

1899-22

Southampton County Chancery - Nicholson, M. J. vs Nicholson, J. B.
et al

Divorce
"Injunction"

Williams, G. J.
Solicitor General

Nicholson by TC
v. { Bill & Ex.

Nicholson

1895 1st Sept Rules filed

Wm Sharick
JAMES L. MCLEMORE,

Attorney-at-Law,

COURTLAND, VIRGINIA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court for
the County of Southampton.

- In Chancery -

Complaining, showeth unto the Court your oratrix, ^{Charles} M. J. Rawlings, ~~w~~
wife of J. D. Nicholson, who sues by R. J. Williams, her next friend,
that she is now ~~33~~^{33 1/2} years of age, and on the 18th. day of March, 1890,
she was married to him, and he came to live with her at her own home
in the County of Southampton, and since that time she has been a constant
faithful and dutiful wife, using every effort to add to his happiness
and comforts. That he treated her for the first few months of their
wedded life with some consideration and care, but in a very short period
of time, he became careless, negligent and disregarding of your Oratrix'
feelings, growing more and more indifferent and careless, until he became
excessively disagreeable and insufferably abusive and violent to her;
cursing and threatening her life, and several times beating, and chok-
ing and stamping her, until she was compelled to take some steps to
protect her person from violence, and preserve her life; that she has at
numerous times been forced to leave her house in order to escape the
disagreeable and dangerous company of her husband. That although she
has been thus inhumanly treated by her husband, she has never encouraged
or provoked him to his many acts of cruelty and unkindness, but has at
all times been gentle courteous and deferential to him, avoiding every
semblance of action, that would be calculated to provoke him.

Your Complainants, husband the said J. D. Nicholson, has not only
treated her with cruelty, but has ~~made it impossible~~ ^{her} for ~~her~~ children to live
with her by reason of his violent temper.

That in addition to her husband's cruelty and abusive language,
on or about January 1st. 1895, he left your Complainants, house and
farm, having engaged in farming in a different part of the County, and
she then hoped and thought she would be able to live in peace without
the disagreeable necessity of a suit in Chancery, but he is continually
coming to her house, hounding, annoying and threatening her, until, for
her protection and safety, she has been forced to swear out a warrant

and have the said J. D. Nicholson bound to keep the peace; all of which will appear, as well as the marriage of the parties, by copies of the said warrant and marriage license, filed herewith, as parts of this bill, marked, "A" & "B".

In tender consideration whereof and forasmuch as Your Oratrix is remediless in the premises save in a Court of Equity, she prays that the said J. D. Nicholson may be made a defendant to this bill, and required to answer the same upon his oath, that he may be enjoined and restrained from interfering with or in any manner molesting her; that your oratrix may be divorced from him A MENSA ET THORO and that he may be compelled to desist from coming upon her farm, or to her dwelling house, and that all such other, further and general relief may be afforded your oratrix as the nature of her case may require or to equity shall seem meet. And your oratrix will ever pray &c.

for L. M. Lemore } p. q. (Sign n. n.) Mary J. Nicholson

State of Virginia,

County of Southampton, to wit: -

This day personally appeared before the undersigned, a Justice of the peace for the County and State aforesaid, Mrs. M. J. Nicholson whose name is signed to the annexed bill, and made oath that the statements as made in the foregoing bill are true to the best of her knowledge and belief.

Given under my hand this day of September, 1895.

John J. Turner J. P.

Nicholson Byr

vs. Amundson

Nicholson J.D.

1895. 22d Sept. 7. 1895

L.A. 4th 66.

J. H. Mc Lennan

W. SHANDS & SON

ATTORNEYS-AT-LAW,

COURTLAND, Va.

To the Honorable Robert F. Prentiss, Judge of the
Circuit Court of Southampton County, -in Chancery-

Complaining, ^{by way of Amended bill} sheweth unto the Court, your Oratrix, M. J. Nicholson
wife of J. D. Nicholson, who was by R. J. Williams her next friend, that at
the Ist. September rules 1898, she filed her bill in Chancery against
her husband, alledging that she was married to him on the 18th. day
of March 1890, that for a while they lived together as man and wife
should, but that he soon became unkind and abusive to her and even beat
her unmercifully, &c. all of which will appear by reference to the original
bill of complaint filed in the papers of the cause, wherein the said
several causes of her complaint are set forth at length, which original bill
and all the charges therein contained, are made parts of this bill
as fully as though they were here again rewritten.

Your Oratrix states that since the filing of her original bill information has come to her that her husband, J. D. Nicholson, has within the last few months, broken his marriage vow, and has committed adultery, and she therefore here avers and charges that he has committed adultery within the past few months, and that since such information has come to her she has not lived with him as husband and wife, and that she is entitled to be divorced a vinculo matrimonii from her said husband, and therefore she has filed this her amended bill, and prays that the charges of her original bill may be considered as reiterated herein.

In tender consideration thereof and for as much as your oratrix is remediless in the premises save in a Court of Equity, she prays that the said J. D. Nicholson, may be made a defendant to this bill, and required to answer to the same on oath, that he may be enjoined and restrained, from in any manner molesting with her; that your Oratrix may be divorced from him a vinculo matrimonii, and that all such other, farther and general relief may be afforded your Oratrix as the nature of her case may require or to Equity may seem meet.

And your oratrix will ever pray as

M. J. Nicholson

Virginia.

County of Southampton, to wit:

This day personally appeared before me, the undersigned
Com'r in Chancery of the Circuit Court
~~a justice of the peace for the County and State aforesaid, M. J. Nichols~~
whose name is signed to the annexed bill of complaint, and made oath to
that the statements as made therein, so far as made of her own knowl-
edge are true, and so far as made upon information derived from others
she believes them to be true.

Given under my hand the 12th. day of September 1895.

B. F. W. Linnard,

J.P.

Comr in Chancery

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,

J. D. Nicholson
and M. J. Ballings

Given under my hand, as Clerk of the County Court of Southampton Co this 17 day of Mch 1890
B. F. M. Lemore 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, Mch 18. 1890	Place of Husband's Birth, Southampton
Place of Marriage, Southampton	Place of Wife's Birth, Do
Full Names of Parties Married, J. D. Nicholson and M. J. Ballings	Place of Husband's Residence, Do
Color, White	Place of Wife's Residence, Do
Age of Husband, 28 years	Names of Husband's Parents, _____
Age of Wife, 48 "	Names of Wife's Parents, M. A. & A. Williams
Condition of Husband, (widowed or single)	Occupation of Husband, Farmer
Condition of Wife, (widowed or single)	

Given under my hand this 17 day of Mch 1890
B. F. M. Lemore Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 18 day of March 1890, at the brides residence I united in Marriage the above-named and described parties, under authority of the annexed License.

J. W. S. Robbins

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 thereof of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A Copy: Issued B. F. M. Lemore C. C.

Nicholson by &c.

vs. { Statement of costs

Nicholson & D.

Nicholson by re.

vs } Statement of Costs

1895 Nicholson J.D.

Aug. 26" Sum. 25. 1 copy 10. receipt 18. atty. 10. Docket 18 = 84

Sept. 12" Another Sum. 25. 1 copy 10. receipt 18. Rules 1.12 = 206

Filing 2 Bills 30. 50 Exhibits 15. Copy Ex 65 = 1.10

1899. Oct. 6 9 continuances 2.25. Filing away papers 25 = 2.50

For Love Costs 1.10 Expenses re. 40 = 1.40

1900. Jan. 18th Paid by J.W. Townsend L. R. Gay 6 Lick \$ 7.90

Shff. 3.50

Law re. 16.50

\$ 27.90

Costs: L. R. Gay 6.6.

Commonwealth of Virginia § 30 wit:
Southampton County

To J. W. Williams, Sheriff of said County:

For as much as Mrs. J. D. Nicholson has this day complained on oath before me Jno. S. Turner, a Justice of the said County that J. D. Nicholson her husband of the said County, did on the 11th day of August 1895, go to her premises and cause the man Mr. Joyner who was living in the dwelling house who she had moved there to take care of her property in her absence to move out and take her chamber room key away with him and would not when asked for it return it and is continually skulking around the premises. She is fearful that he will do her some grievously bodily injury and has required surety of the peace of the said J. D. Nicholson.

I command you in the name of the Commonwealth of Virginia forthwith to apprehend the said J. D. Nicholson, and to bring him before me or some other Justice of the said County to answer the said Complaint.

Given under my hand and seal this 12th day of Augt
1895

John S. Turner J.P. (L.S.)

Learys. Va.

Southampton Co. to wit:

Complaint heard and the defendant required to recognize himself in the sum of One Hundred and Fifty Dollars, with one security in the like sum to keep the peace and be of good behavior for six months from this day and to pay Eight Dollars + fifty cents the cost of this complaint, and he having found money and paid the cost, is discharged.

Cost

6 Witnesses Summons @ 20¢	1.20
4 " charge 3¢	2.00
Arrest + assistant	1.50
3 Justices for Examination	1.50
Issuing warrant	.50
" Bond for continuance case	.60
Clerk record Bond	.60
B.W. Everett issuing bond	.60
	8.50

R. F. Barham, J.P.
B.W. Everett, J.P.
N. J. Jelks, J.P.

a copy

Inte: B F McQuinn C.C.

Exhibit
" A "

To J. W. Williams, Sheriff

J. J. Lee

H. S. Darden
Dept. Sheriff

to execute.

Case continued

till Friday 16th 1895-

Jno J. Farmer J.P.

Executed this warrant
August 16th 1895 by bringing
the prisoner before R. F. Barham
J.P. at Caries.

H. S. Darden - Const.

C. H. Nicholson

Nicholson

vs.

Notice.

Nicholson

1895. Dec. 4:
B. F. McLenore Auct.

Executed, by delivering
a copy of the within in
person to the within named
J. D. Nicholson on Nov. -
27th. 1895.

W. E. Parden Deputy
for J. W. Williams Sheriff

To J. D. Nicholson

You are hereby notified that on the 4th day of December, in the year 1895, at the office of B. F. McLEMORE, in the village of Courtland, Southampton county, Va., between the hours of 9 A. M. and 5 P. M. of that day, I shall proceed to take the depositions of Thomas Turner

and others, to be read as evidence in my behalf in a certain Chancery Cause depending in the Circuit Court for Southampton 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.

Your obedient servant,

J. D. Nicholson by
Counsel

Lucy Warren

Nat. Foundl.
A. S. News Dr
for J. W. Williams
Shriffin

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Lucy Warren

to appear ^{at Courtland} before the Judge of our County Court of Southampton County, at the Courthouse thereof,
on the *9th* day of *December*, 189*5*, to testify and the truth to
speak on behalf of *J. D. Nicholson*

in a certain matter of controversy in our said Court depending and undetermined between
M. J. Nicholson, plaintiff, and
J. D. Nicholson, defendant.

And this ~~she~~ shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *5* day
of *December*, 189*5*, in the *170*th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Nicholson

v 3 Spas

Nicholson

1895 Dec 9.

Entered this 7th day
of December 1885 - by
delivering a copy of
the within Spas
to each of the within
named parties
except Lucy Warran
who could not be
found.

A. G. Kears Deft
for J. W. Wallicum
Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Euclid Joyner - Basil Joyner -*
Sam Forest - Landy Goodwyn - Peter Ricks - Jos. Turner -
and Lucy Warren - Suther Spivey and Maynard Spivey
to appear before the Judge of our County Court of Southampton County, at the Courthouse thereof,
on the *9th* day of *December* Term, 189*7*, to testify and the truth to
speak on behalf of *J. D. Nicholson*
in a certain matter of controversy in our said Court depending and undetermined between
M. J. Nicholson, plaintiff, and
J. D. Nicholson, defendant.
And this *they* shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *5th* day
of *December*, 189*7*, in the 112*th* year of the Commonwealth.

TESTE:

B. F. McLeMore, C. C.

Nicholson
v. 3 Annⁿ
Nicholson

1895. Dec. 7.

Executed, by delivering
a copy of the within to
for Thomas J. J. J.
John A. J. J., a person
over 16 years of age, and
explained the purport of
the same. Who is a member
of the same family, on
November 27th 1895-

W. E. Fardem Deputy
for J. H. Williams Sheriff

J. A. J. J.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*Thomas Turner &
John Jordan*

B. F. McLemore Clerk in Ch. Cir
to appear before the Judge of our County Court of Southampton County, at the Courthouse thereof,
on the *7th* day of *Decr* Term, 189*5*, to testify and the truth to
speak on behalf of *M. J. Nicholson*

in a certain matter of controversy in our said Court depending and undetermined between
M. J. Nicholson, plaintiff, and
J. D. Nicholson, defendant.

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

Witness, B. F. McLEMORE, *Clerk* of our said *Circuit* Court, at the Courthouse, this *27* day
of *Nov.*, 189*5*, in the *120*th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

This day Thomas Turner appears before me, and makes
affidavit that he delivers a copy of this summons
to J. D. Nicholson Sept. 12. 1895.

Given under my hand Sept. 12. 1895

Jno. S. Turner J.P.

Nicholson by se.

vs } Ann. & day,

Nicholson

1895. 2d. Sept. Term

do. do.

I deliver a copy

Of this summons to
J. D. Nicholson Sept
12th 1895

Thomas Turner

Shas & M. Turner p.g.

Nicholson

vs  sum.

Nicholson

1895 1st Sept: Rules
Cir: Ct:

^{to}
Executed Aug. 29
1895 by delivering
a copy of this sum
to J. L. Nicholson
A. J. News kept
for J. Williams
Shiff

McLennan & Shands p. 9.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....

J. D. Nicholson

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 *September* 189*5*.....~~next~~, to answer a Bill in Chancery exhibited against.....*him*.....in our said Court by.....*M. J. Nicholson who serves by*

R. J. Williams her next friend

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this.....*26*.....day of

.....*August*....., 189*5*, in the *22*..*2*..th year of the Commonwealth.

TESTE:

.....*L. A. Gay*....., C. C.

By *A. B. Ungersart, Jr.* *D. C.*

Memorandum for County Court - Clerk

Copy of Paper Warrant vs. J.D. Nicholson

by M. J. Nicholson to be used in suit
of Nicholson vs Nicholson as Ex. "A"

Copy of Marriage License of J.D. & M. J.

Nicholson to be used as Ex. "B" same suit

L. A. Gay, C.C.C.,

Nicholson by re.

Vs. } Statement of Rules

Nicholson J. D.

M. J. Nicholson, who sues by R. J. Williams
his next friend Plaintiff

VS } In Chancery

Jefferson D. Nicholson, Defendant

1895. 26th Aug. Process Issd. to 1st Sept. Rules.

1895. 1st Sept. Rules, Process returned executed.

Bill & exhibits filed. Deam nisi vs Deft.

1895. 12th Sept. Process Issued to 2nd Sept. Rules. to answer
an amended bill.

1895. 2nd Sept. Rules. Bill taken for confessed.

amended bill filed, and came out for hearing