1909-029
Nansemond Co (Suffolk) Chancery Causes: Stephen Benton Harrell vs Frances May Harrell

Ruffin, Adams, Eason, Freeman, Artis

OVERSIZE
Box 4
- 1 marriage license

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Stephen Benton Harrell	Plaintiff.
VS.	
Francis May Harrell.	Defendant.

Issue summons in Chancery for plaintiff against defendant to 2nd. August Rules 1906 (Third Monday) to answer said plaintiff a Bill in Chancery.

Tax $1.50

William M. Cumpton

p.q.

Crumpler vs.

Stephen Benton Harrell

vs. Chancery

Frances May Harrell

Memorandum.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Frances May Narrell

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in August 1906, to answer a Bill in Chancery, exhibited against her in the said Court by Stephen Denton Narrell

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 10th day of August, 1906, in the 131st year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R. R. Smith, CLERK.

By C. L. Gomer, Deputy Clerk.

Executed this the 16th day of August 1906 by
delivering a true copy of this Summons to Frances
May Harrell in person.

A. M. Baker Sh'ff
By R. E. Kitchen Dep'r

Wm M. Crumpler, p. q.

Stephen Benton Harrell

Aug 16th

VS. } IN CHANCERY.

Frances May Harrell

1906

August Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 18

Virginia:

In the Circuit Court of Nansemond County:

Stephen Benton Harrell	)	
	)	
Vs.	)	In Chancery:
	)	
Frances May Harrell	)	

This cause, came on this day to be heard on the bill, the exhibits filed, and the depositions of witnesses, taken after reasonable notice to defendant, the defendant failing to appear, plead answer or demur, and was argued by counsel:

it appearing that the parties last co-habited in the County of Nansemond, and that Complainant has resided in the County for more than one month next preceding the institution of this suit.

On consideration whereof, the Court doth adjudge, order and decree that the Plaintiff, Stephen Benton Harrell be divorced a mensa et thoro from his wife, the said Frances May Harrell, and she from him.

_____

Judge.

To the Clerk of the Circuit Court of
Nansemond County.

Entered June 13. 1908.

James L. McLemore,

Entered in Chancery
Order Book No 4
Page 256.

Stephen Benton Harrell

Vs.

Frances May Harrell

TO THE HON. JAMES.L. MCLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Further complaining unto your Honor, your orator, Stephen Benton Harrell, of Nansemond County, Virginia, showeth as follows

That since the institution of his said suit on August 10th 1906, praying a divorce a mensa et thora, that three years and more have elapsed from the time of the desertion alleged in his Bill of Complaint filed in said cause and as proven by the depositions duly taken on March 26th, 1908, which are also filed in the said cause; that no reconciliation has taken place between your orator and his said wife, Frances May Harrell, and that a separation has continued without interruption since the date of the alleged desertion, as proven by the depositions aforesaid;

Wherefore your orator makes application, as provided for in section 2266 of the Code of Virginia, praying that a decree a vinculo matrimoni be entered in his said suit and that he may be permanently and effectually divorced from the bond of matrimony which was created by his said marriage with the said Frances May Harrell, by a proper and effectual decree to that end.

STEPHEN BENTON HARRELL

By Wm. M. Commander
Counsel.

I feel that I am in a position to know and feel satisfied that no reconciliation between the parties has taken place even up to date.
July 17 1908. Wm. M. Commander

In the Circuit Court of Nansemond County, Virginia.

Stephen Benton Harrell,)
)
Vs.) In Chancery:
)
Frances May Harrell)

The depositions of Patience Adams, Bryant Eason and _____ Others ~~and others~~, taken before me, Bradford Kilby, a Commissioner in Chancery, forthe Court aforesaid, prusuant to notice hereyo annexed, at William M. Crumplers Office, Su ffolk, Va., on March 26th, 1908, between the hours of 9:00 A. M. and 10:00 P. M., to be read as evidence on behalf of Stephen Benton Harrell in a certain cause in Chancery depending in the said Circuit Court ofNansemond County, Virginia, wherein Frances May Harrell is defendant, and Stephen Benton Harrell is Plaintiff.

Present; William M. Crumpler, Attorney for Plaintiff.

Bradford Kilby, Commissiom in Chancery:

The witness, Patience Adams, being duly sworn deposes as follows:

Q. 1. What is your name, age, residence, and occupation?

A. 1. Patience Adams, age 79, residence Nansemond County, occupation nurse.

Q. 2. How long have you known Stephen Benton Harrell and Frances May Harrell?

A. 2. I have been knowing them over six years. I have been knowing her all her life and knowing him for about six years.

Q. 3. Are they husband and wife, and if so, are they now living togethe

A. 3. They have been husband and wife, but are not now living together. They have been separated about four years.

Q. 4. Have they lived together since they first separated about four years ago?

A. 4. No sir. They have not. He has not been in Suffolk.

Q. 5. Have you ever heard Frances May Harrell make any statement as to whether or not she ever intended to live with this man again?

A. 5. She told me that she never intended, while breath was in her body, to be a wife of his any more. She sure told me so.

Q. 6. Do you know whether or not these two parties have each lived in Nansemond County and the State of Virginia, for as much as one year.

A. 6. Yes sir, they have been living here that long.

Q. 7. Do you know whether or not they last lived together in Nansemond County?

A. 7. They did live together in Nansemond County.

Further this deponent saith not.

W. H. Freeman
W. H. Freeman.

her
Patience X Adams
mark

The witness, Bryant Eason, being duly sworn deposes and says as follows:

Q. 1. What is your name, age, residence, and occupation?

A. 1. Name Bryant Eason, age 60, residence Nansemond County, occupation laborer.

Q. 2. Do you know Stephen Benton Harrell and Frances May Harrell, and if so, are they husband and wife and if husband and wife, are they now living together?

A. 2. They are husband and wife, but are not living together.

Q. 3. Do you know how long they have been separated, if so state it?

A. 3. They have been separated four years, this last gone February.

Q. 4. Can you say whether or not they have lived together since last February, four years ago?

A. 4. No sir, they have not lived together since that time.

Q. 5. Are you living close to where Frances May Harrell lives, or do you frequently visit her house?

A. 5. Yes sir, I work for her father on his farm.

Q. 6. Then, as I understand you, you would have been in a position to have known the fact had these parties lived together during

the last four years, even for a short while?

A. 6. Yes sir, I would have known it.

Q. 7. Have you ever heard Frances May Harrell express her intention either to live or not to live with her husband again?

A. 7. Well, I have heard her make her intention not to ever make him her husband any more.

Q. 8. Do you know whether or not these parties have resided in the State of Virginia, in Nansemond County, for the last twelve months?

A. 8. She has, I know. He has not. He has been in Portsmouth or Norfolk working and she has been in Nansemond County. He has been living here with his father for years coming backwards and forwards to see his father from and to his work in Norfolk or Portsmouth.

Further this deponent saith not.

Stephen Benton Harrell, Plaintiff, being duly sworn, deposes and says as follows:

Q. 1. What is your name, age, residence, and occupation?

A. 1. Stephen Benton Harrell, age 32 the 15th of next May, residence, 405 Green Street, Portsmouth, Va., occupation hotel-waiter.

Q. 2. Are you married or single, and if married, give the name of your wife, and tell us whether or not you are living together as husband and wife?

A. 2. I am married, but we are not living as husband and wife and I have not lived with her in four years, because she left me. Her maiden name is Frances May Ruffin.

Q. 3. State the circumstances which lead up to the separation of you and your wife.

A. 3. I was married to Frances May Ruffin on December 24th, 1901, we began our married life by living with her mother and father

in a small up-stairs apartment in their house. After we had been living together for a year or two, I determined that it would be for the interests of all of us that the two families should live in separate houses and discussing the matter with my wife, she stated that her father would give us a lot upon his property adjacent to his residence and she interviewed her father to that end, reporting back to me that he would allow us to build on his property but would not give us a Deed to the lot, either by gift or by sale. My wife told me to see him about it. I saw him and he stated that he did not want to break the tract of land but that he was perfectly willing that we should build on any part of it. I then offered to buy the lot from him and he declined to sell it, still expressing his willingness that we should use the same and build on it indefinitely. I was unwilling to build a house on his property in this way and discussed the matter with my wife, urged her to let me buy a house and lot nearby. At that time she argued me out of this idea by stating that she preferred to have a small shop which I arranged with her father. We erected it on his land and agreed to continue to live in the up-stairs of his residence for the time being. Subsequent to that time I returned from my work from the John L. Roper Lumber Company again insisting to my wife that we should buy a house and lot and thereby separate the families. She did not agree but I purchased the house and lot and carried the Deed to her, telling her of what I had done. She seemed to get very angry. I then went off to my work and returning on the 8th of February 1904, when I went to the house she was exceedingly angry and some one had moved all of my furniture from our bed room, taken the curtains from the windows, and generally disturbed the apartment. She declined to let me stay in the house and I was not permitted to stay there more than, probably, a half an hour. After this time, I repeatedly endeavored to get her

to come from her people and live with me but she has constantly declined to do so.

Q. 4. In what way or ways have you sought to reconcile your wife and are there others who know that you have endeavored to bring about a reconciliation except yourself?

A. 4. Yes, I have tried to bring about a friendship by getting friends to reason with her, Nellie Artis, and Olivia Freeman and I met her several times and tried to get her to come back and she said she never intended to come back, that she did not want to come back. I met her one night with another man and I told the man to desist his intentions, that the woman he was with was my wife and she gave me a big "blowing up" publicly on the street. She then told me that she never intended to live with me again and ~~that~~ as a last resort, thinking that it would probably attract her, I had my house fixed up nicely and newly painted, and then sought a second interview with her but she was determined and I could not change her mind. She stated at one time that her father had told her that unless she did according to his wishes, that is, stay with him, that he would not give her any part of his property, at his decease.

Q. 5. Since the 8th day of February, 1904, have you ever co-habited with your wife.

A. 5. No sir. I have not. we have not stayed under the same roof since that time.

Q. 6. Has your wife been a resident of Nansemond County for more than twelve months preceding the commencement of this suit?

A. 6. Yes sir.

Q. 7. Also have you for Nansemond County, for that time?

A. 7. Yes sir.

Q. 8. Where do you regard as your home?

A. 8. Here in Suffolk, where I pay my taxes.

Q. 9. Have you not also been a citizen of Nansemond County and the State of Virginia, for more than twelve months preceding the commencement of this suit.

A. 9. Yes sir.

Further this deponent saith not.

Stephen Benton Harrell

The witness, Olivia Freeman, being duly sworn deposes and says as follows:

Q. 1. What is your name, age, residence, and occupation?

A. 1. Olivia Freeman, age 20 years old the 23rd day of next September residence "Philadelphia", Suffolk, Va., occupation general house work.

Q. 2. Do you know Stephen Benton Harrell and Frances May Harrell, and if so, are they man and wife, are they now living together and if separate, how long have they been separated?

A. 2. Yes sir. They are man and wife. They are not now living together. They have been separated about four years.

Q. 3. Do you know when they separated?

A. 3. I do not know the exact date, I think, it was in February, about four years ago. I am certain that it has been more than three years.

Q. 4. Have these parties lived together since that time of separation?

A. 4. No sir.

Q. 5. Do you know that of your own knowledge?

A. 5. Yes sir.

Q. 6. When Benton Harrell comes home to Suffolk, where does he reside during the last four years?

A. 6. He stops at my house.

Q. 7. Do you know whether or not Stephen Benton Harrell after their separation, as you have stated, in February, 1904, endeavored to have a reconciliation with his wife, and if so, state that you know in regard to it.

A. 7. I went to her house and talked with her and she stated that she did not want him and that she did not intend to live with him

any more. I did this of my own accord, being Benton Harrell's sister.

Q. 8. Do you know of your own knowledge whether Benton Harrell has been ready and willing to make peace with his wife, during the last four years, and if so, whether or not his wife has exercised a like willingness?

A. 8. Yes sir, he tried to talk with her and reason with her. He told me he loved her. She told me that she never did want him back any more.

Q. 9. Where did these parties last live together as man and wife?

A. 9. In East Suffolk, Suffolk, Va.

Q. 10. Have they, at any time, lived together since the date of their separation?

A. 10. No sir.

Q. 11. If they had so lived together even for a few days, were you or have you been in a position so that you would have known it?

A. 11. Yes sir, well, I know they have not lived together because every time he came he came to my house for he worked in Portsmouth all the time.

Q. 12. Has Stephen Benton Harrell or not been a citizen of Nansemond County for more than one year preceding the commencement of this suit.

A. 12. Yes sir.

Further this deponent saith not.

Olivia Freeman

Nellie Artis, being duly sworn, deposes and says as follows

Q. 1. State your name, age, residence, and occupation.

A. 1. Nellie Artis, forty years old, residence, Suffolk, Va., occupation nurse.

Q. 2. Are you acquainted with Stephen Benton Harrell and Frances May

Harrell whether or not they are man and wife and whether or not they are now living together as man and wife?

A. 2. Yes sir, I know Mr. Harrell and his wife. Of course, they are not living together now. When they parted he came to my house, and was telling me of his troubles and asked me to go and talk to her and get her to come back and I started. He wrote a letter and I took it to the house and the old lady would not let the girl have it and I took it back to Harrell and told him that she did not want his letter and him either. The old lady , in the girls presence, said that it wont worth while for him to come any more that she had already told him enough. They refused to talk to me.

Q. 3. If you know, state when that was.

A. 3. It was in February, I can't say just what date, it was in February about four years ago.

Q. 4. Do you know whether or not these parties have lived together since that time.

A. 4. Well, I do not think that they have lived together since that time. I am sure they have not.

Q. 5. Have you, at any time, talked with Frances May Harrell, except on this occasion in regard to this matter?

A. 5. I saw her on the market and asked her about it and she stated she did not have any husband, that Harrell was not her husband and that she was not his wife. When I went to the house and carried the letter it was my intention to reason with her and tryed to pacify the friction but she would not permit me. Harrell requested me to do this.

Further this deponent saith not.

Waldie Artis

State of Virginia,)
) To-wit:
County of Nansemond)

I, Bradford Kilby, a Commissioner in Chancery, of and for the Circuit Court of Nansemond County, in the State of Virginia, do certify that the foregoing depositions were duly taken, reduced to writing, signed by the witnesses, respectfully before me, at the place and time therein mentioned, pursuant to the annexed notice.

In witness whereof, I have hereunto set my hand at Suffolk, Va., aforesaid, this 26th day of March, 1908.

Bradford Kilby
Commissioner in Chancery.

Commissioner's fee $5.00

To Francis May Harrell.

Take notice that on the 26th. day of March, 1908 at the office of William M. Crumpler, in Suffolk, Nansemond County, Virginia, between the hours of 9:00 A. M. and 10:00 P. M. of that date, I shall proceed to take the depositions of Harrison Harrell and others, to be read as evidence in my behalf in a certain suit in equity depending in the Circuit Court for the said County of Nansemond, wherein I am plaintiff and you are defendant; and if for 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.

Wm. M. Crumpler
P. Q.

Stephen B. Harrell
By Counsel.

Executed this 23 day
March 1908 by delivering
a true copy of the within
Notice to Frances May
Hamill in person
A H Baker Sheriff

Virginia:

In the Circuit Court of Nansemond County:

St ephen Benton Harrell	)	
	)	
Vs.	)	In Chancery:
	)	
Frances May Harrell	)	

This cause, came again on this day to be heard upon the papers formerly read and the application of Stephen Benton Harrell, praying a divorce a vinculo matrimoni as contemplated by Section 2266 of the Code of Virginia, the defendant still failing to appear, plead, answer, or demur, and was argued by counsel.

On consideration whereof, the Court being of the opinion from the evidence submitted that the defendant has willfully deserted the Plaintiff, her husband, and that it has been three years or more since said desertion; that from the evidence in the suit, no reconciliation has taken place or is probable and that a separation has continued without interruption since the date of the said desertion; that the Plaintiff has been domiciled in this State, at least one year next preceding the commencement of this suit; that the Plaintiff and the defendant last cohabited in the County of Nansemond; and that the Plaintiff at the commencement of this suit was a resident of said county, doth order, adjudge and decree that the Plaintiff, Stephen Benton Harrell, be divorced, absolutely, from his said wife, Frances May Harrell; that the marriage heretofore solemnized between them be and the same is hereby annulled and set aside, and a divorce a vinculo matrimonii is hereby granted the said Plaintiff from his said wife; and nothing further remaining to be done, in this case, it is ordered that this suit be stricken from the docket.

_____

Judge.

Enter. July 25, 1908
James L. McDermore

Entered in Chancery
Order Book No. 4
Page 267.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Humbly complaining showeth unto your honor your orator Stephen Benton Harrell, of Nansemond County, Virginia, the following case:

That on the 24th day of December 1901, at Suffolk, Nansemond County, he was united in marriage to Francis May Ruffin, the ceremony having been performed by one S. S. Brown, a minister of the gospel at that time in the said county and State and duly authorized to solemnize the rites of matrimony, all of which will more fully appear by a duly certified copy of the Marriage Register herewith filed marked exhibit "A" and prayed to be read as a part of this bill.

That during the time his said wife lived with him, he was a constant faithful and provident husband, striving to do all in his power to care for, please, love and protect his wife, and to make her life a pleasant and happy one in every respect, and that it was his intention to do the same in the future. He says, that he has always tried to be prudent, industrious, temperate, conservative, and provident man, to live honestly and soberly, and to conduct himself in such a manner as to win the confidence and esteem of his neighbors and fellow citizens.

But not withstanding all these efforts on his part, that on the 8th day of February, 1904, his said wife left abandoned and deserted him, without any cause or default on his part, and apparently and certainly so far as your orator knows without any reason whatever.

Your orator further says, that, his said wife's desertion was and is a mystery to him, which he has never been able to fathom. He says that, since said time of desertion (February 8th, 1904) he has frequently seen his said wife and has constantly prevailed with her to live with him again, but she, has on each occasion persistently refused to do so.

Your orator says, that, he is now a citizen of Nansemond County, in the State of Virginia, and has been for many years; that he has resided one year in this State and has been domociled here at least one year preceeding the commencement of this suit; that he and his said wife last cohabited in the said Nansemond County, in the State of Virginia, that, he has not cohabited with his said wife since some time prior to the 8th day of February/ 1904; and that, he is now and has been for more than twelve months a resident of the county of Nansemond.

In tender consideration whereof, and fo as much as your orator is remediless in the premises without the aid of the Court of Equity where such matters are alone and properly cognizable, your orator prays that the said Francis May Harrell (Formerly Francis May Ruffin), may be made a party defendant to this suit and required to answer this bill, but an answer under oath is waived; that process may issue; that all proper depositions may be taken, and that your orator may be granted a divorce a mensa et thoro from his said wife; and that all such other and general relief may be afforded your orator as his case may require, or which to equity may seem meet and your orator will ever pray, etc.

W. M. Crumpler
J. P.

Stephen Benton Harrell

State of Virginia,
Nansemond County. } To-Wit:

I, William M. Crumpler a Notary Public for the County and State aforesaid, do certify that Stephen Benton Harrell whose name is signed to the foregoing bill has this day personally appeared before me in my said County and State, and made oath after being duly sworn that all the statements contained in the above bill, made as coming of his own knowledge are true; and that all the statements therein made as coming from the knowledge or information derived from others, he believes to

be true.

Given under my hand this 11th day of August 1906.

William H. Crumpin

Notary Public.

My term of office expires on the 23 day of January 1910.

Bill.

Stephen B. Harrell

vs

Francis May Harrell

OFFICE OF
WILLIAM M. CRUMPLER,
ATTORNEY AND COUNSELLOR AT LAW,
SUFFOLK, VA.

Stephen Benton Narrell
Vs. In Chancery
Frances May Narrell

1906 August 10th. Process issued returnable to August Rules third Monday.

" " 20th Process returned executed on the defendant. Bill filed and decree nisi against her her

" Sept 3rd Decree nisi confirmed and cause set for hearing.

Chancery Notes

W. M. Crumpler p.q.

Stephen Benbow Harrell

vs } Chancery

Frances May Harrell

1908

July 25th

Final Decree.

Costs

Clerk	4.19
Tax	1.50
Shff	50
Atty	15 00
	$21.19
Comr.	5.00
	$26.19

A. P. A.—143.

MARRIAGE LICENSE

Virginia, Nansemond 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,

S. Benton Harrell

and Frankie M. Ruffin

Given under my hand, as Clerk of the County Court of said County this 24th day of Dec. 1901.

A P Turner DC Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, 1901 Dec. 25

Place of Marriage, Nans'd. Co. Va.

Full Names of Parties Married, S Benton Harrell & Frankie M. Ruffin

Color, Colored

Age of Husband, 26 years

Age of Wife, 17 years

Condition of Husband (widowed or single or divorced) Single

Condition of Wife (widowed or single or divorced) Single

Place of Husband's Birth, Gates Co N.C.

Place of Wife's Birth, Suffolk Va.

Place of Husband's Residence, Nans'd. Co Va.

Place of Wife's Residence, Nans'd Co Va.

Names of Husband's Parents, Harrison Harrell & Caroline his wife

Names of Wife's Parents, Frank Ruffin & Luvenia his wife

Occupation of Husband, Farmer

Given under my hand this 24th day of Dec. 1901.

A P Turner DC Clerk.

Certificate of Time and Place of Marriage.

I, S. S. Brosier, a Minister of the Baptist Church, or religious order of that name, do certify that on the 24th day of Dec. 1901, at Suffolk Va, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 24th day of Dec. 1901.

S. S. Brosier

☞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.

Copy. Made this 8th day of August, 1906.
Teste: R R Smith Clerk
By: A M Lawrence DC

S. Burton Harrell

With } Marriage
Certificate

Frankie M. Ruffin.

1901
Dec 25.

"A Copy"