

1918-018
Norfolk Co (Suffolk) Chancery Causes: Banner Darden vs Sarah Jane Boone Darden

Boone, Simons, Ashburn



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

RICHMOND.

PARKE P. DEANS.
ISLE OF WIGHT COUNTY.
WINDSOR, VA.

Mr. George E. Bunting, Clerk,

Circuit Court of Nansemond County, Virginia.

Banner Barden

v.

Sarah Jane Boone Darden.

Issue summons in Chancery for 2nd June Rules, 1918.

Parke P. Deans p. q.

Memo,

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CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON... Sarah Jane Boone Darden,....

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.... June, 1918...., to answer..... a..... Bill in
Chancery, exhibited against.... her.....
in the said Court by..... Banner Darden,.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this..... 4th..... day of
..... June....., 1918...., in the 42nd year of the Commonwealth.

A copy—Teste:

Clerk.

Teste:

Clerk.

Executed this 4 day of June, 1918. by delivering a true copy of the within process to Sarah Jane Boone Darden

in person, in the County of Nansemond, State of Virginia.

E. E. Wagner Sheriff.

Parke P. Deans, p. q.

Banner Darden

vs. } In Chancery.

Sarah Jane Boone Darden

1918

June Rules.

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page

to ysb

Clerk

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,
Banner Darden

and Sarah Jane Boone

Given under my hand, as Clerk of the County Court
of said county this 16 day of May 1899

R. R. Smith 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 16, 1910.

Time of Marriage, 1899, May 18th	Place of Husband's Birth, Nansemond Co. Va.
Place of Marriage, Nansemond Co. Va.	Place of Wife's Birth, Nansemond Co. Va.
Full Names of Parties Married, Banner Darden & Sarah Jane Boon	Place of Husband's Residence, Nansemond Co. Va.
Race (white or colored), Colored	Place of Wife's Residence, Nansemond Co. Va.
Age of Husband, 22 years	Names of Husband's Parents, Madison Darden & Andrewetta his wife
Age of Wife, 16 years	Names of Wife's Parents, Henry Boone & Alice A. his wife
Condition of Husband, single Widowed or single or divorced	Occupation of Husband, Laborer
Condition of Wife, single Widowed or single or divorced	

Given under my hand this 16 day of May 1899

R. R. Smith Clerk

Certificate of Time and Place of Marriage

I, Israel Cross minister of the gospel
Church, or religious order of that name, do certify that on the 18 day of
May 1899, at Nansemond County Va., under authority of the
above License, I united in Marriage the persons named and described therein.

Given under my hand this 18 day of May 1899
Israel Cross Minister

A true Copy.

The Minister or other person celebrating a marriage, 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 2229 of the Code of Virginia, as amended, by Act approved February 16th, 1910, Acts 1910, chapter 28, pages 36 and 37.)

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Banner Darden,

v.

Sarah Jane Boone Darden.

The deposition of Banner Darden, taken before me, W. P. Lipscomb, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, ^{on July 13, 1918,} at my office in the National Bank of Suffolk Building, in Suffolk, Virginia, pursuant to adjournment from June 29, 1918.

-----oOo-----

Present: Hon. Parke P. Peans, Counsel for complainant.

No counsel for defendant.

Banner Darden, being first duly sworn, testifies as follows:-

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

A. Name, Banner Darden, residence Isle of Wight Co., Va., occupation, farm laborer, age, 45.

Q. Are you the complainant in this suit?

A. Yes, sir.

Q. When did your wife, Sarah Jane Boone Darden, leave you?

A. It will be six (6) years next Christmas.

Q. Where were you and your wife living at the time she left you?

A. Living on Mr. Will Simons' land in Nansemond County, Virginia.

Q. Do you know why she left you?

A. Not unless I got after her about other men.

Q. Explain what you mean about getting after her about other men.

A. Other men were coming and hanging around there while I was there and also while I was gone.

Q. Did these men come to see you or her?

A. I think they came to see her.

Q. Why do you think they came to see her?

A. They always came when they thought I was away.

Q. Were you at home when she left, and, if so, tell what she said when she left?

A. Yes, sir. She left early in the morning and I was in bed. She told the children that she was going to leave and was not coming back. All of us were in the same room when she said this.

Q. Has she ever been back to live with you since she

left you?

A. No, sir.

Q. Did she tell you, at any time before she left, that she was going to leave you? If so, tell the conversation that took place.

A. Yes, sir. She told me that she could ^{not} have her time there, and she was going where she could have it.

Q. How did you treat your wife and children?

A. As good as I could for a poor man.

Q. Where are the children now?

A. 3 of them are with me, the youngest; the oldest one is working in Newport News, Va.

And further this deponent saith not.

Banner Darden

State of Virginia;

City of Suffolk, To-wit:-

I, W. P. Lipscomb, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, do certify that the foregoing deposition of Banner Darden was duly taken, sworn to and signed at the time and place in the caption mentioned.

Given under my hand this 13th day of July, 1918.

W. P. Lipscomb

Commissioner in Chancery.

Banner Darden,

v.

Sarah Jane Boone Darden.

Deposition of Banner Darden.
den.

W. P. LIPSCOMB

ATTORNEY AT LAW

COMMONWEALTH'S ATTORNEY FOR THE CITY OF SUFFOLK

SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

-----oOo-----

BANNER DARDEN,

v.

IN CHANCERY.

SARAH JANE BOONE DARDEN.

The depositions of W. J. Simons and others, taken before me, W. P. Lipscomb, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, pursuant to notice, hereto annexed, at the office of W. P. Lipscomb, National Bank of Suffolk Building, in Suffolk, Virginia, June 29, 1918, to be read as evidence on behalf of the complainant in the above-entitled cause pending in the Circuit Court of Nansemond County, Virginia.

-----oOo-----

PRESENT: Hon. Parke P. Deans, counsel for complainant.

No counsel for complainant.

Take notice that on the 29th day of June, 1918 at the office of W. P. Lipsecomb in the National Bank of Suffolk Building, in the City of Suffolk, Virginia, between the hours of ten A. M., and seven P. M., of that day, I shall proceed to take the depositions of W. J. Simons and others to be read as evidence in my behalf in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein I am plaintiff and you are defendant; and if from 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.

Barnes Darden
3 Park Row

Executed on the 4 day of
June 1918 within the county of
Hennepin, by Notice
true copy of the within Notice
is being to Sarah Jane
Boone Darden
E.E. Wagner
Shelf of Hennepin County.

Notice
Boone Darden
Boone
Boone

W. J. Simons, being first duly sworn, testifies as follows:-

Questioned by Mr. Deans.

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

A. William J. Simons, age, 58 years, Nansemond County, Va., occupation, farmer.

Q. 2. Do you know Banner Darden and his wife, Sarah Jane Boone Darden?

A. Yes, I do. I have known him ever since he was 18 years old. He stayed with me 13 years.

Q. 3. Do you know when he and his wife separated?

A. They separated, I think, about 6 or 7 years ago, this coming fall.

Q. 4. Who left the other?

A. She left him, with four little children with him.

Q. 5. Where were they living at the time she left him?

A. They were living on my land, between my house and John Ashburn's, in Nansemond County, Va.

Q. 6. Do you know where she went when she left her husband?

A. They said she went to Newport News, Va., but I don't know of my own knowledge.

Q. 7. Are you in a position to say who was in fault about the separation?

A. Yes, sir, she was all the time fussing with him, and I never heard him fuss back at all.

Q. 8. Do you know the names of the children?

A. Yes, sir, I know their names: Alice, Eunice, Elmer, and Fletcher.

Q. 9. State their ages.

A. Alice is about 17, Eunice is about 15, Elmer is about 13, and Fletcher is about 11.

Q. 10. Where does Banner Darden now live, and where has he lived since his marriage?

A. He now lives on Mr. John Ashburn's land in Isle of Wight County, Va., and he moved from my place in Nansemond County, Va. to Mr. Ashburn's place; he has never lived anywhere else.

Q. 11. In your opinion what kind of husband did Banner Darden make his wife?

A. I think he made as good a husband as any negro could make his wife.

Q. 12. Do you know that Bamer Darden and Sarah Jane Boone were married?

A. Yes, I was present at the marriage, ^{near} ~~at~~ Buckhorn, Nansemond County, Va. A crowd of us white people went to the marriage.

Further this deponent saith not.

W. J. Simons.

John Ashburn, being first duly sworn, testifies as follows:

Questioned by Mr. Deans.

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

A. My name is John Ashburn, age, 51, Nansmond County, Va., farmer.

Q. 2. Do you know Banner Darden and Sarah Jane Boone Darden, his wife?

A. Yes.

Q. 3. Do you know when they separated and the cause thereof?

A. About 7 years ago, this fall. She was in fault so far as I know, from outside appearances.

Q. 4. Do you know which one left the other, and have they lived to-gether since separation.

A. She left him, and they have not lived to-gether since, to my knowledge. He has lived on my place or W. J. Simons' ever since he was married. He has been on my place for the past 5 years.

Q. 5. Do you know what kind of husband he made her?

A. I never heard any complaint of him. He lived in sight of my house at the time she left him.

Q. 6. Where are the children.

A. She took the oldest with her this year, and the 3 youngest are with Banner Darden now. I am told that she and the oldest child are in Newport News, Va.

Q. 7. What is Banner Darden's standing in the community?

A. It's pretty fair for a darky.

And further this deponent saith not.

John Ashburn.

The further taking of these depositions
is adjourned to Saturday, July 13, 1918, at
the same place.

W. P. Lipscomb,
Com'r. in Chancery.

STATE OF VIRGINIA;

CITY OF SUFFOLK; TO-WIT:

I, W. P. Lipscomb, a Commissioner in Chancery for the
Circuit Court of the City of Suffolk, Virginia, certify that the
foregoing depositions of W. J. Simons and John Ashburn

were duly taken, sworn to and signed
at the time and place and for the purpose in the caption men-
tioned.

Given under my hand this th29 day of June, 1918.

W. P. Lipscomb

Commissioner in Chancery.

BANNER DARDEN

V.

SARAH JANE BOONE DARDEN.

DEPOSITIONS.

W. P. LIPSCOMB

ATTORNEY AT LAW

COMMONWEALTH'S ATTORNEY FOR THE CITY OF SUFFOLK

SUFFOLK, VIRGINIA

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Banner Darden

v.

Sarah Jane Boone Darden.

This cause came on this day to be heard upon the complainant's bill and the exhibits filed therewith; proof of legal service on the defendant, Sarah Jane Boone Darden in person, and the said defendant, Sarah Jane Boone Darden not appearing, ⁴plead, demur or answer the said bill and upon the depositions of witnesses taken before a commissioner in chancery and filed on behalf of the complainant and was argued by counsel.

On consideration whereof, and it appearing to the Court independently of the admissions of either party in the pleadings or otherwise, that the said parties were lawfully married on the 18th day of May, 1899; that Sarah Jane Boone Darden voluntarily wilfully and without justification deserted the plaintiff on the 25 day of December 1912 and they have been separated from that time, to-wit more than three years; that the said parties resided and were domiciled in this State from the time of their marriage to the day of separation, that they last cohabited in the County of Nansemond and that the plaintiff has been domiciled in this State for more than one year preceding the commencement of this suit; the Court doth adjudge, order and decree that the said Banner Darden and Sarah Jane Boone Darden be divorced from the bond of matrimony which was created by the aforesaid marriage, and the said marriage ^{is} ~~and the same~~ hereby is, dissolved and annulled; and the Court doth further adjudge order and decree that the care and custody of the infant children, Eunice Darden, Alice Darden, Elmer Darden and Fletcher Darden by the aforesaid marriage be awarded to the said Banner Darden with whom they shall remain.

And nothing further remaining to be done in this suit, it is further ordered that the same be dismissed and stricken from the docket.

Darden

v.

Darden.

DECREE

Enter this

July 31st

Jas M. Moore

Chancery Office

Book No. 5

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In the Circuit Court of Nansemond County, Virginia:

Banner Darden

v.

Sarah Jane Boone Darden

To the Honorable James L. McLemore, Judge of said Court:

Your complainant, Banner Darden respectfully represents:

(1) That on the 18th day of May, 1899, your complainant was married to Sarah Jane Boone in the County of Nansemond, Virginia, as will appear from a certificate of marriage herewith filed, marked "Exhibit A" and made a part of this bill; and

(2) That continuously from the date of said marriage until the 25th day of December, 1912, your complainant and the said Sarah Jane Boone Darden lived together as husband and wife; and,

(3) That the said Sarah Jane Boone Darden has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, on the 25th day of December, 1912, the said Sarah Jane Boone Darden did, voluntarily, wilfully and without any justification whatever, leave their home and went to Newport News, Virginia, where she has lived ever since; that your complainant has made many efforts to get her to return but she refuses to do so, and she claiming never to live together again; and

(4) That by this marriage there were four children born to them and are now living, namely:- Alice who is seventeen years old, ^{unice} ~~Elmer~~ who is fifteen years old, Elmer who is fourteen years old and Fletcher who is twelve years old. These children were left by their mother at my home and your complainant continuously from the date of the separation has had charge and raised and ~~xx~~ cared for these children; and

(5) That your complainant has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in this State; and,

(6) That your complainant last cohabited with the said Sarah Jane Boone Darden at a house on the farm of W. J. Simons, in Nansemond County, Virginia:

In consideration whereof, and foras much as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Sarah Jane Boone Darden 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 proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed him; that the care and custody of the said children, Alice, ^{unice} ~~Esma~~, Elmer and Fletcher be awarded to your complainant; that it be decreed that the said children shall remain with your complainant; and that your complainant may have all such further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

James Darden P. q. Banner Darden Complainant

State of Virginia,

County of Isle of Wight, to-wit:

Banner Darden, 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 upon information, and that so far as they are therein stated to be upon information, he believes them to be true.

Banner Darden Complainant.

Taken, sworn to and subscribed before me, Parke P. Deams, a Commissioner in Chancery for the Circuit Court of said County and State of Virginia, in my County aforesaid, this 27 day of April, 1918.

Parke P. Deams
Commissioner in Chancery.

Banner Darden
v
Sarah Jane Boone Darden

Bill of Complaint

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

April

\$250