

1918-016
Nonsemond Co (Suffolk)

Chancery Causes: Lula Saunders vs Charles Saunders

Ward, Barnes

Mr. Geo. E. Beunting Clerk of the
Circuit Court of Saunders Co.

Lula Saunders

Wff

^H
Charles Saunders

slft.

Issue summons to first July
under 1918 for plaintiff against
defendant & answer a Bill
in chancery for divorce.

W. Reiber J. G.

\$5.00 Fee

Deposited with
Clerk. Ruby V. Beut on file

Defendant lives in Jericho near
Colored High School Building.

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon.....Charles Saunders.....

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held
for the said Court, on the ~~first~~ Monday in ~~April, 1918~~ to answer ~~a~~
Bill in Chancery, exhibited against ~~him~~
in the said Court by ~~Lula Saunders~~

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this ~~19th~~ day of
~~March~~, 19~~18~~, in the 13~~42~~th year of the Commonwealth.

~~A Copy~~ Teste:

Clerk }

Teste:

G. E. Bunting,

Clerk

By Ruby D. Benton PC

Carol Healy his Mother

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. Rawles-----p. q.-----

-----Lula Saunders-----

vs. { In Chancery

-----Charles Saunders-----

-----1918-----

-----April-----Rules

-----First-----Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page

Charles Saunders
could not be found at his
usual place of abode on the
19 day of *Mar.* 1918, so the within process
was executed on the said
19 day of *Mar.* 1918
within the county of Nanse-
mond by delivering a true copy
of the same, in writing, and
giving information of its pur-
port to
Carol Healy
his mother
who was found at
Charles Saunders
usual place of abode, and who
is a member of
Charles Saunders
family, and above the age of
sixteen years.
E. E. Wagner
Sheriff of Nansemond County.

Suffolk, Va. March 22d, 1918.

TO CHARLES SAUNDERS:

Please take notice that I shall proceed at the office of R. H. Rawles, on Washington Square, on Suffolk, Virginia, between the hours of 8 A. M. and 6 P. M. on the 20th day of April, 1918, to take the depositions of John Ward, Anna Bond and others, to be read a sevidence in my behalf, in a certain suit in equity for divorce, pending in the Circuit Court of Hansemond County, wherein I am plaintiff and you are defendant; and if from any cause the taking of the said depositions be not commenced on that day, or if commenced be not concluded, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place, and between the same hours, until the same shall have been completed.

Respectfully,

Lula Saunders,

By R. H. Rawles Counsel.

Executed on the 9 day of
April, 1918 within the county of
Nansemond, by delivering a
true copy of the within ~~notice~~ *notice*

in writing, to Charles

Saunders in person

E. E. Wagner
Sheriff of Nansemond County,

Notice to take depositions

Lula Saunders

v.

Charles Saunders

Suffolk, Va. March 22d, 1918.

TO CHARLES SAUNDERS;

Please take notice that I shall proceed at the office of R. H. Rawles, on Washington Sqaure, in Suffolk, Virginia, between the hours of 8 A. M. and 6 P. M. on the 20th day of April, 1918, to take the depositions of John Ward, Anna Bond and others, to be read as evidence in my behalf in a certain suit in equity, for divorce, pending in the Circuit Court of Nansemond County, wharein I am plaintiff and you are defendant; and if from any cause the taking of the said depositions be not commenced on that day, or if commenced be not concluded, the taking of the same will be adjourned ~~for~~ and continued from day to day or from time to time, at thesame place and between the same hours, until the same shall have been completed.

Respectfully,

Lula Saunders,

By Att. Carly Counsel.

I have executed the within
notice or process by serving
a true copy hereof on Charles
Saunders, in Nansemond County
on the 9 day of April,
1918. *in firm.*

E. E. Wagner
Sheriff

The depositions of Emma Ward, and others, taken before Bradford Kilby, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, at the office of R. H. Rawles, on Washington Square, in Suffolk, Virginia, between the hours of 8 A. M. and 6 P. M. on the 20th day of April, 1918, pursuant to notice hereto annexed, to be read as evidence on behalf of the plaintiff in a certain suit in equity pending in the Circuit Court of Nansemond County, wherein Lula Saunders is plaintiff and Charles Saunders is defendant.

PRESENT:

R. H. Rawles, counsel for plaintiff.

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

EMMA WARD, 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. Emma Ward, 30 years old, work at peanut factory, Suffolk, Va., I know the parties.

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

A. About 9 years.

Q. Have you ever lived near them or in the same house with them?

A. Yes sir.

Q. State whether Charles Saunders is now living with his wife, Lula Saunders?

A. No sir.

Q. She states in her bill in this case that she and Charles Saunders were married in Sept. 1909. Please state if that is true?

A. Yes sir.

Q. Were you present at the marriage?

A. I was.

Q. Where were they married?

A. In Suffolk.

Q. You remember that that was the correct date of their marriage do you?

A. It was.

Q. Where did Charles Saunders take his wife to live when they were first married?

A. Stayed right with her mother.

Q. Where did her mother live at that time?

A. In Suffolk.

Q. What part of Suffolk?

A. In front of where the N. & W. depot stands now.

Q. How long did they live there after they were married?

A. Just about two years.

Q. Where did he then take her to live?

A. Over in Jerico, somewhere near the High School, in Nansemond County.

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Q. How long did they live there?

A. Somewhere near a year.

Q. Where did he then take her to live?

A. On Culloden back with her mother, in Suffolk.

Q. How long did they live there with her?

A. I do not know the exact time. Something near a year or more.

Q. You say he is not now living with her?

A. No sir.

Q. She charges in her bill that he abandoned and deserted her while living at that place. State anything you may know about this?

A. Yes, he left her and went away.

Q. About what time did he abandon and desert her?

A. In May, 1914.

Q. Do you mean something like 4 year s ago?

A. Yes sir.

Q. Has he ever been back to live with her since he abandoned and deserted her at that time?

A. No sir.

Q. How do you know this to be a fact?

A. I have been living in the same house with her ever since that time

Q. Would you have seen him in all probability, and have known it to be a fact, if he had come back to ^{live} ~~live~~ with her again, after he left her in May, 1914?

A. I certainly would.

Q. How did he treat his wife for a year or more before he left her?

A. He fussed and quarreled with her and beat her too. He quarreled with her a good deal and beat her too.

Q. Did you ever see him strike her?

A. No sir, I didn't exactly see him strike her, but I happened right up there once when she was coming out of the door crying.

Q. Was he in the house at the time?

A. Yes sir.

Q. Did she say to you in his presence that he had struck her and beat her?

A. Yes sir.

Q. Have you ever heard him quarreling with her and or abusing her, and if so, tell us how often?

A. Yes, I have heard, it was right much often.

Q. Please state if you ever heard him threaten to leave her, telling her that he was tired of her anyway?

A. Yes sir, I have heard that.

Q. Please state whether he provided for her, that is work~~ed~~ for her living, or whether he required her to work for her living?

A. She had to work herself.

Q. Where did she work?

A. At the factory.

Q. What factory?

A. Baines.

Q. State whether she had to use her own wages in order to buy food and clothes for herself?

A. She had to give it to him.

Q. Where is she now living?

A. With her mother, on Culloden street, in Suffolk.

Q. Has she been living there ever since he abandoned and deserted her?

A. She has been staying there ever since.

Q. Did she and he last live together at that place? A. Yes sir.

Q. Where does he now live? A. IN Jerico, I suppose.

Q. Has he been living at that place for the last 12 months? A. Yes.

Q. Then I understand you to say that you are positive that he has not been back to live with her any since he deserted her in May, 1914?

A. Yes, that is what I said.

Q. I further understood you to say that you knew it to be a fact, because you were living right in the same house with her at the time?

A. Yes, that is true.

And further this deponent saith not.

Witness:
Bradford Kilby.

Emma X Ward

SUSAN WARD, 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. Susan Ward, about 70 years, Culloden St., in Suffolk, Va. house-keeper, and I know the parties.

Q. How long have you known the plaintiff?

A. All her life, I am her mother.

Q. How long have you known Charles Saunders?

A. I do not know how many years now, about nine or ten years.

Q. Is Charles Saunders now living with his wife?

A. No sir.

Q. Where is his wife now residing and where has she been residing for the past twelve months?

A. She lives with me and has been living with me for the past 12 months and more, at my residence on Culloden Street, in Suffolk, Va.

Q. Where does the defendant, Charles Saunders, now reside?

A. He lives over in Jerico, in Nansemond County, Virginia, not far from Suffolk?

Q. Has he been living there for the past twelve months or more?

A. Yes.

Q. The record shows that your daughter Lula Saunders was married to Charles Saunders on Sept. 1909, in Suffolk, Va. Will you state whether or not this is the year?

A. It is.

Q. Were you present at the marriage?

A. Right there.

Q. Were they married at your house?

A. At my house.

Q. Where did he take her to live when they were first married?

A. Well they stayed with me, he made my house his home and they lived there with me for some time after the marriage?

A. How long did they live with you after they were first married?

A. About two years.

Q. Where did he then take her to live?

A. Over in Jerico, in Nansemond County, near Suffolk.

Q. How long did they live there?

A. Something about a year, I do not know the exact time? I am quite old and cannot remember ~~the exact~~ very well.

Q. After they left that place where did he next take her?

A. Came back to me in Suffolk, on Culloden street.

Q. How long did he live there with her?

A. About a year or more.

Q. You say he is not living with her?

A. No sir.

Q. Did he abandon and desert her while living at your house?

A. Yes sir.

Q. About when did he leave or desert her?

A. In the month of May, 1914.

Q. You say they were both living at your house at that time?

A. They were.

Q. Then you know this to be a fact, that he did leave her about that time?

A. Yes sir.

Q. Please state if your daughter has been living with you all the while since he left her at that time?

A. She has been right there in the same house and place.

Q. Please state how Charles Saunders treated his wife after he brought her back to your house the last time?

A. He treated her bad and beat her, often struck and beat her, and quarreled and abused her often.

Q. Do you know whether she ever gave him any cause for treating her in this way?

A. No sir, she has never give him a bit of occasion.

Q. How did she act towards him?

A. She done all she could, she acted nice, she done a heap better ~~than~~ I would have done, as mean as he was to her,

Q. Did she put up with his bad treatment and abuse until he finally left her?

A. She certainly did.

Q. State whether or not you ever heard him threaten to leave her before he did?

A. I have often heard him say during the last time that he lived at my house, that he was tired of his wife; that he was not going to live with her any more, and that ~~he~~ was going to leave her. He said these things to her right in my presence.

Q. Has he ever been back to live with ~~her~~ since he deserted her in May, 1914?

A. No sir.

Q. How do you know this to be a fact?

A. Because she has been living right with me the whole time.

Q. Did she seem to be fond of him when they lived together?

A. Yes, she loved him better than he loved her.

Q. Have you ever known her in a single instance, while living with you to do anything to him that would justify him in leaving her?

A. No sir, not a thing.

Q. Did he support her and take care of her, and give her food and clothes?

A. No sir, he did not.

Q. Then, how did ~~she~~ get her food and clothes?

A. She had to work for it and get it.

Q. Where did she work?

A. At Baines factory.

Q. From all you know of this case can you say that Charles Saunders has wilfully abandoned and deserted his wife for good and all?

A. Yes sir.

Q. Do you believe that there is any hope of a reconciliation between them?

A. I do not think there is.

Q. He has been gone away from home now for upwards of three years has he not?

A. He has.

Q. Has she been taking care of herself during that whole time?

A. Certainly she has, me and her sleeps together.

Q. Has he in any manner helped to support her since he left her in May, 1914?

A. No sir. Never give her a brass penny.

Q. Then she is entirely dependent upon her own resources for a living?

A. She is.

And further this deponent saith not.

Witness:
Bradford Kilby

Susan^{her} Ward
mark

LULA SAUNDERS, 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. Lula Saunders, 25 years, work at peanut factory, Suffolk, Va., I know the parties, I am the plaintiff.

Q. The record shows that you were married to your husband about the month of Sept. 1909, in Suffolk, Va. Tell the court if that is true.

A. Yes, that is true.

Q. Where did your husband take you to live when you were first married

A. Right to my mama's in front of the N. & W. depot, in Suffolk, Va.

Q. How long did you and he live at that place?

A. We lived there about two years.

Q. Where did he then take you to live?

A. After that he took me over in Jerico, the other side of the High School.

Q. Is that place in Nansemond County?

A. Yes sir.

Q. How long did you live at that place with him?

A. We did not stay there quite a year.

Q. Where did he then take you to live after you left over there?

A. Back to my mama's on Culloden Street in Suffolk.

Q. How long did you and he live at that place the last time?

A. We lived there until he left me.

Q. When did he leave you?

A. In May, 1914.

Q. You say he was still living there with your mother at that time?

A. Yes sir.

Q. Why did he leave you?

A. He said he was tired of me.

Q. Had he threatened before that time that he would leave you and go away?

A. Yes sir.

Q. State how he treated you before he went away?

A. Well, he treated me mighty bad.

Q. Tell what he did to you that you considered bad.

A. He beat me.

Q. How often did he beat you?

A. He beat me several times, he was always after me.

Q. How else did he treat you that you considered bad?

A. He used to beat on me and quarrel with me real often.

Q. How did you conduct yourself toward him?

A. I tried to stand it the best I could and treated him all right, and tried to bear it the best I could.

Q. What cause did you ever give him for leaving you?

A. Not any.

Q. State whether he took care of you and furnished you with food and clothes the last year he lived with you?

A. No sir, he has never give me any clothes.

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Q. How about the food that you ate?

A. Well, he didn't feed me, because I had to make money to feed myself.

Q. Were you working out during that whole time?

A. Yes.

Q. Where were you working?

A. I was working at the peanut factory every day.

Q. What became of the wages that you earned?

A. He would take the money away from me, and he would say that he took it to help buy something to eat.

Q. Has he ever contributed to your support since he left you in ~~my~~ May, 1914?

A. No sir.

Q. Has he ever been back a single day to live with you since that time

A. No sir.

Q. Where do you now live?

A. I live at my mama's on Culloden Street.

Q. Have you been living there for the last year or two?

A. I have.

Q. Where has he been living for the last year or two?

A. He lives over there in Jerico, near Suffolk, in Nansemond County.

Q. Do you think there is any hope of his ever coming back to live with you again?

A. No sir, I do not.

Q. When you were living with him, state if you did everything you could to please him and to make him a good wife?

A. I certainly did.

And further this deponent saith not.

Witness:

Bradford Kilby,

^{her}
Lula X Saunders
mark

ANNIE BARNES, 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. Annie Barnes, 23, Suffolk, Va., housewife, I know the parties to the suit.

Q. How long have you known Lula Saunders?

A. All my life.

Q. How long have you known Charles Saunders?

A. About 9 or 10 years.

Q. Where does Lula Saunders now reside?

A. On Culloden Street with her mother.

Q. How long has she been living there the last time?

A. I don't know exactly, about two or three years, or perhaps longer.

Q. Where does Charles Saunders live?

A. He lives over in Jerico, in Nansemond County, near Suffolk.

Q. State whether or not Charles Saunders is now living with his wife?

A. No sir, he don't live with her.

Q. Do you know about how long it has been since he ceased to live with her?

A. It was about May, 1914, in the spring.

Q. Were you living near them at the time?

A. Yes.

Q. State how far away?

A. A hundred or two yards.

Q. Have you been living that near to that place since then?

A. Yes, I live at the same place now.

Q. Have you seen Charles Saunders in Suffolk and heard him talk about this matter since he left his wife in May, 1914?

A. I have.

Q. What have you heard him say about ~~it~~ or about her?

A. I have heard him say that he was tired of her; that he had left her and that he was not going back to live with her any more.

Q. What was her conduct toward him when they lived together?

A. She treated him ~~right~~ mighty good so far as I know.

Q. Having lived that near to her, as a neighbor, did you ever know her to give him any cause for treating her badly or leaving her?

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A. No, I never did.

Q. What was her nature and disposition?

A. She had a very good disposition.

Q. Was she given to quarreling and fussing with her husband?

A. No sir.

Q. Do you know whethr she works for her own living or not?

A. Yes, she works.

Q. Did she work for her own living when her husband lived with her?

A. Yes sir.

And further this deponent saith not.

her
Annie x Barnes
mark

Witness:

Bradford Kilby

VIRGINIA:

City of Suffolk, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, do certify that the foregoing depositions of Emma Ward, Suan Ward, Lula Saunders and Annie Barnes, were duly taken, sworn to and subscribed before me in the city of Suffolk, at the time and place stated in the caption hereof.

Given under my hand this 20th day of April, 1918.

Bradford Kilby

Commissioner in Chancery.

Fee \$5.00
Paid.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Lula Saunders,

vs.

In Chancery.

Charles Saunders.

This cause came on this day to be heard on the bill of the complainant, and the testimony of witnesses taken after due notice to the defendant; and the defendant who appears to have been proceeded against in the manner prescribed by law, and on whom process has been duly served, failing to plead, answer or demurr and was argued by counsel.

On consideration whereof, it appearing to the court from the evidence submitted in this cause that the defendant has wilfully abandoned and deserted his wife without any just, sufficient or legal cause for upwards of three years next preceeding the commencement of this suit; that both parties plaintiff and defendant have been domiciled in the State of Virginia for upwards of one year next preceeding the institution of this suit, and that the defendant is and was a resident of the County of Nansemond and State ^{aforsaid} at the beginning of the suit, the court doth order, adjudge and decree that the plaintiff Lula Saunders be, and she is hereby granted ~~a full and absolute~~ divorce a vinculo matrimonii from her said husband, the defendant, Charles Saunders, and that the marriage relations heretofore existing between them be, and the same are hereby wholly annulled and set aside; that the plaintiff recover of the defendant her cost by her in this behalf expended; and it appearing that nothing further remains to be done in this cause, it is ordered that the same be stricken from the docket.

Final Decree.

Enter May 18. 1918.
Jas. H. Moore.

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

Humbly complaining sheweth unto the court your complainant, Lula Saunders, the following case:

Your complainant says that she was married to her present husband, Charles Saunders, in Suffolk, which was then a part of Nansemond County, in September, 1909; that after said marriage she was at all times a true, faithful, loving and dutiful wife unto her said husband, and did everything she could to please him, to merit and retain his affection, and to make his life a pleasant and a happy one. She discharged her whole marital duty.

She further says that for a year or so after her marriage, her husband was kind and affectionate toward her, but that this state of affairs did not continue long; he soon began to drift away from her and apparently to care less and less for her. She says that upon their marriage he took her to live with her mother in the town of Suffolk and that they resided at that place for about two years; that he then took her to live in Jerico, a suburb of Suffolk, in Nansemond County, and that they lived at this place for a little ~~over~~ less than one year; that he then again brought her back to live, and they did live together with her mother again, in the town of Suffolk. She says that during this last period, when they lived together in the town of Suffolk, her husband became almost entirely estranged from her for some unknown reasons; that he stayed with her but little; ~~that~~ he ran around with other people and that it was apparent that he cared nothing for her; that he required her to work for her own support; that he took all of her wages which she earned at a factory, to buy her clothes and pay for her eatables. That he became very quarrelsome and abusive toward her, and often struck and beat her. This conduct on his part she put up with the best she could, always hoping that he would change, but it continued to grow ~~more~~ from bad to worse until the month of May,

in the year 1914, when he wilfully abandoned and deserted her, since which time he has never returned to live with her a single day nor contributed one penny toward her support. She says that before he left he had often said ~~that~~ he was tired of her; that he was not going to live with her any longer, and threatened that he would go away and never return; and that he finally carried out this threat, by abandoning her at the time aforesaid. She therefore charges, that her said husband has wilfully abandoned and deserted her without any just or sufficient cause for upwards of three years next preceeding the commencement of this suit; she further says that both herself and the defendant Charles Saunders have been domiciled in the State of Virginia, all of the r lives, and therefore, upwards of one year next preceeding the commencement of this suit; and that the said Charles Saunders is now domiciled in and a resident of the County of Nansemond, in the State of Virginia, and was such a resident at the commencement of this suit.

Your complainant says that under all the circumstances of this case, ~~she~~ she believes it will be best for her to have an absolute divorce, as she feels certain that her husband will never again come back to live with her. She therefore, desires that an absolute divorce be granted her.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your complainant is without remedy in the premises, save by the aid of a Court of equity, where such matters are alone and properly cognizable, your complainant prays that the said Charles Saunders may be made a party defendant to this suit, and required to answer this bill, though an answer under oath is hereby waived; that proper process may issue; that all proper depositions may be taken, after due notice to the defendant, and that the complainant may be granted a full and absolute divorce, a vinculo matrimonii from her said husband, the defendant; and that he may be required to pay the cost of this suit; and for all such other, further and general relief as this case may require, or which to equity may seem meet, and she will every pray, etc.

Witness: M. D. Andrews.

Lula X Saunders
mark

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VIRGINIA:

City of Suffolk, to-wit:

I, Mary V. Andrews, a Notary public for the city aforesaid, in the State of Virginia, whose term of office expires on the 8th day of March, 1919, do certify that Lula Saunders, whose name is signed to the foregoing bill has this day personally appeared before me, in my city aforesaid, 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 statements therein contained, as coming from knowledge or information derived from others she believes to be true.

Given under my hand this 1st day of April, 1918.

Mary V. Andrews, N.P.
Notary Public.

Bill.