

1924-013 Chancery Causes: Hester Ann Johnson vs Samuel B. Johnson

428

Jake of Wight County

Other SURNames: Fulgham,
Babb, Chapman, Edwards,
Wilson

"Exhibit A"

MARRIAGE LICENSE

Virginia Salem Wight 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,

Samuel B. Johnson and Hester Fulgham

Given under my hand, as Clerk of Circuit Court of Salem Wight County (or City) this 14 day of April, 1886.

N. P. Young, Clerk.

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1919, as amended by Act of February 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Salem Wight

Date of Marriage April 15, 1886 Place of Marriage Salem Wight Co. Va

FULL NAMES OF PARTIES

Samuel B. Johnson and Hester Fulgham

Age of Husband 28 years; Condition (single, widowed or divorced) Single

Age of Wife 18 years; Condition (single, widowed or divorced) Single

Race (White or Colored) Colored

Husband's Place of Birth Salem Wight Co. Va (PRESENT) Mailing Address Salem Wight Co. Va

Wife's Place of Birth Salem Wight Co. Va Mailing Address Salem Wight Co. Va

Names of { Husband David Johnson and Rachel Johnson

Parents { Wife Joseph Fulgham and Hannah Fulgham

Occupation of Husband Farmer

Given under my hand this 14 day of April, 1886

N. P. Young, Clerk.

Certificate of Time and Place of Marriage

I, Sandy Simmons, a _____ of the _____

Church, or religious order of that name, do certify that on the 15 day of April, 1886

at Salem Wight Co. Va, Virginia, under authority of the above License, I joined together in the Holy State of Matrimony the persons named and described therein. I qualified and gave bond according to law authorizing me to celebrate the rites of marriage in the County (or City) of _____, State of Virginia.

Given under my hand this 15 day of April, 1886

A copy, Teste, R. A. Edwards Clk Sandy Simmons
R. E. Ray Willie (Person who performs ceremony sign here.)

The Minister or other person celebrating a marriage is 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 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

County (or City) Delaware

Samuel B. Johnson
Husband

and

Marriage License

Hester Fulgham
Wife

Date of Issue April 14, 1886

Marriage Register No. Page 52

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT.

Hester Ann Johnson,.....Complainant

v) Chancery. No. _____

Samuel B. Johnson,.....Defendant.

Issue summons for defendant to answer complainant
a bill in chancery, to be filed at Second February Rules,
1924,

Defendant lives near Orbit, in Isle of Wight County.

Johnson Stephens .p.q.

Deposit \$7.50

1.
VIRGINIA: IN THE CIRCUIT COURT
OF THE COUNTY OF ISLE OF WIGHT.

Hester Ann Johnson,

V) Chancery. No. 428

Samuel B. Johnson.

Memorandum.

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

Feb. 4th 1924

Filed

Teste, R. A. Edwards Clerk

Dep. 7⁵⁰

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT, C. H., VA.

W.S. 4

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
MAY 15TH. 1924.

Hester Ann Johnson

v) Chancery. No. 428

Samuel B. Johnson

This cause, in which Hester Ann Johnson, is the complainant, and Samuel B. Johnson is the defendant, came on this day to be heard upon the bill of complaint, and exhibit filed therewith, personal service of process having been made upon the defendant, Sameul B. Johnson, by the Shetiff of this County, and he still failing to appear to plead, demure to or answer the said bill of complaint, and upon the depositions of witnesses, taken and filed on behalf of the said complianant, and was argued by counsel;

On consideration whereof, and it appearing to the court, independantly of the admission of either party to the pleadings, or otherwise, that the said Hester Ann Johnson and Samuel B. Johnson were lawfully married in the County of Isle of Wight, Virginia, on the 15th day of April, 1886, that the allegation of cruelty in the bill of complaint set forth has been sustained by the complainant, as shown in the depositions filed, that the complainant and defendant have been bona fide residents of and have been domiciled in this State for more than one year next preceeding the commencement of this suit, and ever since thier marriage aforesaid, that they last cohabited as man and wife

in the County of Isle of Wight, Virginia, it is adjudged, ordered and decreed that the said Hester Ann Johnson be divorced from the said Samuel B. Johnson a mensa et thoro.

And it appearing to the court that the infant daughter of the said Hester Ann Johnson and Samuel B. Johnson, to-wit; Ella Johnson, who is thirteen years of age, is now with the said Hester Ann Johnson, the court doth, also, adjudge, order and decree that the said Hester Ann Johnson have the custody and control of the said infant, Ella Johnson.

It is further adjudged, ordered and decreed that by way of permanent alimony the said Samuel B. Johnson shall pay to the said Hester Ann Johnson the sum of \$1500.00, the same to be paid within sixty days after the entry of this decree, but subject to the express power of the court, at any time, to increase the amount of alimony,, and that the said Samuel B. Johnson shall pay to the said Hester Ann Johnson her costs by her about this suit in her behalf expended, including a fee of \$75.00 to Johnson and Stephens, her attorneys, all of which shall be a lien upon the real estate of the said Samuel B. Johnson. And it is ordered that a copy of this decree be forthwith served on the defendant.

A Copy,

Teste,

R. A. Edmunds Clerk

7.
Jester Anne Johnson

M. Deery.

S. B. Johnson

Executed the writing
as directed this the
20th Day of May
1924.

J. H. Chapman Sheriff

By W. L. Lewis D.S.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Hester Ann Johnson

v) Chancery. No. 428.

Samuel B. Johnson.

This cause, in which HesterAnn Johnson is the complainant, and Samuel B. Johnson is the defendant, came on this day to be heard upon the bill of complaint, and exhibit filed therewith, personal service of process having been made upon the defendant, Samuel B. Johnson, by the Sheriff of this County, and he still failing to appear to plead, demur to or answer the said bill of complaint, and upon the depositions of witnesses, taken and filed on behalf of the said complainant, and was argued by counsel:

On consideration whereof, and it appearing to the court, independently of the admissions of either party to the pleadings, or otherwise, that the said Hester Ann Johnson and Samuel B. Johnson were lawfully married, in the County of Isle of Wight, Virginia, on the 15th. day of April, 1886; that the allegation of cruelty in the bill of complaint set forth has been sustained by the complainant, as shown in the depositions filed; that the complainant and defendant have ^{been bona fide} resided and have been domiciled in this State for more than one year next preceeding the commencement of this suit, and ever since their marriage aforesaid; that they last cohabited as man and wife in the County of Isle of Wight, Virginia, it is adjudged, ordered and decreed that the said Hester Ann Johnson be divorced from the said Samuel B. Johnson a mensa et thoro.

And it appearing to the court that the infant daughter of the said Hester Ann Johnson and Samuel B. Johnson, to-wit: Ella Johnson, who is thirteen years of age, is now with the said Hester

Ann Johnson, the court doth, also, adjudge, order and decree, that the said Hester Ann Johnson have the custody and control of the said infant, Ella Johnson.

It is further adjudged, ordered and decreed that by way of permanent alimony the said Samuel B. Johnson shall pay to the said Hester Ann Johnson the sum of \$ 1500⁰⁰, ^{the same} ~~semi-annually,~~ ^{to be paid within sixty} ~~beginning within thirty~~ days after the entry of this decree, ~~and to continue during their joint lives, unless they shall become reconciled and again cohabit together as man and wife, but subject to the express power of the court, at any time, to~~ ^{increase} ~~change~~ the amount of alimony, ~~either by increasing or decreasing it,~~ ~~or to alter the time and terms of its payment;~~ and that the said Samuel B. Johnson shall pay to the said Hester Ann Johnson her costs by her about this suit in her behalf expended, including a fee of \$ 75⁰⁰ to Johnson and Stephens, her attorneys, all of which shall be a lien upon the real estate of the said Samuel B. Johnson. *And it is ordered that a copy of this decree be forthwith served on the Defendant.*

6

Virginia: Circuit Court of
Isle of Wight County.

Hester Ann Johnson

v) Chancery. No. 428.

Samuel B. Johnson.

Note for decree.

1495

May 15th

Enter this

1895

P. D. 42

Page 200

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Hester Ann Johnson

v) Chancery No. 428

Samuel B. Johnson.

The depositions of Hester Ann Johnson, Josephine Chapman, Mary Ann Edwards, F. L. Wilson and James R. Wilson, taken before R. A. Edwards, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, on the 18th., day of April, 1924, to be read as evidence on behalf of the complainant, Hester Ann Johnson, in a suit in chancery now pending in the said court in which the said Hester Ann Johnson is the complainant, and Samuel B. Johnson is the respondent. Examination conducted by Messrs. A. S. Johnson and A. E. S. Stephens, counsel for the complainant.

Hester Ann Johnson being duly sworn, deposes and says:

Q. Please state your name, age and residence. A. Hester Ann Johnson, I am fifty seven years of age, and am a resident of the County of Isle of Wight, Virginia, *where I have lived all my life*

Q. Please state if you are married, and if so, when and to whom you were married? A. I am married, I was married to Samuel B. Johnson the 14th. of April, 1886, in Isle of Wight County, Va., by Stanley Simmons, at Mt. Sinai Church.

Q. Are you living with your husband now? Ans. No.

Q. Is Samuel B. Johnson, your husband, living? Ans. Yes sir.

Q. When did you separate? Ans. In August, about the 23rd. of August, 1923.

Q. What caused your separation? Ans. He being cruel to me, beating on me.

Q. In what way was he cruel to you? Ans. Well he was cruel to me in several ways, beating on me, abusing me, and slandering my name.

Q. When did the cruelty start? Ans. Started when my second child was born?

Q. Who is your second child and when was she born? Ans. Eudora Chapman, and I couldn't tell you exactly the date she was born, the date of her birth is in the Bible at home. She is about thirty five or so as near as I can come at it.

Q. After the birth of Eudora did he treat you cruelly from then until the time you left him? Ans. Yes sir, off and on.

Q. Did he ever inflict any scars on you or break any bones, or cause any other injury? Ans. Yes sir, if you look right good right here (indicating with finger a scar on face, near left side of nose) he struck me with his fist, knocked me right down, and also struck me back of my head with his fist, and when I was down he beat on me.

Q. When did he beat you again? Ans. I could not tell, he beat me so many times I could not tell it. He knocked me down once, wrenched my shoulder and then took me up and throwed me in the house.

Q. Can you state, any other time, and give the date or dates that he beat you up, or was cruel to you? Ans. I dont know about the dates, but he has taken me by the jaws (indicating by pinching up her jaws) several times, and just squeez em up until the blood run out, several times.

Q. Has he ever beaten you, at any time, so as to disable you? Ans. I have miscarried several times, and the beatings might have been the cause on it, I dont know. I know he has scared me pretty much to death a heap of times.

Q. After he would make these attacks upon you would you have to summon a doctor to aid you? Ans. Yes sir, I had a doctor the last time?

Q. What was the matter with you then? Ans. He broke the bone in my left hand, the finger next to the little finger, and the bone had to be spliced. It is not straight now and never will be. He hurt my right elbow and sprained two of my fingers on my right hand.

Q. Has he ever threatened to do you serious injury. Ans. Yes sir, he has threatened to kill me several times.

Q. What was the cause of his beating you? Ans. Pure meanness, all I know, all I can tell you, just because he had the power to do it.

Q. Have you ever been unfaithful to him? Ans. No sir.

Q. Did you ever give him cause to threaten to kill you or to beat you? Ans. If so I dont know nothing about it.

Q. Did he ever point a gun at you and threaten to shoot you? Ans. Yes sir, on several occasions.

Q., Did you fear that he would carry out his threat and kill you. Ans. Yes sir, I certainly was.

Q. What did you do when he pointed the gun at you? ~~Yes~~ I ran from the house and thence to the home of my brother.

Q. Did you ever give him any cause at all to be cruel to you? Ans: No sir, I never did, I figure that I was more than faithful and dutiful to him.

Q. Since you left him where have you been making your home?

Ans: At my daughters and sons together, spending some of the time with each of them.

Q. Have you any income now? Ans: No sir, I am not able to work, I can only shell peas and then for only short periods of time at each time.

Q. What is the cause of your being unable to ~~earn~~ earn a living for yourself? Ans: Because of the condition of my left hand and my right side.

Q. What caused your left hand and right side to be in such shape now as to preclude you from work? Ans: Because he struck me so hard and to render them of no value to me in working.

Q. What is your means of support now? Ans: Gifts from ~~you~~ my children and others.

Q. When did you last receive any support from your husband? Ans: Just before I left him.

Q. Do you have one of your children living with you now?

Ans: Yes sir, my baby girl, named Ella and about thirteen years old.

Q. Who supports this child. Ans: The same people that support ~~you~~ me.

Q. Is Ella too young to work for her living? Ans: She can do only a little light work.

Q. Do you want Ella, your child, with you. Ans: Yes sir, I certainly do.

Q. State, if you please, where you resided when you and your husband separated? Ans. At what is called the John Babb place, in Isle of Wight County, Virginia, owned by Sam Johnson.

Q. How much of that place is in cultivation? Ans. I do not know, I would think as much as thirty acres.

Q. How much in wood land? I don't know.

Q. Did you ever hear your husband say how many acres of land he had? Ans. I have heard him say that there was a hundred and thirty some acres there.

Q. Did he ever discuss his business affairs with you? Ans. Some, not very much though.

Q. Did he stay home with you and the children, at night? Ans. Some time he would and some time he would not. He was away a good deal of the day time and a good deal of the night time.

Q. Did he tell you where he was going when he went off and how long he would stay? Ans. No sir, not all the time, sometimes he would.

Q. Was he cruel to the children? Ans. Right smart so, I thought.

Q. Has he (Sam) contributed to your support any since you were forced to leave home? No sir, he has not.

Q. Has he invited you back? No sir, he has not till I brought this suit, and then he come and told me I could come back if I wanted to.

Q. Why do you not now go back to him? Ans. Cause I am afraid of him, that is why.

Q. Have you received any money from him since you were forced to leave home? Ans. Yes sir, for my cotton, and lawyer Whitley in Smithfield collected it from him. I had a cotton patch, and I bought the seed from him and paid him for them, and my son in Newark, N.J. sent me money to hire help to have it cultivated, what I could not do. I had to leave home before it was ready to

pick~~u~~ out, and my daughter, who was married and then lived on the place, got it out, and Sam sold it. I got Mr. Whitley to get the money for me and he did not get all of it then. The first picking come to one hundred and three dollars and thirty some cents, and I do not know how much the second picking come to.

Q. Has he offered to give you anything at any time since you were forced to leave him, voluntarily? Ans. No sir, he said he want going to give me anything.

Q. When did he tell you he would not give you anything? Ans. I and my daughter, Josephine Chapman, and her husband, and Major McKinley, my son, went down there Christmas to see him about the balance of the cotton money he owed me, and I asked him for something then, told him that I had worked hard for what was there and that I thought some of it belonged to me, and he then told me he would give me nothing.

Q. Did he then ask you to come back and live with him? Ans. No sir he didn't ask me to come back.

Q. What was the character of his treatment of you just before you left home? Well I thought it was worse than ever, I was getting old and could not stand it any longer, or like I could when I was younger.

Q. Why did you not leave him before? Ans. Because of my children, they were too small, I hated to leave them. I did leave as much as three times, probably more, before, but because of the children I went back.

Q. What is your present physical condition? Ans. I am not able to work. I try to do all I can, but I am not able to do very much.

Q. What was his conduct towards you, as a husband? Ans, some time he did not have any feeling for me, not a bit, all he wanted was to satisfy himself. I often told him that.

Q. How old is Sam now? Ans. I dont know, he always claimed to

to be about ten years older than me.

Q. State how he treated you, as a husband, for the three or four years just preceeding that time you left him? Ans. for the past two or three years, he has been getting worse, always appeared angry as he could be, hardly would give me a pleasant word.

Q. How many times has he mistreated you in the past two or three years? Ans. He has seemed to be mad with me all the time and threatened me often, talked about knockin the life out'n me, and in August, of last year, as I told you, he beat me so bad I was afraid to stay with him any more.

Q. How did he provide for you while you lived with him? Ans. I can not say I got a plenty to eat, he has never given me any clothes I worked for them, and when the children came along they helped, and I worked in the house and out of doors, just the same as a man, I did more than he did any time. He had a whole lot to do with churches and lodges and staid away from home lots about that, or that was what he said. He used to go and stay all night long, often. Nothing strange for him to go an stay all night.

Q. Did he own any land when you married him? Ans. No a foot as I knows of.

And further this deponent saith not:

Hester Ann Johnson
mark.

Witness; W. Stephens

Hester Ann Johnson on cross examination by her husband,
Samuel B. Johnson:

Q. By S. J. Isn't it ~~xxx~~ true than when ~~xxxxxx your hand~~ your hand was hurt
I called in a doctor to attend to it for you.? Ans: I know
nothing about that, my son-in-law cam and inquired of me if
I wanted a doctor. I was not at his home at the time but at
the home of my duaghter.

Q. By S. J. Did you send a message to me stating that you
would not mind having a doctor if I choose to call, one in?
Ans: No, sir, I did not send ~~him~~ any such message.

Q. By S, J. Did you ever tell me that on one occasion your
miscarriage was caused by being frightened at the condition
of Fanny Wellins? Ans: No sir, I do not remember telling ~~him~~ ^{now}
any such thing.

Q. By S. J. Did you ever get out a warrant for tæating me
cruelly? Ans: Yes sir, I do and I remember fytther that you
were convicted and fined under the warrant I got out for you.

Q. By S. J. Did the doctor ever tell you that the trouble
with your side was caused by pleurisy? Ans: I had the pneumonia
once but I got entirely over that.

Q. Did I not, in the presence of other parties, when you had
left my house and was in the house of Elmira, our daughter,
tell you to come back, and I would not hold anything against
her, no prejudice whatever? Ans., No you did not.

Q. Did I not bring you a couple of watermelons when you were
over there at Elmira's? Ans. Charlie Weaver brought all the
watermelons to Elmira's that I saw and I did not eat any of that.
I never heard of it coming from you. He did not have any to
bring me, as I knows of, he did not have any on the place.

Q. And further this deponent saith not.

Hester Ann Johnson.
mark.

Witness: N. C. Stephens

Josephine Chapman being duly sworn, deposes and says:

Q. Please state your name, age and ~~address~~ residence? Ans:

Josephine Chapman, 31 years old, and am a resident of Isle of Wight County.

Q. Do you know the complainant, Hester Ann Johnson? Ans:

Yes sir, she is my mother.

Q. Do you know the defendant, Samuel B. Johnson ? Ans:

Yes sir, he is my father.

Q. Did you ever, at anytime, see your father treat your mother in a cruel manner? Ans: Yes sir.

Q. You say that you have seen your father treat your mother cruelly, please state exactly what you saw? Ans: I have seen him beat her twice to my recollection.

Q. Did he beat her severely? Ans: Yes sir, one time he struck her with his fist.

Q. When he struck her with his fist did he inflict any wounds on her body, and did she fall from the force of the blow?

Ans: I can't say about the wounds but I did see her on the ground with him on top of her beating her in the face with his fist.

Q. Did you ever interven to aid your mother when she was being attacked by your father? Ans: No sir, I was afraid to speak for fear that he would hit me as he had done on other occasions.

Q. Did you ever hear him threaten to kill her? Ans: Yes sir.

Q. Did you ever see him draw a gun on her her attack her with any sort of a weapon? Ans: I saw him strike^{at} her with a bar used in barring the door and on other occasions I have seen him throw things at her.

Q. Have you ever seen him beat her with anything other than his fists? Ans: Yes sir, I saw him, on one occasion, beating her with a switch that he cut for that particular purpose.

Q. Have you ever hear him use profane language toward her?

Ans: No sir, I have not but I have heard him tell her to shut

up or he would hit so hard as to make her sorry for what she had said.

Q. Are you the daughter that your mother, Hester Ann Johnson, now lives with? Ans: Yes sir, I am.

Q. Do you support her? Ans: Yes sir, my husband and myself together do, we furnish her with food and lodging.

Q. Does her daughter, Ella, stay with her in your home?

Ans: Yes sir.

Q. Who feeds and furnishes lodging for Ella? Ans: My husband and myself.

Crpss examination by Samuel B. Johnson:

Q. By S. J. Did you not agree to let the said Ella stay at your home, free of charge, to serve as company for you? Ans: We did on one occasion but the time has since expired and nothing further has been said about it. The last agreement I had about Ella made with her mother.

Q. By S. J. You said that you saw me beating your mother while she was on the ground, do you remember what time that was, or about what time? Ans: I don't remember exactly, it was sometime ago.

Q. By S.J. Is not your mother cooking and doing your housekeeping while you teach school? (question objected to as being immaterial and irrelevant) Ans. My mother does a little my my cooking, she cooks dinner through the week while I am in school, part of it, sometimes I leave with part of it done, but she does not do anything like half of my housekeeping. I get up early and milk the cows and cook breakfast, and I get home and cook supper. All she does about housework is a little sweeping. She did try to do some of the washing but she complained of her side, so now I do it myself on Saturdays. She is not able to do it.

And further this deponent saith not.

Josephine Chapman

Mary Anna Edwards being duly sworn, deposes and says:

Q. Please state your name, age and residence? Ans: Mary Anna Edwards, 46 years old, and am a resident of the County of Isle of Wight.

Q. Do you know the complainant, Hester Ann Johnson? Ans: Yes, sir.

Q. What kin, if any, is she to you? Ans: She is my sister.

Q. Do you know the defendant, Samuel B. Johnson? Ans: Yes sire, I do.

Q. Is he any kin to you? Ans: Only by marriage.

Q. Did you ever see Samule Johnson treat your sister, Hester Ann Johnson, cruelly? Ans: I have never seen him beat her but I have seen him abuse her and threaten to hit her with things that he had in his hands at the time.

Q. Did you ever hear him threaten to kill her? Ans: Yes, sir.

Q. State when it was, as near as you can, when you did hear him threaten to kill her? Ans: I was living with them ~~when~~ at that time and it was only a few years after they were married.

Q. You say that you never saw him hit her? No sir, only threaten to do so.

Q. You say that you have hear him abuse her? Ans: Yes sir, I Have and after he would abuse her he would get the gun and threaten to blow her brains out.

Q. Did you ever see her do anything to justify him treating her cruelly or to threaten to kill her? Ans: No sir, they were provoked only by the temper of him.

Q. Did you ever see him endeavor to strike her by throwing anything at her? Ans: Yes sir, I saw him throw an iron balt at her on one occasion.

And further this deponent saith not.

Mary Anna Edwards

F. L. Wilson being sworn, deposes and says:

Q. Have you been upon the property, in Isle of Wight County, Virginia, owned by Sam. B. Johnson? Ans. Yes.

Q. When did you go there? To day.

Q. State, if you can, what this property is worth? Ans. There are about forty five or fifty acres of open land, and the balance is in woods, the whole place contains, by estimation, one hundred and thirty three acres. I think the place is worth between twenty five hundred and three thousand dollars.

And further this deponent saith not:.

F. L. Wilson

James R. Wilson being duly sworn, deposes and says:

Q. Please state your name, ages, residence and occupation? Ans.

J. R. Wilson, I am thirty eight years of age, live in Isle of Wight County, Virginia and am a farmer.

Q. Have you been upon the property of Samuel B. Johnson, in Isle of Wight County, Virginia, lately, if so, state when, and what you went there for? Ans. I have been there to day, for the purpose of estimating its value.

Q. What do you think is a fair market value for the place? Ans. I think it is worth around twenty five hundred dollars or three thousand dollars.

And further this deponent saith not:

James R. Wilson

The foregoing depositions were on this, the 18th., day of April, 1924, taken before me, R. A. Edwards, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, to be read as evidence in the chancery cause in the said court pending in which Hester Ann Johnson is complainant, and Samuel B. Johnson is respondent.

Given under my hand this the 18th., day of April, 1924.

R. A. Edwards
Clerk in Chancery.

5.
Virginia: In the Circuit Court
of the County of Isle of Wight.

Hester Ann Johnson

V) Chancery No. 428

Samuel B. Johnson.

Depositions of Witnesses.

Filed *Apr 18*, 1924

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

VIRGINIA:

Hester Anne Johnson		Complainant.
v). Chancery No.	_____	
Samuel Johnson		Defendant.

To Samuel Johnson, defendant:

Take notice that I shall on the 18th., day of April, 1924, at 10.30 o'clock A. M., at the office of Johnson and Stephens, attorneys at law, Isle of Wight Courthouse, State of Virginia, take testimony in support in Circuit Court of aforesaid County of the bill I have filed against you, before Mr. R. A. Edwards, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia.

Hester Anne Johnson.
Complainant.

4.

Original

dated the within _____ this the _____ day of _____
19____ by _____ of the same _____
County of Isle of Wight.

Sheriff of Isle of Wight Co.

executed the within notice this the 18 day of
April 1924 delivering a true
copy of the same to Samuel Johnson
in the County of Isle of Wight.

H. H. Chapin
Sheriff of Isle of Wight Co.

Shaw's fee paid by
Johnson & Chapin atty.
H. H. C.

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon Samuel B. Johnson,

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
Third Monday in February, 1924, to answer a bill
in chancery exhibited against him in our said Court by

Hester Anne Johnson;;;;;;;;;;;;;

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 4th day of February, 1924, and in
the 148th year of the Commonwealth.

R. A. Edwards Clerk.

A Copy Teste.

R. A. Edwards Clk.

J.

Hester Anne Johnson

Virginia Chancery No.

Samuel B. Johnson.

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit
Court of the County of Isle of Wight:

Feb. 18th 1924

Returned, entered and filed.

Teste:

R. W. Edwards Clerk

To Seconda Feb. Rules.

Johnson & Storey - Atty.

Not finding Samuel B. Johnson at his usual
place of abode nor any member of the family of the
said Samuel B. Johnson over the age of sixteen years
I executed the within ^{the 11th of Feb. 1924} summons by posting a true
copy of same on the door of the residence of
the said Samuel B. Johnson in the County
of Isle of Wight

W. H. Chapman Sheriff

By W. L. Lewis D.S.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Hester Ann Johnson.....Complainant.

v). Chancery. No. 428

Samuel B. Johnson.....Defendant.

TO THE HON. B. D. WHITE, Judge of the said Court:

Your complainant complaining showeth unto the Court the following cause, to -wit:

1. That on the 14th., day of April, 1886, your complainant, whose maiden name was Hester Ann Fulgham, became the lawful wife of one Samuel B. Johnson, the defendant, by marriage solemnized in Isle of Wight County, State of Virginia, as will be made to more fully appear from an attested copy of the marriage license attached hereto, marked " Exhibit A " and prayed to be taken and read as a part of this bill.

2. That continuously from the date of the afore-said marriage, and up until the month of August, 1923, your complainant and the defendant lived and resided together as man and wife in or near the Town of Windsor, Isle of Wight County, State of Virginia.

3. That there was born of the said marriage fourteen children, twelve of whom are now living and bearing names as follows, to-wit: Arthur, Eudora, William, Josephine, Elmira, Viola, Frank, Abraham, Major, Rosie and Ella, the latter three of whom are infants under the age of twenty one years; the said Ella being the only child not self sustaining and is now in the care and custody of your complainant, her mother.

4. That during the month of August, 1923, the exact date of which your complainant does not recollect, your complainant, for reasons hereinafter set out, was forced to depart from and

abandon the bed and board of the said Samuel B. Johnson, the defendant.

5. That prior to the month of July, 1923, the general attitude, conduct and demeanor of the defendant, in his home and toward your complainant, became so violent, abusive and cruel as to render living with ^{him} by your complainant unbearable and dangerous; that the said defendant, without provocation of even the slightest degree on the part of your complainant, on innumerable occasions was seized with fits of violence and anger toward your complainant during which he dealt out to her inhuman and cruel treatment of the most unbearable and inexcusable description; that in furtherance of his violent disposition toward your complainant, he, the said defendant, struck your complainant with such force and violence as to lacerate her skin, sever her teeth from her head and to fracture and break three of the fingers upon her right hand; that your complainant carries upon her body permanent scars indicative of and resulting from the violent treatment she received at the hands of the said defendant; that aside from the fact that these frequent and violent attacks have caused your complainant great mental anguish she was forced, on several occasions after these ferocious attacks upon her by the said defendant, to be confined to her bed and to call in a physician to render her the necessary medical aid and assistance; that the defendant during his unpardonable, unjustified and inexcusable attacks upon your complainant drew, pointed at and leveled his gun upon your complainant forcing her, with her infant babe in her arms, under penalty of death, in the nighttime, to flee to the home of a neighbor or relative for protection for herself and infant child; that the said defendant directed at, and heaped upon the head of your complainant such violent, abusive, obscene and uncouth language such as to render life with him unbearable ~~and~~ to any self respecting, decent person.

6. That the aforesaid cruel, unjust, violent,

harsh and inhuman treatment, meted out by the said defendant to your complainant, grew and increased to such proportions as to cause your complainant to fear for her life and safety were she to remain with him any longer; that not only did she have every reason to apprehend bodily harm, and did apprehend same, but she had, on numerous occasions, received serious and bodily injuries at his violent and cruel hands.

7. That at the time of the said separation the defendants property consisted of a small amount of personal property and a tract of land containing 150 acres, more or less, situated in Isle of Wight County, State of Virginia, it being the same land conveyed to the said defendant by deed from J. W. Babb.

8. That continuously and uninterruptedly from the date of the aforesaid marriage your complainant and the said defendant resided together as man and wife until sometime during the month of August, 1923, and your complainant has for one year, and more, next preceding the institution of this suit resided in the County of Isle of Wight, State of Virginia.

9. That your complainant is poor and hath no means of support for herself and child, the said Ella, and to prosecute this suit; that the said defendant is able to furnish and supply all of the necessities for your complainant and her said child, but he wholly refuses and neglects to do so, and that your complainant is now forced to accept assistance from her relatives and friends in order to subsist from day to day, and that your complainant and child are poorly provided with clothing and the other comforts and necessities suitable to their position in life.

10. That the defendant threatens, and your complainant is apprehensive that he will carry his threat into execution, that he will sell all of his property hereinbefore mentioned and described, to prevent your complainant from obtaining alimony therefrom for the support of herself and child, and that said defendant ought to be restrained by an injunction from this Honorable Court

from selling, assigning, incumbering, or otherwise disposing of the above described property until the hearing of this cause, and until suitable provision shall be made for their maintenance and support.

In tender consideration whereof, and inasmuch as your complainant is remediless in the premises, save in a court of equity where matters of this kind are alone and properly cognizable, to the end that justice might be done, your complainant prays that the said Samuel B. Johnson be made a party defendant to this bill; and required, on his corporal oath, to answer and say whether or not he has transferred, sold, assigned or secreted any part of his property, and if so, how much, and to whom transferred, assigned or delivered, or should the same be hidden to disclose the hiding place thereof, and generally to discover and disclose to this Court the amount and true value of his property; that he be required to answer the other charges made in this bill, though not under oath, answer under oath as to them being hereby waived, as the statute in the case made and provided; that your complainant be granted a divorce a mensa et thoro from the said defendant; that the care, custody and education of the said child, Ella, may be awarded to your complainant; that this Court will decree to your complainant such portions of the property of the said defendant, or such sums to be paid by the said defendant to your complainant, as this Court may deem necessary and proper for the support of your complainant and child; that the defendant may be required to pay to your complainant a sufficient sum of money to enable her to employ counsel and to prosecute this suit, and for the support of your complainant and child during the pendency of this suit; that the said defendant may be restrained by an injunction, to be awarded by this Court, from selling, assigning, encumbering, or otherwise disposing of the property hereinbefore described, or any other that he may have, until the further order of this Court; and that your complainant may have

And your complainant will ever pray, etc.

Witness: A. E. Stephens

Johnson Stephens p.d.

State of Virginia,

County of Isle of Wight, to-wit:

I, A. E. S. Stephens, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that Hester Ann Johnson, the above named and described complainant, has this day personally appeared before me , in my said County, and made oath that the statements therein contained are true, to the best of her knowledge and belief.

Given under my hand this the 22nd., day of February, 1924.

A. E. Stephens.
Commissioner in Chancery.

2.
VIRGINIA: IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY.

Hester Ann Johnson

v). Chancery No. 428

Samuel B. Johnson.

Bill of Complaint.

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.