

1899-006 Chancery Cause: Elizabeth Branch vs Ned Branch

Dsle of Wight County

Other SURNAMES: BOWERS,
Chapman, Delk, Johnson

Elizabeth Branch
vs $\frac{1}{2}$
Red Branch

Bill of complaint

20 March rules 1899
Bill filed. Sum executed
de. 212c

1st April rules 1899
Case set for hearing

April Term 1899
Final Decree

To the Honorable Robert R. Prentiss Judge of the Circuit Court of Isle of Wight County, Virginia:

Your complaintant, Elizabeth Branch humbly complaining, shows to the court: That on the 9th day of March in the year 1893 she was married to one Ned Branch as will more fully appear by reference to an office copy of the marriage license and ministers certificate herewith filed as an exhibit marked " A " and prayed to be taken and read as a part of this bill. Your complaintant says she was to him, the said defendant, a true and faithful wife and bore him two children both of which died when young, and that in June 1895 the said defendant wilfully deserted and abandoned his said wife, and sometime thereafter, to wit: *Sept. 1st 1898* committed adultery with a woman named Louvinia Bowers and soon thereafter, they, the said defendant and the said Louvinia began to live and cohabit together as man and wife and they are now living together in a small house with only one room as man and wife and that no other person lives therein.

Your complaintant says that she and her said husband were married in the county of Isle of Wight and in the State of Virginia and during all their cohabitation resided in the said county and that she has always resided therein.

For as much as your complaintant is remediless in the premises save in this honorable court where such matter are alone and properly cognizable, she prays that Ned Branch be made a party defendant to this bill and required to answer the same, but an answer on oath is hereby expressly waived, that a divorce absolute from the bonds of matrimony be granted your complaintant, and that all such other, further and general relief may be afforded your complaintant as to equity and good conscience may seem meet.

And she will ever pray.

Wm S. Halland n.g. & Elizabeth Branch

State of Virginia:

County of Isle of Wight, to-wit:

I, J.B. Wilson, a Justice of the Peace in and for the county aforesaid in the State of Virginia do certify that Elizabeth Branch whose name is signed to the foregoing bill appeared before me in my said county and made oath that the statements therein contained are true to the best ^{her} of knowledge and belief. Given under my hand this th day of March 1899.

J.B. Wilson J.P.

The Commonwealth of Virginia,

To the *Sheriff* of the *County* of *Isle of Wight* Greeting:

WE COMMAND YOU, That you summon

Fred Branch

to appear at the Clerk's office of the *Quind* Court of the *County* of *Isle of W*
at the rules to be held for the said court on the *Third* Monday in *March*
189*9*, to answer a bill in chancery exhibited against *him* in our said court by

Elizabeth Branch

And have then there this writ. Witness, *N. F. Young*, Clerk of our said Court,
at the court-house, the *14* day of *March* 189*9*, and in the *123* year of the
Commonwealth.

N. F. Young & Co.

Elizabeth Branch

vs. }

SUBPOENA
IN CHANCERY.

Fred Branch

Wm S. Holloway p. q.

To 2^d March Rules.

Circuit Court.

Executed on
the within
subscribed Fred,
Branch, near
18th 1899.R. A. Edwards
Esq.

Branch

vs.

Branch.

Depositions.

Filed April 10th 1899

Isle of Wight, Nansemond
and Southampton.

LAW OFFICE
—OF—
W. S. MOLLAND.

Windsor Station, Va.,

Neil Branch,

Please take notice that I shall on the 8th day of April 1899
at the office of Wm. S. Molland in the village of Windsor in the county of
Isle of Wight in the state of Virginia, between the hours of 6 O'clock A.M.
and 6 O'clock P.M. of that day, I shall proceed to take the depositions of
Moses Chapman, Rose Chapman and others, to be read as evidence in my behalf
in a certain suit in chancery depending there in the Circuit Court of the
county aforesaid, in which I am plaintiff and you are the defendant, and
if from any cause the taking of these depositions be not begun, or if begun,
and for cause not concluded the taking the said depositions will be contin-
ued from day to day and from time to time, at the same place and between
the same hours, until the same is completed.

Yours Respectfully,

Elizabeth Branch
by Wm. S. Molland
her attorney.

Executed by delivering to eta
above named Neil Branch
a true copy of this notice
March 18th 1899.

Re A. Edmonds
Elph

Lavinia Branch
Co defendant

The depositions of Moses Chapman and others, taken before me, J.B.

Wilson a Justice of the Peace in and for the county of Isle of Wight in the state of Virginia, pursuant to notice hereto annexed, at the office of Wm.S.Holland, at Windsor in said county, on the 8th day of April 1899, between the hours of 6 O,Clock A.M. and 6 O, Clock P.M and to be read as evidence in behal of Elizabeth Branch, in a certain suit in equity depending in the Circuit Court of Isle of Wight county, wherein Ned Branch is defendant and said Elixabeth Branch is plaintiff.

Present Wm.S.Holland, attorney for the plaintiff:

The witness Moses Chapman being duly sworn deposes and says:

Ques. I State your name, age, residence, occupation and if you know the parties to this suit?

Ans. Moses Chapman, 55 yrsrs old, live in Isle of Wight county and have lived all my life in that county, farmer and live on my own land. I know the parties to the suit, I ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ am the step father of Elizabeth Branch, she being my wife,s own child

Ques. 2 Where did Ned and Elizabeth Branch live after they were married?

Ans. They lived in Isle of Wight county all the time, on the lands of A.M.Jenkins who is now dead, and she is still living in Isle of Wight county. While they lived together they lived about one half of a mile, *from me*

Ques. 3 Was Elizabeth a good and faithful wife to Ned?

We all lived near and were constantly passing back and forth and I saw them often, she was a good wife to him so far as I could ever see, or know or hear.

Ques. 4 How was Ned to her?

Ans. I did not know of his being cruel to her except he would not feed her and clother her even when she was sick, he would not get any medicine or food for her. She had two children while she was living with him but both are dead and he would not take care of her when confined .

Ques. 5 Has she had any child since they separated.

Ans. She has not had any since.

Ques. 6 Tell anything and all you know about Ned Branch and and Louvinia Bowers?

Ans. In June 1895 Ned left his wife and she came to my house as soon as she got well enough, he went to Mr. Tom Clements,s, stayed there a short time, then went to John Gay,s and in a short time went to Mr. Bill Edwards,s a little across the river in Southampton county, there he and Louvinia Bowers got together, I do not know of my own knowledge whether he and Louvinia had been together before or not, after a short time Louvinia went to live at Mr. Billy Johnson,s in Isle of Wight and Ned went there and hired himself to Mr Johnson, Mr Johnson run them off pretty soon, as I heard, and I do not know where they went from there but soon they went to Nansemond county, and they are now and have been for some months living together in a small house which has but one small room, and in it there is but one bed. They live there just as a man would live with his wife .

And further this deponent saith not.

Moses Chapman

The witness Sam Delk being duly sworn deposes and says:

Ques. I State your name, age, residence, occupation and if you know the parties to this suit and are you related to them in any way?

Ans. Sam Delk, about sixty-five years old, live near Moses Chapman and near where Ned Branch lived when he was with his wife, have lived in Isle of Wight county all my life, farmer by occupation, I know the parties to the suit but I aint no kin in any way to either of them

Ques. 2 Tell all you know about Ned Branch and his wife in regard to their separation and where Ned lives now, and with whom?

Ans. About four years ago next June or July Elizabeth Branch was sick and I know her folks and I and the neighbors had to take care of her while Ned was there off and on but would not support his wife, so far as I know or heard Elizabeth was a good wife to him, he went

away from the house where they lived and she went to her mother's house and now he lives in Nansemond with Louvinia Bowers, but I do not know when nor how they got together.

Ques. 3 Has Elizabeth Branch been living near you since the separation and, if so, has been leading a virtuous life?

Ans. I have lived in sight of her all the time, and she has had no child and I do not know that she has done anything wrong. I have not heard any report against. Her reputation is that of a virtuous woman and I believe she is.

And further this deponent saith not.

Witness

J. B. Wilson
Sam^l H. Clark
mark

The witness Rose Chapman being duly sworn deposes and says:

Ques. I State your name, age, residence and occupation, and your relation to the parties to the suit?

Ans. Rose Chapman, mother of Elizabeth Branch, 49 years old, reside in Isle of Wight county with my husband, Moese Chapman.

Ques. 2 Tell about the separation of your daughter and her husband and Ned Branch ~~her husband~~?

Ans. About four years ago this coming summer my daughter was confined, the child was born dead and she had a long spell, we all lived near each other and I was there with my daughter, Ned would not supply his wife with food or medicine or any thing else, my husband had to send for and pay the doctor and I and the neighbors had to nurse and feed her, Ned was there off and on and then went away. As soon as she could be moved, she came to my house and she has been there ever since, she was to Ned a true and faithful wife, and she has behaved herself all right since they separated. I do not know of Ned now except what I have heard.

And further this deponent saith not:

Witness

J. B. Wilson

Rose^l Chapman
mark

The Witness William H. Johnson being duly sworn deposes and says:

Ques. 1 State your name, age residence, occupation and do you know parties to this suit?

Ans. My name is Wm. H. Johnson, age 41 years, reside in Isle of Wight county and a farmer. I know Ned Branch but I have never seen his wife.

Ques. 2 Moses Chapman said in his evidence before you came in that Ned Branch and Louvinia Bowers were at your house and you run them off, please state what you know of the conduct of Ned Branch to Louvinia:

Ans. In August 1898 both Ned Branch and Louvinia Bowers were at my house and at work for two weeks and left. I did not then notice anything wrong in them. Again in Sept 1898 I hired Lou to wash and work in the house and soon afterwards Ned ~~XXXXXX~~ Branch applied to me for a job of work and I hired him. In a short while I caught them together at night in Ned's room. Lou had some time during the night left her room and gone to Ned's, and their lewd conduct became so open that in a few days I discharged both solely on account of their lewd conduct and for no other reason.

And further this deponent saith not:

W. H. Johnson

Virginia:

County of Isle of Wight, to wit:-

I, J. B. Wilson, a justice of the peace, for the county of Isle of Wight, in the state of Virginia, do hereby certify that the foregoing depositions of Moses Chapman, Sam. Delk, Rose Chapman and Wm. H. Johnson, were duly taken, sworn to, and subscribed before me, at the time and place, and for the purpose therein mentioned.

Given under my hand this 8th day of April 1899, A.D.

J. B. Wilson J.P.

Branch vs. Branch

Costs

attorney's fee 1650

clerk's fee 508

shff " 50

\$ 2,208

Elizabeth Branch,

vs.

Ned Branch.

This cause came on this day to be heard on the bill, answer and examinations of witnesses, and was argued by counsel.

On consideration whereof, the court being of the opinion from the evidence furnished in the cause, that the charge of adultery against the defendant has been proved substantially as alleged in the bill, doth adjudge, order and decree, that the marriage heretofore had and solemnized between the defendant Ned Branch and the plaintiff Elizabeth, formerly Branch, be, and the same is hereby dissolved, and that the said plaintiff and defendant be forever divorced from each other, and that the name of the plaintiff shall hereafter be, Elizabeth Chapman, And that the defendant pay the plaintiff her costs in this behalf expended. And nothing further appearing to be done in this cause, it is ordered that the same be stricken from the docket...

Elizabeth Branch,

vs.

Ned Branch.

D E C R E E.

Enter this April 24th 1899.

Robert E. Hunt

MARRIAGE * LICENSE



Virginia, Isle of Wight 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,

Ned Branch
and Elizabeth Chapman

Given under my hand as Clerk of the County Court
of Isle of Wight County this 7th day of March 1896
N. P. Young Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA.

Time of Marriage,	March 7 th 1896	Place of Husband's Birth,	Isle of Wight Co., Va.
Place of Marriage,	Isle of Wight Co., Va.	Place of Wife's Birth,	Same
Full Names of Parties Married,	Ned Branch Elizabeth Chapman	Place of Husband's Residence,	Same
Color,	Colored	Place of Wife's Residence,	Same
Age of Husband,	21 Years + 11 Mos.	Names of Husband's Parents,	Lewis and Martha
Age of Wife,	26 Years	Names of Wife's Parents,	Moses and Rosetta
Condition of Husband (widowed or single),	Single	Occupation of Husband,	Laborer
Condition of Wife (widowed or single),	Single		

Given under my hand this 7th day of March 1896
N. P. Young Clerk.

Minister's Return of Marriage.

I Certify, That on the 9th day of March 1896
at the home of the officiating Minister I united in Marriage the
above-named and described parties, under authority of the annexed License.

Jary H. Barrett

The Minister celebrating a marriage, is required, within TEN days 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 N. P. Young c.o.

Ad. Branch
ms } marriage
 } License
Elizabeth Chapman

A. Copy

Exhibit A files
with the bill of complaint.

Mrs. Chapman.