

1918-001

Nansemond Co (Suffolk)

Chancery Causes: Pontier White vs Joseph White

Jones, Farmers Bank of Nansemond I, Colden, Pelotach,
King, Hermon, Kelly

CLERK'S OFFICE OF THE CIRCUIT COURT OF
THE CITY OF SUFFOLK
G. A. HARRIS, CLERK
SUFFOLK, VA.

Porter, Wm.
15
for birth

~~Not a birth record~~
~~No birth record~~
~~Birth record~~

Mr. George E. Bunting Clerk Circuit of
Naamound Co. Va.

Pontier White

~~Jeff~~

¹/₇₇
Joseph White

The Farmers Bank of Naamound
and Sallie V. Jones Executives of
W. H. Jones Jr. who now handles in
a certain deal of Trust made by
Jos. White Ad.

SJK -

Issue summons for plaintiff against defendants
to second October term 1917 (third Monday
in October) to answer a Bill in chancery.

R. H. Carter Jr.

\$750 deposited
W. H. T. Chas

Deposit \$750 paid
J. B. Bunting,

1
Memo for clerk

white is white

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon... Joseph White, The Farmers--
Bank of Nansemond, and Sallie V. Jones, Executrix of W.H. Jones, Jr. deceased,
who was trustee in a certain deed of trust made by Jos. White et als.

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 ~~October, 1917~~ to answer... a...
Bill in Chancery, exhibited against... ~~them~~ ...
in the said Court by... ~~Pontier White~~ ...

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this... 1st ... day of
... October ..., 1917, in the 134th year of the Commonwealth.

A Copy---Feste:

Clerk

Teste:

Clerk

Executed this 15 day of Oct, 1917 by delivering a true copy of the with-

in process to

Joseph White

in person, in the County of Nansemond, State of Virginia.

E. E. Wagner Sheriff

A. H. Banks

p. q.

Porter White

vs. } In Chancery

Jos. White et als

1917

Carroll

Rules

Wm

Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

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CHANCERY SUMMONS

The Commonwealth of Virginia.

Sergeant of the City of Suffolk, Va.
TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon--Joseph White, The Farmers--

Bank of Nansemond, and Sallie V. Jones, Executrix of W.H. Jones, Jr. deceased,
who was trustee of a certain deed of trust made by Jos. White et als.

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 ~~October, 1917~~ to answer ~~a~~

Bill in Chancery, exhibited against ~~them~~

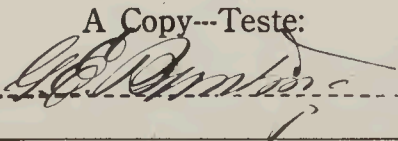
in the said Court by ~~Pontier White~~

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this ~~1st~~ day of

~~October~~, 19 ~~17~~, in the ~~142nd~~ year of the Commonwealth.

A Copy--Teste:



Clerk

Teste:



Clerk

Executed this _____ day of _____, 191____ by delivering a true copy of the with-
in process to _____

in person, in the County of Nansemond, State of Virginia.

Sheriff

P. H. Rawler p. q.

A Copy for Sallis V
Jones, Executor of H. H.
Jones, Jr. dec'd.
vs. } In Chancery

19____

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No. _____

Page _____

I hereby accept authentic and legal service of
the within Decree. Oct 1, 1917

Sallis V Jones Exor.

Wm H. Jones Jr. Deced's Executor.

CHANCERY SUMMONS

The Commonwealth of Virginia.

Sergeant of the City of Suffolk, Va.
TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon

Joseph White, The Farmers

Bank of Nansemond, and Sallie V. Jones, Executrix of W.H. Jones, Jr. deceased,
who was trustee in a certain deed of trust made by Jos. White et als.

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 Monday in , to answer
Bill in Chancery, exhibited against Third October, 1917 a
them
in the said Court by

Pontier White

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 1st

, 19 , in the 13 year of the Commonwealth

October

17

142nd

A Copy---Teste:

Teste:

Clerk

Clerk

Executed this day of, 191... by delivering a true copy of the with-
in process to

in person, in the County of Nansemond, State of Virginia.

Sheriff

R.H. Banks p. q.
A Copy for
The Danvers Bank of
Nansemond

vs. } In Chancery

19.....

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

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has hereby accept and signed and kept record of the
within process, Oct. 1. 1919

James Bank of Nansemond
J. M. Adams, Clerk.

Oct 2nd 1919

TO JOSEPH WHITE:

Please take notice that I shall proceed on Thursday, the first day of November, 1917, between the hours of 8 A. M. and 6 P. M. of that day, at the office of R. H. Rawles, in Suffolk, Va., to take the depositions of myself, Thomas Perry and others, 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, then 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 completed.

Respectfully,

Pontier White,

By R H Rawles Counsel.

Executed on the 15th day of
Oct 1877 within the county of
Nassau, by delivering a
true copy of the [unclear] process,
in writing to Joseph White
[unclear] in person
E. E. Wagner
Sheriff of Nassau County.

Notice to take depositions
Dugan

THE JAMES C. FIFIELD COMPANY

PUBLISHERS

MINNEAPOLIS, MINN.

October 16, 1917.

R. H. Rawles, Esq.,

Suffolk, Va.

Dear Sir:-

Our book on American lawyers now in preparation, about which we wrote you a short time ago is to be published under the title, "THE AMERICAN BAR". The fact that you have given us your data has involved you in no obligation whatever, but we think you will be interested in this work which has been warmly endorsed by many prominent lawyers.

Recently we submitted a statement of the plan of this book to the General Counsel of the New York Life Insurance Co., who said: "This book so far transcends any lawyers directory ever published that there can be no question of comparison. It will contain just the information that the great corporations and financial institutions demand and must have."

He was right. Already we know from orders received that "THE AMERICAN BAR" will be found on the desks of many leading lawyers, bankers, and corporation officials. They want the book for every day use because it gives important information about the lawyers named in it - information not otherwise accessible, yet very valuable to the man who must employ a stranger at some distant point to represent him in connection with legal matters.

You cannot fail to appreciate the value of such professional publicity as this book will give you. It will place you in direct touch with lawyers and business men who may correspond with you concerning important legal affairs. Hundreds of the leading lawyers in large cities have endorsed this work by giving us their orders for it, and frankly we need your endorsement too, but we don't want it unless you say we merit it. We plan to push the sale of this work among big business concerns in proportion as we receive the support of lawyers. The book will be sold by subscription only and we must know how large an edition will be required.

We feel confident you will want this book when you see it and you may examine it before paying for it. Could anything be more fair? See the contract and sign and return it to us now while the matter is fresh in your mind, and on receipt of it we will mail you a duplicate. If desired we will give you the names of some of the lawyers and firms known throughout the country, who have given us their orders for this work.

Yours truly,

James C. Fifield
President

JCF-E

For value rec'd &
hereby extend the time
for the payment of this
bond for the term of
three years from this
date Oct 26 1917.

For value rec'd &
hereby renew this bond
and promise to pay the
same ^{to the holder} within 3
years from this date.
Oct 26 1917.

NOTE:

The defendant by counsel without prejudice here enters an objection to the taking of the depositions of these witnesses, to all questions propounded and answers that may be given in response thereto.

PONTIER WHITE, being duly sworn deposes and says as follows
Examined by R. H. Rawles.

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

A. Pontier White, 39 years, out near Prospect in Nansemond County, work in factory, first one work and then another, I am the plaintiff and the defendant is my husband.

Q. When were you married to the defendant Joseph White?

A. Four years ago the 15th of this last October?

Q. Where were you married?

A. Married at Rev. Waff's in Jerico.

Q. Do you mean the place called Jerico near Suffolk in Nansemond County?

A. Yes sir.

Q. Where did your husband take you after marriage?

A. He took me to his home.

Q. Where is that?

A. In Nansemond County, near Kingsboro Heights.

Q. State whether it is a small farm, or not?

A. Yes sir, it is a small farm.

Q. Do you know how many acres it contains?

A. No sir, he told me thirty some odd acres, but I don't know how much it was.

Q. Do you know how much it is worth?

A. No sir, he told me he had been offered about four or

five thousand dollars for it.

Q. Please state what he has contributed towards a living for you and the family since you were married.

A. Well, he married me on the 15th of October, four years ago, and he proved all right, very good for about a year or so, and he told me he was old and if me and my boy would look out for him he would give us his place, and so we did so, and he to get so in about a year or so, got contrary, and he had a little money in the bank and had a note in the bank and he used to let his notes come there and I used to let him have money to pay the notes and after a while he got so he wouldn't let them come and I began to speak to him about it and he said he would let Junie - Junius White - pay them; and I gave him the money and I told him that it didn't look right, it looked like he was putting Junie ahead of me. That went on until August, we had a quarrel and he drew the axe on me Tuesday after the Second Sunday in August.

Q. Did you have a son at that time?

A. Yes sir.

Q. How old was he?

A. He was 18 years old at that time.

Q. Where did he work?

A. In the navy, a sailor.

Q. What did he do with his money or wages?

A. He sent it to me.

Q. Who supported the family after your marriage?

A. Me.

Q. How did you support it?

A. After I married him in October, I hope him house his crop and I had about \$100 of my boy's money and then I went to the factory and went to work until May; then I

came and hope him make his crop again and house it the following year. And then he sold it and he said he didn't get nothing for it, so then I goes to Mr. King's factory and worked all the winter.

Q. How many years did you help cultivate the farm?

A. I hope him two years.

Q. And in the fall, did I understand you to say, after the crop was housed, that you then went to work in the factory?

A. Yes sir.

Q. What did you do with your wages?

A. I bought groceries and clothes for him and whatever was necessary around the home.

Q. What became of the crops that were raised on the farm?

A. He said he couldn't pay out of debt, debts what he owed before he married me, so he claimed.

Q. What part of the money did he bring to you that he sold the crops for?

A. He didn't bring none, he said he owed it all.

Q. How much of it did he use in purchasing supplies for yourself and himself?

A. He didn't use any, the last time he said he owed Mr. Oliver \$30 for groceries and we sold a little side track on the market and so I give him \$15 of that to pay it, and so he said he didn't pay out of debt then, and I wrote to my some for some money and he sent me \$30 that time, and I let him take it and so he said he paid it. I don't know, I didn't go.

Q. Do I understand you then to say that since your marriage that you alone have supported the family?

A. Yes, I certainly have done it.

Q. Do I understand you further to say that your husband has used all of his money which he got from the crops in paying debts of his own?

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A. That is what he said.

Q. State again what places you worked at when you were not working on the farm.

A. The first year I married him I worked at Mr. Grubbs Knitting Mill until May and the next place Mr. John King's up until now.

Q. Do you mean John King's Peanut factory?

A. Yes sir.

Q. And when you say Mr. Grubbs Knitting Mills, do you mean the Maxwell Hosiery Mills?

A. I mean the Knitting mill there was on Main Street, I mean Washington Street.

Q. State whether or not your husband was kind to you, or whether he was cruel to you after marriage?

A. He done right well for the first year and after that he began to quarrel right much; he began not to let his papers come home from his bank notice.

Q. How did you treat your husband after your marriage?

A. Well, I didn't do nothing but let him have the money and buy something to eat. He would quarrel some and I allowed some for him because he was old.

Q. Did you ever give him any cause for quarreling with you?

A. No sir, only I just got after him about he ought to bring the notes home and he had told me he would let Junie pay it and I said it didn't look like Junie liked me and he ought to bring them home.

Q. When you say Junie, do you mean Junius White?

A. Yes sir.

Q. When you speak of notes, do you mean notes that he owed in bank in Suffolk?

A. Yes sir.

Q. Why was it that you wanted him to bring the notes home when he paid them?

A. Cause I was going to give him the money and I wanted to be sure it was paid.

Q. Then, if I understand you, you furnished him with the money to pay these notes?

A. That is right and that is why I wanted him to bring them home and let me see.

Q. Tell howlong this continued before he started in to quarreling?

A. He commenced to fuss this year, that is just of and on, I couldn't do nothing to suit him.

Q. In your bill in this case you have charged that he struck you and beat you and picked up an axe and threatened to kill you. State when this took place and all the circumstances connected with it?

A. Well, this quarrel took place Tuesday after the Second Sunday in August, of this year, and he kept on quarreling and I said a little something to him about the meeting and so he drawed his axe back and I said "what ails you, crazy, 'tracted meeting going on at your church and you 'tendin to be a deacon, ain't you shamed?", so he put the axe down and then he come and struck me with his fist and called me all kinds of names.

Q. Where did he strike you?

A. Right here on my forehead.

Q. State whether you struck him or not?

A. No sir, I didn't strike him. I never said no more and he never said no more.

Q. Did I understand you to say this took place in August, 1917?

A. Yes sir.

Q. Why did he strike you?

A. Because I told him about his quarreling and he ought to be ashamed of hisself, when the 'tracted meeting going on at

his church.

Q. Have you ever struck him since you were married?

A. Never in my life.

Q. When he picked up the axe on this occasion did he threaten you?

A. Yes sir, he drew back and told me he would ~~kill me~~ knock me in the head with the axe.

Q. Were you frightened?

A. He frightened me at first, but then after I told him to put it down he put it down and then he come in and struck me.

Q. After this assault in August, 1917, state whether he made another attack on you and if so, when?

A. Well he went on quarreling, but I didn't pay no attention to it, ^{until} ~~on~~ Sept. on Friday this year, and then it come up about the note and I was after him about the note and he said he was going to borrow \$1,000 on the bank and pay his debts, and I told him I wouldn't sign up for it. He told me that if I didn't he would kill me and kill himself.

Q. Did he start to put this threat in execution?

A. No sir, not then, only he told me what he would do. Then he started to church on Friday.

Q. Then state what happened?

A. He went to church and I stayed home until dark and he didn't come. I thought he was mad and I would go off and I went to Cousin Tom Perry's and thought his passion would be off by morning, and when I got back between 6 and 7 o'clock next morning he was still quarreling and I wouldn't say nothing to him at first, and he said what made I to go away and I said - you was made and I thought I would go off and you would be better this morning.

Q. Then what did he do?

A. He kept quarreling, and then I told him, you know when I married you I told you I was scared to stay out here nights by myself; I said I stayed out here until dark and you was gone and I didn't see nobody and I went away and then he said I didn't. He signified like that somebody told him I left before dark on Friday and I told him I didn't and he said - you 'spute my word and I'll fix you - so he goes and gets his pistol and ~~points~~ comes out and I looked at it and he had it pointed at me and I went to running, so I don't know nothing else.

Q. Did he point it at you at the time he said "I will fix you"?

A. No, he did not have it then, but he went and got it.

Q. Then when he came back he pointed it at you?

A. Yes.

Q. He had already said he would fix you?

A. Yes sir.

Q. What did you understand him to mean when he said he would fix you?

A. Well, I was just listening to see what he was going to do, and he then come with the pistol and I saw and I went to running.

Q. Were you frightened?

A. Yes sir, when I saw the pistol I was.

Q. When you saw the pistol what did you think he was going to do with it?

A. I thought he was going to shoot me because he had it pointed at me.

Q. Where did you run to?

A. Tom Perry's.

Q. Have you been back to live with him since?

A. No sir.

Q. Why did you not go back home?

A. Because I am scared of him.

Q. Are you afraid that he would do you harm?

A. Yes sir, I am just afraid that he will sho ot me.

Q. Do you know whether he has a deed of trust on his farm or not, a mortgage debt?

A. Never known anything but the bank.

Q. What bank?

A. The Farmers Bank.

Q. Do you know whether your husband has threatened to get the bank to sell the farm under that deed of trust?

A. No sir, I don't know sir, whether he has or not.

CROSS-EXAMINATION

Without prejudice to rights of defendant.

Examined by Mr. Lee Britt:

Q. How old are you?

A. 39.

Q. How old is Joe White, your husband?

A. I don't know sir?

A. Are you positive in your statement that you don't know?

A. No sir, I know what he said.

Q. Then what did you mean when you swore that he was 55 years old?

A. I knowed what he said.

Q. Then when you swore that he was 55 years of age, you did not know what you were talking about did you?

A. I was talking after him, I said it was 55 or 65.

Q. Did you not know at that time that he was 70 years of age or older?

A. I don't know.

Q. You swore in the bill in this case that you worked almost

daily after your marriage down to the time of this suit at different manufacturing plants?

A. Yes sir.

Q. Then the statement in your depositions that you have just given is not true, when you allege that you worked on the farm certain parts of the year and at factories certain parts of the year?

A. Yes, that is true, what I said.

Q. Then it is true that you worked at manufacturing plants almost daily since your marriage, and it is also true that you didn't work at manufacturing plants daily since your marriage?

A. I said I worked part on the farm for two years and then the balance part of the time worked at the factory.

Q. Then the statement you made under oath in your bill is not true, is it?

A. That what she has got down there is true?

Q. Then the statement that you swore to that you have worked almost daily since your marriage at different manufacturing plants is not true?

A. That she (pointing to stenographer) has got down there is true.

Q. You have made a statement in your bill and sworn to the statement that you worked almost daily since your marriage at different manufacturing plants. Was that statement true or false?

A. I worked at two different manufacturing plants and part on the farm?

Q. You have made a statement in your bill and sworn to the statement that you worked almost daily since your marriage at different manufacturing plants. Was that statement true or false?

A. I told you I worked two years on the farm and then hope

him house his crop and I then went to the factory during the winter, first one to Mr. Grubbs knitting mill and the balance was for Mr. John King.

Q. That statement that you worked almost daily since your marriage is not true?

A. Just like I told you, that is true.

Q. Then your statement in your bill that you worked almost daily at the factory is not true, is it?

A. Just like I told you there.

Q. What kind ^{of work} did you do at the factory?

A. The first factory was at knitting mill, turning stockings and inspecting them, and the next was a peanut factory, picking up sap peas.

Q. State what wages you got?

A. When I worked at the knitting mills I got \$4.20 a week. When I first went to Mr. King's I worked as a side hand, 50¢ and 60¢ a day, and then they gave me a table to run and then I got 65¢ a day. At the peanut factory when last employed I got 65¢ a day.

Q. Were you an experienced hand?

A. I was called that, I guess Mr. King will tell you.

Q. Were you an experienced hand working at the knitting factory?

A. I was a kind of look over, called a boss like in there. I got \$4.20 the highest price I got there.

Q. Where you discharged from either place?

A. No sir, I worked up until May and I come there to help him on the farm.

Q. Then do I understand you were an experienced hand and that you could have retained your place at either factory?

A. Yes sir.

Q. Were you a steady and regular worker?

A. When I warent on the farm I was. When I worked there

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I was steady and regular worker.

Q. I infer from your testimony that you made enough money to take care of yourself and Joe. Is that true?

A. No, I didn't make enough, but my son's help and I together.

Q. Where was your son working?

A. In the Navy, a sailor.

Q. He didn't live here then?

A. No sir.

Q. How much money did ^{he} ~~they~~ send you and when?

A. He sent me \$30 in July, and August he sent me, I don't know just what in August, he sent me \$80. I cashed that at the Farmers Bank. He was here in May and he gave me \$40 when he was here in May.

Q. I understood you to say that your son is 18 years old.

A. That is when I married him, he has been working 4 years for Uncle Sam and enlisted again last December.

Q. Then I understand from your testimony that you are not dependent on Joe White for a support?

A. I ain't, he ain't give it to me.

Q. You have stated in your bill and swore to the statement that you have no means whatever of support, except what you can make on the farm, and that you are still without means. In view of the statement that you have just made that your son sent you money and that you could work in the factory and that you have been entirely dependent on Joe is not true is it?

A. He told me he was old and if me and my son - I just told you what me and my boy had done. Well, ~~xxxxxxxxxxxx~~ ~~xxxxxxxxxxxx~~ that is true in the bill, I didn't have any money, but the boy was sending me money all the time to help me and him (meaning Joe White)

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Q. You state in your bill and swear to the statement that on the 5th day of April, 1915, that your husband Joe White induced you to unite with him in a deed of trust conveying this tract of land to W. H. Jones, Jr., Trustee, to secure to Farmers Bank of Nansmond the sum of \$235, which said amount your husband borrowed from said bank and used himself. Don't you know that that statement is not true?

A. Yes sir, he did get it, but he didn't use it on me.

Q. Then you still swear that he borrowed \$235 from the bank at this time, got \$235 from the bank and used it himself?

A. Yes sir, he got it and used it himself.

NOTE:

Notice is hereby given that the witness will be impeached.

Q. Don't you know that Joe didn't get \$235 from the bank

A. I know he got the money from the bank because I went there and signed up. He got the money, I signed up for that, I don't know how much he got but I signed up for that.

Q. Then the statement that you have just previously made that he got \$235 and you know it, is not a fact, is it?

A. Not a fact? No sir, I didn't say it wasn't a fact. I said I signed up for that for him to get it, but I don't know how much he got.

Q. Then both statements that you have just made cannot be true can they?

A. Yes sir, that is what I told you, what I signed up for him to get.

Q. Then both statements that you have just made cannot be true can they?

A. I signed up for him to get it.

Q. Is it not true that Joe White, your husband has at all times, since your marriage to him, been good and kind to you;

has he not cooked at times for you; did he not frequently walk with you part the way to the factory mornings when you were working there and go in the afternoons and meet you and escort you back home?

A. Well, the first year, as I told you he did at some times, he did it sometimes, he didn't do it all the time; sometimes he used to cook, the second year he commenced cutting off and didn't do it. And the third year he did lesser and lesser and this year I reckon he cooked a half a dozen times, I know it warn't much over. He went with me one morning to the factory after a dog what a girl had had promised me and him, that is the only time he walked with me at that time, and the next year he come out there one Saturday when they was paying off. That was the only time the second year, and the third year he went with me two or three ~~times~~ mornings, not to factory but a part of the way; the fourth or 1917, he went with me three mornings part the way and met me one evening, this year. The first year he did meet me some evenings, and the second year he met me some evenings. The third year he didn't meet me but would have supper ready for me sometimes. He didn't meet me none this year, but sometimes he would have supper, this year.

Q. Didn't he continue to do that in the summer of 1917?

A. In the spring and summer, he did some five times.

Q. Then did not that show that he was kind and good to you from the time he was married up to certainly the summer of 1917?

A. No sir, he warn't good to me.

Q. Then walking from house toward the factory mornings, which he didn't have to do, and going to meet you afternoons, and walking back home with you, which he didn't have to do, and having suppers cooked for you when you got home, showed

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that he wasn't good and kind to you, did it?

A. Didn't I working for him and toting him something to eat and letting him have money for to support him. At that time it did, but sometimes he would be so quarrelsome afterwards.

Q. Do you mean after the summer of 1917?

A. I mean after he met me and after he cooked.

Q. Isn't it a fact to be stated upon your solemn oath, realizing that you have taken an oath to tell the truth, the whole truth and nothing but the truth, that all these charges you make in your bill were made for the specific purpose of getting a divorce from Joe White, because he is too old a man for you and because you want to get his property?

A. No sir.

Q. Then do I understand that when you made these charges that you had no intention or desire to get any part of his property?

A. No more than my labor and my son's labor, I wanted that.

Q. Did you not state that you were not dependent on him at all for support?

A. I was spending my labor on him and my son's, expecting that he would give me something, as he said he would; that he would put it as he told me he would; that he was old and if me and my son would take care of him he would give us his place, so he did make a will.

Q. What about the will?

A. He made a will, I don't just know how the will was, I forgot, but he made the will to me something like that, and I believe it was on the will that I was to take care of him and pay the debt and then the place would go to me.

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Q. Then do I understand that you made these charges against him and brought this suit against him because he made a will?

A. I didn't know he had got the will until the other day. I just found out where he left the will, I and him had those words and I didn't know he had got the will until the other day.

Q. Then at the time you brought suit you did not know whether he had made a will or not?

A. Yes sir, he had made a will to me before that, but I didn't know he had got it until after the other day.

Q. Explain what you mean by "I did not know he had got it."

A. Why he left it at a lady's and the lady that had it said he went there and got it, that he wanted to change it or something.

Q. Then at the time you made these charges, and brought this suit, you did not know that he had made a will and did not conclude that he had not given you anything in the will?

A. He gave me the place in the will but he had went and got it, but I didn't know it until the other day. She said he got it and wanted to change it.

Q. Then was the first time that Joe White quarreled with you?

A. I don't know sir about that, he quarreled so much I couldn't tell you about that to save my life.

Q. What was your real purpose in making these charges and bringing this suit?

A. Because he got the axe and drove me away, and I wouldn't sign up.

Q. Wouldn't sign up what?

A. For to borrow some money to pay the debt, so he said, I don't know. He told me he was going to DuPont and carry the best things to Junie's and leave me there and he wanted to borrow some money and I told him I wasn't going to sign up

until he paid me my money and my boys.

Q. And is this the reason that you brought this suit against him?

A. By his rancing me away with a pistol is.

Q. You stated that on Friday before he went to the church that you and he quarreled and he threatened you with the axe. Where were you when this thing occurred?

A. We was home, we hadn't long come from market, and I was cooking dinner and he was out there on the back porch, out there fussing about going to church.

Q. Then he brought the axe up there for the purpose of threatening to kill you with it?

A. The axe was laying under the house, and I don't know - he called me all kind of names.

Q. What kind of names did he call you?

A. I don't know, old scalawag was one and other old bad names old strumpets and old son of a thing, and other old bad names. He was standing on the back porch and I was in the house cooking dinner.

Q. The axe was under the back porch was it?

A. Yes.

Q. Did the axe remain under the house?

A. He got it and drew it back, I don't know what he did with it ~~xxxx~~ after he drew it back, when he chucked it down whether he put it under the house or not.

Q. Did ~~xxx~~ he go out of the porch, go to the side of the house and get the axe from under the house?

A. Yes sir.

Q. Just explain now what he did with the axe when he got it from under the house?

A. He told me he would knock my head off.

Q. But he didn't come anywhere near you, still in the yard?

A. He was at the corner of the house.

Q. You remained in the house and he remained outside?

A. I was in the cookroom door when he drew the axe.

Q. Then you went from the stove where you were cooking dinner to the cook room door, did you?

A. Yes sir.

Q. What was your purpose in going from the stove to the door when he was outside?

A. Because he was quarreling and I was anxious to hear what he was talking about.

Q. Then you were going toward him and he not going toward you?

A. I stayed in the door.

Q. And you told him to put the axe down and he did so?

A. Yes sir.

Q. And were you frightened at all?

A. I was frightened at first, afterwards it went off.

Q. And you were so little afraid of him, that notwithstanding you say he threatened taking your life, you went and stood in the door of your own accord, showing that you were not at all afraid of him?

A. He was quarreling when he drew the axe at me, and I didn't know what he was quarreling about and I wanted him to stop that out there and he drew the axe.

Q. What do you mean by drawing the axe?

A. Drawed back and said he would knock my head off.

Q. But didn't ^{try to} do so and immediately put the axe down when you told him?

A. I asked him if he was crazy and sort of shamed him.

Q. What time of the day was that on Friday?

A. That was Tuesday after the second Sunday in August about the axe.

Q. And after then you continued to live with him without any fear?

A. Yes sir. He quarreled after that up until September, but I thought he was old and I didn't bother about it.

Q. It didn't bother you any?

A. Yes it did bother me, because I always did hate to hear quarreling.

Q. What was that quarrel about between you and him, which you allege occurred when you say he threatened to and drew the axe on you?

A. I don't know sir, he quarreled so much, but it came up about the church.

Q. What about the church?

A. He was quarreling and I asked him warn't he ashamed of himself, pretending to be a deacon of the church and quarreling all the time, worse than young folks.

Q. What was the cause of the quarrel?

A. Because that I had carried dinner out there to the church two years, and he wanted some other 'oman to tend to it, and I said if I had to buy it, cook it and carry it out there, no other 'oman should anything to do with it.

Q. What woman did he want to attend to it?

A. Mrs. Hoskin, that is the one that attended to it in his first wife's life time, so he said.

Q. What do you mean by attending to the dinner?

A. Carrying it out there and putting it on the table at the church, protracted meeting., and I said if I had to buy it and carry it and another 'oman attend to it, I wouldn't carry it.

Q. Did that hap en on this Friday in Sept?

A. No sir, Tuesday after the Second Sunday in August, that was when the revival .

Q. What hap ened on this Friday in Sept. when he went to the church?

A. He was quarreling over the bank note. He said he was going to borrow \$1,000 and pay the debts, and I told him I wouldn't sign up for it.

Q. So you were not willing to sign a note with him to get money to pay his debts?

A. I told him I would not sign for him to get none unless he paid me my boy's labor.

Q. Did this boy ever labor for Joe White?

A. His money came there, he didn't live there.

Q. Then do I understand you to say that after he asked you to sign with him to borrow this money, that he then left and went to the church?

A. Yessir, he said he went.

Q. What time of the day was that?

A. I couldn't tell, it was in the afternoon.

I understood you to say that he did not return home until after dark and that before he returned you left and went to Tom Perry's.

A. I stayed there until dark and I didn't see nobody and I had told him I was scared to stay there on that railroad with nobody there but me, and I knowed he was mad, and I went to Cousin Tom's and stayed all night there and thought his passion mought be off by morning.

Q. Then I understand that you left his place and went to Tom Perry's?

A. I stayed there until dark.

Q. Then I understand that you left his place and went to Tom Perry's?

A. Yes sir.

Q. So you ~~xxxxxx~~ left Joe White's house and went to Tom Perry's during his absence, without leaving any message for him, or explaining why you left?

A. It was dark and I didn't see nobody to leave none with, and he knowed why I left.

Q. Did you not say earlier in this examination that you left and went to Tom Perry's, because you thought he was made and if you stayed away that night and came back next morning

he would be over it?

A. Yes, I said I left there after dark and he was mad and I believed if I would go and come back next morning he would be in a better humor.

Q. And that is the reason you had and gave for spending the night away?

A. Yes sir.

Q. When did you return home?

A. Between 6 and 7 o'clock.

Q. When?

A. On Saturday morning; the next morning.

Q. What did you do when you got back that morning?

A. I didn't do nothing, I went in and he was standing in the door and he said "what made you go off and stay last night" and I said "Well, you was mad and I told you when I married you that I was scared to stay out here dark nights," and he said "you left before dark" and he said "you left before dark" and I told him no sir I didn't, and you was mad and I thought that I would go off and maybe you would be better, and he kept quarreling and I went on up stairs and wasn't paying any attention to him.

Q. He just kept quarreling without giving any reason for it?

A. He just kept quarreling and said he was going to rent his house out, that he was tired of old scallwags being in there.

Q. You locked Joe out that night?

A. No, I didn't lock him out, he had a key to go in the house, he knowed how to get in there.

Q. DON't you know that you did not have but one key to that house and that you locked Joe out?

A. Yes, I knowed there was more than one key to the house, but he and I both had gotten in the house plenty of times

without nare key, in the back door and he knowed how.

Q. Do you mean to say that when you left that house that night and locked it and took the key with you, that Joe had a key that he could go in with when he returned home?

A. If he didn't have nare one with him he knowed where one was.

Q. Then he knew where the key was?

A. Yes, there was two keys to it, because it was a night latch.

Q. On Saturday morning when you came back home to that house, Joe just kept on quarreling without giving any reason for it at all.

A. Yes, he kept quarreling.

Q. And what did you do, take your satchel and go away?

A. I had a little small hand bag and I had promised to lend it to a lady.

Q. Did you then go away and carry this bag to deliver to this lady that you had promised to lend it to?

A. I didn't go until he run me with a pistol.

Q. Then he run you with a pistol did he?

A. Yes.

Q. How far did he run?

A. I don't know as he run, but I run. He came out - he seemed to signify from his talk that somebody told him I left before dark and I told him that if anybody told him so it wasn't so, and he said "you 'spute my word and I'll fix you" and I listened to see what he was going to do or looked to see and he went through the cook-room and came out the door and I was standing at the back porch at the steps.

Q. You were out doors then, were you?

A. Yes, standing on the back porch steps, listening to what he was saying.

Q. Before he said that to you when you had gone out of the house and had started away, had you?

A. No sir, I came down stairs through the dining room. He was still quarreling.

Q. What caused you to go out doors?

A. Well, because he said "you spute my word and I'll fix you", and I looked to see what he was going to do.

Q. You came down stairs, went to the door, and you then stopped and he was quarreling still was he?

A. Yes.

Q. And said if you disputed his word he would fix you, and you stopped to see how he was going to fix you, did he fix you?

A. Yes.

Q. You were not afraid of the fixing, but it was just your curiosity that led you to stop to wait for him to see how he was going to fix you?

A. Yes, to see what he was talking about and what he meant.

Q. How did he fix you?

A. He came with a pistol, pointed it right at me and I run, that was the fixing.

Q. He came out and you saw that how he was going to fix you, and after you saw how he was going to fix you, how far did you run?

A. I run down to the railroad and then looked back and I didn't see him coming, he looked like he was standing watching; I had a little skirt of woods to go through, and I was afraid he would overtake me and I went to running again until I got to the other railroad.

Q. You went to the railroad and stopped and didn't see him doing anything and then you started to running again because there was a skirt of woods you had to go through. How fast did you run?

A. I don't know sir.

Q. Where did you then stop running and when?

A. Well, I kept running off and on until I got to Cousin Tom's.

Q. If he wanted to fix you he had all the chance in the world to fix you didn't he?

A. I don't know sir, I reckon it was by the mercy of the Lord he didn't do it at that time.

Q. Isn't it true that if Joe White had any desire to shoot you he could have killed you any second that day that he wanted to?

A. Not like I run, I don't think the Lord would let him do it because I put my trust in him and that is my religion.

Q. And yet you stopped at the door after he threatened to fix you to wait to see how he was going to fix you, and then when he came he didn't fix you - is that true?

A. I stopped to listen to see what he was going to do, so I didn't know what he was going to do and I just waited and see.

Q. When he came as you say, with a pistol in his hand and pointed it at you, how far was he from you?

A. I told you he was at the cockroam door and I was standing on the back porch steps, I couldn't tell to save my life how far, but it might have be on 5 or 6 steps.

Q. Then he did have a chance to fix you with the pistol if he had wanted to, didn't he?

A. No sir, I don't think the Lord would let him.

Q. If the Lord hadn't been on your side, as you say, then Joe could have killed you if he had want to do so, could he not?

A. If the Lord hadn't been with me he would.

Q. You were close enough together, and there was nothing to prevent his killing you if he had desired to do so?

A. That was his meaning, if it hadn't been he wouldn't have come with the pistol.

Q. Then Joe had the chance and the opportunity to do you any kind of injury if he had had the desire, did he not?

A. I run so fast, it was by the mercy of the Lord or he would have killed me.

Q. You were so close together that he could have hurt you if he had wanted to?

A. I run too fast.

Q. Joe was standing at the door and you on the porch steps, he was close enough to you to shoot or injure you if he wished to do so, wasn't he?

A. I run so fast.

Q. Isn't it true that you spent only about 20 or 25 minutes at that house on Saturday morning; that just after you went in the house you came down stairs with a little bag and said that you were going out to lend it to somebody?

A. No, I didn't say that, - when I first went in home -

Q. What did you say?

A. When I first went in he spoke about night and I being gone and I told him that I appeared to stay out there nights by myself and he kept on fussing, cause I came to cook breakfast, cause I could have went away that evening and carried the bag off, but I was just walking around there and thought he would stop quarreling.

Q. Isn't it true that on this Saturday that you are talking about, the 29th day of Sept. 1917, that Joe White did not have a pistol in his hand for any purpose?

A. He had a pistol in his hand to shoot me, hadn't he wouldn't have had it in there, cause he drew it on me.

Q. Can't you go back there today if you want to?

A. No sir, I ain't going back there unless somebody goes with me, cause I am scared of him, I know he will shoot, he has a pistol and I am always been scared of pistols.

Q. You know he will shoot, but the fact is, according to your

testimony, he did not shoot when he had the chance - how do you reconcile the two statements?

A. Cause I ran, I believe that is what saved me.

Q. He could have killed you ~~if he~~ before that time, couldn't he?

A. He quarreled, but I hadn't never seen him seem to be so made as he was that Saturday, that was when I first got scared of him.

Q. Where do you live now?

A. I lives at Sarah Jackson's on Washington Street, in Suffolk.

Q. Joe could have caught you if he had desired on that Saturday could he not?

A. He would have had to do some running to have caught me.

Q. Then, do I understand he didn't try to do it, or because he couldn't do it if he had tried, which is true?

A. He couldn't have fetched me like I was running.

Q. Then I understand that you are much faster and more active than your husband in moving about?

A. In running I can.

Q. Are you an active, vigorous woman, or, are you a weak, sorry woman physically?

A. I am not so strong because I suffer with rheumatism some times, but I can keep up work.

Q. Is Joe White a strong, active man or an old feebleman, which?

A. I guess Mr. White is all right, he ain't so feeble.

Q. Couldn't you whip him in a fight?

A. No sir, I ain't no fighter, I'm a runner.

Q. Well, if you are a runner and a pretty fast runner, why did you stand up before him your husband on that Tuesday before the second Sunday in August and let him beat you and strike you on the head, instead of running fast and getting away from him?

A. Well, I was just looking at him and after he put down the axe he come and struck me, and I tried to make out a standig it a little while longer, because I didn't never believe in marry

ing and running off and I tried to stay and tough it out.

Q. Then on the 29th of Sept. 1917, you didn't believe in marry-
ing and standing it and tough it out, but you ran away?

A. When I saw the pistol I ran, and I'll run again - I don't stand
no pistols.

Q. When you saw the pistol you believed it best to run away,
but when your husband came to you and beat you and struck you
over the head, you concluded to stand it and tough it out
without doing anything, is that true?

A. Yes sir.

Q. You didn't use your hands in striking him; you didn't tell
him to stop?

A. Yes, I told him he ought to be ashamed.

Q. He didn't hurt you did he?

A. He hurt me, but he could have hurt me worse.

Q. And you were willing to stand right still and let him beat
you and strike you without raising your hands?

A. No sir, I didn't raise my hand at all.

Q. Now, on the Sunday morning following this Saturday of Sept.
29th, did or did not Joe White go to Tom Perry's to see if you
were there? And if so, did he find you there?

A. Yes sir.

Q. Did he not ask you why you had left?

A. Yes sir.

Q. Did he not ask you if you were coming back home?

A. Yes sir.

Q. Did you not refuse to go home with him?

A. I told him, I said - you know why I left, because you know
you run me with the pistol and threatened killing me and kill
yourself, and that is why I left. He said "I didn't, you just
mad with me and my folks." I said - you go out of here with
that mes., don't have you locked up.

Q. Then he asked you to go back home and you refused to go?

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A. Yes sir, I certainly did.

Q. Did all he could to get you to go back?

A. No he didn't, he went away from there, because he knowed I warn't going back after he run me away with a pistol.

Q. Did he not go back home without you because you refused to go with him?

A. Yes, I refused to go back with him.

Q. I understand you that he then denied pointing any pistol at you?

A. Yes sir.

RE-DIRECT EXAMINATION.

Examined by R. H. Rawles.

Q. Did you refuse to return on that morning because you were afraid he would kill you?

A. Yes sir.

Q. On cross examination I understood you to say that your husband had formerly made a will and left it with some woman to keep for him and that since this suit has been brought by you he has been and gotten the will?

A. Yes sir.

Q. Do you know whether he destroyed it or not?

A. I don't know sir.

Q. I understood you to say on cross-examination that the debt due the Farmers Bank secured by a deed of trust on the land, was somewhere about \$235. Am I right?

A. Yes sir, that was what I was told.

Q. Did I understand you to say on cross examination that your husband threatened to put a deed of trust on this land to borrow \$1,000 to pay his debts?

A. Yes sir.

Q. And you refused to sign such a deed with him?

A. Yes sir.

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Q. Did he tell you what debts he owed amounting to \$1,000?

A. No sir.

Q. Why did you refuse to sign with him for that amount?

A. Cause I thought it warn't true.

Q. Do you mean to say that you thought he did not owe that much?

A. Yes sir.

Q. Did I understand you to say that he became angry with you because you said you would not sign for that amount?

A. Yes sir.

Q. Did I understand you to say that he said that if you would not do so he would kill you?

A. Yes sir, I said he told me Friday about borrowing the \$1,000, and I told him I wouldn't sign for it and he told me that if I didn't he would kill me and kill himself.

And farther this deponent saith not.

LUTHER COLDEN, being duly sworn deposes and says as follows:

Examined by R. H. Rawles.

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

A. Luther Colden, 45 years, East Washington Street, Suffolk, Va., barber, I know the parties to the suit.

Q. How long have you known Pontier White?

A. About 7 or 8 years, I guess.

Q. Did she ever work for you?

A. Yes sir, her first work in Suffolk.

Q. Please state whether or not she was a reliable and industrious woman?

A. She was.

Q. Did she trifle away her time?

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A. No sir, she worked faithfully for me. .

Q. Did you find her to be a truthful woman?

A. Yes sir.

Q. Have you ever heard of her being otherwise?

A. No sir, I have never heard it.

Q. Please state whether she was a peaceful woman or a quarrelsome woman?

A. She was a peaceful woman.

CHARGE EXAMINATION WITHOUT PRESENCE OF
RIGHTS OF DEFENSE.

Examined by Mr. Britt.

Q. What kind of work did she do for you?

A. She helped my wife to clean up and cook around the house. I was running a restaurant at that time.

Q. That was about 8 years ago?

A. That was in 1903 or 1904.

Q. What part of 1903 or 1904 did she live with you?

A. I don't know sir, it seems like it was somewhere long about October.

Q. I mean how much of it?

A. She stayed there three or four months.

Q. Do I understand that you haven't known her since that time?

A. No more than seeing her and when she was up at Franklin she always visited us.

Q. And you stated that she was reliable and truthful - couldn't she have been untruthful and yet you know nothing about it?

A. Well, as far as that is concerned, I am speaking about the way she showed up to me.

Q. Then could she not have had a bad reputation for the truth without your knowing anything about it?

A. Well, yes sir, she could have.

Q. Now, was she a me k, quite, gentle woman, or was she prativ

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talkative and mouthy at times?

A. She was a meek, quiet, gentle woman when she was there?

Q. Was she hightempered?

A. No sir, I never seen anything to make me believe she was high-tempered.

Q. Could she, or could she not have changed entirely in her character, disposition, temperament and habits since 1903 or 1904, without your knowledge?

A. Yes sir.

RE-DIRECT EXAMINATION.

Examined by A. H. Rawles.

Q. She has testified that since her marriage she has resided very near Suffolk. Is it not a fact that you have seen her and known of her frequently during that time?

A. Yes sir.

Q. Have you ever heard her reputation for truth questioned by any one during that whole time?

A. No sir.

RE-CROSS EXAMINATION.

Examined by Mr. Britt.

Q. Have you ever talked with anybody about whether or not she was truthful or untruthful?

A. No sir, never talked with any one along that line.

Q. Never had any conversation with anybody about it, did you?

A. No sir.

And further this deponent saith not.

JANE DELOATCH, being duly sworn deposes and says as follows:

Examined by R. H. Rawles.

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

A. Jane DeLoatch, 42 fifty some odd, live in Suffolk, wash-woman and cook sometimes out, I know the parties.

Q. How long have you known Pontier White?

A. I have been knowing her before she came here to live.

Q. Have you been knowing her right well up to the present time?

A. Do you see her very frequently now?

A. Yes sir.

Q. State if she is a hard working woman?

A. Yes sir, a hard working woman ever since I have known her.

Q. Do you know whether she takes and takes care of her money?

A. Yes sir, what I know she has saved and took care of her money.

Q. Do you know whether she is a truthful woman or not?

A. She is a truthful woman.

Q. Have you ever heard anybody doubt her truthfulness?

A. No sir.

Q. Do you know whether she is a peaceful woman or quarrelsome woman?

A. She is peaceable, I have never known her to be quarrelsome.

CROSS EXAMINATION WITHOUT PREJUDICE TO
RIGHTS OF DEFENDANT.

Examined by Mr. Britton.

Q. Where do you live?

A. Live out there in front of the High School on the Norfolk road.

Q. How long have you lived there?

A. This coming March have been there two years.

Q. Where did you live before that?

A. I lived on Mrs. Hayes' farm in the County, just across from Mr. Fred Mitchell's scattle yard

Q. How often have you been with Pontier White in the last twelve months?

A. Have not been with her very often, but I see her at the church right often, and see her in town sometimes.

Q. Have you been to her house?

A. Yes sir.

Q. How many times have you been to Joe White's house?

A. ~~XXXXXXXXXXXX~~ I have been there some three or four times since she has been there.

Q. How long has she been there?

A. I don't know sir, how long she was married before I knowed it, a right good little while. I knowed he was married but I didn't know who he did marry.

Q. Isn't it expected that when you go to see a woman at her house that she will have on her company manners?

A. Yes sir, that is right, she would be all right when would go there.

Q. If she was quarrelsome and if she was moothy, she wouldn't be guilty of those things while you were calling to see her would she?

A. No, it don't look like she would.

Q. In the times that you have been with her since you have known her, nothing happened to cause you to decide whether she would tell the truth or a falsehood?

A. No sir.

Q. She could have been a truthful woman or an untruthful woman so far as you knew, couldn't she?

A. Well, I have never heard - she was always truthful when I knowed anything of her.

Q. And she could have been untruthful all the other times, couldn't she?

A. Yes, she could, but you see I didn't know.

Q. So far as you know she could have been an angel or a devil

to her husband, could she not?

A. I don't know what to say to that I don't think I don't know how they was when I wasn't there.

Q. So really you don't know anything for or against her?

A. I don't know anything against her. All I know she is a l right.

Q. Much of her life wasn't spent with you, was it?

A. No sir, not much.

Q. Isn't it a fact that very little of her life during the four years past has been spent in your company?

A. No, not so very much.

RE-DIRECT EXAMINATION.

Examined by R. H. Rawles.

Q. During the time you have known her, have you ever heard anybody say that she was untruthful?

A. No sir, I certainly hain't.

RE-CROSS EXAMINATION WITHOUT PREJUDICE TO RIGHTS OF DEFENDANT.

Q. During the time that you have known her, there has never been any reason for anybody to discuss it one way or another, has it?

A. No sir.

And further this deponent saith not.

The further taking of these depositions is adjourn-
ed and continued until Nov. 6th, 1917, at the same place
and between the same hours, by consent of all parties,
the defendant consenting without prejudice.

The further taking of these depositions in this cause
is hereby resumed at the same place, and between the same hours
on the 6th day of November, 1917, pursuant to adjournment.

JOHN KING, being duly sworn deposes and says as follows:

Examined by R. H. Rawles.

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

A. John King, legal age, President of John King Peanut Co., Suffolk, Va., I know the parties.

Q. How long have you known the defendant, Pontier White?

A. A little over two years.

Q. Please state if she has worked at your factory in Suffolk during that time and if so, how much?

A. Practically all the time the factory was at work.

Q. Do you know her reputation for truth and veracity in the neighborhood in which she resides?

A. Well, I have regarded her as above the average colored woman of my acquaintance in Suffolk, she always impressed me as being a very high-toned colored lady. I have not had an opportunity to know so much about her truthfulness with the exception of what I have heard other colored women say who know her.

Q. Then you have heard other colored people, who know her, speak of her reputation for truthfulness.

A. I have.

Q. From what you have heard from them, what is her reputation for truthfulness and veracity?

A. It stands as good as I know among the colored women and I have no reason to believe but what that is as good as anybody else's.

Q. In all your dealings with her, have you ever had occasion to doubt any statement made by her?

A. Not at all.

Q. Will you please state anything you may know in regard to her habits of either industry or indolence?

A. she was considered by the foreman in the factory to be one of the best head women we had.

Counsel for defendant objects to the question and answer as irrelevant and not responsive to the issue.

Q. Your foreman then, so far as you know, has never had occasion to discharge her or reprimand her for habits of indolence

A. No sir.

Counsel for defendant objects to the question as leading.

Q. Will you please state about what daily wages she earned while at your factory?

A. 70¢ a day.

Counsel for defendant objects to the question and answer as irrelevant and not responsive to the issue.

CROSS EXAMINATION COUNSEL FOR DEFENDANT
TO WITNESS OF THE FACTS.

Q. What was the occasion of your ascertaining the standing of this woman as to truth and veracity?

A. Well, because I had known Joe White, her husband, for a long time and regarded him as a very good old man, and I knew that he had lost his first wife and I teased him a little bit about getting married and he told me that he had gotten another woman and he had gotten a good woman, and I said "well Joe, I am mighty glad to hear it, you are a mighty old man to get married again, but I hope you have gotten a good wife," and then I asked who his wife was and he told me she was working at the factory, and knowing Joe and feeling friendly toward him I tried to find out who his wife was and my nephew told me who she was, and when she came the next time to the window to be paid off, I asked her if she was Joe White's bride and she said she was, and from that time on I naturally inquired about her and told the

foreman to let me know how she was getting along and keep her on as much as he could. I did this for the friendship I had for Joe. The foreman told me that she was one of the best hands he had and she should have a job as long as there was a place on the table to work. Then I took more interest in her, because I wanted to pull out the best hands we had and try and get rid of a few worthless ones. After that I used to see her in passing out of the factory at recess, or at the close of the work hour and on Saturday at the payroll, and I would always inquire about Joe; I always thought a great deal of Joe White and I think so yet. I am sorry he and his wife can't agree.

Q. How long have you known Joe?

A. About 29 years, ever since I have been in Suffolk.

Q. You know his reputation for truth and veracity too, don't you?

A. I think so.

Q. You have never heard it questioned have you?

A. No.

Q. Mr. King, please name the people that have stated to you that Joe White's wife was of a good reputation for veracity and truthfulness; if you can?

A. Well, Jesse Carr, the foreman, he is a white man; and I don't know the names of the colored women, but they were associates of hers that used to come with her to the factory. I don't know the names of the women in the factory, with the exception of a very few.

Q. In the discharge of your duty as President of the John King Peanut Company, are you thrown into personal association with the hands, so that you would have any personal knowledge as to their standing or reputation for veracity and truthfulness?

A. No, this is not necessary; the only thing I have to do is to see that the laborers are giving their proper service and -

never have occasion to know anything about their veracity, unless it is some of the old hands or some of the connections of the old darkies that I have known for a long time, and I simply inquire about them occasionally to know how they are getting along. I have a very warm spot in my makeup for the colored people, I have made my living off of their help and naturally feel inclined to look after their welfare as far as I can.

Q. Then you cannot recall the name of one person who said anything with reference to the reputation of Pontier White for truth and veracity?

A. No one except Jesse Carr, he is the foreman in the factory. We have occasionally had buckets and apsons and other sacks filled with peanuts from the table and concealed and carried away at night, and I require this to be carefully watched and reported when any offense of this kind occurs, and I have never had anything like this reported from Joe White's wife.

Q. Is it not possible that the reputation of Pontier White for truth and veracity might have been bad among other people except with the person named by you and you know nothing of it?

A. Yes.

Q. Was this statement made to you by Mr. Carr based upon some specific experience of his with Pontier White?

A. Not that I know if, I simply asked him how he considered her and if she was a good laborer and if he had caught her carrying any peanuts, or anything that he had seen wrong about her.

Q. When did that conversation with Mr. Carr take place?

A. Soon after I found out that she was Joe White's wife. I simply inquired about her because of the acquaintance I had with Joe and I had joked him about getting married and I simply wanted to see who he married and I had her pointed out. And further this deponent saith not.

A. C. KELLY, being duly sworn deposes and says as follows:

Examined by R. H. Rawles,

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

A. A. C. Kelly, 38 years, Suffolk, Va., merchant-grocer. I know the parties.

Q. How long have you known Pontier White?

A. About 3 years as near as I can remember.

Q. Please state what, if any, dealings she has had with you during that time?

A. She has been dealing with me about the same length of time I have known her; that was the first of my knowing her when she came to deal with me.

Q. Please state if you have sold her family groceries during that time and if so, to what extent daily?

Counsel for defendant objects to the question as irrelevant and not responsive to the issue.

A. Well, I think, of course, you know sometimes she would buy a bill that would average more than others; sometimes it would run over, I estimated it would average \$7.00 a week.

Q. Have those dealings and purchases been going on now for about three years?

A. About three years.

Counsel for defendant objects to the question as irrelevant and not responsive to the issue.

Q. Were those supplies family supplies and furnishings each week?

A. So far as I know.

Q. What do you know in reference to her honesty in the payment of her bills?

Counsel for defendant objects to the question and answer as irrelevant and not responsive to the issue.

A. She would buy a bill and pay for it cash right then.

Q. Do you know what her reputation is in the community in which she resides for truth and veracity?

A. She is truthful, so far as I know. She has always been truthful to me; I have never caught her in anything but the truth yet.

Q. Have you ever heard her truth questioned?

A. No.

Counsel for defendant objects to question and answer.

COURT: EXAMINATION WITHOUT PREJUDICE TO RIGHTS OF DEFENDANTS.

Q. Have you had any association with this Pontier White except as salesman of goods to her in the store?

A. Well, yes, she has gotten money from her son and ~~xxxxxxx~~ would show me the money ~~xxxxxxx~~, when she would get it from her son, and once it was \$30, three tens she showed me, and she would speak about her son being so good, and one time she had \$80 she received from her son as she said, so far as I can remember it was four twenties, and that was all the money I saw, that was just twice.

Q. Is it not true that she could have bought goods from your store and paid your bills promptly and yet had a bad reputation for truth and veracity?

A. Well, I don't know about that.

Q. Did the fact that she paid you the bills for goods bought which might have established her honesty in paying her debts, prove that her reputation outside for truth and veracity was good?

A. Well, I couldn't tell anything about that.

And further this deponent saith not.

BELLIE HERMAN, being duly sworn deposes and says as follows:

Examined by R. H. Hawles.

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

A. Bellie Herman, legal age, Suffolk, Va., wife of B. Herman, I know Pontier and Joe White.

Q. Will you please state whether Pontier White has purchased goods, supplies or clothing of any kind for her husband, from you within the last 12 months?

A. Yes, she did.

Counsel for defendant objects to question and answer as irrelevant and not responsive to the issue.

Q. Please state what you have sold her from your store for her husband during that time?

A. Suit of clothes, flannel underwear, cotton underwear, shoes, socks, hat, and I believe that is about all I can remember. She dressed him out and out one time and in the meantime, she has been in and bought several things which I can't remember.

Counsel for defendant objects to question and answer as irrelevant and not responsive to the issue.

Q. Did she pay you for these articles?

A. Yes sir.

Q. Please state if her husband, Joe White, was with her when she made these purchases?

A. Yes sir.

And further this deponent saith not.

The further taking of these depositions is continued until the _____ day of _____, 1917, at the same place and between the same hours by consent of all parties, the defendant consenting without prejudice.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Pontier White

vs.

In Chancery.

Joseph White and others.

On motion of the plaintiff it is ordered, adjudged and decreed that this cause be removed from the docket.

Final plan

Enter May 31
1918.

J. M. Lundy

Chancery Office
Book No. 15

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TO THE HONORABLE JAMES L. MCLEMORE,

JUDGE OF THE CIRCUIT COURT OF HANSEMOND COUNTY:

Your oratrix, Pontier White showeth unto the Court the following case:

She says that she is now thirty-eight (38) years of age, and that her husband Joseph White is fifty-five (55) years of age; that they were married in the County of Hansemond on the 15th of October, 1913, and went to live on his small farm in said County near Suffolk. She further says that she at that time had one child, a boy who is now of age. She further says that after said marriage she was at all times a constant, faithful and dutiful wife to her said husband, and not only did everything she could to make his life a pleasant and happy one, but that she also contributed very greatly of her own labor to the support of the family; that she has worked almost daily since her marriage at different manufacturing plants and all of her wages went to the support of said family; that in addition to this she kept her son at work and has used his wages to support the family. Your oratrix further says that notwithstanding all efforts on her part to so conduct herself as to please and gratify her husband, that he has not seemed to appreciate it; on the contrary, he has been harsh and cruel to her nearly all the time, quarreling with her without any cause whatever; that this conduct on his part continued to grow worse until the month of August, 1917, when he provoked a quarrel with her, striking and beating her, and picked up an axe and threatened to kill her; that since that time he has continually been cruel and abusive to her, and on the 29th day of September, 1917, he drew a pistol on her and threatened to kill her, and she believes would have done so if she had not run from him, but that being in fear of her life she ran away from him and went to the house

of a neighbor, Thomas Perry, where she is still residing. She therefore says that her husband has been guilty of cruelty, of desertion and other misconduct, and that she has reasonable apprehension of bodily hurt at his hands, and verily believes that her life is in danger.

She further says that her husband is seized and possessed of a small tract of land, containing about 25 or 30 acres, situated in Nansemond County, near Suffolk, and bounded and described as follows:

A certain tract of land situated between the Seaboard Air Line Railway and Shingle Creek near Suffolk, beginning at the Southeast corner of the land of Warren White; thence running Northwardly along the Warren White land to Shingle Creek; thence running Southwardly along Shingle Creek to the land of A. C. Larson; thence running Southwardly along the Larson land to the Southern corner of the said A. C. Larson land; thence to a private road; thence along said road to the Northwest corner of said road and the continuation of the road which runs along Seaboard Air Line Railway; thence along said last mentioned road to the beginning, and containing some 25 or 30 acres.

This tract of land lying near Suffolk is very valuable.

Your oratrix says that since her marriage she has worked on this farm, helped to cultivate it and helped to raise much produce from it; that when said produce was raised her said husband would bring it off to market, sell it and refused to account to her for any of the proceeds, although it represented her labor as well as his. She further says that on the 5th day of April, 1915, her said husband induced her to unite with him in a Deed of Trust conveying this tract of land to W. H. Jones, Jr., Trustee, to secure to the Farmers Bank of Nansemond, the sum of \$235, which said amount her said husband borrowed from said bank and used himself.

She further says that this small farm is the only home that she and her husband have; that her husband now refuses to pay the debt and has threatened to have the place sold under said deed of trust, so as to pass title without her being required to sign any other deed; that he threatens that he will put her in the road and has already driven her away from home; that he says that she shall have no part of any of the proceeds of said sale. She further says that her said husband said to her - that if she tried in any way to stop him from selling the place he would kill her, and that he did on the 29th day of September, 1917, threaten to kill her, got his pistol and was about to shoot, exclaiming " I will fix you now", when she ran off to the said Thomas Perry's, in order to protect her life. She further says that she has no means whatever of support except what she can make on that farm; that she is entirely without means; that she has done nothing whatever to merit such conduct on the part of her said husband; She further says that since the said deed of trust was made the said Trustee, Wm. H. Jones, Jr., has departed this life and that Sallie V. Jones, has become executrix of his estate and has duly qualified as such.

Your oratrix therefore charges that her said husband has wilfully deserted her; that he has driven her away from home; that he refused continually to support her; that he has been cruel to her and that she has reasonable apprehension of bodily hurt at his hands, and she is informed and believes, and therefore charges, that she is entitled to a divorce from bed and board from him, and this she desires because she fears longer to live in the same house with him. She further says that she has resided in the County of Nansemond and has been domiciled here upwards of one year next preceeding the commencement of this suit; that her said husband is also a resident of and domiciled in said County of Nansemond and has been residing here continuously all his life. She further says that she and her said husband last

cohabited in the County of Hansemond.

In Tender Consideration whereof, and 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, your oratrix prays that the said Joseph White may be made a party 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; that she may be granted a divorce a mensa et thoro from her said husband; and that the court will make such orders as may be necessary to compel her said husband to pay such sums as are necessary for the maintenance of herself and to enable her to carry on this suit; that he may be required to pay her such amount as alimony as the *and that any sum so ordered to be paid her, shall constitute a lien on said land* Court may think right and proper; and that he may be enjoined and restrained from selling said farm, or in any manner conveying it until the further order of this court; and that the said Farmers Bank of Hansemond and Sallie V. Jones, Executrix of the last will and testament of W. H. Jones, Jr., may be made parties to this suit and may also be enjoined and restrained from selling said tract of land, or any part thereof until the further order of this Court. And for all such other, further and general relief as this case may require or which to equity may seem meet, and your oratrix will ever pray, etc.

Witness
M. D. Andrews

Pontier White
Mark

VIRGINIA:

City of Suffolk, to-wit:

I, R. H. Rawles, a Notary Public for the city aforesaid in the State of Virginia, do certify that Pontier White, whose name is signed to the foregoing bill has this day personally appeared before me in my said city, and after being duly sworn, made oath that the statements contained in the above bill as coming of her own knowledge are true, and that all other such statements therein contained as coming from know-

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ledge or information derived from others she believes to be true.

Given under my hand this 29th day of September, 1917.

My term of office expires on the 20th day of January, 1919.

W. R. Lewis

Notary Public.

Bill

Filed Oct. 12. 1917

for M. E. Runtz,
Clerk,

By Kate P. Bell,
D. C.

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY, AND OCTOBER

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

Nansemond County Clerk's Office

SUFFOLK, VA..

RULE NOTES;

Pontier White

V. In Chancery.

Joseph White, The Farmers Bank of Nansemond, and Sallie V. Jones,
Executrix of W.H. Jones, Jr. deceased, who was trustee in a certain deed of
trust made by Jos. White et als.

October 1, 1917. Process issued, returnable to Third Monday in October, 1917.

R. N. Hartman, Jr.

Printer & Co.

18

Joseph H. Harts et al.

Final decree entered

May 31st, 1918

Cash

Writ. 101

1.50

Chk

5.69

Shaf.

1.00

Colly.

15.00

\$33.19