

1909-58

Southampton County Chancery.

Joyner, Frank, vs Joyner "Aggie" (Agnes) (Wyeck)

Divorce

Joyner, Aggie &c.

v. { Bill & Exhibits.

Joyner, Frank.

1909 1st Oct Rules

Filed:

1607 M

To Hon. Jas. L. McLeure,
Judge of the Circuit Court of Southampton County:
Humbly complaining sheweth unto
Your Honor your complainant, Frank
Joyner, (~~sometimes called Agnes Joyner~~), that
~~he was married to the said Agnes Joyner~~
~~she was Aggie Joyner (sometimes called Agnes~~
~~Joyner)~~; that both he and the defendant,
Aggie Joyner, ^(sometimes called Agnes Joyner) are now, and have been
for more than one year next preceding
the institution of this suit, residents of
Southampton County in the State of Virginia;
that on or about the 15th day of January
in the year 1891, he was legally married
to the said Aggie Joyner, ^(sometimes called Agnes Joyner) 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 said defendant lived together as
man and wife till on or about the 15th day
of March 1905, during all which period
your complainant was to her a faithful
and dutiful husband, but that on or about the
said 15th day of March 1905, the said de-
fendant, without just cause or reason, willfully

deserted and abandoned your complainant and has never returned to or lived with him, as husband and wife, since that time, but has ever since continued, and still does continue in such desertion and abandonment of your complainant; that the said defendant having thus willfully deserted and abandoned your complainant, without just cause or reason, for a period of more than three years next preceeding the institution of this suit, your complainant is advised that he is legally entitled to a divorce a vinculo matrimonii from the said defendant; that your complainant and the said defendant last lived and cohabited together as man and wife in said County of Southampton, in the state of Virginia.

In consideration whereof, your complainant prays that the said Aggie Joyner ^(sometimes called Agnes Joyner) may be made a party defendant to this bill and required to answer the same, though answer under oath is hereby waived; that the marriage heretofore had and solemnized between your complainant and the said defendant may be completely and entirely annulled and dissolved, and

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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.D. Schell, p.p. { Frank ^{his} X Joyner
Witness as to Frank { mark
Joyner's signature: {
Ruth M. Owens.

Joyner, Frank
vs. Depositions

Joyner, Aggie.

1909: Oct. 14: Filed.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

* Joyner, Frank *
* vs. *
* Joyner, Aggie. *

The depositions of Peter Conley and others, taken before me, R. Frank Story, a Comr. in Chan. for the county of Southampton, in the State of Virginia, pursuant to notice hereto annexed, at Courtland, Virginia, on the 11th day of October, 1909, between the hours of eight A. M. and eight P. M., to be read as evidence on behalf of Frank Joyner, in a certain suit in equity, depending in the Circuit Court of Southampton County, Virginia, wherein Aggie Joyner is defendant and Frank Joyner is plaintiff.

Present: W. J. Sebrell, Attorney for the Plaintiff.

Witness Peter Conley, being duly sworn, deposes as follows:

Q. Do they now live together as man and wife, or have they separated?

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

A. Peter Conley, age 50 years old, reside in Southampton County, Virginia, farmer, and know the parties to the suit.

Q. Did you know them when they lived together as husband and wife.

A. I did.

Q. Do they now live together as husband and wife.

A. No.

Q. When did they separate, and which one abandoned the other.

A. They separated last March, three years ago, and the defendant left the plaintiff.

Q. Did she do so freely, and of her own accord.

A. Yes.

Q. Has she ever returned to live with him as man and wife since they separated.

A. She has not.

Q. Where do the parties now live, and where have they lived for twelve months next preceeding the institution of this suit.

A. In Southampton County, Virginia.

Q. Where did they last live together, or co-habit as man and wife.

A. In Southampton County, Virginia.

Q. Have you heard the foregoing depositions in this case, and if
And further this deponent saith not.

Peter Conway

Witness James Seabron, being duly sworn, deposes as follows:

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

A. James Seabron, age 36 years, reside in Southampton County,
Virginia, farmer, and know the parties to the suit.

Q. Did you know them when they lived together as man and wife.

A. Yes.

Q. Do they now live together as man and wife, or have they separ-
ated.

A. They have separated.

Q. How long has it been since they separated, and which one left
the other.

A. She left him four years ago this coming March.

Q. Have they ever lived together as man and wife since she thus
deserted and abandoned him.

A. No she has not.

Q. Where did they last live together as man and wife.

A. In Southampton County, Virginia.

And further this deponent saith not.

James Seabron

Witness William J. Seabron, being duly sworn, deposes as follows:

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

A. William J. Seabron, age 39 years, reside in Southampton County,

V. IN SOUTHAMPTON COUNTY, VIRGINIA.

Q. Where did you last meet said party as man and wife.

Virginia, farmer, and I know the parties to the suit.

Q. Have you heard the foregoing depositions in this case, and if so, do you agree in the statements made by them, or not.

A. Yes, I have heard them, and the statements made in the foregoing depositions are true.

And further this deponent saith not.

W. J. Seabrook

STATE OF VIRGINIA, (
Southampton County, (to-wit:

I, E. Frank Story, Commissioner in Chancery for the county of Southampton, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the place and time therein mentioned, pursuant to the annexed notice.

Given under my hand this 11th day of October, 1909.

E. Frank Story
COMMISSIONER IN CHANCERY.

Frank J. Story
100.

6. These are hereby the following depositions in this case, and to
attest the same, and I know the contents to be true.

TO:

Aggie Joyner, (sometimes called Agnes Joyner):

You are hereby notified that on the 11th day of October, 1909, at the office of W. J. Sebrell, in the town of Courtland, Virginia, between the hours of eight A. M. and eight P. M., on that day, I shall proceed to take the depositions of Peter Conley and others, to be read as evidence in my behalf in a certain suit in Chancery, depending in the Circuit Court of Southampton County, Virginia, in which I am plaintiff and you are defendant, and if for any reason the taking of the said depositions be not commenced, and if commenced, be not concluded on that day, then the same will be continued from day to day, at the same place, and between the same hours, until the same shall be completed.

Your obedient servant,

Frank Joyner,

By Counsel,

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon *Aggie Joyner (Sometime
called Agnes Joyner)*

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 *October 1909* to answer
a Bill in Chancery exhibited against *her* in our said Court by

Frank Joyner

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

Witness, *H. F.* McLEMORE, Clerk of our said Court, at the Courthouse this *29th*
day of *Sept*, 19*09*, in the *34th* year of the Commonwealth.

Teste:

H. F. Mclemore C. C.

Jayner
P. 4 } m. L. i
wyteke

Exhibit
"A"

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,

Frank Jayner
and Agnus Wyche

Given under my hand, as Clerk of the County Court
of Southampton this 13 day of Dec 1891 #
B. F. McLenore 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 3, 1900.

Time of Marriage, ...	Place of Husband's Birth, <u>Southampton Co</u>
Place of Marriage, <u>Southampton</u>	Place of Wife's Birth, " "
Full Names of Parties Married, ...	Place of Husband's Residence, " "
Color, <u>leal</u>	Place of Wife's Residence, " "
Age of Husband, <u>24</u> Years	Names of Husband's Parents, <u>Henry & Jayner</u>
Age of Wife, <u>25</u> "	Names of Wife's Parents, <u>Ben & Priscilla Wyche</u>
Condition of Husband (widowed or single or divorced) <u>Single</u>	Occupation of Husband, <u>Laborer</u>
Condition of Wife (widowed or single or divorced) "	

Given under my hand this 13 day of January 1891 #
B. F. McLenore Clerk.

Certificate of Time and Place of Marriage.

I, Sam Freeman, a Minister of the Gospel
Church, or religious order of that name, do certify that on the 15 day of
Jan 1891 #, at my residence, under authority of the above
License, I united in Marriage the persons named and described therein.

Given under my hand this 15 day of Jan 1891 #
Sam Freeman.

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

Teste: B. F. McLenore Clerk

Frank Jayner
or } Stat of Rock
Aggie Jayner

Frank Aggie Jaymen } Statement of Post
 Aggie Frank Jaymen }

To Sumr 25¢ Paper 13¢ .38
 Receipt 18¢ Atty 10¢ .28
 Doc 15 Rules 100, Entering return 35¢ 1.53
 Fil Bill 15¢ Exhibits 15¢ Depositions 15¢ .45
 Copy of Marriage License .50
 Decree for Divorce .36
 Tax Cost 20¢ Paper 20 40
 Filing away papers. 25-

Clerk

Sheriff

Atty

Frank Stony. Comm

.50
 16.50
 5.00
 22.00

4.15
 22.00
 26.15

Joyner
Pr R Spain chcy

Joyner

1909-1st Oct Rules.

I hereby acknowledge
legal service of
this summons -

Oct. 2nd 1909.

Aggie X^{her} Joyner
mark

Witness:-

Beth M. Owens.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon

Aggie Jayner, (Dorritine)
called Agnes Jayner)

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 *October 1909* to answer
a Bill in Chancery exhibited against *her* in our said Court by

Frank Jayner

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

Witness, *H. B.* McLEMORE, Clerk of our said Court, at the Courthouse this *29*
day of *September*, 1909, in the *34* year of the Commonwealth.

Teste:

H. B. Mclemore C. C.

Joyner, Frank
v. $\frac{1}{2}$ Dierce.
Joyner Aggie.

Oct. 18th 1909.

Enter this,
James L. Brown

ENTERED - C.O.B.

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Joyner, Frank

Joyner, Aggie, (sometimes called Agnes.)

This day this cause came on to be heard on the bill of the complainant, exhibits therewith filed, ^{taken after reasonable notice to the defendant of the time and place of taking same} 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 ^{it appearing that the parties last exhibited in this county and now live in said county} counsel. On consideration whereof, the Court doth adjudge,

order and decree that the marriage heretofore had and solemnized between the plaintiff Frank Joyner, and the defendant Aggie Joyner, ^(sometimes called Agnes Joyner) be and the same is hereby dissolved and annulled and that the said Frank Joyner be forever divorced a vinculo matrimonii from the said Aggie Joyner, ^{sometimes called Agnes Joyner}. And it appearing that nothing further remains to be done in this cause it is ordered that the same be removed from the docket.