

1907-29

Southampton County Chancery. Winborne, S.W. vs Winborne, H. Savannah

Divorce

Diaborae

vs. { Bill & Exhibits.

Diaborae

1906. 2 June Reels. filed

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA.

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

Writ last filed.

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

In Chancery:

Humbly complaining sheweth unto Your
Honor your complainant, S. W. Winborne,
that both he and the defendant are
now, and for more than one year next
preceding the institution of this suit,
have been, residents of the state of Vir-
ginia; that on the 22nd day of December
1898, your complainant was duly and
legally married to the said defendant, H.
Savannah Winborne, (who was Darden), as
will more fully appear from a copy of
the marriage-license, with ministers re-
turn 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 said defendant
lived together as husband and wife until
the 10th day of June 1902, when they sepa-
rated, and have not since cohabited;
that while your complainant has not co-
habited with the said defendant nor had
any of the relations of husband and wife
with her since the said 10th day of June 1902,
the said defendant has since then committed
adultery and had illicit carnal intercourse
with one Frank Bevans, and has given birth
to two illegitimate children, the first of said
illegitimate children having been born in the

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

In Chancery:

Humbly complaining sheweth unto Your
Honor your complainant, S. W. Winborne,
that both he and the defendant are
now, and for more than one year next
preceding the institution of this suit,
have been, residents of the state of Vir-
ginia; that on the 22nd day of December
1898, your complainant was duly and
legally married to the said defendant, H.
Savannah Winborne, (who was Darden), as
will more fully appear from a copy of
the marriage-license, with ministers re-
turn 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 said defendant
lived together as husband and wife until
the 10th day of June 1902, when they sepa-
rated, and have not since cohabited;
that while your complainant has not co-
habited with the said defendant nor had
any of the relations of husband and wife
with her since the said 10th day of June 1902,
the said defendant has since then committed
adultery and had illicit carnal intercourse
with one Frank Bevans, and has given birth
to two illegitimate children, the first of said
illegitimate children having been born in the

latter part of the year 1903, and the other having been born in or about the month of March 1906; that the said defendant concedes and acknowledges that the said Frank Bevens is the father of the two said children, and he, ^{the said Frank Bevens,} himself, claims and recognizes them as his children. that the said adultery on the part of the said defendant was not committed by the procurement or connivance of your complainant, and he has not cohabited with said defendant after the knowledge of the fact of her adultery; that your complainant and the said defendant last lived and cohabited together as man and wife in the County of Southampton, and that said defendant now lives in said County;

In tender consideration whereof, and inasmuch as your complainant is remediless in the premises save in a Court of Equity, your complainant prays that the said H. Savannah Winborne may be made a party defendant to this bill and required to answer the same, though answer under oath is hereby waived; that proper process issue and all proper orders be made and entered; that the marriage heretofore had and solemnized between the complainant and the defendant be annulled and dissolved, and that your complainant may be divorced a vinculo matrimonii from the said defen-

dant, and that all such other, further, general and special relief may be granted your complainant, as the nature of the case may require or to Equity shall seem meet.

And your complainant will ever pray &c.

W. J. Debell, p.p. } S. W. Winborne

Virginia,

Southampton County, to-wit:

I, Jos. B. Prince, a Commissioner in Chancery for the Circuit Court of the County and state aforesaid, do hereby certify that S. W. Winborne, 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 his own knowledge, are true, and so far as made upon information derived from others, he believes to be true.

Given under my hand this 21 day of Jan, 1906.

Jos. B. Prince

Comm. in Chy.

S. W. Winborn

Stat: Rules

H. Savannah Winborn

S. W. Winborn

4th

} Stat: of Rules

H. Savannah Winborn

1906. June 15th. Process issued to 2nd Grand Jurors.

" 2nd Grand Jurors: Process returned Executed.

Bill & Exhibit filed

Decees nisi.

" 1st July Rules: Bill taken for Confessed &
Cause set for hearing.

Diaborue - 1907 -

v. ^{mm} Deere.

Diaborue

Diaborue W. D.

28

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Jan. 21, 1907,

Enter this,
Robert H. Pentis

On line d in
P. M. p. 310,

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

Diaborue W. D.

S. W. Winborne,

vs.

H. Savannah Winborne.

Decree.

This day this cause came on to be heard on the bill of the complainant, 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, S. W. Winborne, and the defendant, H. Savannah Winborne, be, and the same is hereby dissolved and annulled, and that the said S. W. Winborne be forever divorced a vinculo matrimonii from the said H. Savannah Winborne.

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

Attest H. Savannah Winborne :

You are hereby notified, that on the 30th day of June, in the year 1896 at the office of Jos. 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 Jesse Taylor 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,

S. W. Winborne,
By Counsel.

