

1904-11

Southampton County Chancery - Johnson, Maggie E. vs Johnson, Frank S.

Divorce

Johnson,
v. $\frac{1}{2}$ In Chanary.
Johnson.

Bill Exhibits
1904. 1 Sept. Rules filed.

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

In Chancery:

Humbly complaining sheweth unto Your Honor
your complainant, Maggie E. Johnson, that she
is now, and has been for more than one year
next preceding the institution of this suit, a
resident of the state of Virginia.

That on or about the 18th day of December 1884,
she was duly and legally married in Southampton
County, Virginia, to one Frank S. Johnson, as will
more fully appear from a copy of the marriage-
license, with minister's return thereon, herewith
filed as "exhibit A", and prayed to be read as a
part of this bill. That after said marriage, your
complainant and the said Frank S. Johnson, defendant,
lived together as husband and wife, until on or
about the 15th day of October 1903, when the said
defendant, without just or proper reason or excuse,
abandoned and deserted your complainant, and,
since then, they have never co-habited as husband
and wife. That your complainant and the said
defendant last lived and co-habited together as
husband and wife in the said County of Southampton,
and that they both now live in the said County.

That, since said defendant abandoned and deserted
your complainant as aforesaid, your complainant
has been informed and verily believes, and so avers
and charges that, within the last few years and especially
since his abandonment and desertion of your com-
plainant as aforesaid, the said defendant, disregarding
the solemnity of his marriage-vow, has committed adultery
and had illicit carnal intercourse with divers and
sundry lewd women, and that your complainant has
never co-habited, in the relation of husband and wife,
with the said defendant, since she married this said

information or had any knowledge of his said
adulterous conduct.

In tender consideration whereof, and unusual as
your complainant is without remedy, save in a
Court of Equity, where such matters are properly
coquizable, your complainant prays that the said
Frank S. Johnson may be made a party defendant
to this bill and required to answer same, though
answer under oath is hereby waived; that proper
process issue and all proper orders be made;
that the marriage heretofore had and solemnized
between your complainant and the said defendant
may be cancelled and annulled and that your
complainant may be forever divorced a vinculo
matrimonii from the said defendant, and
that your complainant may have all such other,
further, general and special relief, as the
nature of the case may require or to Equity
shall seem meet.

And your complainant will ever pray &c.

W.D. Sebell, p. q. { Maggie E. Johnson

Virginia,

Southampton County, to-wit:

I, Joseph B. Preece, a Commissioner in Chancery
for the Circuit Court of said County, do hereby certify
that Maggie E. Johnson, whose name is signed to the
foregoing bill, has personally appeared before me in my
said County and made oath that the allegations con-
tained in said bill, so far as made from her own
knowledge are true, and, so far as made upon in-
formation derived from others, she believes to be true.

Given under my hand this 10 day of September 1904.

Joseph B. Preece
Comm. in Chancery.

MARRIAGE * LICENSE



Virginia, So Ampton 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,

Frank S. Johnson.
and Maggie E. Johnson.

Given under my hand, as Clerk of the County Court of Southampton this 15th day of Decr 1884.

J. B. Prince, 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 3, 1900.

Time of Marriage, 18 th Decr.	Place of Husband's Birth, Southampton Co
Place of Marriage, So Ampton	Place of Wife's Birth, " "
Full Names of Parties Married, Frank S. and Maggie E. Johnson.	Place of Husband's Residence, " "
Color, White	Place of Wife's Residence, " "
Age of Husband, 21.3 yrs	Names of Husband's Parents, Joseph & Johnson
Age of Wife, 20 yrs	Names of Wife's Parents, P. & Fannie Johnson
Condition of Husband (widowed or single or divorced)	Occupation of Husband, Farmer.
Condition of Wife (widowed or single or divorced)	

Given under my hand this 15th day of Decr. 1884.
J. B. Prince, Clerk.

"MINISTERS RETURN OF MARRIAGE"

I CERTIFY: That on the 18th day of December 1884., at my Residence, I United in Marriage the above named and described parties under authority of the annexed License.

M. B. BARRETT.

A Copy - Teste: B. F. McLeod.

Johnson

vs. } Notice.

Johnson.

Executed Sept 3rd 1904. by delivering
a true copy of
the within writ
to Frank S. Johnson
in Person

J. W. Bryant Clerk
for

A. L. Giddell Shff

To Frank S. Johnson,

You are hereby notified, that on the 10th day of September, in the year 1890 at the office of Joseph B. Prince, in the town of Courtland, Southampton county, Va., between the hours of 8 a. m. and 8 p. m. of that day, I shall proceed to take the deposition of Joe Halt, Tom Barnes and others, to be read as evidence in my behalf in a certain suit in Chancery 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,

Maggie E. Johnson,
By Counsel.

Johnson,

v. { Depositions.

Johnson.

1904. Sept 12. Rec'd
fid.

The depositions of H.W.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 10th day of September, 1904, between the hours of 8 a.m and 8 p.m. to be read as evidence in behalf of Maggie E.Johnson, plaintiff, in a certain suit in equity in which said Maggie E.Johnson is plaintiff and Frank S. Johnson, the defendant.

Present W.J.Sebrell, atty. for plaintiff.
Witness H.W.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. H.W.Johnson, 43, Southampton County, Va., farmer, and I know the parties to this suit.

Q.. Please state whether or not they are residents of Southampton County, Va., and if so how long they have been residents of the county ?

A. They have been so all their lives. Never lived out of the county. They were residents before and have been ever since their marriage.

Q. Please state whether or not either of the parties has abandoned or deserted the other, and if so which one, and when ?

A.... Yes, he left her about a year ago, or better,

Q.... Have they occupied or enjoyed the relations of husband and wife since he first left her ?

A.. They have not.

Q. Do you know whether the defendant, Frank S.Johnson, since he thus left his wife, Maggie E.Johnson, has sexual intercourse with any other woman except her, and if so, when, or about what time ?

A. He has, to my knowledge. About one week to last Christmas he had sexual intercourse with another woman.

2.

Q... Since he thus had sexual intercourse with this other woman to whom you have referred have he and his wife lived together as man and wife since ?

A. They have not.

Q. In what county did they last cohabit as husband and wife & before their separation ?

A. In Southampton.

And further this deponent saith not.

^{his}
H. W. Johnson
mark

Witness:-

Joseph P. Rance

witness Lafayette Hargrave, being duly sworn deposes as follows:-

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

A. Lafayette Hargrave, 18, Southampton County, Va., near Vicks-ville, farming, I know the parties to the suit.

Q. Has either one abandoned or deserted the other ? and if so which one, and when ?

A. Yes, the husband, Frank Johnson left her, about twelve months ago.

Q. Have they occupied the relations of husband and wife since that time ?

A. No, they have not.

Q. Please state whether Frank Johnson has within your knowledge since he abandoned the plaintiff, Maggie Johnson, had sexual intercourse with any other woman than his wife, and if so, about what time, to your best recollection ?

A.. Yes he has had to my knowledge. He has two or three time to my knowledge but I remember distinctly one time about a month ago.

And further this deponent saith not.

Witness: *Lafayette Hargrave*
Joseph B. Prince

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 of H.W. Johnson and Lafayette Hargrave 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 10th day of September, 1904.

Joseph B. Prince
Commissioner in Chancery.

1904

Sep

Johnson & Johnson. Costs

Brown 25. Caff: 13 38

Receipt 18 Atty 10 28

Leath: 18. filing fees 10 33

Entering action 35. Recd 50 85

Filing Exp: 15. Cop Exp. 25 40

Recd 50 Filing Sep 15 65

Deer 36. Day Cost 40 76

Filing away papers 25

Recd 390

Diff 50

Laundry 16.50

20.86

Oct

Johnson

Spa. in Phy.

Johnson

1904-15th Sept Rules.

Executed Sept
3rd 1904 by
Helicringa tras
copy of the
within writ

To Frank S. Johnson
in person

Jew Bryanb Heph
for

L. L. Giltite Shff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

Frank S. Johnson

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 Monday in *September* 1904
next, to answer a Bill in Chancery exhibited against
Court by *Maggie B. Johnson*

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

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
9th day of *September*, 1904, in the 12th year of the Commonwealth.

Teste:

B. F. McLemore, c. c.

Johnson
for } State Rules.
Johnson.

Maggie E. Johnson, Pltf .

V S.

Frank S. Johnson, Deft.

1904, September 2nd, process issued to 1st September Rules.

1904, 1st September Rules; process returned executed and bill
and exhibit filed.

:Decree Nici:

1904 2nd September Rules. Bill taken for confessed and cause
set for hearing.

-1904-
Johnson, Maggie E.
v. $\frac{1}{2}$ Deere.
Johnson, Frank S.

October 17, 1904,

Enter this:

Robert R. Fenton

Entered
O. O. B. 110.

W. J. Schell, p. p.

Johnson, Maggie E., Plaintiff,
v. } Decree.

Johnson, Frank S., Defendant.

This day this cause came on to be heard upon the bill of the complainant and exhibits therewith filed, and the depositions of witnesses, the defendant, upon whom process has been duly served, still failing to appear and plead, answer or demur to the said bill, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the marriage heretofore had and solemnized between Maggie E. Johnson and Frank S. Johnson be and the same is hereby dissolved, and that the said Maggie E. Johnson be forever divorced a vinculo matrimonii from the said Frank S. Johnson.

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