

1880-21

Southampton County Chancery -

Whitfield, Rosa. vs Whitfield, Thomas

Divorce

¹⁹¹
Whitfield
vs 3 Bill +
Whitfield

1880. Removed from the
Docket.

1880 April Rules

let paid	1.7.76	126
Sh.	1.50	
J.R.T. Com & paid	5.00	
Wd.	1.50	
	16.50	
no exp Law +	132.26	

J.B. Prince

To the Hon Geo Blow. Judge of the Circuit
Court of Southampton. In Chancery.
Humbly Complaining Sheweth unto
your Honor Your Complainant
Rosa Whitfield, formerly Johnson. as
follows.

That on the 26 day of March 1874 she was
united in wedlock to one Thos J Whit
field, as will appear from Copy
of marriage certificate herewith
filed marked (A) - as a part of this
bill. That your Complainant was
to the said Thos J Whitfield a dutiful
constant wife. and that the said
Thos J Whitfield during the year 1874
without any fault of her, deserted
her & has constantly remained
in such desertion ever since.
That your Complainant has one
child by said Thos J Whitfield, a
little girl of 5 years of age. which
she has now in her possession.
That said Thos J Whitfield will not
return to your Complainant, nor
allow her to return to him. nor will
he make any provision for either
your Complainant's support or the
support of his child. That your Com-
plainant is anxious to retain the

Custody of said child and to be
divorced absolutely from said
Whitfield. Said Thos J. Whitfield
or your complainant is informed
has no property of any kind.
In tender consideration of all
which and inasmuch as your
complainant is without remedy
in the premises except in a Court
of Equity - where such matters are
Cognizable - to the end that Justice
may be done your Complainant
prays that said Thos J. Whitfield
may be made a party defendant
to this bill & compelled to answer
the same. That your Honor will
grant an order absolutely divorcing
your complainant from said
Whitfield - restoring to her her
Surname of Johnson. That
the custody of the child may
be given to complainant.
and that your Honor will
grant such further relief as
to Equity may seem meet, or
the nature of this case require.
And as in duty bound, your
complainant will ever pray
&c. May it please the Court

J. W. R. M. R.

To the Hon Geo Blow - Judge of the Circuit
Court of Southampton. In Chancery
Humbly Complaining sheweth unto
your Honor, by way of amended
bill, your complainant, Rosa Whitfield
by Wm E. Beale her next friend - as
follows. That on the 26th day of March
1874 - she was united in Matlock to one
Thos J. Whitfield, as will appear from
a certified copy of marriage Certificate
herewith filed marked (A), as a part
of this bill. That your Complainant
was to the said Thos. J. Whitfield a
dutiful and constant wife; and that
the said Thos. J. Whitfield during the
year 1874, without any fault of her,
deserted her and has constantly
remained in such desertion
ever since. That your Complainant
has one child by said Thos.
J. Whitfield - a little girl five years
old - which she has now in her
possession. That said Thos. J. Whitfield
will not return to your Complainant
nor allow her to return to him; nor
will he ~~make any~~ ^{make any} provision for either
your Complainant's support or the sup-
port of his child. That your Complainant
is anxious to retain the custody of said
child, and to be absolutely divorced from
said Whitfield. That said Thos. J. Whitfield
as your Complainant is informed has no

property of any kind. In tender consideration of all which and inasmuch as your complainant is without remedy in the premises except in a Court of Equity, where such matters are properly cognizable. to the end that justice may be done, your Complainant prays that said Thos. J. Whitfield may be made a party deft to this bill and compelled to answer its allegations. That your Honor will grant an order absolutely divorcing your Complainant from said Whitfield and restoring to her, her surname of Whism. That the custody of their child may be given to your Complainant. and that your Honor will grant such other, further, general, & special relief as to Equity may seem meet and the nature of this case may require. And as in duty bound, your Complainant will ever pray to May it please the Court &c.

J. B. Plummer for

Whitfield vs. Next friend
vs. 3 Amended Bill
Whitfield

1880 August 30th
" Sept. R. Sum. Executed
" " Cause set for hearing

J. B. R. m. p.

Aug 31. 1880. I acknowledge the receipt of the within sum from
Mrs. J. Whitfield

Whitfield who was
by my friend

on { Sp. in ch.

Whitfield

1880

To Sept. Rules

is ch

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon Thos. J. Whitfield

to appear at the Clerk's office of our Superior Court for Southampton County, at the Rules to be holden for the said Court on the first Monday in September next to answer, An amended Bill in Chancery exhibited against him in our said Court by Rosa Whitfield, who sues by com E. Beale her next friend

and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House this 30 day of August 1880 in the 105 year of the Commonwealth.

L. P. Edwards S. C.

Archibald & Co. Ltd.

Personally appeared before, at St. Paul, a
Notary Public duly sworn,
James B. Reed and made affidavit
that he delivered a true copy of the
contents to the J. Whitehead on March
31, 1880. Given under my hand at St. P.
1880.

At St. Paul, Minn.

Whitfield
To
James B. Reed
in
Whitfield, Minn.

1880. April 1st

A copy of this
notice has been
delivered to J. G.
Whitfield by me.
Mar. 31, 1880.
W. E. Reed

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon *Thomas J. Whitfield,*

to appear at the Clerk's office of our *Circuit* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday in *April next* to answer, *a bill in chancery*
exhibited against him in our said Court by R. S. Whitfield,

and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House
this *25* day of *February* 188*9* in the *104th* year of the Common-
wealth.

L. R. Edwards Clk

Presented This the 26th day of April
1880 by delivering a copy of the same to Everett
Luskford for Gayler Bomer he being a member
of said Bomer's family and above the age of
21 years. John Bomer is a non-resident of
the County having moved to the lower part
of Hancock County some weeks since
Jas C. Lawrence deputy for
W. H. Briggs Shff

Whit pice

no.

Whit pice

1880 April 28th

The Commonwealth of Virginia.

To the Sheriff of Southampton County—GREETING:

We Command You that you summon Taylor Breun & John Breun?

J. K. Tyler Commissioner in Chancery of the Circuit
to appear before ~~the Judge of our~~ 2. Court of Southampton County,
at the Court-House, on the 28th day of April, ~~1880~~, 1880,
to testify and the truth to say on behalf of Rose Whitfield
in a certain matter of controversy in our said Court, before
the said Judge, depending and undetermined between

Said Rose Whitfield, Plaintiff, and
Thos J. Whitfield, Defendant. And this step shall
in no wise omit under the penalty of the law, and have then and there this writ.

J. K. Tyler Commissioner
Witness: LITTLETON R. EDWARDS, ~~Clerk~~ of our said Court, at the Court-
House, this 16th day of April 1880, in the 104th year of the
Commonwealth.

Gas M Tyler
Comm in Chancery

Whitfield
vs $\frac{3}{4}$ Depositions
Whitfield

May 4. 1880.

1880. May 4th Return.

"
G R Edwards Ck

Southampton Co. Court.
Personally appeared before me
J B Prince a Notary Public, for
the County of over and in the State of
Virginia. Wm E Beale, I made
affidavit that he delivered a true
copy of this notice to Thos J. Whitfield
Apr 23. 1880. Given under my
hand Apr 24. 1880.

J B Prince
NP

To Hon. J. Whitfield.

Take notice that I shall on the
28th day of Apr 1880. at the office
of J. B. Pinner in Jerusalem Ro.,
between the hours of 6. am & 6
pm of that day proceed to take
the depositions of John Brewster
others to be read as evidence in my
behalf in a certain suit in Equity
depending in the Circuit Court
of Southampton, wherein I am plaintiff,
and you are defendant. and if
from any cause the taking of the
said depositions be not commenced
on that day, or if commenced be
not concluded on that day, the taking
of the same will be adjourned and
continued from day to day or from
time to time, at the same place &
between the same hours, until
the same shall be completed.

Apr 19. 1880.

Respectfully -

To Hff of Southampton }
to execute. }
by Rosa Whitfield }
by Amos Beale, her next friend }
by Counsel. }

MARRIAGE LICENSE.



Virginia, *Southampton 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,

Thomas J. Whitfield
and *Rosa Johnson*

Given under my hand, as Clerk of the *County* Court of *Southampton County*
this *15th* day of *March* 18*74*

L. R. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 15th March, 1861, and February 27th, 1866.

Time of Marriage, ...

Place of Marriage, *Southampton County*

Full Names of Parties Married, *Thos. J. W. Whitfield*

and *Rosa Johnson*

Color, *White*

Age of Husband, *22 years*

Age of Wife, *21*

Condition of Husband, (widowed or single) *Single*

Condition of Wife, (widowed or single) *"*

Place of Husband's Birth, *Southampton Co.*

Place of Wife's Birth, *D^c*

Place of Husband's Residence, *D^c*

Place of Wife's Residence, *D^c*

Names of Husband's Parents, *Leory B. & Lucy*

Whitfield

Names of Wife's Parents, *Joshua & Rebecca*

Johnson

Occupation of Husband, *Farmer*

Given under my hand this *15th* day of *March* 18*74*

L. R. Edwards Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the *26th* day of *March* 18*74*, at *Mr. Geo. Whit-*
fields ~~in the above by~~ I united in Marriage the above-named and described parties, under
authority of the annexed License.

John S. Russell

* The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

6.50
chgo to plff.

The depositions of Peggy Johnson sother
taken before me J.R. Tyler, a com-
missioner in chancery for the Circuit
Court of Southampton, pursuant to
notice hereto annexed, at the office of
J.B. Prince, in Jerusalem between
the hours of 6 am & 6 pm to be read
on the 28th Apr 1880. to be read as
evidence on behalf of Rosa Whitfield
by next friend
in a certain suit in Equity depending
in the Circuit Court of Southampton wherein
Rosa Whitfield, ^{by next friend} is plff & Thos J. Whitfield
is defendant.

Apr 28. 1880. The witnesses not appearing the
taking of the above depositions is adjourned
to Apr 29. 1880. at same place &
between same hours.

James R Tyler-Clerk.

Apr 29. 1880.

Present. J.B. Prince, atty for plff.

Peggy Johnson being duly sworn on
the Holy Bible, deposes and says as follows.
How old are you & do you know the parties
to this suit? Ans 54 years old and I know
the parties to this suit.

Do you know anything of the desertion of
Rosa Whitfield by her husband Thos J.
Whitfield. if so state all you do know.

Answer. In Decbr: 1874, after Rosa had been married

to Thos. J. Whitfield some nine or ten minutes,
Thos. J. Whitfield sent her by one Taylor
Brewer to my home, some three miles
from where he was living. She was in
a very delicate condition, being with
child. She had two bad bruises on
her. Some few days after he had
sent her to my house, he sent her
clothes too. She has been living with
me ever since, and Mr. Whitfield
has never been to see her during
the whole time, has made no pro-
vision of any kind for her. has never
offered to take her back. A short while
after she came to my house, she was
delivered of a daughter, which is now
living & in her custody. When Thos.
Whitfield sent Rosa to my house, he
told her he was coming after her
soon. but he has never been to my
house, nor to my knowledge, has he
ever sent her any message since.
He has been living within five miles
of her during most of the time.
Has you anything, Rosa Whitfield, any
other child. Ans. No.

Has Mr. Whitfield any property. Ans. none
that I know of.

Peggy Johnson
mark

The further taking of these depositions is adjourned
to Tuesday May 4. 1880.

James R. Tyler - Comr.

May 4, 1880. Present, J. B. Pucci, atty for plff.

Taylor Brewer, being duly sworn on the Holy Bible, deposes and says as follows. How old are you and do you know the parties to this suit? Answer, I am 24 years old and know the parties to this suit. Do you know anything about the desertion of Rosa Whitfield by her husband Thor. J. Whitfield? if so state it. Answer. I was at work at Thor J. Whitfield's when he told me to get the horse & cart and he then made his wife get in the cart and told me to take her to her mother's. Thor J. Whitfield was living with his father. He was very unkind and cruel to his wife. He told me to tell his wife when ~~she left~~ I went to carry her clothes to her, never to put her foot on that farm again. That he never wanted to see her any more. Thor J. Whitfield has never been to see her since. It was in Decr 1874 that I carried Mrs Whitfield to her mother's. Mrs Whitfield was kind to her husband and when they were first married they seemed to live happily together but for two or three months before her husband sent her away, he was exceedingly harsh and

Came to her. So much so, that
she never saw any peace during
the time. And further this deponent
saith not.

^{his}
Taylor & Brewer -
attorneys

John Brewer, being duly sworn
deposes and says as follows -
How old are you and do you
know the parties to this suit?
I am 26 years old and know
the parties to this suit -

What do you know about the deser-
tion of Rosa Whitfield by her husband
Thos J. Whitfield? Ans. I have
heard the foregoing deposition of Taylor
Brewer read & concur fully in
the statements therein contained.
And further this deponent saith
not.

^{his}
John & Brewer -
attorneys

Southampton County Court.

I, James N. Tyler, a Commissioner in
Chancery for the Circuit Court of South-
ampton County, do hereby certify that the
foregoing depositions were duly taken,
sworn to and subscribed before me
at the time & place mentioned therein,
given under my hand Mar 4,
1880.

James N. Tyler -
Commissioner in Chancery

Witness: Taylor Brewer.
" John Brewer
one day - 50c
two days - 1.00
Commissioner - \$5.00

Whitfield by next friend
vs 3 Decree.

Whitfield

This Cause came on this day to be heard on the original and amended bills of the Complainant. Exhibits filed and examination of witnesses and was argued by Counsel. On consideration whereof, the Court being of opinion that the charge of desertion against the defendant is fully proved, doth adjudge order and decree that the marriage heretofore solemnized between Rosa Johnson and Thomas J. Whitfield be and the same is hereby dissolved; the said Rosa Whitfield forever divorced from her husband Thos J Whitfield; and all the right, title and interest of the said Thos J. Whitfield to any estate, real or personal which the said Rosa Whitfield may now have at any future ~~strange~~ have shall hence forth cease and determine. That the custody, charge and care of the infant child shall remain with the said Rosa Whitfield. and that the surname of Johnson be restored to the said Rosa Whitfield. and that the plaintiff recover from the defendant her costs by her expended in the prosecution of this suit. Nothing further remaining to be done in this suit, it is ordered that the same be removed from the docket; but leave is

Granted to the parties to make application
to the Court for such further orders as
are authorized by law.

Whitfield by G.
vs. Deane
Whitfield

Nov Term 1880

To be entered.

Geo. B. Brown