

1916-012
Nansemond Co (Suffolk)

Chancery Causes: Edwin Copeland vs Ella Copeland

Campbell, Ash, Hunter, Smith, Rawles

Copy of Costs

Taxed in the Suit of:

R.H. Rawles, p. q.

Edwin Copeland

vs.

Ella Copeland

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

1 50

Clerk

(including copy of marriage license)

4 00

Sheriff

1 00

Attorney

15 00

Commissioner

5 00

~~Printer, for Order of Publication, etc.~~

~~\$27 00~~

Date of Judgment or Final Decree *October 9, 1916*

Paid

Oct. 13, 1916
W. G. Smith

Clerk

Mr. Geo. E. Beating Clerk of the
Circuit Court of Macon Co.

Edwin Copeland
 $\frac{4}{11}$

Reiff

Ella Copeland

Left.

Issue summons for pain off yet
attached to 2nd July rules 1818 to
Ousner a Bee in charging for
dinner.

W. M. M. v. g.

Trin in Boston on
Pike Kells County
Road.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON....Ella Copeland.....

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..July, 1916....., to answer.....a.....Bill in
Chancery, exhibited against.....her.....
in the said Court by..Edwin Copeland.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this.....7th.....day of
July....., 1916....., in the 141.....year of the Commonwealth.

A copy—Teste: }

Teste:

Clerk

Clerk.

Original

... R.H. Hawles., p. q.

... Edwin Copeland

vs.

In Chancery.

Ella Copeland

1916...

.... July Rules.

.... Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3.

Page. 140

Executed this day of
to
by delivering a true copy of the within process

Executed on the 7 day of July 1916 within the county of Nansemond, by delivering a true copy of the within process, in writing, to Ella Copeland in person
E. E. Wagner
Sheriff of Nansemond County,

Sheriff.



MARRIAGE LICENSE



Virginia Nansemond County to-wit:

To Any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church or religious denomination, and the laws of the Commonwealth of Virginia,

Edwin Copeland and Ella Campbell

Given under my hand, as Clerk of the Circuit Court of Nansemond County (or City) this 28th day of December - 1915.

G. E. Bunting Clerk.

MARRIAGE CERTIFICATE

To be annexed to the license, required by Section 2229 of the Code of Virginia, as amended by Act of February 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Nansemond

Date of Marriage Dec. 29-1915 Place of Marriage Nansemond County

FULL NAMES OF PARTIES.

Edwin Copeland and Ella Campbell

Age of Husband 27 years; Condition (single, widowed or divorced) Single

Age of Wife 21 years; Condition (single, widowed or divorced) "

Race (White or Colored) Colored

Husband's Place of Birth Nansemond Co Residence Nansemond County

Wife's Place of Birth " Residence "

Names of { Husband John Ash and Sarah Copeland

Parents { Wife Jesse Campbell and Lizzie, his wife

Occupation of Husband Laborer

Given under my hand this 28th day of December 1915

G. E. Bunting Clerk.

Certificate of Time and Place of Marriage

I, M. G. Christmas, a Minister of the (gospel) Baptist Church, or religious order of that name, do certify that on the 29th day of Jan. 1916, at Whaleyville, Virginia, under authority of the above License, I united in Marriage the persons named and described therein. I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County (or City) of Nansemond, State of Virginia.

Given under my hand, this 29th day of January 1916

G. E. Bunting Clerk

M. G. Christmas

(Person who performs ceremony sign here.)

The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (see Section 2229 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

copy

County (or City) Nauset

Edwin Capeland Husband,

and

Marriage License

Ella Campbell Wife,

Date of Issue Dec. 28-1915

Marriage Register No. 3 Page 68

Ex. A

TO ELLA COPELAND:

Please take notice that I shall proceed to take the depositions of Martha Hunter and others, at the office of R. H. Rawles, on Washington Square in Suffolk, Virginia, on Friday the 8th day of September, 1916, between the hours of 8 A. M. and 6 P. M. to be read as evidence in my behalf in a certain suit in equity depending in the Circuit Court of Nansemond County, 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, the taking of the same will be adjourned and continued 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.

Yours very truly,

July 7. 1916

Edwin Copeland
By W. A. Needles Counsel.

Executed on the ... 7 ... day of
July 19/6 within the county of
Nansemond, by delivering a
true copy of the within process,
and notice
in writing, to Ella ...
Copeland in person
E. E. Wagner
Sheriff of Nansemond County.

Original

The depositions of Martha Hunter and others taken before me, L. P. Holland, a commissioner in chancery for the circuit court of the City of Suffolk Va, on the 8th day of September 1916, between the hours of 8 A. M. and 6 P. M. at the office of R. H. Rawles on Washington Square in Suffolk Virginia pursuant to notice hereto annexed, to be read as evidence on behalf of the plaintiff, in a certain suit in equity pending in the Circuit court of the ~~City~~ County of Nansemond Va, wherein Edwin Copeland is plaintiff, and Ella Copeland is defendant .

Presnt ;

R. H. Rawles counsel for plaintiff ;

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

Martha Hunter, being duly sworn deposes and says as follows;

State your name, age, residence, occupation, and whether you know the parties to this suit ?

Ans . Martha Hunter, 47, live in "Boston" in Nansemond county Virginia, housewife, and I know the parties.

Q. How long have you known the plaintiff and the defendant ?

Ans. I have known the plaintiff fifteen years, and the defendant all her life .

Q. How far do you live from the plaintiff's residence and where they resided during their married state ?

Ans. I live next door to them, about fifty yards away .

Q. Were you living there when they were married and came there to live.?

Ans. I was, and have been right there for many years.

Q. Do you know whether the defendant has given birth to a child since their marriage ?

Ans. Yes she has ; on the 15th of June a little less then six months after their marriage .

Q. When and where was the child born ?

Ans . It was born at their said residence next door to me on June 15th 1916.

Q. What was its size and general condition at birth ?

Ans. It was a full nine months child, large and strong, and well developed and cried lustily at birth .

Q. What statements did the defendant make at the time of said birth as to the parentage of the child ?

Ans . I knew the child had come too soon, and I was curious to know ; so I asked her about it . She said it was not her husband's child ; not Edwin Copelands, I asked her if the father was a married man, and she said he was . I asked her if the father was able to ~~take~~ take care of the child, and she said he was able, and would take care of it . I asked her to tell who was the father, but she refused and never would tell me .

Q. What other statements did she then make ?

Ans . She said she knew she had done wrong; that she had fooled her husband, but she said if she had known that she was with child when she married her husband she would not have married him and fooled him as she did . But she said she did not know she was with child at the time ; she knew she had done wrong, but she hoped nothing would come of it, and her husband would never know . She appeared to be greatly distressed about it .

Q. How did the plaintiff treat his wife before that time and after their marriage ?

Ans . He ~~was~~ treated her mighty well indeed ; he owns a good home ; a two story house , and it was well furnished and she was well supplied with every thing she wanted and he was kind to her .

Q. Where did the plaintiff and the defendant last cohabit?

Ans. Right at that home in Nansemond county Virginia .

Q. How long has the plaintiff resided in and been domiciled in Nansemond county ?

Ans Ever since I knew him fifteen years ago.

Q. How long has the defendant lived in and been domiciled in this county ?

Ans. All her life .

Q. Are they both now residents of and domiciled in this county ?

Ans . They are .

Q. What became of the defendant after the birth of the said child ?

Ans . Well, her husband would not recognize her any longer as his wife, so as soon as she was able to get up and travel, she went back to her mothers at Whaleyville in this county .

Q. Have you any further statements to make about the case ?

Ans . Nothing except I was sorry it happened especially in our neighborhood ; and I was sorry for Edwin Copeland, as he is one of our very best and most respectable citizens, and has always live a corect and upright life . And further this deponent saith not .

Witness L. V. Helms

Montgomery Hunter
Mar

Rosa Smith being duly sworn deposes and says as follows ;

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

Ans . Rosa Smith, 60, Pitch Kettle, near Suffolk in Nansemond county Virginia, housekeeper, and midwife, and I know the parties to the suit .

Q. Are you a midwife and is it your business to attend women at childbirth ?

Ans . I am a midwife, and have been acting as such for thirty years ; I have my papers to show this .

Q. State if you attended Ella Copeland the defendant at childbirth, and if so when and where ?

Ans . I did right ^{" "}there at their home in Boston, in Nansemond county, near Suffolk ; the child was born on June 15th 1916 ; I put it down in my little book as I always do ; in fact I am furnished with a blank form by the city physician and required to fill it up on all such occasions, giving date, name of mother, name of father, color, whether ~~dead~~ or alive, and such matters .

Q. When was the child born ?

Ans . June 15th 1916.

Q. State the general condition of the said child at birth ?

Ans . It was a good and healthy child, and cried strong at birth ; from my knowledge of such things I am sure it was a full nine months' child, and am willing to swear to it .

Q. What statements did the mother, Ella Copeland, the defendant, make concerning the child, its birth, and parentage ?

Ans . Well, after the birth, I wanted to fill up my form and commenced to ask the mother the usual questions . She would not tell me the name of the father, although I asked her to do so, and told her I must have the name . She had already said that her husband Edwin Copeland was not the father ; she said she would fill up the paper for me, and wanted me to give her my paper to fill up, but I would not do so, as I saw there was something wrong, and I did not know what she might put in the paper . After she had said that her husband was not the father of the child, I asked her why she had done this, and she said that if she had known at the time of her marriage to Edwin

Copeland, that she was in family way she would not have married him, and messed him up like she had done. She said she knew at the time that she had permitted another man to keep her, but she did not know she was in trouble, and thought the matter would be all right.

Q. Did she ever tell you the name of the father of the child?

Ans. No, she never would tell that.

Q. Where is the plaintiff and the defendant now living and domiciled?

Ans. The plaintiff is living at his home at the same place in Nansemond county and has been there all the while: The defendant is living with her mother at Waleville, in Nansemond county. You see after the child was born, and Edwin had found out for certain, that he was not its father, he would not keep her as his wife any longer; so he made her leave, as soon as she could get ~~back~~ about, and she went back to her mother.

Has she ever returned to her husband since that time to your knowledge?

Ans. She has not.

Q. Where did the plaintiff and the defendant last cohabit?

Ans. At his home in Nansemond county Virginia.

Q. How long have you known the plaintiff?

Ans. Ever since he was a little ~~boy~~ boy.

Q. What is his character and disposition and how did he treat his wife?

Ans. Up to that time he treated her well; he had a good home; better than most colored people, and he gave her every thing a woman should need.

he is an industrious man who works at the Suffolk Water company plant and is highly respected by both white and colored people.

Q. Is there any other statement you wish to make?

Ans. No; only it was one of the saddest cases I ever knew of; it ruined his home, and seemed to almost break his heart; she told her ^{story} voluntarily and without any persuasion, and she too seemed to be very sorry about it.

And further this deponent saith not.

Witness: A. P. Hallam
The witness says she came with him
not very much and could not be allowed
to make her marks.

Edwin Smith
mark

R. H. Rawles being duly sworn deposes and says as follows;

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

Ans . R. H. Rawles, 65, Suffolk Va, Attorney ; I have known the plaintiff for some time and have transacted other business for him; he is an industrious man and always pays his debts promptly . I never saw the defendant but once and that at the time which I will now state . Some time in June soon after the birth of a child the plaintiff sent for me to come right over to his house in "Boston" on some important business . I went at once . He told me all the circumstances about the birth of the child as stated by the other witnesses, and asked if he was not entitled to a divorce ; I told him I thought he was, if he could prove his case . He said he could easily do that, as his wife did not deny anything . I asked where she was, and he replied that she was in another room in the house ; that he had given her moving orders, but had to let her stay in that room until she was able to get up and travel, and that he was doing so as a matter of humanity ; he said he had had nothing to do with her since the birth a few days before . He wanted me to go in and see her and I consented . I went in and told her who I was, and what my business out there was . She was a little sullen at first, but I told her what I had heard and asked her the direct question, if Edwin Copeland was the father of that child ; she answered without hesitation that he was not . I asked her who was its father, but she refused to tell me, and I did not press the question. I asked her what she was going to do ; she said she was able to work for a living and was going back to her mothers at Whaleyville . I asked her if her husband knew her true condition when he married her ; she said he did not ; she also said that she herself did not know it when she married Edwin Copeland . I then left . And further this defendant saith not .

R H Rawles,

VIRGINIA:

City of Suffolk, to-wit:

I, L. P. Holland, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, do certify that the foregoing depositions of Martha Hunter, Rosa Smith and R. H. Rawles, were duly taken, sworn to and subscribed before me at the office of R. H. Rawles, on Washington Square, between the hours of 8 A. M. and 6 P. M. on the 8th day of September, 1916, as stated in the caption hereof.

Given under my hand this 8th day of September, 1916.

L. P. Holland
Commissioner in Chancery.

Tw - \$5.00 - Paid

Copeland vs Copeland
Deposits

Filed Sept. 8, 1916
L. E. Armstrong
Clerk

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

Edwin Copeland,

vs.

Ella Copeland,

This cause came on this day to be heard on the Bill of the Complainant and the exhibit filed therewith, the testimony of witnesses taken after due notice and the defendant who appears to have been duly served with process and who was regularly proceeded against according to law, failing to appear, plead, answer or demur and was argued by counsel.

On Consideration Whereof, it appearing from the evidence filed in the cause that the defendant Ella Copeland was at the time of her marriage to the complainant, without the knowledge of the complainant, with child by some person other than her husband: and it not appearing that the complainant has ~~not~~ condoned the said offence by cohabiting with her, after he had knowledge of the fact that she was with child at the time of the said marriage to him, *by some person other than him self.* the court doth order, adjudge and decree that the complainant Edwin Copeland be and he is hereby granted a full and absolute divorce a vinculo matrimonii from the defendant, his said wife, Ella Copeland, and the marriage relations heretofore existing between them are wholly annulled and set aside: 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

Entry. Octo. 9. 1916.

Jas. S. McInnis

Chancery Order
Book #1 - Page 53

Edwin Copeland,

vs.

In Chancery.

Ella Copeland.

IN THE CIRCUIT COURT OF THE COUNTY OF HANSEMOND, VIRGINIA.

TO THE HONORABLE JAMES L. McLEMORE,

JUDGE OF THE CIRCUIT COURT OF SAID COUNTY:

Humbly complaining sheweth unto the court,
your orator Edwin Copeland, of Hansemond County, Virginia,
the following case:

Your orator says that he was married to his present wife Ella Copeland at Whaleyville in Hansemond County Virginia, on the 29th day of December, 1915, that they were engaged to be married about two months before the marriage took place; that after the marriage he took his wife to his home in said county near Suffolk and made full and ample provision for her support, comfort and happiness.

He further says that before and at the time of said marriage he truly thought and believed that his wife was a pure and virtuous woman and that he had no reason to think otherwise. But he says that he was badly and grossly deceived by her in this particular and that at the time of said marriage she was with child by another man, and that on the 15th day of June, 1915, or about six months after said marriage his said wife gave birth to a child, and that he is not the father of said child; that she concealed her true condition from him as long as she possibly could and after her duplicity and deceit was discovered by him and he accosted her with the fact, she broke down and confessed her shame; that after he had knowledge of her true condition as above set forth he immediately ceased and refused to recognize her as his wife any longer; ceased to cohabit with her or to have anything to do ~~whatever~~ to do with her; that on the birth of the child she confessed to several persons that she had deceived your orator and

that she was enciente at time of her marriage to him by another man, other than her said husband; that the name of said father of her child is _____ Philpotts _____ and lives in _____ Roanoke, _____, Virginia; that he, the said _____ Philpotts _____ was keeping her and having illicit intercourse with her while she was engaged to her said husband and that all of said time she was keeping up a correspondence with said father of said child; and that since the birth of said child, he the said father of the child has sent her money to help her pay the expenses attending said birth.

Your orator further says that he and his said wife the defendant are both citizens of and have been domiciled in said county of Hansemond, for upwards of one year next preceding the commencement of this suit; that they are both now residents of and living in said county, *and were at the commencement of this suit* and that they last cohabited in said county.

Your orator therefore charges that at the time of his marriage his wife, without his knowledge was with child by some person other than himself, and that he has not cohabited with her after he had knowledge of that fact that she was with child at said time by some other person.

He further says that he is informed and believes that he is entitled to an absolute divorce from his said wife; that he can never again recognize her as his wife, or respect her, or live with her as his wife.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your orator is remediless 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 Ella Copeland 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 depositions may be taken, after due notice; and that your orator may be granted a

full and absolute divorce a vinculo matrimonii from his said wife; and for all such other, further and general relief as this case may require, or which to equity may seem meet, and your orator will ever pray, etc.

Edwin Copeland.

VIRGINIA:

City of Suffolk, to-wit:

I, R. H. Rawles, a Notary Public for the city aforesaid in the State of Virginia, whose term of office expires on the 20th day of January, 1919, do certify that Edwin Copeland whose name is signed to the foregoing bill has this day personally appeared before me in my said city, and being duly sworn made oath that the facts stated in the foregoing bill as coming of his own knowledge are true, and that all other facts therein stated as coming from knowledge or information derived from others he believes to be true.

Given under my hand this 12th day of July, 1916.

R. H. Rawles

Notary Public.

Bill

Edwin Copeland

to
Ella Copeland.

Filed July 17th 1914
L. G. Dunning
Clerk

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

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTH'S ATTORNEY
ALEX H. BAKER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA..

Rule Notes.

Edwin Copeland

V. In Chancery.

Ella Copeland

July 7, 1916. Process issued, returnable to 2nd, July Rules, 1916.

End July Rules, 1916, Process returned
Executed, Bill filed & decree nisi.
Aug. Rules, 1st Monday, 1916 Decree nisi
confirmed & cause set for hearing

RULE NOTES:

R. H. Rant, p. 9

Edwin Ojala
vs. Ojala.

Ella Ojala

Final Decree entered
Nov. 9, 1916

~~1/10/16~~

Writ Tax	1,50
Clark	4,00
Shif	1,00
ally	13,00
Commission	5,00
	\$25 00