is satisfied.

Respectfully,

R. H. Rawles.

Argument.

Jones is Jones

The depositions of Gillie E. Sullivan and others taken before me, Robert W. Withers, a Commissioner in Chancery for the Circuit Court of Nansemond County, at the office of R. H. Rawles, in Suffolk, Va. on the 27th day of August 1910, between the hours of 8 A. M. and 6 P. M. to be read as evidence on behalf of the Plaintiff in a certain suit in equity pending in the said Circuit Court of Nansemond County, wherein Dora C. Jones is Plaintiff and David Jones is Defendant. This case stands on an order of publication and the Defendant having failed to make his appearance, according to statute after said order of publication was duly had and the fifteen days thereof had expired, said Defendant is not entitled to any further notice.

Present:

R. H. Rawles, counsel for Plaintiff.

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

Gillie E. Sullivan being duly sworn and deposes and says as follows:

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

A. Gillie E. Sullivan, age 19 years, Nansemond County, Virginia, living on a farm, and I know both of the parties to the suit. The Plaintiff is my mother.

Q. Will you state when your mother was married to her present husband, David Jones.

A. She was married May 2, 1905.

Q. Wheredid that marriage take place?

A. In Duplin County, North Carolina.

Q. Do you know whether the Plaintiff and Defendant are now living together or not?

A. They are not.

Q. Can you state of your own knowledge whether the Defendant, David Jones left or abandoned or deserted his wife?

A. He did.

Q. Where were they living at that time?

A. In same county in N. C.

Q. Can you state about when the Defendant abandoned or deserted his wife?

A. Jan. 1907.

Q. Were you living with them at that time?

A. I was.

Q. Please state whether there were any children by that marriage.

A. There were not.

Q. Was your mother a widow at the time of her marriage to David Jones.

A. She was.

Q. How may children had she at that time?

A. Eight children.

Q. Were they all living with her at that time?

A. Yes, they were.

Q. Can you state whether or not your mother ever gave the Defendant any cause for leaving her?

A. She did not.

Q. Please state how during the marriage she conducted herself towards him and how she tried to provide him a home.

A. She did the best she could. My mother is a very industrious and hard working woman. She did her full part in keeping the family together. She and the children did most of the work.

Q. Please how the Defendant conducted himself after his said marriage.

A. He was often intoxicated. He would not work. He was trifling and idle and often abusive.

Q. Did he do his part towards your mother during their married life?

A. No, he did not.

Q. I understand you to say that he left and abandoned her in Jan. 1907. Has he ever returned to live with her as her husband since that time?

A. He has not.

Q. How do you know this fact?

A. I know this becausd I have been a member of the family and have been living with the Plaintiff during the entire time during his absence.

Q. Do you know where he now is or resides?

A. He is somewhere in N. C. I do not know just where.

Q. When did your mother leave N. C. and move to Virginia?

A. In december 1908.

Q. Will you state whether or not she has been continuously living in in Nansemond Co. Virginia since that time?

A. Yes, she has.

Q. Is she now a resident of Nansemond County, Virginia?

A. Yes, she is.

Q. What does she now do for a living?

A. She has a farm.

Q. Can you state whether or not she has recently purchased a small farm or not?

A. Yes, she has.

Q. Has she fully paid for it?

A. No, she has not.

Q. Do you know whether or not there is a mortgage on it for the balance of the purchase money.

A. Yes.

Q. Pleasc state whther or not your mother, by her own labors and the labors of her daughters, is trying to make enough money on that farm to discharge that mortgage.

A. Yes, she is.

Q. Is she receiving to your knowledge any help or assistance from her husband.

A. She is not.

Q. Has he contributed anything towards the purchase of that farm.

A. No, he has not.

Q. Has he since he left in Jan. 1907 contributed anything towards her support?

A. No, he has not.

Q. Then, am I to understand from your evidence that the Defendant David Jones has abandoned or deserted his wife for more than three years.

A. Yes, he has.

Q. Do you think there is any prospect of his ever returning to be reconciled with or to live with his wife.

A. No, I do not.

And further this deponent sayeth not.

Gillie. E. Sullivan,

Callie V. Sullivan, 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. Callie V. Sullivan, age 16 years, Nansemond Countym Virginia, living on a farm, and I know both of the parties to this suit.

Q. When was your mother married to the Defendant?

A. May 2, 1905.

Q. Where did that marriage take place?

A. In Duplin County, N. C.

Q. Can you state whether or not the Plaintiff and the Defendant are now liging together.

A. They are not.

Q. Can you state whether or not the Defendant at any time left or abandoned or deserted the Plaintiff.

A. He did.

Q. Can you state about when he left or deserted her?

A. About Jan. 1907.

Q. Where were they living at that time?

A. In the same place in N. C.

Q. Has he since that time ever returned to resume his marriage relations or to live with the Plaintiff as her husband?

A. No, he has not.

Q. How do you know this to be true?

A. I have been living in the family with the Plaintiff during the entire time.

Q. State whether or not the Plaintiff ever gave the Defendant any just cause for leaving her.

A. She did not.

Q. State how she behaved and acted towards him during their married life?

A. She did the very best she could.

Q. Did she in any way mistreat him?

A. She did not.

Q. Will you please state how he acted towards her?

A. He was cruel and abusive towards her. He treated her badly. He was addicted to intoxication and was drunk a good part of the time.

Q. Was he willing to work?

A. Not much.

Q. Did he contribute anything towards the support of your mother?

A. He did not.

Q. I understand you then to say that since he left in Jan. 1907 he has never returned to live with her.

A. He has not.

Q. Is he still living in N. C.?

A. Yes, he is.

Q. When did the Plaintiff move to Virginia?

A. In Dec. 1908.

Q. Did she come directly to Nansemond County.

A. She did.

Q. Has she been living here continuously since Dec. 1908.

A. She has.

Q. Where does she live?

A. On a little farm about two miles from Suffolk.

Q. Did she purchase that farm herself?

A. She did.

Q. Has she paid for it?

A. Not fully.

Q. Is there a mortgage on it?

A. Yes.

Q. Is she trying to pay off that nortgage by her own labors?

A. She is.

Q. Has she received any help or assistance whatever from her husband in purchasing that farm?

A. She has not.

Q. What assistance does she have?

A. Only such as we, her children, cam render her.

Q. From all you know of this case, do you think there is any prospects of a reconciliation between the Plaintiff and the Defendant, or that he will ever return to live with her and do his part as a husband.

A. I do not.

Q. Do I understand you to say that the Defendant is still living in N. C.

A. Yes, he is.

Q. Has he ever lived in Virginia.

A. No.

And further this deponent sayeth not.

Callie V. Sullivan

Oscar E. Sullivan being sworn deposes as follows:

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

A. Oscar E. Sullivan, 26 years, Nansemond Co, Va. near Suffolk, hoistler on railroad, and I know both the parties to this suit.

Q. Do the know the time the plaintiff was married to the defendant?

A. She was married May 2, 1905.

Q. State where.

A. In Duplin Co., N. C.

Q. The Plaintiff in her bill in this case charges that the Defendant has without cause abandoned and deserted her for upwards of three years before the beginning of this suit. Will you please state whether the Plaintiff and the Defendant are now living together.

A. No, they are not.

Q. State whether or not the charge is true that the Defendant abandoned and deserted the Plaintiff,

A. Yes, it is true.

Q. When did he abandon or desert the Plaintiff?

A. In Jan. 1907.

Q. Where were they living at that time?

A. In Duplin County, N. C.

Q. Will you please state if you know how the Plaintiff acted towards her said husband when they were living together and whether she did her full duty as a wife towards him?

A. Yes, she certainly did.

Q. State whether or not the Plaintiff is an industrious woman, willing to work, and willing to discharge her duties?

A. Yes, she certainly is.

Q. Do you know of any cause that she ever gave her husband for deserting her?

A. She gave him none.

Q. Will you please state, if you know, how her husband acted towards her and how he discharged his duties as her husband?

A. He did no work, he was very ill tempered, and was addicted to immoderate drinking and the use of intoxicating liquor. He was ofte very drunk and disorderly, and made himself very obnoxious.

Q. Was he cruel and abusive towards the Plaintiff?

A. He was . I know it to be a fact that on more than one occasion he beat her without cause and struck her violently.

Q. Do you know whether since that time he left her as above stated that he has ever returned to live with her or resumed his duties towards her as her husband?

A. I know that he has not.

Q. How do you know this fact?

Q. Because I have lived with the family ever since they were married.

Q. If he had returned to live with her, you certainly would have known the fact, would you not?

A. Yes, it would have been impossible for him to returned without my knowledge as I was there all the time.

Q. When did the Plaintiff leave N. C. to move to Virginia?

A. In Dec: 1908.

Q. She is now living in Nansemond County, near Suffolk, is she not?

A. Yes.

Q. On a farm?

A. Yes.

Q. Did she move from N. C. directly to the place in Nansemond County where she now resides.

A. She did.

Q. State whether or not she has continuously resided in Nans. Co. at that place since she moved in 1908.

She has.

Q. Did she move to Virginia in good faith with the intention of becoming a citizen of this state?

A. She did.

Q. How do you know this?

A. Because she came to Nansemond Co. and bought her a small farm near Suffolk for which she paid a part of the purchase money, and gave a mortgage for the remainder, which she is now trying to pay off, and expects by her labors to pay off completely. She has stocked that farm with chickens, keeps a cow, and sells butter, chickens and eggs and raises country produce. I know she has come to Virginia with the intention of makingit her permanent home as I still live with her.

Q. Then she has been a resident of this state for upwards of one year before the commencement of this suit?

A. Yes, she came in Dec. 1908 and has never moved.

Q. Is the Defendant still living in N. C.

A. Yes.

Q. Since he abandoned her ad deserted her has he ever in any manner to your knowledge contributed to her support.

A. He has not.

Q. Has he ever sent her or given her any money or provision or clothing or anything since that time.

A. He never has, and he never did before, as a matter of fact.

Q. Has he in any manner contributed towards the purchase of the farm on which she now resides?

A. No, he has not.

Q. How is she expecting to complete the payment on this farm?

A. By her own labors and the labors of her children, and in the efforts as heretofore stated.

Q. Do you think there is any prospect or probability of a reconciliation between the two, or that he will ever return to live with her and discharge his duties he as a husband towards her?

A. No, I am quite sure there is not.

And further this deponent sayeth not.

Osear E. Sullivan

Dora C. Jones 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. Dora C. Jones, age 48 years, Nansemond Co. Virginia, housewife, and I know the parties to this suit. I am the Plaintiff.

Q. When were you married to your present husband?

A. May 2, 1905.

Q. Where?

A. In Duplin County, N. C.

Q. Were you a widow at that time?

A. Yes.

Q. There were how many children?

A. Eight children.

Q. Is your husband now living with you?

A. He is not.

Q. When did he leave you?

A. He left me in Jan. 1907.

Q. Has he not since then returned to live with you as your husband?

A. No, he has not.

Q. Did he contribute anything towards your support during the time he lived with you?

A. He did not.

Q. What was the general conduct of your husband during that time?

A. The first year he did fairly well, and after that he just quit. He said had no one to work for, and that he would not work. Just so he got enough to take care of himself was all he expected to do, and so he walked right off.

Q. Was he a temperate or intemperate man?

A. He was intemperate.

Q. Did he not drink to excess?

A. Yes, very often.

Q. What was his conduct towards you when he was under the ~~influen~~-- influence of liquor?

A. Just as ill and as cross as he could be. He once made a veey serious charge against me. He left me and had me arrested in court. He was drunk at that time. The case was so trifling that as soon as it was heard it was dismissed. It was a charge that seriously reflected on my moral character, and I think he did it out of spite because he was drunk and angry with me.

Q. Since he left you in Han. 1907, I understand you to say that he has never returned to live with you.

A. He never has.

Q. Has he since that time in any manner contributed towards your support.

A. Not, not one penny.

Q. Where is your husband now living?

A. In N. C.

Q. Has he ever lived in Virginia?

A. Never, that I know of.

Q. When did you move to Virginia?

A. I left there on the 27th day of Dec. 1908.

Q. Did you come directly to Nansemond County?

A. Yes, I did.

Q. Have you since that time been living continuously in Nansemond County.

A. I have.

Q. Where do you live?

A. On a little farm about a mile or two from Suffolk.

Q. Did you purchase that farm with your own means?

A. Yes, I did.

Q. Have you fully paid for it?

A. No.

Q. Is there a mortgage on it?

A. There is.

Q. How did you expect to pay for it?

A. By the labors of myself and my children.

Q. Has your husband in any manner assisted you in the purchase of this farm?

A. He has not.

Q. Was your husband cruel to you during your married life?

A. He was very cruel during the last 18 or 20 months. He often cursed and abused me violently, and without any cause, and would say that he was doing everything and I nothing, while the contrary was indeed true. He has oftened threatened to beat me and has indeed often struck me and beat me in moments when he was under the influence of liquor.

Q. When am I to understand from your evidence that your husband has abandoned and deserted you for more than three years before the beginning of this suit?

A. He has.

Q. And that you have been a resident of this county and state for more than twelve months and was such at the beginirg of this suit?

A. Yes.

Q. And that your husband is now a resident of N. C. ?

A. He is.

Q. Do you think there is any prospect of his returning to live with you and to resume his duties as a husband towards you?

A. I do not think he ever will return. He said he never would. He told me so.

Q. Can you recall anything that you ever said to him or anything you ever did to him or any conduct on your part towards him that would have justified him in leaving you as he did?

A. I never did anything or said anything to cause him to leave.

And further this deponent sayeth not.

Dora C. Jones

Ivey Sullivan (man) 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. Ivey Sullivan, twenty-six, farmer, Duplin County, North Carolina, and I know both of the parties to the suit, and have been knowing them all of my life.

Q. State when the plaintiffand defendant were married?

A. In the year 1905, I think about May.

Q. Where did the marriage take place?

A. In Duplin County, North Carolina.

Q. State whether the plaintiff and defendant are now living together?

A. They are not, and have not been for three years or more.

Q. State whether or not the defendant abandoned and deserted his wife, and all that you may know in connection with the same?

A. Yes he did. He left her about January, in the year 1907, and they have not lived together as man and wife since that time. At the time of the marriage the plaintiff was a widow with eight children, the defendant had none, and I suppose it is true that he married her for a home. From his conduct after the marriage, it was easily seen that he was determined to rule or ruin. He was not industrious and did not like to work. He was very intemperate, and often intoxicated, and was what might be considred trifling and worthless. When intoxicated he was cruel and abusive, and it was generally known that he treated his wife badly, and not as he should have done. I know that at one time when they were living together he made an ugly and disgraceful charge against her, reflecting severely on her character, and had her arrested and put on trial. I was at the trial in the Superior Court, and upon a hearing the defendant, Mrs. Jones was quickly acquitted for the utter want of any evidence to sustain the charge. After this the defendant in this case became worse, until he finally abandoned and deserted her.

Q. Where were they living at that time?

A. In Duplin County, North Carolina.

Q. Were there any children by that marriage?

A. No sir.

Q. State if to your knowledge the plaintiff ever gave the defendant any cause for leaving her?

A. I feel sure she did not, she is a very amiable woman as everybody knows, who knows her, and is one of the most industrious women I have ever seen. I believe if the defendant had done his duty, she would have made a model wife, and made his life happy.

Q. State whether since he abandoned her he has ever returned to live with her as her husband?

A. He has not.

Q. How do you know this fact?

A. Because I was living within four hundred (400) yards of where they lived, and lived there all the while until Mrs. Jones left the state.

Q. State whether you are related to any of the parties?

A. Yes, a distant relative.

Q. How long did Mrs. Jones continue to live in North Carolina after she was deserted by her husband?

A. About two years, or from January, 1907, until December, 1908.

Q. You say that the defendant did not return to live with her as her husband during that time?

A. No he did not.

Q. Where is the defendant now living?

A. In North Carolina.

Q. Where is the plaintiff living?

A. In December, 1908, she moved to Virginia, and bought her a farm there, just a little ways from Suffolk, and she is now living on that farm, and striving to make an honest and decent living, and she is apparently succeeding very nicely, because she is as I have said a stirring woman.

Q. Do you know whether she intends to make Virginia her permanent home?

A. I am quite sure of it. She says so, and in addition to this, the fact that she has bought her a farm, and is working hard to pay for it, and is continually improving it shows this to be a fact.

Q. What do you think of the prospects of a reconciliation between them?

A. I do not think there is any prospect of one. From what I know of the life and character of the defendant, I do not think he has either the energy or disposition to return to her and endeavor again to do his part as a true husband should.

Q. Do you know whether he is giving her any financial assistance or not?

A. I do not know of my own knowledge, but I feel almost entirely certain that he is doing nothing whatever along that line. I do not suppose he has ever given her a penny since he left her.

And further this deponent saith not.

Irvey Sullivan

VIRGINIA)
)
NANSEMOND COUNTY) to-wit:

I, Robert W. Withers, a Commissioner in Chancery for the Circuit Court of Nansemond, do certify that the foregoing depositions of Gillie E. Sullivan and others were duly taken, subscribed and sworned to before me at the office of R. H. Rawles in Suffolk, Virginia, on the 27th day of August 1910 between the hours of 8 A. M. and 6 P. M. as stated in the caption thereof.

Given under my hand this 27th day of August 1910.

Robt. W. Withers ~~N. P.~~
Comr. in Chy.

Fee 5.00 Paid.

Definitions

Filed Aug. 27. 1910.
R. M. Warwick C.C.

R. H. RAWLES,
ATTORNEY - AT - LAW,
SUFFOLK, VA.

SUFFOLK HERALD--PRINTERS, PUBLISHERS, STATIONERS

Dora C. Jones		
vs.	:	In Chancery
David Jones		

This cause came on this day to be heard on the bill and proceedings as well as on the depositions of witnesses therein filed, and the Defendant who appears to have been proceeded against in the manner required by law for non resident defendants, failing to plead, answer, or demur and was argued by counsel.

On consideration whereof, it appearing to the Court from the evidence submitted in this cause, that the Defendant had willfully abandoned and deserted his wife, The plaintiff, for upwards of three years next preceding the commencement of this suit, that the plaintiff has been domilciled in the State of Virginia, County of Nansemond for upwards of one year before the commencement of this suit, that she was such at the commencement of this suit, and is still such, and that the defendant is not a resident of this state, the Court doth order, adjudge and decree that the plaintiff be and she is hereby divorced from her said husband, the defenadant; that a full divorce, a vinculo matrimonii be and the same is hereby granted her , and the marriage heretofore solemnized between the defendant and plaintiff is hereby wholly annulled and set aside; and the Court doth further order and decree that the plaintiff doth recover of the defendadant her cost by her in this behalf expended, and nothing further remaining to be done in this cause, it is ordered that the same be stricken from the docket.

Final Decree.

Enter Octo. 15. 1910.

James L. Gilmore

Entered in Chancery
Order Book No. 47
Page 436.

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

Humbly complaining showeth unto the court your oratrix, Dora C. Jones of Nansemond County, Virginia, the following case:

She says that her maiden name was Dora C. Joyner; that many years ago she was married to Volse Sullivan, and that by first marriage there were eight children, all of whom are now living, and that her said first husband was very kind to her, treated her well and took good care of her. Sometime after his death, to-wit, the second day of May 1905, she was again married in Duplin County, N. C. to David Jones, her present husband; that there were no children by said marriage, that after her said marriage to him she was at all times a dutiful and faithful wife, and discharged all her duties as such, and did everything in her power to make him a good wife and to make his home a pleasant one. All of this, however, proved unavailing, for she soon discovered after said marriage that her husband was intemperate and improvident, often drinking to excess, was idle and would not work, nor would he do anything whatever towards her provision and support. This left her to provide as best she could for herself and her family, and while she was compelled to work hard in order to obtain a living, she put up with his conduct and and tried her best still to make his life pleasant and happy. Her husband, however, continued to grow worse in his conduct, more intemperate, became violent and often abusive and charged her with vile names, and did everything he should not have done. He became at last utterly worthless, and while she took care of him as best she could, ~~about~~ in the month of January 1907, he utterly and willfully abandoned and deserted her without any just or legal or sufficient cause or excuse and without any reason that she had given him for doing so. She says that since that time he has utterly failed to return to live with her as her husband, that he has done nothing whatever to contribute to her support, that he has fulfilled none

of his duties as a husband but has become absolutely an abandoned man of the world; that she still continued to live after this in the state of North Carolina until the 27th of December 1908, when she moved with her family to the state of Virginia in the County of Nansemond, with the intention of making it her permanent home and purchased a small farm, which she is trying her best now to pay for by hard work of herself and her daughters. She said that since that time she has been continually a resident of this county and state and is now such, and expects to remain such that she has been domiciled in the state of Virginia and the County of Nansemond for upwards one year ~~preceeding~~ next the commencement of this suit. She further says t that the defendant is not a resident of this state, but that she is a resident of the County of Nansemond as above said. She believes that under all the circumstances of the case, and therefore charges that her husband has willfully abandoned and deserted her more than three years before commencement of this suit, that he did so without any just cause whatever; that he has no idea of returning to live with her, that he grants her no support of any kind whatever, and she, therefore, believes that it will be best for her to have an absolute divorce from him. She further says, that as above stated, she owns now in her own name some real estate, which, however, has not been fully paid for, but she desires to be in a position to control absolutely as if it were her own without any interference of her said husband.

In tender consideration whereof, forasmuch as your oratrix is without remedy in the premises save by the aid of a court of equity, where such matters are alone and properly cognizable, she prays that the said David Jones 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 and proper notice be given; that all proper inquiries, accounts and depositions may be taken, and that she be granted a full an absolute divorce, a vinculo matrimonii, from her said husband, that he may be restrained and

enjoined from interfering with her or her property or any of her personal belongings until the further order of this court, and that the court will in its discretion make such orders as may be proper to compel her husband to pay to her sums necessary for the maintenance of her and to enable her to carry on this suit, that he may be compelled to pay to her a sufficient sum as alimony for her future support, and for all such other, further ad general relief as this case may require, or which to equity may seem meet, and she will ever pray, etc .

Dora C. Jones.

Virginia,

Nansemond County) to-wit:

I, R. H. Rawles, a Notary Public for the county aforesaid and State of Virginia do certify that Dora C. Jones, whose name is signed to the above bill, has this day appeared personally before me in my county aforesaid, and being duly sworn made oath that the statements contained in the said bill as coming of our own knowledge are true, and that all of her statements therein contained as coming from knowledge or information derived therefrom she believes to be true.

Given under my hand this 16" day of Aug 1910.

My term of office expires Jan. 30. 1911.

R H Rawles N.P.

Bill.

Jones vs Jones.

Filed Aug. 16. 1910.
M. M. Watkins D.C.

R. H. RAWLES,
ATTORNEY - AT - LAW,
SUFFOLK, VA.

SUFFOLK HERALD--PRINTERS, PUBLISHERS, STATIONERS

Dora C. Jones.

vs.

David Jones.

1910

June	29	Affidavit of non-residence filed - Order of publication vs David Jones
1st July Rules:		Continued for Bill
2nd July Rules:		Continued for Bill
1st Aug. Rules:		Continued for Bill
2nd Aug. Rules:		Bill filed - Cause set for hearing on order of publication.

Notes

Costs:

Jay	1.50
Clerk	4.42
Sheriff	
atty	15.00
Comr	5.00
Printer	4.40
	30.32

No. 10. 2 GUSSETS

R. H. Rawles p. q.

Lora C. Jones
vs
Chancery

David Jones

1910 Oct. Term
Final Decree