

1895. 06

Southampton County Chancery - Councils, Thomas vs Councils, Bettie Sue (Turner)

Divorce

Shands, Wm. R.
(G.A.L.)

In Chancery.

Council

vs. { Bill V. Wright.

Council.

W. J. SEBRELL
ATTORNEY-AT-LAW.
COURTLAND, VA.

Robert Wadley Co., Stationers and Printers, Richmond, Va.

To the Honorable R. R. Prentiss,
Judge of the Circuit Court of
Southampton County,

Humbly complaining sheweth
unto Your Honor your Complain-
ant, Thomas Council, That on or
about the 22nd day of February 1894
he was united in marriage with one
Bettie Sue Council, formerly Turner,
as will appear from a copy of the
marriage license herewith filed as
Exhibit "X", and prayed to be read
as a part of this bill; that from
the time of their said marriage until
on or about the 28th day of April 1894
your Complainant and the de-
fendant, the said Bettie Sue Council,
lived together as husband and wife,
and that, during all this period of
their association as such, your
Complainant was to said defendant
a faithful, kind and affectionate
husband, and provided for her as
best he could, according to his means
and ability; but that notwithstanding
all this, on or about the said 28th day
of April 1894, the said defendant,
without just cause or provocation,

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Judge of the Circuit Court of
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fendant, the said Bettie Sue Council,
lived together as husband and wife,
and that, during all this period of
their association as such, your
Complainant was to said defendant
a faithful, kind and affectionate
husband, and provided for her as
best he could, according to his means
and ability; but that notwithstanding
all this, on or about the said 28th day
of April 1894, the said defendant,
without just cause or provocation,

wilfully, and of her own accord,
abandoned and deserted your com-
plainant, and has never returned to,
nor lived with him from that time
to this, nor has your complainant,
since the time the said defendant
deserted and abandoned him as aforesaid,
in any manner whatsoever associated or co-habited with her, nor
has he even so much as conversed
with, or spoken to her; that since her
said desertion and abandonment of
your complainant, the said defendant,
as your complainant is informed,
and so avers and charges, has, a
portion of the time, led a lewd and
adulterous life, committing divers acts
of adultery, and is now, as your
complainant is further informed, and
so avers and charges, pregnant with
child by some person other than your
complainant, as your complainant
has not, since the said 28th day of
April 1894, as heretofore alleged,
associated or cohabited with her, nor
had with her any of the relations of
husband and wife. In tender con-
sideration whereof, and inasmuch as

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your Complainant is without remedy,
save in a Court of Equity, where
such matters are peculiarly and
properly cognizable, to the end, Therefore,
that justice may be done, and your
Complainant freed from bonds with
one so unworthy and untrue, Your
Complainant prays that the said
Bettie Sue Council be made a party
defendant to this bill and required
to answer the same; That a proper
guardian ad litem be assigned the
said defendant to protect her
interest in this suit; That your
Complainant be completely and entirely
divorced a vinculo matrimonii from
the said defendant, and that the said
marriage heretofore had and solemn-
ized between your Complainant and
the defendant be forever annulled and
dissolved, and for all such other,
further relief as the nature of the
case may require or to Equity shall
seem meet.

And your Complainant will ever pray.
W. J. DeBrill, p. q. 3

Thomas^{his} Council
Marth

13 - affidavit on next page -

State of Virginia,

County of Southampton, to-wit:

This day personally appeared before me,
the undersigned, a Commissioner in Chancery
for the Circuit Court of Southampton County, Va.,
Thomas Council, and made oath that the state-
ments in the foregoing bill are true to the best of
his knowledge and belief. Given under my hand
this day of September 1895.

T. F. McLenore
Comm. in Chancery.

Council

Bill Exhibit-

vs.

Council,

Council,

vs.

} Notice.

Council, by order and letter
etc.

Executed Sept. 20/75
by posting a copy of this
Notice to the front door of
the residence of the defend-
ant (Betty Ann Council)
She not being found at
her usual place of
abode

J. Williams

Shiff
A.D.

To *Bettie Sue Council*

You are hereby notified that on the *14* day of *September*, in the year 189*5*, at the office of *J L McLeamon* ~~B. F. McLEMORE~~, in the village of Courtland, Southampton county, Va., between the hours of *10* A. M. and *5* P. M. of that day, I shall proceed to take the depositions of *Edmund Beale and others*

----- and others, to be read as evidence in my behalf in a certain *Chancery Cause* depending in the *Circuit* Court for Southampton county, 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.

Your obedient servant,

Thomas Council,
By Council.

The depositions of Edmond Beale and others taken before me Jas.
L. McLemore, a Commissioner in Chancery, for the Circuit Court of
the County of Southampton, pursuant to notice heretofore filed, at
the office of said McLemore, in Courtland Va. on the 14th day of
Sept. 1895. between the hours of 10 a.m. and 5 p.m., to be
read in-as evidence in behalf of Thomas Council, in a certain
suit in equity depending in the Circuit Court of Southampton
wherein Bettie Sue Council is defendant and Thomas Council is
plaintiff.

Given under my hand the 14th. day of September 1895.

Present: Subrell H. J. } p. q.
Subrell J. H. J. }

Jas. L. McLemore
Commissioner in Chancery Cir-
cuit Court.

The witness Edmond Beale being duly sworn,
deposes as follows:

Q: What is your age, where do you reside and do you
know the parties to the suit?

A: I am 49 years - reside in Southampton County and
know the parties to the suit.

Q: Did you live near them when they were married,
in Feb. 1894 and have you lived near the plaintiff
since that time?

A: Yes, I lived near them when they were married -
and while they lived together as man and wife -
and have lived near plaintiff ever since his
wife left him - about one-fourth mile from him.

Q: Do you know whether or not the plaintiff's wife still
lives with him - or whether she has left him, since
their marriage?

A: She does not live with him - left him in April
after their marriage - I mean April 1894.

Q: Has she ever returned to or lived with him since
she left him or have they stayed together since

A: She has never returned to him - nor have they ^{ever} lived together since, they have not stayed together since.

Q: During the time they lived together, did you see much of them - and how did he treat her.

A: I saw them often, frequently visiting their house, and so far as I saw or heard, he treated her kindly and provided for her as best he could - he was a good husband.

Q: Then did she have any good or sufficient reason for deserting him?

A: She did not - so far as I know, and I was a near neighbor - living within 1/4 mile of them.

Q: From your knowledge where has she been living since she deserted the Plaintiff?

A: She has been living at different places - Franklin, Suffolk and other places - and has never been near him since.

And further this deponent saith not.

Edmond Beale

The witness Tybee Hunt, being duly sworn, deposes as follows:

Q: What is your age, where do you reside and do you know the parties to this suit?

A: My age is 35 years - reside in Southampton County and know the parties to the suit.

Q: Do you know when Plaintiff and Defendant were married - and if so - when?

A: They were married in February 1894.

Q: Do they still live together as man and wife?

A: They do not.

Q: When did they separate and which party abandoned

the other?

A: They separated in April 1894. She deserted him.

Q: Did you live near them while they lived together as man and wife, and if so, did you visit them and ~~the~~ much of them?

A: Yes, I lived near them, not more than one mile distant. I visited them and saw a good deal of them.

Q: How did he treat her and provide for her during that time?

A: He treated her kindly and provided for ~~her~~ well.

Q: Then did she have any good and sufficient reason for deserting him?

A: She did not.

Q: Since she left him has she ever returned to or lived with him as man and wife, or have they ever stayed together since?

A: She has not returned to him, and they have never stayed together since. She has never been near him since she ~~left~~ left him.

And further this deponent says etc not.

Lylee Hunt

The witness Leonard Fiero - being duly sworn, deposes as follows:

Q: What is your age - where do you reside - and do you know the parties to the suit?

A: My age is 39 years - reside in Southampton County and know the parties to the suit!

Q: Have you heard the evidence given by Edmond Beale and Lylee Hunt - in the foregoing depositions and if so, do you know whether the statements made by them are true, or not?

A: I have heard the evidence of both of them

and show the same to be true.

And further this defendant sayeth not.

Leonard ^{his} Firex
mark

The Witness Frank Waller, being duly sworn deposes as follows:

Q: What is your age, where do you reside - and do you know the parties to this suit?

A: My age is 36 years - reside in Southampton County and know the parties to the suit?

Q: Have you seen Bettie Connell, the defendant - during the present year - and if so, where and when?

A: I have seen her. in February 1895 I was living near Franklin. and she came to my house and stayed until about the 17th of March.

Q: Do you know whether or not she has cohabited with any one since she left her husband?

A: She has.

Q: Please state what you know in regard to the same?

A: Some time in March 1895, while she was living in my house and occupying an adjoining room to myself and wife. a man by the name of Reuben Ricks stayed with her all night. there was only one bed in the room. and they both stayed together in that room by themselves. all night.

Q: When did you last see her - and what is her present condition?

A: I saw her on Friday, the 6th day of September 1895. She is, I think, pregnant with child. She shows considerable and is over half gone I think.

And further this defendant sayeth not.

Frank ^{his} Waller
mark

The Witness Parthenia Walker, being duly sworn,
deposes as follows:

Q: What is your age - where do you live - and do you know
the parties to this suit?

A: I am about 23 years old - reside in Southampton County
and know the parties to the suit.

Q: What relationship, if any, do you bear to Frank Walker?

A: I am his wife.

Q: Were you married to and living with him during
last February and March

A: I was. We have been married and living together about
six years.

Q: Have you heard his statement made in the
forgoing deposition - in regard to Bettie Connors
cohabiting with Reuben Reeks - and if so - do you
know whether said statement is true or not?

A: I heard his statement, and ^{thought} the same to be true,
I saw them ⁱⁿ ~~at~~ ^{the} ~~place~~ ^{place} ~~where~~ ^{together} ~~they~~ ⁱⁿ ~~had~~ ^{been} ~~together~~ ^{together}.
And further this deponent sayeth not.

Parthenia ^W Walker
mark

The Witness, Thos: Turner, being duly sworn,
deposes as follows:

Q: What is your age, where do you live and do you
know the parties to the suit?

A: My age is 54 years - live in Southampton and know
the parties to the suit.

Q: When did you last see the defendant, Bettie
Connors: and what was her condition?

A: About the 15. of July 1895. She seemed to be pregnant
and showed some ~~them~~ - I got after her about it -
and she did not deny it.

And further this deponent sayeth not.

Thos. ^W Turner
mark

The wife of Polly Turner, wife of Thos. Turner, being duly sworn, deposes as follows:

I am 40 years old - reside in Southampton County, with my husband - and know the parties to the suit.

Q: When did you last see Bettie Council, the defendant: and what was her condition?

A: I saw her last, on the 15th of July 1895. the time stated by my husband - She was at our house - and what my husband said above as to her condition, is true. And further this deponent sayeth not.

Polly ^{her} Turner
mark

Virginia.

County of Southampton to: wit-

I Jas .L. McLemore a Comr. in Chancery of the Circuit for the County and State aforesaid, do hereby certify that the foregoing depositions of Edmond Beale and others were duly taken, sworn to, and subscribed before me, at the time and place, and for the purposes therein mentioned.

Given under my hand this 14th. day of Sept. 1895.

Jas. L. McLemore
Commissioner.

Comis fee. \$3⁵⁰ chg to Petff.

Council
vs.

} Answer of Guardian ad litem.

Council.

The answer of William Shaud
Guardian ad litem to the defendant, Bettie Sue
Council, to a bill in Equity exhibited a-
gainst the said Bettie Sue Council in the
Circuit Court of Southampton County by Thos. Council.

For answer to said bill the said Gdn.
ad litem answers and says that the said
defendant, Bettie Sue Council, is a married
woman, under the disability of coverture,
and as such she subinfeud her rights
to the protection of this Honorable Court.
And now having answered, ~~the~~ prays
hence to be dismissed, &c.

Wm Shaud

Va.,

Gdn. ad litem

Southampton County, to-wit:

This day personally appeared before
the undersigned, a Comm. in Ch. for the
Circuit Court of said County, Wm. Shaud,
Gdn. ad litem of Bettie Sue Council, and made
oath that the statements in the foregoing
answer are true to the best of his knowledge
and belief.

Given under my hand, Sept. 25th
1895.

Jas. L. Moore
Comm. in Ch.

Council }
vs. } degree.
Council &c. }

This day this cause came on to be heard upon the bill of complainant, exhibits therewith filed, ~~the~~ ~~and of the said~~, the depositions of witnesses, and was argued by counsel. On consideration whereof, the Court, being satisfied that the material allegations in plaintiff's bill are supported and sustained by the proof furnished in the depositions of witnesses filed among the papers in this cause, doth adjudge, order and decree that the marriage heretofore had and solemnized between the plaintiff, Thomas Council and the defendant, Bettie Sue Council, (formerly Bettie Sue Turner) shall be, and the ^{said} same is hereby dissolved; and that the ^{said} Thomas Council be, and he is hereby divorced a vinculo matrimonii from the said Bettie Sue Council, (formerly Bettie Sue ^{Turner} Council). And nothing further remaining necessary to be done in this cause it is ordered that the same be removed from the docket.

Council

vs. $\frac{1}{2}$ Deere.

Council vs.

Sept. Term 1895.

To be entered -

Robert R. Prentiss.

Sept. 25, 1895.

Entered

page 31

Leannice

VS } Statement of Costs
Leannice by re

Sum. 25- exp 2, 26- rect. 18- atty. 10- Book, 18-	.97
Rules \$1.00 return 35- filing 15- D. Ex. 15-	1.65
1 ip- answer. 15- fil. Dyes. 15- Deora 72. Late Cost 40-	1.42
50- 18- 25- 25-	1.18

Paid L.A. Gay ✓	Deartc.	\$5.22
pd JMR ✓	Shff.	1.00
	Lawre.	16.50

\$22.72

Paid - B.F.M. ✓ Com's fee - 3.50

\$9.72 paid to B.F.M.

\$26.22

over 30/95 - all cost except legal fees

For Wm
Council.

VS } Sum. In chg.

Council by r. a.

1895. 1. Sept. Rules.

Leis. let.

~~Exp. dated Sept. 2nd~~
1895 by posting a
copy of this notice to
the front door of the
residence of the within
named party dependent
(Within the Council) the
not being found at
her usual place of
abode ^{it being} by delivering a copy ~~to~~
thence to ^{Wm. Williams} ~~the~~ ^{Shiff.}

(2)

H. J. Sobres. p. q.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *Bettie Sue Gommie by Mrs. Shands*

Edw. as litum

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *first* Monday in *Sept., 1895* next, to answer a Bill in Chancery exhibited against *her* in our said Court by *Thomas Gommie*

And this *her* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, *L. A. Gay* ~~T. M. HOWARD~~, Clerk of our said Court, at the Courthouse, this *27th* day of

Aug. first, 189*5*, in the *12th* year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

Thomas Counsel

Plaintiff

vs. } In Chancery

Bill in Case brought by Wm Shands & Son as claim Defendants

1895. 27th Aug. Process Iss. to 1st Sept. Rules.

1895. 1st Sept. Rules. Process returned & executed. Bill &

Exhibits filed. Deam Nisi vs Defendants

1895. 2nd Sept. Rules. Bill taken for confessed and

Cause set for hearing.

Virginia, Southampton leaving 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,

Thomas Council

and Bettie Turner

Given under my hand, as Clerk of the County Court
of Southampton County, this 19th day of Feby. 1885

B. A. M^c Lemore Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 13th March, 1861, and February 27th, 1866.

Time of Marriage, Feb 22, 1894

Place of Husband's Birth, Southampton Co.

Place of Marriage, *Southampton*

Place of Wife's Birth, ...

Full Names of Parties Married, *Thos L Council*

Place of Husband's Residence, ...

Bettie Turner

Place of Wife's Residence, ... " "

Color. Col.

Names of Husband's Parents, Taylor & Edney Co

Age of Husband. 40 years

[illegible]

Age of Wife. 23

Names of Wife's Parents, ...

Condition of Husband. (widowed or single) *Widowed*

.....

Condition of Wife. (widowed or single)

Occupation of Husband, Farmer

Given under my hand this 19th day of February 1884

B. A. M^{rs} Lennor Clerk

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 22 day of Feb: 1894,

at Handsons Va. I united in Marriage the

above-named and described parties, under authority of the annexed License

A. Pindus

 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

Juste. B. F. McLenore 16
 By A. B. Thymhart, Jr. 26