

1917-010 Chancery Causes: Ruth Pope-Turner vs Peyton Randolph Turner

211

Ile of Wight County

other surnames: Pope

No.

Know all Men by These Presents: That we **Ruth Pope Turner**

principal

and **Parke P. Deane**,

surety

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

~~THREE HUNDRED DOLLARS~~

to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said **Ruth Pope Turner**

principal

and the said **Parke P. Deane**

surety

have hereunto set their hands and affixed their seals this, the **third**

day of

July,

A. D. 19 **15.**

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound **Ruth Pope Turner** shall

pay all such costs and damages as the defendant shall sustain in consequence of an injunction awarded against Peyton Randolph Turner, in a suit in chancery in the Circuit Court of the County of Isle of Wight now pending, in which Ruth Pope Turner is complainant and Peyton Randolph Turner is defendant,

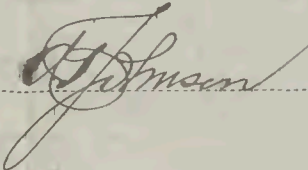
~~shall faithfully discharge the duties of his office or trust as such~~

, then the above obligation to be void, or else to remain in full force and virtue.

A. D. 19

_____[SEAL]
_____[SEAL]
_____[SEAL]
_____[SEAL]
Witnesses

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the **3rd** day of **June** 19 **15**, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

 Clerk.

Turner
n { Cy 211
Turner

Copied by
band

Dated July 3/1915

Capt. A. S. Johnson,

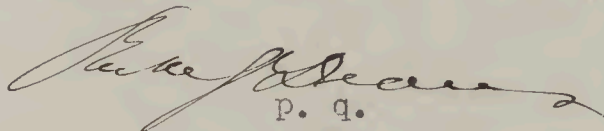
Clerk of Circuit Court of Isle of Wight County:

Ruth Pope Turner

v. Peyton Randolph Turner.

Peyton Randolph Turner.

Issue summons in chancery for Second July Rules, 1915.



p. q.

Quit ¹ ~~Dr~~ Turner
N of 210 - Cy
Payton R Turner

Memo

Filed July 3/1915

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Ruth Pope Turner

vs) Chancery.

Peyton R. Turner.

This cause, upon motion of the complainant, is dismissed.

Turner
v { Chaucer 211
Turner

1917
Jan. 4.
Enter his.
B.D.W.

60197 p 393

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

IN VACATION,

On the 3d, day of July, 1915.

Ruth Pope Turner.	)	Complainant.
vs.	)	IN CHANCERY.
Peyton Randolph Turner.	)	Defendant.

On motion of the Complainant, Ruth Pope Turner, by Counsel, and for good cause shown, an injunction is awarded her to injoin, and restrain the defendant, Peyton Randolph Turner, from removing the infant, Richard Randolph Turner, from the control and possession of the Complainant, and the possession of the said infant is hereby awarded to the said Complainant, until the further order of the Court; and the said defendant is enjoined and prohibited from in any manner interfering with the said Complainant in removing from the premises upon which the same are located, the following articles, to wit: sewing machine, piano, dining table, all the china, bed linen, cooking utensils, china kiln, paint, paint brushes, china and all other art material on said premises; and the said defendant is further enjoined and prohibited from removing any and all other articles or furniture from the premises, that may have been purchased jointly by said Complainant and defendant, until the further order of the Court.

But the said Complainant shall not have the benefit of this order until she, or some one for her, shall have entered into a bond, with sufficient surety, before the Clerk of this Court, in the penalty of \$300.00, and conditioned to pay all such costs and damages as the defendant may sustain in consequence of the said injunction, in case the same shall be dissolved. This order shall remain in force for a period of ninety days, unless sooner

enlarged or modified. All of which is certified to the Clerk
of this Court to be entered in the Chancery Order book, in va-
cation.

P. D. White

Virginia: Clerk's Office of the Circuit Court of the County of
Isle of Wight July 3rd, 1915. The foregoing vacation order was
received and entered of record.

Teste

A. Johnson

Clerk

3

Ruth Pope Turner

7

Pay to R Turner

Account credited
in Vacation
July 3rd 1915

Articles of agreement entered into on the 17th. day of September, 1915, between Peyton R. Turner and Ruth Pope Turner, in Windsor, Virginia, in the presence of Parke P. Deans, R. H. Rawles, and A. S. Johnson--

This is according to the recollection of A. S. Johnson.

There is now a suit pending in the Circuit Court of Isle of Wight County, filed by Ruth Pope Turner, which suit must be dismissed without further procedure.

Peyton R. Turner agrees that Ruth Pope Turner shall have custody of their minor child, Richard R. Turner, with the privilege to Peyton R. Turner to see the child whenever he likes, in convenient hours, and he is to have custody of the child in vacation period when he desires to have him. Ruth Pope Turner agrees to keep the child at school, to care for him the best her means will allow, to keep him clean and tidy, or as much so as is expected of a person under her circumstances, and shall have him properly attended by a regular physician in sickness, not trusting his physical welfare to any faith cure, and to bring him up as is usually expected of a person in his condition. He must be allowed to go to church, to the Methodist Church or some church of Protestant faith, the Methodist preferable, until he shall arrive at the age of discretion when he can choose for himself. He must be kept at some of the regular schools during the school period, when his physical condition will permit, and must not be entrusted to any Christian Science Kindergarten or school.

The property which belonged to them when they separated about the first of July, 1915, shall remain in the possession of Ruth Pope Turner and to be used by her so long as she shall properly care for the child mentioned.

Peyton R. Turner stated that he expected to do something for the support of the child, and would send, when he could, as much as three dollars a week to the mother to be used for such support, so long as he was able.

By the vacation period mentioned above, it appears that Peyton R. Turner confines it to his vacation and not the full vacation between school periods. The child is also to be allowed to visit the relatives of Peyton R. Turner at convenient times, and to remain with such relatives so long as it may be convenient.



VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Commonwealth of Virginia,
To the Sheriff of the County of Isle of Wight, Greeting:

We command you that you summon Peyton Randolph Turner to appear in the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor on the Third Monday in July, 1915, to answer a bill in Chancery exhibited against him by Ruth Pope Turner, and have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 3rd. day of July, 1915, and in the 130th. year of the Commonwealth.

Teste, A. S. Johnson Clerk.

Parke F. Deans. p.g.

VIRGINIA: In the Circuit Court of the County of Isle of Wight, in vacation, on the 3rd. day of July, 1915.

Ruth Pope Turner

vs) Chancery

Peyton Randolph Turner.

On motion of the complainant, Ruth Pope Turner, by counsel, and for good cause shown, an injunction is awarded her to enjoin and restrain the defendant, Peyton Randolph Turner, from removing the infant, Richard Randolph Turner, from the control and possession of the Complainant, and the possession of the said infant is hereby awarded to the said complainant until the further order of the court; and the said defendant is enjoined and prohibited from in any manner interfering with the said complainant in removing from the premises upon which the same are located, the following articles, to-wit: sewing machine, piano, dining table, all the china, bed linen, cooking utensils, china kiln, paint, paint brushes, china, and all other art material on said premises; and the said defendant is further enjoined and prohibited from removing any and all other articles or furniture from the premises that may have been purchased jointly by said complainant and defendant, until the further order of the court.

But the said complainant shall not have the benefit of this order until she, or some one for her, shall have entered into a bond, with sufficient surety, before the Clerk of this Court, in the penalty of \$500.00, and conditioned to pay all such costs and damages as the defendant may sustain in consequence of the said injunction, in case the same shall be dissolved. This order shall remain in force for a period of ninety days, unless sooner enlarged or modified. All of which is certified to the Clerk of this Court to be entered in the Chancery Order Book.

E. D. WHITE.

The above vacation order received and entered July 3rd. 1915.

Teste, A. S. Johnson, Clerk.

A copy, Teste, A. S. Johnson Clerk.

Bond mentioned in above order has been executed.

Teste, A. S. Johnson Clerk.

4/12

Ruth Pope Turner

vs) Cleroery

Peyton Randolph Turner

Ex. p. 3-#1

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

June 5 1915

Teste, *Augustus Edwards* Clerk.

#1

I executed the within Summon in the County of Isle of Wight, this, the 3rd day of June, 1915, by serving a true copy of the same on Peyton Randolph Turner, in person, together with a true copy of the within injunction at his residence in the town of Windsor, and county aforesaid.

Augustus Edwards
Sheriff of Isle of Wight County.

RUTH POPE TURNER,

vs.

ANSWER.

PEYTON RANDOLPH TURNER.

The answer of Peyton Randolph Turner to a bill in chancery exhibited against him in the Circuit Court of Isle of Wight County, by his wife Ruth Pope Turner.

For answer to said bill or to so much thereof as he is advised it is necessary that he should answer, this defendant without waiving his rights of exception to the many errors and uncertainties in said bill, for answer to said bill answers and says:

It is true he was married to the said Ruth Francis Pope on the 12th day of March, 1908; it is true that on the 15th day of January, 1909, a son was born to them, whose name is Richard Randolph Turner, and who is now in the custody of his mother.

Your respondent says that since his marriage to his said wife he has been at all times a faithful and loving and provident husband, and has done the best he could to make her life and her home pleasant and happy and has contributed everything he could to her support, giving her all the comforts of life and as many of the luxuries as he with his small means was able to afford. He says that he has provided her always with a good and comfortable home; that both she and his said son have been properly clothed; that he has supplied them at all times with all the necessities of life including plenty of food on which to subsist.

He further says that he has no real estate and but little personal property, worth probably not \$500; that he was for a long time a travelling salesman and was dependant for his livelihood on the very meagre salary which he was able to earn; that he is now employed as agent for the sale and installation of gas fixtures; that owing to the depression in business and hard times he finds it difficult to make scarcely enough on which himself and his family can subsist, but that he is now and has at all times been doing the best he could.

Your respondent denies that his said wife has ever been compelled to leave him and cease living with him in consequence of any ill-treatment or lack of proper support on his part; he denies that he has ever been cruel or abusive to her, or that he has ever struck her or offered her personal violence, and he calls for strict proof of every allegation to that effect in her said bill;

He specifically denies her charges contained in the fourth (4) section of her said bill, and calls for strict proof.

He also denies all the charges contained in the fifth (5) section of her said bill, and calls for strict proof of same.

He denies the charge brought against him in the sixth (6) section of her said bill; he admits that he sometimes drinks, but rarely to excess, and says that it is an untrue statement on her part when she charges ~~that~~ him with drunkenness and of staying on a spree for weeks at the time.

He specifically denies all the charges and allegations in the seventh (7) section of her bill and calls for strict proof of the same.

Your respondent further says that his said wife is a woman of quick and fiery temper; that sometimes she will become angry without any apparent cause, and stay in bed for a week at the time, refusing to cook for him, to prepare any meals or to look after her household duties.

He says that in her excitement of passion, she swears and uses vile and profane language, often answering a kind remark on his part by telling him the matter is "none of his damn business". That she uses language of this kind at the table during meals, and in the presence of their young child.

He further says that his said wife is a fanatical faddist as to music and art; that she imagines she has talent along both of these lines; that at times when she should have been engaged in her household duties, looking after the care and contributing to the pleasure of her husband and child, she would leave her home at the suggestion of any man or person who would propose that she would teach music or ~~ax~~ painting away from home for a while; that

she would thus leave without warning, and stay away until she would be discharged for want of sufficient talent to teach these things, when she would again return home.

He further says that while they lived in the City of Suffolk, Virginia, he was a traveling salesman for the Nansemond Grocery Company; that he was frequently away from home; that her sister came and made her home with them; that her said sister would not render her any help or assistance whatever, but only made herself a burden on the family, and made herself so disagreeable that he had to ask her to leave; that she refused to do so; that he then wrote to her father and asked him to advise her to come home; that when his wife heard of this she flew into a violent passion of anger, packed her grip and took the first train to Norfolk; that she would not say where she was going when she reached there, nor when she expected to return; that he followed her to Norfolk; that she had him arrested on a charge of cruelty to her, and with offering her personal violence, caused him to be brought back to Suffolk and locked up in jail over night, and when the case was heard the next morning he was promptly dismissed for want of evidence.

He further says that he and his said wife entered into a deed of separation, at her request, with certain stipulations as to the child which she has wilfully broken and abandoned.

He further says that his wife is a Christian Scientist, and while he has no animadversions to make in regard to this particular mode of faith, he himself does not believe in it, and he does not desire his child to be brought up in that faith.

He further says that he ^{is} still willing to do the best he can for his wife; to give her a home and support her with the comforts of life, if she will remain at home and do her duty toward him and the said child; that he loves his said child and desires that he shall be brought up right; that he willing to do all he can to support, maintain and educate his said child; that he is a proper person to have the custody of said child, and that he desires said custody.

Your respondent further says that while it is painful to him to make such a charge, he sincerely believes and therefore charges that his wife's mind is unbalanced, that she is not sane, and that much of her conduct arises from this cause; that she has for a long time so wrought herself up over trifles, that her mental condition is serious, and that therefore she is hardly responsible for anything she says, or anything she does, and is therefore not a proper person to have the care and custody of her said child.

He prays that a Commission of Lunacy may be appointed by this Honorable Court to inquire into her mental condition and to determine whether or not she is sane, and a proper person to have the custody of the child.

He further prays that the injunction heretofore granted may be dissolved; that he may have the full possession of the chattel property that belongs to him; that his said wife may be ordered to return and live with him; that he may be given and granted the full and absolute custody and control of his said child; and for all such other, further and general relief as the court may think he is entitled to.

And having fully answered he prays to be hence dismissed with his reasonable cost in this behalf expended.

Lytle R. Turner.

-5-

STATE OF VIRGINIA,
To-wit:
City of Suffolk.

I, R. H. Rawles, a Notary Public for the city aforesaid, in the state of Virginia, whose term of office expires on the 20th day of January, 1919, do certify that Peyton R. Turner, whose name is signed to the foregoing answer, has this day personally appeared before me, in my city aforesaid, and being duly sworn made oath that the statements contained in said answer as coming of his own knowledge are true, and that all other statements therein contained as coming from knowledge or information derived from others he believes to be true.

Given under my hand this 16th day of July, 1915.

R H Rawles

Notary Public.

Turner. ^{5th} W. Turner. ^{By No 210}

Answer,
of P R Turner

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

July 17 1915
Filed
Teste, Edgworth Clerk.

RUTH POPE TURNER

v.

BILL

Peyton Randolph Turner.

To the Honorable Circuit Court of Isle of Wight County:
Your complainant respectfully represents:

1st That on the 12th day of March, 1908 your complainant, who was Ruth Frances Pope was lawfully married to Peyton Randolph Turner in the City of Norfolk.

2nd That on the 15th day of January, 1909 a son was born to your complainant and the said Peyton Randolph Turner and his name is Richard Randolph Turner and is now living and is in Windsor, Virginia.

3rd That your complainant is a resident of Isle of Wight County, Virginia and has been such resident for more than one year next preceding the institution of this suit, in fact came to Windsor in said County on the 6th day of December, 1912 and has lived here since that time.

4th That continuously during that period, she has lived with the said Peyton Randolph Turner until today, the 3rd day of July, 1915 when she was compelled to leave and cease living with him in consequence of the ill treatment and lack of proper support hereafter mentioned; that during the time, she so lived with the said Peyton Randolph Turner, she has always conducted herself toward him with kindness and as a true and faithful wife.

5th Your complainant further represents that the said Peyton Randolph Turner not regarding his marriage relations and duties, has since the said intermarriage been guilty of extreme and repeated cruelty toward your complainant, in this that he is a man of great austerity of temper and very frequently

during the years of our married life and more particularly the past two years indulged in violent sallies of passion and used toward your complainant very obscene and abusive language without any provocation whatever, and on numerous occasions during the time mentioned has used personal violence toward your complainant; and particularly your complainant charges that in the year of 19____ while we were living in Suffolk, Virginia, it became necessary to seek the protection of Court and the Judge granted an order giving the custody of our child, Richard Randolph Turner to your complainant, but afterwards a reconciliation was consummated and afterwards lived in Isle of Wight County but since that time he, the said Peyton Randolph Turner continues to be cruel to your complainant, that particularly on or about the____ day of February, 1915 at our home in Windsor, without any provocation whatever, he took your complainant and threw her across the room, she hitting against a shelf nailed to the wall on the opposite side of the room; and again, on or about the 8th day of June, 1915 at our home in said County, he slapped me and then again on last Tuesday, June the 29th 1915, while sitting at the table eating, he, the said Peyton Randolph Turner threw a banana peeling across the table and hit your complainant in her eye, and again continuously day after day since February 1915, he, the said defendant, has cursed your complainant in a loud voice that have been heard by neighbors and those passing the house. Hardly a day has passed that he has not uttered oaths at your complainant, at times calling her "a God damn infernal liar", a common crook", "a hell cat" and numerous other epithets, more particularly on the 2nd day of July, 1915, he called me among other things, "a low down common devil".

6th Your complainant further represents that for a long time last passed and prior to the bringing of this suit that the said defendant has been guilty of drunkenness, and during the month of February, 1915, he was on a spree for several weeks during which time he was found in the room and on the bed of a negro living in the town of Windsor.

7th Your complainant further represents that the defendant does not sufficiently provide for the welfare of his home, that during the period of our married life, the defendant has given your complainant only one dress, one hat, two pairs of shoes and six pairs of stockings, and further that he has only spent eleven dollars during the past two and a half years to clothe our son, Richard Randolph Turner and further that your complainant has purchased and paid for out of the money received by giving music lessons and her china painting, a large portion of the furniture in our home, especially a sewing machine, piano, dining table, all the china, bed linen and cooking utensils; that few things were purchased by the said defendant and were paid in part for same by your complainant. And further that the provisions were scant only furnishing flour, lard sugar, coffee, side meat and eggs and he claiming that it was only necessary and required of him to furnish corn meal and side meat in small quantities.

8th Your complainant further represents that besides the furniture named above that she has a china kiln, a large quantity of china and art material belonging to her and your defendant refuses to permit these articles or any of her furniture to be removed.

9th Your complainant further represents that your defendant will not permit your complainant to have control of our child, Richard Randolph Turner and alleges that if any attempt be made to take the child and give to your complainant

that he will kill the person whcever attempts to so take and deliver to your complainant.

In consideration whereof and for as much as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Peyton Randolph Turner may be made a party defendant to this bill and required but not on oath, to answer the same, the oath being hereby waived; that the said Peyton Randolph Turner be compelled to deliver to your complainant her son, Richard Randolph Turner, and that he may be enjoined and restrained from interfering in any way with your complainant and her son Richard Randolph Turner, and that ~~the defendant, be compelled and delivered to your complainant~~ *restrained and prohibited from interfering with your complainant in removing from the premises upon which the personal property belonging to your complainant* and that a divorce a mensa et thoro be decreed her and that your complainant may have all such further and other and general relief in the premises as the nature of her case may require or to equity shall seem meet.

Ruth Pope Turner
Complainant.

Parke Deane
Counsel.

The goods are located in the property belonging to your complainant

State of Virginia,
Suffolk Co
~~State of West County~~, to-wit:

Ruth Pope Turner, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information she believes them to be true.

Ruth Pope Turner
Complainant.

Taken, sworn to and subscribed before me, a Notary Public
a a Notary Public of and for the Co and State aforesaid.
in my Co aforesaid, this 3rd day of July, 1915.

My term of office expires

W. W. W. W.
Notary Public

My term of offices expires _____

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Dill

Auth Pope Turner

"

Peyton A Turner

Two July 3rd 1915

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VA.

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.