

1888-05

Southampton County - Chancery

Klenson, Stephen vs Klenson, Francis

"Divorce"

"Annulment"

Henson 125
to $\frac{2}{3}$ Bill &c.
Henson

20
The Hon. L. L. Hill, Judge of the Circuit
Court of Southampton County.

In Chancery.

Humbly Complaining, sheweth unto your
Honor, your Complainant, Stephen Benson,
that at the age of 25 years, in the County of
Southampton, Va., he intermarried with
Frances Benson, then Frances Joyner, of
said County, at the age of 23 years; as will
more fully appear from a certified copy of
the marriage license and the minister's re-
turn therein, herewith filed as an exhibit,
marked "A", and prayed to be read as a
part of this bill; that they lived together as
husband and wife for the long period of
eleven years, during which time she bore
him several children; that some time in
the year 1882, more than five years ago,
she willfully deserted and abandoned his
bed and board, and although, on two dif-
ferent occasions, he endeavored to persuade
her back, she stubbornly refused to return
and still remains away; that all the
while they lived together he was to her a
kind, faithful and dutiful husband,
and provided for her wants and needs as
well and comfortably as his means and
station in life would allow and justify
him in doing; that by industry and perse-
verence he has been able to acquire about
12 acres of land and some little personal
property, and this, with his services as a dairy

labour, enables^{him} to make a plain living; that your Complainant is advised, and therefore, alleges that he is entitled to be absolutely divorced from the said Frances Benson and to have the marriage dissolved; that the said Frances Benson should be forever barred of both the right to dower in the property of your Complainant, and to alimony to enable her to prosecute this suit or to maintain her hereafter; and that, she should be denied the custody and control of the infant children now in her possession, but required to surrender and deliver them to your Complainant; her conduct in deserting the bed and board of Complainant, and her poverty stricken condition, having rendered her unworthy of their rearing, maintenance and care.

Inasmuch, therefore, as your Complainant is remediless in the premises save by the aid of a Court of equity; he, therefore, ^{prays} that the said Frances Benson may be made a party defendant to this bill and required to answer its allegations by B. F. McLenore appointed her guardian ad litem; that she may be denied the right to dower in the property of your Complainant, and to alimony to enable her to prosecute this suit, or to maintain her hereafter; that she may be required to surrender and deliver the infant children in her possession to your Complainant; that he may be absolutely divorced from her and

the marriage dissolved; and that such other,
further, general and special relief may be
granted in the premises as to equity may seem
meet and the nature of the case may require;
and as in duty bound your Complainant will
ever pray &c.

Alm. Parker, f.c.

County of Southampton, to wit:

This day personally appeared before
me, W. J. Sebrill, Comr. in Chy. of the County Court
in and for the County aforesaid, Stephen Denison,
Complainant in the above bill, and made
oath that the statements therein made, so
far as made of his own knowledge are true,
and so far as made upon the knowledge or
information of others he believes to be true.

Given under my hand this
day of October 1887.

W. J. Sebrill.

Comr. in Chy.

Nov. Term 1887

To be entered.

C. W. Allen

Entered 280

S. Deussen
v
F. Deussen }

For reasons appearing
to the Court it is ordered
that the decree entered in
this cause ~~on~~ yesterday be
set aside ~~and~~ and
annulled

Denson & Denson - Costs

Dunn: 25. Copy 13. ^{receipt} ~~Doct~~ 18. Atty 10.

Dusk 18. Rule 1.00 - Ent: Return 35. Filing
 fees 15. Exhibits 15. replication 15. filing

Dep 15. to Copy Ex: 25. Lat Costs 40.

filing away papers 25. filing answer
 25. 3 deerees & Copies. 2.16.

Lex. 6.10

Shf 1.00

Law &c 16.50

23.60

Comer W.J. 5.00

28.60

1

Season

or 

Costs

Season

Denson

2^d Sum

Denson

1887. Oct: Rules

Dir: Ct:

Executed Oct. 1st 1887
by delivering a copy of
This Summons to each
of the within named per-
sons

A. F. Cobbett for

J. W. Williams Shff.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Francis Denson, by B. F.*
M. Lemmon *gov as return -*

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 *October* next, to answer a bill in
chancery exhibited against *her* in our said Court by *Stephen Denson*

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

B. F. M. Lemmon
Witness, *J. B. Prince*, Clerk of our said Court, this

188 *7*, in the *112* year of the Commonwealth.

Testo: B. F. M. Lemmon

C. C.

Henson

vs } Sumt

Henson

Executed Octo. 15th 1887
by delivering a copy of this
notin to each of the
within named parties

1. H. H. Henson
for J. W. H. Henson
2

All Executed

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Luke Lawrence and Narcissa Lawrence

W. J. Sebrell, a Comm'r in Chancery to appear ~~before the Judge of our~~ *the office of W. H. Parker* Court of Southampton County, at ~~the Courthouse thereof,~~

on the *2nd* day of *October* Term, *1887*, *five evidenced* to testify and the truth to speak on behalf of

Stephen Denson

in a certain ~~matter of controversy in our said Court~~ *suit in Chancery in our Circuit Court* depending and undetermined between *the said*

Stephen Denson

, plaintiff, and

Francis Denson

defendant.

And this *they* shall in no wise omit under the penalty of the law. And have then there this writ.

Given under my hand
WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this *24th* day of *October*

1887, in the *112th* year of the Commonwealth.

TESTE:

W. J. Sebrell
Comm'r in Chancery

Memo: for Clerk:

Copy marriage license with minister's return
thereon, mark exhibit "A," and file in Chancery papers,
Densen vs Densen.

Edw. T. Parker, Atty.

In the hie court of suchampton County
Damon vs Damon

The answer of Frances Damon, ^{Jas H. Eippin her next friend} to a bill of Complaint
of Stephen or Steven Damon Complainant, exhibited
in the hie court of said County

This defendant now, and at all times hereafter, doing
and reserving to herself of all manner the benefit of
all manner of advantages and exceptions to the
manifest error, uncertainties, imperfections, and
inaccuracies in the said Complainant's said bill
of Complaint. Contained, for answer thereto, or
unto so much and such parts thereof as she, this
defendant, is advised is material for her to
make answer unto, she answering saith: that
while it is true as alleged in the bill aforesaid Complain-
ant: this defendant has been separated from him,
the said Complainant for a period of five years
~~or more~~, yet it is not true that said separation
is the result of a voluntary desertion of said Com-
plainant on her part, but on the contrary, this de-
fendant alleges that during the time said Complainant
and this defendant were living together as husband
and wife, the said Complainant was habitually cruel
and often brutal in his treatment of her, this defen-
dant. So that it became in time impossible for her
to remain with said Complainant without great
risk of permanent bodily injury at the hands of him
over

This defendant answering further, said, that she said Complainant, during the time she and he were living together as husband and wife, as aforesaid, he, the said Complainant, was not only violent in his temper to this defendant and her children, and causing them to go often hungry and poorly clad, but frequently struck and beat this defendant in anger, and with so much ^{violence} ~~crudely~~, that she bears upon her person to this day the mark of his cruelty - causing her ever since, from time to time, to suffer much pain in consequence thereof.

This defendant answering further, said, that though she suffered long and much at the hands aforesaid Complainant, yet hoping he would reform his disposition and become a more dutiful and merciful husband, she refrained from fixing in her mind a definite purpose of separating herself from him until on a certain occasion, said ~~the~~ Complainant, in his rage, got his gun to shoot this defendant and she had to flee for her life, so that it was not until his treatment of her became so violent and inhuman, as to cause this defendant mental pain, anguish and suffering to such a degree that inspired her with apprehension that it would endanger her life or health to live with the Complainant longer, that she left him.

And this defendant said further answering further,

said, that during the time she and the said Complainant were living together as husband and wife, she was at all times a true, obedient, loyal and faithful wife to the said Complainant; and was at no time guilty of such unmarriageable conduct as to justify the ~~last~~ cruel treatment which she received at his hands.

And this defendant answering further, said, that when called upon to answer the statements in the said bill of Complaint ~~she in her answer ought to have~~ stated that she was willing for a divorce to be decreed in this cause, provided she could have the custody of her children, nor does she desire by this her answer, to contravene such judicial action now, but being advised that by her default in properly defending her rights in the premises, she may prejudice her claims to the custody of said children, which she, by her own exertions, has raised from their helpless infancy to a stage in life whence they can assist her in her struggle for a reasonably comfortable support, she prays to be allowed to file this her answer, to the Complainant's said bill of Complaint, all of which matters and things contained in this her said answer, this defendant is ready to aver and prove as this Court shall direct; and that she may be entirely divorced from the said Complainant, and the marriage state in said bill of Complaint be dissolved, ~~that she~~ that the custody of her children named therein be

awarded to her, and that she be hence satisfied
with her reasonable cost and charges in this behalf
most strongly sustained.

Frances Denson p. vs. Jas. H. Griffin her next friend
State of Virginia Griffin & McWilkie p. vs.
County of Southampton to wit:

This day personally appeared before me Jos. H. P. P. a justice of the peace for the County aforesaid
Frances Denson whose answer is above written,
and made oath that the statements contained in the said
answer, so far as made of her own knowledge are
true; and such statements as are made therein from
knowledge or information derived from others, she
she believes to be true.

Given under my hand this 7 day of November
1887 Jos. H. P. J. P.

Denson S

vs

Denson. F.

Answer of
defendant.

Stephen Denson
" 7

Francis Denson - by B. F. M. Lemond Goin
ad litem.

1887. Sept. 26. Sum ip^o to Oct. Rules

" Oct. Rules - Sum ret^d Executed - Bice & Ex.
files. Decease nisi 7 Sept.

" Nov " Bill taken for confessed.
Cause set for hearing.

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,

Stephen Senson.

and

Francis Joyner

Given under my hand, as Clerk of the County Court of Southampton this 25th day of November 1887.

James R. Taylor Deputy 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 Husband's Birth, Southampton Co
Place of Marriage, Southampton Co	Place of Wife's Birth, ...
Full Names of Parties Married, Stephen Senson and Francis Joyner	Place of Husband's Residence, ...
Color, col.	Place of Wife's Residence, ...
Age of Husband, 25 yrs	Names of Husband's Parents, ...
Age of Wife, 22 yrs	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 25th day of November 1887.

James R. Taylor Deputy Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 7 day of December 1887, at my residence I united in Marriage the above-named and described parties, under authority of the annexed License.

B. Devaney

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.

Copy sent B. A. Lemore lcl.

Remew

to 3 Notices

Remew

Executed Oct. 15th 1887
by delivering a copy of
Notice to each of the
within parties

A. G. Cobb for
J. Williams Shiff

To Frances Benson, wife of Stephen Benson.

You are hereby notified that on the 20th day of October in the year 1887,
at the office of W. H. Parker in Jerusalem between the hours of 6
o'clock A. M. and 8 o'clock P. M. of that day I shall proceed to take the depositions of Subel
Lawrence, Narcissa Lawrence
and others, to be read as evidence in my behalf in a certain suit in Chancery
depending in the Circuit court of Southampton county, wherein
Stephen Benson is
complainant, and vs.
are defendants; and if from any cause the taking of said
depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will
be adjourned from time to time or from day to day and from place to place or at the same place be-
tween the same hours until the same shall be completed.

Your obedient servant,

Stephen Benson
By Counsel.

Denson 119

Vol. $\frac{2}{3}$ Dispositions

Denson

1887. NW 4 filed

B. F. M. Co.

The depositions of Luke Lawrence & others taken before me W.D. Seale, a Commissioner in Chancery of the County Court of Southampton County, pursuant to notice hereto annexed at Jerusalem Va., on the 20th day of October 1887, between the hours of 9 a.m. and 6 p.m., to be read as evidence in behalf of Stephen Deason, in a certain Chancery suit depending in the Circuit Court of Southampton, wherein Stephen Deason is plaintiff and Francis Deason is defendant.

Present - W.H. Parker atty for plff -

The witness Luke Lawrence being duly sworn deposes as follows: -

Q. What is your age, where do you reside and do you know the parties to this suit -

A. About 70 years old, live in Southampton County & know well the parties to this suit.

Q. Did you know them when they lived together as man & wife, & if so, what was his conduct towards her?

A. I did know them then, they lived within a few hundred yards of my house, & his treatment to her was kind, so far as I know. I saw them often.

Q. Do you know when they separated and which one left the other?

A. About 5 years ago - She left him in September.

Q. Has she ever returned to him since?

A. No.

Q. Did she leave him of her own accord, or was she forced to do so by him.

A. She left him of her own accord.

And further this deponent saith not.

Luke ^{his} X Lawrence
mark

The witness Narcissa Lawrence being duly sworn deposes as follows:

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

A. About 55 years old; live in Donchaupston Conn & do know the parties to this suit.

Q. Do you know when they separated & if so which one abandoned the other.

A. I am certain it was 5 years ago. She left him.

Q. You have heard the testimony of Luke Lawrence given in this case, do you or not corroborate his testimony.

A. I do corroborate it.

And further this deponent saith not.

Narcissa ^{her} X Lawrence
mark.

I, W. J. Sebrill, a Commissioner in Chancery
for the County Court of Southampton County,
in the State of Virginia, do hereby certify
that the foregoing depositions of Luke Law-
rence and Narcissa Lawrence were duly taken
sworn, and subscribed before me at the place
and time mentioned therein and in the cap-
tion thereof, pursuant to the annexed notice.
In witness whereof I have hereto set my
hand this 20th day of October 1887.

W. J. Sebrill

Commissioner in Chancery.

Sensen

to } Alverne

Sensen

1887 November Term.

to be entered.

C. M. H. C.

Entered 270

Denson
vs } Decree,
Denson

This day this cause came on to be heard on the Complainant's bill, the exhibit filed, the examination of witnesses, and was argued by Counsel. On consideration whereof, the Court being of opinion that the charge of willful desertion for five years against the defendant, is fully proved, doth adjudge, order and decree that the marriage heretofore solemnized between Stephen Denson and Frances Denson be, and the same, is hereby dissolved, the said Stephen Denson forever divorced from his wife, the said Frances Denson, and all the right, title and interest of the said Frances Denson in and to the estate, real and personal, of the said Stephen Denson shall henceforth cease and determine; and, nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.

Denson

To $\frac{5}{3}$ Decred

Denson

Nov. Term 1888-

To be entered-

C. W. H. C.

Nov. 9, 1888

Denson

vs

~~W~~
~~W~~
~~B~~

Decreed.

Denson

This day this cause came on to be further heard on the papers formerly read, and it appearing to the Court that nothing further remains to be done, it is ordered that the same be removed from the docket.