

1933-1934

Chancery Causes: Nennie J. Kelley

191

Nansemond County (Suffolk)

vs

Thomas W. Kelley

* All old chancery cases dismissed in this year

Kelly, Hayes, Brinkley, Cross, Norfleet,
Goodman

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Thomas W Kelley*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the *Third* Monday in *November 1909*, to answer
a Bill in Chancery, exhibited against *him*
in the said Court by *Nannie J Kelley*

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this *4th* day of
November, 1909, in the 134th year of the Commonwealth.

A copy—Teste :

, CLERK. }

Teste :

R. R. Smith

. CLERK.

Wm. A. B. Somers S.C.

R N Rawles p. q.

Nannie J Kelley

vs.

}

IN CHANCERY.

Thomas W Kelley

1909.....

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. *3*

PAGE *77*

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Thomas W Kelley*

to appear at the Clerk's Office of the Circuit Court of Nausemond County, at the Rules to be held for the said Court, on the *Third* Monday in *November 1909*, to answer *a* Bill in Chancery, exhibited against *him* in the said Court by *Nannie J Kelley*

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this *4th* day of *November*, 1909, in the 13^{*4th*} year of the Commonwealth.

A copy Teste:

R R Smith, CLERK. }
By A P Gomez S.C.

Teste:

R R Smith, CLERK.
By A P Gomez S.C.

R N Rawles p. q.

A copy for

vs.

}

IN CHANCERY.

Thomas W Kelley

1909

November Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. *3*

PAGE *77*

Virginia:

In the Clerk's Office of the Circuit Court
of Mauremunt County on this ^{3rd} ~~12th~~ day
of ~~October~~ ^{November} 1809:

Naamir J. Kelley is Thomas W. Kelley.

R. H. Rawles agent and attorney for the
plaintiff Naamir J. Kelley being duly
sworn solemnly swears that to the
best of his knowledge information and
belief, the defendant Thomas W. Kelley
in the above entitled cause is not a
resident of the State of Virginia. Given
under my hand this 8th day of ~~October~~ ^{November}
1809.

R. H. Rawles.

Teste: *Albion S. C.*

Affidavit of
Non-Residence

Nannie J.
Kelley
vs } Chancery
Thos. W. Kelley.

Virginia ; Hansemond county tow it;

In the Clerk's office of the Circuit Court of
said county in vacation on the 3rd day of November 1909 .

Hannie J. Kelley *Plaintiff*

vs.

In Chancery .

Thomas W. Kelley. *Defendant*

The object of this suit is to obtain for the plaintiff a divorce
from bed and board from her husband Thomas W. Kelley, the defendant .
And affidavit having been made and filed that the defendant Thomas
W. Kelley is not a resident of the State of Virginia it is order-
ed that he appear at the clerk's office of the Circuit court of
Hansemond county within fifteen days after due publication hereof
and do what may be necessary to protect his interest in the above
suit; and it is further ordered that this order be published once
a week for four successive weeks in the Suffolk Herald a newspa-
per published in Hansemond county Virginia .

Given under my hand this 3rd day of November 1909.

Teste: *R. R. Smuth Clerk*
By A. P. Gorney D.C.

Copy posted at the
Chancery door
Nov 5th 1909

Nannie J. Kelley

12} Order of
Publication

Thomas W. Kelley

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., Feb 9

1910

M *RH Rawes atty*

TO SUFFOLK HERALD CORPORATION, Dr.

:: Newspaper and Job Printing ::

No. 912 WASHINGTON STREET

TERMS OF THIS BILL — NET CASH

BOTH PHONES

Feb 9 To Pub. 4 times Suit Kelley vs Kelley

360

PAID

Feb 9/10

THE SUFFOLK HERALD CORPORATION

K

VIRGINIA; Nansemond County to-wit

In the Clerk's Office of the Circuit Court of said county in vacation on the 3d day of November, 1909.

Nannie J. Kelley Plaintiff

vs.

In Chancery.

Thomas W. Kelley Defendant

The object of this suit is to obtain for the plaintiff a divorce, from bed and board from her husband, Thomas W. Kelley, the defendant. And affidavit having been made and filed that the defendant Thomas W. Kelly is not a resident of the State of Virginia, it is ordered that he appears at the clerk's office of the Circuit court of Nansemond county within fifteen days after due publication hereof and do what may be necessary to protect his interest in the above suit; and it is further ordered that this order be published once a week for four successive weeks in the Suffolk Herald, a newspaper published in Nansemond, County, Virginia.

Given under my hand this 3rd day of November, 1909.

Teste:

R. R. SMITH, Clerk,
By A. P. GOMER, D. C.

Nov. 12. 4ts. W

Posted at Court House Door.

Nannie J Kelley
25

Thos W Kelley

R N Rawles p. g.

1909

To R. R. SMITH, Clerk Circuit Court of Nansemond County, Dr.

Nov 4th Tax and Clerk Fees in Suit of Nannie J. Kelley vs
Thomas W. Kelley \$ 1.50

Nov 29th 1909 Paid A. P. Gomey S. C., Clerk.

VIRGINIA; Nansemond County to-wit

In the Clerk's Office of the Circuit Court of said county in vacation on the 3d day of November, 1909.

Nannie J. Kelley Plaintiff

vs. In Chancery.

Thomas W. Kelley Defendant

The object of this suit is to obtain for the plaintiff a divorce, from bed and board from her husband, Thomas W. Kelley, the defendant. And affidavit having been made and filed that the defendant Thomas W. Kelly is not a resident of the State of Virginia, it is ordered that he appears at the clerk's office of the Circuit court of Nansemond county within fifteen days after due publication hereof and do what may be necessary to protect his interest in the above suit; and it is further ordered that this order be published once a week for four successive weeks in the Suffolk Herald, a newspaper published in Nansemond, County, Virginia.

Given under my hand this 3rd day of November 1909.

Teste:

R. R. SMITH, Clerk,

By A. P. GOMER, D. C.

Nov. 12. 4ts. W

Office of SUFFOLK HERALD.

SUFFOLK, VA., Jan. 7 1910

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law---once a week for four successive weeks.

beginning Nov 12/09 and ending Dec 3/09

W J Keendrick

Editor Herald

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va.,

1910

M

R. H. Rawls atty

Jan 7

TO SUFFOLK HERALD CORPORATION, Dr.

:: Newspaper and Job Printing ::

No. 912 WASHINGTON STREET

TERMS OF THIS BILL — NET CASH

BOTH PHONES

*Dec 3 Pub 4 times Notice of Suit of
Nannie J. Kelly vs. Thos W. Kelly*

360

Raymond J. Kelley

W. J. Chaucery

Thos. W. Kelley,

R. R. Smith Clerk of the Circuit Court
of Hancock County;

Wm. J. Kelley

Plff

vs
Thomas W. Kelley

Def.

Issue Summons for Plaintiff
against defendant to ~~first~~ ^{second} November
^{third Monday} 1889 to answer said
Plaintiff of a Bill in
Chancery.

Pay \$1.50 Paid

R. R. Smith Secy.

Memo. for Clerk

Norman J. Kelley

vs. Chancery

Thos. W. Kelley.

Nannie J. Kelley

vs.

Thomas W. Kelley

1909 - Nov. 4 - Process issued.

1909 - Nov 3 - affidavit of non-residence filed -
Order of Publication vs. Thos. W. Kelley

Recd filed - Decon Nisi -

1909 - Dec 22 Set for hearing on order of
Publication

Notes

Kelly
vs.

Kelly

Nannie J. Kelley
vs.

Thos. W. Kelley

Cost.

Clerk

485

Writ Tax

Paid Nov 29/09 -

150

Commissioner

Paid see next file

500

Attorney

Paid B. H. H. H.

1500

\$2635

Cost to Jan 10/10 -

485

Clerk

3.60

Herald

8.45

485

3.60

Herald

8.45

20.00

28.45

50

28.95

10.00

1895

\$485 - Rec'd of
B. H. H. H. for $\frac{86}{100}$
dollars in full clerk
cost in other style suit.
Feb. 9. 1910 R. R. Smith, Clerk
By M. M. Watkins & Co.

Virginia: Hansemond County to wit;

In the Clerk's Office of the Circuit Court of
Hansemond County, Virginia, on the 1st day of November 1909.

Wm. J. Taylor

Plaintiff.

vs.

The People.

Thos. J. Taylor

Defendant.

The undersigned, Clerk of the Circuit Court of Hansemond County, Virginia, do hereby certify that the above order of publication was posted at the Court House door on Nov. 5th 1909 and remained until Jan 5th 1910.

Teste: R R Smut Clerk
By A. L. Somers D.C.

J. M. Watkins, Deputy Clerk of the Circuit Court of Hansemond County do certify that the above order of publication was posted at the Court House door on Nov. 5th 1909 and remained until Jan 5th 1910.

J. M. Watkins D.C.

Mamie J. Kelley

12 } Chaucery

Jos. W. Kelley.

Depositions of Nannie J. Kelley, and others taken before me, Bradford Kilby, a Commissioner in Chancery, for the Circuit Court of Nansemond County, in the State of Virginia, at the office of R. H. Rawles, in Suffolk, Virginia, on the 29th day of December, 1909, between the hours of 9 A. M. and 6 P. M. to be read as evidence on behalf of the plaintiff, in a certain suit in equity, depending in the said Circuit Court of Nansemond County, wherein Nannie J. Kelley is plaintiff, and Thomas W. Kelley is defendant. No notice was given or required as to the taking of these depositions, because there has already been one order of publication, duly made in this cause, and the defendant has failed to make any appearance whatever.

Present.

R. H. Rawles, counsel for plaintiff.

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

Nannie J. Kelley being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit.

A. Nannie J. Kelley, 42 years, Suffolk, Virginia, keeper of boarding house, and I know the parties, I am the plaintiff.

Q. When were you married to the defendant?

A. In 1903, April 30th.

Q. What was your occupation at that time?

A. I was at that time keeping a boarding house, for my living, in Suffolk, Virginia.

Q. What was the occupation of your husband?

A. He was a sewing machine agent.

Q. How long had you known the defendant before your marriage?

A. About 18 months, he boarded in the house with me one year previous to the marriage.

Q. Please state, if after the marriage you still continued to carry on the boarding house?

A. I did.

Q. Did you still have full control of the same, and do the work the same as you did before marriage?

A. Everything, he had no more responsibility of it than you have.

Q. Then your labors were about the same after marriage, as before, is that true?

A. It is true.

Q. Please state how you endeavored to conduct yourself, toward your husband, after your marriage?

A. I did everything in my power, to make his life pleasant and happy; I tried to make all his surroundings and his home, such as to be attractive, and I feel that I did everything that a dutiful wife could do for the wellfare, comfort, convenience, and pleasure of my husband.

Q. Please state what he contributed toward your support, or the maintenance of the family after marriage?

A. He contributed nothing for me, or toward the maintenance of the family, he kept on in his same business, and usually spent his earnings on himself, and I saw nothing or very little of it, in fact my labors were just the same after as before marriage; in fact they were more and heavier, because I had the burden and expense of looking after him in addition.

Q. How long did he live with you after your marriage?

A. Up until the 3d of October, 1908.

Q. Please state what was his conduct toward you, and his conduct generally previous to that time?

A. When I married him, I did not know that he had a fault, but some time after marriage, in fact a year or two after marriage, I found to my horror that he was becoming addicted to the excessive use of ardent spirits; that he was very often drunk and abusive; he often came

home drunk, and made trouble in the house, and with me.

When he was in that state his temper, was most violent, in fact it was dreadful, and he seemed to be beside himself. I bore it the best I could without complaining as long as I could endure it, as I hated the mortification of making it public, but he continued to get worse in his bad ways, until on one occasion before he left, he came home one night in a state of beastly intoxication, he smashed the furniture, broke seven or eight window lights, commanded me to throw up my hands, and threatened to take my life, he drove me into the street, in the condition in which I was in between 11 and 12 o'clock at night, and his conduct continued so bad that I was greatly alarmed for my safety and had to call in the police and have him arrested and locked up. He took his gold watch out of his pocket, and crushed it under his heels, thinking it was mine; he went out into the yard and broke all of my flower pots, and behaved terribly.

I have stated this one occasion, but there were numerous occasions when he acted in the same manner, until I felt afraid of him, but still I tried to to keep up my work, as I was dependant on it for my daily bread. After his arrest he continued to go from bad to worse until the 3d of October, 1908, when he utterly abandoned and deserted me, and my house and home, and has not since returned nor have I laid eyes on him since that day.

Q. Did you give him any cause to treat you in the manneryou have described?

A. None whatever.

Q. Have you ever heard from him directly, or seen him since he left on October, 3d, 1908?

A. Never.

Q. Do you now know where he is?

A. I do not know, as I have never heard from him directly, but I have heard indirectly, I do not know whether it is true or not, that he is up in Conneticut.

Q. What has he done towards your support since he left?

A. Nothing in the world, he has not sent me one penny, or provided one penny toward my support, since that day, in fact he has utterly abandoned and deserted me.

Q. Was his conduct toward you such as to cause you to have reasonable apprehension, that he would cause you bodily hurt?

A. Yes it was, I certainly believe he intended to take my life if he could.

Q. Was he guilty of cruelty toward you?

A. I do not know how he could have been more cruel to me than he was, as I often had to run for my life; he was cruel also in the fact that he utterly failed to support me, or to do anything to make my life happy.

Q. What means have you now of making a support for yourself during life?

A. I do not own any real estate, in the world, and only a little household furniture, and as I said before I have to work every day for my daily bread.

Q. Have you reached the conclusion that it would be best for you to be entirely separated and divorced from him?

A. I have reached that conclusion after thinking well over the matter for months.

Q. Where do you now reside?

A. In Suffolk, Nansemond County, Virginia, I have been continuously living in Nansemond County for over twenty years.

Q. Where did you and your husband last cohabit?

A. In Suffolk, Nansemond County, Virginia.

And further this deponent saith not.

Nannet J. Kelly

P. H. Hayes, being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit.

A. P. H: Hayes, age 33, Nansemond County, near Suffolk, Virginia, farmer, and I know both of the parties to the suit.

Q. How long have you known the plaintiff?

A. All of my life.

Q. How long have you known the defendant?

A. I think about 7 years.

Q. Are you intimately acquainted with either of them?

A. I am very intimately acquainted with Mrs. Kelley, the plaintiff, I boarded in the same house that she kept, with Mr. Kelley, for a year or more previous to their marriage.

Q. Do you know about when they were married?

A. It was some time in April 1903.

Q. Is the defendant now living with his wife?

A. He is not.

Q. Where does the plaintiff now reside?

A. In Suffolk, Virginia, where she has resided for many years past.

Q. Where did she and her husband last cohabit?

A. In Suffolk, Virginia.

Q. What was her occupation when she married the defendant?

A. She was keeping a boarding house, and making her living in that manner.

Q. What was his occupation?

A. He was a machine agent, he pretended to be in the machine business, but so far as I could observe, he did little or nothing.

Q. Do you know whether he contributed anything to her support after their marriage.

A.

Very little at first; towards the last he did not do a thing; he lived right there in the boarding house on her earnings, and she to my knowledge, bought every rag of his clothes with what she earned; in fact I think he married her just to get a good easy home.

Q. Now did the plaintiff act toward her husband, and treat him after their marriage?

A. She is a hard working woman, very industrious, and of a good disposition, and cheerful temperament, she treated him very kindly, and I never heard her speak a cross word to him in my life, although I boarded with her for over twelve months, every day.

Q. What was her general disposition toward him, and how and what kind of a home did she try to make for him?

A. Her disposition was kind and cheerful, and she tried her best to give him a good, pleasant, and comfortable home.

Q. How did he act towards her.?

A. At first, soon after their marriage, he seemed to act fairly well, but it was not long before he began drinking, and he then became abusive, and violent in his manner toward her, along toward the last, he came home drunk every day and every night, and when he did come in that condition, he always raised great trouble, and seemed to have a desire to destroy property. I remember on one occasion, when he came home at night, and broke all the window lights, destroyed other property, and threatened to take the life of his wife, and drove her into the street, about midnight, she was so frightened and alarmed that she had to send for the police to get him under control, in fact I have never seen her so frightened in my life, she was paralyzed with terror.

Q. State whether or not you have ever heard him threaten her life on other occasions?

A. Yes many and many a time.

Q. From what you have seen of his conduct toward her, and his disposition, do you think that she had reasonable apprehension of bodily hurt from him?

A. Yes I do, I believe she was in danger at many times.

Q. Can you state whether or not he was kind to her or whether he was cruel towards her?

A. From my observation of over one year with them, I must say the man acted in a most cruel and unjustifiable manner towards her.

Q. Did she ever to your knowledge give him cause to treat her in this manner?

A. She certainly never did, because she is a kind, good hearted woman.

Q. You have already stated I think, that he is not now living with her, do you know about when he left her?

A. It was some time in the month of October, 1908, I do not now just remember the date.

Q. Do you know where he went?

A. I do not know where he went, but have heard that he went up in the Northern States to live.

Q. Has he ever to your knowledge returned to live with her since that date in October, when he left her?

A. I am quite sure he has not.

Q. What have been your opportunities for knowing this?

A. My opportunities are these, the plaintiff is a close relative of mine, and my wife and myself visit her on an average of two or three times a week, and I know if he had returned I would have known the fact, in fact I have never seen him in Suffolk, or Nansemond County since that date, when he left, whereas before that time, I saw him practically every day.

Q. Is there any question about the fact that he has abandoned and deserted her.?

A. No there is none whatever.

And further this deponent saith not.

J. H. Hayes.

W. E. Brinkley, being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. W. E. Brinkley, 40 years, Chief of Police, Suffolk, Virginia, and I know both of the parties to this suit .

Q. How long have you known the plaintiff?

A. About 30 years.

Q. How long have you known the defendant?

A. About 10 years.

Q. Where is the plaintiff now living?

A. In Suffolk, Virginia.

Q. Where did she and her Husband last cohabit?

A. In Suffolk, Virginia.

Q. How long has she been living in Nansemond County?

A. At least 20 years.

Q. Do you know whether the defendant is now living with his said wife?

A. He is not.

Q. Do you know about when he left her?

A. October, 1908, I do not remember the exact date, I think it was on one Saturday.

Q. Do you know where he is?

A. I cannot tell.

Q. Have you seen him in Suffolk since that time?

A. I have not.

Q. Is it not a fact that when he was here living with her that you saw him almost every day?

A. Yes that is true.

Q. What was his occupation?

A. He was a solicitor for Singer Sewing Machines.

Q. What was her occupation at the time of her marriage?

A. She was running a boarding house, in Suffolk, Virginia.

Q. Did she continue this occupation after marriage?

A. She did.

Q. Do you know what is still her occupation?

A. It is still the same.

Q. As far as you are informed, does she have to do this in order to make a living?

A. She does.

Q. Do you know what are her habits, character, disposition, and general temperament?

A. I know her to be one of the most even tempered, amiable, and I consider one of the best women I ever knew, she is a very industrious woman and works hard to make her living.

Q. Can you tell me anything about Mr. Kelley's habits after he married her?

A. After the second year of his marriage he began to drink, and in the early part of 1908, I was called on to go to Mrs. Kelley's boarding house, as there was a disturbance there, and when I arrived Mrs. Kelley had gone across the street to a neighbor's home, in her night robe, for protection. Kelley, her husband was up stairs in the bed room, in a drunken state, very furious and threatened to kill Mrs. Kelley, and refused to admit me into the room. I read my warrant of arrest, and threatened to break the door open, unless I was admitted, when he admitted me after a few moments persuasion.

I found the furniture in the room badly torn up, several window lights broken, and the lamp and chimney smashed, that he had thrown at Mrs. Kelley as she rushed out of the room. I placed Kelley under arrest and carried him to the Station house, where he was locked up until next morning. Kelley was a man of very disagreeable temperamnet when under the influence of liquor.

"16"

Q. Was he often in this condition?

A. Yes drunk 3 or 4 times a month. On Thursday right before the Saturday he left in October, he was drunk and very disagreeable at his home, Mrs. Kelley rang for me, and ask for protection, as he had threatened to kill her. I swore out a warrant and sent Officer Duke to arrest him, when Officer Duke arrived Kelley had left the house, and went to Norfolk the following morning, I was in Norfolk on Sunday, and saw Kelley on the street, met him on the corner of Granby & Main, ad he told me that he was going away and never expected to return to Suffolk any more, and that he never expected to live with his wife again.

Q. What did he do towards supporting Mrs. Kelley during the last two years of his living with her?

A. Nothing at all, as he had become worthless, and was spending all that he made in Whiskey.

Q. If he had returned to live with her since that day would you not have known it as an officer of this town?

A. I would have, as I had a warrant for his arrest.

Q. Then you feel quite sure that he has never returned to her since October, 1908?

A. Yes I do.

Q. And from his statement to you, can you say that he has abandoned and deserted her?

A. Yes I should think so.

And further this deponent saith not.

Bridley
Chief of Police

J. Paul Cross, being duly sworn deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. J. Paul Cross, 31 years, Suffolk, Virginia, Insurance business, and I know both the parties to this suit.

Q. How long have you known the plaintiff?

A. I have known her practically all of my life.

Q. How long have you known the defendant?

A. About 4 years.

Q. Where is the plaintiff now living?

A. In Suffolk, Virginia.

Q. In what business was she engaged at the time of her marriage to him

A. She was running a boarding house, in Suffolk, Virginia.

Q. Did she continue this business after her said marriage?

A. She did.

Q. Was he boarding with her previous to this said marriage?

A. I think he was.

Q. Tell us all you know about the character, general disposition, and temperament of the plaintiff?

A. From my knowledge of her, which is lifelong, I can say that she is a woman of good disposition, genial temperament, kind hearted, and I know also that she is a very industrious woman, and has striven hard since the death of her first husband, Mr. Fred W. Hunter. The last years of her life have been the hardest once, for her, and she has seen better days. She came of a fine family, who at one time had wealth and competence, and she was not raised to work as she has been compelled to do since she has been married.

Q. Do you know whether her husband is now living with her?

A. No he is not.

Q. Do you know about what time he left or abandoned her?

"13"

A. It was in the fall of 1908, I do not remember the exact date, he was at that time employed with a sewing machine company.

Q. Have you seen him with her, or have you seen him in Suffolk, since he left at that time?

A. No I have not.

Q. Did you not see him quite frequently when he did live with her?

A. I did.

Q. Is it not a notorious fact, well known in the community, that he has left and abandoned her?

A. Yes, it is a positive fact.

Q. Knowing her as intimately as you do, is it not more than probable that you would have known the fact, if he had returned to live with her?

A. Yes, I think I would.

Q. What do you know about the habits of the defendant after his marriage with his wife?

A. I know that he was addicted to the use of liquor, and often drank to excess.

And further this deponent saith not.

J. Paul Cross.

Lemuel H. Norfleet, being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. Lemuel H. Norfleet, age 30 years, Suffolk, Virginia, Livery business, and I know the parties to this suit.

Q. How long have you known the plaintiff?

A. I have known her all of my life, we are family connected, her first husband was my uncle, Fred W. Hunter.

Q. How long have you known the defendant?

A. 4 or 5 years.

Q. Where is the plaintiff now living?

A. She is living right in front of my place of business, in Suffolk, Virginia.

Q. How long has she been living in Nansemond County?

A. 20 or 25 years.

Q. Where did she and her husband last cohabit?

A. In Suffolk, Virginia.

Q. Will you describe her temperament, character, and disposition as a woman?

A. I have known her all of my life, and I know her to be a kind hearted good tempered woman, I never saw her angry in my life, although I often visited her home, I have remained there for weeks and months at the time.

Q. What was her occupation when she married Mr. Kelley?

A. She was keeping a boarding house in Suffolk, Virginia.

Q. Did she continue this occupation after she married him?

A. Yes, she did.

Q. Is the defendant now living with her?

A. No, he is not.

Q. Do you know where he is?

A. I do not.

Q. Can you tell about what time he abandoned or left her?

A. It was a little over a year ago, or in the fall of 1908.

Q. When he lived with her is it not a fact that you saw him in Suffolk almost every day?

A. At first I did, but in the last months he lived with her, he was away from Suffolk off and on until he finally left for good.

Q. If he had returned to live with her since the last time he left, would you not have known the fact?

A. Yes I would have seen him sure, and I say this because her residence is right opposite, across the street from where my daily labor is, and if he had been here since that time, I certainly would have known the fact.

Q. After his marriage with her, did he become addicted to the use of intoxicating liquors?

A. Yes he did, I have seen him drunk several times, and I know that he was arrested more than once for drunkenness and has been up before the mayor on that charge.

Q. Do you know whether she ever gave him any cause to abandon and desert her?

A. I am quite sure she did not, because she is an industrious woman who attends strictly to her own business.

Q. From what you know of her can you state how she treated her husband when he did live with her?

A. So far as I know she treated him alright, her treatment to him was all that could be expected of any wife, she did her best for him, to keep up the home, and to make his life a pleasant one.

And further this deponent saith not.

Lemuel H. Norfleet

Joseph D. Goodman, being duly sworn, deposes and says as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. Joseph D. Goodman, age 30, Suffolk, Virginia, Life Insurance business, and I know the parties to this suit.

Q. How long have you known the plaintiff?

A. I have known her practicably all of my life. We were both born and raised in Gates County, North Carolina.

A. How long have you known the defendant?

A. I knew him at least twelve months before their marriage, about when he first came to Suffolk.

A. Where is the plaintiff now residing?

A. She is living in Suffolk, Virginia.

Q. How long has she been living in Nansemond County?

A. At least twenty years, or perhaps more.

Q. Where did she and her said husband last cohabit?

A. In Suffolk, Nansemond County, Virginia.

Q. Can you tell what is the disposition and general temperament of the plaintiff?

A. I have known her as I said all my life, and I know her to be a woman of a kind and genial disposition, not overbearing in her manner, and certainly disposed to treat everybody right with whom she comes in contact, and with kindness and courtesy.

Q. What was her occupation before her marriage with the defendant?

A. She was keeping a boarding house, in Suffolk, Virginia.

Q. Did she continue to carry on the same business after her marriage with Mr. Kelley?

A. Yes she did.

Q. Did he board in the house with her after marriage?

A. Well he lived there with her after marriage.

Q. Do you know whether after his marriage he was addicted to the use of intoxicating liquors?

"9"

A. Yes I have seen him under the influence of of liquor.

Q. Will you state whether or not you often saw the defendant in Suffolk when he was living with his wife?

A. Yes almost every day.

Q. Do yiu know whetle r or not he is living with her now?

A. No, he is not.

Q. Can you tell about when he left his said wife?

A. As far as I can remember, he left Suffolk about the month of October, in the year 1908.

Q. Have you ever seen him in Suffolk since thatday?

A. No I have not.

Q. If he had returned to Suffolk, to live with his wife, since that time would you probably not have know the fact?

A. Yes, I think I would.

Q. State the reason of this?

A. Knowing that he had gone, my attention would have been particularly called to the fact if he had returned, and his presence on our streets would have emphasized the fact and caused me to notice it.

And further this deponent saith not.

Joseph D. Goodman,

"17"

VIRGINIA, NANSEMOND COUNTY, to-wit:

I, Bradford Kilby, a Commissioner in Chancery, of the Circuit Court of Nansemond County, do certify that the foregoing depositions of Nannie J. Kelley, P. H. Hayes, W. E. Brinkley, and others, were duly taken, subscribed, and sworn to before me, at the office of R. H. Rawles, in Suffolk, Virginia, between the hours of 9 A. M. and 6 P. M. on the 29th day of December, 1909.

Given under my hand this 29th day of December, 1909.

Com's fee \$5.⁰⁰ paid,

Bradford Kilby
Commissioner in Chancery

Depositions.

Nannie J. Kelley

127 Chancery

Thomas W.

Kelley.

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

ALYAH BUSHNELL CO., LAW STATIONERS, 342 MARKET ST., PHILADELPHIA, PA.

-----#
Nannie J. Kelley Pltff. #

vs. #

In chancery. #

Thomas W. Kelley, Dfnt. #
-----#

This cause came on this day to be heard on the bill of the complainant who appears to have been proceeded against in the manner prescribed by law, ^{he still failing to appear and plead, answer or demur} as to non-resident defendants, and on the depositions of W. E. Brinkley and others witnesses, duly taken before one of the Commissioners of this court, ~~and the defendant failing to plead, answer or demur~~ and was argued by counsel.

On consideration whereof it appearing to the court from the evidence submitted in this cause, that the defendant Thomas W. Kelley has willfully abandoned and deserted his wife, the plaintiff, and that while living with her he was guilty of cruelty toward her, such as to cause her reasonable apprehension of bodily hurt; and it further appearing that the plaintiff is now and has for many years been continuously a resident of this State, and has been domiciled in this State for upwards of one year next preceding the commencement of this suit, and that the plaintiff and defendant last cohabited in the County of Nansemond, the court doth order, adjudge, and decree that a divorce a mensa et thoro, or, from bed and board, be and is hereby granted the plaintiff Nannie J. Kelley from her said husband Thomas W. Kelley, and the court doth further order, adjudge, and decree that the defendant shall in no wise molest or interfere with the said plaintiff, and that she shall have the sole and absolute control of such property as she may now own, or may hereafter acquire, free from any claim of right, or any interference whatever ^{that the plaintiff may receive her former name Nannie J. Kelley} on the part of her said husband, and that the said plaintiff shall

recover of the defendant her reasonable cost in this behalf expended
and this cause is continued.

Kelley vs Kelley
Decree.

Enter Jan 10, 1910
James S. McGinnis
Entered in Chancery
Order Book No. 4. Page 391

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

ALVAN BUSHNELL CO., LAW STATIONERS, 342 MARKET ST., PHILADELPHIA, PA.

TO THE HONORABLE JAMES L. McLEMORE,

Judge of the Circuit Court, of Nansemond County;

Humbly complaining sheweth unto the court your oratrix, Nannie J. Kelley, of Suffolk, Nansemond County, Virginia, the following case:

Your oratrix says that on the 30th day of April, 1903, she was married to Thomas W. Kelley, in Suffolk, Virginia, as will appear from the records and certificates of marriage now filed in the Clerk's Office of the Circuit Court of said County; and your oratrix further says that after her said marriage, she was always a kind, loving and dutiful wife to her said husband, and did everything in her power to make his life a comfortable, pleasant and happy one, and to make his home surroundings and influences such as would tend to promote in the highest degree his comfort and wellfare. She was at that time, and is now a woman without property or worldly means, and entirely dependant upon her own skill and labor, for a support, being engaged at the time of said marriage, in the occupation of keeping a boarding house in said town, for the purpose of earning an honest living, and after the said marriage, she still continued her work and daily labor in carrying on said boarding house, where she and her husband resided until he left her. They lived together from the time of marriage until the 3d day of October, 1908, when her said husband utterly abandoned and deserted her. She says that during the time he lived with her, she contributed the greater part of the support for both of them; that he was engaged as agent in selling Sewing Machines, but contributed very little, if anything, toward their joint support. And she further says that for some time after the said marriage her husband conducted himself in a proper and genteel manner and seemed to be entirely satisfied with her and with his surroundings, but that after two

or three years he either fell into the habit, or resumed the old habit, of drinking intoxicating liquors to excess and was often very drunk and abusive to her. She further says that during the last year he lived with her, that is to say, one year previous to Oct. 3d, 1908, his conduct toward her became unbearable; that he was continuously and habituously in a state of intoxication, and often insanely drunk; that he would come to her home at night, destroy her property break out window lights, destroy flowers and plants, and other articles of chattel property; that his conduct towards her was threatening and abusive; that he threatened her serious bodily harm, and even caused her to fear for her life; that she was often compelled to call in the neighbors in order to feel that she was safe. She says that this conduct she bore in silence for a long time, hoping by her persuasion to induce him to abandon his reckless conduct and to behave himself as a gentleman, but her efforts were all unavailable, and that he kept up his drinking, his destruction of property, and his threatening and abusive language to her until she was worked up to a state of nervous excitement which rendered it almost impossible for her to carry on her daily labor; that once she was compelled, although with great and deep mortification, to have him arrested and taken in charge by an officer before the police court; that in his drunken sprees he would often leave her house and home for weeks at the time and she would not know of his whereabouts. She says that this conduct continued until Oct. 3d, 1908 when without any improvement in his conduct, he utterly left and willfully abandoned and deserted her, and left her house and home, and, as she is informed, left the State of Virginia, since which time she has not seen nor heard from him, nor has he since then contributed anything whatever toward her support. Your oratrix therefore

charges that her said husband has been guilty of great cruelty towards her, that his conduct has caused her to have very reasonable apprehension of bodily hurt from him. Also that he has now willfully abandoned and deserted her ^{and left her} to make her way and her living in the world the best she can without any help from him.

Though said abandonment or desertion has not yet been for the period of three years, ^{Under} all the circumstances of this case, your oratrix believes that she ought to be entirely divorced from her said husband.

In tender consideration whereof and for as much as your oratrix is without remedy in the premises, save by the aid of a court of equity, where such matters are alone and properly cognizable, your oratrix prays that the said Thomas W. Kelley may be made a party, defendant to this bill, and required to answer the same, though an answer under oath is hereby waived; that proper process may issue; that all proper depositions may be taken; and that your oratrix may be granted a divorce from bed and board from her said husband; that he may be required to pay her alimony in such amount as the court may think proper, considering his means; that he may be required to contribute toward the cost of her prosecuting this ^{that she may be permitted to resume her former name, Nannie J. Hunter,} suit, and for all such other, further, and general relief as this case may require, or which to equity may seem meet, and she will ever pray, etc.

Nannie J. Kelley

VIRGINIA, NANSEMOND COUNTY, to-wit:

I, R. H. Rawles, a Notary Public for the county aforesaid, in the State of Virginia, do certify that Nannie J. Kelley whose name is signed to the foregoing bill, has this day personally appeared before me, in my county aforesaid, and after being duly sworn,

solemnly swore that the statements contained in the said bill as coming from her own knowledge are true, and that all other statements therein contained as coming from knowledge or information derived from others she believes to be true.

Given under my hand this-----15-----day of Nov. 1909.

My Term of office expires on the 30th day of January, 1911.

W. Rawles *W.D.*

Kelley vs Kelley
Bill.

Filed Nov. 15 1909.
S. P. Gomer 56

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

ALVAN BUSHNELL CO., LAW STATIONERS, 342 MARKET ST., PHILADELPHIA, PA.