

1933-206

Nansemond Co (Suffolk)

Chancery Causes: Emma Odom

Vs

Joseph Odom

242

White, Odom, Hardy, Hicks, Strickland

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon Joseph Odom

to appear at the Clerk's office of the Circuit Court of the County of Nansemond
at the rules to be held for the said Court on the 1st Monday in June, 1933,
to answer a bill in chancery, exhibited against him in our said Court by
Emma Odom

And have then there this writ. Witness John H. Powell, Clerk of our said
Court, at the court-house, the 29th day of May, 1933, and in the
157th year of the Commonwealth.

By Evelyn H. Harris John H. Powell, Clerk.
Deputy Clerk.

original

No. 300

Emma Odam

vs. }

SUBPOENA IN CHANCERY

Joseph Odam

Frank Butler, Jr. p.q.

To First June Rules, 1923 -

Nansemond Circuit Court.

Executed on the 31st day of May
1923, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to

Joseph Odam in person.
E. B. Rawles

Sheriff of Nansemond County

By J. C. Layler
Deputy Sheriff of Nansemond County

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

Emma Odom

Complainant.

v.

MEMORANDUM

Joseph Odom

Defendant.

To John H. Powell, Clerk:

Please issue summons in the above case,
returnable first June rules, 1933.

Frank E. Butler Jr.
Counsel.

VIRGINIA,
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

EMMA ODOM.....COMPLAINANT

v.

JOSEPH ODOM.....DEFENDANT

MEMORANDUM

Filed this the
29th day of May,
1932.
John N. Powell
Clerk
By Evelyn Harris
a/c.

Lewis St.
So. Suff
(near church)

To Joseph Odom:

Take notice that on the 12th day of June, 1933, at the office of Frank E. Butler, Jr. in the National Bank Building in Suffolk, Virginia, between the hours of 9A.M. and 11A.M., of that day, I shall proceed to take the depositions of Polly Hardy and others, to be read as evidence in my behalf, in a certain suit in equity, depending in the Circuit Court of Nansemond County, wherein I am plaintiff, and you are defendant; and if from any 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, at the same place, and between the same hours, until the same shall be completed.

Given under my hand this 29th day of
May, 1933.

EMMA ODOM
by Frank E. Butler, Jr.
Her Counsel

VIRGINIA,
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

EMMA ODOM.....COMPLAINANT

V.

JOSEPH ODOM.....DEFENDANT.

NOTICE OF TAKING DEPOSITIONS

*Filed this 31st.
day of May 1933.
J. H. Powell - Clerk*

Executed on the 31 day of May
1933, within the County of Nansemond, State
of Virginia, by delivering a true copy of the with-
in summons notice, in writing, to

Joseph Odom in person,

E. B. Rawles
Sheriff of Nansemond County

By J. E. Taylor
Deputy Sheriff of Nansemond County

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

EMMA ODOM.....COMPLAINANT

v.

JOSEPH ODOM.....DEFENDANT.

Depositions of Emma Odom, Polly Hardy, Sallie Hicks and Bunny Strickland, taken before me, William S. Holland, Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, on the 12th day of June, 1933, at the office of F. E. Butler, Esquire, Room 309 National Bank of Suffolk Building, Suffolk, Virginia, between the hours of nine o'clock A. M., and eleven o'clock A. M., of said day, at which time the taking of said depositions was adjourned to eight o'clock P. M., on June 20th, at the same place, by consent of M. Anderson Maxey, attorney for the defendant, and F. E. Butler, attorney for the complainant, then adjourned by consent of the aforesaid attorneys to nine o'clock A. M., on June 27th, at the residence of Bunny Strickland, (on account of illness), to be read in evidence in a further proceeding in the above entitled cause, pending in said Circuit Court.

Appearances:

For the complainant: F. E. Butler, Esquire, of counsel.

EMMA ODOM, being first duly sworn, depōses and says, as follows:
(Examined by F. E. Butler)

Q. What is your name?

A. Emma Odom.

Q. Where do you live now?

A. South Suffolk

Q. Is that Nansemond County?

A. That is right.

Q. What is your age?

A. Thirty eight.

Q. What is your occupation?

A. Laundry lady.

Q. Are you the complainant in this suit?

A. Yes, sir.

Q. When were you married?

A. October 13, 1919.

Q. Who did you marry at that time?

A. I married Joseph Odom.

Q. Where were you married?

A. In South Suffolk.

Q. Who married you?

A. Rev. A. Boone.

Q. Where did you live after your marriage?

A. In South Suffolk, Nansemond County, Virginia.

Q. How long did you stay with your husband?

A. About a year and four months.

Q. Do you remember the date you and he separated?

A. I think it was February 20, 1921.

Q. When you were with your husband, did you do all in your power to make your marriage a success?

A. I did everything a wife could do to make it pleasant in the home.

Q. When you said you did everything you could do to make life pleasant, what did you mean?

A. I worked. I took my earnings what I made and distributed it around the house to make it pleasant. I bought curtains and scarfs and made it as pleasant as I could.

Q. Did your husband work?

A. Yes.

Q. Did he take his money and put it all in his home?

A. No, sir.

Q. What did he do with his money?

A. I don't know. He would buy a little something to eat.

Q. And you don't know what he did with the rest of his money?

A. I never found out. He didn't give it to me.

Q. You left him about February 1, 1921?

A. Yes, sir.

Q. Why did you leave him?

A. He was so disagreeable and we couldn't get along. He threatened me with my life and would beat me. He would work all the time but didn't give me anything but a little something to eat.

Q. When you say he was disagreeable, please explain?

A. I couldn't get along with him. Nothing I did pleased him. One morning I went out to call him to breakfast - he was in the yard - and he came in and asked me didn't I know he was old enough to know when to come to breakfast, and from that he started to beat me, and he turned the stove over upside down. It was a range stove too.

Q. Did you know of any reason why he should hit you like that?

A. No, except he was so mean. I didn't say any more to him than call him for breakfast.

Q. Did he go outside of the home to stir up things and do things which would break up your happiness?

A. He would go over to his mother's - she lived next door - and tell her everything we said. And I would know it from her. I couldn't do anything to please her. I couldn't wear my dresses to suit her.

Q. That kept things stirred up all the time?

A. Yes. When he came in I would ask him about it and then there would be a big fuss, and he would tell me what he would do to me.

Q. What did he say he would do to you?

A. When he would come in and I would tell him, he said he was going to beat me if I didn't shut up and let him alone. He said he was going to kill me. I left there about twelve o'clock at night and went to my sister's because I was scared to stay there.

Q. When he would threaten you with your life and was hitting you, and if you would say anything, what would he reply?

A. He would say shut up, and if I didn't like the way he was doing I knew the hole the carpenter cut, for every board on the house was hisn.

Q. Did you say he turned over the stove?

A. Yes.

- Q. Were there any other occasions upon which he would break up the furniture?
- A. He broke up some records - about nineteen or twenty.
- Q. What caused him to do that?
- A. I don't know what caused him to do it. The records were my sister's and were in my house. While I was out of the house, he found out they were my sister's records and he broke them because they were my sister's.
- Q. Emma, what did you mean when you said that he didn't provide for you?
- A. I mean he didn't give me anything.
- Q. Did he ever buy you any clothes?
- A. Never gave me a dress in his life.
- Q. Do you remember anything he bought for you?
- A. One pair of shoes is all he ever gave me.
- Q. Did he threaten you with your life many times?
- A. Yes, sir. So many times, I can't tell you how many.
- Q. At the time he made these threats, did he ever hit you?
- A. He nearly knocked my eyes out. And my jaws were all swelled up.
- Q. Did this happen often?
- A. Right often, from the time we were together.
- Q. Who besides you knew about him beating you?
- A. Mrs. Bernie Stricken.

Q. No one else?

A. I know she saw it but I don't know who else. Polly Hardy saw my face swollen.

Q. The night you left, did he hit you?

A. He hit me but didn't hurt me. He said he was going to kill me. I was scared to go to sleep.

Q. Did he make any advances on you like he was going to kill you?

A. He shut the door and said he was going to fix me up right. I asked him what he was going to do. He said that was all right. And I was scared.

Q. Did you go to bed at all the night you left?

A. I was in the bed but I got up and put on my clothes and went out.

Q. When you went out of the house, did you walk out?

A. I walked out, and when I got to the door I told him I was going and to shut the door.

Q. You really thought he was going to kill you?

A. I was so scared. I went to my sister's at twelve o'clock that night and woke her up. I had to cross the branch. I was scared to cross the branch and I was scared to stay at home, but I would rather cross the branch than stay there.

Q. Was the main reason you left because you were threatened with bodily harm and death?

A. Yes, sir. That is why I left.

Q. Have you been anywhere with your husband in the twelve years you have been separated from him?

A. No, siree.

Q. Have you had any relations with your husband since that time?

A. No, sir.

Q. Are you afraid of your husband?

A. Yes, sir.

Q. You would be scared to go with him anywhere?

A. Yes, sir. I don't know what he would do to me now. I'm scared of him.

And further this deponent saith not.

Emma Odon

POLLY HARDY, being first duly sworn, deposes and says as follows:
(Examined by Mr. F. E. Butler)

Q. What is your name?

A. Polly Hardy.

Q. Did you know Emma Odom and Joseph Odom when they lived together after they were married?

A. Yes, sir.

Q. Did you live near them?

A. I lived about two houses from them.

Q. Did you know they were having any trouble in their house?

A. No, sir, except when I saw her one day with her eyes all swollen and I asked her what was the matter and she said Joe hit her.

Q. Was she bruised very badly?

A. She was bruised pretty good and bad.

Q. Was she cut?

A. Just bruised.

Q. Were her eyes practically closed?

A. Yes, sir.

And further this deponent saith not.

Pollie Hardy

SALLIE HICKS, being first duly sworn, deposes and says as follows:
(Examined by F. E. Butler)

Q. What is your name?

A. Sallie Hicks.

Q. Your age?

A. Thirty Three.

Q. Do you live in Suffolk?

A. Yes, sir.

Q. Are you the sister of Emma Odom, the complainant in this suit?

A. Yes, sir.

Q. Do you know about what time Emma Odom left Joseph Odom?

A. In February, 1921.

Q. Tell all you know about her leaving him?

A. Emma came to my house about twelve o'clock one night in February, 1921, and said Joe said he was going to kill her. That is why she came to my house, and they have never lived together since that time, and she lived with me for sometime after that. When she came to my house that night she had a bruised place on the left side of her jaw where he hit her and I put some Sloan's Liniment on it.

Q. Did you ever visit their home before they were separated?

A. I visited her occasionally.

Q. How did he treat her?

A. He treated her mighty bad. He was mean to her and I heard him threaten to kick her out of the house just a few days before she came to my house.

Q. Did you ever see him strike at her or hit her?

A. No, sir, I never saw it. But one day we were planning to go to the circus, and I kept on waiting for her to come, and when she didn't, I found that he had beat her, had knocked over the stove and had broken some dishes.

Q. Did your sister do everything she could to get along with him?

A. I think she did. She was very smart and worked hard as she does now.

Q. Did her husband provide for her and support her?

A. No, sir, she had to work for everything she had. He always talked about the boards in the house being his and she ought to get out.

Q. Do you know anything else about their family affairs?

A. I know he was very cruel. I had some records over his house and he took them in the garden and broke them up with an axe, and when I asked him for my records he said he would break me up like he did the records.

Q. Was your sister ever sick while she lived with her husband?

A. Occasionally she was sick and I had to attend to her, and he wouldn't do anything for her.

Q. Have you ever had any trouble with him yourself?

A. No, sir, none whatever, except what he told me about the records.

And further this deponent saith not.

Sallie Hicks

BUNNY STRICKLAND, being duly sworn, deposes and says as follows:
(Examined by F. E. Butler)

Q. What is your name, age and residence?

A. Bunny Strickland, about seventy years old, South Suffolk, Virginia.

Q. Are you related to either of the parties to this suit?

A. No, sir.

Q. Did you live next to Joseph and Emma Odom at the time they separated?

A. Yes, sir.

Q. Did you see them the day Emma left?

A. Yes, sir.

Q. Do you remember the date she left?

A. February, 1921.

Q. Did you ever see Emma's husband mistreat her?

A. He was always arguing and fussing with her, and a day or so before she left, I saw, from my window, him beating her. He knocked her over the cook stove, and I was afraid he was going to kill her. I was old and feeble and was afraid to go over them but I could see them good, as there wasn't any other house between ours. I thought he done her right bad.

Q. Was that the only time you say them not getting along well?

A. He was always arguing and fussing with her, but I don't remember any other particular date.

Q. What kind of wife did Emma make?

A. She seemed to be all right.

Q. Was she a good, hardworking woman?

A. Yes, sir. I never saw anything wrong with her the whole time she lived near me. I'll tell it straight so far as I know.

Q. Do you know anything about her husband, Joseph Odom?

A. He was always running around. Never did stay home very much. Made out he had a lot of business to attend to.

Q. When you saw Emma after her husband beat her, did she seem to be badly hurt?

A. She seemed to be right bad for two or three days. She had a bruised face and she was complaining about her side.

Q. Have you seen them together at any time since she left?

A. Not nary time have I seen them together. He has a woman there with him now so I don't reckon he would let her come in.

And further this deponent saith not.

Witness
Wm. S. Halland

Bunny ^{her} X Strickland
work

STATE OF VIRGINIA,
CITY OF SUFFOLK, to-wit:

I, William S. Holland, a Commissioner in Chancery
for the Circuit Court of the City of Suffolk, Virginia, do hereby
certify that the foregoing depositions were duly taken, reduced
to writing and signed before me, in my immediate presence, at the
time and place in the caption mentioned.

In witness whereof, I have hereunto set my hand at
the City of Suffolk, Virginia, this 1st day of July, 1933.

William S. Holland
Commissioner in Chancery.

VERIFIED IN THE CIRCUIT
COURT OF HANOVER COUNTY

DEED BOOK

N.

JANUARY 1880

DEPOSITIONS

Filed this the
6th day of July,
1933.

John N. Powell
Clerk.
By Evelyn Harris
S. C.

FRANK E. BUTLER, JR.
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

NATIONAL BANK OF SUFFOLK BUILDING

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

EMMA ODOM.....Complainant

v.

JOSEPH ODOM.....Defendant

This cause came on this day to be heard on the complainant's bill and exhibit; the defendant, having been duly served with process, and having failed to appear, plead, answer, or demurrer; and upon the depositions on behalf of complainant taken and filed in this cause, and was augured by counsel.

Upon consideration whereof and it appearing to the court independently of the admissions of either party in the pleadings or otherwise, that the defendant, Joseph Odom, has without just cause, deserted and abandoned the complainant for a period of more than three (3) years, as alleged in the bill in this cause and that the complainant, Emma Odom, is entitled to the relief prayed for in her said bill. It is therefore, adjudged, ordered and decreed that the complainant, Emma Odom, and defendant, Joseph Odom, be, and they are hereby, divorced from each other from the bonds of matrimony, but neither of the aforesaid parties shall remarry within six (6) months from the entering of this decree;

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

VIRGINIA,
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

EMMA ODOM.....COMPLAINANT

v.

JOSEPH ODOM....DEFENDANT

DECREE

Entered this 21st day of
July 1933.

Geo. L. W. Odomore
Judge.

Chancery
Book 7: Page 84

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

EMMA ODOM.....Complainant.

v.

JOSEPH ODOM.....Defendant.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE:

Your complainant, Emma Odom, respectfully
represents:

(1) That on the 13th day of October, 1919,
your complainant, whose maiden name was Emma White, was
lawfully married in Suffolk, Virginia, to Joseph Odom,
as will appear from a certificate of marriage herewith
filed, marked "Exhibit A", and made a part of this bill;
and,

(2) That continually from the date of said
marriage until the 20th day of February, 1921, your com-
plainant and the said Joseph Odom lived together as man
and wife in Nansemond County, Virginia; and,

(3) That during the time she so lived with
the said defendant, she always conducted herself toward
him with kindness and as a true and loving wife; and,

(4) That her husband, on the contrary, has
frequently failed to treat her with the respect and con-
sideration due a wife, and has been quarrelsome and dis-
agreeable in his conduct toward her, and entirely failed
to support your complainant making it necessary for her

to work to secure sufficient food and clothes, notwithstanding the fact the defendant was drawing ample salary to support your complainant and himself, and on occasions defendant was cruel to your complainant, calling her vile names and threatening her with bodily injury and at times her life, and telling her to leave the house, which treatment was steadily growing worse, especially for the last 2 months, rendering her life miserable and wretched and in danger, until at night on the 20th of February, 1921, his treatment of your complainant was so cruel, violent and abusive, calling her vile names, threatening to kill her, and ordering her to leave the place, that your complainant, feeling that she could no longer put up with such treatment and fearing bodily harm and her life, took her belongings and went to stay with a friend in Nansemond County in which county she now lives.

(5) That by reason of the foregoing treatment, which compelled your complainant to leave home, she alleges that on the night of the 20th of February, 1921, the said defendant, regardless of his marriage covenants and duties, was guilty of cruelty toward her and willfully deserted and abandoned her without any just or legal or reasonable cause therefor, and has continued in such abandonment and desertion up to the present; and,

(6) That your complainant last cohabited with the said Joseph Odom in Nansemond County, Virginia.

In consideration whereof, and forasmuch as your complainant is remediless, save in a court of equity, she prays that the said Joseph Odom may be made a defendant to this bill, and be required to answer the same, but not on oath, the same being hereby waived; that process may issue; that the defendant be restrained and enjoined from interfering with or in any way molesting your complainant; that a divorce from the bonds of matrimony may be decreed her on the grounds of cruelty and desertion; that defendant be compelled to pay such sums of money as may be required to pay the cost of this suit and the fees of counsel proper to be paid to carry on this suit; that he may be compelled to make such permanent provision for the support of your complainant as may be just and right, and to secure the regular, prompt and safe payment of the same in such way as may to the court appear to be effectual; 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.

Emma Odom
Complainant.

Frank E. Butler Jr. p.q.

Marriage License

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

Exhibit "A"

Virginia Suffolk, 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,

Joseph Odom, and Emma White,
Given under my hand, as Clerk of the Circuit Court of Suffolk, County
(or City) this 13th day of October, 1919, Chas. L. Hutchins,
By John H. Palmer, Deputy Clerk

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 Suffolk,
Date of Marriage October, 13, 1919 Place of Marriage South Suffolk, Va.

(FULL NAME OF PARTIES)

Joseph Odom, and Emma White
Age of Husband 30 years; Condition (single, widowed or divorced) Widowed,
Age of Wife 25 years; Condition (single, widowed or divorced) Widowed,
Race { WHITE, COLORED } of Husband Colored, of Wife Colored,
(PRESENT)
Husband's Place of Birth Kelford, N.C. Mailing Address Nansemond, Co., Va.
Wife's Place of Birth Boykins, Va. Mailing Address Suffolk, Va.
Names of { Husband George Odom, and Neppie Odom,
Parents { Wife John Harris, and Mary J. Harris,
(Full maiden name)
Occupation of Husband Laborer,
Given under my hand this 13th day of October, 1919

Chas. L. Hutchins,
By John H. Palmer, Deputy Clerk

Certificate of Time and Place of Marriage

I, A. Boone, Minister, of the Gospel, Baptist
Church, or religious order of that name, do certify that on the 13 day of Oct., 1919
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 authoriz-
ing me to celebrate the rites of marriage in the County (or City) of Suffolk, State of Virginia.

Given under my hand this 13 day of Oct., 1919

A. Boone,
(Person who performs ceremony sign here.)

TRUE COPY TESTE:

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)

~~County~~ (or City)....Suffolk,.....

Joseph Odom,

Husband

and { Marriage License
Emma White

Date of Issue.....^{Wife} October, 13-1919

Marriage Register No...1.... Page..132

Frank Butler

EMMA ODOM

v. } BILL

JOSEPH ODOM

*Filed this 5th.
day of June 1933.
John H. Powell-Clegg*

FRANK E. BUTLER, JR.
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

NATIONAL BANK OF SUFFOLK BUILDING

Deposited
Memorandum
filed May 29, '33

Process issued 5/31/33

Process executed 5/31/33

Notice of Deps. 5/31/33

Bill filed 5/31/33 -

Depositions filed 7/6/33

Final Order entered
July 21, 1933

See Chancery
Order Bk 7. pg 84

Frank Butler, Jr.

Emma Odum

vs.

Joseph Odum

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Expanding Envelope

Size 4 x 9½ 1¾ Exp.

No. 1026C