

1905-05

Southampton County Chancery. Davis, Ella

vs Davis, Mansfield

Divorce

Davis, }
v. } Bill & Exhibit.

Davis:

1905-2 Feb Rules
File of

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

Humbly complaining sheweth unto Your
Honor your complainant, Ella Davis (née White)
that she is now, and has been for more than one
year next preceding the institution of this suit, a
resident of Southampton County in the state of Virginia;
that on or about the 16th day of February 1882, she
was duly and legally married to Mansfield Davis,
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 the said
marriage, your complainant and the defendant, the
said Mansfield Davis, lived together, as husband and
wife, continuously till on or about the 10th day of January
in the year 1895, during all which period your complainant
was to him a faithful, kind and affectionate wife, but that
on or about the said 10th day of January 1895, the said
defendant, without just cause or reason, but wholly re-
gardless of his marriage-vows and duty, willfully
deserted and abandoned your complainant, and has
never returned to or lived with her since, but has
ever since continued, and still does continue, in such
desertion and abandonment of your complainant;
that there are now living four children, the offspring of the
said marriage, who were left with your complainant by the
said defendant, when he deserted her as aforesaid,
and who have been kept and provided for by your
complainant ever since; that the names and ages of the said
children are as follows: Arthur, aged about 20 years; Ora,
aged about 18 years; Ruth, aged about 14 years; and Lula, aged
about 12 years. That, though the said defendant now lives
in the city of Norfolk, your complainant and the said
defendant last lived and cohabited together as husband
and wife in the said County of Southampton in the state of

Virginia; that the said defendant having thus willfully deserted and abandoned your complainant, without any just or reasonable cause, for a period of more than three years next preceding the institution of this suit, your complainant is advised that she is legally entitled to a divorce a vinculo matrimonii from the said defendant. In consideration whereof, your complainant prays that the said Mansfield Davis may be made a party defendant to this bill, and required to answer the same, though answer under oath is hereby expressly waived; that the care and custody of the said children may be awarded to your complainant; that the marriage heretofore had and solemnized between your complainant and the said defendant may be completely and entirely annulled and dissolved, and your complainant forever divorced a vinculo matrimonii from the said defendant; that proper process issue, and all proper orders and decrees be made and entered, and for 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. J. DeBrell, p. q. $\frac{1}{2}$ Ella Davis

Virginia,

Southampton County, to-wit:

I, Joseph B. Princes, a Commissioner in Chancery for the Circuit Court of the County and state aforesaid, do hereby certify that Ella Davis, whose name is signed to the foregoing bill in Chancery, has personally appeared before me in my said County, and made oath that the allegations therein contained, so far as made of her own knowledge, are true, and so far as made upon information derived from others, she believes to be true. Given under my hand this 1st day of March, 1905.

Joseph B. Princes
Comm. in Chy.

Davis

Stat: Rules

Davis

Ella Davis - Plff

vs

Mansfield Davis - Def

1905. Feb 13. Process issued to 2nd Feb. Rules.
" 2nd " Rules. " returned Executed.

Bill & Exhibit filed.

Dearen nisi

1905-1st March Rules: Bill taken for Confessed
& Cause set for hearing

Ella Davis

vs. { Depositions
Mansfield Davis.

Mich. 1st, 1905 Filed

\$25.00 Costs

The depositions of Ben Hicks, and others, taken before me, Joseph B. Prince, a commissioner in chancery of the Circuit Court for the County of Southampton, in the state of Virginia, pursuant to notice hereto annexed, at the office of Joseph B. Prince, in the town of Courtland, Va., on the 1st day of March, 1905, between the hours of 8 a.m., and 8 p.m., to be read as evidence in behalf of Ella Davis in a certain suit in equity wherein Ella Davis is plaintiff and Mansfield Davis is defendant, said suit now depending in the Circuit Court of Southampton County, Va.

Present:— W.J. Sebrell, Atty. for Plaintiff.

- Q. Witness John White, being duly sworn deposes as follows:—
- Q. Please state your name, age, residence, occupation, and do you know the parties to this suit?
- A. John White, 45, Southampton county, near Vicksville Va., Farmer, I know the parties. The plaintiff is my sister.
- Q. Where ~~has~~ does the plaintiff Ella Davis now reside, and where has she resided for more than one year next preceeding the institution of this suit.
- A. Ella Davis now lives in Southampton County and has lived here for more than ten years past.
- Q... Did you know the plaintiff and the defendant when they lived together as man and wife, and if so, did you live near them?
- A. Yes, sir, I did, and lived near them.
- Q. Please state whether or not the plaintiff, while they lived together as man and wife was a faithful, and dutiful wife to him?
- A. Yes, I think she was, and I think she was more faithful and dutiful to him than she should have been. In view of his conduct and treatment of her, she did a great deal more than she should have done. I lived near them and saw them frequently.
- Q... Do they now live together as husband and wife, or has either party deserted and abandoned the other?
- A. They do not now live together as husband and wife and have not now done so for the past ten years.
- Q.... Which one deserted and abandoned the other?
- A. Mansfield Davis deserted his wife.
- Q... Will you please state whether he did so wilfully of his own accord or not?
- A. I think he did so of his own accord from the fact that he took up with another man's wife, and ran away with her. It is a fact well known in the neighborhood, and I am satisfied that he willfully deserted her, that is, the defendant deserted the plaintiff, Ella Davis, without cause.
- Q. Since the defendant, Mansfield Davis, thus deserted his wife, the plaintiff, Ella Davis, has he ever returned to her or lived with her as husband and wife? From that time up till now?
- A. No, sir, he has not, not since that time.
- Q. Where does he now live?
- A. In Norfolk, Va.
- Q. How many children were born to the plaintiff and the defendant while they lived together as man and wife?
- A. Four.
- Q. Are they still living, and what are their names?
- A. They are now living. Author, Ora, Ruth and Lula Davis.
- Q. Do you know whether any of them have reached the age of twenty one years?
- A. I think Author is about twenty one. All the others are under 21.
- Q. Who has cared for and provided for these children since the defendant deserted the plaintiff about ten years ago?
- A. She has done it all herself.
- Q. Is she in your opinion a proper party to be intrusted with the further custody of her children?

- A. She is sir, according to my opinion.
- Q. Where did the plaintiff and defendant last cohabit together as husband and wife ?
- A.. In Southampton County.
- Q. Then I understand from your testimony that about ten years ago the defendant, Mansfield Davis, willfully deserted and abandoned the plaintiff, Ella Davis, having at that time taken up with another man's wife and run away from his own wife, the plaintiff, and that he has never since then returned to or lived with his wife, the plaintiff, Ella Davis, but that he still continues in his desertion and abandonment of his said wife the plaintiff, Ella Davis, is this sorfect or not ? If not correct, please make any correction ?
- A. That is correct.

And further this deponent saith not.

J. W. White

- Witness Ben Hicks being duly sworn deposes as follows:-
- Q. State your name, age, residence, occupation, and do you know the parties to this suit ?
- A. Ben Hicks, 59 years old, Southampton County, farmer, I know the parties to this suit.
- Q. Did you live near them when they lived together as husband and wife?
- A. Yes I lived near them. Within about four hundred yards of them.
- Q. Do they now live together as husband and wife ?
- A. They are separated.
- Q. Which one deserted or abandoned the other ?
- A. Mansfield Davis left his wife, Ella Davis.
- Q. How long ago has it been since he abandoned her ?
- A. He has been gone from her about nine or ten years. Certainly as much as nine years.
- Q. Has he ever returned to her, or lived with her as husband and wife since he deserted her ?
- A. No, sir, he has not.
- Q. Have you heard the ~~deposition~~ evidence given in this case by John White, and if so, please state whether or not, you endorse and corroborate what he has stated ?
- A. I have heard his testimoney and agree with him in what he has said, and corroborate the same.

And further this deponent saith not.

Ben Hicks

Witness J.T.Raiford, affirms, and says:-

- Q. State your name, age, residence, occupation, and do you know the parties to this suit ?
- A. J.T.Raiford, 55, Southampton County, farmer, I know the parties.
- Q. Have you heard the evidence of John White and Ben Hicks in this case, and if so, please state whether or not the same is correct ?
- A. I have heard their testimoney, and am satisfied the same is correct.

And further this deponent saith not.

J. T. Raiford

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 John White, Ben Hicks, and J.T. Raiford, were duly taken, sworn to and subscribed before me, at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this 1st day of March, 1905.

Joseph B. Prince
Comr. in Chy.

Comrs. fee \$2.00

Witness:-

J. W. White	.50
Ben Hicks	.50
J. T. Raiford	.50
Sheriff -	_____

Not finding Mansfield
Davis, nor his wife, nor
any member of his family
above the age of sixteen
years at his usual place
of abode, I executed this
notice on the 15th day of
February 1905, in the City
of Norfolk, by leaving a
copy thereof posted at the
front door of his said
place of abode in the
said City of Norfolk.

J. T. Lawle. Sargt
City of Norfolk
by C. L. Quinn
Deputy

Davis

vs.

Notice.

Davis.

121 Princess Anne

Not finding Man-
field nor any
member of his
family over the
age of sixteen
years at his usual
place of abode
this 15th day of
February 1905. I
tacked a copy
here of for him
on the front
door of said
abode

J. T. Lawle. Sargt
City of Norfolk
by C. L. Quinn
Deputy

Sargt for 50 cent
C. L. Quinn
D.S.

To Mansfield Davis:

You are hereby notified, that on the 1st day of March, in the year 1895 at the office of Joseph B. Price, 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 John White, J. T. Raiford 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,

Ella Davis,
By Counsel.

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,

Mansfield Davis
and Ella White

Given under my hand, as Clerk of the County Court of Southampton this 11th day of February 1882
L. P. Edwards, 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, ...	Place of Husband's Birth, Southampton
Place of Marriage, ...	Place of Wife's Birth, ...
Full Names of Parties Married, Mansfield Davis & Ella White	Place of Husband's Residence, ...
Color, ...	Place of Wife's Residence, ...
Age of Husband, 27 years	Names of Husband's Parents, ...
Age of Wife, 23 "	Names of Wife's Parents, ...
Condition of Husband (widowed or single or divorced) single	Occupation of Husband, Laborer
Condition of Wife (widowed or single or divorced)	

Given under my hand this 11th day of February 1882
L. P. Edwards, Clerk.

Certificate of Time and Place of Marriage.

I, ..., a of the Church, or religious order of that name, do certify that on the 16th day of February 1882, at Benj. Heddes, under authority of the above License, I united in Marriage the persons named and described therein.

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

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.

Elle Davis
vs. $\frac{1}{2}$ Opos
Mansfield Davis

Exhibited - Feb. 19, 1905
J. W. Bryant
Deputy Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

Ben Hicks, John White
and J. J. Raiford

Joseph B. Price, a Juror. in Chy.

to appear before ~~the Judge of~~ our Circuit Court of Southampton County, at the Courthouse thereof,

on the *1st* day of *March, 1905*, ~~189~~, to testify and the truth to speak

on behalf of *Ella Davis*

in a certain matter of controversy in our said Court depending and undetermined between

Ella Davis, plaintiff, and

Mansfield Davis, defendant.

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

Joseph B. Price, a Juror. in Chy.
Witness, *C. M. HOWARD*, Clerk of our said Court, at the Courthouse, this *18* day

of *July, 1905*, ~~189~~, in the 12 *9* year of the Commonwealth.

TESTE:

A COPY—TESTE:

Joseph B. Price, C. C.
Juror. in Chy., C. C.

Not finding Mansfield
Davis, nor his wife, nor any
member of his family above
the age of sixteen years at
his usual place of abode,
I executed this process
on the 15th day of February
1905, in the city of Norfolk,
by leaving a copy thereof
posted at the front door
of his said place of abode
in the said city of Norfolk.

J. F. Lawler Supt
City of Norfolk
by C. L. Quinn

Deputy

181 Princess
Davis

Wm. Spain
Davis Chan ag

1905. 2nd Feby Rules.

Not finding Mansfield
Davis nor any mem-
ber of his family
over the age of
sixteen years at
his usual place
of abode this 15th
day of February
1905. I lacked a
copy here of for
him on the front
door of said abode.

J. F. Lawler Supt
City of Norfolk
by C. L. Quinn
Deputy

Sergt. fusou parol
C. L. Quinn

THE COMMONWEALTH OF VIRGINIA
TO THE SHERIFF OF SOUTHEASTERN DISTRICT
WE COMMAND YOU TO SUMMON

to appear at the Clerk's Office of the Court of the said District to be holden for the said Court to answer a Bill in Chancery exhibited against

And this writ Witness, B. P. day of

THE COMMONWEALTH OF VIRGINIA.

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~ ^{Sheriff City of Norfolk}, GREETING:

WE COMMAND YOU TO SUMMON.....

Meansfield Davis

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 *3rd* Monday in *February* 1905
~~next~~, to answer a Bill in Chancery exhibited against..... *him*..... in our said
Court by..... *Ellas Davis*.....

And this..... *he*..... 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
13th day of *Feby*....., 1905, in the 12th year of the Commonwealth.

Teste:

B. F. McLeMORE, C. C.

Davis, ¹⁹⁰⁵
r.  Decree.
Davis.

March 20, 1905.

Enter this,
Abraham H. Davis

Entered
D. O. B. p. 143.

W. J. Davis, p. 9.

Ella Davis, Plaintiff,

v.

Mansfield Davis, Defendant.

}
} Decree.

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 the plaintiff, Ella Davis, and the defendant, Mansfield Davis, be and the same is hereby dissolved and annulled, and that the said Ella Davis be forever divorced a vinculo matrimonii from the said Mansfield Davis. And it appearing to the Court that there are, as the issue of said marriage, three infant children under twenty one years of age, and it further appearing from the depositions of witnesses that the said Ella Davis, the mother of the said infant children, is a suitable and proper person to be intrusted with the care and custody of the said infant children, the Court doth adjudge, order and decree that the care and custody of the said infant children, to-wit, Ora Davis, Ruth Davis and Lula Davis, be and the same are hereby awarded to the said Ella Davis. And it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.