

1902-09

Southampton County Chancery

Johnson, Henry W. vs Johnson, Fannie

Divorce

Johnson
vs
Johnson } Bill in Equity

1902. 2. Sept. Rules filed
L. A. Gay Esq.

R. E. L. WATKINS,
- - ATTORNEY-AT-LAW, - -
FRANKLIN, - - VA.

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

Complaining, sheweth unto the Court your orator Henry W. Johnson,
husband of Fannie Johnson, that he is now 41 years
old. At the age of 27 he was married to the said Fannie
Johnson, formerly Fannie E. Brown, in the County
of Southampton as will appear from a certified copy of the
marriage license hereto annexed, marked Exhibit "B" and prayed
to be read as a part of this bill, and that ^{since} such such
marriage, and while she lived with him, he was a constant,
faithful and dutiful husband, providing her with every comfort
in keeping with his means. Your orator's wife on the other hand,
has been unfaithful and has wilfully deserted and abandoned
your orator for more than three years and ^{since} such desertion and
abandonment has led a life of prostitution and borne several
children, viz: Two girls, Lee, and ^{an} other the
name of whom is unknown to your orator.

In tender consideration whereof and forasmuch as your orator
is remediless in the premises save in a court of equity, he prays
that the said Fannie Johnson may be made a defendant to this
bill and required to answer the same, but answer on oath is
herely especially waived; that your orator may be divorced
from her a vinculo matrimonii and that all such other farther
and general relief may be afforded your orator as the nature
of his case may require or to equity shall seem meet. And your
orator will ever pray &c

[Signature] p. 19.

Henry W. Johnson
[Signature]

Southampton County, to wit:

This day personally appeared before me in my County aforesaid
Henry W. Johnson who made oath to the facts set forth in the
foregoing bill. My kin as notary expiring Aug. 13-66
Given under my hand this 18th day of September 1902.


[Signature]
Notary Public

The depositions of J. H. Spivey, J. A. M. Bacham
and Benjamin L. Barrett, taken before me,
J. Edwards a notary public for the County
of Southampton, State of Virginia, pursuant
to notice hereto annexed, at the office of
R. E. L. Matthews in the town of Franklin, Va.,
on the 4th day of October 1902, between the
hours of 6 A. M. & 6 P. M., to be read as evidence
in behalf of W^m Henry Johnson in a certain
suit in Equity, depending in the Circuit Court
of Southampton County, Virginia, wherein
W^m Henry Johnson is Plaintiff and Fannie
Johnson is Defendant.

Present, R. E. L. Matthews, Atty. for the Plaintiff

William H. Spiny being duly sworn
deposes as follows:

- Q. (1) State your name, age, residence & occupation.
- A. (1) J. H. Spiny, 28, Southampton - Carpenter.
- Q. (2) Do you know the parties to this suit?
- A. (2) Yes.
- Q. (3) How long have you known Fannie Johnson?
- A. (3) 6 years.
- Q. (4) Do you live in the same community that she does?
- A. (4) Yes.
- Q. (5) What is her general reputation in community for virtue?
- A. (5) Reputation is not good.
- Q. (6) In what way is it not good?
- A. (6) I consider her a prostitute.
- Q. (7) Since your acquaintance with her have you seen or have you heard of Henry Johnson being in her presence?
- A. (7) No.
- Q. (8) Has she since you have known her borne any children?
- A. (8) Yes - two.
- Q. (9) Do you know who the natural father of these children is?
- A. (9) No - I don't.
- Q. (10) Do you know of any people who have had carnal intercourse with her?
- A. (10) No.
- Q. (11) State please how many times you have had carnal intercourse with this woman.

Q. (11) I don't know - I stayed with her two nights.
Q. (12) Still please how many children this woman
has born since her separation with
her husband and their names if you
know them

A. (13) Two - I don't know their names.

~~Q. (14)~~ Further the deponent saith not.

Witness
C. Howard

John T. Spring
much

William Benjamin L. Barrett being duly
Sworn deposes as follows:

- 2(1) State your name, age, occupation & residence?
- a. (1) Benj. L. Barrett, 57, Farmer - Southampton Co.
2. (2) Do you know the parties to this suit?
- a. (2) Yes.
2. (3) How long have you known them?
- a. (3) I have known Henry Johnson about 40
years, and I have known Fannie Johnson
about 15 years.
2. (4) How long have Henry Johnson & Fannie
Johnson been separated?
- a. (4) About 14 years.
2. (5) State please whether since their separation
you have known Henry Johnson
to be in her presence or company?
- a. (5) Not that I know of - when they parted
I think Henry stayed away from her.
2. (6) How many children has she borne
since her separation from her husband?
- a. (6) Three -
2. (7) Can you state their names?
- a. (7) Annie Lee and Lizzie - the other is very
young only two or three weeks old - don't
know name.
2. (8) What is her reputation in the community
in which she lives for chastity & virtue?
- a. (8) She has the name of being a bad character
I should consider her a whore.

Q. (9) Do you know of any man who has had
carnal intercourse with her?

A. (9) I don't know any —
And further deponent saith not.

B. ^{his} ~~mark~~ L. Barrett

William
Edward

Notarial Fee - \$5.00

~~John~~ J. A. M. Barkham being duly sworn
deposes as follows:

- Q (1) State your name, age, occupation & residence
A (1) J. A. M. Barkham, 36, Farmer - Southampton Co.
Q (2) Do you swear the parties to this suit?
A (2) Yes.
Q (3) How long have you known them?
A (3) 25 years.
Q (4) How long has Henry Johnson been separated
from the defendant Fannie Johnson?
A (4) I knew about 12 or 14 years.
Q (5) How many times or knowers of Henry Johnson
being in the presence of or the company
with Fannie Johnson since their first
separation?
A (5) No.
Q (6) What is the general reputation of Fannie
Johnson for virtue in the community
in which she lives?
A (6) She is a very common woman.
Q (7) Do you know how many children
she has borne since her separation from
her husband?
A (7) I think there are three.
Q (8) Can you state the names of any of
the men who have been going with this
woman and having intercourse
with her?
A (8) She told me that the oldest one

was by Lee Harris.

2. (9) Still please whether or not you have had carnal intercourse with her, and if so, about how many times?

A. (9) I can't tell you how many times - but 2. (10) I have several times.

Is her reputation in the community in which she lives that she is a common prostitute and is entirely devoid of virtue as I understand it - and correct?

A. (10) Yes.

And further the deponent seizes not -

Witness
Edward

J. A. M. B. Ashman
mark

To Fannie Johnson,

You are hereby notified that on the 4th day of October, 1902, at the office of R. E. L. Watkins in the Town of Franklin, Va., between the hours of 9 a.m. and 5 p.m., of that day, I shall proceed to take the depositions of Benjamin Barrett and others, to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit Court of Southampton County, wherein I am plaintiff and you are defendant, and if for any cause the taking of the 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,

William Henry Johnson, Jr.

By *[Signature]*
his Attorney.

[Handwritten signature]

[Handwritten signature]

Johnson Henry Ed.

vs.

} SUBPENA
IN CHANCERY.

Johnson Fannie

R. E. L. Watkins p. q.

To 2nd. September Rules.

Seismit Court.

Specified by delivering
a copy of this notice
to Fannie Johnson
deft.

Sept. 8/92 J. B. Johnson
for J. M. Williams
Clerk
(1)

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton Greeting:

WE COMMAND YOU, That you summon Fannie Johnson

to appear at the Clerk's Office of the Circuit Court of the County of Southampton at the rules to be held for the said court on the 3rd Monday in September 1902, to answer a bill in chancery exhibited against her in our said court by Henry W. Johnson.

And have then there this writ. Witness: L. A. Gay, Clerk of our said court, at the courthouse, the 1st day of September 1902, and in the 127th year of the Commonwealth.

Teste: L. A. Gay C. C.

Johnson

vs. { Statement of Rules

Johnson

Henry W Johnson Plaintiff

vs.

Tennie Johnson Defendant

In Chancery

1902. 1st. September. Process issued to 2nd September Rules.

1902. 2nd September Rules, Process returned executed.

Bill and Exhibits filed

Answer filed

1902. 3rd. Sept. Rules. Bill Taken for confessed and

cause set for hearing

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,

Henry W. Johnson
and Fannie E. Brown

Given under my hand, as Clerk of the County Court
of Southampton this 6 day of February 191888
D. F. McQuinn Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2226 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 8, 1900.

Time of Marriage, ...	Place of Husband's Birth, <u>Southampton</u>
Place of Marriage, <u>Southampton</u>	Place of Wife's Birth, <u>Isle of Wight</u>
Full Names of Parties Married, <u>Henry W. Johnson</u> <u>Fannie E. Brown</u>	Place of Husband's Residence, <u>Southampton</u>
Color, <u>White</u>	Place of Wife's Residence, ...
Age of Husband, <u>27</u> years	Names of Husband's Parents, <u>John & Mary Johnson</u>
Age of Wife, <u>28</u> "	Names of Wife's Parents, <u>Washington Brown</u>
Condition of Husband (widowed or single or divorced) <u>Single</u>	Occupation of Husband, <u>Farmer</u>
Condition of Wife (widowed or single or divorced)	

Given under my hand this 6 day of February 191888
D. F. McQuinn Clerk.

Certificate of Time and Place of Marriage.

I, ..., a of the
Church, or religious order of that name, do certify that on the 10 day of
February 1888 19, at Fort Mifflin Va., under authority of the above
License, I united in Marriage the persons named and described therein.

Given under my hand this day of 19.....

J. T. Kiehn

The Minister celebrating a marriage is required, within two months 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.

A copy. To: L. A. Gay D.C.

John A. ...

Johnson
vs. } copy of Deed.
Johnson

J. Johnson

Virginia: In the Circuit Court of Southampton County,
October Term 1902.

Henry H. Johnson

vs.

Fannie Johnson

This Cause came on this day to be heard on the plaintiffs bill and exhibits therewith filed, the defendant, on whom process has been duly served since failing to appear and plead, answer or demur, and depositions of witnesses filed and was argued by Counsel.

On Consideration whereof, the Court doth adjudge, order and decree, that the marriage heretofore had and solemnized between the Complainant, Henry H. Johnson, and the defendant, Fannie Johnson, formerly Fannie Brown, shall be and the same is hereby dissolved; and that the said Henry H. Johnson be forever divorced a vinculo matrimonii from the said Fannie Johnson; and there being nothing further to be done in the Cause, it is ordered that the same be removed from the docket.

A Copy,

Teste: L. R. Gay Jr. C.

Henry W. Johnson

VS.

Fannie Johnson

the complainant's bill and
This cause came on this day to be heard on the exhib-
therewith filed, the defendant, on whom process had been duly served still failing to
its and depositions of witnesses filed therewith and was ar-
gued by counsel. On consideration whereof, the court ~~being of~~
~~the opinion that prostitution had been proved,~~ doth adjudge,
order and decree, that the marriage heretofore had and solemn-
ized between the ^{Complainant} plaintiff, Henry ^W Johnson, and the defendant,
Fannie Johnson, formerly Fannie Brown, shall be and the same
is hereby dissolved; and that the said Henry W. Johnson be for-
ever ^{a vinculo matrimonii} divorced from the said Fannie Johnson; and there being
nothing further to be done in the cause, ^{it is} ordered that the same
be removed from the docket.

appear and plead, answer or demur.

JOHNSON

AS

DECRETE

JOHNSON

ENTERED THIS 14TH DAY OF OCT.

Wm. H. Johnson
1868