

1904-06

Southampton County Chancery Edwards, Susan Vs. Edwards, H. D.

RECORDED

"Lirance"

Susan. O. Edwards

vs } Bill. Exhib

H. D. Edwards

To the Hon. R. R. Prentiss
Judge of the Circuit Court
of Southampton County
In Chancery.

Humbly Complaining sheweth unto
Your Honor Your Oratrix Susan
Edwards wife of A. D. Edwards.
That on the 11th day of September
in the year 1895

she was united in marriage in
the County of Southampton with
the said A. D. Edwards.

as will appear from a Certified
Copy of said Marriage license
and Certificate herewith filed
as exhibit (K) and prayed to be
taken as a fact of this bill.

Your Oratrix states that they lived
together from the time the marriage
Ceremony was solemnized until the
following August a period of
about eleven months at which
time, he the said Deft, whipped
and beat Your Oratrix most
Cruelly and unmercifully without
Cause or provocation. Your
Oratrix further states that on
the day after she had been beaten

and whipped so cruelly and un-
mercifully by the said Deft. that
she left the home of the Deft.
who lived at that time in the
County of Greenville & came to
live with friends & relatives in
Southampton County.

That about two months after Mary
Oratrix had left the said Deft.
that he the said Deft. came to
Southampton County to the place
where Mary Oratrix was living &
by means of fair promises of
kindness & good treatment he prevailed
upon Mary Oratrix to live with
him the second time.

Mary Oratrix further states that
after going to live with the Deft.
the second time that instead of
treating her with greater kindness
& consideration than before he treated
her if possible still more unkindly
& cruelly than formerly.

Mary Oratrix further states that
after living together about one month
he the said Deft. just before
Christmas 1896 finally deserted and
abandoned Mary Oratrix entirely and
completely without any cause or -

prosecution on her part & that
since that time they have never
lived together or Cohabited together
as man and wife or had any associa-
tion. Mary Ostrin further states
that she has Cause for reasonable
apprehension of bodily hurt & she
further states that under no circum-
stances will she ever consent to
live again with the deft. as his
wife, that to do so would be to put
her life in peril & subject her self
to daily humiliation & Cruelties worse
than death.

Mary Ostrin states that there is
only one child resulting from the
said marriage a girl, about eight
years old named "Laura Annie".

This child was only a few months
old at the time the deft. abandoned
Mary Ostrin, & that since that
time Mary Ostrin has taken care
of & provided for the said child
without any aid or assistance from
the said deft.

In consideration whereof Mary Ostrin
most respectfully prays that your
Honor will give said child unto her
Control & Custody.

That the said Deft. having been
guilty of the afore said Cruel and
unkind treatment towards your
Oratrix and having reasonable cause
to fear bodily hurt should she attempt
to live with him again together with
the fact that the said Deft. has
abandoned & deserted your Oratrix
for a period of more than seven
years she is advised & informed
that she is entitled to a divorce
"a vinculo matrimonii".

In tender consideration whereof and
in as much as your Oratrix is
without remedy save in a Court
of Equity, where all such matters are
alone & properly Cognizable she
prays that the said
may be made a Joint Deft. to
this bill & required to answer the
same although answer under
oath is expressly waived; that
the marriage heretofore had & solemnized
between your Oratrix & the said Deft.
may be dissolved & annulled & your
Oratrix entirely divorced "a vinculo
matrimonii" from the said Deft.
& that your Honor will grant all
such other further general & special

ruling as the nature of ^{the case} may require or to
Equity may seem fit.

And your Orotix will ever pray &c

Susan Edwards

By
W. A. Rice, atty. at Law

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,

H. D. Edwards

and

Lucia O. Sykes

Given under my hand, as Clerk of the Circuit Court of Southampton Co. this 11th day of Sept 1895

B. F. McLean Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 8, 1900.

Time of Marriage, Sept. 11. 1895

Place of Marriage, Southampton Co.

Full Names of Parties Married, H. D. Edwards

Lucia O. Sykes

Color, White

Age of Husband, 62 years

Age of Wife, 42

Condition of Husband (widowed or single or divorced) widowed

Condition of Wife (widowed or single or divorced) single

Place of Husband's Birth, N. C.

Place of Wife's Birth, Southampton

Place of Husband's Residence, N. C.

Place of Wife's Residence, Southampton

Names of Husband's Parents,

Names of Wife's Parents, Perrow & Sallis J.

Sykes

Occupation of Husband, Farmer

Given under my hand this 11th day of Sept 1895

B. F. McLean Clerk.

Certificate of Time and Place of Marriage.

I, _____, a _____ of the _____ Church, or religious order of that name, do certify that on the 11th day of Sept 1895, at J. J. Johnson's, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 11th day of Sept 1895

M. S. Coleman

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.

At Test: B. F. McLean Clerk.

1904	Edwards v. Edwards	
May	Jury 25. Copy 13	38
	" 25. " 13	38
	Rest 18. Atty 10.	28
	Docketing 18. Rules 50	68
	Entering Motion 35. Filing 10	50
	Filing Ex 15. Copy Ex 25	40
	Recd 50. Filing Dep 15-	65
	Deered 35. Atty Cost 40	75
	Filing away papers	25-
	Cost	4.28
	Shff	1.50
	Lawr	16.50

Edwards, Susan D.
vs. } Depositions
Edwards, H.D.

Given under my hand this 25th day of September, 1904.

and for the purpose in the caption hereto mentioned.

Given to and subscribed before me, at the time and place

above stated, J. B. Johnson, and Susan D. Edwards were duly sworn.

Witness my hand and seal this 25th day of September, 1904.

the Circuit Court for the County of Southampton, in the State of

I, Joseph B. Prince, a Commissioner in Chancery of

County of Southampton, do-wit:-

Virginia,

Commissioner in Chancery
Joseph B. Prince

The depositions B.J. Johnson and others, taken before me, Joseph B. Prince, a commissioner in chancery of the Circuit Court for the county of Southampton, pursuant to notice hereto annexed, at the Office of Joseph B. Prince, in the town of Courtland, Va., on the 6th day of September, 1904, between the hours of 8 a.m. and 8 p.m. to be read as evidence in a certain suit in equity now pending in the Circuit Court for the County of Southampton, in behalf of Mrs. Susan O. Edwards, in which suit Mrs. Susan O. Edwards is plaintiff and H.D. Edwards is ~~plaintiff~~. *defendant*.

Present W.A. Reese, Atty. for Susan O. Edwards.

Witness B.J. Johnson, after being first duly sworn deposes as follows:-

Q. Please, state your name, age, residence, occupation, and do you know the parties to this suit.

A. B.J. Johnson, 75, Southampton County, farmer, I know the parties.

Q. ~~Please state if you know about the bruises and evidence of unkindness that you saw on Mrs. Edwards when she came from her house to your house~~

Please state if you ever saw any evidences of brutality and unkindness on the person of Mrs. Edwards, in the shape of bruises and licks, and if so, when and where?

A. Yes, sir. I see the bruises on her face and on her arms, and they were very bad.

Q. Do you know who inflicted those bruises?

A. I do not, except that she told me Mr. H.D. Edwards did it.

Q. Where did she come from when she came to your house?

A. From Greenville County.

Q. At that time her husband lived in Greenville County, did she come from her husband's house?

A. She said so. Her son in law, Mr. Edwards' son brought her to my house.

Q. They had been inflicted by somebody, and she said who?

A. Yes, and she said Mr. Edwards.

Q. How long ago was that ?

A. It has been about eight years ago, or a little over.

Q. Did he come to your house after she came there ?

A. Yes.

Q. Did they live together and if so, how long.

A. Yes, but for not more than a month if it was that.

Q. Now state if she remained at your house and if she left ?

A. Yes she remained at my house when he left her the last time.

Q. Have they ever so far as you know lived together or had anything to do with each other since that time.

A.... They have not, and I know this to be a fact from my own knowledge.

Q.... Then you know that for the last eight years they have never lived together as man and wife, or had any connection or access to each other ?

A... They have not.

Q. Did she leave him, or did he leave her ?

A... He left her, and they have not been together since.

~~Q... And further this deponent saith not.~~

Q. You live in Southampton County, do you not ?

A. Yes.

Q. They lived together at your house in Southampton County, did they not ?

~~Yes~~A. Yes, and at the time H.D. Edwards deserted his wife they both lived in Southampton County.

And further this deponent saith not.

Witness:-

Joseph B. Price

B. J. Johnson
Jury

Witness J.R.Johnson, after first being duly sworn, deposes as follows:-

Q. Please state your name, age, residence, occupation, and do you know the parties to this suit ?

A. J.R.Johnson, 23, Southampton County, farmer, yes, I know the parties.

Q. ~~How long have~~ Are H.D.Edwards and Susan O.Edwards now living together or not ?

A.... They are not.

Q. How long have they been living apart ?

A... About eight years.

Q.. Please state what you know about their separation, and ~~when~~ it happened, where &c?

A... When I was about 15 years old, she came to my Grand fathers house, and gave as her reason for coming that her husband had beat her and she couldn't stay with him. Very soon, however, he came to my Grand-fathers too, and they then lived together as man and wife for about one month, when he left her, and has never been back to her. My grand father lives in Southampton County, where the desertion took place. I know it to be a fact that they never have lived together since that time which was eight years ago.

Q... At the time he left her, she was living in Southampton County, and he was too, were they not ?

A. Yes.

Q.. How far does he live from Mr. Johnson now ? with whom Mrs. Edwards is now living ?

A... About five miles.

Q... Did you see any bruises on Mrs. Edwards face at the time she came to your grand fathers' ?

A.... Yes I saw the print of his hand on her cheek.

And further this deponent saith not.

Witness J.R.Johnson J.R.Johnson

Witness Susan O. Edwards after being first duly sworn, deposes as follows:-

Please state your name, age, residence, occupation, and what position you occupy in this suit.

AAA... Susan O. Edwards, 33, Southampton County, Va., needle woman, and I am the plaintiff in this suit.

Q.... State, Mrs. Edwards all the circumstances leading up to the bringing up of this suit, and what caused you to bring it?

A... About eight years ago my husband and myself were living in Greensville County, and without any cause or provocation he beat me most cruelly and unmercifully. The next day I left him, and came to my cousins J.J. Johnsons'. Very soon afterwards he, my husband, H.M.D. Edwards came over to J.J. Johnsons' in Southampton County, where I was, and persuaded me to live with him again. After which persuasion I consented; he promising me never to be unkind to me again. We lived together about a month in Southampton County, after which time he left me, and we have never lived together, or had the least connection with each other as man and wife since that time. He has never contributed, or offered to contribute one cent towards the support of myself or his daughter.

Q..... At the time he left you, were you a resident of Southampton County?

A. I was, and am now.

And further this deponent saith not.

Susan O. Edwards
sub.

Witness:-
Joseph B. Prince

Comm. fee for above
depositions - Paid -
\$2.00 J.B.P.

Virginia,

County of Southampton, to-wit:-

I, Joseph B. Prince, a commissioner in chancery of the Circuit Court for the County of Southampton, in the state of Virginia do hereby certify that the foregoing depositions of B.J. Johnson, J.R. Johnson, and Susan O. Edwards were duly taken, sworn to and subscribed before me, at the times and place and for the purpose in the caption hereto mentioned.

Given under my hand this 6th day of September, 1904.

Joseph B. Prince
Commissioner in chancery.

Exhibited By
Delivering copies of
The within memorial to
H. D. Edwards act 13
1904 R. E. Feltz (Dyft)

Rev J. G. Miller

W. S. Feltz

To. H. D. Edwards

Take notice that on the
15th day of Oct-1908 at the
office of J.B. Prince atty at
Law in Courtland between
the hours of 10 a.m and 4 P.M.
of that day I shall take the
deposition of J. J. Johnson
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 from any cause the taking
of said deposition be not
commenced or if commenced,
be not concluded on that day
the ^{matter} ~~same~~ will be adjourned
from time to time at the
same place and between
the same hours until the
same shall be completed.

Suam O. Edwards
By Counsel
W. A. Rye

The depositions of H.T.Johnson, taken before me Joseph B.Prince, a commissioner in chancery of the Circuit Court for the County of Southampton, pursuant to notice hereto annexed, at the office of Joseph B.Prince, in the town of Courtland, Va., on the 15th day of October, 1904, between the hours of 10 a.m. and 4 p.m. to be read as evidence in behalf of Susan O.Edwards in a certain suit in equity now pending and undetermined in the Circuit Court of Southampton County, wherein Susan O. Edwards is plaintiff and H.D.Edwards is defendant.

Present: W.A.Reese, atty for the plaintiff.

Witness H.T.Johnson, being duly sworn, deposes as follows:-

Q... State your name, age, residence, occupation, and do you know the parties to this suit?

A. H.T.Johnson, 52, Southampton County, farmer, I know the parties.

Q... Do you know the parties to this suit ?

A. Yes.

Q. When were they married ?

A. About 8 years ago.

Q. How long were they married before they separated ?

A... About one year. Not quite that long.

Q... When he left her where were they living ?

A... At my brother J.J.Johnson's, in Southampton County.

Q. Did he leave her willfully and of his own accord ?

A... He certainly did. He just left her right entirely.

Q... How far does he live from where she is living now ?

A. Six or seven miles.

Q... Has he ever made any effort to live with her since he left her ?

A. Not as I know of.

Q. Is she a hard working, industrious woman ?

A. Yes, sir, she is and a smart woman too.

Q... Has her child always remained with her since they separated ?

A.. Yes, sir, he certainly has.

Q. Has the father HMD.Edwards ever had anything to do with the child since they separated ?

A. No, I don't reckon he has given it a pennies worth of anything.

Q.... Then I understand you to say that ever since her husband left her that she has taken care of and maintained that child,?

A. Yes.

Q.. Is it a girl or boy, and its name.

A. A girl named, Annie May.

Q. Are you any blood relation to Mrs. Edwards.

A. No.

Q. Is there and blood relation between your father, and B.J. Johnson, and John R. Johnson and Mrs. Edwards ?

A.. No. My brother Jack Johnson married her first cousin, and she was living there when she married Mr. Edwards, and she was

**** living there when Mr. Edwards left her.

Q... And you state that to the best of your knowledge he left of her willfully and of his own accord and has made no effort to to become reconciled with her ?

A. None at all.

And further this deponent saith not.

H. T. Edwards

Witness:-
Joseph B. Prince

Virginia,

Southampton County, to-wit:-

I, Joseph B. Prince, a commissioner in chancery of the Circuit Court for the county of Southampton, in the state of Virginia, do certify that ~~H. T. Edwards~~ the foregoing deposition of H. T. Edwards was duly taken, sworn to and subscribed before me at the time and place and for the purpose in the caption hereto annexed.

Given under my hand this 15th day of October, 1904.

Joseph B. Prince
Commissioner in Chancery.

Edwards
rs } Stat. Rules.
Edwards

Susan O. Edwards.

H.D. Edwards.

1904. May 17th. Process issued to 1st June Rules.

" 1st June Rules: Bill & Exhibits filed.

Process not returned.

1904. June 8th. Alias supplied to 2nd June Rules.

" 2nd " Rules: Alias returned Executed.

Dever v. Hiss:

1904. 1st July Rules: Bill taken for Confessed
and Cause set for hearing.

Edwards

" } Specimen Chy

Edwards

1904. 2nd James R. Kell

Examination By Delivery

copy of

The Western Union

of D. Edwards

June 11, 1904

Drft for J. L. Smith

Shff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING :
WE COMMAND YOU TO SUMMON *H. D. Edwards*

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 *Third* Monday in *June* 190*4* ~~next~~, to answer a Bill in Chancery exhibited against *him* in our said Court by *Jessie O. Edwards*

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

Witness, *B. F. McLenore* Clerk of our said Court, at the Courthouse, this *7* day of

June, 190*4*, in the 12*8* year of the Commonwealth

TESTE:

B. F. McLenore, C. C.

Edwards

Spa in Chy

Edwards

1904. 1st June Rule

Executed by delivering
a true copy of the
within writ to Hth

D. Edwards May 28th

1904 B. E. Helto Dept
for J. L. Gilluth Shp

Re: ~~_____~~ Office

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *H. D. Edwards*

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 *1st* Monday in *June 1904* next to answer a Bill in Chancery exhibited against *him* in our said Court by *Susan C. Edwards*—

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *17th* day of *May 1904*, ~~189~~, in the *12th* year of the Commonwealth.

B. F. McLemore C. C.

Edwards, Susan D.,

n. { 8 Pos.

Edwards, W.D.

Consented By Delivering Tran
By the with governors

on Super unson an
aug 30 1904 B.E. F. H.

Dr. H. Schiff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON. (Mrs.) Lussie Vincent

Joseph B. Pines, a carrier in Chancery of
to appear before the Judge of our Circuit Court of Southampton County, at the Court-
house thereof on the... 6th... day of September..., 1904, to testify and the
truth to speak on behalf of Susan O. Edwards
in a certain matter of controversy in our said Court depending and undetermined between
Susan O. ~~Edwards~~ ~~H. O. Edwards~~, plaintiff..., and
H. O. ~~S. O. Edwards~~, defendant...

And this... shall in nowise omit, under penalty of the law. And have then there
this writ.

this writ. Joseph B. Prineas a clerk in Ch
 Witness, R. F. McEMORE, ~~Clerk~~ of our said Court, at the Courthouse, this
23rd day of August, 1904, in the 12th year of the Commonwealth.

Teste :

Joseph B Prince
Bar in C₇

Bar. in C.

Edwards, Susan O,
vs. { Notice to take
Depositions
Edwards, W.D.

Executed By Delivering
Testimony of the within
Summons on H.D. Edwards
on Sep 2. 1904 B.C.F.W.
Dyft Shpp

Notice to Take Depositions.

[Code. §§3359-68; 4 Min Inst. (2nd ed.), 745 & seq.; 2 Part. Chy. Prac. (2nd ed.), p. 783 & seq.; Hurst's Guide & Manual, p. 16 & seq.]

To H. D. Edwards,

Take notice, that I shall, on the 6th day of September,
1904, at the Office of Joseph B. Prince
in the town of Pamunkey, Va., between the hours of 8, A. M.,
and 8, P. M., on that day, proceed to take the depositions of Mrs. Lepsie
Vincent and others, to be read in evidence in my behalf, in a certain
suit in equity depending in the Circuit court for the county of
Southampton wherein you are defendant
and I am plain^{ty}iff: 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 and between the same hours, until the same shall be complet-
ed.

Respectfully yours,

Susan O. Edwards,
W. A. Rice, Atty. at Law

1904

Edwards, Susan Q.

r. } Decece

Edwards, H. D.

Entered Oct. 17, 1904

Robert R. Hentis

Entered
O. O. G. p. 109.

Susan O. Edwards, Plaintiff.

vs. Decree.

H. D. Edwards. Defendant.

This day this cause came on to be heard on the bill of the complainant, and the exhibits therewith filed, and the depositions of witnesses; the defendant who was regularly proceeded against ^{by the proper process} still failing to appear and plead, answer or demur, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the marriage heretofore had and solemnized between Susan O. Edwards and H. D. Edwards be, and the same is hereby dissolved, and that the said Susan O. Edwards be forever divorced a vinculo matrimonii from the said ^{H. D. Edwards} ~~husband~~.

The court doth further adjudge, order and decree that the possession of the infant child mentioned in the proceedings ~~said~~ child being named *Laura Annie Edwards* remain in the said Susan O. Edwards, and the said H. D. Edwards shall not in any way interfere with the possession of the said child.

And it appearing to court that nothing further remains to be done in this cause it is ordered that it be removed from the docket.