

1904-13 Southampton County Chancery Mason, Annie Elizabeth to Mason, John

“Klirarce”

Mason, Annie E.

- W. 3/4 Bill in Chancery.

Mason, John

1903. 1st Dec. Rules filed

L. A. May 4, 6.

JOHN C. PARKER.

E. FRANK STORY.

Parker & Story

Attorneys and Counselors at Law
Franklin and Courtland, Virginia

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIR-
CUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Humbly complaining, your oratrix, Annie Lizzie Mason,
sometimes called Annie Elizabeth Mason, nee Charity, wife of
John Mason, a Resident of Southampton County, Virginia.
showeth unto the court that she is now nearly thirty-
one years of age: that at the age of twenty-five that she was
married to the said John Mason in the County of Southampton,
Virginia, on the 15th. day of June 1898, as will appear from a
copy of the marriage license herewith filed, with the minister's
return thereto annexed, marked "Exhibit A" and prayed to be
read as a part of this bill.

Your oratrix charges and avers that for about the peri-
od of two years after her marriage with the said John Mason they
lived together happily and comfortably, and that she was to him
a good true and faithful wife, but in the latter part of the
Spring of 1900, the said John Mason, her husband and the defen-
dant in this proceeding, seemed to tire of her, and made himself
exceedingly disagreeable, threatening to chastise her over the
most trivial matters without any provocation on her part, until
finally in the early fall of the said year, to-wit:- September
7th. 1900, the defendant, John Mason, wilfully abandoned and de-
serted her, which said abandonment and desertion has continued
ever since, for a period of more than three years, and during
that time she has not lived or co-habited with the said defen-
dant John Mason: that such abandonment and desertion was not
caused from any failure on the part of your oratrix to fulfill
all of her marital obligations, but was willful and deliberate
on the part of her said husband, John Mason, and has been a
source of great trouble and worry to her: that having thus will-
fully and deliberately deserted your oratrix and from no cause
chargeable to her, and the said abandonment and desertion hav-

ing continued for a greater period than three years, and the defendant never having returned within that time, lived with or co-habited with your oratrix, Annie L. Mason, she is advised that she is entitled to a divorce a vinculo matrimonii from him.

In tender consideration whereof, and inasmuch as your oratrix is without remedy save in a court of equity, where such matters are alone and properly cognizable, she prays that the said John Mason may be made a party defendant to this bill and required to answer same, though answer under oath is hereby expressly waived; that the marriage heretofore had and solemnized between your oratrix and the said defendant may be dissolved and annulled, and your oratrix entirely divorced a vinculo matrimonii from the said defendant, and that the Court will grant all such other, further, general and special relief as the nature of the case may require or to equity shall seem meet.

And your oratrix will ever pray &c.

Annie L. Mason,

By *[Signature]* her Attorneys.

[Signature], P. q.

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MARRIAGE LICENSE

Virginia, Southampton Co. 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,

John Mason
and Annie Eliza Charity

Given under my hand, as Clerk of the County Court of Southampton this 11th day of June 1898

B. F. McLennan 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 8, 1900.

Time of Marriage, 15 th of June 1898	Place of Husband's Birth, Southampton Co.
Place of Marriage, Southampton Co.	Place of Wife's Birth, " "
Full Names of Parties Married, John Mason and Annie Eliza Charity	Place of Husband's Residence, " "
Color, Col'd	Place of Wife's Residence, " "
Age of Husband, 26 years	Names of Husband's Parents, Manser and Sarah Mason
Age of Wife, 25 "	Names of Wife's Parents, Henry and Francis Charity
Condition of Husband (widowed or single or divorced) Single	Occupation of Husband, Laborer
Condition of Wife (widowed or single or divorced) "	

Given under my hand this 11th day of June 1898
B. F. McLennan Clerk.

Certificate of Time and Place of Marriage.

I, _____, a _____ of the _____ Church, or religious order of that name, do certify that on the 15th day of June 1898, at her father's residence, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this _____ day of _____ 19____.

W. G. Woodruff.

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.

The Depositions of Albert Sugars and others taken before me, Joseph B. Prince a Commissioner in Chancery of the Circuit Court for the County of Southampton, State of Virginia, on the 18th day of March, 1904, between the hours of 10 A. M. and 6 P. M., to be read as evidence on behalf of Anna L. Mason, in a certain suit in equity depending in the Circuit Court of Southampton County, Virginia, wherein John Mason is defendant and Anna L. Mason in Plaintiff.

Present:- E. Frank Story, for the plaintiff:

Witness, Albert Shugars, after being duly sworn deposes as follows:

Q. What is your name, age, residence, occupation and do you know the parties to this suit ?

A. Albert Shugars, 32 of age, reside in Southampton County, Virginia, work at Saw Mill, and I know the parties to the suit.

Q. Do you know when John Mason and Anna Mason were married, and if so when ?

A. Yes, they were married in the summer of 1898, in Southampton County.

Q. Do you whether they are now living together as man and wife?

A. They are not.

Q. Do you know how long after their marriage they lived together as man and wife ?

A. About two years, probably a little longer.

Q. Did either desert the other, and if so which and when ?

A. John Mason deserted Anna Mason about two years after they were married. I think it was in September 1900.

Q. So far as you know was the desertion of Anna Mason by John Mason wilful and deliberate on his part ?

A. Yes, so far as I know.

Q. Have they been separated ever since ?

A. Yes sir, they have been separated ever since.

Q. Do you know of any effort on the part of John Mason to again live ~~and cohabit~~ with Anna Mason, i.e. since the time he first left her.?

A. No sir, he has not tried to live with her since he went away from her.

Q. Has John Mason at any time within the last three years, next before December 1st, 1903, or for some time before then, made any effort to live with his wife, Anna Mason?

A. No sir, he has not.

Q. Was there any children born to them?

A. They had no children.

Q. Has John Mason, at any time, that you know of, in any way provided provision, clothing, or any thing else in the way of support for his wife since he deserted her in September 1900?

A. No sir, he has not.

Q. Do you live near the plaintiff, Anna L. Mason, and have you seen her constantly since she was married?

A. Yes, I have lived near her and have seen her almost daily since that time.

And further this deponent saith not.

Alfred Shugars

Witness, B. E. Felts, being duly sworn, deposes and says:

Q. What is your, name, age, residence, occupation and do you know the parties to this suit ?

A. B. E. Felts, 33 years old, reside in Southampton County, Virginia, farmer and Deputy Sheriff: I know the parties to the suit.

Q. Do you know when John and Anna/Mason were married ?

A. In the summer of 1898.

Q. Are they now living together as man and wife?

A. No sir, they are not.

Q. Do you know how long after their marriage they lived together as man and wife ?

A. About two years.

Q. Did you live near them during that time and did you often see them ?

A. They lived about two miles from me and I saw them quite frequently.

Q. So far as you know did Anna/Mason make John Mason a good and faithful wife ?

A. Yes, in my opinion she made him a good and faithful wife.

Q. You above stated that they lived together about two years: did they then separate, and if so which ¹deserted the other ?

A. John Mason deserted his wife.

Q. Was this desertion on his part wilful and deliberate ?

A. Yes, I would certainly think so.

Q. Have they been separated ever since ?

A. Yes.

Q. Do you know of any effort on the part of John Mason to again live and co-habit with Anna/Mason, that is since he deserted her?

A. No he has never been back since he left.

Q. Have you lived near the plaintiff since her husband deserted her ?

A. Yes sir, about the same distance as before.

Q. Has John Mason, that you know of, ever contributed to the support of his wife since he deserted her ?

A. He has not that I know of.

And further this deponent saith not.

B. E. L. H. :

Witness, William Frances, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and do you know the parties to this suit:

A. Wm. Frances, 25 years old, reside in Southampton County, Virginia, farmer, and know the parties to the suit.

Q. Do you know when John Mason and Annie Mason were married, and if so when and where ?

A. Yes sir, they were married the 15th, of June 1898, in Southampton County.

Q. Are they living together now as man and wife ?

A. No sir, they are not.

Q. How long did they live together as man and wife ?

A. About two years: he left her in September 1900.

Q. You say John Mason left his wife in September 1900: do you mean to say he wilfully and deliberately deserted her ?

A. Yes sir, that is what I mean to say.

Q. How near did you live to these parties during the time they lived together ?

A. I lived four or five miles and used to see them about once a week.

Q. So far as you know did Annie Mason make John Mason a good and faithful wife ?

A. Yes sir, she seemed to make him a good and faithful wife.

Q. Has John Mason, that you know of, ever tried to return and live and co-habit with his wife since he deserted ?

A. No sir, not that I know of.

And further this deponent saith not.

William Francis

Witness, Annie L. Mason, being duly sworn, deposes and says:

Q. What is your age, residence, occupation and do you know the parties to this suit ?

A. 31 years old, live in Southampton County, Virginia, cook, and know the parties to the suit: I am the plaintiff in the suit.

Q. Please state when you and John Mason were married:

A. We were married June 15th, 1898.

Q. How long did you and your husband live together ?

A. We lived together until September 7th, 1900.

Q. Did he leave you or did you leave him ?

A. He left me.

Q. Did you do all in your power to make him a good and faithful wife ?

A. Yes sir.

Q. Do you know what made him leave you ?

A. He run off with another woman.

Q. Has he ever tried to return to live and co-habit with you since he deserted you ?

A. No sir, he has not.

Q. Has he ever sent you any money, clothes, food or any thing in the way of support since he went away ?

A. No sir.

And further this deponent saith not.

Annie Mason

STATE OF VIRGINIA, {
Southampton County, { to-wit:

I, Joseph B. Prince, a commissioner in chancery for the Circuit Court of Southampton County, Virginia, do hereby certify that the foregoing depositions of Albert Shugars, B. E. Felts, William Frances and Annie Mason were duly taken, sworn to and subscribed before me, at the time and place, and for the purpose stated in the caption hereto annexed.

Given under my hand this 18th. day of March 1904.

Joseph B. Prince
COMMISSIONER IN CHANCERY.

Cause by \$5.00
Paid by E. A. S.
JBP

Mason Annie L.

vs.

}

ORDER OF
PUBLICATION.

Mason John

Parker & Stone 531

In the Clerk's Office of the Superior Court of the County of
Sussex on the 11th day of November 1903 189

Annie L. Mason

Plaintiff

against

John Mason

Defendant

The object of this suit is to

obtain a divorce a vinculo matrimonii

And an affidavit having been made and filed that the defendant John Mason is
not ^aresident of the State of Virginia, it is ordered that he do appear here within 15 days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the "Geographical"
and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Parker Stacey

P. Q.

L. A. Gay

Clerk.

Annie L. Mason

vs.

}

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

John Mason

1903. 11th, Nov. Filed

Parker & Story p. q.

In the Clerk's Office of the Superior Court of the County of
Southampton

Annie L. Mason

Plaintiff

against

John Mason

Defendant

This day E. Frank Story personally appeared
before me L. A. Gay Clerk of the said Court,
and being duly sworn, made oath that John Mason

The
defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 11th day of November 1903.

L. A. Gay

Alston
- 12-3-1903
Alston

I hereby certify that the above "Order of Publication" was published in
The Graphic, for four successive weeks, beginning November 15th, 1903,
and ending December 4th, 1903.
.....Editor The Graphic.

THE J. P. HOLLAND PUBLISHING COMPANY.

—INCORPORATED—

..Publishers of THE GRAPHIC..

PRINTERS, ENGRAVERS AND BINDERS.

..BOOK WORK A SPECIALTY..

In the Clerk's Office of the Circuit Court of the County of Southamp-
ton, on the 11th day of November,
1913.

ANNIE L MASON, Plaintiff,
against
JOHN MASON, Defendant.

The object of this suit is to obtain a divorce a vinculo matrimonii and an affidavit having been made and filed that the defendant John Mason is not a resident of the State of Virginia, it is ordered that he appear here within 15 days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in The Graphic, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the County Court.

A copy—Teste:

PARKER & STORY p q. L A GAY, Clerk

FRANKLIN, VA.,

I hereby certify that the above "Order of Publication" was published in
The Graphic, for four successive weeks, beginning November 13th. 1903.,
and ending December 4th. 1903.

1903.
J. P. Holland.....Editor The Graphic.

Mason Annie L.

vs { Statement of Rules

Mason John

Bill not in file



Annie L. Mason Plaintiff

vs. } In Chancery

John Mason Defendant

1903. 11th November. Process issued to 1st December Rules.

Affidavit as to non-residence filed. Order of Publication issued.

1903. 1st December Rules. Bill and Exhibits filed.

Declar nisi

1903. 2nd December Rules. Order of Publication completed

Bill taken for confessed

and cause set for hearing

Mason

✓

vs { Friedman L A Gay
to Gary 23 1904
Mason

Annie L. Mason

vs. } Clerk's fees due L.A. Gay to June 21st 1904
John Mason

Sum. 25. Atty. 10. Doct. 18. R. 100 = 1.53

or. Tur. 35. fil. bill 15. Dr. Ex. 15. Dep. Ex. 50 = 1.15

affidavit as to non-residence 15. fil. same 15 = 30

Cop. Or. Pub. for printer 20. Dr. to post 20 = 40

fil. or. Pub. 20. Dr. printers certificate 15 = 35

Law costs or. 40 = 40

\$4.13

Gary	\$ 4.13
B 7th	1.37
J B Perico, Loring Sep:	5.60
Lawte	16.50

The Commonwealth vs. Annie L. Mason

TO THE JUDGE OF THE SUPERIOR COURT OF THE COUNTY OF GREATER

It is { Exa: In chye. We command that you return to the

Mason John

1903. 1st Dec. Rules

Isis. 67.

to appear at the Clerk's Office of our Circuit Court of Southern District of New York at the City of New York on the 1st day of January, 1904, to be held for the said Court on the 1st day of January, 1904, to answer a bill in Chancery exhibited against the said John Mason and to

And this is to be done in no wise other than under penalty of law. And have then there

Witness my hand and the Seal of our said Court at the City of New York this 1st day of December, 1903, in the 10th year of the Commonwealth of New York.

Parker D. Story J. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon.....*John Mason*.....

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... 15th... Monday in Dec... 1792... next, to
answer a Bill in Chancery exhibited against... *Thom*... in our said Court by.....

Annex to Mason

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 11th day of November, 1922, in the 28th year of the Commonwealth.

Teste : L. A. Gar C. C.

1904
Hason, Ann R.
-12-3 Hason
Hason, John

Entered this March 22, 1904.
Robert R. Hentel

Entered
C. O. B. p 60.

JOHN C. PARKER.

E. FRANK STORY.

Parker & Story
Attorneys and Counselors at Law
Franklin and Courtland, Virginia

Mason, Annie L., *
 *
 vs. *
 *
Mason, John: *
 *

This day this cause came on to be heard on the bill of the complainant, and the exhibits therewith filed, and the depositions of witnesses; the defendant who was regularly *in the mode prescribed by law as to absent defendants, and he* proceeded against, still failing to appear and plead, answer or demur, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that the marriage heretofore had and solemnized between Annie L. Mason and John Mason, be, and the same is hereby dissolved; and that the said Annie L. Mason be forever divorced a vinculo matrimonii from the said John Mason.

And it appearing to the court that nothing further remains to be done in this cause, it is ordered that it be removed from the docket.