

1918-005

Nansemond Co (Suffolk)

Chancery Causes; Mary Shepherd vs James Henry Shepherd

Riddick, Norfleet, Smith

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon James Henry Shenherd

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 April, 1918 to answer a
Bill in Chancery, exhibited against him
in the said Court by Mary Shepherd

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 11th day of

April, 1918, in the 1342nd year of the Commonwealth.

~~A Copy~~ Teste:

Clerk

Teste:

Clerk

Executed this 12 day of *April*, 1918 by delivering a true copy of the with-

in process to *Jessie Henry Shepherd*

City of Norfolk
in person, in the County of ~~Nansemond~~ *Nansemond*, State of Virginia.

Wm H. Starnes
Esq
By P. H. Starnes
Sheriff

428 Nicholson
Jas Henry Shepherd

Wm S. Holland p. q.

Mary Shepherd

vs. } In Chancery

Jessie Henry Shepherd
428 Nicholson st,
Norfolk, Va.

1918

April Rules

April Monday.

NANSEMOND COUNTY COURT,

Process Book, No *3*

Page

MARRIAGE LICENSE



"Exhibit A."

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,

James Henry Shepherd

and Mary Riddick

Given under my hand, as Clerk of the Circuit Court of said County this 25th day of January 1905

S. M. Lawrence D.C. ~~XXX~~

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 16, 1910.

Time of Marriage, 1905, January, 26	Place of Husband's Birth, Nansemond Co. Va.
Place of Marriage, Nansemond Co. Va.	Place of Wife's Birth, Nansemond Co. Va.
Full Names of Parties Married, James Henry Shepherd and Mary Riddick	Place of Husband's Residence, Nansemond Co. Va.
Race (white or colored), Colored	Place of Wife's Residence, Nansemond Co. Va.
Age of Husband, 23 years	Names of Husband's Parents, Mother's name Caroline Shepherd
Age of Wife, 25 years	Names of Wife's Parents, Worgin Riddick
Condition of Husband, single	& Cherity his wife
Condition of Wife, widowed	Occupation of Husband, Farm laborer

Given under my hand this 25th day of January 1905

S. M. Lawrence D.C. ~~XXX~~

Certificate of Time and Place of Marriage

I, a minister of Gospel, a pastor of the 1st Baptist Church, or religious order of that name, do certify that on the 26th day of Jany. 1905, at Shoulder's Hill, Va., under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 26th day of Jany. 1904.

A true copy. By, Ruly V. Buford, W. W. Gaines.

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 16th, 1910, Acts 1910, chapter 28, pages 36 and 37.)

To James Henry Shepherd,

#428 Nicholson Street, Norfolk, Va.

Take notice that on Saturday, April 27th, 1918, at the office of William S. Holland, in Suffolk, Va., between the hours of 9 A. M. and 6 P. M., of that day, I shall proceed to take the depositions of Mary Shepherd and others, to be read in evidence in my behalf in a certain suit in equity, depending in the Circuit Court of Nansemond County, Virginia, wherein I am plaintiff and you are defendant: and if from any cause the taking of the said depositions be not commenced, or, if commenced, be not concluded, on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Also take notice that on the first day of the next term of court in the said Circuit Court of Nansemond County, I shall make a motion for a divorce a vinculo matrimonii in the said suit.

Mary Shepherd
By counsel.

Wm. S. Holland, p. q.,
Suffolk, Va.

Executed in the
City of Norfolk
this 12. day of April
1918. by delivering
a true copy of the
within written to
in person
James Henry
Shepherd

Wm. W. Hargis
City of Norfolk
by C. L. Quinn
Wm

Single for 100
C. L. Quinn
ON

The depositions of Lonnie Norfleet, William C. Smith and Mary Shepherd, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of ~~the County of~~ Nansemond pursuant to notice hereto annexed, at William S. Holland's office, in Suffolk, Virginia, on the 27th day of April, 1918, and between the hours of 9 A.M. and 6 P.M. to be read as evidence in behalf of Mary Shepherd in a certain suit in equity depending in the Circuit Court of the County of Nansemond, ^{va.} wherein Mary Shepherd is plaintiff and James Henry Shepherd is defendant.

PRESENTS:

Wm. S. Holland, attorney for plaintiff.

No appearance for defendant.

Lonnie Norfleet

Lonnie Norfleet being duly sworn deposes as follows:

- Q. Please state your name, age, residence and occupation.
- A. Lonnie Norfleet, 33 years old, Driver, Va., Laborer.
- Q. Are you acquainted with the parties to this suit?
- A. Yes, sir.
- Q. Is James Henry Shepherd living with Mary Shepherd now?
- A. No, Sir.
- Q. Did she leave him or did he leave her?
- A. He left her and went to Norfolk to live with a woman, but I do not know her name. I know the name of the woman he is living with now though.
- Q. What is her name?
- A. Josephine Shepherd. She is known by his last name.
- Q. Is he keeping house with this woman, Josephine Shepherd?
- A. Yes, Sir. They are living in a house on Nickloson Street in Norfolk, I have been to the house and have seen them living there but I do not remember the street number.
- Q. How long has he been living with this woman, Josephine?
- A. I know he has been living with her over three years.
- Q. Did Mary Shepherd give him any cause to leave her?
- A. No, Sir, not that I know of.
- Q. How far were you living from Mary Shepherd and James Henry Shepherd at the time he left her?
- A. About a mile.
- Q. If she had given him a cause to leave, would you have known it?
- A. Yes, Sir.
- Q. Did he leave her voluntarily without justification?
- A. Yes, Sir.
- Q. Where did they last cohabit?
- A. They last lived together near in Driver, Nansemond County, Va.
- Q. How long has Mary Shepherd been living in Nansemond County, Va.?
- A. I know she has been living there for the last twenty years.

- Q. In answer to one of the above questions you stated that James Henry Shepherd left Mary Shepherd. When did he leave her?
- A. In the summer of 1906, I think it was July, but I do not remember the day.
- Q. How did he treat her while they were living together?
- A. He was a fussy man and liked his whiskey.
- Q. Did she make him a good and faithful wife as long as he lived with her?
- A. Yes, Sir, as far as I know. I never saw or heard of her treating him wrong.

And further the deponent saith not.

Louis Foxleaf —

Mary Shepherd

Mary Shepherd being duly sworn deposes as follows:

- Q. Please state your name, age, residence and occupation.
- A. Mary Shepherd, 40 years old, Driver, Va., Cook.
- Q. Are you and your husband living together now?
- A. No, Sir.
- Q. Did you leave him or did he leave you?
- A. He left me and went to Norfolk.
- Q. Did he ask you to go with him?
- A. No, Sir.
- Q. Has he ever asked you to come to Norfolk to live with him?
- A. No, Sir.
- Q. When did he leave you?
- A. In July, 1906, I do not remember the day.
- Q. Has he ever been back to you since that month?
- A. No, Sir, he certainly has not.
- Q. Did you give him any cause to leave?
- A. No, Sir, I did not.
- Q. Did he leave voluntarily without any justification?
- A. Yes, Sir.
- Q. Do you know why he left you?
- A. Just because he wanted to go to another woman, and because he did not want to take care of me. He only stayed with me a little over one year, and during that time he was always fussing, cussing me and staying drunk.
- Q. Where did you and James Henry Shepherd last cohabit?
- A. Near Driver, Va., in Nansemond County, Virginia.
- Q. How long have you ^{been} living and residing in this State?
- A. All during my life.

And further the deponent saith not.

Mary^{her} Shepherd
mark

Witness:

Bradford Kieby,

William C. Smith.

William C. Smith being duly sworn deposes as follows:

Q. Please state your name, age, residence and occupation.

A. William C. Smith, 27 years old, Driver, Va., Laborer.

Q. Do you know the parties to this suit?

A. Yes, Sir.

Q. Are James Henry Shepherd and Mary Shepherd living together now?

A. No, Sir.

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

A. He left her.

Q. Did he leave voluntarily without any justification?

A. Yes, Sir.

Q. Do you know why he left her?

A. No, Sir, I do not but I know he is living with a woman in Norfolk now. I have been to their house and have seen them living together.

Q. Do you know what street they are living on?

A. Nickloson Street.

Q. How long has he been living with this woman?

A. To my knowledge, it has been a little over three years.

Q. Where did Mary Shepherd and James Henry Shepherd last cohabit?

A. Near Driver, in Nansemond County, Virginia.

Q. When did James Henry Shepherd leave Mary Shepherd?

A. It was during the summer of 1906, about the middle of the summer.

Q. Did she make him a good and faithful wife as long as he lived with her?

A. Yes, Sir, so far as I know.

Q. If she had treated him wrong would you know or heard of it?

A. Yes, Sir, I certainly would have because I only lived two or three hundred yards from them.

And further the deponent saith not.

William C Smith

STATE OF VIRGINIA,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do certify that the foregoing depositions of Lonnie Norfleet, William C. Smith and Mary Shepherd, were duly taken, sworn to and subscribed before me at the office of Wm. S. Holland, in the City of Suffolk, Virginia, on the 27th day of April, 1918, between the hours of 9 A.M. and 6 P.M. and for the purpose in the caption hereto mentioned.

Given under my hands this 27th day of April, 1918.

Bradford Kilby

Commissioner in Chancery for the Circuit
Court of Nansemond County, Va.

Comis. fee: \$5.00 Paid.

Depositions
Mary Shepherd
v.
James Henry Shepherd

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Virginia:

IN THE CIRCUIT COURT OF N NSEMOND COUNTY,

Mary Shepherd

v. IN CHANCERY.

James Henry Shepherd.

This cause came on this day to be heard on the bill of complaint and depositions of witnesses, taken after due notice to the defendant by process served according to law, and the defendant who appears to have been proceeded against in the manner prescribed by law, failed to plead, answer or demur, and was argued by counsel.

On consideration whereof it appearing to the Court from the evidence submitted in this cause that said defendant, James Henry Shepherd, since his marriagewith the said plaintiff, Mary Shepherd, has deserted her for a period of more than three years next before the institution of this suit, that they have been domiciled in and residents of Virginia for more than one year preceding the commencement of this suit; that they cohabited last in the said County of Nansemond, Virginia; the court doth adjudge, order and decree that the plaintiff be and she is hereby granted a ~~full~~ divorce a vinculo matrimonii, from the said defendant, and that the marriage ceremony heretofore solemnized be and the same is hereby annuled and set aside and it appearing that nothing further remains to be done in this case it is ordered to be stricken from the docket.

Mary Shepherd
v. DECREE.
James Henry Shepherd.

Enter May 18. 1918.
Jas. M. Moore

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Mary Shepherd

v.

BILL.

James Henry Shepherd*

To the Honorable Circuit Court of Nansemond County, Virginia:

Your complainant, Mary Shepherd, respectfully represents:

(1) That on the 26th day of January, 1905, your complainant, whose maiden name was Mary Riddick, was lawfully married at Shoulder's Hill, in the County of Nansemond, to James Henry Shepherd, as will appear from a certificate of marriage herewith filed, marked "Exhibit A," and made a part of this bill; and,

(2) That continuously from the date of said marriage until the _____ day of July 1906, your complainant and the said James Henry Shepherd lived together as husband and wife near Driver, in Nansemond County, Virginia; and,

(3) That the said James Henry Shepherd has wilfully deserted and abandoned your complainant for a period of more than three years: that is to say, on the _____ day of July, 1906, the said James Henry Shepherd did, voluntarily, wilfully and without any justification whatever, leave his home on a Norfolk bound train; that immediately before leaving he stated to your complainant that he was going to leave her forever and he would never return to her, and he has never returned to her.

(4) That your complainant has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in this State; and,

(5) That your complainant last cohabited with the said James Henry Shepherd near Driver, in Nansemond County, Virginia:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said James Henry Shepherd may be made a

party defendant to this bill, and required, but not on oath,
to answer the same, the oath being hereby waived; that proper
process may be issued; that a divorce from the bond of matrimony
which was created by the aforesaid marriage be decreed her; and
that your complainant may have all such further, and other, and
general relief in the premises as the nature of her case may re-
quire, or to equity shall seem meet.

Witness-

Bradford Kilby

Mary ^{her} Shepherd Complainant.
By witness W. S. Holland

Wm. S. Holland - P. J.

Mary Shepherd
v. Bill
James Henry Shepherd

Filed

Apr. 15, 1878

H. E. Ambrose, Clerk

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

In the Circuit Court of Nansemond County,

Mary Shepherd

v.

James Henry Shepherd.

To G. E. Bunting, Clerk,

Pease summon the defendant to the 2nd April rules (1918) to
answer a bill in chancery.

Wm S. Holland p.q.

April 11th 1918.

Rich Notes;

April 11, 1918. Process issued, returnable to April

Rules, 3rd Monday, 1918.

April Rules, 3rd Monday, 1918

Process return & executed, bill filed, & decree nisi.

May Rules, 1st Monday, 1918

Decree nisi confirmed.

Mass.

Deficit \$7.00

Δ

Received of

Jan 18 1861

of the sum of \$7.00 for the purpose of
the purchase of a new set of
books for the library of the
Massachusetts State Library
and the purchase of a new set of
books for the library of the
Massachusetts State Library

Jan 18 1861

1861

Wm S. Holland, Atty.

Mary Shepherd

vs

James Henry Shepherd

final decree entered
May 18th 1918

1128-14

1700