

1912-008
Nansemond Co (Suffolk) Chancery Causes: Linwood Rodgers vs Nina Rodgers

Powell, Coach, Nix

George L. Bunting Clerk of the Circuit
Court of Macon County.

Linwood Rodgers

Plff

¹¹/₁₅

Nina Rodgers

Def.

In chancery

Issue summons for plaintiff
against defendant to first May rules
1912 to answer said plaintiff of
a Bill in chancery.

R H Rawles by.

Send summons for
defendant to
R H Rawles.

Apr. 24/12.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

Nina Rodgers

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 *May*, to answer *a*
Bill in Chancery, exhibited against *her*
in the said Court by *Lemwood Rodgers*

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this *24th* day of

April

, 191*2*, in the 13*6*th year of the Commonwealth.

A copy—Teste:

CLERK:

Teste:

G. E. Bunting, CLERK.
By A. L. Twitty, Jr.

I hereby accept legal and sufficient service of the
within summons or notice. Dated 27th 1912.

Witness:

Mrs Mildred Stenphoren

Mrs Julia Martin

Two witnesses must
appear on the return day.

Lina Rodgers

P. H. Rawles

p. q.

Linwood Rodgers

vs.

In Chancery

Lina Rodgers

1912

May

Rules,

First

Monday.

NANSEMOND CIRCUIT COURT.

Process Book No.

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TO NINA RODGERS:

Please take notice that I shall proceed to take the depositions of Ella Nix, and others, at the office of R. H. Rawles, on Washington Square, in Suffolk, Virginia, on Friday, the 24th day of May, 1912, between the hours of 8 A. M. and 6 P. M. of that day, to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein 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 be not concluded on that day, that the taking of the same will be adjourned from day to day, or from time to time, at the same place, and between the same hours until the same shall have been concluded; of all of which you will please take notice and govern yourself accordingly.

Linnard Rodgers by Counsel.

I hereby accept sufficient and legal service of the above notice to take depositions. April, 27th, 1912.

Nina Rodgers X

Witness:

Mrs Mildred Otenghen

Mrs Julia Martin

Two witnesses sign on
the lines.

The testimony of James Coach, Ella Nix, and Benjamin Powell, taken before L. P. Holland, a Commissioner in Chancery of the Circuit Court of the City of Suffolk, Virginia, at the office of R. H. Rawles, in Suffolk, Virginia, on the 24th day of May, 1912, between the hours of 8 A. M. and 6 P. M. pursuant to notice hereto attached, to be read as evidence on behalf of the plaintiff, in a certain suit in equity, depending in the Circuit Court of Nansemond County, wherein Linwood Rodgers is plaintiff and Nina Rodgers is defendant.

PRESENT:

R. H. Rawles, counsel for plaintiff.

The defendant did not appear.

James Coach 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. James Coach, 42 years, in Nassau County Va. I know both the parties quite well. Both men.

Q. State how long have you known the plaintiff and the defendant?

A. I have known the plaintiff all my life: have known the defendant about 6 or 7 years.

Q. Will you please state whether the defendant is now living with her husband the plaintiff?

A. No. She is not.

Q. Do you know about when she abandoned and deserted him, or ceased to live with him?

A. In the summer of 1808: They were living right near me at that time: She left and went away that summer and has not since returned.

Q. Where is the plaintiff now living?

A. In Nassau County, about 2 miles from Suffolk and quite near me.

Q. Where is the defendant now living?

A. Said to be in Boston, Mass.

Q. Tell all you may know in regard to the character and general disposition of the plaintiff?

A. He is a kind good citizen: does not violate any law. Has a good disposition and is easy to get along with: he is a good neighbor and stands well among all his neighbors. Never knew him to have a fuss with any one in my life.

Q. Tell if you know how he acted toward her and treated her when they were living together and whether or not he did his whole duty as a husband should towards her?

A. He treated her all right: better I think than she deserved. He gave her a good home and took good care of her: was very kind and nice to her: gave her plenty to eat and good clothes to wear: in short he did his whole duty as a husband.

Q. Has she ever returned to live with him since the time above stated when she abandoned and deserted him?

A. No she has not.

Q. Would you have known it if she had returned to him?

A. I certainly would. We are near neighbors and I am intimately acquainted with all his movements and acts. If his wife had been back here I should certainly have known it, unless she came in the night and left the same night. She has not been back since she left.

Q. State your opportunities for knowing these facts?

A. Well, as I said I am a near neighbor, not over a mile away; in the country this is a small distance. Our families were intimate and of course my opportunities were about as good as they could be for knowing when she left, and also for knowing that she has not since returned, and that he has since been living alone.

Tell where the defendant is now living if you can?

A. Said to be in Boston, Mass.; but is common rumor: never heard it denied.

Q. Tell if you know whether the plaintiff is now domiciled in the ^{County} ~~City~~ of ~~Boston~~ ^{Adams} ~~Mass.~~, and whether he has been living here continuously for more than twelve months next preceding the commencement of this suit?

A. Yes, he has been here all his life

Q. Tell if you can where the defendant and plaintiff last cohabited?

A. In Adams County Va.

Q. The plaintiff in his bill charges that his wife has without cause willfully abandoned and deserted him for more than three years before the day he brought this suit. Please state to the court if your opportunities have been such to know whether this charge is true or not, and also state whether the charge is true, and whether she has abandoned him for more than three years and has not since returned.

A.

For the charge is true without a doubt. At first, after their marriage she seemed to be very fond of her husband and was very affectionate toward him. But in course of time that wore off and she seemed to grow indifferent. She was a little wayward in her manner and life and seemed to get tired of this life very soon. At last she left him entirely about five years ago and went away and has not since been back. My opportunities have been such as already stated as another man to know that to be a fact and to speak positively about it. About the last time I ever had with her, she said she had another fellow and was down with him now.

James ^{his} Coach
made

With Respects:

L. P. Holland

Ella Nix

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. Ella Nix, 28 years, farming, Transylvania County Va. and I know both the parties well.

Q. State how long have you known the plaintiff and the defendant?

A. All my life.

Q. Will you please state whether the defendant is now living with her husband the plaintiff?

A. No she is not. and has not been for the last four years.

Q. Do you know about when she abandoned and deserted him, or ceased to live with him?

A. In the summer of 1888: I live in half a mile of them: she went away four miles and has been about summer and has not since been back.

Q. Where is the plaintiff now living?

A. In Transylvania County Va. about 2 miles from Suffolk.

Q. Where is the defendant now living?

A. She last I heard of her she was in Boston Mass.

Q. Tell all you may know in regard to the character and general disposition of the plaintiff?

A. Just about as good a man and Citizen as I have ever seen. He is a very quiet, nice and peaceable man: I have heard of his having trouble with any one in my life. I do not think any one could find fault with him.

Q. Tell if you know how he acted toward her and treated her when they were living together and whether or not he did his whole duty as a husband should towards her?

A. He was a model husband in every respect. I never saw him never gave her the least cause to complain. He worked every day to support her, and he took good care of her and never abused her.

Q. Has she ever returned to live with him since the time above stated when she abandoned and deserted him?

A. Positively she has not: she has not been back to him in 4 years.

Q. Would you have known it if she had returned to him?

A. Yes I certainly would have known it. Of course when she left it caused talk in the neighborhood and that alone would have caused me to notice it, if she had returned.

Q. State your opportunities for knowing these facts?

A. I have all the while been living within half a mile of their home. Not much their nearest neighbor and you see that my opportunities were just close for knowing these things. If she had ever come back I would have been sure the first you to have known it: she has not been back.

Tell where the defendant is now living if you can?

A. Said to be in Boston Mass.

Q. Tell if you know whether the plaintiff is now domiciled in the ^{County} ~~city~~ of ^{Norfolk} ~~Suffolk~~, and whether he has been living here continuously for more than twelve months next preceding the commencement of this suit?

A. Yes, all his life.

Q. Tell if you can where the defendant and plaintiff last cohabited?

A. In Norfolk County Mass.

Q. The plaintiff in his bill charges that his wife has without cause willfully abandoned and deserted him for more than three years before the day he brought this suit. Please state to the court if your opportunities have been such to know whether this charge is true or not, and also state whether the charge is true, and whether she has abandoned him for more than three years and has not since returned.

A.

Yes the charge is true: she had a fellow by the name of Edward Morris whom she seemed to be fond of; in fact she was crazy about him: he and she went away together. She was always talking about him. Yes she has been gone from her husband for more than 3 years and from what she said and did before she left I am sure she does not intend to return even to live with him any more. She was one of my friends. Told me a great deal to me and I was her nearest neighbor. That is one of her nearest neighbors. My neighbors are good for knowing these things. Ella Morris

Benjamin Powell 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. Benjamin Powell, 47 years, Macon and County about 2 miles from Safford. Laborer, and I know the parties.

Q. State how long have you known the plaintiff and the defendant?

A. Have known the plaintiff all his life. Have known the defendant for about 15 years.

Q. Will you please state whether the defendant is now living with her husband the plaintiff?

A. No, she is not.

Q. Do you know about when she abandoned and deserted him, or ceased to live with him?

A. Four years ago this summer.

Q. Where is the plaintiff now living?

A. In Macon and County Va. about 2 miles from Safford.

Q. Where is the defendant now living?

A. Said to be in Boston: do not know positively.

Q. Tell all you may know in regard to the character and general disposition of the plaintiff?

A. Termond is an all right man; he never idles, he works all the time. Never quarrels, is well thought of by his neighbors, is of a kind and friendly disposition and easy to get on with.

Q. Tell if you know how he acted toward her and treated her when they were living together and whether or not he did his whole duty as a husband should toward her?

A. Never heard any complaint from her in my life. He certainly took good care of his wife and treated her very well.

Q. Has she ever returned to live with him since the time above stated when she abandoned and deserted him?

A. No she has not.

Q. Would you have known it if she had returned to him?

A. Yes I certainly should have known it.

Q. State your opportunities for knowing these facts?

A. I and one have been for a long time their near neighbors; lived in half a mile of them and their home, I saw them almost every day; work with them; very intimate with them; knew all their goings and comings and know pretty well of their life and manner of life. My opportunities could not have been better for knowing.

Q. Tell where the defendant is now living if you can?

A. Said to be in Boston Mass.

Q. Tell if you know whether the plaintiff is now domiciled in the ^{County} ~~State~~ of ^{Massachusetts} ~~Mass.~~, and whether he has been living here continuously for more than twelve months next preceding the commencement of this suit?

A. For all his life.

Q. Tell if you can where the defendant and plaintiff last cohabited?

A. In Massachusetts County Mass.

Q. The plaintiff in his bill charges that his wife has without cause willfully abandoned and deserted him for more than three years before the day he brought this suit. Please state to the court if your opportunities have been such to know whether this charge is true or not, and also state whether the charge is true, and whether she has abandoned him for more than three years and has not since returned.

A. It is true: she has been continuously absent for about 4 years. If she had ever been back I would certainly have known of it, for I often thought about her mother and wondered in my mind if she would come back to her husband: but had my doubts about it as she left with another man. So under these circumstances, being somewhat interested, and being such a close neighbor I would have known of her return and would have been glad of it, for his sake, for he is a good man and deserving better treatment at her hands.

Witness:

L. P. Holland

Benjamin ^{his} X Powell
mark

VIRGINIA, CITY OF SUFFOLK, to-wit:

I, L. P. Holland, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, in the State of Virginia, do certify that the following depositions of James Coach, Ella Bix, and Benjamin Powell were duly taken, subscribed and sworn to before me at the office of R. H. Rawles, in Suffolk, Virginia, on the 24th day of May, 1912, between the hours of 8 A. M. and 6 P. M. to be read as evidence on behalf of the plaintiff, in the suit now pending under the name and style of Linwood Rodgers against Nina Rodgers, in the Circuit Court of Nansemond County. Given under my hand this 24th day of May, 1912.

L. P. Holland
Commissioner in Chancery

Fee - \$5.00 - Paid.

Definitions

Linwood Rodgers
vs.

In Chancery.

Nina Rodgers

which has been regularly matured and set for hearing

This cause came on this day to be heard on the bill of the complainant and the testimony of witnesses taken after due notice, and the defendant who appears to have been proceeded against in the manner required by law, 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 Nina Rodgers has willfully abandoned and deserted the plaintiff, her husband, for more than three years next preceding the commencement of this suit, without any just or legal cause; that the plaintiff has been domiciled in this state, and in the County of Nansemond for upwards of one year next preceding the commencement of this suit; that the plaintiff and defendant last cohabited in the said County of Nansemond, the court doth order adjudge and decree that the said plaintiff be and he is hereby granted a full and absolute divorce a vinculo matrimonii from the defendant Nina Rodgers, and that the marriage ceremony heretofore solemnized between them be and the same is hereby wholly annulled and dissolved and set aside; and that the plaintiff recover his cost of the defendant in this behalf expended; and it appearing that nothing further remains to be done in this cause, it is ordered that the same be stricken from the docket.

Final Decree.

Rodgers
vs.
Rodgers

Entered July 9, 1912.
James L. Moore

Entered in Chancery
Order Book No. 4
Page 519.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT COURT OF
NANSEMOND COUNTY:

Humbly complaining sheweth unto the court your orator Linwood Rodgers, of Nansemond County, the following case:

Your orator says that in the month of June, 1906 he was married to Nina Powell, who became Nina Rodgers and is now his present wife. Said marriage took place at Lawrenceville, Virginia; that he and his said wife came immediately to Nansemond County, in the same year, and that he has since resided here in Nansemond County continuously. Your orator further says that after said marriage he was at all times a good, kind and provident husband to his said wife; that he did his whole duty toward her the best he could; that he provided her with a home and with all the comforts of life, and tried his best to live as he should have done, and to make her life a pleasant and happy one. Your orator says however that on the contrary his said wife very soon after said marriage seemed to grow tired of him and to care more for others, and that notwithstanding all his pleadings she seemed bent on leading a wayward life; that this continued until about the middle of the year 1908 when, while they were still living together in Nansemond County, the defendant Nina Rodgers, without any just, sufficient or legal cause or excuse willfully and utterly abandoned and deserted her husband and left his house and home and bed and board; that in common parlance she took up with another man, by the name of Morris, and your orator is informed and believes and therefore charges that the two together went off to Boston Massachusetts, where the defendant now probably resides. That since her said desertion of him in 1908 she has never been back at any time to live with him; that they have never cohabited since that time; and that he has never seen her since; and that he has never been able to persuade her to return to live with him; and that he is forced to believe that she has made up her mind to willfully and absolutely abandon and desert him with the intention of remaining away from him forever hereafter. Under all the circumstances of this case your orator thinks it is best that he should have an absolute divorce from his said wife. Your orator says that he is now about twenty-seven years of age, and that he has lived and made his home in Nansemond county all of his life; that he is still a resident of

Nansemond County; that he and his said wife last cohabited in Nansemond County,; that he has been domiciled here upwards of twelve months next preceding the commencement of this suit, and is still domiciled here.

In tender consideration whereof and forasmuch as your orator is without remedy 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 Nina Rodgers, may be ~~made~~ a party defendant to this suit and required to answer this bill, 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 full and absolute divorce a vinculo matrimonii from his said wife, Nina Rodgers; and for all such other, further and general relief as this case may require or which to equity may seem meet, and he will every pray, etc.

Linwood Rodgers

7 Council

Virginia, Nansemond County, to-wit:

I, R. H. Rawles, A Notary Public, for the county aforesaid, in the State of Virginia, do certify that Linwood Rodgers, whose name is signed to the foregoing bill has this day personally appeared before me, in my county aforesaid, and after being duly sworn, did solemnly swear that the statements contained in the foregoing bill as coming of his own knowledge 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 *6th*-----day of *May*, 1912.

My term of office expires on the 3d day of February, 1915.

R H Rawles

Notary Public.

Bill.

Filed May 6th 1912.
G. E. Runtz,
J. Clark

CIRCUIT COURT

Second Monday in January, March, May
July and October

HON. JAMES L. McLEMORE, Judge
GEO. E. BUNTING, Clerk
J. U. BURGESS, Commonwealth's Attorney
ALEX. H. BAKER, Sheriff
C. R. FULGHAM, County Treasurer
LEE BRITT, Commissioner of Accounts

Nansemond County Clerk's Office

SUFFOLK, VA.,

Winwood Rodgers
VS In Chancery
Mina Rodgers

Plft.

Def.

1912

Apr. 24, Summs. issued returnable to first May Rules 1912
May 6, Summs. returned, Service accepted by Def.
" " Bill filed and decree nisi
" 20 Bill taken for confessed.
Set for hearing by the clerk.

Rubus
Cher's notes

R. H. Rawles pg.

Linwood Rodgers
vs. In Chancery
Anna Rodgers

1912 July 9.
Final Decree

at Troy, N.Y.

Returnable to 1st May Rules