1429-009 Chancery Causes, Mary Joyner Cox vs Richard Sidney Cox 556

Isle of Wight County

other surnames: Joyner

A. S. JOHNSON

A. E. S. STEPHENS

JOHNSON & STEPHENS
ATTORNEYS AT LAW
SMITHFIELD, VIRGINIA.

July 18th., 1929.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Virginia.

Dear Gus: In re: Mary Joyner Cox v. R. Sidney Cox.

We hand you, herewith, a decree of dismissal for entry in this cause. Please acknowledge receipt of same, and let us have statement of costs.

Thanking you, we are,

Very truly yours,

A. E. S. Stephens.

AESS: S.

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,

Richard Sidney Cox *and* Mary Boykin Joyner

Given under my hand, as Clerk of Circuit *Court of* Isle of Wight *County (or City) this* 29th *day of* May, 1916

A. S. Johnson, *Clerk.*

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1919, as amended by Act of February 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit *Court for the County (or City) of* Isle of Wight.

Date of Marriage June 7th, 1916 Place of Marriage Isle of Wight Co. Va.

FULL NAMES OF PARTIES

Richard Sidney Cox *and* Mary Boykin Joyner

Age of Husband 26 years; Condition (single, widowed or divorced) Single

Age of Wife 25 years; Condition (single, widowed or divorced) Single

Race (White or Colored) White

(PRESENT)

Husband's Place of Birth Isle of Wight Co., Mailing Address Smithfield-Virginia,

Wife's Place of Birth Isle of Wight Co. Va. Mailing Address Smithfield-Virginia.

Names of Parents { Husband B. L. Cox and Nannie E. Cox

Wife Vincent W. Joyner and Belle V. Joyner

Occupation of Husband Clerk

Given under my hand this 29th day of May, 1916.

A. S. Johnson, *Clerk.*

Certificate of Time and Place of Marriage

I, Daniel T. Merritt, a Minister of the Methodist Epis. Church, South, or religious order of that name, do certify that on the 7th day of June, 1916, at Smithfield, Virginia, under authority of the above License, I joined together in the Holy State of Matrimony the persons named and described therein. I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County (or City) of Norfolk, State of Virginia.

Given under my hand this 7th day of June, 1916.

Daniel T. Merritt

(Person who performs ceremony sign here.)

☞The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the License and Certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the License; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (see Section 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

A Copy Teste R. A. Edwards: Clerk.

County (or City) .....

.....

Husband

and { **Marriage License**

.....

Wife

Date of Issue .....

Marriage Register No......*Page*.....

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

Mary Joyner Cox, ----------Complainant.

v). Chancery. No. -_____

Richard Sidney Cox, ----------Respondent.

To the Clerk of the Circuit Court of the County of Isle of Wight, State of Virginia:

Please issue summons for the defendant to appear before the Circuit Court of this County to answer a bill in equity to be exhibited against him by the complainant on the 3rd., Monday in March, 1929.

The defendant is a resident of this County and State.

Johnson & Stephens.

Deposit of $7.50 made herewith.

Virginia: In the Circuit Court
of the County of Isle of Wight.

Mary Joyner Cox,

v). Chancery. No. 556

Richard Sidney Cox.

Attorney's Memorandum.

Filed March 15th., 1929.

Dup. 7 50

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Mary Joyner Cox,.....Complainant

v) Chancery. _____

Richard Sidney Cox,.....Defendant.

This cause came on this day to be heard upon the papers formerly read, and upon statement of counsel for complainant, made at the bar of this court, that a reconciliation had been effected between the complainant and defendant, and upon motion made by the complainant, by counsel, ~~that~~ this cause ~~be~~ dismissed.

~~Upon consideration whereof it is adjudged, ordered and decreed that this cause be dismissed~~ from the docket of this court.

Mary Joyner Cox

v) Chancery. _____

Richard Sidney Cox

Note for decree.

Enter this _____, 1929.

_____

Counsel for me is, hereby, directed to present the within decree for entry.

Mary Joyner Cox

Virgihia: Circuit Court
of Isle of Wight County.

Mary Joyner Cox

v) Chancery. _____

Richard Sidney Cox.

Note for decree.
Enter this 24. 9 1929.

Book 8
page 722

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHTA:

Mary Joyner Cox,.....Complainant.

v) Chancery. _____

R. Sidney Cox,.....Defendant.

This day came Mary Joyner Cox, by counsel, and presented her bill of complaint, in this cause, duly verified by affidavit, and moved the Court to require the respondent, Richa d Sidney Cox, to pay to her, the said Mary Joyner Cox, a reasonable sum of money for the maintenance and support of her self and her two infant children, during the pendency of this suit, and a sufficient sum of money to enable her to carry on and prosecute the same; and the Court having considered the said bill of complaint, and affidavit thereto: It is adjudged, ordered and decreed that the said Richard Sidney Cox do pay unto the said Mary Joyner Cox, ~~within ten days from the time when a copy of this order is served upon him~~, the sum of $35.00 for the proper support and maintenance of the said Mary Joyner Cox and her infant children, ~~during the pendency of this suit, and to enable her to carry on the same:~~

until the further order of the Court
On Jan 1st and 15th, hereafter, on Saturday of each
week following the entry of this order
as the further sum of $50.00 as a partial payment on
account of Costs of this suit,

And on the further motion of the said Mary Joyner Cox, by her counsel, an injunction is hereby awarded, enjoining and restraining the said Richard Sidney Cox, from entering or occupying the dwelling house occupied by the said Mary Joyner Cox, and her infant children, Mary Joyner Cox and Richard Sidney Cox, Jr., and enjoining and restraining him, the said Richard Sidney Cox, from molesting or taking into his custody either or both of the said two infant children; and from molesting or, in any manner, interfering with the said Mary Joyner Cox, the complainant herein; and, further, restraining and enjoining the said Richard Sidney Cox from assiging, encumbering, or, in any manner, disposing of his interest in the tract of land named in the bill of complaint as a tract of land in Isle of Wight County,

Virginia, containing one hundred acres, more or less, adjoining the lands of Oberry and others, being the same of which B. L. Cox died siezed and possessed; and/or from assiging, converting concealing or otherwise disposing of any of his property, real, personal or mixed, ~~except that he is, hereby, permitted, if necessary, to encumber his interest in the real estate owned by him to the extent of enabling him to raise the sum of $_____, ordered to be paid to the complainant herein.~~

And it appearing to the Court that the said Mary Joyner Cox is the wife of the said Richard Sidney Cox, and is without means; and it further appearing that this is a case in which bond should not be required, the foregoing injunction is awarded to take effect without bond being required of the complainant. *And this order to be entered a Copy for this cause be forthwith served on the Defendant*

And in lieu of formal notice to the respondent, the Clerk of this Court is hereby directed to deliver a copy of this order to the Sheriff of this County, to be served upon the said Richard Sidney Cox; and the said Sheriff is, hereby, directed to make known to the court, by proper return, of the time and manner of such service.

_____
Judge of the Circuit Court of the
County of Isle of Wight, Virginia.

Virginia: In the Circuit Court
of the County of Isle of Wight.

Mary Joyner Cox,

v). Chancery. No. 556

Richard Sidney Cox.

Order.

Enter this: P.B.T.W.

March 14th., 1929.

8-495

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

March 14th. 1929.

Mary Joyner Cox,.....Complainant.

v) Chancery.

Richard Sidney Cox,.....Defendant.

This day came Mary Joyner Cox, by counsel, and presented her bill of complaint, in this cause, duly verified by affidavit, and moved the court to require the respondent, Richard Sidney Cox, to pay to her, the said Mary Joyner Cox, a reasonable sum of money for the maintenance and support of her self and her two infant children, during the pendency of this suit, and a sufficient sum of money to enable her to carry on and prosecute the same; and the court having considered the said bill of complaint, and affidavit thereto: it is adjudged, ordered and decreed that the said Richard Sidney Cox do pay unto the said Mary Joyner Cox, or to Johnson and Stephens, her attorneys, on Saturday of each week following the entry of this order, the sum of $35.00, for the proper support and maintenance of the said Mary Joyner Cox and her infant children; and the further sum of $50.00 as a partial payment on account of the costs of this suit. until the further order of the Court

And on the further motion of the said Mary Joyner Cox, by her counsel, an injunction is hereby awarded, enjoining and restraining the said Richard Sidney Cox from entering or occupying the dwelling house occupied by the said Mary Joyner Cox, and her infant children, Mary Joyner Cox and Richard Sidney Cox, Jr., and enjoining and restraining him, the said Richard Sidney Cox, from molesting or taking into his custody either or both of the said two infant children; and from molesting or, in any manner, interfering with the said Mary Joyner Cox, the complainant herein; and, further, restraining and enjoining the said Richard Sidney Cox from assigning, encumbering, or, in any manner, disposing of his interest in the tract of land named in the bill of complaint as a tract of land in Isle of Wight County, Virginia, containing one hundred

acres, more or less, adjoining the lands of Oberry and others, being the same of which B. J. Cox died siezed and possessed; and/or from assigning, converting, concealing or otherwise disposing of any of his property, real, personal or mixed.

And it appearing to the Court that the said Mary Joyner Cox is the wife of the said Richard Sidney Cox, and is without means; and it further appearing that this is a case in which bond should not be required, the foregoing injunction is awarded to take effect without bond being required of the complainant.

And it is ordered that a copy of this decree be, forthwith, served upon the said defendant.

A copy, Teste R. A. Edwards Clerk.

Mary Joyner Cox.
vs. Chancery. No. —
Richard Sidney Cox

Order.

Original.

Executed the within order in chancery this the 15th day of March 1929 by serving a true copy of the same on Richard Sidney Cox in person in the county of Isle of Wight.

W. C. Whitehead Sheriff.

COMMONWEALTH OF VIRGINIA:

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

We command you that you summon Richard Sidney Cox to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in March, 1929, to answer a bill in Chancery exhibited against him in our said County by Mary Joyner Cox. And then and there have this writ.

Witness R. A. Edwards, Clerk of our said Court, at the Courthouse, this the 15th., day of March, 1929, and in the 153rd., year of the Commonwealth.

R. A. Edwards, Clerk.

Mary Joyner Cox
v.) Chancy. No. ——
Richard Sidney Cox.

Proces.

Original

Executed the within described summons this the 15th day of March 1929 by serving a true copy of the same on Richard Sidney Cox in person in the county of Isle of Wight.

W. C. Whitehead Sheriff.

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

Mary Joyner Cox,.....Complainant:

v) Chancery. _____

Richard Sidney Cox,.....Defendant.

To Honorable Benjamin Dey White,

Judge of the Circuit Court of the County of Isle of Wight, Virginia.

Your complainant, Mary Joyner Cox, represents to the Court the following case, and prays for such relief therein as is equitable and proper:

1. That on the 7th. day of June, 1916, she was married, at Smithfield, in the County of Isle of Wight, Virginia, to Richard Sidney Cox, the respondent herein, her maiden name being Mary Boykin Joyner, as will appear from a certified copy of the marriage license, issued for the said marriage, attached hereto and to be read as a part of this her bill of complaint;

2. That, continuously, from the date of the marriage aforesaid up to the 3rd. day of March, 1929, your complainant and the respondent lived together as husband and wife, in the town of Smithfield, County of Isle of Wight, State of Virginia;

3. That your complainant has resided in, and has been domiciled in, the State of Virginia, ever since the marriage aforesaid, and is now domiciled in, and is, and has been, an actual bonafide resident of the town of Smithfield, in the County and State aforesaid, for at least one year prior to the institution of this suit; in fact has been a bona fide resident of and domiciled in, the State of Virginia, all of her life;

4. That at the present time, your complainant resides in a certain dwelling house, in said town of Smithfield, in which she has an undivided one fourth interest, subject to the dower of her mother therein, it being of the estate of her father, the late V. W. Joyner, deceased; and she has no other home than this; and no place to which she can flee with her infant children; and that she has, for the past several years, together with respondent, has occupied the said dwelling house as their place of abode.

5. That for the past several years the said respondent has been intemperate in his habits, abusive and violent to your complainant, making violent and brutal attacks upon her person; and that by reason of such brutal, violent and cruel treatment, she has been for a long time, and is, at this time, in great danger of her health, and she believes even her life is in danger; that on innumerable occasions your complainant has been violently attacked and cruelly struck, bruised and painfully and dangerously hurt and injured by the said respondent; that she is weak and frail of body and is unable to defend and protect herself against these violent and brutal attacks of respondent; that at the present time, and for the two weeks last past, she has been under the care of a physician as a result of a cruel and violent attack upon her, made by the respondent on the night of the 2nd. of March, 1929; ~~that because of the inability of your complainant to protect herself against the aforesaid violent attacks she has been forced, time and again, to flee from him, with her infant children, from her home, and to seek shelter and protection, with friends, from respondent~~; that on innumerable occasions she has been compelled to call to her assistance her neighbors and officers of the law, for her protection against the brutal, inhuman, violent and cruel assaults committed and attempted to be committed by respondent.;

6. That the violent and brutal attacks aforesaid have been

made upon your complainant by the respondent for no just cause whatsoever, she having, at all times, been a most loyal, devoted, true and faithful wife; and that the attacks aforesaid have been made by respondent at times when he was violently, completely and dangerously intoxicated:

7. That your complainant has endeavored, in every possible way, to persuade and induce the respondent to cease the excessive use of intoxicants and become more humane and kindly in his treatment to her, and her children, but to no avail; that on the other hand the said respondent has become more intemperate in his habits, and more violent in his conduct, and attacks upon her, until she has reached the point where she can no longer tolerate or bear his inhuman, brutal, and cruel treatment of her, fearing not only bodily injury at his hands, but that to reside in the same house with him, further, will be to endanger her life as well as her body.

8. That of the marriage aforesaid there have been born two children, to-wit: Mary Joyner Cox, now of the age of eleven years; and Richard Sidney Cox, Jr., now of the age of nine years; that the said children are now in the care and custody of your complainant, who is a devoted and loyal mother, having in mind, at all times, and above all things on earth, the proper rearing and care of the said infant children; that because of the excessive and habitual intoxication of the respondent, and his habitual and continued use of vile, indecent and profane language in the presence of said infant children and your complainant, it is not proper and to the best interests of the said children that they live and reside in the same house with respondent; and that he, because of his intemperare habits and language is not a proper person to entrust with the care and rearing of the two children aforesaid:

9. That your complainant last co-habited with the respond-

ent in the said dwelling house, occupied by them as aforesaid, as man and wife, on the said third day of March, 1929.

10. That the said respondent is seized and possessed of an undivided one fourth fee simple interest in a certain farm, in the County of Isle of Wight, Virginia, containing one hundred acres, more or less, adjoining the lands of Oberry and others, known as the B. L. Cox farm, being that of which his father, B. L. Cox, died siezed and possessed; and that, as she is informed, that respondent has several life insurance policies in which she is named as beneficiary; and that he owns other personal property consisting of stocks, bonds and other things:

11. In tender consideration, and forasmuch as your complainant is without remedy in the premises save in a court of equity where matters of this kind are alone and properly cognizable, she prays that the said Richard Sidney Cox may be made a party defendant to this, her bill of complaint, and required to answer the same, though not under oath, answer under oath being hereby expressly waived; that proper process issue; that the defendant, R. Sidney Cox, be restrained and enjoined from entering or occupying the premises now occupied by your complainant and her infant children; and, from, in any way, molesting or interfering with your complainant and her infant children herein named; that a divorce a mensa et thoro may be decreed to her; that the said Richard Sidney Cox may be, forever, restrained and enjoined from molesting, or excercising any control over the two said infant children; that he, at once, and pending this suit, be compelled to pay such sums of money, as temporary alimony, as may be sufficient for the support of the complainant and her infant children; and, such other sums of money as may be required to pay the costs of this suit and the fees of counsel proper to be paid to carry on this cause; that he be compelled to make such permanent provision for the support of your complainant and the said

infant children as may be just and proper, and to secure the regular, safe and prompt payment of the same in such way as may to the Court appear effectual; that an injunction be awarded your complainant, enjoining and restraining the said Richard Sidney Cox from converting, assigning, encumbering or in any way disposing of, or concealing, any of his property or every or any character, kind or description, real, personal or mixed, until the further order of this court; that the Court may not require that any notice, whatsoever, be given to the said respondent, or any one else, before an injunction is awarded; and, that your complainant may have all such further, other and general relief in the premises as the nature of her case may require, or which to equity and good conscience may seem meet.

And your complainant, as in duty bound, will ever pray, etc.

Mary Joyner Cox

J. Thomas Stephens P.Q.

State of Virginia,

County of Isle of Wight, to-wit:

I, A.S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that Mary Joyner Cox, whose name is signed to the foregoing bill of complaint, has, on this day, personally appeared before me in my said county, and made oath that the statements therein contained, which are made from her own knowledge, are true; and that thos made which she has obtained knowledge of from others she believes to be true.

Given under my hand this 14th. day of March, 1929.

A.S. Johnson

Commissioner in Chancery.

Virginia: Circuit Court of
Isle of Wight County.

Mary Joyner Cox

v) Chancery. 551

Richard Sidney Cox.

Bill of complaint.

Filed 3/14/29, 1929.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut