

1919 - 006
Nansemond Co (Suffolk) Chancery Causes: Henry Burrell vs Bettie Burrell

Myrick, Wilson, Holland, Pugh, Nichols

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Henry Burrell

vs.

Bettie Burrell

To George E. Bunting, Clerk:

Issue summons for complainant against defendant
to first rules in January (first Monday) to answer a
bill in Chancery.

Moody E. Stallings

p.q.

Henry Burrell

By counsel

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA

Deputy of the City of Suffolk, Va.
TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.... Bettie Burrell.....

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.... January 1917..., to answer..... a..... Bill in
Chancery, exhibited against.... her.....
in the said Court by..... Henry Burrell.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this.... 30th, ... day of
December, 1916, in the 141... year of the Commonwealth.

A copy—Teste:

Clerk.

Teste:

Clerk.

Executed this 30 day of Dec, 1916 by delivering a true copy of the within process to Belle Burrell

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

W. A. Burrell
Sheriff.

Mary E. Stearns, p. q.

Henry Burrell

vs. In Chancery.

Belle Burrell

1916

January Rules.
First Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

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To Bettie Burrell:

Take notice that on the 1st day of February, 1917, at the office of Moody E. Stallings, in Suffolk, Virginia, between the hours of 9 A.M. and 6 P.M. of that day, I shall proceed to ~~take~~ the depositions of Henry Burrell and others to be read as evidence in behalf of the complainant in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein the undersigned is plaintiff and you are defendant; and if, for any cause, the taking of said depositions be not commenced, or if commenced, be not concluded, the taking thereof will be adjourned from day to day or from time to time as the Commissioner may direct, at the same place and between the same hours until the same shall be completed.

Henry Burrell
By Counsel.

Moody E. Stallings

p.q.

I have on the 30th Decy Dec 1914
received and executed the route when
by delivery a true copy to Belle Burt
in person in City Suffolk Va

Attest
City Sect of Suffolk Va



MARRIAGE LICENSE



Virginia City of Suppaw to-wit: "Exhibit A"

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,

Henry Russell and Betty Myrick
Given under my hand, as Clerk of Circuit Court of City County (or City) this
#1 day of April 1913
W. J. Johnson Clerk.

MARRIAGE CERTIFICATE

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

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Suppaw
Date of Marriage April 2nd 1913 Place of Marriage Suppaw Va

FULL NAMES OF PARTIES.

Henry Russell and Betty Myrick
Age of Husband 47 years; Condition (single, widowed or divorced) widowed
Age of Wife 32 years; Condition (single, widowed or divorced) widowed
Race (White or Colored) White
Husband's Place of Birth Henderson N.C. Residence Suppaw Va
Wife's Place of Birth Ridgway N.C. Residence Suppaw Va
Names of { Husband Jim Russell and Henry Russell
Parents { Wife Key Michael and Winnie Michael
Occupation of Husband farmer

Given under my hand this 2nd day of April 1913
W. J. Johnson Clerk.

Certificate of Time and Place of Marriage

I, J. B. Whedbee, a Minister of the gospel Baptist Church, or religious order of that name, do certify that on the 2nd day of April 1913, at Appling residence Virginia, under authority of the above License, I united in Marriage the persons named and described therein. I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County (or City) of Suppaw, State of Virginia.

Given under my hand, this 2nd day of April 1913

A Copy To: G. A. Harris, Sec. J. B. Whedbee

(Person who performs ceremony sign here.)

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

County (or City) _____

Husband,

and

}

Marriage License

Wife,

Date of Issue _____

Marriage Register No. _____ *Page* _____

STENOGRAPHER'S MINUTES.

In the Circuit Court of Nansemond County.

HENRY BURRELL

VS.

BETTY BURRELL.

Before

Bradford Kilby,

Commissioner in Chancery.

February 1, 19 17.

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STENOGRAPHER'S TRANSCRIPT.

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The depositions of Henry Burrell and others taken before me, Bradford Kilby, Commissioner in Chancery, for the County of Nansemond, pursuant to notice hereto annexed, at the office of M. E. Stallings, in Suffolk, Virginia, on the 1st day of February, 1917, between the hours of 9 A. M. and 6 P. M., to be read as evidence in behalf of Henry Burrell in a certain suit in equity, depending in the Circuit Court of Nansemond County wherein Henry Burrell is plaintiff and Bettie Burrell is defendant.

Present:- M. E. Stallings, attorney for Plaintiff.

The witness HENRY BURRELL being duly sworn deposes and says as follows:

- Q. State your name, age, residence and occupation?
A. Henry Burrell, age is about sixty, my residence is Nansemond, occupation farming.
Q. Are you married? A.- Yes.
Q. Who did you marry? A.- Bettie Myrick.
Q. Are you living together now as man and wife?
A. No, sir.

- Q. How long since you separated?
- A. Three years and better. Three years and, I disremember exactly the time.
- Q. What time of year did she leave you?
- A. In the fall of the year.
- Q. Did she leave you or you leave her?
- A. She left me.
- Q. Where were you living at the time she left you?
- A. Nansemond, at the water works.
- Q. Are you still living in that same house?
- A. Yes.
- Q. Have you ever moved out of there?
- A. No sir.
- Q. Has she ever explained to you why she left there?
- A. No, sir she did not explain to me why she left.
- Q. Never has? A.- No sir.
- Q. Since she left you, has she become the mother of any children?
- A. Two.
- Q. About how long ago was the first one born?
- A. The first was born about a little better than two years ago.

- Q. Do you know how old the last one is? Do you know that yourself?
- A. No, sir, not exactly.
- Q. Is it very large or small?
- A. Very small.
- Q. Are you the father of that child?
- A. No, sir.
- Q. Where did you and Bettie Burrell last live together?
- A. At the water works, in Nansemond County.
- Q. Are you living now at the same place you were when she left you? A.- Yes.
- Q. Same Place? A.- Yes.
- Q. Burrell, in your marriage certificate, it states that you were married on April 2, 1913. Did your wife leave you after or before Christmas, 1913?
- A. She left me before Christmas, while I was digging potatoes; she only stayed with me seven months. Further this deponent saith not.

Witness

Walter E. Halling

^{his}
Henry Burrell
witness

FRANCIS WILSON, being duly sworn, deposes and says as follows:

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

A. About fifty I reckon, down to the water works, right there close to my brother in Nansemond County, farming.

Q. How close do you live to Henry Burrell?

A. About 200 yards.

Q. How far did you live from him when he and his wife, Betty Burrell were living together?

A. Same distance.

Q. Is Henry Burrell and his wife living together now as man and wife? A.- No, sir.

Q. How long have they been separated?

A. Three years and some better. November,- I think it was November.

Q. November of what year?

A. I don't know, sir, what year it was.

Q. Do you know whether she left him the same year she married him or not? A.- Yes.

She stayed with him about seven months.

Q. Did Henry Burrell leave her, or did she leave him?

A. She left him.

Q. Do you know why she left? A.- No, sir.

Q. Have they ever lived together since she separated from him? A.- No, sir.

Q. Is he living now in the same house in which he was living at the time she left him?

A. Yes.

Q. Do you know whether or not Betty Burrell has become the mother of any children, since she left him or not?

A. She told me she had two, but did not tell me what the first one was and she told me last Saturday night that she had one about a year and five months old.

Q. Do you know whether Henry Burrell is the father of this child or not? A.- No, sir.

Q. Do you know whether he has lived with her any since 1913?

A. I don't know. I always find him at home. Never heard any one say.

Further this deponent saith not.

Francis Wilson

NORA HOLLAND being duly sworn deposes and says as follows:

Q. State your name, age, residence, and occupation?

A. Nora Holland, Nansemond County, 21 years old, occupation washing and ironing.

Q. And how far do you live from Henry Burrell?

A. About 200 yards.

Q. Is Henry Burrell married? A.- Yes.

Q. Who did he marry?

A. Betty Myrick.

Q. Are they living together now? A.- No, sir.

Q. How long have they been separated?

A. Been three years and a little over.

Q. Three years and little over? A.- Yes sir.

Q. What year did she leave him? A.- In 1913.

Q. Who left first, Henry Burrell or his wife?

A. She left.

Q. Is he living in the same house? A.- Yes.

Q. Do you know why she left? A.- No, sir.

Q. Has any children been born to Betty Burrell since she left him? A.- One to my knowing.

Q. How old is that child?

A. A year and little over.

Q. Little over a year old? A.- Yes, sir.

Q. Do you know who the father of that child is?

A. No, sir.

Further this deponent saith not.

hara Holland

HESTER PUGH being duly sworn deposes and says
as follows:

Q. State your name, age, residence, and occupation.

A. Hester Pugh, 42 years old; I do laundry work
for my living. Smith Street,- 212.

Q. How far do you live from Betty Burrell?

A. I live across the street from Betty Burrell
about--- I live in the third lot across the
street from her.

Q. How long has she been living there?

A. She has been living there two and a half years
so far as I can remember.

Q. What time of year did she move there?

A. In the fall.

Q. In the fall? A.- Yes, sir.

Q. Has she separated from her husband?

A. Yes, she has separated from her husband.

Q. Which left?

A. She left him.

Q. Has she given birth to any children, since
she left him?

A. She has had one.

Q. How old is this child?

A. He is a year and about six months old. He
will be two years old the 14th of April.

Q. Who is the father of that child?

A. I don't know, sir; she says Mr. Burrell is the father of it.

Q. Do you know whether she and Mr. Burrell have lived together since they separated?

A. No, sir, they have not lived together, but Mr. Burrell has been to her house since they separated.

Further this deponent saith not.

Hester Pugh

HENRY BURRELL being recalled, further states
as follows:

Q. Hester Pugh has testified that you have been
to see Betty Burrell, since she left you.
Tell the court why you went there and how
long you stayed when you went.

A. She sent for me and I went there to see what
she wanted and and I went to get her to come
back home. She told a child to tell me that
she wanted to see me. I didn't stay very
long. I stayed, I couldn't say,- an hour
or two.

Q. Have you ever lived with her as man and wife
since she left you?

A. No, sir I have not.

Q. Are you the father of this child that has been
born to her, since she left?

A. No, sir.

Further this deponent saith not.

W. H. H.

Moody E. H. H.

Henry Burrell
W. H. H.

VIRGINIA,

County of Nansemond, to-wit:

I, Bradford Kilby, Commissioner in Chancery for the county aforesaid, in the said state, do hereby certify that the aforesaid depositions of Henry Burrell, Francis Wilson, Nora Holland, and Hester Pugh were taken, sworn to, and subscribed before me, at the times and place and for the purpose in the caption hereto mentioned.

Given under my hand this 1st day of

February, 1917.

Bradford Kilby
Commissioner in Chancery.

HENRY BURRELL.....COMPLAINANT.

VS.....DECREE.....

BETTIE BURRELL.....DEFENDANT.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

This cause came on this day to be heard on the Bill of Complaint and the depositions of witnesses taken after due and legal notice to the defendant, as required by law, and the defendant, who appears to have been served with process in the manner prescribed by law, failing to plead, answer or demur, and was argued by counsel.

On consideration whereof it appearing to the Court from the evidence taken and submitted in this cause that the said defendant Bettie Burrell, since her marriage with the plaintiff, has deserted him for a period of more than three years, that the plaintiff is a resident of Nansemond County, and has been domiciled in the State of Virginia, for more than twelve months next preceding the commencement of this suit, and that the plaintiff and defendant last co-habited in the County of Nansemond, State of Virginia, the Court doth adjudge, order and decree that the said plaintiff be, and he is hereby granted a divorce a vinculo matrimonii, from the said defendant, and that the marriage heretofore solemnized be, and the same is hereby annulled and set aside, and it appearing that nothing further remains to be done in this cause, it is ordered to be stricken from the docket.

Enter Aug. 23. 1919.
Jas M. Simon

Chauncy Vesper
Book No. 25 Page 185

VIRGINIA:

In the Circuit Court of Nansemond County.

Henry Burrell,
vs.
Bettie Burrell.

BILL.

To the Honorable Circuit Court of Nansemond County:

Your complainant, Henry Burrell, respectfully re-
presents:

(1) That on the 2nd day of April, 1913, your com-
plainant, Henry Burrell, was lawfully married at Suffolk, in
the County of Nansemond, Virginia, to Bettie Burrell, whose
maiden name was Bettie Myrick, 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 November, 1913, your complainant and
the said Bettie Burrell lived together as husband and wife
in the County of Nansemond, Virginia;
Near Suffolk, and,

(3) That the said Bettie Burrell, has willfully
deserted and abandoned your complainant for a period of more
than three years; that is to say, on the _____ day of November,
1913, the said Bettie Burrell did, voluntarily, wilfully,
and without any justification whatsoever, leave her home and
move in a house on Smith Street, in the City of Suffolk, Virginia.

(4) That since the date of the aforesaid desertion, your complainant has not cohabited with his said wife, nor has he received from her, since said desertion, any sexual favors whatsoever, yet your complainant is informed, believes and so charges that his said wife has been guilty of adultery with some man, or men, unknown to your complainant, as is evidenced and proven by the fact of her having, since the date of said desertion aforesaid given birth to two children.

(5) That your complainant last cohabited with the said Bettie Burrell ~~Near~~ Suffolk, in the County of Nansemond, Virginia;

(6) That, at the time of the institution of this suit it has not been five years since the adultery occurred, and that it was not committed by the procurement or connivance of your complainant; and,

(7) That both your complainant and the said Bettie Burrell have resided, and have been domiciled in this state ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and are domiciled and now reside in this State:

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 Bettie Burrell 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 a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed him; and that your complainant may have all such further, and other, and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

Harry Burrell Complainant.

Woody E. Stallings
P. 9.

State of Virginia,

Nansemond County, to-wit:

Henry Burrell, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

Henry Burrell Complainant

Taken, sworn to and subscribed before me, Bradford Kilby, a Commissioner in Chancery of and for the Circuit Court of Nansemond County, State of Virginia, this 30th day of December, 1916.

Bradford Kilby
Commissioner in Chancery.

Del. Jan. 1, 1862
H. E. Stallings

MOODY E. STALLINGS
ATTORNEY AT LAW
SUFFOLK, VA.

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY AND OCTOBER

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

Nansemond County Clerk's Office

SUFFOLK, VIRGINIA

No deposit

Henry Burwell,

Plft.

Vs. In Chancery:

Bettie Burwell,

Deft.

December 30, 1916, Process issued returnable to January Rules, First Monday, 1917.

January Rules, First Monday, 1917, bill filed, process returned executed, and
decree nisi.

January Rules, Second Monday, 1917; Decree nisi confirmed and cause set for
hearing.

RULE NOTES:

Oct 27. 99

Moody E. Stakings, F.G.

Henry Burrel

18 Chy.

Brett's Burrel

Dinal Worr

1919