

1932-017
Nansemond Co (Suffolk) Chancery Causes: Cleopatra Warren Kee vs William Henry Kee

Warren, Turner, Williamson, Allen, Coker, Dickerson, Britt, Davis, Folder 1 of 3
Cook, Jordan, Beemon, Brothers, Norfleet, Lawrence, Huskerson, Pettit

(Seal of Court
here superim-
posed on an
adhesive wafer)

"Exhibit A"

Marriage License

Virginia Nansemond County

to-wit:

To Any Person Licensed to Celebrate Marriage:

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,

William Henry Kee and Leopatra Warren
Given under my hand, as Clerk of the Circuit Court of Nansemond County
(or City) this 19 day of Sept, 1927.
Y. E. Bunting, Clerk
By M. H. Gardner W.C.

Marriage Certificate

To be annexed to License required by Section 5074 of the Code of Virginia.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Nansemond
Date of Marriage September 19th, 1927 Place of Marriage Nansemond Co

(FULL NAME OF PARTIES)

William Henry Kee and Leopatra Warren
Age of Husband 22 years; Condition (single, widowed or divorced) Single
Age of Wife 19 years; Condition (single, widowed or divorced) Single
Race (White or Colored) Colored
Husband's Place of Birth Littleton, Kee Mailing Address (PRESENT) Suffolk, Va
Wife's Place of Birth Norfolk, Va Mailing Address Suffolk, Va
Names of { Husband Joseph Kee and Mamie his wife
Parents { Wife W. J. Warren and Fannie his wife
(Full maiden name)
Occupation of Husband Barber (Full maiden name)

Given under my hand this 19 day of September, 1927.
Y. E. Bunting, Clerk
By M. H. Gardner

Certificate of Time and Place of Marriage

I, R. W. J. Johnson, a Minister of the Pine St. Baptist
Church, or religious order of that name, do certify that on the _____ day of _____, 19____
at Parsonage, Virginia, under authority of the above License, I join together in the Holy State of
Matrimony the persons named and described therein. I qualified and gave bond according to law authoriz-
ing me to celebrate the rights of marriage in the County (or City) of Nansemond State of Virginia.
Given under my hand this nineteenth day of September, 1927.

(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 5074 of the Code of Virginia, 1919).

"Exhibit A"

County (or City)

Husband

and

{ Marriage License

Wife

Date of Issue

Marriage Register No. Page.....

A true copy
Teste: John H. Powell - M.C.

"Philip A."

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Cleopatra Warren Kee.....Complainant

V.

DECREE

William Henry Kee.....Defendant

This cause, which has been regularly matured and set for hearing, came on this day to be heard upon the Complainant's Bill and exhibits filed therewith, the answer of the Defendant to the Complainant's Bill, Cross Bill filed by Defendant, answer to Cross Bill filed by Complainant and the depositions of witnesses filed on behalf of the Complainant and the Defendant, and both the Complainant and the Defendant having appeared, and was argued by counsel.

On consideration whereof, and it appearing to the Court that the Complainant and Defendant were lawfully married on the 19th day of September, 1927 in Nansemond County, Virginia; that subsequent to said marriage, the Complainant, Cleopatra Warren Kee willfully and without cause deserted and abandoned the Defendant, William Henry Kee on the ____ day of August, 1929, which has been more than three years and the Defendant and Complainant have not cohabited since that time; and that the Complainant has been domiciled in Nansemond County, Virginia for more than one year next preceding the commencement of this suit and is still domiciled and resides in Nansemond County, Virginia; the Court doth adjudge order and decree that the said William Henry Kee be and he is hereby granted a divorce from the bond of matrimony from the said Cleopatra Warren Kee, and that the bond of matrimony which was created by the aforesaid marriage be and the same is hereby dissolved and annulled.

It is further ordered that neither party shall re-marry ~~in this State~~ until the expiration of six months from the date on which this decree is entered, said date being the 23rd day of December, 1932.

Cleopatra Warren Kee..Complainant

V. DECREE

William Henry Kee.....Defendant

Enter this 23rd Day of December,
1932

J. S. McLean

Chancery Order Book 17
~~2 L. 4;~~
Pg. 21.

HUGH L. HOLLAND
~~XXXXXXXXXXXXXXXXXXXX~~
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

William Henry Kee, Complainant.

vs. ANSWER TO CROSS BILL.

Cleopatra Warren Kee, Defendant.

The Answer of Cleopatra Warren Kee to a Cross Bill filed against her in the Circuit Court of Nansemond County, Virginia, by William Henry Kee, complainant:

Your Respondant reserving to herself the benefit of all just exceptions to said Cross Bill, for answer thereto, or to so much thereof as she is advised that it is material that she should answer, answers and says:

First: That each and every material allegation in the complainant's cross bill is untrue, false and is denied, except he being a resident of the State of Virginia, the same is not denied or affirmed.

SECOND: That the defendant chooses to stand on her bill of complainant filed in this cause on the 2nd, day of September, 1930, and the depositions taken before William M. Birdsong, Commissioner in Chancery, to be read as evidence in her behalf, and the same being taken on the 18th, day of September, 1930, pursuant to notice to William Henry Kee.

And now having fully answered the Complainant's Cross Bill, this respondent prays to be hence dismissed with her reasonable cost by her in this behalf expended, and a divorce A MENSA ET THORO be decreed her as is prayed for in her original bill of complainant.

Cleopatra Warren Kee
Respondent.

STATE OF VIRGINIA,
CITY OF SUFFOLK, to wit:

Cleopatra Warren Kee, the respondent named in the foregoing answer 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 on information, she believes them to be true.

Cleopatra Warren Kee
Respondant.

Taken, sworn to and subscribed to before me, W.H.Crocker, a
Notary Public of and for the City and State aforesaid, in my
city aforesaid, this 27th, day of September, 1930.

W. H. Crocker
Notary Public.

My commission expires on the 1 day of Aug. , 1932.

VIRGINIA:

IN THE CIRCUIT COURT OF
THE COUNTY OF NANSEMOND.

William Henry Kee,
Complainant.

vs.

Cleopatra Warren Kee,
Defendant.

ANSWER TO CROSS BILL.

Filed Sept. 29, 1930
John H. Bevell, Clerk
By Oliver Whittemore, Jr.

John H. Fulcher
Attorney at Law,
Suffolk, Virginia.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

William Henry Kee.....Complainant

V. CROSS BILL

Cleopatra Warren Kee.....Defendant

To the Honorable Judge of the Circuit Court of Nansemond
County, Virginia:

Your Complainant, William Henry Kee, respectfully represents:

That on or about the 2nd day of September, 1930, Cleopatra Warren Kee filed a Bill of Complaint in this Court against your Complainant wherein she sets forth that on the 19th day of September, 1927, your Complainant was lawfully married in the County of Nansemond, State of Virginia, to Cleopatra Warren Kee, as will appear from certificate of marriage filed therewith marked "Exhibit A", and made a part of said Bill; and,

That continuously from the date of said marriage until on or about the 29th day of August, 1929, your Complainant and the said Cleopatra Warren Kee lived together as husband and wife; and,

That your Complainant has since the aforesaid marriage wilfully deserted and abandoned the said Cleopatra Warren Kee for a period of more than one year; that is to say, on or about the 29th day of August, 1929, your Complainant did wilfully, voluntarily and without justification of any kind whatsoever, leave the said Cleopatra Warren Kee and her infant son, Herbert Kee, at the home of Cleopatra Warren Kee's father, Dr. H. A. Warren, in Nansemond County, Virginia; and,

That your Complainant has not maintained a permanent place of abode since the aforesaid marriage on account of his laziness and that he is and always has been fully able to do the same ever since

the said marriage, both physically and mentally; and,

That your Complainant has been cruel to the said Cleopatra Warren Kee ever since she bore a child for him by not supporting and maintaining a home for her and their infant son, Herbert Kee, and he has refused each and every time to furnish her, the said Cleopatra Warren Kee, money for medical purposes when she was ill and has wilfully failed to supply the said Cleopatra Warren Kee with the necessaries of life ever since the aforesaid marriage; and has compelled her to live in places at times that were injurious to her health, when your Complainant was fully able to do otherwise; and,

That the said Cleopatra Warren Kee resides and has been domiciled in this State for more than one year next preceding the commencement of this suit; and is now domiciled and resides in this State; and,

That your Complainant last cohabited with the said Cleopatra Warren Kee in the County of Nansemond, State of Virginia, and therefore she prays that a divorce a mensa et thoro be decreed her on the grounds of desertion and that she might 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.

But your Complainant respectfully represents that he has not been guilty of the alleged acts of cruelty and desertion; and that he has not wilfully abandoned and deserted the said Cleopatra Warren Kee.

That the said Cleopatra Warren Kee did, on or about the 29th day of August, 1929, without just cause, wilfully desert and abandon your Complainant and has refused and still refuses to live or cohabit with your Complainant; that the said separation was not occasioned or caused in any way by your Complainant; that your Complainant has done everything possible to effect a reconciliation between himself and the said Cleopatra Warren Kee; that as stated above, there was born to

your Complainant and his wife, Cleopatra Warren Kee, a son, Herbert Kee, on or about August 13, 1928.

Your Complainant further represents that he has always provided a home, according to the wishes of the said Cleopatra Warren Kee, since the aforesaid marriage; that they have been in school most of the time since the aforesaid marriage, that is to say, during the 1927-1928 and 1928-1929 terms, and that your Complainant worked each summer in order to support his wife, the said Cleopatra Warren Kee, and to help defray their expenses in school; that during the summer of 1929 your Complainant secured a position in Franklin, Virginia, and requested his wife, Cleopatra Warren Kee, to leave her father and mother's home in Suffolk, Virginia, and come and live with him which she did from on or about the first of July, 1929, until the 29th day of August, 1929, at which time the father of the said Cleopatra Warren Kee came to your Complainant's home in Franklin, Virginia, and persuaded his daughter to return with him to Suffolk; that on the following day, to-wit, August 30, 1929, the said Cleopatra Warren Kee, without the consent or acquiescence of your Complainant, went to school in Washington, D. C., this being done at the instance and request of the parents of the said Cleopatra Warren Kee; that your Complainant and the said Cleopatra Warren Kee last co-habited as man and wife in the town of Franklin, Southampton County, Virginia; that since the aforesaid date, to-wit, August 29, 1929, the Defendant, Cleopatra Warren Kee, has refused and still refuses to return to your Complainant's home in Franklin, Virginia; that her failure to return has been brought about largely by the attitude of her parents, Dr. and Mrs. H. A. Warren.

That your Complainant is a bona fide resident of the State of Virginia and has been domiciled in this State for more than one year next preceding the commencement of this suit, and is now domiciled and resides in this State.

WHEREFORE, your Complainant prays that the suit instituted by Cleopatra Warren Kee against him be dismissed and stricken from the docket; that the said Cleopatra Warren Kee may be made a party Defendant to this Cross Bill and required to answer the same on oath; that a divorce a mensa et thoro be decreed your Complainant and that at the expiration of the required three years desertion, an absolute divorce from the bond of matrimony which was created by the aforesaid marriage be decreed him; that the care and custody of the said Herbert Kee, infant child of your Complainant and the said Cleopatra Warren Kee, be decreed your Complainant; that your Complainant may have all such further, other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

William Henry Kee
Complainant

STATE OF VIRGINIA,

City of Suffolk, to-wit:

William Henry Kee, 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 on information, he believes them to be true.

William Henry Kee

Taken, subscribed and sworn to before me, Mabel Jakeman, a Notary Public of and for the city and state aforesaid, this day of September, 1930.

Mabel Jakeman
Notary Public

My commission expires:
Sept. 26, 1934.

William Henry Kee...Complainant

V. CROSS BILL

Cleopatra Warren Kee.....
.....Defendant

Filed Sept. 26, 1930

*John H. Powell, clerk
By Oliver Whitcomb, Jr.*

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cleopatra Warren Kee.....Complainant

V.

ANSWER

William Henry Kee.....Defendant

The Answer of William Henry Kee to a Bill of Complaint
filed against him in the Circuit Court of Nansemond County, Virginia,
by Cleopatra Warren Kee, Complainant:

Your Respondent reserving to himself the benefit of all
just exceptions to said Bill of Complaint, for answer thereto, or to
so much thereof as he is advised that it is material that he should
answer, answers and says:

1. That on the 19th day of September, 1927, your Respondent
was lawfully married in the County of Nansemond, State of Virginia, to
the Complainant, Cleopatra Warren Kee, as will appear from certificate
of marriage filed with the Bill of Complaint marked Exhibit "A".

2. That continuously from the date of the said marriage until
on or about August 29, 1929, your Respondent and the said Cleopatra Warren
Kee lived together as husband and wife.

3. That your Respondent denies having been cruel to the said
Cleopatra Warren Kee but has always been loving and kind to the said
Cleopatra Warren Kee and has never refused to furnish her with money for
medical purposes when ill and has always furnished her with the necessities
of life and has never forced her to live in places at times that were
injurious to her health; and,

4. That your Respondent has resided and has been domiciled in
this State for more than one year next preceding the commencement of this
suit and is now domiciled and resides in this State, at Franklin, Virginia,
which is the place where your Respondent and the said Cleopatra Warren Kee

last co-habited as man and wife and at which place the said Cleopatra Warren Kee wilfully deserted and abandoned your Respondent without cause.

5. Your Respondent further alleges that during the school term of 1927 and 1928, your Respondent and his wife, Cleopatra Warren Kee attended school together and lived together as man and wife at Raleigh, N. C. while attending St. Augustine College; that at the end of said session, to-wit, about the last of May, 1928, the said Cleopatra Warren Kee left Raleigh in the car with her mother and father, Dr. and Mrs. H. A. Warren, of Suffolk, Virginia, and came to Suffolk, Virginia, with them where she stayed during the summer of 1928, your Respondent working at that time at Luther Colden's Barber Shop in the City of Suffolk; that on or about August 13, 1928, a child was born of the aforementioned marriage by the name of Herbert Kee; that on or about September 1, 1928, your Respondent went back to school at Raleigh, N. C. and the said Cleopatra Warren Kee did, on or about the last of September, 1928, join your Respondent at St. Augustine College, Raleigh, N. C., where both he and the said Cleopatra Warren Kee attended school during the session of 1928 and 1929; that during the said term the said Cleopatra Warren Kee became pregnant; that at the end of said term, to-wit, 1928 and 1929 term, the said Cleopatra Warren Kee left school with her father and mother and returned to her father's home at his request at Suffolk, Virginia; that ^{soon} after her return to her father's home in the later part of May or the first of June, 1929, her father, Dr. H. A. Warren, performed an illegal operation on the said Cleopatra Warren Kee; that as result thereof the said Cleopatra Warren Kee became very ill and was confined to her home and bed for several weeks or until on or about the first of July 1929, at which time she came to your Respondent and lived with him at the home of his parents at Franklin, Virginia, until on or about

August 29, 1929, at which time, as stated above, her father, Dr. H. A. Warren, came for her at Franklin and persuaded her to leave her husband, William Henry Kee, and on the following day, to-wit, August 30, 1929, the said Cleopatra Warren Kee went to Washington, D. C. and entered Howard University where she attended school during the term of 1929 and 1930.

6. That your Respondent denies and expects to prove that he has not deserted his wife, Cleopatra Warren Kee or cruelly treated her, but that she deserted him; he further denies each and every allegation contained in the Bill of Complaint filed by the said Cleopatra Warren Kee and asks for strict proof of same.

And now having fully answered the Complainant's Bill, this Respondent prays to be hence dismissed with his reasonable cost by him in this behalf expended.

William Henry Kee
Respondent

Holland & Lovelace
Counsel

STATE OF VIRGINIA,

City of Suffolk, to-wit:

William Henry Kee, the Respondent named in the foregoing Answer, being duly sworn, says that the facts and allegations contained therein 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.

William Henry Kee
Respondent

Taken, sworn to and subscribed before me, Mabel Jakeman, a Notary Public of and for the city and state aforesaid, this day of

September, 1930.
My commission expires:
Sept. 26, 1934.

Mabel Jakeman
Notary Public

Cleopatra Warren Kee.....
.....Complainant

V. ANSWER

William Henry Kee.....Defendant

Filed Sept. 26, 1930
John H. Adwell, Clerk
By, Oliver Whitkurst, Jr.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND:

Cleopatra Warren Kee,

Complainant.

vs.

BILL IN CHANCERY.

William Henry Kee,

Defendant.

To the Honorable Circuit Court of the County of Nansemond:

Your complainant, Cleopatra Warren Kee, respectfully represents:

- (1) That on the 19th, day of September, 1924, your complainant, whose maiden name was Cleopatra Warren, was lawfully married to William Henry Kee, in the County of Nansemond, State of Virginia, 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 the said marriage until on or about the 29th, day of August, 1929, your complainant and the said William Henry Kee, lived together as husband and wife; and,
- (3) That the said William Henry Kee, has wilfully deserted and abandoned your complainant for a period of more than one year; that is to say, on or about the 29th, day of August, 1929, the said William Henry Kee, did wilfully, voluntarily and without justification of any kind whatsoever, leave your complainant and his infant son Herbert Kee, at the home of your complainant's father, Dr Herbert H. Warren, in Nansemond County, Virginia; and,
- (4) That the said William Henry Kee, has not maintained a permanent place of abode, since the aforesaid marriage, on account of his laziness, and that he is and always has been fully able to do the same every since the said marriage, both physically and mentally; and,
- (5) That the said William Henry Kee, has been cruel to your complainant every since your complainant bore a child for him, by not supporting and maintaining a home for your complainant and his infant son, Herbert Kee, and he has refused each and every time to

furnish your complainant money for medical purposes, when your complainant was ill, and has wilfully failed to supply your complainant with necessaries of life every since the aforesaid marriage, and, has compelled your complainant to live in places at times that were injurious to your complainant health, when he was fully able to do otherwise; and,

(6) That your complainant has resided and has been domiciled in this State for more than one year next preceeding the commencement of this suit; and is now domiciled and resides in this State; and,

(7) That your complainant last cohabited with the said William Henry Kee, in the County of Nansemmnd, state of Virginia:

In consideration whereof, and for-as-much as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said William Henry Kee, may be made party defendant to this bill, and required, but not ~~under~~ on oath, to answer the same, the oath being hereby waived; that proper process may be issued; that a divorce A mensa et thoro, be decreed her, 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.

Cleopatra Warren Kee
Complainant.

John H. Fulcher
Counsel.

VIRGINIA:

IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND.

Neopatra Warren Kee,
Complainant.

vs.

William Henry Kee,
Defendant.

BILL IN CHANCERY.

*Filed Sept. 2, 1930 in
Clerk's office of Nansemond
Co., Va.
Paul H. Fulcher - Clerk
By John H. Fulcher - H.C.*

John H. Fulcher
Attorney at Law,
Suffolk, Virginia.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cleopatra Warren Kee.....Complainant

v. DEPOSITIONS

William Henry Kee.....Defendant.

The depositions of Cleopatra Warren Kee and others, taken before me, William M. Birdsong, a Commissioner in Chancery for the Circuit Court of Nansemond County, in the State of Virginia, pursuant to notice duly served on the defendant, at the office of William M. Birdsong, in the National Bank of Suffolk Building, Suffolk, Virginia, on the 16th day of September, 1930, between the hours of Ten O'Clock A. M. and Five O'Clock P. M., to be read as evidence in the Circuit Court of the County of Nansemond, in the State of Virginia, in a certain suit depending there, in which said suit Cleopatra Warren Kee is complainant and William Henry Kee is defendant.

Present: John H. Fulcher, Attorney for Complainant;
William Henry Kee, Defendant.

September 16th, 1930. On motion of plaintiff, this cause is continued until the 18th day of September, 1930.

September 18th, 1930. Present: John H. Fulcher,
Attorney for
Complainant;
William Henry Kee, Defendant.

Cleopatra Warren Kee, being duly sworn, deposes
as follows:

Questions by J. H. Fulcher, Attorney for complainant.

Q. State your name, age and residence.

A. Cleopatra Warren Kee; 21; Suffolk, Virginia, on
the Norfolk Road.

Q. Are you married or single?

A. Married.

Q. What is your husband's name?

A. William Henry Kee.

Q. Are you and your husband living together?

A. No.

Q. Why are you not living together?

A. He left me.

Q. When did he leave you?

A. About the 29th day of August, 1929.

Q. What caused him to leave you?

A. I don't know.

Q. Did he tell you he was going away?

A. No.

Q. Do you know now where your husband is?

A. I think he is in Franklin, I don't know.

Q. When did you last see him?

A. About the 29th day of August, 1929.

Q. Have you written him or has he written you since he left?

A. Yes.

Q. How many times have you written him?

A. Once.

Q. How many times has he written you?

A. Twice.

Q. Where did you and your husband last live?

A. Suffolk.

Q. When were you married?

A. September 19th, 1927.

Q. Have you any children?

A. Yes.

Q. How many?

A. One.

Q. Where have you and your husband lived during the time of your marriage?

A. From place to place.

Q. Name some of the places where you have lived?

A. Several places, in Raleigh, also with my parents in Suffolk and in Franklin with his parents.

Q. Did you and your husband keep house in either place?

A. No.

Q. What did you do, room?

A. Rented rooms.

Q. Why have you and your husband not kept house during the time you stayed together?

A. He was too lazy to pay the rent, never would pay the rent.

Q. What kind of work did your husband do?

A. He is supposed to be a barber.

Q. Did he support you and the children?

A. No, he never has given anything for the support of the child and myself.

Q. What kind of husband did he make?

A. He made nothing of a husband at all, was cruel and lazy.

Q. To whom was he cruel?

A. To me and to the child also in that he never gave it anything for its support.

Q. What did this cruelty consist of?

A. He gave me nothing for my support. He pulled a gun on me several times and he liked other women too.

Q. Where did you and your husband last cohabit?

A. In Suffolk, Virginia, about the 29th of August, 1929.

Q. How long have you been a resident of Suffolk?

A. Practically all my life except when I was away.

Q. Where did you live with him when he carried you to Franklin?

A. He promised me to keep house and then when I went there he wanted me to live with his parents. They took boarders and I had to stay up late at night and wait for the company to go home. I had to put the baby to sleep on a pillow on a chair and after the company went home I would carry the baby into the front room and put it in the crib.

Q. Were you ill at any time while you lived with him?

A. Yes, twice I was ill and he never did call the doctor. Once my uncle called in the doctor when we were living in Raleigh. When I was sick he would not even wait on me himself. All of this sickness was due to his fault. It was in the cold winter time and I almost caught my death of cold.

Q. Was your husband able to work during the time you were living together?

A. Yes, fully able to work.

Q. You stated that you lived in the City of Suffolk. Do you live in Suffolk or Nansemond County?

A. Nansemond County.

And further this deponent saith not.

Cleopatra Warren Kee

* * * *

Dr. H. A. Warren, being duly sworn, deposes as follows:
Questions by J. H. Fulcher.

Q. State your name, age and occupation.

A. H. A. Warren; 43; occupation, doctor.

Q. Where do you live?

A. Nansemond County.

Q. Do you know Cleopatra Warren Kee and William Henry Kee, parties to this suit?

A. Yes.

Q. What relation are they to each other?

A. Married.

Q. What relation are they?

A. Man and wife.

Q. How long have you been knowing them?

A. I have known Cleopatra ever since she was born, 21 or 22 years, and I have known William Kee two or three years.

Q. Is either one of the parties related to you?

A. Yes, Cleo is my daughter.

Q. Are they now living together as husband and wife?

A. No, sir.

Q. Why are they not living together?

A. Well, me and my wife asked William Kee was he going to take care of his wife and baby. He has never answered us.

Q. Where was he when you asked him this?

A. At my house.

Q. When was this?

A. In August, 1929.

Q. Did William and his wife ever live at your home?

A. Yes.

Q. How long did they live there?

A. Six months at a time, one month at the time and like that.

Q. When did William Kee leave his wife?

A. Last August and first of September, 1929.

Q. Why did he leave his wife?

A. Because I asked him if he was going to take care of his wife and baby. He gave me no answer and walked on out.

Q. Have you talked with William Kee since that date?

A. I have spoke to him, that is all.

Q. Did he ever tell you why he left?

A. Never told me anything.

Q. Does he now support his wife and child?

A. No, sir.

Q. Has he ever supported his wife and child?

A. No, sir.

Q. What kind of husband was William Kee?

A. I consider him to be a pretty poor husband. He did not give his wife anything and give his baby anything. I think that is a sorry man. I took care of my wife from the time I married her, rented a room and took her to it. I consider a man who can't do that a sorry husband.

Q. What kind of wife did Cleopatra make?

A. All right as far as I know.

Q. Was Kee kind to his wife?

A. I don't know whether he was kind or not. Of course he would not give her anything, give her clothes and feed her. I call it a sorry husband who could not give her anything at all.

Questions by William Henry Kee, Defendant.

Q. Who took care of her while she was in Franklin the three months while she was there?

A. I don't know that question but I suppose your mother gave her ~~food~~ food and a place to live.

Q. My mother did not give it to her. I did and so far as-

J. H. Fulcher: Wait. Don't testify now. Just ask questions. You can testify later.

And further this deponent saith not.

H. R. Warren M.D.

Fanny I. Warren, being duly sworn, deposes as follows:

Questions by J. H. Fulcher.

Q. State your name, residence and occupation.

A. Fanny I. Warren; Nansemond County, Norfolk Road; domestic.

Q. Do you know William Kee and Cleopatra Kee?

A. I have known Cleopatra Kee all her life and William Henry Kee about three years.

Q. Are they related to each other?

A. Man and wife.

Q. Are they now living together?

A. No.

Q. Why are they not living together?

A. He was staying at my house on or about August 29th, 1929 and I asked him wasn't he going to take care of my daughter and baby, or help. He did not give me any answer and left. He was lazy and would not take care of his wife and baby.

Q. Did you all have any fuss over that fact?

A. No, did not have any fuss. I tried to treat him just as I would my own son if I had one. I have my own work to do and I put his washing in with Dr. Warren's and did it just as I would my own son.

Q. How long did he live with you and Dr. Warren?

A. At different times, off and on.

Q. Did he support his wife and child?

A. He did not.

Q. Who supported his wife and child?

A. Dr. Warren and Fanny Warren, her mother.

Q. Did he contribute anything to their support while he was living at your house?

A. No.

Q. What kind of husband did he make?

A. No kind at all. When she was carrying the baby she would have to get up some nights on account of the gas she would have and he would not so much as hand her a glass of water. He would stay out at night until two and three o'clock in the morning and I would have to get up and let him in. I told him I was tired of opening the door for him at that time of night, that I did not open the door for my own husband at one or two o'clock in the morning. I got after him and the next morning when he was eating breakfast he said he came into his mother's house like that, and he made a very poor husband.

Q. How?

A. He was lazy, did not take care of his wife and child. He worked some with Colden but did not give her any money. When she was sick in confinement he did not give her a glass of water, was never there to answer her call for a glass of water of any kind.

Q. When she was sick who paid the doctor's bill for her confinement?

A. Fanny I. Warren paid Dr. Pierce.

Q. Why did he not pay the doctor's bill?

A. He said he did not have it.

Q. How many children have they?

A. One child.

Q. How old is the child?

A. Little over 25 months old.

Q. What is the child's name?

A. Herbert Kee.

Q. Does Kee support his wife and child?

A. He does not.

Q. Does he ever come to see the child?

A. No, he does not.

Q. Have you or your husband ever objected to Kee coming to your home to visit his child or wife?

A. Have not.

Q. Did Kee's wife give him any cause to leave her?

A. Not that I know of.

Q. What caused him to desert her?

A. He left when I told him I wanted him to help take care of the wife and child, so he left home the first of September or probably the last of August.

Q. Did he tell you he was going away?

A. Did not say anything.

Q. Have you had any talk with Kee since he left?

A. No, he does not come around me at all.

Q. How did Kee's wife treat him when they lived together?

A. She treated him all right according to what I know.

Q. What kind of wife did she make?

A. Made a good wife according to what I know.

Q. You only know what took place in your own home?

A. Yes and they stayed there most of the time.

Wm. M. Birdsong, Commissioner in Chancery:

Q. Has Kee ever been there since he left around September, 1929?

A. Not that I know of.

Q. Has he been there to see his wife and child?

A. Not that I know of.

And further this deponent saith not.

Fanny Warren

* * * *

William Henry Kee, being duly sworn, deposed as follows:

Questions by Wm. M. Birdsong, Commissioner:

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

A. William Henry Kee; 21; residence Franklin, Virginia; occupation, barber at the present.

Q. You have heard the complainant's testimony. You can make any statement you wish to, that you know of your own knowledge.

A. I want to say that so far as supporting her is concerned, I did support her all the time that she- all the time she was living with me in Franklin. It was her father's proposition for us to go to school. He stated he would pay all of her expenses and half of mine. We lived with her uncle around four months and during that time her father paid her board and schooling and my mother paid mine. After that we

stayed at 1201 Main Street and he promised if I would pay the board bill he would pay the room rent. That is the way we did. He promised as long as she went to school he would take care of the baby. He wanted her to finish college because he was a professional man and wanted her to be a professional.

That summer, after the first winter, we went to school when we left it here. I paid her what he asked me, \$3.00 per week. I paid her \$3.00 a week. The next summer came she stayed at my home the bigger portion of the time. I was working for Mr. C. H. Cutchins at the Hygiea Ice Factory. I got \$2.50 per day and supported her. Around the 28th of August she left me in Franklin and came here to Suffolk. Around about the 28th of September, 1929, she left and went to Washington, D. C. She said she was going to Washington. She left Suffolk because my mother was here when she got on the train. I was still in Franklin. I went to Raleigh the day she left or the day after she left. She waited about three weeks before she wrote me and I wrote her back and never received any answer from her. I wrote her again and did not receive any answer from her. When she came home during the Xmas holidays I did not come down here to see her. I did not know she was going to be here but a girl from Franklin told me she was here but was leaving that day. The next thing I know she

was coming home for the summer. Then she went back to summer school. She has been here now not over three weeks I am quite sure. The next thing I know a fellow handed me some papers and summonsed me to Court. Dr. and Mrs. Warren objected to my going there to see the baby. When he said something to me about supporting the baby I told him he promised me he was going to take care of him while we were going to school. He would also object to my going to his home while she was there. I called upon the phone while in Franklin, somewhere around about June, called T. A. Cook and he got her to the phone. I asked her to come back and she refused. I called up about two weeks ago and asked her to come back and she refused. I told her then that I would not be willing to support her in a school like Howard University but I told her if she would go to Hampton Institute I would do the best I could, but she left anyway against my will.

Questions by J. H. Fulcher, Attorney for complainant;

Q. You said you were a barber?

A. Yes, at the present.

Q. What kind of work are you now doing?

A. A little work home.

Q. How much are you earning a week?

A. Well, business like it is, very unscrupulous, you cannot estimate what you earn a week.

Q. Cannot you give some idea?

A. No.

Q. Approximate it. Do you make \$5.00 a week?

A. Sometimes and sometimes I may not make \$3.00.

Q. You can do other kinds of work, can't you?

A. Yes, if I can get it to do.

Q. How long did your wife stay in Franklin with you?

A. Off and on practically all summer, from Suffolk to Franklin.

Q. How long at one stretch?

A. Six weeks on a stretch.

✓ Q. You said her father told you he was going to pay ✓
part of the school bill. When did he tell you?

A. In September, about the 18th, somewhere around about that date.

Q. When were you married?

A. Well, we were married.

Q. Did he promise you that before or after you were married?

✓ A. He promised that before we were married. We were married on the 19th of September and she left for

Key same subject

✓ school on the 20th of September, and on the 19th of September he promised the same thing after we were married.

Q. Where did you work the summer you and your wife stayed here?

A. Colden's Barber Shop.

Q. What did you get a week there?

A. About, I averaged about \$7.00 per week I guess, somewhere around in the vicinity of that, probably not that much.

Q. You stated that they objected to you going to their home?

A. Sure.

Q. When did they object to your going there?

A. Last summer, summer before last, sure.

Q. Were not you and your wife living together summer before last?

A. Sure, but he objected to my going there.

Q. Why did he object?

A. After he found out that I could not make as much money as he thought he told her she should have married a professional man like him.

Q. How do you know he told her that?

A. I heard him, sure, I heard him.

Q. Didn't he know at the time you married her that you were a barber?

A. Sure he knew it. He knew what kind of work I was doing and heard me tell the Clerk of the Court what my occupation was.

Q. Did you tell him how old you were?

A. He told him.

Q. How did it happen that he told the Clerk? Didn't you talk for yourself down there?

A. Yes, but he told him my age.

Q. How did he know your age?

A. I don't know.

Q. Didn't you have to sign for the license?

A. I don't know whether I did or not. I don't remember.

Q. You remember telling him what your occupation was?

A. Yes, I do.

Q. What else do you remember?

A. That is all I remember just at the present.

Q. Your age is given as 22?

A. Yes.

Q. You say you did not give your age?

A. After he told the lady I was 22 I witnessed to it.

Q. You did not deny it?

A. No, I did not deny it.

Q. How much money have you given your wife?

A. I don't know.

Q. Have you ever given her one penny in your life?

A. Yes.

Q. How much have you ever given her at the time?

A. I don't know.

Q. Have you ever given her any money?

A. Yes, I have given her \$5.00 or \$2.00 at the time, from time to time.

Q. Who paid the doctor when your wife had the baby?

A. Mrs. Fanny Warren paid him after I gave her the money to pay him with. She paid him but I gave her the money to pay him with. Of course I did not give it all to her at one time.

Q. Where did you get the money?

A. I was working and sold one of my suits of clothes to get the money.

Q. How much money did you ever give her at one time?

A. \$25.00 at one time.

Q. How much money did you get for your suit?

A. \$10.00 I sold it for. I had \$5.00 and my mother sent me \$5.00 and I had the rest.

Q. When did you give her this money?

A. August 20th, 1929.

Q. Are you sure of this time?

A. No, I am not sure but it was some time in August, 1929, the best I know. Wait a minute, I believe it was 1928. I remember the baby was born the 13th of August. In a few days after the baby was born. Of course I did not give it all to her at one time.

Q. What year was this?

A. 1928, if I make no mistake.

Q. Did you and your wife ever keep house?

A. No.

Q. Why didn't you?

A. I was not able to rent a house and go to school too.

Q. How much going to school did you do after you were married?

A. Two sessions.

Q. Did you and your wife ever have any fights?

A. No.

Q. You never got a gun after her, did you?

A. No, I didn't have a gun.

Q. Nor a razor?

A. No, I didn't have a razor.

And further this deponent saith not.

*The defendant
has refused to sign -
Having retained an
attorney since giving
the above testimony*

William M. Giddings

* * * *

Mamie J. Kee, being duly sworn, deposes as follows:

Questions by Wm. M. Birdsong, Commissioner.

Q. Testify to anything you know about this, of your own knowledge.

A. In the summer of 1929 Cleopatra Kee came to my house and told me that her father and mother objected to William staying in their house, and she asked me would it be all right if they stayed there. I told them they could have any part of the house she wanted and she stayed there until Dr. Warren came and took her to Washington. William did not leave her at her house, she left him at my house and went to Washington. He supported her while she was at my house, and they did not have any misunderstanding while they were at my house. They got on all right in as far as I could see.

Q. Did you send any money to your son while he was in Suffolk, or any time?

A. Yes, sir, I sent him money while he was in School and while he was living in Suffolk. I sent him some money when they were living up there.

Cross-examination by J. H. Fulcher.

Q. When did you send him some money?

A. During the month of August, 1928.

Q. Did he ask you for the money?

A. Yes, he said his salary was not so much in the barber shop and that Dr. Warren had asked him to pay at least part of the doctor's bill for his daughter, and I sent him \$5.00, and every time he came home I would give him \$2.00 or \$3.00.

Q. How do you know Cleopatra went to Washington?

A. A letter came from there and she told me in Suffolk she was leaving the next day.

Q. But you did not see her leave on the train?

A. No, but I have seen a letter come from her from Washington.

Q. How do you know the letter came from her?

A. Her name was signed to it.

Q. You know her handwriting?

A. Yes.

Q. How large a house have you in Franklin?

A. I have a house with ten rooms and three halls.

Q. As a matter of fact did you not have a part of that house rented out?

A. Two rooms rented at the time she was there.

Q. Have you got the whole house furnished?

A. Yes.

Q. How large a family have you?

A. One girl besides this boy and a husband.

Q. How long did Kee's wife stay with you at any one time?

A. About six weeks.

Q. When was this six weeks?

A. In the months of July and August, all the time of July.

Q. What year was this?

A. 1929.

Q. You say that William did not bring her to Suffolk, with her mother and father?

A. She came to Suffolk, with her father and mother.

Q. Did William come with her?

A. No, he did not. I was there and he did not leave home.

Q. How many times did her mother and father come up there?

A. Her father came about three times.

Q. Did she come with him each time?

A. No, she came with him once and did not come back any more.

Q. When was this?

A. I don't know the date but I think it was the

latter part of August.

And further this deponent saith not.

*The defendant
has refused to
sign - Having retained
an attorney since
giving testimony.
William M. Birney*

* * * *

REBUTTAL WITNESSES.

Questions by J. H. Fulcher.

Dr. H. A. Warren, recalled, testified as follows:

Q. Kee stated that you made him an agreement that you would pay a part of his schooling and pay all of his wife's schooling if they would go to school, on or about the 19th day of September, 1927. Is that true?

A. I promised to send Cleo to school but did not promise him anything.

Q. He also stated that you and your wife came to Franklin and brought his wife back to Suffolk about the last of August, 1929. State whether or not you did.

A. No, I did not go there. He brought her here himself.

Q. Did you know that she was coming home?

A. No, I did not know she was coming until they both came to my house together.

Q. How long did he stay there after he got to your house?

A. One or two days.

Q. Is that the time you told him he had to support his wife and child if he stayed there?

A. Yes, this is the same time.

Q. Did you go with Kee and his wife to the Clerk's Office to obtain the marriage license?

A. I went with Mr. Kee.

Q. Who told the Clerk his age?

A. He told the Clerk his age himself and I told the Clerk my daughter's age.

Q. Who told the Clerk Kee's parents' names?

A. He told them himself and I told my daughter's and my wife's names.

Q. What age did Kee give at that time?

A. He told them he was 22 years old.

Q. How many times did you go to Franklin to visit your daughter?

A. I went there once.

Q. Did you bring Cleopatra back at that time?

A. I did not.

Q. Who went with you?

A. I went by myself. I gave her some money to buy the baby some shoes.

Q. Did you send her any money while she was in Franklin?

A. Mailed some money there and gave her while she was in the house.

Q. How much money did you give her?

A. \$3.00 and \$2.50 along like that each time.

Q. How long did she stay in Franklin?

A. About four or five weeks.

Q. Did you tell her to go up there or not to go up there?

A. I told her she could go anywhere she wanted to, that he was her husband and to go with him if she wanted to.

Q. Did you tell her to come home?

A. No.

Q. Why did she come home?

A. I don't know.

~~xxxxxxfortherxxxxisxxdepoentxxwithxxnotx~~

Questions by William Henry Kee.

Q. Didn't you tell her the time that you went to Franklin by yourself, didn't you tell her to get ready to go to school the next time you and your wife came up there and she was ready.

A. No. I asked her if she was going to school.

Q. Didn't you tell her if I could not send her to school you would and that she ought to have married a professional man like you?

A. I ain't said anything like that. I asked her did she want to go to school.

Q. You don't remember the day you came upthere on the car around the 28th of August and took her and the baby and the baby carriage and things on the car and left me there in Franklin? I had not stopped at the ice plant then.

A. I don't know anything about what you are talking about.

Q. You did not bring her~~e~~ back to Suffolk?

A. No, you and her came back together.

And further this deponent saith not.

H. A. Warrin M. L.

Cleopatra Warren Kee, recalled, testified as follows:

Q. Did your father bring you home from Franklin the last time you were up there?

A. No, he did not.

Q. How did you come home?

A. William Kee and I came home on the bus.

Q. Did Kee give you any money to give your mother?

A. No, he did not.

Q. In fact he has never given you any?

A. I know identically what he has given me.

Q. Did Kee ever fight you?

A. Yes, Kee has fought me. I can go through the whole story if you want me to. Let me see what time of the year it was. He fought me when I was living with Mrs. Hawkins in Raleigh. I had gone to the Carnival and come back. He was called to the phone and he called me from the room and asked me who I was with at the Carnival. I told him I went out with a friend of mine, a girl friend, and stayed a while at the Carnival. I told him it was true I had spoke to a man, and he said someone had called him over the phone and told him I was out with a man. He beat me unmercifully and beat me with his fist on every part of my body and I was sore, and another time he held

a gun on me and told me to cakewalk.

Q. He was not playing?

A. No he was not playing. The man he was living with heard the noise and asked me what it was. And another time he held a gun on me and once more when I was staying with Mrs. Wiley.

Q. At his mother's home in Franklin, how many rooms did they have there?

A. None of her family occupied the up-stairs. It was rented out. She and her family lived down stairs. We slept in the parlor and had to wait until after the company had gone to go to bed, and I had to put my baby on her bed and stay up with it.

Q. Why did you go to Franklin to live?

A. Kee told me to give him a chance and he would take care of me and that is why I went. He said he was going to put me in a house and when I got there he was living with his parents.

Q. Has Kee ever asked you to come back to him since you have been separated?

A. No, he never did.

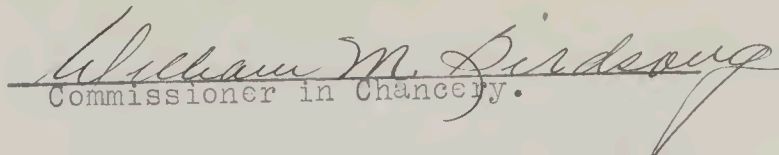
And further this deponent saith not.

Cleopatra Warren Kee

STATE OF VIRGINIA,
COUNTY OF NANSEMOND, To-wit:

I, William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing and signed by the witnesses, respectively, before me, at the place and time therein mentioned, pursuant to the annexed notice.

In witness whereof I have hereunto set my hand at Suffolk, in the County of Nansemond, Virginia, the state aforesaid, this 18th day of September, 1930.


Commissioner in Chancery.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William Henry Kee.....Complainant

v.

DEPOSITIONS

Cleopatra Warren Kee.....Defendant.

The depositions of William Henry Kee and others, taken before me, William M. Birdsong, a Commissioner in Chancery for the Circuit Court of Nansemond County, in the State of Virginia, pursuant to notice duly served on the defendant, at the office of William M. Birdsong, in the National Bank of Suffolk Building, Suffolk, Virginia, on the 7th day of October, 1930, between the hours of Ten O'Clock A. M. and Five O'Clock P. M., to be read as evidence in the above-styled suit pending in the Circuit Court of Nansemond County, in the State of Virginia, in which said suit William Henry Kee is complainant and Cleopatra Warren Kee is defendant.

Present: John H. Fulcher, Attorney for Defendant;
J. Melvin Lovelace, Attorney for
Complainant.

William Henry Kee, being duly sworn, deposes as follows:

Questions by J. Melvin Lovelace.

Statement of J. Melvin Lovelace, Counsel for the defendant: I want to add this as a supplement to the testimony already given on behalf of the defendant, William Henry Kee, and agree that the testimony he has already given will be used as testimony in this case.

Q. Kee, you were married in 1927, were you not?

A. Yes.

Q. The fall of 1927 you and your wife went to St. Augustine College in Raleigh, North Carolina?

A. Yes.

Q. You lived together as man and wife while there?

A. Yes, sir.

Q. During the year 1928 a child was born to you and your wife, was it not?

A. Yes, sir.

Q. Tell what you did in the summer of 1928.

A. I worked here at the Colden Barber Shop.

J. H. Fulcher: Objected to as a leading question.

Q. Where did you stay?

A. At Dr. Warren's.

Q. Was your wife there with you?

A. Yes.

Q. What did you do during the fall of 1928?

A. I went back to Raleigh to school.

Q. Who went with you?

A. I went by myself and later she came and joined me.

Q. Was there any other child born during your marriage other than the one mentioned in the bill of the complainant, Herbert Kee?

A. Not any.

Q. During the time of your married life was your wife ever in the family way any other time?

A. Yes.

Q. Tell when.

A. It was in the spring of- she got in the family way during the school season, and was also that way in the spring of 1929 when she came back.

Q. Just tell what happened.

A. Well, she claimed to have been suffering with gas on her stomach. I was at my home and she went to work after a lot of persuading and told me she was going to destroy the kid so she could go back to school and she told me her father performed that operation on her.

Q. You stated that she came home from school in 1929 and was in the family way?

A. Yes.

Q. Who brought her home that summer?

A. Her mother and father brought her on a car from Raleigh.

Q. Did they bring you also?

A. No, sir, I came back on the train later.

Q. Why did they not bring you?

A. They stated they had too many in the car to bring me.

Q. Did your wife stop in Franklin at your home or did she come on to Suffolk?

A. No, sir, she did not stop.

Q. Did you, during the summer of 1929, at any time live in Suffolk?

A. No.

Q. Where were you residing during the summer of 1929?

A. In Franklin, Virginia.

Q. Where were you working during the summer of 1929?

A. On the icewagon for C. ~~A~~ Cutchins.

Q. Did you provide a home for your wife there in Franklin during that time?

A. Yes, sir.

Q. Did your wife come to live with you in Franklin during the summer of 1929?

A. Yes, sir.

Q. How long did your wife live there with you?

A. About six weeks on a stretch and then off and on practically all of the summer.

Q. Where was she during the fall of 1929 and winter of 1930?

A. She was in Washington going to school.

Q. Did you send her to school there?

A. No, sir.

Q. Did she go at your request?

A. No, sir, I objected to her going.

Q. At whose instance did she go?

A. Her father paid her way and persuaded her to go.

Q. It has been alleged in the bill of complaint by the complainant, Cleopatra Warren Kee, that you were cruel and abusive to her and cited several instances of cruelty. Please tell whether or not you were ever cruel to her?

A. No, sir, I have never been cruel to her.

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

A. In Franklin, Virginia.

Q. Where are you living now?

A. Franklin, Virginia.

Q. Where is your wife?

A. I don't know, sir.

Q. Is she living with you?

A. No, sir.

Q. When is the last time she lived with you?

A. Around about the last part of August, 1929.

Q. What was the occasion of her leaving you at that time?

A. She left then to go back to school.

Q. How did she leave your home?

A. She left my home with her mother and father on their car.

Q. Did she state at that time that she was going back to school?

A. Yes, sir.

Q. Did you hear from her after she got to school?

A. Only once.

Q. Did you write to her?

A. Yes.

Q. Have you done anything to effect a reconciliation between yourself and wife since she left you in 1929?

A. Yes, sir.

Q. What have you done to effect a reconciliation?

A. I wrote her and asked her to come back and once or twice I called her up and asked her to come back and every time she refused.

Q. When was that?

A. In June, I called Mt. Cook to get her to the phone. They did not have a phone to my knowledge and he got her to the phone.

Q. Did she give any reason why she was not coming back?

A. No, sir.

Q. Has she ever given you any reason for leaving you?

A. No, sir, she left on good terms, she said she hated to go. I told her not to go. She never told me any more than that.

J. Melvin Lovelace: Is the complainant here?

J. H. Fulcher: She is not here.

J. Melvin Lovelace: I have a right to cross-examine her. I summonsed her by legal summons just like these other witnesses were summonsed. I have some exhibits I want to question her about. I want to ask for a rule against her.

J. H. Fulcher: I would like to have the question passed on whether they can be called back to be cross-examined when they have been on the stand.

Wm. M. Birdsong, Commissioner: He has a perfect right to sommon anybody he wants in the case.

J. H. Fulcher: The complainant does not have to take the stand and testify.

Q. Did Dr. Warren and his wife at any time give you orders to stay away from their home and forbid you to come there to see your wife?

A. Yes, once or twice.

Q. Did you correspond with your wife at an address other than her father's home?

A. Yes, at Mrs. Dickenson's and she sent that address.

Q. Did you write to her there?

A. I wrote to her once.

Q. What reason did she give for having her letters come to someone else's house other than her parents?

A. She said they would tear it up and would not give it to her.

Q. Did her mother and father visit your home in Franklin while she was there?

A. He came down by himself one morning and the next time they came together and came for her.

Q. Did Fanny Warren come to your house at any other time?

A. She came there once after I had brought my wife over here to Franklin and later on her mother hired somebody to take her to Franklin and she come there and snatched the baby out of her arms and went on down the road with it and got in the car and came on back to Suffolk.

Q. Fanny Warren came up there and snatched the baby out of your wife's arms and brought the baby back to Suffolk?

A. Yes.

Q. When was that?

A. During the summer of 1929.

Q. Are you willing at this time to take your wife back and support her and treat her as you should treat a wife if she does her part?

A. Yes, I have always been willing.

Cross-examination by J. H. Fulcher:

Q. You stated that Mrs. Warren came up there and snatched the baby out of your wife's arms and brought it back to Suffolk with her?

A. Yes.

Q. Now at this time did the baby ever go back to Franklin to you?

A. Yes. After that my wife brought him back.

Q. How long did the baby stay there? then?

A. Until they came and got him away.

Q. Did you testify that Mrs. Warren came up there by herself or with Dr. Warren?

A. I said he came once by himself and the next time both of them came together. She brought the baby that time. That time she snatched the baby she came by herself with some man driving the car, not Dr. Warren.

Q. Wasn't she up there already?

A. No.

Q. Didn't you state that Mrs. Warren only came up there once?

A. No, I don't think so. I will tell you again.

Q. I would like for you to.

A. He came there once by himself and the next time they came together.

Q. Was the baby there then?

A. Yes.

Q. Is this the time she snatched the baby out of your wife's hands?

A. Well, let's see, the first time I took my wife-

Q. Was it in the summer of 1929?

A. I don't know exactly, but she come there and snatched the baby and run up the road and brought the baby to Suffolk.

Q. How long did the baby stay here?

A. Not over two or three days until my wife came down here and took the baby back.

Q. How long did the baby stay in Franklin then?

A. I don't know.

Q. When your wife was up there wasn't the baby up there with her?

A. Yes when she was staying there.

Q. How many times did Mrs. Warren go up there with Dr. Warren?

A. Only once I can remember. The first time she came Dr. Warren was not with her.

Q. How did she come there the time she came alone?

A. She came on the car.

Q. Whose car?

A. Came on her own car.

Q. She was driving?

A. No.

Q. Who was driving.

A. I don't know the man was driving.

Q. You stated that if your wife came back to you you would take care of her and support her?

A. Yes.

Q. Are you in a position to support your wife?

A. Yes.

Q. You stated that you were a barber?

A. Yes.

Q. And that you did not make over \$5.00 per week?

A. I said I may not make that, I told you the work was unscrupulous.

Q. Don't you know you cannot support a wife and child on \$5. per week?

A. I never said I was going to do that.

Q. By what medium are you going to support them?

A. I did not never say I don't make any more money than that a week. I told you I "May" not make that.

Q. You stated in your answer that during the summer, at the end of the school term of 1928-1929 your wife's mother and father came to Raleigh and brought your wife back home, and you testified that you did not come with them?

A. I did not.

Q. I am not saying that you did. About what time was this they brought her from Raleigh?

A. Around some time the latter part of May or the first of June.

Q. As a matter of fact didn't your wife graduate from school that term?

A. She graduated from one Department.

Q. Didn't they come up to see her graduate?

A. Yes, I suppose they did.

Q. When did you come from Raleigh?

A. I came the next morning.

Q. From the time your wife and you left Raleigh when did you first see your wife again?

A. When I came here where she was.

Q. When was that?

A. About a week after she came here, around that.

Q. This was in the spring of 1929?

A. Yes.

Q. Did you live with your wife during that time?

A. Well, most of the time when she was not here with her mother.

Q. When was she with you?

A. She was with me part of the summer in Franklin.

Q. Just when did that start?

A. I don't know. After I came down here.

Q. When did you stay there at the ~~2~~Warren's?

A. I have never stayed there a night since 1929.

Q. How long did you stay in Suffolk?

A. I came to stay the day and go back to Franklin at night.

✓ Q. When did your wife come to Franklin?

A. Some time in the summer, she was first there and then here.

Q. Do you remember stating in the depositions that your wife first came there July first?

A. I may have. I don't remember. It may have been somewhere around that date. Yes, the first time she came, if I make no mistake it was somewhere around the first of July.

Q. That was the first time of her going there during that spring?

A. Yes.

Q. You also stated that the longest she stayed up there was six weeks. When were these six weeks?

A. These six weeks were in July and August.

Q. You stated also she was up there off and on?

A. Yes.

Q. You just stated that the first ~~the~~ time she came was in July, 1929.

A. I told you I carried her there at other times. I don't know exactly the date.

Q. You stated just a few minutes ago that you were here in Suffolk days at the time. Did you see your wife during these days?

A. Yes. When I came here I would go to the house to see her sometimes, not every time because they started objecting.

Q. When was this they started objecting to you going there?

A. Somewhere around the latter part of June, 1929.

Q. How often did you come down here?

A. Sometimes twice and sometimes once a week.

Q. In the day or night?

A. Night and day too.

Q. Were you working at that time?

A. After I started working I did not come but once or twice.

Q. You stated a while ago that your wife was ill the first of June or the last of May. How do you know?

A. That is what she said. She said she was suffering with gas on her stomach.

Q. Other than what she said you have no definite proof of that?

A. No, sir, I cannot diagnose a case.

Q. Other than what she said you don't know?

A. I told you I knew she was in the family way.

Q. How could you tell that?

A. She was examined by the doctor in Raleigh.

Q. What doctor?

A. Dr. Delaney in Raleigh examined her before school closed.

Q. You are positive?

A. She told me that Dr. Delaney examined her.

Q. Other than what she said you have no definite proof that she was in the family way then?

A. Anybody that has got any sense would know it.

Q. Other than what she told you you don't know it?

A. Yes, I know it.

Q. How do you know it?

A. How would you know?

Q. You don't have to stay here and ask me how I know.

How do you know?

A. Anybody would know.

Q. Other than what she told you, do you know?

A. Yes, I do know.

Q. How do you know?

A. I rather not answer that question.

Commissioner: I think that line of questioning has gone far enough.

Q. How do you know her father performed an operation on her?

A. She said he did.

Q. Is that all the knowledge you had of it, what she told you?

A. Yes. I was not there.

Q. You stated that your wife came to you on or about the first of July to Franklin to live with you?

A. Somewhere about that date.

Q. You also stated in your answer that on or about the 29th day of August your wife went to Washington, D. C., is that correct?

A. Around about the first of October she went.

Q. Isn't it stated in your answer that your wife went to Washington August 30th, 1929?

A. I don't know.

Q. It is alleged in your answer that she went to Washington, D. C. August 30th, 1929. Please state whether or not she went to Washington on that date.

A. About the 30th of August or the first of October.

Q. It is stated in your answer that she went the 30th of August.

A. Around about that date, the 30th of August or the first of October.

Q. Do you really know when she went to Washington?

A. I don't know exactly. About the 30th of August. She was in Washington on the first of October.

Q. On page 15 in the depositions that were taken up here before you stated that: "I asked her to come back but she refused. I called up about two weeks ago and asked her to come back and she refused. I told her then that I would not be willing to support her in a school like Howard University but I told her if she would go to Hampton Institute I would do the best I could, but she left any way against my will." Now,

when you called her up at this time, hadn't process been served relative to this suit?

A. Not the first time I called her.

Q. Not the first time, hadn't process been served?

A. I don't know?

Q. Was that before you called at my office and talked to me about it?

A. Yes; I don't know.

Q. You also remember stating up there at the time that if they all would come to any kind of an agreement you would be willing for her to get a divorce?

A. No, I don't.

Q. Who was with you?

A. Coker.

Q. If Coker would say you said you were willing for her to have a divorce, what would you say to that?

A. I remember asking you what it was all about.

Q. Is that all you remember?

A. I remember talking with you and you wanted to recommend a friend of yours to me for a lawyer, I remember that.

Q. Do you also remember me asking you if you wanted any money and you said if they had any you would take it?

A. No, I am not a bandit. I remember you telling me to get your friend for my lawyer.

Q. I told you I could not represent you, don't you remember that?

A. I don't think I do.

Q. Your memory is rather treacherous. You can remember the things you want to and the things you don't want to remember you don't remember, do you?

J. Melvin Lovelace: I don't think that is a proper question.

Q. You also tried to talk with your wife that night?

A. I spoke to her.

Q. Didn't you try to talk to her to hold a conversation?

A. Well, I passed a few words with her. I was not trying to hold a conversation.

Q. She would not talk to you, would she?

A. No, she would not hardly speak.

Q. As a matter of fact you have never provided a home for your wife yourself, have you? When you make the statement that she came to Franklin or she can come to Franklin you mean you wanted her to come to your mother's?

A. She gives me any portion of the house I want.

Q. Other than that you have never provided any other kind of house?

A. I rented a room from a woman in Raleigh.

Q. How long did you pay rent?

A. As long as the school season lasted.

Q. Were you working?

A. Every Saturday and some evenings.

Q. Didn't you state that your mother sent you money to pay your board and lodging?

A. That did not keep me from working too. I told you later on I worked myself.

Re-direct Examination by J. Melvin Lovelace:

Q. You stated that your wife left you in 1929 and when she left she particularly stated that she was going back to school?

A. Yes.

J. H. Fulcher: I object to that question as being leading.

Q. Fulcher asked you about how you knew your wife was in the family way while you were in school. You were living with her during the winter of 1929?

A. Yes.

Q. Do you know whether or not the child was ever born?

A. Born untimely, used instruments so she ~~told~~, it was born that way.

Q. Do you know your wife's writing? Is this a letter you received from your wife?

A. Yes.

J. Melvin Lovelace: I want to introduce this in the evidence here and in addition to having her summonsed I wish to request that she be brought here to be cross-examined, introduced as "Exhibit A".

J. H. Fulcher: This letter was written before your wife went to Washington?

A. Yes.

Q. Have you any other letters she wrote you?

A. Yes. I think I can produce some but I have not been able to find them as yet.

J. Melvin Lovelace: Fulcher mentioned that you tried to engage your wife in conversation.

A. I tried to speak to he and did speak to her and she bowed her head. I spoke to Dr. Warren and asked him, "How do you feel?" and he said, "None of your business" and he did not want her to talk to me and I left.

J. H. Fulcher: After process had been served upon you, would not common sense tell you these people were not on good terms with you?

A. I had not done anything to them. I had not raised a fuss.

And further this deponent saith not.

William Henry Kee

Mamie Kee, being duly sworn, deposes as follows:

Questions by J. Melvin Lovelace.

Q. You have testified in this case once before?

A. Yes.

Q. You are the mother of William Henry Kee ?

A. Yes.

Q. Did he and his wife live at your home during the summer of 1929?

A. Yes.

Q. She left there the latter part of August, 1929?

Who did she leave with?

A. Dr. Warren and Fanny Warren.

Q. Did your son leave with her?

A. No, sir, he did not.

Q. Was there anything, at that time, said about your son's wife going to school that fall?

A. Yes, sir. Dr. Warren told her to go.

Q. Was there any objection voiced by your son?

A. He was not willing for her to go to Howard. He thought it was too expensive.

Q. After Cleopatra Kee came to live in your home did you discuss with her anything about the operation? I did not, but I heard her talking with her husband.

J. H. Fulcher: That is hear-say.

Q. Tell what you heard her say.

A. She told him she had been sick and this operation had been performed on her and she was on a diet, was eating light food, such as lamb chops and soft-boiled eggs. She said her father did it, Dr. H. Warren.

Q. Were you at your home at the time Fanny Warren came there and snatched the baby out of its mother's arms?

A. I was there.

When was this?

A. Around the first of July, I don't remember the date, but it was in 1929.

Q. Did your son, William Henry Kee, work during the summer of 1929 on the ice-wagon of C. A. Cutchins?

A. Yes, sir.

Q. Did he, any part of 1929, live in Suffolk?

A. No, sir.

Q. Where is he now living?

A. In Franklin, Virginia.

Q. Did you see anything done on the part of your son that would cause his wife to leave him?

A. Nothing at all. They were always friendly there.

Q. Do you know of any reason why she should have left him?

A. She wanted to do what her father said she told me.

Cross-Examination by J. H. Fulcher:

Q. You stated that you were there when Mrs. Warren came there, was this in your house?

A. In my house.

Q. If your son were to say this happened ~~xxxxxxx~~ away from the house, what would you say?

A. It was in the house.

Q. When was this?

A. It was near the first week in July. I don't know the date.

Q. That would make it in June, would it not?

A. It was in July.

Q. You stated you heard Cleopatra tell her husband about this operation, when was this?

A. In the first week of July.

Q. Had your son ever mentioned this to you before that time?

A. No, but she had written me from school and told me that was her trouble.

Q. Have you that letter?

A. I might could find it.

Q. When was this?

A. It was some time during the winter, latter part of the winter.

Q. You did not know anything about your son and his wife's affairs?

A. I did not know any more than what I saw at my home.

Q. You don't know how they lived while they were in Raleigh, do you?

A. I don't.

Q. You don't know whether he was cruel to her or not, do you?

A. I don't know.

Q. You don't know whether he supported her?

A. I know he did while she was living with him at my house, and while he was living at Dr. Warren's he worked at Colden's barber shop and I sent him money to help him out it took so much. He was making as much as he was when Dr. Warren persuaded him to marry her.

Q. Did you ever go to Raleigh to see them once in 1927, the first year they were married?

A. Yes.

Q. How long did you stay?

A. One night.

Question by J. Melvin Lovelace:

Q. You say you had some correspondence with your daughter-in-law and she wrote you of her trouble while she was in school?

A. Yes.

And further this deponent saith not.

Mamie J. Lee

Josephine Kee, being duly sworn, deposes as follows:

Questions by J. Melvin Lovelace.

Q. You are the sister of William Henry Kee?

A. Yes.

Q. How old are you?

A. Nineteen.

Q. Where do you live?

A. Franklin, Virginia.

Q. Please state whether or not your brother, William Henry Kee, and his wife lived at your home during the summer of 1929.

A. They did.

Q. Did your brother, during the summer of 1929, live in Suffolk?

A. No, he did not.

Q. What did he do in the summer of 1929?

A. Worked on the icewagon for Mr. Cutchins.

Q. Do you know where your brother and his wife last lived together as husband and wife?

A. With my mother in Franklin.

Q. Have they lived together since the summer of 1929 when she left your mother's home?

A. No.

Q. Do you recall the day she left there?

A. I don't know the date but it was the last part of August.

Q. Who did she leave with?

A. Dr. Warren and his wife.

Q. Were you there the day Fanny Warren came up there and snatched the baby out of its mother's arms and brought it back to Suffolk?

A. Yes. Mrs. Warren came up on a car, someone else was driving. I went to the door and she asked me where was Cleo and Cleo was in the back of the hall and she went up to Cleo and snatched the baby out of her arms and called me a big-eyed wench and told me to look out and she went on down to the car carrying the baby in her arms and took it away with her. That was before Cleo came to stay.

Q. About how long did Cleo stay there during the summer of 1929?

A. About six weeks on a stretch. She visited before the six weeks.

Q. Did you hear her say anything about going to school that winter?

A. She said she wanted to go but wanted William to go with her.

Q. Did William consent to go with her?

A. No, he objected to going because he was not able to go.

Q. Was he able to send her to school himself?

A. I don't know.

Q. Did you correspond with her any while she was in school?

A. No, she did not write me.

Q. Have you seen Cleo since she left your home?

A. Yes, I have seen her once.

Q. When was that?

A. In June. I was going to Norfolk one day and stopped by to see her.

Q. She was here then for the summer or for a visit?

A. She told me she would be here until the summer session began at Howard.

Q. Did she say whether or not she had been to Howard the past session?

A. I asked her if she had had a good session and she said she had made her grade and was going back.

Cross-Examination by J. H. Fulcher.

Q. You stated that Cleo had been visiting you several times before she came to stay. When was that?

A. She came several times but I don't remember the dated.

Q. How long did she stay when she would visit?

A. Sometimes a night and sometimes one or two days before she came to stay.

Q. Have you any idea whether she was there the first of June, or when?

A. I know she came ^{once} ~~first~~ on the fourth of July but that was not her first visit.

Q. Was it on the fourth or after the fourth, wasn't it after the fourth?

A. I think it was.

Q. Was she sick during the time she came up there visiting?

A. She was on a diet and said she was suffering with gas.

Q. You stated your brother was working on the ice-wagon, was your brother working then?

A. When he first came home he did not work about one or two weeks.

Q. You stated that your brother did not live here any during the summer of 1929. How do you know?

A. Because he was not away from home for any long period of time. He might have been away for a night at the time but not for any length of time.

Q. It is possible he could have come in town here and stayed one or two nights?

A. He might have been away one night but he was not in Suffolk any that time.

Q. Do you know whether he came to Suffolk or not during the summer of 1929?

A. Not to stay all night.

Q. Did not your brother go to school in the fall of 1929 in Raleigh?

A. No, he came back in the spring of 1929 and if he has been back I don't know it.

Q. That afternoon you saw Mrs. Warren come up and snatch the baby, that was in July?

A. It was on a Sunday.

Q. You stated that Dr. Warren and Mrs. Warren came up there and got the baby and ^{brought} Cleo back, was your brother working that day?

A. No.

Q. When was this?

A. It was on Sunday.

Q. Did you say Dr. and Mrs. Warren came outside of these two times?

A. I saw her once when she snatched the baby and they came together and he came alone.

Q. You are certain of that?

A. I saw him.

Q. Were you there all the time Cleo was there?

A. I was not home every night.

Q. You were not?

A. No.

Q. These six weeks she was there, were you there?

A. Yes, except I stayed at the Methodist parsonage one night.

And further this deponent saith not.

Josephine Lee

* * * *

Tom Turner, being duly sworn, deposes as follows:

Questions by J. Melvin Lovelace.

Q. Where do you live?

A. Franklin.

Q. Do you know William Henry Kee and his wife?

A. I have known him four or five years and I have known his wife ever since they were married.

Q. Do you know whether or not they lived as husband and wife in Franklin during the summer of 1929?

A. They lived together at his mother's and father's.

Q. Were you there the Sunday she left?

A. Yes, she left with her mother and father.

Q. Do you recall the day of the week it was?

A. On Sunday.

Q. When was that?

A. 1929, latter part of August.

Q. Has she been back there to live since that time?

A. I don't know that.

Q. Have you seen her back there?

A. No, I have not.

Q. Do you know what William Henry Kee did during the summer of 1929?

A. Worked at the ice-plant.

Q. Did he work regularly?

A. Yes, I was working right there in town and used to see him every day.

Q. Driving the ice-wagon around the town?

A. Yes.

Q. Where is William Henry Kee now living?

A. Franklin.

Q. How long has he been living there?

A. Ever since he came from school.

Q. He was living there before he went to school?

A. Yes.

Cross-Examination by J. H. Fulcher.

Q. You live with the Kees?

A. No, sir, I live in Franklin.

Q. You stated you were there the day Kee's wife left?

A. Yes I was there.

Q. How do know she was living there?

A. I was visiting the home every day and Sunday.

Q. How do you know she was leaving there then?

A. When I came up they were driving off. I knew her and Mrs. Kee said there was Mr. Warren and Mrs. Warren. I knew they were leaving and she said they were leaving at that time. I don't know what they done after that.

Q. You don't know that was the time of the alleged leaving or not?

A. I know they were leaving there right then.

Q. What kind of work do you do?

A. House carpenter.

Q. How long have you known Kee's wife?

A. Ever since they have been married.

Q. How do you happen to remember the date of their leaving?

A. Because I know by the time I was there. I know it was the latter part of August.

Q. How did you know so well it was on Sunday?

A. Because I was not working.

Q. Has anybody refreshed your memory, has anybody been talking to you about it?

A. Nobody has not talked to me about it any more than speaking of it that it occurred.

Q. Didn't Kee talk with you about this matter and ask you to be one of his witnesses?

A. Sure he asked me. He thought I knew it and was there at the time and ought to know it. It was legal for him to ask me because he knew I was there.

Q. He also refreshed your memory?

A. Sure.

J. Melvin Lovelace:

Q. If it had not been Sunday you would have been working, wouldn't you?

A. Sure I would have.

Q. William Henry Kee has not asked you to come here and tell anything that was not the truth, has he?

A. No, sir, I would not have done it.

Q. Have you ever talked to me about this matter except about two minutes before this hearing?

A. No, sir.

Q. Have you ever seen me before?

A. No, sir.

And further this deponent saith not.



* * * * *

W. H. Williamson, being duly sworn, deposes as follows:

Questions by J. Melvin Lovelace.

Q. What position do you hold?

A. County Demonstration Agent for Southampton County.

Q. Do you know William Henry Kee?

A. Yes, I have known him about a year.

Q. Do you know his wife?

A. Yes.

Q. Do you know whether they lived together as husband and wife during the summer of 1929 in Franklin?

A. He introduced me to her there at his home.

Q. Do you know whether they are now living together?

A. I have not seen her there.

Q. When is the last time you saw her there?

A. 1929.

Q. Do you know what sort of living he made?

A. I used to see him delivering ice on the ice-wagon.

Cross-examination by J. H. Fulcher:

Q. You would not know his wife if you should see her?

A. Unless she has changed radically I would know her.

Q. You have only seen her once?

A. I said I met her in his home once.

Q. You have only known her about one year?

A. I met her in 1929, the last past summer was 1930.

Q. If you have only known Kee about a year, how have you known his wife since 1929?

A. Well, ~~not at all~~. *it may be a little more*

Q. Still you have only known him about a year you said.

A. I may not be positive about twelve months.

Q. You don't know whether his wife is living in Franklin or not, do you?

A. No, I don't.

Re-direct Examination by J. Melvin Lovelace:

Q. You have said you saw Kee in the summer of 1929 at his home in Franklin and met his wife there, do you know if they are living there together now or not?

A. I have seen him around town but I have not seen her there since 1929.

And further this deponent saith not.

W. H. Williamson

* * * * *

Fanny Warren, being duly sworn, deposes as follows:

Questions by J. Melvin Lovelace.

Q. Your daughter, Cleopatra Kee, is now living with you?

A. Yes, and she has been living with me except the four weeks she has been in Franklin. She only took a dress-suit case and ^{said} if he made any preparations for her probably she might stay with him.

Q. They did live in Franklin? She was there for four or five weeks?

A. Yes, she took the baby carriage and a few things of the baby's.

Q. She lived up there during the summer of 1929?

A. She went there on a vacation, took the baby's carriage and went on the bus.

Q. When did she ^{leave} ~~live~~ there?

A. The latter part of August and came back to my home.

Q. Didn't you and your husband go up there and bring her back to Suffolk?

A. We have never done nothing to separate them.

Q. Why is it she had to give her husband a different address to which to send letters to her?

A. I don't know, that is between William and her. I don't know anything about that.

Q. Isn't it a fact that you and your husband both disappointed in this union and are doing your best to break it up?

A. No, it has always been my motto to live truthfully and do what is right and if I wanted to break up anybody when he was coming in there I would have brought it up there and told him to go away from there.

Q. What occasion did you have for going up there and snatching the baby and bringing it back to Suffolk with you?

A. I did not go up and snatch the baby out of its mother's arms. I got home and understood they had taken the baby and the milk was all made up and after I had taken care of the baby over three weeks up until that time it seems as though I would have been given some consideration. Then I took Dr. Warren's car and asked Mr. Wilson to drive me up there and Cleo was at the door with the baby and Josephine was in the house and I said, "Cleo, let me have the baby and take him back" and I took that baby and brought him back home. And I did not snatch him, I simply took him and got in my car and came home. I took care of the baby and took care of the baby over three years, why should I

want to snatch the baby. Mrs. Kee was gone to church and Kee took his gun and held on me.

Q. Why did you not tell in your deposition the other day about his drawing the gun on you?

A. They told me not to testify any more that what you asked and they did not ask me that the other day.

Q. I did not ask you that today.

A. Other things brought it out. I said you can come and get the baby any time you want it. I thought I ~~ex~~ had a right to go get the baby whenever I wanted to.

Q. You sent your daughter to school two years after her baby was born?

A. Her father paid her schooling.

Q. You agreed to take care of the child while she was in school?

A. No agreement was made about it. I just did it.

Q. And you have never made trouble between William Henry Kee and his wife?

A. No, I have not, he never provided for her, her father gave her everything she ever had.

Q. What was the reason your husband performed an illegal operation on his daughter?

A. He has never performed any illegal operation. I don't endorse such, He has never performed such an operation on his daughtre or on no one else that I know

of. She was in the house with me and I would have known it.

Q. She was sick, wasn't she?

A. Yes, they put her on a diet at St. Augustine. She was eating so many different things she had set up gastritis at the same time and I gave her milk of magnesia. My husband has never prescribed for her. The baby was suffering with the same thing.

Q. Where is your daughter this afternoon?

A. She told me she was going to Howard University in Washington, but I don't know where she is this afternoon.

Q. Did she not receive a summons to come here this afternoon?

A. Yes.

Q. Do you think it proper after your daughter married for her to leave her husband and go away to school?

A. She wanted to go.

Q. Don't you think the proper place for her is with her husband?

A. Provided he took care of her. I don't think she ought to live with him if he cannot take care of her.

Q. You knew when your daughter married William Henry Kee he was not in a position at that time to continue to go to school?

A. I did not know they were married.

Q. The first summer after they went to school they came home in 1928 and he worked here in Suffolk?

A. No, sir, that is when I went up there with the car and I understand he stayed in Raleigh. He did not come back with me.

Q. Why did you go to Raleigh in 1928?

A. My daughter graduated.

Q. Why did you not let William Henry Kee come home in the car with you?

A. The reason why I did not let him come back on the car was my daughter had been telling me she was sick and not feeling well and we had the car full and did not have room for him on the car.

Q. After she graduated in 1928, why did she go back in 1929?

A. She did not go back to St. Augustine. She graduated May 25, 1928, at St. Augustine and did not go back.

Q. Didn't she go to school for two terms after she was married?

A. She went to St. Augustine school the year she was married. She was married in 1927 and left here in September when school opened and graduated in 1928.

Q. She has been in school every session since she was married?

A. Let me see. I think she has.

Q. Then after she graduated in 1928 why did she go back to school in 1929 and 1930 and has gone back to school now?

A. She went to Howard to take up college work because she wanted to go and she was not living with him.

Q. Who insisted upon her going?

A. She said she wanted to go and learn to take care of herself.

Q. You said you did not know your daughter was married until after she had gone back to school?

A. I did not.

Q. You did not know your husband went with William Henry Kee to get the license?

A. No, sir, I did not know anything about it.

Q. Did you know her husband objected to her going to Howard University?

A. No, sir. I heard her say ~~in the presence of~~
_____ ~~William~~ William was going to Hampton. ~~she would go with him.~~

Q. Didn't he offer to send her to Hampton?

A. I don't know because I did not hear him.

And further this deponent saith not.

Fanny Warren

* * * *

Rev. M. C. Allen, being duly sworn, deposes as follows:

Questions by J. Melvin Lovelace.

Q. What is your occupation?

A. Pastor of the First Baptist Church, Franklin, Va.

Q. Do you know William Henry Kee?

A. Yes, I have know him about six years.

Q. Do you know his general reputation for truth and veracity?

A. Yes, sir, it is good.

Q. Would you believe him on oath in a matter in which he was interested?

A. I would.

Q. Do you know his mother?

A. Yes.

Q. His sister?

A. Yes.

Q. What is his mother's and his sister's reputation in the community?

A. It is good.

Q. Would you believe them on oath?

A. I would.

Q. Do you know Tom Turner?

A. Yes, I have been knowing him about five years.

Q. Do you know his reputation for truth and veracity in the community in which he lives?

A. It is good.

Q. Do you know whether or not Cleopatra Warren Kee lived with her husband, William Henry Kee, in Franklin during the summer of 1929?

A. No, I don't.

Q. Did you see her there during that time?

A. I might have. I frequently visit the home there but I don't remember having met her.

Cross-Examination by J. H. Fulcher.

Q. Do you know the reputation of Kee's father so far as truth and veracity is concerned in the community in which he lives?

J. Melvin Lovelace: I object. He has not testified here.

Commissioner: Objection sustained.

Q. You stated that you knew his reputation in the community, do you know whether William Kee is given to drinking strong drink?

A. I never heard anything of it.

Q. You are taking a lot of interest in this case, aren't you?

A. I don't know that it is unusual.

Q. You came to my office and asked me several questions regarding the suit, didn't you?

A. Well, this is the position I hold. As pastor there in the community people frequently come to me for advice and assistance as a pastor and principally those in trouble and if I can do anything to help them out I usually do it. The records in the hospitals here will show I have taken interest in matters where

people are not able to pay their bills. I have in mind the same interest in this case.

Q. You have been here every time the case has been set for hearing?

A. I think this is the second time, possibly one other time.

Q. Did you not come down here on the first day it was set and come down to the other hearing and this is the third time?

A. Yes, it is.

Q. You have been down every time Kee has been?

A. I don't know about that.

Q. You brought Kee three times?

A. Yes, he did not have a car.

Q. The busses were running?

A. I don't know about busses. I told Kee I would bring him down here to these hearings.

Q. That bears out my statement that you are taking a peculiar interest in the case.

A. I have brought a dozen people down here like that.

And further this deponent saith not.



W. C. Allen

J. Melvin Lovelace, Counsel for Defendant:

I want the record to show that the Complainant in the original bill and the Defendant in the cross-bill, who was duly summoned here today has refused to appear.

J. H. Fulcher, Counsel for Complainant: By advice of counsel. I also want the record to show that Dr. H. A. Warren was summoned here by the complainant in the cross-bill and was not examined.

Rebuttal witness, Hazel Coker, being duly sworn, deposes as follows:

J. Melvin Lovelace: This can only be rebuttal for testimony that has been given here.

Questions by J. H. Fulcher.

Q. Give your name, residence and occupation.

A. Hazel Coker; South Suffolk; work at Planters.

Q. On the night Kee came to my office and talked with me about his divorce, state whether or not if you were with him, and if so, what conversation took place.

J. Melvin Lovelace: That is going into direct testimony, I object to that.

Q. Do you recall Kee saying he would be willing to give his wife a divorce if they could come to some kind of an agreement?

A. He said he did not have any money for her to sue him for divorce and he was willing to sign a compromise for her to have it.

Q. Do you remember I told him I could not represent him?

A. You said something I can't remember.

Q. He also stated he was not able to employ counsel?

A. He said he did not have anything and you told him one of your friends to get and you gave him his address and his card and told him ~~xx~~ on what day he would be in Suffolk but whether he went to see him or not I don't know. There is the one over there. (Pointing to A. H. Foreman.)

Cross-Examination by J. Melvin Lovelace:

Q. What did Kee ask you the night you went with him to see Fulcher, what designation did he say?

A. He asked me to go to Fulcher's office. I did not know why he was going up there, and after he got there he pulled out some papers and asked Fulcher what they meant and Fulcher said, "Your wife is suing you for divorce", and they talked some more and he told him he was willing for her to have it and he said he

would sign a competition for her to have it.

Q. What did Fulcher say to that?

A. He did not say anything.

Q. What lawyer was it Fulcher gave him the address of?

A. Foreman.

Q. Is this the fellow here?

A. Yes.

A. H. Foreman: How do you know me?

A. I know you when I see you.

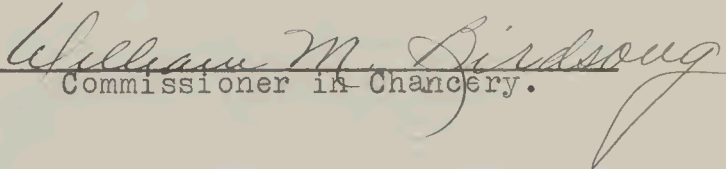
And further this deponent saith not.

* * * * *

STATE OF VIRGINIA,
COUNTY OF NANSEMOND, To-wit:

I, William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing and signed by the witnesses, respectively, before me, at the place and time therein mentioned, pursuant to the annexed notice.

In witness whereof I have hereunto set my hand at Suffolk, in the County of Nansemond, Virginia, the state aforesaid, this 7th day of October, 1930.



Commissioner in Chancery.

Geopatia Warren Kee
vs.
William Henry Kee.

Filed Sept. 27, 1930.
John H. Russell - Clerk.

Dismissed
Nov. 12-1930

WILLIAM M. BIRDSONG
ATTORNEY AT LAW
SUFFOLK, - VIRGINIA

Free
vs
Free

Reparations

Sept 27 - 1930

Nov 2

Nov 10 - 1931

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

Cleopatra Warren Kee,

Complainant.

vs.

MEMORANDUM.

William H. ^{Hearts} Kee,

Defendant.

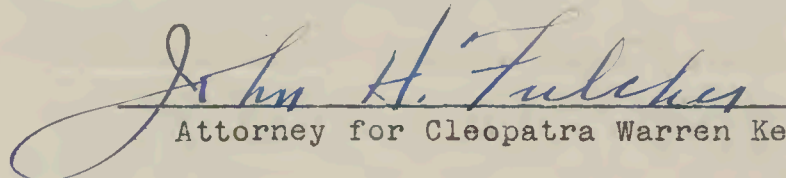
To

The Clerk of the above mentioned Court:

Please issue summons, in the above style cause, returnable to the first first September Rules, and also have the inclosed notice of taking depositions served at the same time.

The defendant, William H. Kee, is colored, and may be found, in the town of Franklin, Virginia.

Given under my hand this 23rd, day of August, 1930.


Attorney for Cleopatra Warren Kee.

VIRGINIA:

IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Cleopatra Warren Kee,
Complainant.

vs.

William H. ^{Wm}Kee,
Defendant.

MEMORANDUM.

*Filed in clerk's office of
Nansemond Co., Va., Aug. 25, 1930
Paul H. Howell - Clerk
By John W. Powell - D.C.*

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMONS

H.A. Warren, Fannie Warren and Cleopatra Warren Kee.....

William M. Birdsong, Commissioner in Chancery at his office in
to appear before ~~the Judge of the County Court~~ of Nansemond County, at ~~the Courthouse of~~ Said County, on
the 7th day of October, 1930, ^{2 P.M.}~~10 A.M.~~, to testify and the truth to say on be-
half of the ~~Plaintiff~~, Defendant, in a certain matter of controversy in our said Court depending and undeter-
mined between Cleopatra Warren Kee.....

....., Plaintiff.....,
and

William Henry Kee..... defendant.....,

And this the witness..... shall in no wise omit, under the penalty of \$100 each. And have then and there this
summons.

Witness, PAUL J. POWELL, Clerk of our said Court, at his office, this 25 day of Sept.
19 30, in the 15th year of the Commonwealth.

John A. Powell....., Clerk
By..... D. C.

XXXXX A COPY FOR Original

Executed on the 26 day of Sept
1930, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to H. G. Warren Fannie Warren
Clapatra Warren each in person,

E. B. Rawles
Sheriff of Nansemond County

By J. C. Taylor
Deputy Sheriff of Nansemond County

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton, Greeting:

WE COMMAND YOU, That you summon

William Henry Kee

to appear at the Clerk's office of the District Court of the County of Hampsword
at the rules to be held for the said Court on the first Monday in September, 1931,
to answer a bill in chancery, exhibited against him in our said Court by

And have then there this writ. Witness Paul Powell, Clerk of our said
Court, at the court-house, the 25 day of August, 1930, and in the
155th year of the Commonwealth.

Paul Powell - Clerk
By John D. Powell - Deputy Clerk.

Executed in Southampton County, Virginia, this 26th day of August,
1930, by delivering a true copy hereof to the within named William
Henry Kee in person.

T. B. Bell, Sheriff,

By T. B. Bell, D. S.

Form No. 300

Original

vs.

} SUBPOENA IN CHANCERY

....., p.q.

To.....Rules,

.....Circuit Court.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMONS

Hazel Loker

William M. Bridson, Commissioner in Chancery at his office in
to appear before the Judge of the County Court of Nansemond County, ~~at the Courthouse of~~ Said County, on
the *7th* day of *October*, 19*30*, ~~10 A. M.~~ *2 P.M.*, to testify and the truth to say on be-
half of the Plaintiff, Defendant, in a certain matter of controversy in our said Court depending and undeter-
mined between *Geopatra Warren Kee*, Plaintiff,

and

William Henry Kee

defendant,

And this the witness..... shall in no wise omit, under the penalty of \$100 each. And have then and there this
summons.

Witness, PAUL J. POWELL, Clerk of our said Court, at his office, this *26* day of *Sept*,
19*30*, in the *15th* year of the Commonwealth.

John Henry Powell, Clerk
By..... D. C.

A COPY FOR

Original

Executed in Person

Sept 29 1930

J. C. Taylor
Deputy Sheriff

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cleopatra Warren Kee,

Complainant.

vs.

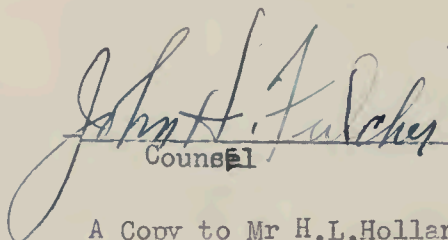
William Henry Kee,

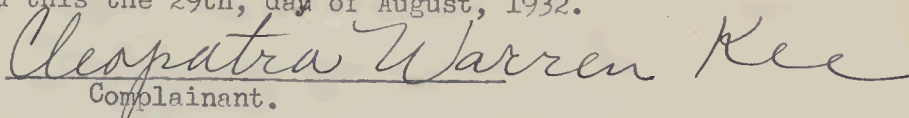
Defendant.

To William Henry Kee, whose address is #201 Second Ave.,
Franklin, Virginia.

Take notice, that I shall on the 10th, day of September,
1932, at 10:00 A.M. or as soon thereafter as I may be heard
apply to the Honorable James L. McLemore, Judge of the above
mentioned court, at his Office in the National Bank of Suffolk,
in Suffolk, Virginia, for the purpose of having a decree entered
in the above style cause, which is now pending in the Circuit Court
of Nansemond County Virginia.

Given under my hand this the 29th, day of August, 1932.


Counsel


Complainant.

A Copy to Mr H.L.Holland.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND
COUNTY.

Cleopatra Warren Kee, Complainant.

vs.

William Henry Kee, Defendant.

Notice.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cleopatra Warren **Kee**.....Complainant

V. PLEA IN ABATEMENT

William Henry Kee.....Defendant

The Defendant, in his own proper person, comes and says that this Court ought not to have or take any further cognizance of the action aforesaid of the said Complainant, because the said Defendant says that the supposed cause of the said action did not, nor did any part thereof, arise in the said County of Nansemond but that the supposed cause of the said action and every part thereof (if such cause did arise, which is expressly denied), did arise within the County of Southampton, State of Virginia, and that at the time of the issuing of the writ in this cause, the said Defendant did not reside in the County of Nansemond but did reside in the town of Franklin, Southampton County, Virginia, at which place the alleged desertion, if any, took place, and this the Defendant is ready to verify, *and said parties last cohabited as husband and wife in Southampton County*
WHEREFORE, he prays judgment whether this Court can *county*
or will take any further cognizance of the action aforesaid, *and said complainant*

Holland & Lovelace

STATE OF VIRGINIA,

City of Suffolk, to-wit:

This day William Henry Kee personally appeared before me, Mabel Jakeman, a Notary Public in the city and state aforesaid, in my said city, and made oath that the matters and things stated in the foregoing Plea are true.

Given under my hand this 20th day of September, 1930.

My commission expires:
Sept. 26, 1934.

Mabel Jakeman
Notary Public

Cleopatra Warren Kee..Complainant

V. PLEA IN ABATEMENT

William Henry Kee.....Defendant

Filed this 22 day of September,
1930.

John H. Powell
Clerk

By, Oliver Whitehurst, DC.

*This plea was denied
by Judge McHenry
Sept 19, 1930,
J. H. Falchey*

HOLLAND & LOVELACE

ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cleopatra Warren Kee,

Complainant.

vs.

NOTICE OF TAKING DEPOSITIONS.

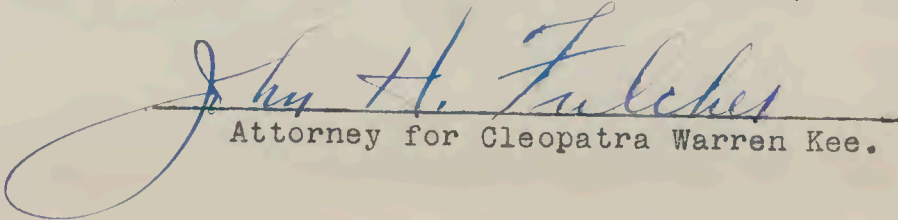
William H. ^{Henry} Kee,

Defendant.

To William H. Kee:

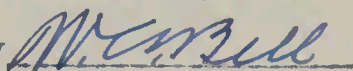
Take notice that on the 16th, day of September, 1930, at the office of William H. Birdsong, room 307, in the National Bank Building, in the City of Suffolk, and State of Virginia, between the hours of 10 A.M. and 5 P.M. of that day, I shall proceed to take the depositions of Cleopatra Warren Kee, and others before William H. Birdsong a commissioner in Chancery, to be read as evidence in the behalf of Cleopatra Warren Kee, in a certian suit in Chancery, now depending in the Circuit Court of Nansemond County, and State of Virginia, wherein she the said Cleopatra Warren Kee, is the plaintiff, and you are the defendant; and if for any reason or cause the taking of the said depositions be not commenced, or if commenced be not concluded, on that day the taking thereof will be adjourned from day to day and from time to time at the same place until the same shall be completed.

Given under my hands this the 23rd, day of August, 1930.


Attorney for Cleopatra Warren Kee.

Executed in Southampton County, Virginia, this 26th day of August, 1930, by delivering a true copy hereof to the within named William H. Kee in person.

T. B. Bell, Sheriff,

By  D. S.

VIRGINIA:

IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Cleopatra Warren Kee,
Complainant.

vs.

William H. Kee,
Defendant.

NOTICE OF TAKING
DEPOSITIONS.

*Filed Aug. 25, 1930
in Clerk's office, Nansemond Co., Va.
Paul Lawrence - Clerk
by John H. Fulcher - D.C.*

John H. Fulcher
Attorney at Law,
Suffolk, Virginia.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cleopatra Warren Kee,

Complainant.

vs. Notice of taking further depositions.

William Henry Kee,

Defendant.

To William Henry Kee, whose address is #201 Second Ave.,
Franklin, Virginia.

Take notice that I shall on the 29th, day of September, 1932, at the Office of John H. Palmer, in the National Bank Building, in the city of Suffolk, Virginia, between the hours of 10 A.M. and 5 P.M. of that day proceed to take further depositions of Cleopatra Warren Kee and others before John H. Palmer a Commissioner in Chancery, to be read as evidence in ~~the~~ behalf of Cleopatra Warren Kee, in a certian suit in Chancery, now pending in the Circuit Court of Nansemond County, Virginia, wherein she the said Cleopatra Warren Kee, is complainant, and you are the defendant; and if for any reason or cause the taking of the said depositions be ~~not~~ commenced, or if commenced be not concluded, on that day the taking thereof will be adjourned from day to day and from time to time at the same place until the same shall be completed.

Given under my hand this 16th, day of September, 1932.

John H. Fulcher
Attorney for Cleopatra Warren Kee.

A copy teste:

John H. Powell, Clerk
By Evelyn Harris, Deputy

Not finding the within named William Henry Kee at his usual place of abode, I executed this notice in Southampton County, Virginia, this 19th day of September, 1932, by delivering a true copy hereof to Joe Kee, whom I found there, he being a member of his family over 16 years of age, and explaining its purport to him.

T. B. Bell, Sheriff
Southampton County, Va.,

By M. Bell, Deputy Sheriff .

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND
COUNTY.

Cleopatra Warren Kee,
Complainant.

vs.

William Henry Kee,
Defendant.

Notice of taking depositions.

*Filed Sept. 21st 1932.
John W. Powell - Clerk*

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cleopatra Warren Kee.....Complainant

V.

NOTICE OF TAKING DEPOSITIONS

William Henry Kee.....Defendant

To Cleopatra Warren Kee:

TAKE NOTICE that on the 7th day of October, 1930, at the office of William M. Birdsong, Commissioner in Chancery, in the National Bank of Suffolk Building, Suffolk, Virginia, between the hours of 10 A. M. and 5 P. M. of that date, I shall proceed to take the depositions of Josephine Kee, Mamie Kee and others, to be read as evidence in my behalf in a certain suit in Equity pending in the Circuit Court of Nansemond County, Virginia, wherein I am Defendant and you are Complainant and vice versa in a Cross Bill; and if for any cause the taking of said depositions be not commenced, or, if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day at the same place and between the same hours until the same shall be completed.

Given under my hand this 23rd day of September, 1930.

WILLIAM HENRY KEE

BY

J. Nelson Lovelace
Counsel

Cleopatra Warren Kee.....
.....Complainant

V. NOTICE OF TAKING DEPOSITIONS

William Henry Kee.....
.....Defendant

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

Executed on the 26 day of Sept
1930, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to Cleopatra
Warren Kee in person.

E. B. Rawles
Sheriff of Nansemond County
By J. C. Taylor
Deputy Sheriff of Nansemond County

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cleopatra Warren Kee.....Complainant

V. Notice of taking depositions

William Henry Kee.....Defendant

To Cleopatra Warren Kee:

TAKE NOTICE that on the 11th day of October, 1932, at the office of Hugh L. Holland, in the American Bank & Turst Company Building, Suffolk, Virginia, between the hours of 10 A. M. and 5 P.M. of that date, I shall proceed to take the depositions of J. C. Taylor and others to be read as evidence in my behalf in a certain suit in Equity pending in the Circuit Court of Nansemond County, Virginia, wherein I am the Defendant and you are the Complainant and vice versa in a Cross Bill; and if for any cause the taking of said depositions be not commenced, or, if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day at the same place and between the same hours until the same shall be completed.

Given under my hand this 4th day of October, 1932.

WILLIAM HENRY KEE

By

Hugh L. Holland,
Counsel

Cleopatra Warren Kee.....
.....Complainant

V. NOTICE OF TAKING DEPOSITIONS

William Henry Kee.....
.....Defendant

Original

Hugh L. Holland
~~XXXXXXXXXXXXXXXXXXXX~~
HOLLAND & HOLLAND
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

Cleopatra Warren^{Kee} could not be found at
his usual place of abode on the 5th day of
October, 1932, so the within
~~notice~~ notice was executed on the said 5th
day of October, 1932, within the
County of Nansemond, State of Virginia, by de-
livering a true copy of the same, in writing, and
giving information of its purpose to Fannie
Warren, Cleopatra Warren
Kee's mother, who was found at
her,
usual place of abode, and who is a member of
Cleopatra Warren^{Kee's} Family,
and above the age of sixteen years.

E B Rawles
Sheriff of Nansemond County
By J E Taylor
Deputy Sheriff of Nansemond County

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Cleopatra Warren Kee.....Complainant

V.

DEPOSITIONS

William Henry Kee.....Defendant

THE DEPOSITIONS OF CLARENCE F. DICKERSON, ALPHONSA BRITT, MELVIN DAVIS AND WILLIAM HENRY KEE, taken before me John H. Palmer, a Commissioner in Chancery for the City of Suffolk, Virginia, on the 11th day of October, 1932, between the hours of 10:00 A. M. and 5:00 P. M., pursuant to due notice to the complainant as provided by law, to be read as evidence on behalf of the defendant in a certain suit of Equity now pending in the Circuit Court of Nansemond County, Virginia wherein Cleopatra Warren Kee is complainant and William Henry Kee is defendant, in the original bill of complaint, the parties being reversed in the cross bill filed by the original defendant, The said depositions were taken in the office of Hugh L. Holland, in the American Bank & Trust Company Building, Suffolk, Virginia.

P R E S E N T

J. H. Fulcher, attorney for complainant

J. Melvin Lovelace and Hugh L. Holland,
attorneys for defendant and defendant.

By Hugh L. Holland

Clarence F. Dickerson, a witness produced on behalf of the defendant having conscientious scruples against being sworn, was thereupon duly affirmed as required by law, and on which affirmation deposes and says:

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

A. Clarence F. Dickerson, age 45, 602 Adam Street, Suffolk, Va. Minister.

Q. Do you know Cleopatra Warren Kee and William Henry Kee?

A. Yes sir.

Q. Do you know whether William Henry Kee wrote letters to your house after their marriage to be delivered or received from there by Cleopatra Warren Kee?

A. I can't say positively whether she received any letters or not, I don't remember, but could not say that she did not.

Q. State whether after their marriage and especially in the summer of 1929, during the latter part of August of the year they separated whether William Henry Kee and Cleopatra Warren Kee met at your house and if so, why?

A. They met at my house before they were married and after they were married and never stopped meeting there, but after they came from school, I guess in 1928, if my memory serves me correctly, William Kee was staying at Cleopatra mother's house and for some cause there was a dispute at the table and he refused to stay there and he went to Franklin and Cleopatra comes to my house and tells my wife that her mother has made it so unpleasant for William that he could not stay there and that she was going to Franklin to stay.

Q. Are you now referring to summer of 1928 or to summer of 1929?

A. This is 1928. I remember Cleopatra telling my wife about it and I was at home when she was telling it and that is how I could say what she said about it.

Q. Tell what you know about these two people in the summer of 1929, which was the last summer they lived together?

A. The only thing I can recall about during the summer of 1929, that is if my memory serves me correctly, is that Cleopatra's mother came over to my house one Sunday afternoon and raised Old James Henry concerning William and Cleopatra meeting at my house.

Q. When were they at your house?

A. That is a question; they always came there before and after they were married, of course she told my wife about her mother not liking William Kee.

Q. Did ever Cleopatra Warren Kee or William Henry Kee state or indicate that as the reason for meeting at your house?

A. Judge and the Court I can't say why they met there. But I do know that William left Cleopatra's house where she was staying with her parents and went to Franklin to stay and Cleopatra came to my house and borrowed my wife's thermos bottle and she went to Franklin and carried the baby with her and I do not know how long she stayed but think she stayed about one week or longer and then she came back home.

Q. Do you know whether her mother or father or both went up there for her?

A. Seems to me that I heard that her father went, but I couldn't say for sure, I don't remember.

Q. Is this summer that you refer to the summer of 1929?

A. The summer I am telling about is 1928.

Q. The summer that you are talking about that Cleopatra borrowed the thermos bottle and went to Franklin is that the last summer they lived together?

A. I do not know exactly which summer it was that she borrowed the thermos bottle whether in 1928 or 1929, it was my idea that it was 1928, but it might have been 1929.

Q. Did William Henry Kee ever come down here to stay at her father's home?

A. The last summer William Kee came to her father's home was the summer they came back from school and I cannot tell whether 1928 or 1929.

Q. Did Fannie Warren object to their meeting at your house?

A. According to the way she acted that Sunday that she came there and raised Old James Henry.

Q. What way did she act?

A. Every kind of a way.

Q. Was she very angry?

A. So much so that I left and went down the street.

Q. Was that after they were married?

A. Yes sir.

Q. After the baby was borned?

A. Yer sir

Q. Was it one or two weeks that she stayed in Franklin that summer?

AA. She stayed a week or more.
working

Q. Where was William Kee/at that time?

A. In Franklin on an ice wagon.

Q. After that time did he ever come back here to her parent's home to live with her?

A. I can't recall.

By Hugh L. Holland

Alphonsa Britt, being duly sworn, deposes and says.

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

A. Alphonsa Britt, age 32, jitney driver and live in Franklin, Va.

Q. Do you know William Henry Kee and his wife Cleopatra Warren Kee?

A. I know William.

Q. Do you know his wife?

A. No sir.

Q. Did you ever see his wife in Franklin?

A. No sir I don't remember seeing her.

Q. Do you know whether William was married or not in the summer of 1929?

A. I remember he was in Franklin at that time.

Q. Where was he working during the summer of 1929?

A. At the Ice Plant

Q. Did he work all summer?

A. I do not know.

Q. Where were you working at that time?

A. I was driving a jitney on the street.

Q. Do you know whether or not his wife was in Franklin during the summer of 1929?

A. I think she was. I am sure I saw a strange girl at his mother's house.

Q. You did not meet her?

A. No sir.

Q. Did she have the baby with her?

A. I do not know.

By Fulcher.

Q. You said that William Kee was working at the Ice Plant in 1929, how do you know?

A. I saw him on the ice wagon.

Q. How do you know that it was 1929?

A. I went to New York in 1928 and came back in the year 1928.

Q. You say that you went to New York in the summer of 1928?

A. Yes sir.

Q. When did you get back?

A. I came back in January.

Q. What did you do during the summer of 1930?

A. I was driving a taxi.

Q. How do you know that the summer that you refer to as to Kee working in the Ice Plant was not the summer of 1930?

A. I know that he was working in 1929 there.

Q. How about 1930?

A. I do not know about 1930.

Q. Do you know whether or not he was living in Franklin?

A. At that time he was.

Q. Do you know whether or not he lived in Franklin all that summer?

A. Yes he was there. I know he delivered ice during that summer.

Q. Did he go to school that fall that you know of?

A. I do not know.

Q. When did he start working for the ice company?

A. I do not know what time he started to work.

Q. Do you know how long he worked there?

A. No sir.

Q. Have you been in Franklin ever since the summer of 1929?

A. Yes sir.

By J. Melvin Lovelace.

Melvin Davis, a witness, being duly sworn, deposes and says.

Q. What is your name?

A. Melvin Davis.

Q. How old are you?

A. 16

Q. What is your occupation?

A. I work for Hygia Ice Company during the summer and go to school during the winter.

Q. Did you work for this company during the summer of 1929?

A. Yes sir.

Q. Do you know whether or not William Kee was working for the Ice Company during the summer of 1929?

A. Yes sir.

Q. Do you know whether or not his wife, Cleopatra Warren Kee was up there during the summer of 1929?

A. Yes sir.

Q. Did you see her?

A. Yes sir

Q. Did you see her when she left Franklin to come back to Suffolk?

A. Yes sir her father and mother came for her.

Q. Did William Kee come back with her?

A. No sir.

Q. Did he continue to work in Franklin at the Ice plant after she came back to Suffolk.

A. Yes sir

Q. Did he ever move to Suffolk to live after she left Franklin that summer?

A. No sir.

Q. You say that you saw his wife in the car with her father and mother?

A. Yes sir.

Q. Did they have the baby with them?

A. Yes sir.

Q. And William Kee continued to work on for the Ice Company after that.

A. Yes sir.

By Fulcher.

Q. Melvin you say that you are sixteen.

A. Yes sir.

Q. How old were you when you saw Kee's wife's mother and father in the car in Franklin when she came back to Suffolk?

A. Thirteen

Q. Thirteen?

A. Yes sir.

Q. What year?

A. 1929.

Q. What month?

A. About July.

Q. About July, what month?

A. About the last part of August?

Q. What date?

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- A. I can't say.
- Q. Don't you know what day whether Sunday, Monday or Saturday?
- A. Don't know,
- Q. Was it on Sunday?
- A. I couldn't say what day it was.
- Q. How long have you been working for Hygia Ice Company?
- A. Since I was thirteen.
- Q. Was 1929 the first summer you worked there?
- A. Yes sir.
- Q. What kind of work were you doing at that time?
- A. Helping tote ice over 50 lbs.
- Q. Were you at the plant or on the wagon?
- A. On the wagon.
- Q. Were you on the wagon with Kee at this time?
- A. Yes sir.
- Q. Where were you all at the time that you said that you saw Dr. Warren and his wife come to Franklin and get Kee's wife?
- A. In Mrs. Kee's store buying cigaretts.
- Q. Where was William Kee at that time?
- A. I can't say.
- Q. You said that you worked on the wagon with Kee did you not?
- A. Yes sir.
- Q. How many worked on the wagon?
- A. Only two.
- Q. Where was the wagon at that time?
- A. Standing at the side door.
- Q. Standing at the side door and you do not know whether or not Kee saw his wife leave.
- A. I can't say whether he saw her or not.
- Q. How did you know that it was Kee's wife's mother and father?
- A. Because I heard them talking about Dr. Warren's daughter.
- Q. Whom did you hear talking about them?
- A. Him, William.
- Q. Did I not understand you to say just a few minutes ago that William was not there at the time?
- A. I can't say.
- 5

Q. Did you not say just a few minutes ago that William was not there when his wife left?

A. No.

Q. Did you know William Henry Kee's wife at that time?

A. No sir.

Q. Do you know William Henry Kee's wife now?

A. No sir.

Q. And if you ever have seen her in Franklin you didn't know who you were looking at?

A. No sir.

Q. There has been other strange girls at William Henry Kee's home in Franklin that you did not know?

A. Yes sir.

Q. How long have you been knowing William Henry Kee?

A. About eleven years.

Q. You and William Henry Kee are friendly are you not?

A. Yes sir.

Q. Has any one talked with you about this case?

A. No sir.

Q. Are you sure that you have not talked to any one about it?

A. Yes sir.

Q. Then how was it that you came down here as a witness?

A. William Kee told me mother while I was at school that he wanted me to go to Suffolk to be a witness for him that he was working on the Ice wagon at the time Dr. Warren came to Franklin and got his wife.

Q. Melvin your knowledge of this case is based on what Kee told you at the time you asked him who those people were that came to Franklin that day that you were in the store.

A. Yes sir.

Q. You do not know anything about this case do you?

A. No sir.

By Mr. Lovelace.

Q. Did William Kee try to tell you what to say when you came down here or did he tell you to come down here ?

A. No I was at school and he told my mother that he wanted me to come down here to tell whether he was working or not at that time.

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Q. You saw a man and woman come up there and take a woman away from William Kee's house did you not?

A. Yes sir.

Q. William later told you that that was his wife and her mother and father did he not?

A. Yes sir.

Q. As to what you testified about Kee working on the ice wagon that is correct is it not?

A. Yes sir.

Q. Has William Kee or any one else tried to get you to testify to anything except that what you do know?

A. No sir.

By Fulcher.

Q. Melvin you said that you worked for the Hygia Ice Company in the summer of 1929 did you not?

A. Yes sir

Q. Who was your boss?

A. Cliff Cutchins.

Q. Does he remember you working there in the summer of 1929?

A. I guess he does.

Q. When did you start to work?

A. I started to work about the 30th of June after school closed.

Q. How do you remember all that you have said if no one has told you about it.

A. Because I remember talking to my mother about William Kee's wife.

Q. You just said that you didn't know anything except what was told to you.

A. Mother told me about William Kee's wife having gone to Suffolk.

Q. How did you remember this was 1929?

A. Because I was thirteen^{that year} and went to Buckroe Beach.

Q. When did you go to Buckroe Beach?

A. 1929

Q. What month or day did you go to Buckroe Beach?

A. July 4th.

By Mr. Lovelace.

William Henry Kee, a witness, being duly sworn deposes and says.

Q. You are the defendnat in this suit are you not?

A. Yes sir

Q. You heard the testimony of S. A. Cook a few days ago in this case in which he testified that you came to his store between the middle and last of August, 1929 and stated to him that you could not get along with Cleoparta's father and mother on account of the fact they wanted you to take care of the baby and Cleopatra?

A. No sir I never told any such thing.

Q. Have you ever had any talk with S. A. Cook about the affairs between yourself and your wife?

A. No sit I never have.

Q. Did you go or stay at Dr. Warren's house in the month of August, 1929 at all?

A. No sir.

✓ Q. Do you recall when it was the last time you had a meeting at Rev. Dickerson's house?

A. I think it was around about the middle of August on Sunday.

Q. What year?

A. 1929

Q. Where were you living at that time?

A. In Franklin.

Q. Why did you come to Suffolk?

A. I came to Suffolk to see her, Cleopatra.

Q. Why did you meet at Rev. Dickerson's house?

A. Owing to the fact that Cleopatra's parents did not want me to come there.

Q. Did Fannie Warren come there to Rev. Dickerson's house and raise a disturbance?

A. Yes sir.

Q. What did Fannie Warren tell you at that time about meeting her daughter, who was your wife?

A. She said that she did not want me to meet her daughter and she wanted Cleopatra to go to school.

Q. Did you send any letters to your wife to Rev. Dickerson's house?

A. Yes sir.

Q. How many?

A. One or two, I don't remember exactly.

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Q. Did you wife write you a letter asking you to send her letters to Rev. Dickerson's house?

A. Yes sir.

Q. Where is that letter?

A. I turned it over to Mr. Lovelace.

Q. Do you know where that letter is now?

A. No sir I do not know.

Counsels for William Henry Kee state that to the best of their recollection this letter was turned over to them and filed in the papers as a part of previous testimony in this case and this letter is referred to in previous testimony, but is now lost and cannot be found. (see page 21 of testimony taken October 7, 1930)

Q. What were the contents of that letter written to you while you were in Franklin, to the best of your recollection?

A. Asking me how I was getting along and asking me to write her letters addressed to Rev. Dickerson's house as she did not get the letters sent to her parent's home as they would get them and open them and read them and then destroy them.

By Fulcher.

Q. Did you ever write your wife any letters at all except this particular one which you sent to Rev. Dickerson's house?

A. Yes sir.

Q. Where did you address them to?

A. Box 178, if I am not mistaken.

Q. Post office where?

A. Suffolk

By Hugh L. Holland

Q. Whose box was that?

A. Dr. Warren's box.

Q. Then she wrote you asking you to send her mail addressed to Rev. Dickerson's house after that?

A. Yes sir

Q. Do you know how many times you wrote her there?

A. I think I wrote one or more, about two times.

Q. Are you still willing at this time for Cleopatra to come back and live with you at your home?

A. Yes sir.

By Fulcher.

Q. Kee as a matter of fact you have no home, isn't it your mother's home?

A. I pay rent.

Q. Is that your home or your mother's home?

A. It is her home, mine and her together.

By Hugh L. Holland

Q. Did you ever receive any answers to any letters that you sent your wife to Dr. Warren's box in Suffolk?

A. No sir.

Q. Did you ever receive any answers to the letters that you sent her in care of Rev. Dickerson?

A. Yes sir.

Q. She got them because they were not opened and destroyed?

A. Yes sir.

✓ Q. When did you write these letters, what month and what year?

A. In August, 1929 and I wrote her in September also.

Q. What year?

A. 1929. and I wrote her in July.

Q. How many times did you write her in August?

A. About twice.

Q. How many times did you write her in September?

A. About twice.

Q. What part of September did you write her the first or last?

A. I wrote her about the first and last of September around about the 16th, I believe.

Q. What time in August did you write her?

A. It must have been around the first that I wrote her.

By Fulcher.

Q. You said that you wrote her only two letters in August?

A. I think it was two.

Q. Where did you send these two?

A. All to Suffolk.

Q. What address in Suffolk did you send these letters to?

A. To box 178 and the rest to Rev. Dickerson's.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Cleopatra Warren Kee.....Complainant

V.

DEPOSITIONS

William Henry Kee.....Defendant

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, John H. Palmer, a Commissioner in Chancery for the City of Suffolk, Virginia, do certify that the foregoing depositions of Clarence F. Dickerson, Alphonsa Britt, Melvin Davis and William Henry Kee, were duly taken under oath before me at the office of Hugh L. Holland, in the American Bank & Trust Company Building, Suffolk, Virginia on the 11th day of October, 1932, 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 defendant in a certain suit of equity now pending in the Circuit Court of Nansemond County, Virginia, wherein Cleopatra Warren Kee is complainant and William Henry Kee is defendant. The signatures of the witnesses of these depositions were waived by both complainant and defendant by counsel.

Given under my hand this 5th day of ^{November}~~October~~, 1932.

John H. Palmer
Commissioner in Chancery for the ~~City of Suffolk, Va.~~
Circuit Court of the County
of Nansemond, Virginia.

See \$

IN THE CIRCUIT COURT OF NANSEMOND
COUNTY, VIRGINIA

Cleopatra Warren Kee...Complainant

V. DEPOSITIONS

William Henry Kee.....Defendant

*Filed this the
10th day of
November 1932
John H. Powell
Clerk
By Evelyn Harris
Deputy*

HUGH L. HOLLAND
~~XXXXXXXXXXXXXXXXXXXX~~
HOLLAND & LOWELL
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

1102

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Cleopatra Warren Kee.....Complainant

V.

DEPOSITIONS

William Henry Kee.....Defendant

AND
THE DEPOSITIONS OF CLEOPATRA WARREN KEE, SAMUEL A COOK, HARRIET
A JORDAN, taken before me John H. Palmer, a Commissioner in Chancery
for the City of Suffolk, on the 29th day of September, 1932, between
the hours of 10:00 A. M. and 5:00 P.M., pursuant to due notice to
the defendant as provided by law, to be read as evidence on behalf of
Complainant in a certain suit of Equity now pending in the Circuit
Court of Nansemond County, Virginia wherein Cleopatra Warren Kee is
Complainant and William Henry Kee is defendant, in the original bill
of complaint, the parties being reversed in the cross bill filed by
the original defendant. The said depositions were taken partly in
the office of John H. Palmer in the National Bank of Suffolk Building,
Suffolk, Virginia and by consent of both complainant and defendant
and their attorneys the taking of these depositions were adjourned
to the office of Hugh L. Holland in the American Bank & Trust Company
Building, Suffolk, Virginia and completed at the last named office.

P R E S E N T

J. H. Fulcher, attorney for complainant
and complainant

J. Melvin Lovelane and Hugh L. Holland,
attorneys for defendant and defendant

Cleopatra Warren Kee, Complainant, a witness produced on her own behalf being first duly sworn, deposes and says:

By JOHN H. FULCHER, Esquire:

Q. Are still living in Nansemond County, Virginia?

A³₂ Yes, sir.

Q. Have you lived or cohabited with your husband since the institution of of this suit?

A. No; I have not.

Q. It was testified to at the last taking of the depositions by your husband that you were sick, confined to bed during the month of June 1929 on account of an operation performed on you by your father, is that true or not?

A. No, it is not true.

Q. Have you ever told your husband or any one else that such was true?

A. No.

Q. What you have testified to in the other proceeding relative to this case do you still say that such is true?

A. Yes.

And further this deponent saith not.

Samuel A. Cook, a witness produced on behalf of the complainant being first duly sworn according to law on his oath deposes and says:

By JOHN H. FULCHER, esquire:

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

A. Samuel A. Cook; 43 years of a ge; Capital Street in East Suffolk, Virginia; I am a merchant.

Q. Do you know Cleopatra Warren Kee and William Henry Kee?

A. I do.

Q. How long have you been knowing them?

A. I have been knowing her for about the past twelve years, and I have known him for about five years; ever since their marriage.

Q. What relation ^{are they} to each other.

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A. Husband and wife.

Q. Are they now living together as husband and wife?

A. No.

Q. Why are they not living together,- do you know?

A. According to what he told me; he said that Cleo's father and mother he could not get along with them, on account of that they wanted him to take care of Cleo and the kid,- the baby. And that he could not do so and go to school, therefore he would leave.

Q. When and where did he tell you this?

A. It was during the month of August 1929, I do not remember the exact day, but it was during that month; he told me right in my grocery store.

Q. Do you remember whether it was the first, the middle or the last of August?

A. No, sir; I do not remember the date, but it was some where between the middle and the last of August.

Q. Was Kee living in Nansemond County at that time?

A. Yes, he was.

Q. How far did he live from your home, or your place of business?

A. About two hundred and fifty yards from my store; I guess it is about that ~~far~~ far.

Q. Did he visit your store often while residing there?

A. ~~A~~ Yes, sir.

Q. When he told you that he was leaving did he tell you where he was going?

A. No, sir; he did not.

Q. Do you know whether or not he left at that time?

A. I could not say that he left right then, but I have not seen him since; if he did not leave then, he must have left pretty soon afterwards.

Q. When did you learn definitely that Kee had left his wife?

A. About ~~y~~ a week or ten days after his telling me that he was going to leave his wife.

And further this deponent saith not.

Harriet A. Jordan, a witness produced on behalf of the complainant, being first duly sworn on her oath deposes and says:

By JOHN H. FULCHER, esquire:

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

A. Harriet A. Jordan, 60 years, 6th Street East Suffolk, Social Service Work, and probation officer of Juvenile and Domestic Relations Court of the County of Nansemond, and of the City of Suffolk.

Q. Do you know that parties to this suit?

A. I do.

Q. How long have you been knowing them?

A. I have been knowing Cleo for the past twenty years or so, and have known him ever since they were married.

Q. What relation are they to each other?

A. Man and wife.

Q. Do you know whether they are now living together as man and wife?

A. No.

Q. Do you know where they lived during the time they were living together as husband and wife?

A. They lived with her father and mother, Dr. and Mrs. Warren, on the Norfolk Road near Lloyd Street, in the County of Nansemond.

Q. In the summer of 1929 ~~wh~~ were they living with Dr. and Mrs. Warren?

A. They were.

Q. Did you visit the home of Dr. Warren during the summer of 1929?

A. Yes, sir.

Q. Was Cleo ill and confined to bed at any time during that summer that you know of?

A. No, sir; she was not.

Cross Examination by Mr. Hugh L. Holland;

Have

Q. /William Henry Kee and Cleopatra W. Kee a child?

A. Yes, sir.

Q. When was this child born?

x.

Examination adjourned by consent to the office of Mr. Hugh L. Holland, to be continued forthwith.

Harriett A. Jordan continued cross examination by Hugh L. Holland.

Q. Do you know of my own knowledge where this child was born?

A. Yes sir, it was born at her father's house, Dr. Warren's house in the summer of 1928, I think.

Q. Are you sure it was in 1928?

A. I am sure.

Q. What month?

A. I can't say.

Q. May?

A. I can't say.

Q. June?

A. I can't say, it was some time in the summer.

Q. How long was she confined at that time?

A. A month.

Q. Where did she go at the end of her confinement?

A. I can't say.

Q. Where was her husband during her confinement?

A. I can't say just where he was.

Q. Do you know where he was living?

A. I suppose he was in Franklin with his mother, I understood he was.

Q. Where was she living?

A. She was with her mother and father.

Q. At the time of her confinement were they living together as man and wife?

A. I don't know.

Q. Do you know what period of time they were living together as husband and wife?

A. At the time they were away at school. When they came back from school I understand that he went to Franklin.

Q. What year?

A. It must have been 1929.

Q. When did they come from school?

A. I just can't tell, I cannot answer all these questions.

Q. Will you pick out and name any year that you know of your own personal knowledge that these two people lived together as husband and wife?

- A. In 1929 at her father's home. I remember that, but don't know whether they were living as man and wife.
- Q. What is the only time that you know that they lived together as man and wife?
- A. When they were first married.
- Q. Where were they living together, if at all, in the summer of 1927, during school vacation?
- A. I am unable to say.
- Q. Where did they live together, if at all, during the summer of 1928?
- A. I just can't say, whether here, in Franklin or where, he was here one time but I just can't say what year.
- Q. Why is it that you do not know anything about where these people were living except during the summer of 1929.
- A. Because her mother told me that he had left and gone home and she was going to stay home and he was going to his mother's. I was there and she told me about the child, it attracted my attention and she told me the story.
- Q. Then all your testimony concerning the separation of these people is what was told you by Fannie Warren, mother of Cleopatra Kee.
- A. Well no, I know positively that he was there and that he left, because I visited their home and she told me about the child.
- Q. When did William Kee come to Dr. Warren's house to live?
- A. It was after they came back from school, it was in the summer of 1929 that they came there to live, they wanted some one to take care of the baby.
- Q. Who was trying to get some one to take care of the baby?
- A. Her mother, Fannie Warren.
- Q. I will ask the same question over, when did William Kee come to Dr. Warren's house to live?
- A. I am not sure, I think in the summer of 1929.
- Q. May?
- A. I don't know whether it was July, August or September, it was in the summertime.
- Q. When did he leave?
- A. He left that summer some time.
- Q. The same summer?
- A. Yes sir.
- Q. What month?
- A. I am unable to say what month.
- Q. How many times did you see him at Dr. Warren's house?
- A. I saw him about three times, I met Mr. Kee there.
- 5-

- Q. What was he doing on these occasions?
- A. Most every time I went there it was at dinner time, I went there for dinner myself.
- Q. You were boarding at Dr. Warren's?
- A. Not exactly, when I would get hungry I would go there and get some thing to eat, he was my physician, and I didn't not have time to cook so I would eat there.
- Q. When was the first time you heard that he had left, from Cleopatra's mother?
- A. It was a few days after he had gone, in the same week he left, I think her words to me was "he has gone back to his mother."
- Q. What did she say about him?
- A. She didn't say anything about him worth mentioning.
- Q. Did she praise him up?
- A. No she said that she had to take care of Cleopatra and the baby and he had gone home to his mother.
- Q. Was anything explained to you by Cleopatra or by her mother, why Cleopatra did not follow her husband back to his home?
- A. Well no sir, nothing I can give you off hand.
- Q. What did Cleopatra do in the fall of 1928?
- A. It seems to me she went to school.
- Q. Where?
- A. I am not sure where she went to school that fall.
- Q. Where did she go in the fall of 1929?
- A. If I am not mistaken, I think she went to Washington.
- Q. Do you recall her being sick in 1927?
- A. No sir.
- Q. Was she sick during the summer of 1928?
- A. She has not been sick.
- Q. Will you explain to the court why you know so particularly about where these people lived in the summer of 1929 and do not know anything about any place that they lived at any other time?
- A. Because of the baby, the interest of the baby, that is why I know.
- Q. When Cleopatra left home in the summer or fall of 1929 to you know of your own knowledge where she went?
- A. I heard that she had gone to school, that is all I know about it. I understood from her father and mother that she had gone to school.
- Q. Then you do not know of your own knowledge where she went?
- A. No sir.
- 6

Q. Then you would not try to deny that she went from Suffolk to Franklin to live with her husband?

A. I cannot deny that.

Samuel A. Cook, recalled for cross examination by Hugh L. Holland

Q. Your store is next door to Dr. Warren?

A. No there is one dwelling between my store and Dr. Warren.

Q. Dr. Warren and his wife are customers of your are they not?

A. Yes sir.

Q. He is your physician?

A. No sir, I have never been sick enough in my life that I remember to call in a doctor.

Q. You are all friendly?

A. Yes sir.

Q. Where were Cleopatra Kee and William Kee living during the month of August, 1928.

A. I cannot say, I can just recall from 1929.

Q. Where were they living during the summer of 1929?

A. With Dr. Warren and the Madam.

Q. Why did they go to Dr. Warren's to live?

A. I cannot tell you, I don't know.

Q. When did they leave Dr. Warren's house?

A. I do not think she left, he left.

Q. So she continued staying here during the year 1929?

A. Yes sir until the time she left to go to school, which was the last part of September or the first of October.

Q. When did he leave?

A. As well as I can remember it was during the month of August.

Q. How many times did you see him at Dr. Warren's house during the month of August, 1929?

A. I do not know, I think he stayed there the entire month of August.

Q. Did William Kee call Cleopatra up over your phone?

A. Yes sir, one time over my phone, later one afternoon, I told her she had a call over my phone.

Q. When was that?

A. That was some time, I think in 1930, or 1929, at least three years ago, after he had left, one night about seven o'clock.

Q. Do you know that she did not leave her father's house during the month of September, 1929.

A. Yes sir, I know she left.

Q. What time of the month?

A. I cannot say, she went to school about the last of September, I do know that.

Q. Where did they live in the summer of 1930?

A. I can't say where they did live during the summer of 1930.

Q. Then in the summer of 1930, you do not know where either one of them lived?

A. No Sir.

Q. Do you know of your own personal knowledge, or just what you have been told, why he left Dr. Warren's house?

A. No more than what he told me.

Q. What did Cleopatra Kee do during the summer of 1928?

A. She didn't do anything. I never saw her doing anything.

Q. Do you know when her child was born?

A. I just can't say what time.

Q. Do you know what year?

A. No sir, I would not say what year it was, I didn't pay that much attention to it.

Q. Please explain to the Court why it is that you do not know anything about these two people in the summer of 1928 when it is admitted that she gave birth to a child during that summer at her father's home and that you know nothing whatever about where these people were in the summer of 1930, 1927 and 1928, but that you know full particulars of the one summer of 1929?

A. All I do know about 1929 is what was told to me by Kee himself, what made me know what I do know about 1929 is that he came to my store in the month of August and told me that he was leaving and going home. I asked him why and he said that he couldn't get along with Dr. Warren; that they wanted him to take care of Cleopatra and the baby; and if he did that he could not go to school.

Q. You knew at that time that he expected to go to school?

A. No sir, I only knew what he said.

Q. Will you pick out and state to the Court by designating the day with in one-half of a month of any other conversation that you ever had with William Kee in all your life?

A. No sir.

Q. Will you pick out and designate within one-half of a month any conversation that you ever had with any living person?

Counsel for plaintiff (Fulcher) objects to this question as it has no bearing on the fact at issue.

A. I cannot. I certainly can't.

Q. Then state to the Court why this particular conversation was so extremely important, although concerning a matter in which you had no interest, that you can recall that as the only conversation in all your memory for a period of more than three years?

A. Well I would not have thought of it if I had not been called on to deliver a message and remember well what the plaintiff said to me in regard to this conversation.

Q. When did you first tell Cleopatra Kee of this conversation?

A. I never told her anything about it.

Q. Have you ever told anyone of this conversation?

A. No one but Lawyer Fulcher.

Q. When did you first tell Lawyer Fulcher?

A. About one month ago, I told him about the conversation between I and this young man.

Q. Who else was present during that conversation?

A. No one but myself.

Q. Have you told the whole conversation?

A. Yes that is all of it.

Q. And he left shortly after this conversation?

A. Yes sir I have not seen him since about two or three days after that conversation.

Q. Then he left in August?

A. Yes sir according to my recollection he left the last part of August.

Q. Do you know whether he went to school in the fall of 1929?

A. No sir I couldn't say, I do not know anything about that.

Q. Did he tell you what school he expected to attend?

A. No sir he did not say anything about that and I did not ask him.

Q. Then according to this conversation he was going to leave in August because he expected or wanted to attend some school in the fall?

A. I do not know whether that was his intention. I have just stated what he told me. I told you he couldn't get along with Dr. Warren and Mrs. Warren; that they wanted him to take care of Cleopatra and the baby.

Cleopatra Warren Kee recalled for Cross Examination by J. Melvin Lovelace.

- Q. You are the Complainant in this suit are you not?
- A. Yes sir.
- Q. When were you married?
- A. September 17, 1927.
- Q. How old were you at that time?
- A. 18
- Q. You and your husband were in school together in Raleigh during the fall of 1927 were you not?
- A. Yes, the last part of the fall.
- Q. When was the child born?
- A. August 13, 1928.
- Q. The child has been with your mother and father since its birth has it not?
- A. Yes up until that time the next year.
- Q. When did you leave?
- A. I left to go to school about the first of October, 1928.
- Q. You were subpoenaed to appear as a witness before Mr. William Birdsong were you not?
- A. I have no knowledge of it. Please state the time.
- Q. On September 26, 1930.
- A. I have no knowledge of it.
- Q. Did not Mr. Taylor come to your house and leave a subpoena for you and your mother and father in September, 1930?
- A. I have no knowledge of it. I was not in Suffolk at that time. I left about the middle of August.
- Q. You mean to say that you left Suffolk for Washington the middle of August, 1930.
- A. I did.
- Q. Then when Mr. Tayloy in making his return stated that he delivered a true copy of this within notice, in writing, to H. A. Warren, Fannie Warren and Cleopatra Warren Kee in person, and dated it the 26th day of September, 1930 then he made a mistake did he?
- A. Please let me see it as it has been so many years, two or three since I received a summon and I do not know. I was thinking it was 1929, we separated that summer and I filed su~~bt~~ for divorce, it must have been the next summer I was referring to that I went to Washington.

- Q. Then if you received this summons why was it that you did not appear at the hearing before Mr. Birdsong?
- A. I appeared every time that I received a summons, but once I understand that I have received three. I did not appear at the trial in which abortion came up.
- Q. Why was it that you did not appear at that time?
- A. I did not receive a summons.
- Q. Then if you did not receive a summons, Mr. Taylor has made a false return, has he not?
- A. Evidently he has.
- Q. Isn't it a fact that you did not appear because your counsel advised you not to appear?
- A. No sir I was away at Howard University.
- Q. When did you go to Howard University?
- A. I have been going each year since 1928, it opens around the first of October, I think it was, The last time I left home before it opened, about the middle of August.
- Q. When did you leave in the year 1930?
- A. I left when it opened.
- Q. When did it open?
- A. It opened around the first of October.
- Q. You stated that you have been in Howard University every year since 1928, is it a fact that you were in some school in Raleigh up to June 1929.
- A. Let me see, yes I went to school in Raleigh for five years. I went there in the eighth grade the 29th or 30th of May I left in 1929.
- Q. Then you could not have been in Howard University since 1928, when you were in Raleigh in May 1929.
- A. Yes I was.
- Q. Did you live with your husband in Franklin during the summer of 1929?
- A. No I did not live with him but I visited him there.
- Q. You stayed at his parent's home did you not, as you stated that you had to wait until the boarders went to bed before you could put your baby to bed?
- A. I did state that I lived with him at that time.
- Q. What time was that?
- A. It was in August, about the first of August.
- Q. And he was working for the Ice Plant at that time, was he not?
- A. Yes he worked for the Ice Plant in Franklin for a while during that summer.
- //

- Q. Isn't it a fact that he worked for the Ice Plant in Franklin most of the summer of 1929?
- A. I don't have knowledge of that; I don't know what he was doing; I can't tell.
- Q. How long did you stay on your visit in Franklin around the first of August?
- A. About one or two weeks.
- Q. During that time your mother came to see you one or two times did she not?
- A. I think she came to see me about one time while I was there.
- Q. Isn't it a fact that your mother came up there and took the baby from you and brought it back to Suffolk?
- A. No.
- Q. Then you deny that she took the baby away?
- A. I don't have the knowledge of it; I don't know anything about it.
- Q. Your mother and father refused to let your husband come to see you at their home the last part of 1929, did they not?
- A. No they did not.
- Q. Then why was it that you wrote your husband asking him to send your letters in care of Rev. Dickerson on Adams Street?
- X. Counsel for Complainant (Fulcher) objects to this question unless Kee has letter to show that.
- Mr. Lovelace- I want to state that this letter was ^{an} filed as/Exhibit at the hearing before Mr. William Birdsong on the 7th day of October 1930.
- A. I did never write such a letter.
- Q. Do you deny that such a letter was written by you?
- A; I didn't write it.
- Q. Isn't it a fact that you met your husband at certain places in town?
- A. No.
- Q. When you married your husband you were both in school were you not?
- A. No not at the time I married him.
- Q. You married him in the summer but you were thinking of returning to school.
- A. No not that.
- Q. Did you decide after you were married to go back to school.
- A. No I had not thought of giving up school before I was married.
- Q. Although you had not finished school ~~and~~ ^{you} had no idea of giving up your education at the time you were married.

A. No.

Q. You knew of your husband's financial circumstances at the time you married him, did you not?

A. No I did not.

Q. How long had you known him?

A. I met him in July of the same summer I married him.

Q. You really thought of going back to school with him did you not?

A. No he did not state his affairs.

Q. Then during the summer of 1928 the child was born and after the child was born you still insisted on returning to school and allowed your mother to take care of the child, did you not?

A. Yes I did. I have two reasons for doing so; the first is I realized that I needed to take care of myself and I also needed to take care of the baby.

Q. At the time you were in Franklin in the summer of 1929 you and your husband did discuss plans for that fall did you not?

A. I do not remember discussing any plans.

Q. Did you not discuss your affairs with your husband?

A. No I had not made any plans at that time.

Q. In August 1929 you did not know whether you were going back to school or not?

A. I knew in August, but I did not know at the time I was down there with him.

Q. Did he not suggest that you go to Hampton and that he could probably make arrangements to go with you?

A. No indeed

Q. When was it that he returned to Suffolk to live?

A. After I spent two weeks up there he returned with me on the bus to live here.

Q. To live where?

A. In Suffolk with my people.

Q. Did he have a job here?

A. Not at the time he left.

Q. Then why was it that you suggested that he give up his job in Franklin and come to Suffolk, knowing he had no job in Suffolk?

A. I did not suggest it but I assumed that he would be able to get work as he had worked at Coleman's Barber Shop before.

Q. Did you get one or two letters that were sent you in care of Rev. Dickerson on Adams Street?

A. No I did not.

Q. After your parents refused to let your husband come to their home didn't you go to Coleman's Barber Shop and see him on several occasions?

A. The first place, they never refused to let him come there and I never did go to the barber shop to see him.

Q. You will swear that Mr. Jesse Taylor did not serve this paper on you?

A. At what time.

Q. On September 26, 1930

A. Yes he did.

Q. Why was it that you did not answer the summons?

A. I think I answered it.

Q. I want you to state just why you did not answer it.

A. As far as I can remember I did answer it.

Q. I will read what the summons was for. It was a summons served on you to appear before Mr. William Birdsong, Commissioner in Chancery at his office on October 7, 1930 at two o'clock P.M.

A. I was in school at that time.

Q. Then a mistake was made by Mr. Taylor when he stated that he served this summons on you?

A. That is correct.

Q. Were you sick during the spring of 1929?

A. No I was not.

Q. Isn't it a fact that Dr. Delanie attended you in the Spring of 1929 before you left school in Raleigh?

A. Yes I did go to Dr. Delanie for Gastritis.

Q. How many times did you go to him?

A. About twice, I think, two or three times.

Q. Did Dr. Delanie examine you at that time?

A. No he did not.

Q. Did not Dr. Delanie at that time tell you that you were pregnant?

A. No.

Q. Fulcher. Mr. Lovelace asked you whether or not you caused Kee, your husband to leave his employment at Franklin and come down here to Suffolk without any employment in sight. Please state whether or not you persuaded him to come down here.

Mr. Lovelace, I object to that it is leading, she should answer my question.

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A. No I did not persuade him.

Q.

Q. Then why did he come?

A. I do not know.

Q. Did you think he could get a job here?

A. I thought he knew where he could get a job.

Q. You wanted him to support you?

A. I did.

Q. Did he get a job in Suffolk?

A. No.

Q. Did he go back to Franklin and get his other job back?

A.. No.

By Fulcher

Q. Are you certain he had a job in Franklin?

A. I know that.

Q. Did he support you in Franklin?

A. Partly so.

Q. How much money did he give you?

A. He did not give me money.

Q. What makes you say he supported you then?

A. I ate with the rest of the family, but I couldn't say whether that was supporting me or not.

Q. How much money did he ever give you?

A. I think he gave me \$1.50 to keep for him.

Q. I asked how much money he ever gave you ?

A. No money

Q. During the time you were in school did Kee or your father pay for your schooling?

A. My father.

Q. Has Kee ever paid any schooling?

A. No.

Q. Has he ever given you any money for school?

A. No.

Q. Has he ever given you any money for the child?

A. No

By Mr. Lovelace:

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Q. You knew very well when you went to school that your husband was not able to pay for same, did you not?

A. No

Q. Did not his mother help pay his schooling and yours?

A. No

Q. She did not send any money to Kee to help defray expenses in School?

A. No I had to cut down on my board to help him pay his room rent.

Counsel for William Kee hereby ^{gives} notice that a notice of taking depositions will be served on the Plaintiff for taking further depositions on behalf of the defendant

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Cleopatra Warren Kee.....Complainant

V.

DEPOSITIONS

William Henry Kee.....Defendant

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, John H. Palmer, a Commissioner in Chancery for the City of Suffolk, Virginia do certify that the foregoing depositions of Cleopatra Warren Kee, Samuel A. Cook and Harriet A. Jordan, were duly taken under oath before me at the office of John ^{H.}~~D.~~ Palmer National Bank of Suffolk Bldg, Suffolk, Virginia and at the office of Hugh L. Holland, American Bank & Trust Company Building, Suffolk, Virginia on the 29th day of September, 1932 between the hours of 10:00 o'clock A. M. and 5:00 o'clock P. M. of that date, to be read as evidence on behalf of the Complainant in a certain suit of equity now pending in the Circuit Court of Nansemond County, Virginia, wherein Cleopatra Warren Kee is complainant and William Henry Kee is defendant. The signatures of the witnesses to these depositions were waived by both complainant and defendant by counsel.

Given under my hand this 5th day of ^{November}~~October~~, 1932.

John H. Palmer
Commissioner in Chancery for the ~~City of Suffolk, Va~~
Circuit Court of the County of Nansemond,
Virginia.

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IN THE CIRCUIT COURT OF NANSEMOND
COUNTY, VIRGINIA:

CLEOPATRA WARREN KEE...COMPLAINANT

V. DEPOSITIONS

WILLIAM HENRY KEE.....DEFENDANT

Filed this the
10th day of
November, 1932
John H. Powell, Clerk
By Evelyn Harris
Deputy

John H. Fulcher

~~HUGH L. HOLLAND~~

~~HOLLAND & DOWNEY~~

ATTORNEYS AT LAW

SUFFOLK, VIRGINIA

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