1920-016
Nansemond Co (Suffolk) Chancery Causes: Jethro S. Felton vs Eugene Emily Lafayette Felton

VIRGINIA:

In the Clerk's Office of the County of Nansemond, on the 6th day of November, 1919:

Jethro S. Felton, Complainant,

vs.

Eugene Emily Lafayette Felton, Defendant.

The object of this suit is for the complainant to obtain from the defendant a divorce a vinculo matrimonii, on the ground of desertion; and affidavit having been made that the defendant is not a resident of the State of Virginia, she is hereby required to appear within fifteen days after due publication hereof, and do what may be necessary to protect her interest.

Teste:

Saunders & Hutton, p. q.

G. E. Bunting, Clerk.

Nov. 14, 21, 28, Dec. 2.

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA., Feb 17th 1922

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law—once a week for four weeks. beginning Nov 14th and ending Dec 7th 1919

C. L. Leach

Editor Herald

Per E. A. Monsour

Manager Asst

APPLICATION AND AFFIDAVIT FOR ORDER OF PUBLICATION IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Jethro S. Felton.....Complainant

vs.

Eugene Emily Lafayette Felton.....Defendant.

TO THE CLERK OF SAID COURT:

Please issue process in the above-styled cause, returnable to second November Rules, 1919.

The object of this suit is to obtain a divorce a vinculo matrimonii upon the ground of desertion for a period of more than three years.

In conformity with Chapter 99, Act of Assembly of Virginia, 1918, and as counsel for the complainant in this cause, we make application for an order of publication against the defendant, Eugene Emily Lafayette Felton, who is not a resident of the State of Virginia and whose last known place of abode was Chicago, Illinios, and we direct the clerk to mail a certified copy of said order of publication, when entered, to the said defendant at the adress given herein, and to certify the mailing of the same as required by the statute herein above referred to.

Saunders & Hutson
Counsel for Complainant.

State of Virginia,
City of Suffolk, to-wit:

I, Jethro S. Felton, being first duly sworn, do make oath that the above mentioned defendant, Eugene Emily Lafayette Felton, is not a resident of the State of Virginia.

Given under my hand this 4th day of November, 1919.

Jethro S. Felton
Complainant.

Subscribed and sworn to before me, the undersigned notary public, in my said city, this 4th day of November, 1919.

Ray Lavins
Notary Public.

Jethro S. Fellows

v.

Eugene Emily Lafayette Fellows

Memo

Application for

Order Publication

with Affidavit of

Non Residence

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C. B. Bunting Clerk.

Summers & Hutton p.q.

Office of
George E. Bunting
County Clerk, Nansemond County
Suffolk, Virginia

Jethro S.Felton, Plft.

V. In chancery.

Eugene Emily Lafayette Felton, Deft.

Nove.6,1919,process issued,affidavit of non-resident filed,order of publ'n. to Suffolk Herald,copy posted at C.H.door and copy mailed to last known address of defendant(Chicago,Ill.)

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Eugene Emily Lafayette Felton,

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 November 1919, to answer a Bill in Chancery, exhibited against her in the said Court by Jethro S. Felton

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 6th day of November, 1919, in the 144th year of the Commonwealth

~~A Copy--Teste:~~ ~~Clerk~~

Teste: G. E. Bunting Clerk

Executed this ____ day of _____, 191__ by delivering a true copy of the within process to _____

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

_____ Sheriff

_____ p. q.

vs. } In Chancery

19_____

_____ Rules

_____ Monday.

NANSEMOND COUNTY COURT,

Process Book, No. ____

Page _____

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G. E. Bunting Clerk

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in process to _____

_____

_____

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p. q. _____

vs. } In Chancery

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NANSEMOND COUNTY COURT,

Process Book, No. _____

Page _____

The depositions of Jethro S. Pelton and others taken before me C. A. Harris, Commissioner in Chancery for the Circuit Court of the City of Suffolk, in the State of Virginia, at the office of Saunders & Hutton, in the City of Suffolk, on the 17th day of April, 1920, between the hours of ten o'clock A. M. and five o'clock P. M., to be read as evidence in behalf of Jethro S. Pelton, in a certain suit in equity depending in the Circuit Court of the County of Nansemond, wherein Jethro S. Pelton is complainant and Eugene Emily Lafayette Pelton is defendant.

Present: John K Hutton,
Attorney for Jethro S. Pelton

No attorney for the defendant.

T. E. Felton, being duly sworn, deposes as follows:

Q. Please state your name, age, residence and occupation and if you know Jethro S. Felton and Eugenia Emily LaFayette Felton.

A. Name, T. E. Felton; age 53; residence, Isle of Wight County, Virginia.

Q. You know Jethro S. Felton and Eugenia Emily Lafayette Felton?

A. Yes, sir.

Q. Is Jethro S. Felton your son?

A. Yes.

Q. Did you know his wife when she lived in Nansemond County, Virginia?

A. Yes.

Q. Where did she live?

A. With me about six miles East of Suffolk in Nansemond County.

Q. How long did she live at your house?

A. Four or five weeks. I don't know exactly; but it would be between four and six weeks.

Q. How long after she was married to your son, Jethro S. Felton, before she came to your house to live?

A. A very few days - I don't remember just exactly, but about ten days after they were married.

Q. Are they now living together?

A. No.

Q. How long has it been since they lived together?

A. About seven years and a little over seven months.

Q. Do you know of your own knowledge that they have not lived together since that time?

A. I do. They have not.

Q. Did they separate while they were at your house?

A. Yes.

Q. Tell what you know about their separation.

A. Well, I don't know anything. They came here together and later she went off supposedly to play, and after she had been gone for some little time she wrote me a letter saying that she would not come back and wanted me to use my influence for getting her a divorce from Jet as she would never live with him any more.

Q. Did you show Jethro S. Felton that letter?

A. Yes.

Q. How long after she left your house before you received that letter?

A. I don't know just exactly but some where within a month and a half to two months.

Q. Did Jethro S. Felton still remain at your house?

A. Yes.

Q. Did he provide her with a home at your house.

A. Yes.

Q. Do you know of any reason that she had for leaving him?

A. I do not, only the circumstances different from her present surroundings.

Q. What were her former surroundings before she married Jethro?

A. Following shows and theaters- she was an actress.

Q. Did she appear satisfied when she was out there?

A. No, not very well satisfied.

Q. Was the dissatisfaction on account of his treatment of her or on account of her desire to go back on the stage?

A. On account of her desire to go back on the stage, I think.

Q. Do you remember the month and year she left him?

A. February, 1913, I think.

Q. Have you seen any correspondence that Mr. Jethro S. Felton got from his wife since she left him?

A. Yes.

Q. Did that refer to whether or not she expected to come back to live with him?

A. The last letter he had from her said that she would not live with him any more.

Q. Do you remember about when that letter was written?

A. Some time during the spring of 1913. I don't remember the date.

Q. While she was at your house, did you have an opportunity to see her hand writing?

A. Yes, very frequently.

Q. The letters to which you have referred - are you positive that they were written by her?

A. I am.

And further this deponent saith not.

J. E. Felton

Jethro S. Felton, being duly sworn, deposes as follows:

Q. State your name, age, residence and occupation and if you are the plaintiff in this suit.

A. Jethro S. Felton, twenty-nine years old, City of Suffolk, real estate business. I am the plaintiff in this suit.

Q. When and where were you married to Eugenia Emily Lafayette Felton?

A. Dover, N. J. in the year 1913 on January 4th.

Q. How long after that was it that you returned to Nansemond County?

A. About the 15th of January.

Q. Did she return with you?

A. Yes.

Q. How long have you resided in Nansemond County?

A. Twenty-four years.

Q. Did you reside in Nansemond County at the time of filing this suit?

A. Yes, sir.

Q. Where did you and your wife live after you returned from Dover, N. J.

A. In the County at my father's home - in Nansemond County.

Q. How long did you and your wife reside there?

A. About five weeks.

Q. Which one moved away first, you or your wife?

A. She did.

Q. How long did you stay there after she moved?

A. About six or seven years.

Q. Did she leave you there?

A. Yes.

Q. Where did she go from there, do you know?

A. I think she went to New York City.

Q. Prior to her leaving, did you have any conversation with her about her going?

A. Yes.

Q. What did she tell you?

A. She told me that she was very much dissatisfied with living in the country and she was going back to the City to take up her profession.

Q. Did she tell you whether or not she was coming back to you?

A. She told me she was not.

Q. About when did she leave?

A. About the 15th of February, 1913.

Q. Since the 15th of February, 1913, have you seen her?

A. No, I have not.

Q. Do you know where she is now?

A. No, I do not.

Q. How long has it been since you have heard from her?

A. About six or seven years.

Q. During the time that she left you did you receive any letters from her?

A. Yes.

Q. Did she state in those letters whether or not she expected to return to you?

A. She stated that she did not expect to return.

Q. Did you give her any cause to leave you?

A. No, I did not.

Q. Did you provide her with a home at your father's house.

A. Yes.

Q. Did you provide her with the necessities of life and do all you could as a faithful husband?

A. I did.

Q. What was her chief reason for leaving you?

A. She did not seem very well satisfied with the quiet, country life.

Q. What was her occupation prior to your marriage with her?

A. An actress.

And further this deponent saith not.

Jethro Stallcup

Walter Jordan, being duly sworn, deposes as follows:

Q. Please state your name, age, residence and occupation and if you know Jethro S. Felton and Eugenia Emily Lafayette Felton, his wife.

A. Walter Jordan: sixty-six years of age; residence, Suffolk, Virginia; occupation, insurance. I know Jethro S. Felton and his wife.

Q. Do you remember about the time they were married?

A. Yes.

Q. Did they ever live in Nansemond County, at or near Suffolk?

A. Yes.

Q. During the time that they lived down here did you have an opportunity to talk with Mrs. Felton?

A. Several times, yes, sir.

Q. Did you hear her make any statement as to whether or not she expected to live with Mr. Felton?

A. She told me that she was going to leave I think possibly that day she did leave. I am not very sure of that but it was only a day or two before, and stated that she could never stand that sort of life; that she had never been accustomed to it and that she was going back to the stage.

Q. What kind of life did she refer to?

A. I think it was the quiet country life. She wanted to be in the City.

Q. Did she state any reason Mr. Felton had given her to leave him?

A. I think but I do not know positively that she said she could not get along with his mother.

Q. The reason she was leaving, though, as you understood it, was on account of the fact that she wanted to go back to the city and on the stage?

A. That is what I understood.

Q. Since that time has Mr. Felton lived with her?

A. No, sir, he has never lived with her since that time.

Q. Do you remember about when that was?

A. I can very easily tell exactly when that was by referring to my books, but I am pretty sure it was in February or March, 1913; in the spring of the year. It was a short while after they were married and they were married in the spring of the year. I say referring to my books because I had some business with her.

Q. Do you know of any reason Mr. Felton gave her to leave him?

A. None at all. She made no complaint of Mr. Felton, in fact she spoke affectionately of him.

Q. Did you learn what her business was before she married Mr. Felton?

A. Yes, I knew her business as she told me.

Q. What did she say it was?

A. She was an actress on the stage--vaudeville stage--a musician.

And further this deponent saith not.

Walter Lanham

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, C. A. Harris, a commissioner in chancery for the City of Suffolk, in the State of Virginia, do hereby certify that the foregoing depositions were taken before me and reduced to writing at the time and place in the caption hereto mentioned, the complainant having proceeded against the defendant as a non-resident by order of publication.

In witness whereof, I have hereunto set my hand ~~and affixed my seal~~ at Suffolk aforesaid this 14th day of May, 1920.

G. A. Harris

Commissioner in chancery for the City of Suffolk.

Jethro S. Felton

v. DEPOSITIONS

Eugene Emily Lafayette
Felton.

Filed May 15, 1920
C.B. Embry, Clerk

J.R. SAUNDERS
Attorney at Law
PINNER BUILDING
Suffolk, Va.

Jethro S. Felton.....Complainant

v. DECREE

Eugene Emily Lafayette Felton.....Defendant.

This cause, in which the defendant has been proceeded against in the mode prescribed by law against non-resident defendants, came on this day to be heard on the complainant's bill and the exhibits filed therewith, the respondent failing to appear and plead, answer or demur, the depositions taken before C. A. Harris, Commissioner in Chancery, and duly filed in this cause, and was argued by counsel.

On consideration whereof, the court being of opinion, independently of the admissions of either party, in the pleadings or otherwise, from the evidence furnished in the cause, that the defendant has, without cause, abandoned the plaintiff for a period of more than three years, doth adjudge, order and decree that the marriage heretofore had and solemnized between the defendant, Eugene Emily Lafayette Felton, and the plaintiff, Jethro S. Felton, shall be, and the same is, hereby dissolved and that the said Jethro S. Felton be forever divorced from the said Eugene Emily Lafayette Felton; and there being nothing further to be done in this cause, the same is ordered stricken from the docket.

Jethro S. Felton

v. Decree

Eugene Emily Lafayette
Felton

Enter the 20 day of
May, 1920.

Lias Lyon Lamore

Entered in chancery order
book 5, page 264

Jethro S. Felton.....Complainant

v. BILL

Eugene Emily Lafayette Felton .....Defendant.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY.

Your complainant, Jethro S. Felton, respectfully represents:

(1) That on the 4th day of January, 1913, your complainant was lawfully married at Dover, New Jersey, to Eugene Emily Lafayette Felton; and,

(2) That on or about the 15th day of January, 1913, your complainant and the said defendant came to Nansemond County since which time they lived in Nansemond County as husband and wife continuously until the 15th day of February, 1913; and,

(3) That the said defendant has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, on the 15th day of February, 1913, the said defendant did, voluntarily, wilfully and without any justification whatever. leave your complainant's home, and your complainant believes that she went directly to the City of New York; that immediately before leaving she stated to your complainant that she was going to leave him forever and that she would never return to him; and that your complainant has never seen nor lived with the said defendant since that day; and,

(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 defendant in the County of Nansemond, Virginia;

In consideration whereof, and foresmuch as your complainant is remediless in the premises save in a court of equity,

your complainant prays that the said Eugene Emily Lafayette Felton 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 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.

Jethro S. Felton

by Counsel

Jethro S. Felton

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Jethro S. Felton

v. BILL

Eugene Emily Lafayette
Felton.

Dec'd Nov. 6, 1919

J. R. SAUNDERS
Attorney at Law
PINNER BUILDING
Suffolk, Va.