

1909-59

Santhampton County - Chancery Jayner, Mamie Pope vs Jayner, Charley

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Joyned
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Joyned

1st May Rule 1909
Filed

Horne any.

IN THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON, VIRGINIA.

To Hon. J. L. McLeMore, judge of the circuit court of the county of Southampton:

Your orator, Mamie Pope Joyner, humbly complaining, would respectfully show unto your honor that:

1st. She resides in the county of Southampton, Virginia, and has been domiciled in this state more than one year next preceding the institution of this suit. *The defendant also resides in Southampton County*

2d. On the 13th day of Sept, 1905, in the county of Southampton, Virginia, your oratrix was married to one Charley Joyner, with whom she has lived and cohabited together as husband and wife in Southampton county, until January 1906, when they separated and have not since lived or cohabited together.

3d. During their said marriage no childred were born to this union.

4th. During their said marriage, to wit, in January 1906, in said county where they last cohabited, your oratrix's said husband, Charley Joyner, disregarding his marriage vow, did abandon and desert her, and broke off the matrimonial cohabitation, and at the time of the institution of this suit has abandoned and deserted her for a period exceeding three years and during this time has, without justification or excuse, ~~has~~ voluntarilly refused to renew the matrimonial cohabitation and provide the physicial nesessities for your oratrix.

Wherefore, inasmuch as your oratrix is remediless, save in a court of equity where matters of this sort are properly cognizable, she prays that Charley Joyner be made a defendant to this bill, and be required to answer the same, but an answer under oath is waived; that, upon the hearing, your honor will grant unto your oratrix a divorce a vinculo matrimonii from the said Charley Joyner; and for such other, further, and general

relief as in equity is meet and proper.

Maurice Pope Jagne
by Layla Bomer P.Q.

Magistrate Pope Joyner

VS Statement of Rules

Charley Joyner

~~Merris~~ Pope Joyner, Plaintiff

Against:

Statement of Rules

Charley Joyner,

Defendant,

1909- April 30th:

Process issued to 1st ~~May~~ Rules

1909- 1st ~~May~~ Rules: Process returned executed.

Bill Filed:

Decree Nisi:

1909- 2nd May Rules:

Bill taken for confessed and cause
set for hearing.

Mamie Pope Joyner
vs
Charlie Joyner

Depositions of Mamie Pope Joyner, John Pope, Simon Stephens and Ben Pope, witnesses, taken before me, William Shands, a Commissioner in Chancery for the circuit court of Southampton County, Virginia, on the 13th day of May, in pursuance of the annexed notice, at Boykins, in the County of Southampton and State of Virginia, between the hours of eleven A. M. and three P. M., to be read in evidence in a suit in which Mamie Pope Joyner, plaintiff, and Charlie Joyner, defendant, pending in the circuit court for the County of Southampton, in the State of Virginia.

Examination of witnesses: Present, Guy T. Horner, counsel for plaintiff; no counsel for defendant. *Simon Stephens* being first duly sworn, deposeth and sayeth in answer to interrogatories as follows:

Q. 1. State your age, residence, occupation, name and do you know the parties to this suit?

A. 1. Name Simon Stephens and 46 years old, live about six miles from Boykins, Southampton County, Virginia, in about a quarter of a mile of the parties to this suit and know them very well, am a farmer.

Q. 2. How long have you known the parties to this suit?

A. 2. About six years.

Q. 3. Do you know when the parties were married and where, and where did they live during their married life?

A. 3. They were married sometime in September 1905, in the County of Southampton, Virginia and lived together as man and wife on the land of Mr. Johnie Powell, right near me till the ~~middle~~ *early* part of January 1906. When Charlie Joyner left and deserted his wife, the said Mamie Pope Joyner and has never lived with her since.

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Q. 4. What was the name of the plaintiff before she married the ~~plaintiff~~ ^{defendant}, Joyner, and where did the marriage take place?

A. 4. Mamie Pope, married in Southampton County, and daughter of Caroline and John Pope.

Q. 5. While they lived together did the said Mamie Pope Joyner make him a good and dutiful wife?

A. 5. She did, so far as I know, and living near them as I did I saw them mighty nigh every day.

Q. 6. Seeing them thus very often, state how he treated her.

A. 6. He treated her very badly, on one Sunday morning, not long before he left her I was over at their house and he was abusing and cussing her pretty rank. And then said that he was going to leave her and take his things away from there and wanted me to take care of them, and that he was going away and leave her for good and never expected to live with her again.

Q. 7. Did he leave her, and if so, has he ever come back to live with her.

A. 7. He did leave her and he has never lived with her since, so far as I know, and has never contributed to her support or aid since he left her.

Q. 8. Then do you mean to say that while he did live with her he was cruel and unkind?

A. 8. He Sho' was, acussin and abusing her.

And further ^{this} depo/nent sayeth not

Signed

John Pope ^{this} *Stephens*
Wm

Witness, John Pope, being first duly sworn, deposeth and sayeth in answer to interrogatories as follows:

Q. 1. What is your name, age, business, place of residence, and do you know the parties to this suit?

A. 1. My name is John Pope, thirty-one years old, am a farm hand, and live in this county, about six miles from Boykins:

Am well acquainted with the parties to this suit, and while they were living together, we lived on the same plantation.

Q. 2. How long have you known the parties to this suit?

A. 2. I have been knowing the plaintiff all my life and the defendant about six years.

Q. 3. When and where were they married, and where did they live during their married life?

A. 3. They were married September 14th, 1905, at Shilo Church, about two miles from Boykins, in Southampton County. They lived on Mr. Johnnie Powell's land, a few hundred yards from me until January 18, 1906, when he moved his furniture out of his house and went off and left his wife and has never come back to her or lived with her since.

Q. 4. What was the plaintiff's name Before her marriage and who were her father and mother?

A. 4. Her name was Mamie Pope and her father was John Pope and her mother was Caroline Pope.

Q. 5. Was the plaintiff a good and obedient wife while she lived with her husband, the defendant?

A. 5. She was. I lived right close to them and she was always good and tried to please him and I think she did every thing she could to make him happy, but he was rough and quarrelsome and hard to get on with.

Q. 6. While they were living together did you ever illtreat or abuse her?

A. 6. I was over there several times and several times in my presence he cussed and abused her and one time pushed her out of the house.

Q. 7. Did you ever hear him speak of leaving her?

A. 7. I heard him say a couple of times that he was tired of living with her and was going to leave her.

Q. 8. Did he leave her, if so, when and did he ever come back to her?

A. 8. He left her on or about the 18th of January 1906; I know the parties well and he has not lived with her since, nor has he offered to live with her since, altho the plaintiff was willing to make him a faithful wife if he would have come back to her.

Can further this deponent sayeth not.

Signed

John Pope

Witness, Ben Pope, being first duly sworn, deposeth and sayeth in answer to interrogatories as follows:

Q. 1. What is your name, age, business, place of residence and do you know Mamie Pope Joyner and Charlie Joyner, parties to this suit?

A. 1. MY name is Ben Pope, am twenty-three years of age and live in Southampton County, I work for wages and I know the parties to this suit.

Q. 2. I have known Mamie Pope Joyner all my life and Charlie Joyner about six years; I knew him before they were married.

Q. 2. When and where were they married, by whom and where did they live after marriage?

A. 2. They were married September 14, 1905, at Shilo Church, near Boykins, Southampton County, Virginia, by Brother Mason, pastor of that church. They lived on Mr. Johnnie Powell's land and I was working around there while they lived there.

Q. 3. What was the plaintiff's maiden name, where did she live before she was married and who were her parents?

A. 3. Before she was married her name was Mamie Pope, she lived in this county, and her mother's name was Caroline Pope and her father was John Pope.

Q. 4. Did she make the defendant a good wife and was she loving?

and obedient?

A. 4. I think she made him a first class wife, and appeared to be always loving and obedient, and seemed to try to please him.

Q. 5. Did you see them very often in their home, if so, state how the defendant treated the plaintiff?

A. 5. While they were living at Mr. Powell's together I worked for Mr. Powell some and often saw them in their home, several times he abused her and threatened to move out the furniture and leave her. He seemed to be cross and in a bad humor, and several times in my presence, cussed and abused her. I was surprised that she lived with him as long as she did, treating her as he did, but she seemed to want to get along with him.

Q. 6. Did he leave her, if so, when, and did he ever come back to her?

A. 6. He moved out his furniture January 18, 1906, and went away and left her, and has not been back to her since, nor has he lived with her since leaving her. I have seen the parties every few weeks since he left her and I know that they have not lived together since he left her, over three years ago.

Q. 7. Do you mean to say that while they lived together he was very unkind and even brutal to her?

A. 7. Yes, sir, I certainly do.

And further this opponent sayeth not.

Signed

Wm. Powell + *Wm. Powell*
Wm. Powell

State of Virginia)

County of Southampton)

I, William Shands, a commissioner for the County of Southampton, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the place and the to

the
times herein stated and mentioned, pursuant to the annexed
notice.

Given under my hand this the 13th. day of May 1909.

Wm. Okanda

Clerk in chancery

Clerk Fee \$5.00

Witness Fee

Simon Stephens .50

John Pope .50

Ben Pope .50

Virginia: in the Circuit
Court of Southampton Co.

NOTICE TO TAKE DEPOSITIONS

CHANCERY CAUSE

Joyner
vs
Joyner

The within notice was duly
executed by this 27th day
of May, 1909, by leaving a
copy thereof with the defendant

Charley Joyner in person, in

Southampton Co. Va.

By J. L. Turner
Deputy

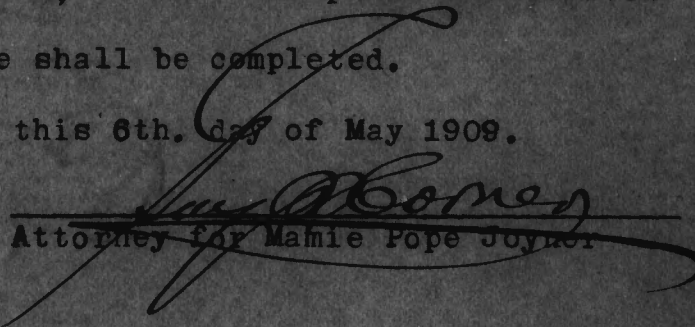
Guy T. Horner
Attorney at Law

NOTICE TO TAKE DEPOSITIONS

To Charley Joyner.

TAKE NOTICE that I shall, on the 13th. day of May, 1909, at the office of Guy T. Horner, Boykins, Southampton County, Virginia, between the hours of eleven o'clock A.M. and three o'clock P.M., on that day, proceed to take the depositions of Mamie Pope Joyner, and others, to be read in evidence in her behalf, in a certain chancery suit depending in the circuit court of the county of Southampton, wherein you are defendant, and if for any cause the taking of the said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Given under my hand this 6th. day of May 1909.


Attorney for Mamie Pope Joyner

Joyner: Mamie Pope
Joyner: Spacie Chey
Joyner: Harley

1909. 1st May Rules

Extracted By Deline
copy of the written to
Harley ^{in Southwark} ~~in Southwark~~ ^{in Southwark} ~~in Southwark~~
on May 3 1909 B. E. Leth

Deputy for 1 Year
B. E. Leth

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon

Charlie Joyner

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 ~~1st~~ Monday in *May 1909* to answer
a Bill in Chancery exhibited against *him* in our said Court by

Mamie Pope Joyner

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse this *30*th
day of *April*, 1909, in the *133* year of the Commonwealth.

Teste:

B. F. McLemore

C. C.

By B. F. McLemore

DC

-1909-

✓ Mamie Pope Jayner
vs. } Decree
Charley Jayner

Enter May 2d. 1909.

Miss S. M. Moore,

Entered C.O.B. Page #31-

Mamie Pope Joyner

vs

Decree

Charley Joyner

This day this cause came on to heard upon the bill of the complaintant and exhibits therewith filed, and the depositions of the witnesses, ^{taken after reasonable and notice to defendant of the time and place of} the defendant upon whom the process has been

duly served, still failing to appear, and plead, answer ~~and~~ demur to the said bill and was argued by counsel.

it appearing that both parties are and have for the past twelve months resided in this county, and that defendant voluntarily abandoned the complainant more than three years before the institution of this suit.

ON CONSIDERATION whereof the court doth adjudge ~~the~~ order and

decree that the marriage heretofore had and solemnized between the plaintiff, Mamie Pope Joyner, and the defendant Charley Joyner, be and the same is hereby dissolved and annuled, and that the said Mamie Pope Joyner be forever divorced a vinculo matrimonii from the said Charley Joyner.

AND IT APPEARING that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

taking same.