

1910-12

Southampton County Chancery.

Joyner, T. H. vs

Joyner, May

Divorce

VIRGINIA: IN THE CIRCUIT COURT
OF THE COUNTY OF SOUTHAMPTON

J. H. JOYNER

VS --- DIVORCE.

MAY JOYNER

*1910 Jan 4th Filed
H.D. 11*

Guy T. Horner
Attorney

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF

SOUTHAMPTON

CHANCERY CAUSE

J. H. JOYNER

vs.

Divorce.

MAY JOYNER

To Hon. James L. McLeMore, Judge of the Circuit Court of the County of Southampton:

Your orator, J. H. Joyner, humbly complaining, would respectfully show unto your Honor that:

1st. He 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.

2nd. One the first Sunday in April, 1905, in the County of Southampton, Virginia, your orator was married to one May Joyner, with whom he has lived and cohabited together as man and wife in Southampton County, Virginia, until the first week in June, 1905, when they separated and have since not lived or cohabited together.

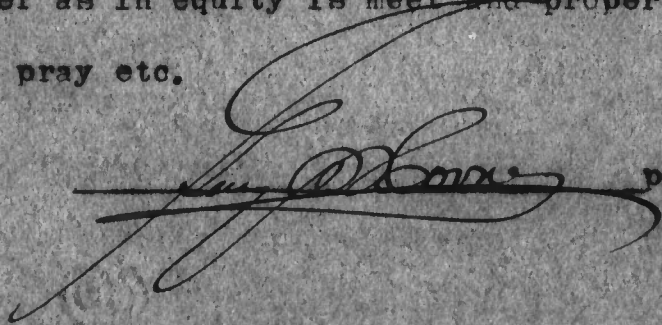
3rd. During their said marriage no child was born to this unfortunate and unhappy union.

4th. During their said marriage, to-wit: in June 1905, in the said County of Southampton, where they last cohabited, your orators said wife, May Joyner, disregarding her marriage vow, did abandon and desert him, and broke off the matrimonial cohabitation, and at the time of the institution of this suit has abandoned and deserted him for a period exceeding three years, and during this time has, without justification

ALLEGATION: IN THE CIRCUIT COURT OF THE COUNTY OF

or excuse, voluntarily refused, and does now refuse to renew the matrimonial cohabitation.

WHEREFORE, inasmuch as your orator is remediless, save in a court of equity where matters of this sort and character are properly cognizable, he prays that May 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 orator a divorce a vinculo matrimonii from the said May Joyner; and for such other, further, and general relief as in equity is meet and proper. And your orator will ever pray etc.

 p q

Notice to take
depositions

Joyner
vs - Divorce

Joyner

Without prejudice to any of
my rights, I hereby waive
legal service of the within
notice to take depositions
and acknowledge the same
to be being regularly and
legally served on me
Given under my hand
this 10th day of Jan.
1910.

Mary Joyner

Hickman

Mollie Hicks

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF

SOUTHAMPTON

--CHANCERY CAUSE- JANUARY TERM

J. H. JOYNER

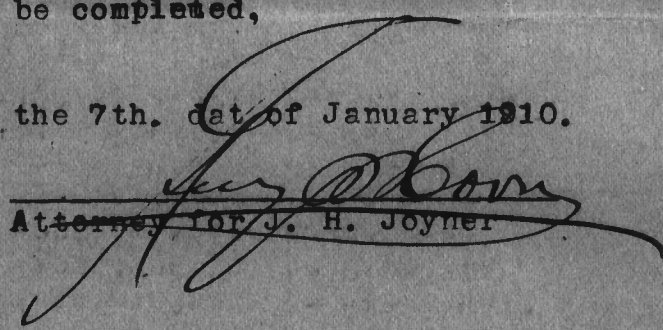
VS----- Notice to take depositions.

MAY JOYNER

To May Joyner:

PLEASE TAKE NOTICE that I shall, on the 12th. day of January, 1910, at the office of my Attorney, in Boykins, Southampton Virginia, between the hours of eleven o'clock A. M., and four o'clock P. M., on that day, proceed to take the depositions of J. H. Joyner and others, to be read in evidence in his behalf, in a certain Chancery Cause depending in the Circuit Court of the County of Southampton, wherein you are defendant, and if for any reason or cause the taking of said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be 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 the 7th. day of January 1910.


Attorney for J. H. Joyner

Joyner vs Joyner

Depositions

Divorce

1909 - Jan'y 13th filed

J. H. Joyner vs ----- Divorce?
while living together as man and wife.

May Joyner State if you know how he treated her while they were living together as man and wife?

Depositions of B. E. Felts, Jno. D. Hart, W. T. Daughtry and T. P. Weston, and *Frank* witnesses, taken before William Shands, a Commissioner in Chancery for the Circuit Court of the County of Southampton, Virginia, on the 12th day of January, 1910, in pursuance of the annexed notice, at Boykins, in the County of Southampton, Virginia, between the hours of eleven o'clock A. M. and four o'clock P. M., to be read in evidence in a suit in which J. H. Joyner, plaintiff, and May Joyner, defendant pending in the Circuit Court of the County of Southampton, Virginia.

In answer to interrogatories as follows:-----

EXAMINATION OF WITNESSES: Present, Guy T. Horner, counsel for plaintiff: No counsel for defendant. B. E. Felts, being first duly sworn, deposes and says in answer to interrogatories as follows:

Q 1 What is your age, occupation, place of residence and are you acquainted with the parties to this suit?

A 1 I am thirty nine years of age; Constable of Boykins district and am well acquainted with the parties to this suit. I am resident of Boykins District, Southampton Co., Va.

Q 2 Do you know when the parties to this suit were married? how long they lived together and do they live together now?

A 2 They were married about the first week of April 1905 and lived with him about five weeks and then left her husband and she has not lived with him since. The marriage took place in Southampton County Virginia, where both resided ~~at~~ at treated her good and looked out for her as best he could.

1. H. 100001

the time of marriage and during the period of cohabitation while living together as man and wife.

Q 3 State if you know how he treated her while they were living together as man and wife?

A 3 He was kind of considerate of her and made her a good husband.

He is a hard working and industrious man and provided well for her.

Q 4 State if you know why she deserted and abandoned him?

A 4 Judging from her action she preferred other men to her husband, paying no attentions to home duties and finally she abandoned her husband and her home.

Further this deponent sayeth not.

Frank Vick, being first duly sworn, deposes and sayeth in answer to interrogatories as follows:

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

A 1 I am fifty two, a farmer, live in Southampton County

Q 1 What is your age, occupation, place of residence and are you acquainted with the parties to this suit?

A 1 I am forty years of age, live in Boykins, Va, am in the livery and horse exchange business and have known the parties to this suit intimately for a number of years.

Q 2 When and where were they married, how long did they live together after marriage?

A 2 They were married some time in April 1905, near Boykins.

Southampton County, Virginia, and lived together about five or six weeks, when ^{she} with her own will and accord deserted and abandoned him. They have not since lived together.

Q 3 State if you know how he treated her and provided for her during the time they lived together as man and wife?

A 3 He treated her very well and provided for her as well as he could.

Mr. Joyner is a hardworking man and I am sure he treated her good and looked out for her as best he could.

Q 2 State if you know how he passed her after she was

after the marriage of the man and wife?

THE TIME OF MARRIAGE AND THE DEGREE OF CONSPIRACY

Q 4 What was her maiden name and where did she live before marriage?

A 4 Miss May Babb. She was raised near Courtland in Southampton County, Va.

Q 5 Do you mean to say that while they lived together that she did not make him a good wife and that they have not lived and cohabited together as man and wife in the last three years?

Q 5 I most certainly do.

Further this deponent sayeth not.

Q 1 What is your name, age, occupation and do you know the parties to this suit?

Frank Viock
Signed.

Frank Viock, being first duly sworn, deposes and sayeth in answer to interrogatories as follows:

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

A 1 I am fifty two; a farmer; live in Southampton County and know the parties to this suit well. I lived within three-fourths of a mile of them while they lived together.

Q 2 State if you know when and where they were married?

A 2 They were married in the spring of 1905, near Shiloh

Church near Boykins, in Southampton County, Va. She was a Miss Babb before marriage and was raised in this County. I know her parents.

Q 3 State if you know whether they are now living together?

A 3 She didn't live with him much more than a month after

they were married when she left him. She got me to carry her away. Carrying her to her parents home, Richard Babb's, she told me that she was not going to return to her husband. I lived near them and he treated her all right and worked hard and tried to get along with her.

Q 4 Then am I to understand that from your statement the

SHEET 4

Q 4 Yes sir, that is a fact. and abandoned him and has not lived. An further this deponent sayeth not. 2

Witness My Hand & Seal, 21 Dec.

Franz ~~has~~ Vick
~~Wick~~

Q. Were there any children born to this union?

W. T. Daughtry, being first duly sworn, deposeth and sayeth
in answer to interrogatories as follows:

Q 1 What is your name, age, occupation and do you know the parties to this suit? *W. J. Haughton*

A-1 W. T. Daughtry, am thirty nine years of age, live in Southampton County ^{va} and lived about one fourth mile from the parties to this action while they lived together. I am a farmer. I saw the parties daily and knew them well,

Q 2 State if you know when they were married, where they lived and when they were married?

Ans They were married in the Spring of 1905 at Mr Joyner's mother's residence near Boykins, Southampton County, Virginia and they lived about two miles from Boykins right near me.

Q.3 Do they live together now, and if not, how long has it been since they separated?

Ans They do not live together; ^{she} she did not live with him but a few weeks after they were married and they have not lived together for more than four years. I noticed that she

Q 4 How did they plaintiff treat her while they live together?

A 4 Very good indeed. Joyner is a good man and works hard. He took care of her to the very best of his ability.

Q. Judging from her conduct, she preferred other men. I know this to be a fact, and, as to the rest of my

With the best will in the world to place her as the wife of
a delinquent wife without any good cause and she has not

SHEET 6

Q 5. Then you mean to state that she did not appreciate
his doing what he could to make her a good husband and
that she willfully deserted and abandoned him and has not
lived with him since? Putation of being a good industrious

A 5. Yes sir, I do.

Q 6. Were there any children born to this union.

A 6. No sir.

And further this deponent sayeth not.

STATE OF VIRGINIA

W. J. Doughty

TO-WIT:

COUNTY OF SOUTHAMPTON

T. P. Weston, being first duly sworn, deposeth and sayeth
I, WILLIAM SHANDS, a commissioner in chancery, for the
in answer to interrogatories, sayeth as follows:

Circuit Court of the County of Southampton, State of Virginia.

Q 1. What is your age, occupation, place of residence

do hereby certify that the foregoing depositions were duly
and do you know the parties to this suit?

A 1. I am fifty three years of age, live in Boykins, South-
ampton County Virginia, and engaged in the mercantile bus-
iness. I know the parties to this suit. Have known Mr.
Given under my hand this 12th. day of January 1910.
Joyner since he was a small boy.

Q 2. Do you know when and where they were married and how
long they lived together?

A 2. They were married sometime about the last of March or
the first of April 1905; the plaintiff bought various supp-
lies from me that year. His wife would come to my store
for various articles of merchandise and I noticed that she
was inclined to be extravagant and wanted to buy beyond what
his means and situation would warrant and I cautioned, or
called his attention to this, with a view of safeguarding
our mutual interests. She did not live with him but a
few weeks after their marriage, leaving him so far as I
know without any just cause, and has, to the best of my

that she willfully deserted and abandoned him and for
his going that he could to make her a good nursing and
she then was to state that she did not abhorse

SHEET 6

knowledge and belief, not lived with him since. He is an
industrious hardworking man and met his business obligatio-
ns with me promptly and provided well for her so far as I
know. He has the reputation of being a good industrious
hard working man.

And further this deponent sayeth not.

J. P. WISAN

STATE OF VIRGINIA

----- TO-WIT:

COUNTY OF SOUTHAMPTON

I, WILLIAM SHANDS, a commissioner in chancery, for the
Circuit Court of the County of Southampton, State of Virginia,
do hereby certify that the foregoing depositions were duly
taken and reduced to writing, and signed by the witnesses,
respectively: before me at the place and time mentioned in
notice
thehereto annexed, and in accordance therewith.

Given under my hand this 12th. day of January 1910.

Wm. Shands

Comr. In. Chancery

J. H. Joyner
or } Spauldine
May Joyner

1910. 1st Jan'y Rules.

Executed in Loutham's
County, this 1st day of
Jan'y, 1910, by delivering
a true copy of the
will in submons
to May Joyner in
person.

Jno J. Turner Clerk
By J. A. T. W. P.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon

May Jayner

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 *January 1910* to answer
a Bill in Chancery exhibited against *her* in our said Court by

J. N. Jayner

And this *she* 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 *31st*
day of *Dec*, 1909, in the *134* year of the Commonwealth.

Teste:

B. F. McLemore

C. C.

-1910-

Joyner, J. H.

vs.

Joyner, May

Entered January 17, 1910
J. H. Joyner

ENTERED -

C.O.B.

PAGE -

75

J. H. Joyner

vs.

Joyner

This case to be heard on the bill of

The complainant and exhibits herewith filed, and the records of

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

the court of the circuit, taken at or personally before to the

J. H. Joyner

vs

DECREE

May Joyner

This cause came ^{on} to be heard on the bill of the complainant and exhibits therewith filed, and the depositions of the witnesses, taken after reasonable notice to the defendant, of the time and place of the taking of the same, having been duly served and she still failing to appear, answer or demur to the said bill and was argued by counsel.

On consideration whereof, it appearing that both parties are and have been, for the past twelve months residing in this county, and that the defendant voluntarily abandoned the ¹complantant more than three years before the institution of this suit, the court doth adjudge, order and decree that the marriage heretofore had and solemnized between the plaintiff, J. H. Joyner and the defendant May Joyner, be and the same is hereby dissolved and annulled, and that the said J. H. Joyner be forever divorced a vinculo matrimonii from the said May 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.

Stat: Rules -

J. W. Joyner

Er - May Joyner

Joyner - J. 26
or } Stat: Rules

Joyner - May

1909 - Dec 31: Process filed to 1st Jan'y Rules 1910.

1910 - 1st Jan'y Rules: Process ~~not~~ Executed.

Bill filed.

Dever Niss -

1910 - 2nd Jan'y Rules =

Bill Taken for Confessed - and
Course set for hearing.