1907-006
Nansemond Co (Suffolk) Chancery Causes: Mary W. Jackson vs Benjamin Jackson

Marshall, Bland, Ruffin

To R. R. Smith, Clerk of the Circuit Court for the County of Nansemond:

Kindly issue process as follows:

Mary W. Jackson — Complainant.

vs.

Benjamin Jackson — Defendant.

To answer a Bill in Chancery,

To rules on first Monday in April 1907.

1907 March 13.

Bradford Kilby p. q.

Bradford Kelly Dy.

Mary W Jackson

vs } Memorandum

Benjamin Jackson.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Benjamin Jackson

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in April 1907, to answer a Bill in Chancery, exhibited against him in the said Court by Mary M Jackson

and have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 13th day of March, 1907, in the 131st year of the Commonwealth.

A copy— Teste:

_____, CLERK.

Teste:

R R Smith, CLERK.

By A G Gomey D.C.

Executed Friday 13th day of March 1903 by serving a true
Copy of the within Summons upon
the within named defendants
[illegible]

Sheriff
By [illegible]

Bradford Kelly p. q.

Mary O Jackson

vs. | In Chancery.

Benjamin Jackson

1903

April Rules.

Trust Monday.

Nansemond Circuit Court

Process Book No.

Page

To Benjamin Jackson

TAKE NOTICE that, on the 20 day of April 1907, ~~is~~, next, at Office of Bradford Kilby, in Suffolk, Virginia, between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of Livonia Bland and others and others, to be read as evidence in my behalf, in a certain suit depending in the Circuit Court of Nansemond county, wherein I Plaintiff and you are Defendants; and if, from 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.

Respectfully,

Mary W. Jackson
by Bradford Kilby,
her counsel.

To the Sheriff of Nansemond county to execute.

March 13 ~~18~~1907

Executed this 13th day
March 1907 by delivering
a true copy of the Writ
herein to Hon Jackson
in person

A H Baker Sheriff

North Carolina } Register of Deeds Office
Gates County }

I, Martin Kellogg Register of Deeds for Gates County North Carolina do hereby certify that the marraig Register in this County showeth the following:
1, That licuse was issued from this Office on the 23 day of May 1884 for the marraig of Benjamin Jackson of Hertford County N.C. age 21 "colored", and Mary Knight of Nansemond County Virginia age 18 "cold",
2 That the said Benjamin Jackson and Mary Knight were married at Gatesville on the 23 day of May 1884, by T.T. Speight a M.G.
3 That Elivia Speight and H. Claudie were witnesses to said Marraig.
Given under my hand and official seal, at Offic in Gatesville N.C. this the 29 day of March 1907

Martin Kellogg
Register Deeds
Gates County
N. Carolina.

Exhibit "A."

Mary W. Jackson
vs. } In Chancery
Benjamin Jackson

Bradford Kilby p. q.

The depositions of Livonia Bland and others ,taken before me,Robert W. Withers, a Commissioner in Chancery of the Circuit Court of the County of Nansemond,Virginia,at the office of Bradford Kilby,in Suffolk,Virginia on the 20th. day of April 1907,between the hours of 8 A.M. and 6 P.M.,pursuant to the notice hereto annexed,to be read as evidence on behalf of the complainant in the chancery suit pending in the circuit court of Nansemond County,Virginia,wherein Mary V. Jackson is complainant and Benjamin Jackson is defendant.

Present:

Bradford Kilby, Counsel for Complainant.

No counsel for defendant.

Office of Bradford Kilby ,
Suffolk, Virginia,
April 20th. 1907.

No witnesses appearing,the taking of the depositions in this case is continued until Friday May 3,1907,at the same place and between the same hours.

Robt. W. Withers

Commissioner in Chancery.

Office of Bradford Kilby,
Suffolk, Virginia.
May 3, 1907.

Present:

Bradford Kilby, Counsel for Complainant.

No counsel for Defendant.

Witness Sarah P. Marshall being duly sworn,deposes as follows:

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

A. Sarah P. Marshall, 42 years old,Suffolk,Va.,Iam house-keeper, and I know the parties to this suit.

Q. How long have you know the plaintiff and the defendant?

I have known both of them 19 years or more

Q. Where is the plaintiff now living and where is the defendant living?

A. Mary Jackson is living in Suffolk. I do not know where Ben Jackson is living. I know he is not in Suffolk unless ## he is hid somewhere.

Q. How long has it been since defendant left his wife?

A. It has been somwhere about eight years .

How did defendant treat his wife and take care of her when he lived with her?

A. He did not take care of her at all . She always had to work for herself. She took in washing,did some house-cleaning and now she runs a little store.

Q. Where did the parties last reside and cohabit?

A. On Virginia Street on the next lot to me in Suffolk,Va.

Q. How long has plaintiff been living in Suffolk?

A. All her life,I reckon. She was born in Suffolk.

Q. How is the plaintiff now earning her living,and did the defendant leave her any property of any kind by which she might support herself and children?

A. She is running a little store now. Ben did not leave her anything but four young children.He left her paying the rent of the house they lived in.

Q. Did the plaintiff give defendant any just cause for leaving her and did you ever hear defendant make any complaint or allege any cause for leaving his wife?

A. No sir. She gave him no cause,and I never heard him give any reason for leaving or make any complaints at all.

Q. Has the defendant ever returned to live with his wife since the time he left her?

A. No sir. He came to Suffolk last March,but he was not with her then,and he did stay but a day or so. He did not stay with her on this visit to Suffolk.

Q. What have been your opportunities of knowing whether or not defendant ever returned to live with his wife,since he first left her?

A. Well,his wife lived near to me and I was at her house off and on and she to mine. A part of the time she lived on my street,with only two houses between us.

Q. Would you have known the fact if he had come back to live with his wife,since he left her?

A. Yes sir There was no way for him to come back without my knowing it.

Q. Can you tell anything of the character,and habits of defendant or why he deserted his wife?

A. He did not seem to work much. He was more of a sport. I don't know why he left home unless it was that he did not want to work for his wife and children. I always heard that he wasted his money gambling. I know he didn't carry it home.

Sarah P. Marshall.

And further this deponent saith not.

Witness,Livonia Bland, being duly sworn,deposes as follows:

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

A. Livonia Bland,33 years old,Suffolk, Va.,house-keeper. I know both parties to this suit.

Q. Are the parties to this suit living together now? If hot,please state where each is living?

A. No sir,they are not. Mary Jackson is living in Suffolk. I ##### don't know where Ben. is living.

Q.How long has it been since defendant deserted his wife?

A. It has been about eight years to my knowing. ## I saw him in Norfolk six years ago,and he had not been home then for two years. He told me then,that he was going to New Jersey.

Q. How did defendant treat his wife and care for her when they were living together?

A. Well,to my knowing,he did not treat her very good. When she lived next door to me,she had to work for her living.

Q. Where did the parties last reside and cohabit?

A. In Suffolk,Va.

Q. How long has complainant been living in Suffolk?

A. All her life.

Q. How is the plaintiff now earning her living,and did the defendant leave her any property of any kind by which she might support herself and children?

A. Mary Jackson is running a little store now. Ben did not leave her one thing,except the children.

Q. Did the plaintiff give her husband any just cause for deserting her,and did you ever hear the defendant make any complaint or allege any cause for leaving his wife?
A. No sir ,she gave him no just cause,and I never heard Ben. make any complaints or give any reason for leaving Mary.

Q. Has defendant ever returned to live with his wife since the time he left her?
A. No sir. He came back not long ago,but he did not stay with her.

Q. What have been your opportunities of knowing whether or not defendant ever returned to live with his wife ?
A. I visit her house frequently,every week or something like it. I lived next door to her for about one year on Smith street. Mary exchanges visits with me often.

Q. Would you have known the fact,if he had come back to live with her?
A. Yes sir,Since visiting her so often,she would have told me about it, if he had ever come back.

Q. Can you tell anythingof the character and habits of the defendant or why he deserted his wife?
A. He was no good. He did not work for his wife. He ran with the sports around town. I don't know why he deserted her unless it was because he did not want to take care of her.

Lovenia Bland

And further this deponent saith not.

Witness Maggie Ruffin, being duly sworn,deposes as follws:

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

A. Maggie Ruffin,32 years old, Suffolk, Va. house-keeper, I know both parties to suit.

Q. Are the parties to this suit living together now? If not,please state where each is living?

A. No sir. I don't know where Ben. is living,but Mary is living in Suffolk.

Q. How long has it been since Ben. left his wife?

A. About eight years.

Q. How did Ben. treat his wife and care for her when they were living together?

A. He didn't treat her in no sort of fashion and didn'tseem to care for her at all. She lived next door to me on Culloden St. for three years and she had to work for her living then.

Q. Where did the parties last reside and cohabit?

A. On Virginia Street in Suffolk, Va.

Q. How long has complainant been living in Suffolk?

A. All of her life,I guess. She has been here ever since I have, about II years.

Q. How is compalainant now earning her living,and did defendant leave her any property of any kind by which she might support herself and children?

A. She runs a little store. Ben never left her a cent,as I knows of,and I never heard of his sending her anything.

Q. Did compalainant give her husband any just cause for leaving her ,and did you ever hear Ben. make any complaint or allege any cause for leaving his wife?

A. No sir,she did not. I never heard Ben make any complaints. He never seemed to be mad about anything going wrong about the house.

Q. Did defendant ever return to live with his wife since time he left her?

A. No sir. He was here in March,but he did not stay with Mary. I saw him passing down Culloden street every day. he was here. He was stopping on Culloden and Mary lives on Washington St. He was not here very many days .

Q. What have been your opportunities of knowing whether or not de-

fendant ever returned to live with his wife?

A. Well, I go to see her nearly every day,and she comes to see me often.Our children is always playing together. She lived next door to me for three years and does not live very far away from me now.

Q. Would you have known the fact,if he had come back to live with her?

A. Yes sir. She often comes to see me and would have said something about it,or some of the children would have said that their father was there .

Q. Can you tell anything of the character and habits of the defenodant or why he deserted his wife?

A. He was a regular sport. He never worked steady anywhere and they tell me he used to gamble a great deal. I don't know why he left Mary without it was he did not care to work for her.

And further this deponent saith not.

Maggie Ruffin

Virginia,

County of Nansemond,To-wit:

I Robert W. Withers,a Commissioner on Chancery for the Circuit Court of Nansemond County ,do certify that the foregoing d depositions of Livonia Bland,Sarah P. Marshall and Maggie Ruffin were duly taken,subscribed and sworn to before me, at the office of Bradford Kilby,in Suffolk, Virginia,on the fhird day of May 1907,between the hours of 8 A.M. and 6 P.M. of that day.

Witness my hand this 3rd. day of May 1907.

Robt. W. Withers

Commissioner in Chancery.

Fee $3.00

Mary V. Jackson
v. } Testimony
Benjamin Jackson

Mary V. Jackson — Complainant.

vs. — In Chancery.

Benjamin Jackson — Defendant.

This cause in which process has been duly served on the defendant,Benjamin Jackson,and which has been regularly matured and set for hearing at rules,came on this day to be heard on the Bill of the Complainant,Mary V. Jackson and the examinations of witnesses and was argued by counsel.

On consideration whereof,it appearing from the evidence furnished in this cause that the defendant Benjamin Jackson has willfully abandoned and deserted his wife,Mary V. Jackson,the complainant,for more than three years,next preceeding the commencement of this suit; that the complainant is now a resident of the Town of Suffolk,County of Nansemond and State of Virginia,and has been domiciled in said State of Virginia more than one year next preceding the commencement of this suit; that the parties last cohabited in the State of Virginia; the court doth adjudge,order and decree that the marriage which was solemnized between the complainant,Mary V. Jackson, and the defendant,Benjamin Jackson,be and the same is hereby dissolved,and that the said complainant ,Mary V. Jackson,be and is hereby absolutely divorced forever from the bond of matrimony hitherto existing between herself and the defendant, the said Benjamin Jackson.

And the Court doth further adjudge,order and decree that the said defendant,Benjamin Jackson,do pay unto the complainant,the said Mary V. Jackson ,her costs expended in the prosecution of this suit.

And the object of this suit being accomplished,it is ordered that it be stricken from the docket of the court.

Mary V. Jackson

vs. In Chancery.

Benjamin Jackson.

In the Circuit Court of Nansemond County, May 16, 1907.

Robert R. Prentis

DECREE.

To be entered.

Entered in Chancery Order Book No. 4. Page 148.

TO HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Complaining showeth unto Your Honor, your complainant, Mary W. Jackson, that on the 23rd. day of May 1884, she was married to Benjamin Jackson, in the County of Gates, North Carolina, as will appear from a duly authenticated transcript from the marriage register of said Gates County, North Carolina, herewith filed and marked Exhibit A., which she prays may be read as a part of this bill.

Your complainant says that she was prior to her marriage, and since that time, has been a resident of Suffolk, Virginia, but owing to her extreme youth (fifteen years of age at time of her marriage), and to parental objection, she ran away to Gatesville, North Carolina in order to marry the said Benjamin Jackson.

Your complainant further says that for fourteen years she and her husband lived happily and pleasantly together in Suffolk, Virginia, during which time she bore to him four children, namely: Walter, aged 20; Willie, aged 18; Alonzo, aged 14; and Corinne, aged 10. She says that during said period of fourteen years, she was, at all times, a loving, faithful and dutiful wife, and did everything in her power to please her said husband, striving to make his home both comfortable and attractive to him, and that during said period he treated her with all the consideration that was due from a husband.

However, about eight years ago, her husband, without any just or sufficient cause or reason or any fault on her part, seemed to grow restless under the restraints of married life and to become tired of her society. This was first shown by his going to Norfolk, Virginia and leaving your complainant and his minor children in Suffolk. During the first year of his absence, his visits to your complainant were very infrequent, (not more than two or three during the year), and in the second year, they ceased entirely. During this period, your complainant's husband contributed little or nothing toward the support of herself and her minor children. Finally, he went North in the year 1900, and since that time, your complainant has not seen nor heard from her husband, until March 6th. of this year, nor has he contributed one cent to the support of herself or her minor children, but the burden of raising, supporting and educating her children has been entirely upon herself.

Two years ago, your complainant made an effort to learn the whereabouts of her said husband and for this purpose ,went to Norfolk,Virginia. There she saw a stevedore,a former associate and co-laborer of her said husband on the Old Dominion Steamship Dock in said city. This party informed your complainant that her husband was dead,and your complainant verily believing that her said husband was dead and that she was free to marry again,did,in the month of December 1906,marry one William Nicholson,in Suffolk, Virginia. But your complainant's husband,said Benjamin Jackson,suddenly re-appearing in Suffolk, Virginia,on March 6th. 1907,your complainant was arrested,indicted,tried and acquitted on the charge of bigamy,at the March term 1907 of the Circuit Court for the County of Nansemond in this State,as the records of said court will show.

Your complainant further says that said Benjamin Jackson,during his recent visit to Suffolk,did not co-habit with your complainant,as man and wife,nor did he seek any reconciliation with your complainant whatever,and that he has now returned North,presumably to Orange,New Jersey,where,as your complainant recently learned,he has been during the last six years.

In tender consideration whereof and forasmuch as your complainant is without remedy in the premises,save by the aid of a court of equity where such matters are alone and properly cognizable,your complainant prays that the said Benjamin Jackson be made a party defendant to this bill,and required to answer the same,tho an answer under oath is hereby waived;~~that proper process may issue; that all proper accounts and depositions may be taken~~; that a divorce a vinculo matrimonii may be granted to your complainant, and that the marriage heretofore existing between her and said Benjamin Jackson may be annulled and set aside,and that all such other and further relief may be afforded to your complainant as the nature of the case may require or to equity shall seem meet.

And your complainant shall ever pray etc.

Mary V. Jackson.

Mary W. Jackson

v. } In Chancery.

Benjamin Jackson

Bill.

Bradford Kilby p. q.

Virginia,

County of Nansemond,to-wit:

I, Bradford Kilby, a Notary Public, for the county aforesaid in the State of Virginia,do certify that Mary W. Jackson, whose name is signed to the foregoing bill,has this day personally appeared before me,in my county aforesaid,and made oath that all the statements contained in said bill,as coming of her own knowledge,are true,and that all statements contained in said bill,as coming from knowledge or information derived from others,she believes to be true.

My term of office expires on the 7th. day of August 1910.

Given under my hand this 16th. day of March 1907.

Bradford Kilby.

Notary Public.

Bradford Kilby p. 95

Mary W. Jackson

vs. } In Chancery.

Benjamin Jackson

Bill.

Bradford Kilby

WILBUR J. KILBY,

ATTORNEY AT LAW,

SUFFOLK, VIRGINIA.

Mary M Jackson
vs } In Chancery
Benjamin Jackson

1907 March 13th Rules issued returnable
1st Monday in April

" April 1st Process returned executed
Bill filed and decree pro confesso
against said defendant

" " 15th. Decree pro confesso entered
and cause set for hearing

Chansey
Note

Bradford Kirby Sol.

Mary V Jackson

VS

Chancery

Benjamin Jackson.

1907

May 16th

Final Decree.

Costs

Clerk	3.30
Shff	1.00
Jar	1.50
Comr.	3.00
Atty	15.00
	$23.80