

1933-089
Nansemond Co (Suffolk) Chancery Causes: Ernest Brickel vs Katie Brickel

107

Brown, Allen, Divins, Brickell

Suffolk, Va., Oct 8 1924

Saunders & Hutton

Suffolk, Va

Suffolk News Company, Dr.

[Incorporated]

Publisher SUFFOLK DAILY NEWS

Only Daily Paper Published In This Field

1924

Sept	18	} Four times publication order publication Brickel vs Brickel
"	25	
Oct	2	
Oct	9	

THURSDAY, SEPTEMBER 18, 1924.

**FOR SALE—HOUSES & LOTS.
CALL 672.**

IN THE CLERK'S OFFICE OF THE
CICUIT COURT OF NANSEMOND
ON THE 15TH DAY OF SEPTEMBER,
1924.

Ernest Brickel..... Plaintiff
against

Katie Brickel Defendant

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

And an affidavit having been made
and filed that the defendant, Katie
Brickel, is not resident of the state
of Virginia, it is ordered she do ap-
pear within fifteen days after due
publication hereof, and do what may
be necessary to protect her interest
in this suit. And it is further or-
dered that a copy hereof be published
once a week for four successive
weeks in the Suffolk News, a news-
paper published in the city of Suffolk,
and that a copy be posted at the front
door of the Courthouse of this County
on or before the 15th day of Septem-
ber, 1923, that being the next succeed-
ing Rule day after this order was
entered.

A Copy—Teste:

G. E. BUNTING, Clerk.

Saunders & Hutton, p. q. 9-18-4t

This is to certify that
the annexed order of pub-
lication in the case of
Ernest Bickel vs Katie
Bickel was duly published
in the Suffolk Daily News
Sept 18 and 25 and Oct
2 and 9 , 1924

Suffolk Daily News

C L Snowden
C L Snowden,
Publisher

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Ernest Brickel

Pltff.

vs.

In Chancery

Katie Brickel

Dft.

I hereby certify that on the 15th day of September 1924

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered, and I further certify that I have mailed a copy to the last known address of the said Katie Brickel

Given under my hand this 15th day of September, 1924.

H. B. Dunning, Clerk,

By _____, Deputy Clerk.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA:

Ernest Brickel.....Complainant.

Vs. IN CHANCERY

Katie Brickel.....Defendant.

TO THE CLERK OF THE SAID COURT:

The object of this suit is to obtain a divorce, a vinculo matrimonii, upon the grounds of desertion for more than three years, As counsel for the complainant in this cause, I make application for an order of publication against the defendant, Katie Brickel, who is not a resident of the State of Virginia, and whose last known post office address was 206 North Bethel Street, Baltimore, Maryland, and I direct the clerk to mail a certified copy of said order of publication, when entered, to the said defendant at the address given herein, and to certify the mailing of the same as required by the statute in such cases made and provided.

Samuel T. Palmer

p. q.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, Ernest Brickel, being first duly sworn, do make oath that the above-mentioned defendant, Katie Brickel, is not a resident of the State of Virginia, and that her last known post office address is 206 North Bethel Street, Baltimore, Maryland.

Given under my hand this 3rd day of September, 1924.

Ernest Brickel
Complainant.

Subscribed and sworn to before me, the undersigned notary public, in my said City this 3rd day of September, 1924.

Ernest Palmer
Notary Public for the City of
Suffolk, Virginia.

Ernest Brickel,
Complainant,

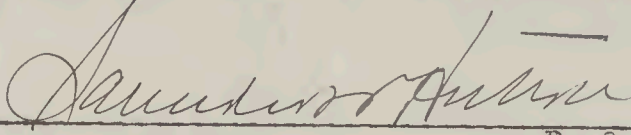
Vs. IN CHANCERY

Katie Brickel,
Defendant.

APPLICATION FOR ORDER OF
PUBLICATION.

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:
Ernest Brickel.....Complainant
Vs. IN CHANCERY MEMORANDUM
Katie Brickel.....Defendant.

Please issue summons returnable to the Second September
Rules, 1924.


P. Q.

Rule Notes.

Process issued Sept. 15, 1924, returnable to Sept. Rules, Third Monday, 1924.
Affidavit of non-resident filed, Order of publication posted at C.H. door, copy
mailed to last known address and copy to Suffolk News.

Ernest Brickel,
Complainant,

Vs. IN CHANCERY

Katie Brickel,
Defendant.

MEMORANDUM.

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon... Katie Brickel.....

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held
for the said Court, on the Third Monday in September¹⁹²⁴, to answer a

Bill in Chancery, exhibited against her

in the said Court by Ernest Brickel

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 15th day of
September, 19 24, in the 149th year of the Commonwealth.

A Copy---Teste:

Clerk }

Teste:

Clerk

Original

p. q.

vs. } In Chancery

19

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page

Sheriff

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

Executed this day of , 191 by delivering a true copy of the with-
in process to

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon Artie Brickel

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held
for the said Court, on the Third Monday in September, ¹⁹²⁴ to answer

Bill in Chancery, exhibited against her

in the said Court by Ernest Brickel

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 15th day of
September, 19 24, in the 139th year of the Commonwealth.

A Copy--Teste:

G. E. Bunting

Clerk

Teste:

G. E. Bunting

Clerk

Not found in my
County of Nansemond

9/15/24

E. B. Rawles
Sheriff

A copy for
Katie Brickel

p. q.

vs. } In Chancery

19

Rules

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.

Page

Executed this day of , 191 by delivering a true copy of the with-
in process to
in person, in the County of Nansemond, State of Virginia.
Sheriff

J. R. SAUNDERS

JOHN K. HUTTON

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

September 13th, 1924.

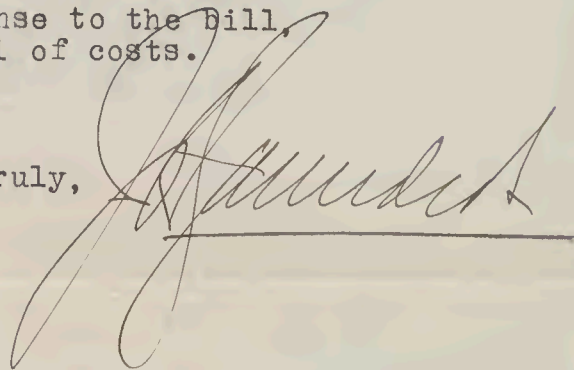
Mr. George E. Bunting, Clerk,
Suffolk, Virginia.

Dear Sir:

I enclose you herewith memorandum, application for order of publication and bill in the case of Ernest Brickel against Katie Brickel, together with check for \$7.50 to cover your deposit for costs. I would be glad if you would request the paper to mail me a certified copy of the advertisement. I would also thank you to attach a certified copy of the marriage license to the bill, charging the same up in your bill of costs.

Thanking you, I am,

Yours very truly,

A handwritten signature in dark ink, appearing to read "J. R. Saunders", is written over a horizontal line. The signature is fluid and cursive.

JRS/P.
Enc-4.

MARRIAGE LICENSE

Virginia Nansemond County to-wit:

To Any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church or religious denomination, and the laws of the Commonwealth of Virginia,

Ernest Brickell and Katy Brown

Given under my hand, as Clerk of the Circuit Court of Nansemond County ~~(xxx City)~~
this 7th day of June, 1905

A. P. Gomer, D. C., Clerk

MARRIAGE CERTIFICATE

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

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

Date of Marriage 1905 June 7th Place of Marriage Suffolk, Va.

FULL NAMES OF PARTIES

Ernest Brickell and Katy Brown

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

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

Race (White or Colored) Colored

(PRESENT)

Husband's Place of Birth Nansemond Co., Va. Mailing Address Nansemond Co., Va.

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

Names of Husband Harry Brickell and Rosa his wife

Parents Wife Samuel Brown and Wortley his wife

Occupation of Husband Laborer

Given under my hand this 7th day of June, 1905

A. P. Gomer, D. C., Clerk

Certificate of Time and Place of Marriage

I, Wm. Thompson, a minister of the Baptist

Church, or religious order of that name, do certify that on the 7 day of June, 1905,

at Suffolk, Virginia, under authority of the above License, I joined together in the Holy State of

Matrimony the persons named and described therein. I qualified and gave bond according to law authorizing

me to celebrate the rites of marriage in the County ~~(xxx City)~~ of Nansemond, State of Virginia.

Given under my hand this 7 day of June, 1905

A true copy made this 29th day of April 1925

Wm. Thompson

(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, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

County (or City) ~~Norfolk~~ Nansemond.....

.....Ernest Brickell.....
Husband

and { **Marriage License**

.....Katy Brown.....
Wife

Date of Issue June 7th.....1905

Marriage Register No..2.....Page..67

VIRGINIA:

In the Circuit Court of the County of Nansemond.

Ernest Brickel Complainant,

vs. On Bill for Divorce. Depositions.

Katie Brickel Defendant.

Depositions of Noah Allen, Henry Divins and Ernest Brickel, taken before me, John H. Palmer, Commissioner in Chancery for the Circuit Court of the County of Nansemond, Virginia, on the 12th day of November, 1924, after order of publication, at the office of Saunders and Hutton, 103 West Washington Street, Suffolk, Virginia, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon of that day, to be read in evidence in a suit in which ErnestmBrickel is complainant, and Katie Brickel is defendant, pending in the Circuit Court of the County of Nansemond, Virginia.

PRESENT: Job R. Saunders, esquire, of counsel with complainant.

No appearance for defendant.

Noah Allen, a witness produced on behalf of the complainant, being first duly sworn, deposes and says:

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

A. Noah Allen; age, 42; residence, Nansemond County, Virginia; occupation, farmer.

Q. Do you know Ernest Brickel and Katie Brickel, his wife?

A. Yes sir.

Q. How long have you known them?

A. I have known Ernest about thirty years and his wife about twenty years.

Q. Do you know whether or not they are now living together?

A. They are not living together.

Q. Do you know which one left the other?

A. Yes sir. She left him.

Q. Do you know of any cause he gave her to leave him?

A. No sir. Not any at all.

Q. During the last few years of their married life and just before she left him, did you live near them?

A. Yes sir.

Q. About how far?

A. Betwixt three hundred and four hundred yards.

Q. Did you have an opportunity to observe whether he treated her properly and properly provided for her as a man should provide for his wife?

A. He did in every way he could and as far as he was able.

Q. Did you see her at the time she left him and have any talk with her and, if so, what did she tell you?

A. She told me she was going to leave him on account that she liked to entertain young company and that he wan't willing to it, and that was why she was going to leave him. She said that when she saw him again it would be on the other shore if she kept her mind.

Q. About when was that?

A. That was about three years ago.

Q. His bill charges that she left him in May, 1920.

A. It was somewhere about that time, yes sir, and not knowing her to be called up I think that is about right.

Q. Since then have they lived together?

A. No sir.

Q. Would you have known it if they had lived together?

A. Yes sir.

Q. Where were they living at that time, I mean in what County?

A. Nansemond County.

Q. Has he continued to reside here in Nansemond County since she left him?

A. Yes sir. Right here in Nansemond County.

And further this deponent saith not.

Noah Allen

Henry Divins, a witness produced on behalf of the complainant, being first duly sworn, deposes and says:

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

A. Henry Divins; age, around 49; residence, Nansemond County; occupation, farmer.

Q. How long have you known Ernest Brickel and his wife, Katie Brickel?

A. Eight years.

Q. Did you know them during the last few years that they lived together and at the time that they separated?

A. Yes sir.

Q. How far did you live from them during this time?

A. Around about three hundred yards.

Q. Do you know which one left the other?

A. Yes sir. Katie, his wife, left him.

Q. Do you know of any cause he gave her to leave him?

A. No sir. I do not know of any cause he gave her at all.

Q. Were you in a position to observe, and did you observe, whether or not he properly provided for her as a man should provide for his wife?

A. Yes sir. He provided for her as far as he was able.

Q. Did he treat her kindly?

A. Yes sir, was very kind to her.

Q. Did you see her about the time that she left him and have any talk with her?

A. Yes sir. I saw her the day she left him.

Q. What did she say to you about it?

A. Well, she just said she was going away and did not think she would make this her home any more.

Q. Did she say why she was going away?

A. No sir.

Q. About when was that?

A. That was about three years ago, I just don't know the exact date.

Q. Ernest charges in his bill that she left him in May, 1920. Is that right?

A. Yes sir, that is just about right. It was along about that time.

Q. Are you sure that it has been more than three years ago?

A. Yes sir.

Q. Since May, 1920, have you lived near Ernest Brickel?

A. Same place.

Q. Do you know whether or not they have lived together?

A. No sir. They have not lived together and do not live together now.

Q. If they had lived together would you have known it?

A. Certainly would.

Q. Do you know where she is now?

A. No sir. I do not know just exactly where she is.

Q. Where has Ernest Brickel lived since May, 1920, ⁹in mean in what County?

A. Nansemond County.

Q. Was he living in Nansemond County during the whole year of 1920?

A. Yes sir.

And further this deponent saith not.

his
Henry F. Davis
Sworn

Ernest Brickel, complainant, being first duly sworn, deposes and says:

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

A. Ernest Brickel; age, 36; residence, Nansemond County, Virginia; occupation, farmer.

Q. Ernest, are you and your wife now living together?

A. No sir.

Q. Where is she?

A. I do not know.

Q. How long has it been since you saw her?

A. ~~Notesince~~ 1920.

Q. What month?

A. In May. I know it was in May because we were picking strawberries.

Q. Why are you not now living together?

A. Because she left me, the only reason that I know.

Q. When did she leave you?

A. In May, 1920.

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

A. No sir.

Q. Did you provide for her and take care of her as a man should take care of his wife?

A. Yes sir. As far as I was able.

Q. Did you work steadily?

A. Yes sir.

Q. Do you know why she left you?

A. No sir. I do not.

Q. Did she tell you she was going to leave?

A. No sir. She did not tell me.

Q. Were you at home?

A. No sir, I was not. When I got back I found her gone.

Q. Has she communicated with you in any way or have you been able to locate her since May, 1920?

A. No sir.

Q. You have not lived with her since 1920?

A. No sir.

Q. In what County were you living at the time she left you?

A. Nansemond County.

Q. How long have you resided in Nansemond County?

A. All of my life, born here and have not been anywhere else.

Q. Did you have any children?

A. No sir.

~~And further this deponent saith not.~~

BY THE COMMISSIONER.

Q. Are you married to the defendant, Katie Brickel?

A. Yes sir.

Q. When were you married to her?

A. In 1905.

Q. Where were you married to her?

A. Suffolk. Right here in this town.

And further this deponent saith not.

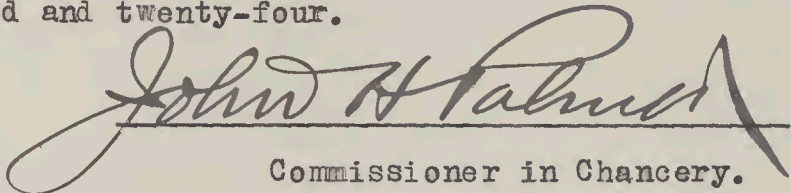
E. M. Brickel

STATE OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

I, John H. Palmer, a Commissioner in Chancery for the Circuit Court of the County of Nansemond, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken and reduced to writing by my direction and signed before me, in my immediate presence, at the place and time in the caption mentioned, pursuant to order of publication.

IN WITNESS WHEREOF, I have hereunto set my hand at Suffolk, Virginia, this fifteenth day of November, in the year of our Lord one thousand nine hundred and twenty-four.


Commissioner in Chancery.

Fee: \$5.00

In the Circuit Court of Nansemond
County, Virginia:

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Ernest Brickel,
Complainant,

Vs.

Katie Brickel,
Defendant.

In Chancery ,
On Bill for Divorce.

*****P

DEPOSITIONS.

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Saunders & Hutton,
Atty's.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

Ernest Brickel.....Complainant.

VS. IN CHANCERY BILL

Katie Brickel.....Defendant.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA:

Your complainant, Ernest Brickel, respectfully represents:

FIRST: That on the 7th day of June, 1905, your complainant was lawfully married in the County of Nansemond, Virginia, to Katie Brickel, whose maiden name was Katie Brown, as will appear from a certificate of marriage, herewith filed, marked Exhibit "A", and made a part of this bill.

SECOND: That continuously from the date of said marriage until the _____ day of May, 1920, your said complainant and the said defendant lived together as husband and wife in Nansemond County, Virginia.

THIRD: That the said defendant has wilfully deserted and abandoned your said complainant for a period of more than three years, that is to say, that on or about the _____ day of May, 1920, the said Katie Brickel did wilfully, voluntarily and without any justification whatever leave his home and your said complainant; that immediately before leaving and at times subsequent thereto the said defendant declared her intention to leave your said complainant and never return to him, and she has never returned; that the said desertion occurred in Nansemond County, Virginia.

FOURTH: That your said complainant has been domiciled in this State ever since the aforesaid marriage and for more than one year next preceding the commencement of this suit, and is now domiciled and now resides in the County of Nansemond, Virginia, and that your said complainant last lived with the said defendant, as

husband and wife, in Nansemond County, Virginia, but that the said defendant now resides and is now domiciled in the City of Baltimore, Maryland.

In consideration whereof, and forasmuch as your complainant is remediless in the premises, save in a court of equity, your complainant prays that the said Katie Brickel may be made a party defendant to this suit and required to answer the same, but not on oath, the oath being hereby waived; that a divorce from the bond of matrimony, which was created by the aforesaid marriage be decreed him, and that your complainant may have all such further and other and general relief in the premises as the nature of his cause may require or to equity shall seem meet.

Ernest Brickell
Complainant.
By J. H. Alexander
His Attorney.

Samuel F. Helton
Counsel.

IN THE CIRCUIT COURT OF LANSE-
MOND COUNTY, VIRGINIA.

Ernest Brickel,
Complainant,

Vs. BILL

Katie Brickel,
Defendant.

Filed 9-18-34

V. E. Bunting Clerk

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

Deposit \$100

Saints & Hutton, N.Y.

Robert Brinkel

a day

Walter Brinkel

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