

1926-016
Nansemond Co (Suffolk) Chancery Causes: Aquillia C. Colden vs Theolephus Colden

Riddick, Harris, Bishop

VIRGINIA

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

.....
Aquillia C. Colden, Complainant.

Vs.

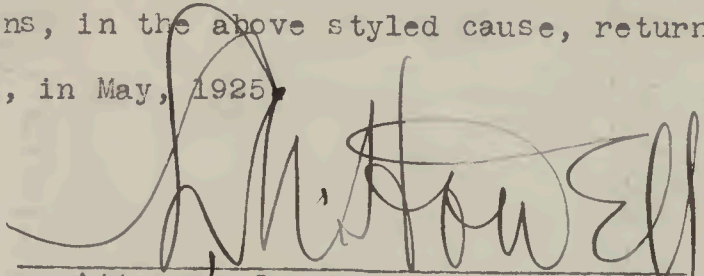
MEMORANDUM

Theolephus Colden, Defendant.
.....

To

The Clerk of the above mentioned Court:

Please issue summons, in the above styled cause, returnable
to Rules, Third Monday, in May, 1925.


Attorney for Aquillia C. Colden.

~~March 23~~

April 24th, 1925.

Deposit \$ 5.50

Rule Notes:

4-24-25 - Process issued - returnable to May Rule
3rd Monday, 1925
Process return received, Rule filed & Decree nisi
June Rule, 18th Monday, 1925, Decree nisi confirmed
& Cause set for hearing



Coeden

12

Coeden

Memorandum

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Theolephus Colden

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 May, 1925, to answer a
Bill in Chancery, exhibited against him
in the said Court by Aquilla C. Colden

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 24th day of
April, 1925, in the 139th year of the Commonwealth.

A Copy--Teste:

Clerk

Teste:

Clerk

Executed on the 27 day of
April 1891 within the county of
Nansemond, by delivering a
true copy of the within process,

in writing, to Theolephus

Colden

in person

E. B. Rawles

Sheriff of Nansemond County.

Original

Howell & Wilson-----p. q.

Aquillia C. Colden

vs. } In Chancery

Theolephus Colden

1925-----

May-----Rules

Third-----Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page.

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

VIRGINIA

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

Aquillia C. Colden, Complainant.

Vs.

NOTICE TO TAKE DEPOSITIONS

THEOLEPHUS COLDEN, Defendant.

To

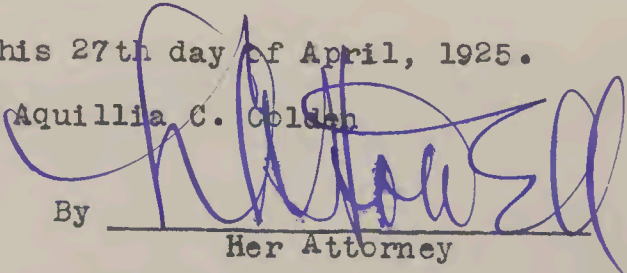
Theolephus Colden
MainStreet
122 Church Street
Suffolk, Virginia.

You will take notice, That I shall, on the 20th day of May, 1925, at the Office of L. A. Howell, in room 4, in the Phoenix Bank Building, at 337 E. Washington Street, Suffolk, Virginia, between the hours of 10:00 A. M. and 5:00 o'clock P. M. of that day proceed to take the depositions of Aquillia C. Colden, and others to be read as evidence in my behalf in a certain suit in equity now pending in the Circuit Court of the County of Nansemond, in the State of Virginia, and styled as above, wherein I am complainant and you are defendant, and if from any cause the taking of the ^{be not} depositions/becommenced, or, if commenced be not concluded, on that day the taking thereof will be ajourned from day to day or from time to time, at the same place, and between the same hours, until the same shall be completed.

Given under my hand this 27th day of April, 1925.

Aquillia C. Colden

By


Her Attorney

Executed on the 27th day of
April 1925 within the county of
Harrison, by delivering a
true copy of the within process.

In witness, to *Thurlephu*

Calden

in person

E. B. Rawles

Sherriff of Harrison County

Calden

✓

Calden

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,

Theolephus Colden and Aquillia C. Riddick

Given under my hand, as Clerk of the Circuit Court of Nansemond County ~~(xxx City)~~
this 25th day of November, 1918

G.E. Bunting, Clerk.

MARRIAGE CERTIFICATE By Ruby v. Benton, D.C.

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 ~~(xxx City)~~ of Nansemond

Date of Marriage Nov. 25th. 1918 Place of Marriage Nansemond County

FULL NAMES OF PARTIES

Theolephus Colden and Aquillia C. Riddick

Age of Husband 25 years; Condition (single, widowed or divorced) Single

Age of Wife 22 years; Condition (single, widowed or divorced) Single

Race (White or Colored) Colored

(PRESENT)

Husband's Place of Birth Suffolk, Virginia Mailing Address Suffolk, Virginia

Wife's Place of Birth Nansemond Co. Mailing Address Nansemond Co.

Names of Husband Charles Colden and Zusie his wife

Parents Wife Charlie Riddick and Cenderila his wife

Occupation of Husband Laborer in Navy Yard

Given under my hand this 25th day of November, 1918

G.E. Bunting, Clerk.

Certificate of Time and Place of Marriage By Ruby v. Benton, D.C.

I, Jas. A. Harrell, a Pastor of the Baptist

Church, or religious order of that name, do certify that on the 25 day of Nov., 1918,

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 ~~(xxx City)~~ of Nansemond, State of Virginia.

Given under my hand this 25 day of Nov., 1918

Jas. A. Harrell

(Person who performs ceremony sign here.)

As 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).

County (~~XX City~~) Nansemond

Theolephus Colden

Husband

and {

Marriage License

Aquillia C. Riddick

Wife

Date of Issue November 25th. 1918

Marriage Register No. 3 Page 107

Colden

✓

Colden

"Exhibit A"

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

.....

Aquillia C. Golden, Complainant. .

Vs. .

Theophilus Golden, Defendant. .

.....

. I N D E X .

-: Depositions of witnesses:-

Aquillia C. Golden ----- 3rd Street, Jerico.

Bettie Harris ----- 3rd Street, Jerico.

C. Bishop ----- 3rd Street, Jerico.

Nansemond County , near the City of
Suffolk, Virginia.

February 10th, 1926.

=====

VIRGINIA

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

.....
Aquillia C. Colden, Complainant.

Vs.

Theclephus Colden, Defendant.
.....

IN CHANCERY
DEPOSITIONS.

The depositions of Aquillia C. Colden and others taken before Estelle Pierce, a Notary Public, in and for the City of Suffolk, in the State of Virginia, whose commission expires on the 17th day of December, 1929, pursuant to notice served on the defendant, that the taking of the depositions of Aquillia C. Colden and others, at the Office of L. A. Howell, in room 4, in the Phoenix Bank Building, at 337 E. Washington Street, Suffolk, Virginia, on the 20th day of May, 1925, to be read as evidence on behalf of the complainant in the above entitled cause now pending in the Circuit Court of the County of Nansemond, in the State of Virginia.

#####

PRESENT:

L. A. Howell

Counsel for complainant.

No appearing for the defendant.

Aquillia C. Colden.

Aquillia C. Colden, the complainant, being first duly sworn, testified as follows:

- Q. Please state your name, address, age, and occupation?
- A. Aquillia C. Colden, my age is 29 years, my address is Third Street, West Jerice, in the County of Nansemond, in the State of Virginia, and my occupation, teacher in the public school of Nansemond County, Virginia.
- Q. Are you the complainant the suit now pending the Circuit Court of Nansemond County, styled as Aquillia C. Colden vs. Theolephus Colden?
- A. Yes.
- Q. What relation is Theolephus Colden to you?
- A. He my husband.
- Q. When were you married? and where were you married?
- A. We were married November 25th, 1918 in the county of Nansemond Virginia, by Rev. Jas. A. Harrell.
- Q. I hand you a paper marked "Exhibit A". Will you please state what this paper is?
- A. Yes. Its a copy of my marriage license.
- Q. Are you and your husband living together now?
- A. No.
- Q. Which one left the other?
- A. He left me.
- Q. When did he leave you and where did he go ?
- A. He left me on or about the 2nd day of July, 1921, and went to Washington, D. C.
- Q. Where were you living when he left you?
- A.. I was living with him near the City of Suffolk, in the County of Nansemond, Virginia.

Aquillia C. Colden, Continued.

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

A. No. None whatever.

Q. When he deserted you what did he do?

A. He sold all of our household furniture, and that he did not sell he gave away, and kept the money himself, and left me without any money at all.

Q. Do you have any children ?

A. Yes. One girl.

Q. Is this little girl the results of the marriage union?

A. Yes.

Q. What is the little girl name?

A. Nanie Jordan Colden.

Q. What is her age?

A. She is six years old.

Q. Did your husband desert you and your child ?

A. Yes.

Q. Has he supported you and your child since he deserted you?

A. No. He gave me \$7, some time in 1921. ~~That~~ That is all the money or any thing else he has given me and my child since he deserted me.

Q. What kind of husband did he make when you were living together?

A. He was very disagreeable. ~~Quarrellsome~~ Quarrellsome, could not do any thing to please him. He would fight me, and would threaten to do me bodily harm, in fact he tried to do everything to make me leave him. After he found that I would leave, he then left me. He would continuously remind me that he was tired of me and did not want me.

Q. Did he wilfully desert and abandon~~ed~~ you and your child without any justification whatever?

A. Yes.

Q. Have you live together as man and wife within three years next to the instituting of this suit?

Aquillia C. Colden, Continued.

- A. No. We have not lived together since the day he left, and that was about five years ago.
- Q. Are you an actual bone fide resident of the County of Nansemond, and have you actually lived and resided in that county for a period of more than one year next before the bringing of this suit?
- A. Yes.
- Q. Do you expect to live with him any more?
- A. No. Certainly not. When he left I tried to get him to come back to me and the baby, and he would not return or do anything for us.

Further the deponent sayeth not.

Aquillia C. Colden

Bettie Harris.

Bettie Harris, a witness, being duly sworn testified in the behalf of the complainant as follows:

- Q. Please state your name, age and address and occupation?
- A. Bettie Harris, my age 42 years old, 3rd Street, Jerice, Nansemond County, Virginia, my occupation Nurse.
- Q. Do you know Aquillia C. Colden and Theclephus Colden parties to this suit?
- A. Yes.
- Q. What relation are they to each other?
- A. Husband and wife.
- Q. Are they living together now?
- A. No.
- Q. Which one left the other?
- A. Theclephus left Aquillia.
- Q. When and why did he leave?

Bettie Harris, Continued.

- A. He left July in 1921. I dont know why he left.
- Q. Did his wife give him any cause to leave?
- A. None whatever.
- Q. How near did you live to them?
- A. I live next door to them. In fact we were friendly and neighbor.
- Q. What kind of husband did he make?
- A. He did not make much of any kind to my mind. He seemed to be so cruel to his family, always fussing, in fact he was a peculiar man.
- Q. Do you know whether or not he has supported his wife and child since he left them?
- A. No. He has nt done that.
- Q. What kind of wife did Aquillia make?
- A. She really was a wife to him. She taught school when she did not have any business in the Street. She did all she could to make a pleasant home. She was very smart and industrious. She was a good girl.
- Q. What did you mean when you said that she taught school when she had no business in the Street?
- A. I mean that as a result of this marriage union she was about to become a mother.
- Q. Has she now a child?
- A. Yes.
- Q. Did you ever hear of any trouble between them?
- A. Yes. I could hear him at night quarrelling and sometime fighting Aquillia.
- Q. Have thy been apart more than three years next before the bringing of this suit?
- A. Yes. Something like five years.
- Q. Has the complainant lived in this state for a period of one year next to and before the bring of this suit?
- A. Yes.

Bettie Harris, Continued.

Q. Did Aquillia try to have her husband come back to her after he deserted her?

A. Yes. But he refused to return to her.

Further the deponent sayeth not.

Bettie Harris.

G. Bishop.

G. Bishop, a witness, being first duly sworn testified on behalf of the complainant as follows:

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

A. G. Bishop, 49 years old, my address 3rd Street, Jerice, in the county Nansemond, Virginia, near the City of Suffolk, Virginia.

Q. Do you know the parties to this suit, Aquillia Colden and Theolephus Colden?

A. Yes. Aquillia is my daughter.

Q. What relation is Aquillia Colden and Theolephus Colden to each other?

A. Husband and wife?

Q. Are they living together now?

A. No.

Q. Which one left the other?

A. He left her.

Q. When he left her, where did he go?

A. He went to Washington, D. C.

Q. Why did he leave her.

A. God knows I dont know. But I know she did ^{not} give him any cause to leave.

Q. Was he a good husband?

A. No he was not a good husband. He was a foolish man.

Q. Has he supported her and the child since he left them?

A. No.

C. Bishop, Continued.

- Q. How do you know that he is not taking care of his family?
- A. Because they live with me and I help to care for them myself,
- Q. What kind of wife did she make?
- A. She made a very good wife, she would work and help Theolephus and do every thing she could to make a pleasant home. But that man did appreciate any thing, really he did not know what a good woman was.
- Q. Have they lived together as man and wife since they left her?
- A. No.

Further the deponent sayeth not.

C. Bishop

STATE OF VIRGINIA

CITY OF SUFFOLK, te-wit:

I, Estelle Pierce, a Notary Public in and for the City of Suffolk, in the State of Virginia, whose commission expires on the 17th day of December, 1929, do certify that the foregoing depositions of Aquillia C. Colden, Bettie Harris and C. Bishop were duly taken, sworn and subscribed to before me, at the time and place and for the purpose in the caption mentioned.

Given under my hand this the 10th day of February, 1926.

Estelle Pierce
Notary Public.

Colleen
or
Colleen

Depositions
J.L.M.

VIRGINIA:

1st IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMON ON THE
DAY OF ~~February~~ *March*, 1926.

Aquillia C. Colden, Complainant.

Vs.

DECREE.

Theclephus Colden, Defendant.

This cause in which the defendant has been duly ~~proceeded~~ *Served with*
~~process~~ *process*, ~~is made prescribed by law~~, and he failing to appear and
plead, answer or demur, ~~came~~ on this day to be heard upon the com-
plainant's bill and upon depositions of witnesses taken before a
Notary Public and filed herein ^{after due and legal notice}, and was argued by counsel.

Upon consideration, whereof, it appearing to the court in-
dependently of the admissions of either party in the pleadings or
otherwise, that the said parties were lawfully married on the 25th
day of November, 1918, that in the month of July, 1921, that the
said defendant did wilfully and without justification, abandon and
desert the complainant, which desertion has been continuous since
the date of ~~the~~ leaving, and for a period of more than three years
prior to the institution of this suit; that the complainant resides
and has been domiciled in the County of Nansemond, in the State of
Virginia, for a period of more than one year next before the bring-
ing of this suit; that the parties last lived together, in Jerice,
in the County of Nansemond, near the City of Suffolk, in the State
of Virginia.

The Court doth order, adjudge and decree that the complainant
Aquillia C. Colden, ~~and~~ be divorced a vincule matrimonii from the
defendant, Theclephus Colden, and the bond of matrimony created
by the aforesaid marriage be and they are hereby dissolved and an-
nulled.

Nothing further remaining to be done in this cause, it is
ordered that the same be removed from the docket.

Judge.

Aquillia C. Colden

Vs.

Theolephus Colden.

.....

. D E C R E E .

.....
5 75.523

1924

Entered this 1st day
March
of February, 1926.

Charles L. Moore
Judge.

VIRGINIA

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND:

.....
Aquillia C. Colden, Complainant.

Vs.

Theolephus Colden, Defendant.
.....

.....
B I L L
I N C H A N C E R Y.
.....

To the Honorable James L. McLemore, Judge.

Your complainant, Aquillia C. Colden, respectfully represents and sheweth unto the court the following case.

(1) That on the 25th day of November, 1918, your complainant, Aquillia C. Colden, whose maiden name was Aquillia C. Riddick, was lawfully married to Theolephus Colden, in the County of Nansemond, in the State of Virginia, by Jas. A. Harrell, a minister of the Gospel, as will appear from a copy of the marriage certificate herewith filed, and marked, "Exhibit A" and made a part of this bill; and,

(2) That continuously from the date of said marriage until on or about the 2nd day of July, 1921, your complainant and the said defendant lived together as husband and wife, in the County of Nansemond, in the State of Virginia, near the City of Suffolk; and,

(3) That the said defendant did on the 2nd day of July, 1921 voluntarily, wilfully and without justification leave his home, and went to Washington, in the District of Columbia; and,

(4) That before, on and about time the defendant deserted your complainant, the said defendant sold, gave away and disposed of all the household furniture and kitchen utensils and other

property then and there in their home, that at divers time he has threaten your complainant with great bodily harm, and, that on several occasion s he has assaulted and did beat your complainant and that he would very often remark, that he was going to leave, and that he was tired of your complainant; and,

(5) That the defendant has wilfully deserted and abandoned your complainant for a period of more than three years, next to the institution of this suit; and,

(6) That your complainant and the said defendant have not lived together or cohabited as man and wife within a period of three years next before the commencing of this suit, that your complainant have actually resided and is a bone fide resident and have been domiciled in this State for a period of more than one year next before the commencing of this suit, and that your complainant last cohabited with the said defendant in the County of Nansemond, near the City of Suffolk, in the State of Virginia.

IN CONSIDERATION WHEREOF, and for as much your complainant is remediless in the premises save in a Court of Equity, your complainant prays that the said Theolephus Colden may be made a party defendant to this bill, and required, but not on oath, to answer same, the oath being hereby expressly 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 further and other, and general relief in the premises as the nature of her case may requite, or to equity may seem meet.

Agillia C Colden
Complainant
By R. A. Howell
Her Counsel.

Corden

12

Corden

Bill

L. H. Howell Esq

Paid May 18, 1925 -

G. E. D. Smith,
Clerk

April 4-1925 830

Home & Nelson, 7 ft

Aguella C. Polan

18

Marshall Polan