

1884 - 25

Sanhampton County - Chancery

Johnson, Thomas vs Johnson, Ellen

"Divorce"

Johnson
as } Decree
Johnson

To be entered.

Geo. Blount,

J.

name be removed from the docket.

In Southampton Circuit Court.

Thomas Johnson.
a gainst
Ellen Johnson.

Pltff. }
Deft. } In Chancery.

1884.

Apr 4. Summons to Apl Rules.

Apl Rules

.. ret. Execd. Bill filed. J.B. Price
Assigned Son ad litem to deft. & decree
nisi vs deft.

May ..

Bill taken for confessed and Cause
set for hearing.

Johnson
vs } Decree,
Johnson

This day this cause came on to be heard on the bill, the exhibit filed and the depositions of witnesses, and was argued by Counsel. On Consideration whereof, the Court being of opinion that the charges contained in the bill against the defendant, are fully proved, doth adjudge, order and decree that the marriage heretofore solemnized between Thomas Johnson and Ellen Johnson be, and the same is hereby dissolved, the said Thomas Johnson forever divorced from his wife, the said Ellen Johnson, and all right, title and interest of the said Ellen Johnson, in or to the estate, real and personal, of the said Thomas Johnson, shall henceforth cease and determine. And the Court doth further adjudge, order and decree, that the said Ellen Johnson, immediately after service of a copy of this decree, surrender to the said Thomas Johnson, possession of his child, George, and that, she be prevented hereafter from exercising any control whatever over him, and that the plaintiff be and is hereby required to ~~recover from the defendant~~ ^{pay} the costs, ~~incurred in this cause,~~ ^{incurred in the prosecution of this suit.} And nothing further remaining to be done in this suit, it is ordered that the

John

vs 3 Depositions

John

Recd May 5. 1884

from A. A. Holland

J. B. P. C. L.



State of Virginia:

Southampton County, to wit:

I A. A. Holland, a Justice of the Peace for the County of Southampton in the State of Virginia, do hereby certify that the foregoing depositions of J. H. Oliver & others were duly taken, sworn to and subscribed before me at the place & time mentioned therein, and in the Captive Chute, pursuant to the aforesaid notice.

In witness whereof I have hereunto set my hand this 2nd day of May 1884.

A. A. Holland J. P.

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The depositions of Median Bareth and others, taken before me, A. A. Scotland, a Justice of the Peace for the County of Southampton pursuant to notice hereto annexed, at the office of W^m H. Parker, in the town of Franklin, on the 30th day of April 1884, between the hours of 9 o'clock A.M., and 6 o'clock P.M., to be read in evidence in behalf of the plaintiff, in a certain suit depending in the Circuit Court of Southampton County, wherein Thomas Johnson is plaintiff and Ellen Johnson is defendant.

Present - W^m H. Parker,
Counsel for plff.

Median Bareth. a witness, being duly sworn deposes and saith as follows:

1 Q- What is your age; what is occupation. Where do you reside & do you know ~~Thomas~~ as ~~Johnson~~ the parties to this suit?

a age 37, farmer's ^{wife} ~~res~~ Southampton^{Co} near Franklin And I know the parties to the suit.

2, State whether or not you saw Thomas Johnson,

His wife frequently, & if so what
was his conduct towards her?

A- I saw them every day lived near them.
I know that he was kind to her & provided
for her as far as he was able. I went to
his often & took meals with them and
always had plenty to eat.

Q How long did they remain together after
you became acquainted with them?

A They lived together four years, after I knew
them, then she left him & went to Portsmouth.
I knew Thomas Johnson ^{had a house there} at which he and
his wife lived, but he worked off some
distance ^{from home} ~~in the country~~ & came home
every Saturday & remained with his wife
until Monday morning then he returned
to his work, so far as I could judge there
was no cause for her leaving him, for
as I stated before, he was kind & provided
for her.

Q Do you know that they have lived to-
gether since they she first left him?

A He went after her in a few weeks after
she left & brought her back home, but she
remained with him only a few days & retur-
ned to Portsmouth. Since then they have

never lived together, but I know he has
tried to get her to come back several times

And further this deponent saith ~~as~~
not,

Medias ^{her} Barrett
made

Jackson Barrett. a witness being
duly sworn deponent and saith as
follows:

Q. What is your age? what is your occupa-
tion? where do you reside, & do you
know the parties to this suit?

A. Age 33 years. Laborer, near Franklin
I know the ~~two~~ parties to this suit.

Q. State whether or not you saw Thomas
Johnson & his wife frequently, & if so
what was his conduct toward her?

A. Saw them very often, I know he treated
her well, & gave her good support.

Q. How long did they live together after
they were married?

A. They lived together not less than eight years.
she left him & went to Portsmouth about six
years ago. where she is now soon after
she left Thomas gave me money & asked me
as I was a relation of hers to go to Porto-

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much and try⁴ to get her to come back to him, saying he would treat her kindly & provide for her as he had done. I went & tried to get her to come back, I told her ~~that~~ her children at home needed her assistance. At first she agreed to return but Bob Riddick came in while I was talking to her, & she refused to come, stating that she never loved Mr Johnson but always loved Bob - Riddick & told me to tell Mr Johnson that she never intended to come back to him.

Q Do you know that since she left her husband she has ever returned to him?

A I know she has not.

Q What has been her conduct since she left her husband so far as you know?

A I am unable to say, but she has had two children to my knowledge by another man.

Q Do you know whether or not Thomas Johnson has property sufficient to enable him to provide for his family & if so what is the character of that property?

A He has had property ever since I knew him. I know that he has a lot in the-

town of Franklin & also a lot with buildings on it near Franklin, & besides these two lots, he has horses cows & things & other property.

Q Is he a prosperous man now?

A He is.

And further the deponent saith not

his
Jackson & Barreth
mark

Stephen Thomas, a witness, being duly sworn deposeseth and saith as follows:

Q What is your age? what is your occupation? where do you live & do you know the parties to this suit?

A. Age 29 years, Farmer, near Franklin I know the parties to this suit.

Q Did you often see Thomas Johnson & his wife together, & if so what was his treatment towards her?

A. Yes Sir, I lived with Mr Johnson four years & know that he treated her kindly & provided for her well.

Q How long did she remain with him after you went to live with him?

A Four years. she left him then and went to Portsmouth, as near as I can.

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recollect it has been about six years ago.

Q Has she ever returned to her husband since she deserted him?

A No she has not, & I heard her say she never intended to live with him as long as she lived.

Q What has been her conduct since then?

A I should think it was very bad. I know she has had two children by another man, I stop at her house one night, and saw a man get in bed with her whose name was Bob + Riddick. I slept on the floor on a pallet & he remained in bed with her until morning when I got up. I don't know whether he did any thing to her or not, as I was very tired & worried & went to sleep at once.

And further this deponent saith not.

Steph^{his off} Thomas.
maile

J. M. Oliver, a witness being duly sworn deposes and saith as follows.

Q What is your age? What is your occupation? Where do you reside & do you know

the parties to this Suit:

A Age 47. Spt. Sheriff. In Franklin
I know the parties to this Suit.

Q State so far as you know what has
been the Character of Ellen Johnson
since she deserted her husband & went
to Portsmouth?

A I should consider her character bad.
she told me herself that she had two
Children by Bob Riddick. I saw her
lately ~~and~~ her mouth was not up
from child birth.

Q What is the financial condition
of Thomas Johnson. so ^{far} as you know.

A It is good. he has both Real &
personal property in and near Frank-
lin.

Q Is he a man of industrious & sober
habits?

A He is. I have known him for a
long time & have never heard any
thing against him.

And further this deponent saith
not.

Thos. H. Oliver

Alex Hogarth, A witness being duly sworn deposeseth and saith as follows:

Q What is your ^{age} name? What is your occupation? Where do you live & do you know the parties to this suit?

A Age 28 yrs. Steam boat hand - In Franklin, I know the parties to this suit.

Q It has been stated that Ellen Johnson deserted her husband Thomas Johnson about six years ago. State whether or not that be a fact, & if so what has ^{been} her conduct been since then?

Ans. she did ^{leave} ~~leave~~ him several years ago & since then she has had another child, & is reported to be a child of another man, but this am unable to say.

And further this deponent saith not

Alex Hogarth

The further taking of their depositions is continued until Friday 2 day of May 1884.

A. A. Holland. J.P.

Personally appeared
and made oath
before me a
J. A. Hollands. J.P.
a justice of
Southampton Co
that J. M. Oliver
a citizen of said
County that he
saw a copy of
the within note
in ~~the~~ ^{the} hands of
and explained same
to me of same to said
Ellen Johnson in
the city of Portsmouth
on the 28th day of
April 1884

J. A. Hollands J.P.

Johnson
vs } Notice.

Johnson
1884. April 30-

Personally appeared
before me

justice of South-
ampton County that
Oliver testified that
he saw a copy
in Ellen Johnson in
Portsmouth and was
a citizen of Southampton
County

To Ellen Johnson:

Take notice, that on the 30th day of April 1884, at the Office of W^m H. Parker, in the town of Franklin and County of Southampton, between the hours of 9 O'clock, A. M., and 6 O'clock, P. M., of that day, I shall proceed to take the depositions of L. R. Edwards & others, to be read in evidence in my behalf in the suit in equity depending in the Circuit Court of Southampton County, in which 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, if they be not completed on that day, the taking of the said depositions will be adjourned and continued from time to time at the same place and between the same hours until they are completed.

Respectfully,

Thos. Johnson.

By Counsel.

Johnson

275 } Summon

Johnson

1884. April Reulst -

Personally appeared
before me A. A.

Hollans a justice
of the county of
Sunderland that
J. M. Oliver served
a copy on Ellen
Johnson in the
city of Portsmouth
in the 3rd day of
April 1884.

A. A. Hollans J.P.

Executed on
Ellen Johnson
on 3rd day of April
in the city of
Portsmouth as
a citizen of the
County of Southampton
and State of Virginia
J. M. Oliver

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County - Greeting:

WE COMMAND YOU TO SUMMON

Murdaugh -
ad litem

Regent of University of Portsmouth
Ellen Johnson, formerly
by J. B. Prince, Guardian

to appear at the Clerk's Office of our Circuit Court of Southampton 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 *her*
in our said Court by *Thomas Johnson*

And this *she* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *4th* day of *April*, 188*4*,
in the *108th* year of the Commonwealth.

Teste J. B. Prince C.C.

To the Hon^{ble}. George Blaw, Judge of
the Circuit Court of Southampton County.

In Chancery.

Humbly Complaining, sheweth unto your
Honor, your Complainant, Thomas Johnson,
as follows:

That he is now years
of age; that on the 5th day of December,
1867, he was united in marriage with Ellen
Johnson, formerly Ellen Mardough, as will be
seen by reference to a certified copy of the
marriage-license and minister's return, here-
with filed marked X, and made a part of
this bill; that he lived with ^{her} for eleven years,
during which time she bore him four chil-
dren, to-wit: Frank now 13 years old, Lucy
11 years old, Henry 9 years old, and Geo:
6 years old; that so long as they remained
together, he was to her, a kind, a faithful
and dutiful husband; that he provided
for her according to his means and station
in life; and, so far as he knew, she had
no cause for complaint whatever; but,
notwithstanding his kindly treatment to
her, ^(some time in the year 1878) she willfully deserted his home and
took up her abode at another place, that
since then, she has never returned, even
to see her children that remain with him,

although he has often besought her to do so.
And your Complainant further charges and
sheweth unto your Honor, that the said Ellen
Johnson is now living in adultery with
one _____ and that she has
given birth to a child; and, moreover,
he is informed that, she is now pregnant
with another; that your Complainant
has not Co-habited with the said Ellen
Johnson since she abandoned his home
and became an adulteress; nor, is he, in
any manner, responsible for her guilt.
Your Complainant also sheweth unto
your Honor, that his youngest child, Geo.
is still in the Custody and under the Con-
trol of the said Ellen Johnson; that by rea-
son of her conduct, in the willful deser-
tion of her husband, and her unchaste
character, she is, your Complainant sub-
mits, thereby rendered unfit to rear and
provide for him; and that, besides, she is
pecuniarily unable to maintain and sup-
port him, even if she possessed a good and
virtuous character; and, therefore, worthy of
his custody and control; that your Com-
plainant is a man of fair estate, and is
able to provide for his child, not only the
actual necessities and comforts of life,

but also, an education sufficient for ordinary business transactions; that by virtue of all which, he feels that his child should be taken from the custody of the said Ellen Johnson and restored to the custody of your Complainant.

In Consideration whereof, and inasmuch as your Complainant is remediless save in a Court of equity, he prays that the said Ellen Johnson may be made a party defendant to this bill, and be required to answer the same in oath; that your Complainant may be divorced from the said Ellen Johnson, a vinculo matrimonii; that she be made to deliver up and surrender to your Complainant possession of his child; that J. B. Prince be appointed guardian ad litem to defend her in this suit, and that, such other, further, general and special relief may be afforded to your Complainant as may be right and just in the premises.

And as in duty bound your Complainant will ever pray. &c.

May it please the Court, &c.

Wm. A. Parker, f.c.

(over)

Virginia: Southampton County, to wit:

This day Thomas Johnson appeared in person before me, a Notary Public, in and for the County and State aforesaid, and ^{and made oath} that the matters in the foregoing bill stated ^{as} of his own knowledge are true, and those stated upon the information of others he believes to be true.

Given under my hand this 5th day of March, A. D., 1884.

L. R. Edwards J.P.

Johnson
vs Bill, &c.,
Johnson

April Rules 1884.

Parker, f.c.

MARRIAGE LICENSE



Virginia, Southampton Co 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 Johnson
and Ellen McDougall

Given under my hand, as Clerk of the County Court
of Southampton Co this 3^d day of December 1867
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, 5 day Decr. 1867	Place of Husband's Birth, Columbia Co. N.C.
Place of Marriage, Southampton Co.	Place of Wife's Birth, Southampton Co. Va.
Full Names of Parties Married, Thos. Johnson and Ellen McDougall	Place of Husband's Residence, D.C.
Color, ☒ White	Place of Wife's Residence, D.C.
Age of Husband, 24 Years	Names of Husband's Parents,
Age of Wife, 20 "	Names of Wife's Parents,
Condition of Husband, (widowed or single) Single	Occupation of Husband, Laborer
Condition of Wife, (widowed or single) Single	

Given under my hand this 3^d day of December 1867
Thos. Johnson Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the _____ day of _____ 188____,
at _____ I united in Marriage the
above-named and described parties, under authority of the annexed License.