1924-014
Nansemond Co (Suffolk) Chancery Causes: Annie Burgess Boone vs Herbert Boone

Burgess, Tillery, Cherry

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

March 8, 1924.

Mr. George E. Bunting, Clerk,
Suffolk, Virginia.

Dear Sir: Re: Annie Burgess Boone vs Herbert Boone

I hand you herewith memorandum and notice of taking depositions. Please have process and notice of taking depositions both served on the defendant before the 1st. Monday in April, 1924. The defendant, Herbert Boone, is a colored man who lives on J. M. Lassiter's farm on the West side of the Norfolk Road a short distance from Magnolia.

Yours very truly,

Hugh L. Holland,

H/ED

Enc: 3

ANNIE BURGESS BOONE.....COMPLAINANT

VS) MEMORANDUM

HERBERT BOONE.....DEFENDANT

TO GEORGE E. BUNTING, CLERK, OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Please summon defendant for complainant to First April (1924) Rules, in Chancery.

Hugh A. Holland

p.q.

ANNIE BURGESS BOONE

COMPLAINANT

VS) MEMORANDUM

HERBERT BOONE. DEFENDANT?

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Herbert Boone

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, 1924 to answer a Bill in Chancery, exhibited against him in the said Court by Annie Burgess Boone

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 24, in the 148th year of the Commonwealth.

~~A Copy---Teste:~~

Clerk

Teste: G. E. Bunting

Clerk

Executed on the 21 day of
Mch 24 within the county of
Nansemond, by delivering a
true copy of the within process,
in writing, to Herbert Boone
in person
E. B. Rawles
Sheriff of Nansemond County

H. D. Holland p. q.

Annie Burgess Boone

vs. } In Chancery

Herbert Boone

19 24

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page

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

MARRIAGE LICENSE

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,

Herbert Boone *and* Annie Burgess

Given under my hand, as Clerk of the Circuit *Court of* Nansemond *County* (~~or City~~)

this 25th *day of* September, 19 20

G.E.Bunting, , *Clerk.*

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1919, as amended by Act of February 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit *Court for the County* (~~or City~~) *of* Nansemond

Date of Marriage September 25, 1920 Place of Marriage Nansemond County

FULL NAMES OF PARTIES

Herbert Boone *and* Annie Burgess

Age of Husband 21 years; Condition (single, widowed or divorced) single

Age of Wife 21 years; Condition (single, widowed or divorced) single

Race (White or Colored) Colored

(PRESENT)

Husband's Place of Birth Nansemond County Mailing Address Nansemond County

Wife's Place of Birth " " Mailing Address " "

Names of Parents { Husband and Cora Boone his mother

Wife Everett Burgess and Annie his wife

Occupation of Husband Laborer

Given under my hand this 25th day of September, 19 20.

G.E.Bunting, , *Clerk.*

Certificate of Time and Place of Marriage

I, G.L.Goodwin, a minister of the Gospel Church, or religious order of that name, do certify that on the 25 day of September, 19 20, at home, Virginia, under authority of the above License, I joined together in the Holy State of Matrimony 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 Suffolk, State of Virginia.

Given under my hand this 26 day of September, 19 20.

G.L.Goodwin

(Person who performs ceremony sign here.)

A true copy made Dec.12th,1923
Attest: G.E.Bunting, Clerk.

☞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 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

By, Ruby V. Bunton D.C.

Cert No. 164

County (~~or City~~) Monmouth

Herbert Boone
Husband

and

Marriage License

Annie L Burgess
Wife

Date of Issue September 25 1920

Marriage Register No. 3 *Page* 135

NOTICE OF TAKING DEPOSITION.S

TO HERBERT BOONE:

Take notice that on the 16th day of April, 1924, at the office of Hugh L. Holland, Attorney at Law, 200-03 American Bank & Trust Company Building, Suffolk, Virginia, between the hours of 10:00 A.M. and 5:00 P.M. of that date, before a Notary Public, I shall proceed to take the depositions of witnesses to be read as evidence in my behalf in a certain suit in equity, pending in the Circuit Court of Nansemond County, Virginia, in which I am complainant, and you the defendant; and, if from any cause, the taking of the said depositions be not commenced, of if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day or time to time at the same place and at the same hours until the same shall be completed.

Annie Burgess Boone

By Hugh L. Holland.
p.q.

ANNIE BURGESS BOONE

COMPLAINANT

VS) NOTICE OF TAKING DEPOSITIONS

HERBERT BOONE.....DEFENDANT

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Executed on the 21 day of
Mch. 1924 within the county of
Nansemond by delivering a
true copy of the within process
in writing, to Herbert Boone
.....in person
E B Rawles
Sheriff of Nansemond County

The depositions of Annie Burgess Boone, Sylvia Tillery and Leolia Cherry were taken before me, C.L. Lewis, a Notary Public in and for the City of Suffolk, State of Virginia, on the 16th day of April, 1924, between the hours of 10:00 A/M. and 5:00 P.M. of that date, pursuant to due notice to defendant served in person as shown by annexed notice, according to law, to be read as evidence in behalf of the plaintiff in a certain suit in equity pending in the Circuit Court of Nansemond County, Virginia, wherein Annie Burgess Boone is the complainant and Herbert Boone is the defendant.

Present:

Hugh L. Holland, counsel for plaintiff.

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

ANNIE BURGESS BOONE, being duly sworn deposes as follows:

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

A. Annie Burgess Boone, 25 years of age, near Wilroy in Nansemond County, Virginia, laborer.

Q. Are you the complainant in this suit?

A. Yes sir

Q. Please state whether you and your husband are living together now?

A. No sir.

Q. Which one left the other and when?

A. He left me March 1st. 1921.

Q. Please state briefly the circumstances of his leaving and whether you gave him any cause to leave?

A. He seemed to be tired of married life. He stated several times that he was going to leave and when he did leave he would never come back any more. He left and has not been back since that time. I did not give him any cause to leave. His mother kept after him to leave. If it had not been for his mother we could have gotten along all right.

Q. Have you and your husband Herbert Boone lived together as husband and wife since that time?

A. No sir.

Q. Where did you and your husband last live together as husband and wife?

A. Near Wilroy in Nansemond County, Virginia.

Q. Where does Herbert Boone live now?

A. He lives with his mother near Wilroy in Nansemond County, Virginia.

Q. Where do you live?

A. With my mother near Wilroy in Nansemond County, Virginia.

Q. How long have you resided and been domiciled in this State?

A. I have resided and been domiciled in this State all my life.

And further this deponeth saith not.

Annie B. Burgess Boone

SYLVIA TILLERY, being duly sworn deposes as follows:

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

A. Sylvia Tillery, 42 years of age, near Wilroy in Nansemond County, Virginia, laborer.

Q. How long have you known Annie Burgess Boone and Herbert Boone?

A. I have been knowing Annie Burgess Boone ever since she was a child and have known Herbert Boone for ten years.

Q. Please state whether they are living together now?

A. No sir.

Q. How long have they been separated and which one left the other?

A. He left her the first part of March, 1921.

Q. Please state briefly the circumstances of his leaving and whether she gave him any cause to leave?

A. She did not give him any cause to leave. Annie Burgess Boone lived with Herbert Boone's mother after they were married for about two months. At the end of two months they went house-keeping for themselves. After they left his mothers house his mother would come to see them often. She tried in every way to get Herbert Boone to leave his wife. Finally he left her and has not been to live with her at all since. Annie Burgess Boone was pregnant at the time her husband left her. She was all alone and I used to send my little boy to stay with her and to help her with her work. Herbert Boone used to keep company with a certain woman by the name of Costella Wills. She would visit his house and he would go to visit her and would stay there all day both day and night.

Sylvania Tillery#2

Q. Where does the complainant Annie Burgess Boone live now?

A. With her mother near Wilroy in Nansemond County, Virginia.

Q. Where did Annie Burgess Boone and her husband Herbert Boone last live together as husband and wife?

A. Near Wilroy in Nansemond County, Virginia.

Q. Have Annie Burgess Boone and her husband Herbert Boone lived together as husband and wife since he left her in 1921?

A. No sir.

Q. How long has Annie Burgess Boone resided and been domiciled in the State of Virginia?

A. She has resided and been domiciled in the State of Virginia all of her life.

And further this deponeth saith not.

Witness
P. L. Lewis

her
Sylvia x Tillery
mark

LEOLIA CHERRY, being duly sworn deposes as follows:

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

A. Leola Cherry, 35 years of age, near Wilroy Nansemond County, Virginia, laborer.

Q. How long have you known Annie Burgess Boone and her husband Herbert Boone?

A. I have known Annie Burgess Boone all of her life and have known Herbert Boone for about eight or nine years.

Q. Please state whether they are living together now?

A. No sir they are not living together now.

Q. How long have they been separated and which one left the other?

A. Herbert Boone left his wife in March, 1921.

Q. Please state briefly the circumstance of his leaving and whether she gave him any cause to leave?

A. Annie Burgess Boone did not give her husband Herbert Boone any cause to leave. He seemed to be tired of her. Shortly before leaving he stated that he was going to leave and that he would never return to her any more. He told me several times that he did not want her any more. He left her and has not been back since. When he left he was going with another woman by the name of Costella Wills. I have seen Herbert Boone go with this woman several times. He would take her home from church and stay at her house until late at night.

Q. Where does the complainant Annie Burgess Boone live now?

A. She lives with her mother near Wilroy in Nansemond County, Virginia.

Q. Where did Annie Burgess Boone and her husband Herbert

last live together as husband and wife?

A. Near Wilroy in Nansemond County, Virginia.

Q. Have Annie Burgess Boone and her husband Herbert Boone lived together as husband and wife since he left her?

A. No sir.

Q. How long has Annie Burgess Boone resided and been domiciled in the State of Virginia?

A. She has resided and been domiciled in the State of Virginia all of her life.

And further this deponeth saith not.

Leola Cherry

STATE OF VIRGINIA, CITY OF SUFFOLK.....TO-WIT:

I, C.L. Lewis, a Notary Public in and for the City of Suffolk, State of Virginia, do certify that the foregoing depositions of Annie Burgess Boone, Sylvia Tillery and Leolia Cherry were duly taken, sworn to and subscribed before me at the office of Hugh L. Holland, in the City of Suffolk, Virginia, on the 16th day of April, 1924, between the hours of 10:00 A.M. and 5:00 P.M. of that date to be read as evidence on behalf of the plaintiff in a certain suit in equity pending in the Circuit Court of Nansemond County, Virginia, wherein Annie Burgess Boone is the complainant and Herbert Boone is the defendant.

Given under my hand this 16th day of April, 1924.

My commission expires on the 14th day of January, 1926.

C. L. Lewis

Notary Public in and for the City of Suffolk, State of Virginia.

ANNIE BURGESS BOONE..COMPLAINANT

VS) DEPOSITIONS

HERBERT BOONE ...DEFENDANT.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

ANNIE BURGESS BOONE.....COMPLAINANT

VS) DECREE

HERBERT BOONE.....DEFENDANT

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 proceeded against 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, Herbert Boone, since his marriage with the plaintiff has without cause deserted her for a period of more than three years, that the plaintiff is a resident of the County of Nansemond, 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 cohabited in the County of Nansemond, Virginia, the Court doth adjudge, order and decree that the said plaintiff be, and she is hereby granted a divorce a vinculo matrimonii, from the said defendant, a nd 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.

But neither party shall marry by virtue of this decree until the expiration of six months from the date of the entering of same.

ANNIE BURGESS BOONE..COMPLAINANT

VS) DECREE

HERBERT BOONE.....DEFENDANT

Entered June 11th 1926

Jas L. McLemore,

#5 Pg. 380

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

ANNIE BURGESS BOONE.....COMPLAINANT

VS) BILL

HERBERT BOONE.....DEFENDANT

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY:

Your complainant, Annie Burgess Boone, respectfully represents:

(1) That on the 25th day of September, 1920, your complainant, whose maiden name was Annie Burgess, was lawfully married in the County of Nansemond, Virginia, to Herbert Boone, 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 1st day of March, 1921, your complainant and the said Herbert Bonne lived together as husband and wife near Wilroy in Nansemond County, Virginia; and,

(3) That the said Herbert Boone has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say on the 1st day of March, 1921, the said Herbert Boone did, voluntarily, wilfully and without any justification whatever leave his home; that immediately before leaving he stated to your complainant that he was going to leave her forever and he was never going to return to her; that your complainant was pregnant at the time the said defendant left her and was about to be confined; that said defendant left your complainant in destitute circumstances; and,

(5) 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 Herbert Boone near Wilroy in Nansemond County, Virginia; and,

(6) That your complainant is without any means whatsoever of support, or with which to prosecute this suit; that the said defendant has not furnished her or their child with necessaries since he left her on the 1st day of March 1921; that the said defendant is able to support your complainant and their child; that the said defendant is not a proper person to have the custody, care and education of the aforesaid child; and,

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 Herbert Boone 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; that the said Herbert Boone be required to furnish your complainant with sufficient money to prosecute this suit and to employ counsel therefor; that the said Herbert Boone be required to pay your complainant temporary alimony pending this suit; that the said Herbert Boone be required to furnish maintenance for the said child during the pendency of this suit; that it be decreed that the said Herbert Boone shall pay to your complainant as permanent alimony, in weekly installments, so long as both, your complainant and the said Herbert Boone shall live, such sums of money as to the court shall seem right and proper; that the care and custody of the said child may be awarded to your complainant; that

it be decreed that the said child shall remain with your complainant; that it be decreed that the said Herbert Boone shall furnish such amounts as shall be necessary and proper for the maintenance support and education of the said child so long as he shall remain under the age of twenty one; that the said Herbert Boone be restrained and enjoined from interfering with or approaching your complainant in any way; that the court may not require that any notice whatever be given to said Herbert Boone or anyone else, before the said injunction is awarded; and that your complainant may have all such further, and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Annie Burgess Boone
Complainant

Hugh L Holland
Counsel

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

Annie Burgess Boone 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 she believes them to be true.

Annie Burgess Boone
Compalinant.

Taken, sworn to and subscribed before me, Edna Diamond a notary public of and for the City and State aforesaid, in my City aforsaid this 8th day of March, 1924.

Edna Diamond
Notary Public.

ANNIE BURGESS BOONE

COMPLAINANT

VS) BILL

HERBERT BOONE DEFENDANT

Dec 7, 1924

H. L. Holland Atty

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

CIRCUIT COURT

SECOND MONDAY IN JANUARY. MAY, JULY, AND OCTOBER

HON. JAMES L. McLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTHS' ATT'Y.
E. B RAWLES, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA.

Rule Notes

Annie Burgess Boone

v Chancery

Herbert Boone

March 19,1924, Process issued returnable to April Rules,1st Monday,1924

April Rules 1st Monday,1924.process returned executed,bill filed and decree ni si.

May Rules 1st Monday,1924.Decree nisi confirmed and cause set for hearing.

G. E. Bunting Clerk

Hugh R. Wilmot, A. B.

Class Day Poem

of

Hobart College

June 11, 1924