

1912-009
Nansemond Co (Suffolk)

Chancery Causes: Jason Boone vs Topsy Boone

Chalk, Artman, Skeeter, Owens

<i>Filed Dec. 19, 1912</i> <i>G. E. Bentley</i>
OFFICE OF WILLIAM M. CRUMPLER, ATTORNEY AND COUNSELLOR AT LAW, SUFFOLK, VA.

VIRGINIA

In the Circuit Court of Hansemond County.

Jason Boone)
)
 Vs.) In Chancery.
Topsy Boone.)

To the Honorable James L. McLenore, Judge of the
Circuit Court for Hansemond County:

Your orator, Jason Boone, humbly complaining, would
respectfully show unto your Honor that:

F I R S T .

He resides in Hansemond County, Virginia, and has
been domiciled in this State more than one year next preceding
the institution of this suit.

S E C O N D .

On the 8th day of December 1883, in the
County of Gates, North Carolina, your orator was married to one,
Topsy Chalk and that they lived and cohabited together
as husband and wife in Hansemond County, Virginia, until on or
about the 15th day of February 1907 when they separated
and have not since lived or cohabited together.

T H I R D .

During their said marriage, to-wit, on or about the
15th day of February 1907, in said County where
they last cohabited and where your orator does now and has con-
stantly lived, your orator's said wife, disregarding her marriage
vow, did, abandon and desert him without any cause or default on
his part.

Wherefore, in as much as your orator is remediless,
save in a court of equity, where matters of this sort are
properly cognizable, he prays that his said wife, Topsy Boone,

be made a party defendant to this bill and be required to answer the same, but an answer under oath is hereby waived; that upon the hearing, your Honor will grant unto your orator a divorce a vinculo matrimonii from his said wife, Topsy Doane, which shall have the force and effect of perpetually terminating their marriage relations and of fully and completely severing any interest which she may have in his property; and for such other, further, and general relief as in equity is meet and proper, and your orator will ever pray.

Wm. W. Williams Jason ^{his} Boone
P. O. Hinton marks Complainant.
Sola J. Turner

Virginia,

Hansemond County, to-wit:

This day Jason Boone appeared in person before me, William M. Grumpler, a Notary Public in and for the county of Hansemond, in the State of Virginia, and made oath that the matters in the foregoing bill stated as of his own knowledge are true, and those stated upon the information of others he believes to be true.

Given under my hand this 19th day of February 1912
Wm. W. Williams
Notary Public.

OFFICE OF
REGISTER DEEDS GATES COUNTY
T. E. HOFLEER, REGISTER

Gatesville, N. C., January 30th. 1912, 791

Mr. W. M. Crumpler, Atty.
Suffolk Va.

Dear Sir:

In answer to your enquiry of the 29th Inst, in reference to the marriage of Jason Boon, Cold. to Topsis Chalk, Cold. both of Nansemond County Va.; License was issued December 7th, 1883. No age given on record. The ceremony was performed by J. Knight, a Justice of the Peace, on the 8th. day of December 1883, at the residence of the said Justice of the Peace. Witnesses to the Marriage were R. E. Parker and Florence Taylor.

Yours Respt.

J. E. Hofler

I hereby certify that the above is a true copy in substance of the marriage register in my county of the marriage of Jason Boon with Topsis Chalk. Dated this 7 day of March, 1912.

J. E. Hofler

Register of Deeds for Gates County
North Carolina.

Mr. Crumpler
J. E. H.

In the Circuit Court of Nansemond County.

Jason Boone,

Vs.

Topsy Boone.

In Chancery.

This cause, in which the defendant appears to have been personally served with process, came on this day to be heard on the bill, the exhibit filed, and the depositions taken before a Commissioner in Chancery after lawful notice to the defendant in person and filed on behalf of the complainant, the defendant failing to appear, plead, answer or demur, and was argued by counsel.

On consideration whereof, the court being of the opinion from the evidence submitted that the defendant has willfully deserted the complainant, her husband, and that it has been more than three years since said desertion; that the complainant has been domiciled in this state at least one year preceding the commencement of this suit; that the complainant and defendant last co-habited in the County of Nansemond; and that the complainant at the commencement of this suit was a resident of this county, doth order, adjudge, and decree that the said complainant, Jason Boone, be divorced absolutely from his said wife; that the rights of every kind of the said Topsy Boone in the property and estate of her said husband, Jason Boone, be terminated; that the marriage hereinbefore solemnized between them be and the same is hereby annulled and set aside and a divorce a vinculo matrimonii be granted the said complainant from his said wife; and nothing further remaining to be done in this cause, it is ordered that the same be stricken from the docket.

Enter Octo. 19. 1912.

James M. Moore

Entered in Chancery
Order Book No. 4.

Page 528.

Depositions.

Jason Boone
vs.
Sophy Boone.

OFFICE OF
WILLIAM M. CRUMPLER,
ATTORNEY AND COUNSELLOR AT LAW,
SUFFOLK, VA.

To Topsy Boon:

Take notice that on the ^{30th} ~~2nd~~ day of March, 1912,
at the office of Wm. M. Gruetler, in Suffolk, Virginia, between
the hours of 10 A. M. and 5 P. M. of that date, I shall proceed
to take the depositions of Zion Owens and others to be read as
evidence in my behalf in a certain suit in equity depending in
the Circuit Court of Hansemond County, wherein I am plaintiff
and you are defendant; and if, from any cause, the taking of said
depositions be not commenced, or, if commenced, be not concluded
on that date, the taking thereof will be adjourned from day to day
at the same place and between the same hours until the same shall
be completed. Given under my hand this 2nd day of March
1912.

Wm. M. Gruetler
P. G.

Jason Boon
By counsel.

Executed in the County of Princess Anne Va. This the 18th day of March 1962 by delivering a true copy of the within Notice to Jopay Boone in person and explained the purport thereof to her

P. W. Ackiss Shff

The depositions of T. W. Artman and others, taken before Bradford Kilby, a Commissioner in Chancery, of the Circuit Court of Nansemond County, Virginia, at the office of Wm. M. Crumpler, in Suffolk, Va., on the 30th day of March, 1912, between the hours of Ten A. M. and Five P. M. pursuant to notice hereto annexed and returned to be read as evidence on the behalf of Jason Boone in the Chancery suit now pending in the Circuit Court of Nansemond County, wherein the said Jason Boone is plaintiff and Topsy Boone is defendant.

Present:

William M. Crumpler, counsel for the plaintiff.

The defendant did not appear either in person or by counsel.

The witness, Townsend W. Artman, being duly sworn deposes and says as follows:

- Q. What is your name, age, residence, and occupation?
A. Townsend W. Artman, age 56 years old, and occupation Assistant Commissioner of Revenue, residence Suffolk, Va.
Q. Do you know Jason Boone and Topsy Boone?
A. Yes, I do.
Q. Are they husband and wife?
A. I suppose so. They have been known that, any how. So far as I know they are man and wife.
Q. Are they now living together as husband and wife?
A. No sir.
Q. Have they ever lived together as husband and wife?
A. Yes.
Q. Where did they live together?
A. On his far, I suppose about five or six miles from town.
Q. Does Topsy Boone now live on that farm?

- A. Not to my knowledge.
- Q. Does Jason Boone now live on that farm?
- A. I think he does, yes.
- Q. You say these two parties are not now living together as husband and wife. How long since they have lived together in a marital state?
- A. I should say between three or four years. About four years. I couldn't be positive about that.
- Q. Do you know which left and deserted the other, whether he left her or whether she left him?
- A. No sir, I do not. I am not positive about that. Whenever this thing occurred, Jason came to my place of business, at the carriage shop and he seemed to be in distress. I asked him what the trouble was. He said that his wife had left and the whole family was gone and he didn't know what he was going to do with his crop that year. That was about 1908. I, afterwards, knew about she and the children living here in Suffolk. I saw them on the street from time to time.
- Q. Then you do know that she moved from the farm to Suffolk and that he did not move here with her?
- A. Yes. I knew that they were living here and that he was not.
- Further this deponent saith not.

Townsend W. Artman

Jason Boone being duly sworn deposes and says as follows:

Q. What is your name, age, residence, and occupation?

A. Jason Boone, age 70 years, residence Nansemond County, and occupation farmer.

Q. Is Topsy Boone your wife?

A. She was but she is not now.

Q. When were you married to her?

A. I do not know exactly. We have been together about 29 years, provided she had stayed until now. But we were together 25 years. Some where along there.

Q. Does she now live with you?

A. No sir.

Q. Where does she now live?

A. She is in Princess Ann County, near Lake Smith.

Q. How long has she been living apart from you?

A. Well, she has been gone about four years, going on five. She been left me four years any now. She came in Suffolk here and stayed over twelve months and when she left here, she went to Princess Ann County.

Q. Where were you living when she left you?

A. There at home.

Q. Where is your home?

A. As near Suffolk as any where. Near Mr. Phillip Duke's house in Nansemond County.

Q. Why did she leave you?

A. She never did tell me.

Q. Did she give you any notice that she was going away.

A. No sir.

Q. How long before she actually left your home did you know that she was going to leave?

A. I didn't know she was going to leave but she had curious ways. I knew something was the matter but I

didn't know what. When she left the last time, which was four years ago, going on five, she left when I was away from home and did not say any thing about it.

Q. Where did she move to?

A. Suffolk.

Q. Did you do any thing to cause her to leave and desert you?

A. Not a thing sir.

Q. Have you always discharged your duty as a husband and father should to ^{her} her children, providing necessities of life?

A. I have to the best of my knowledge.

Q. What do you attribute her having left you to?

A. A man by the name of Brooks worked on Mr. Brittain's farm which adjoined me and she was in the habit of going over there to see him and one of my daughters, who was her child, told me of it. I was coming to town one day and my daughter told me that her mother was going over there that day, so I drove on down by Mr. Duke's farm and unhooked my horse and tied him and hid and watched, when she came they met at a wire fence one at one side and the other on the other and they were leaning over together talking to each other. I cut a stick about as long as my arm and went up to him and told him "Didn't I tell you not to let me catch you talking to my wife again" and aimed to hit him with the stick, but he threw up his arms and I hit him across the arms, then he rushed up on me and we tussled for a while and my daughter said to my wife, "Are you going to let this man fight Pa this way" and she says "I didn't put them together and I aint going to pull them apart." Then I threw him, got on top of him and began

to beat him and my wife came over the fence and caught hold of my right arm and she and my daughter both pulled me away. She went on home, I suppose, and I came on to town. I went back home late that afternoon and that night about 9 o'clock she and my daughter went over there again. Then we lived along together for a month or two all right when she left me when I was away from home and I knew nothing whatever of her plans.

Q. Did you ever beat her or treat her cruelly?

A. No sir. I was just as good to her as a baby.

Q. After this scrap with this fellow, did you all get along all right?

A. We got along all right only she had peculiar ways. She didn't do just like she did before.

Q. What became of this man Brooks after your scrap with him?

A. He stayed out there until she moved to Suffolk and after she moved to Suffolk, he came here a time or two. He came here and lived at her house and I have been informed some of the people here ran him away. He, afterwards, was taken sick and died in the Poor House.

Q. Did you ever go to see your wife after she left you and if so, did she ever make any proposal to return to you or did you ever request her to return?

A. I asked her to come home and told me she would come home if I would help her, by giving her money to move home. I did help her but she kept going further and further.

Further this deponent saith not.

Witness:
Sela J. Turner.

Jason ^{his} Boone
mark.

The witness, Jacob Skeeter, being duly sworn deposes and says as follows:

Q. What is your name, age, residence and occupation?

A. Jacob Skeeter, age 80 years, residence Nansemond County and occupation farmer.

Q. Where do you live?

A. I live between here and Cypress Chapel, next to Jason Boone.

Q. Is Topsy Boone Jason Boone's wife?

A. Yes sir, she was his wife before she left him.

Q. You say before she left him. Is it a fact that they are not now living together?

A. No sir.

Q. How long has it been since they last lived together as man and wife?

A. It has been going on five years.

Q. Did she leave him or did he leave her?

A. She left him. He could not make her stay there.

Q. Do you know what caused her to leave?

A. No sir.

Q. Do you know whether or not he treated her as a husband should, providing for her properly?

A. He treated her as well as he ought to have treated her and a little better, I think.

Q. You are positive that she has been gone from him more than three years?

A. Yes sir.

Q. And that they have not lived together during this time?

A. No sir, they have not lived together since she taken her children and went away.

Q. If they had lived together since this time, you would

have known it would you not?

A. Yes, I was near enough. I believe I would have known it.

Q. Did you ever see her to talk to her after she left?

A. No sir. I never had a word changed with her since she left.

Q. Do you know whether Jason Boone drove her away from his home?

A. No, I don't think he drove her away, but I am satisfied that he did not do it, because he tried to get her to come back and she wouldn't stay there.

Further this deponent saith not.

Jacob M. ...

The witness, Zion Owens, being duly sworn deposes and says as follows:

Q. What is your name, age, residence, and occupation?

A. Zion owens, 45 years old, residence Nansemond County, and occupation farmer.

Q. Do you know Jason Boone and Topsy Boone and if so, are they husband and wife?

A. No sir, they are not now.

Q. They were married, were they not?

A. Yes sir.

Q. They have not been divorced have they?

A. No sir.

Q. Are they now living together as husband and wife ?

A. No sir.

Q. Where did they last live together as husband and wife?

A. Right there on his place on the farm on which Jason Boone now lives.

Q. Has Jason Boone been living there continuously since the last seven or eight years?

A. Yes, he went away and stayed one year away with some of his boys up in North Carolina since she left.

Q. Do you know whether Jason Boone deserted his wife or whether she deserted him.

A. It looks like she deserted him.

Q. Do you know how long it has been since she left him?

A. It has been four years ago or five years from the time that I saw her after she left him. She was living here in Suffolk around close to the old ice plant and she told me she had left him.

Q. Did she tell you whether or not she expected to return to him?

A. She said she never expected to go back to him.

Q. Has she ever gone back to him, since she first left him?

A. She has been in the neighborhood, out to her sister's but has not been back to him.

Q. Do you know whether or not Jason Boone treated his wife kind and provided for her as a husband ordinarily should?

A. No sir, I can't say.

Further this deponent saith not.

Zion Owens

State of Virginia,

County of Nansemond:

I, Bradford Kilby, a Commissioner in Chancery of the Circuit Court of Nansemond County, in the State of Virginia, do hereby certify that the following depositions of Townsend W. Artman, Jason Boone, Jacob Skeeter, and Zion Owens were taken before me in the office of Wm. M. Crumpler, in Suffolk, Virginia, on the 30th day of March, 1912, pursuant to authority of notice herewith filed.

Given under my hand this 30th day of March 1912.

Bradford Kilby

Commissioner in Chancery.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA

TO THE SHERIFF OF ^{Norfolk} ~~NANSEMOND~~ COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Topsy Boone

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 February 1913, to answer a Bill in Chancery, exhibited against her in the said Court by Jason Boone

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this 2nd day of February, 1913, in the 137th year of the Commonwealth.

A copy Teste : _____, CLERK. }

Teste : G. E. Bunting, CLERK.

Executed in the County
of Princess Anne Va this
the 16th day of Feb 1912
by delivering a true
copy of the within
Process to Topsy Boone
in person and
explained the purports
there of to her

P. W. Beckie Sheriff

W. M. Crumpler p. q.

Copy for

vs.

} In Chancery

Topsy Boone

1912

February Rules,

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

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VIRGINIA

In the Circuit Court of Henrison County.

Jason Boone)

Vs.)

Topsy Boone.)

In Chancery.

Issue summons for plaintiff against defendant to
Second rules in February to answer a bill in Chancery.

William McCombs

P. P.

Jason Boone

By counsel.

Jason Boone
Vs. } Du chausery.
Topsis Boone

Memorandum -

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..

Jason Boone
US in Chancery
Topsy Boone

Oct. 2, 1912, Summons issued to and, Det. Rules
" 19 " Summons returned, executed
" " " Bill filed, and decree nisi
Mar, 4, " Bill taken for confessed.

Set for hearing by the Clerk and
put in docket of new cases

1912

Rules Notes

1. The first rule is that...

2. The second rule is that...

3. The third rule is that...

4. The fourth rule is that...

5. The fifth rule is that...

6. The sixth rule is that...

7. The seventh rule is that...

8. The eighth rule is that...

9. The ninth rule is that...

10. The tenth rule is that...

11. The eleventh rule is that...

12. The twelfth rule is that...

13. The thirteenth rule is that...

14. The fourteenth rule is that...

15. The fifteenth rule is that...

16. The sixteenth rule is that...

17. The seventeenth rule is that...

18. The eighteenth rule is that...

19. The nineteenth rule is that...

20. The twentieth rule is that...

H. M. Crumpler 19

Jason Boone

vs In Chancery

Topsy Boone

Final Decree

Oct. 19, 1919

M. M. Crum plan, 1.9.

Writ Tax	150
Clark	310
Welf.	<u>1500</u>
	<u>\$1960</u>

Sheriff of Norfolk Co.
pd. by Mr. Crum plan