

1866 - 03

Southampton County - Chancery

Scott, Margaret vs Scott, Levi. (Custody and Divorce)

Others -

Ricks, Jamsy

Joyner, Eli

Buck, Louisa

Buck, Polly

List of marriages by

B. Devany 1848-1849

Children -

Scott, Ellum

Scott, Tom

Scott, William

Scott, Levi

Scott, John

70 61

Scott

v. { Papers

Scott

1866 November Term

Letter Cont

Ship

Law &c

\$ 485

100

1600

2185

Scott Rice
M 3 Exhibits
Scott

1866 July Rules

To the Honorable Richard B. Baker judge of the
Circuit Court of Southampton County in chancery sitting

^{My wife and I have been living with Gansy Ricks}
Hornby complaining your oratrix Margaret
Scott of Southampton County, sheweth unto your honor
that sometime about the year 1830 she married
one Levi Scott also of the said county both negroes
and continued to live with him until sometime
in the year 1862, that she bore four children
the issue of the marriage, your oratrix states
that for sometime before her husband Levi
Scott abandoned her to live in open adultery
with another negro woman Henrietta Buck
he treated her with great harshness, neglect and
cruelty, that sometime in the year 1862 when
her husband finally abandoned her, and her and
his children to live as they could, he beat her so
severely that she became alarmed for her life and
carried her to her to the house of her mother's
husband ^{Gansy Ricks} where she has lived ever since, that after
leaving her he commenced living in open adultery
with a negro woman Henrietta Buck and that they
now live openly together in violation of the laws of
the land and your oratrix' marital rights

Your Oratrix states further that when her husband
Levi Scott set her down at Gansy Ricks' house he left
her with five small children to support as she
could, that he has never given her one cent since
either for her own support or that of the children
but that aided by the kindness of Gansy Ricks
and her own exertions she has as far as thought
with great difficulty been enabled to provide for
herself and her children, she states further.

* As will appear by a copy of the marriage bond and certificate of the marriage
which file the master is left to be taken as a part of this case

That some of the children have now reached
the age that they can ~~not~~ only by their labour
support themselves but also materially aid
him in supporting the smaller and younger
ones, And that Geo Scott seeing this without
showing any penitence for his past neglect
and malmanagement of your estate but still living
in your adultery and cohabitation with
another woman is now making the effort
to take from her all the children whose
labour is productive and send them out to
support him and his paragon, Geo
Scott has with file a paper marked A and
prayed to be taken as a part of this bill, from
the office of the Freedman's Bureau of Southampton
County, by which it will appear the custody of
the children was awarded to her until further
order but the freedman's court having been
abolished and all civil matters pertaining to negroes
having been turned over to the courts she now
invokes the aid of a chancery court to maintain
her rights, The cruel maltreatment your estate has
received at the hands of her husband, his living
with another woman, his abandonment of his
wife and five small children to live as they
could, his desire now to take possession of such
as can labour to take them from your estate
and multiply her troubles calls loudly for
redress and she now asks for a divorce and
the custody of her children against this
cruel and unnatural parent who by his
conduct has shown himself unfit to raise
her children properly, In tender consideration

Whom of and inasmuch as your petition is without
remedy at law and only entitled to relief in a
court of equity where such matters are peculiarly
cognizable she therefore prays that Sir Scott may
be made a party defendant to this bill and
conjure him as full and perfect answer make
to the allegations therein contained as if he has
been therein more fully and especially interrogated
and that the court would decree that your Petitioner
be divorced from the bonds of Marriage with
her husband Sir Scott and that the court
would award the custody of her infant
children to her during their minority and
grant such other and general relief the premises
considered as equity may dictate and the
nature of her case may require and as in duty
bound your petition will ever pray we
Shanda J. G.

ordered that the same be removed from
the docket, but leave is reserved to the
parties to make application to the court
for such further orders as are authorized
by law

Scott
vs
3
Dane
Scott

Dec. co. 1866

To be entered

R. H. Barker

Scott
vs 3 Decem
Scott

This cause came on this day to be heard on the bill taken for confessed as to the defendant Levi Scott on solemn bill & process had been duly served, ^{the defendant} still failing to appear and plead answer and answer to the said bill, on the examination of witnesses and the exhibits filed and was argued by counsel on the consideration whereof, the court being of the opinion that the charge of adultery against the defendant Levi Scott is fully proved, doth adjudge, order and decree that the marriage heretofore solemnized between Levi Scott and Margaret Scott, be and the same is hereby dissolved and the said Margaret Scott forever divorced from her husband Levi Scott, and all the right title and interest of the said Levi Scott in, or to, the estate real or personal of the said Margaret Scott shall hereafter cease and determine, And the court doth further adjudge, order and decree that the five infant children issue of the marriage to wit Ellum, John, William, Levi and John Scott be awarded to the custody of the mother Margaret Scott who is to have the guardianship and entire control of them during their minority free from all influence or control of their father Levi Scott, and that the plaintiff recover from the defendant her costs by her expended in the prosecution of this suit, And nothing further remaining to be done in this suit, it is

Scott

Wm. Sumner Chy

Scott

1866 July Rules

Executed July 13th
1866 by delivering him
a copy
E. L. Story dep
for S. Wells Shiff



THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF SOUTHAMPTON COUNTY---GREETING.

WE COMMAND YOU to summon

Levi Scott

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 first Monday in

*July next to answer a bill in
Chancery exhibited against him in our said Court by Margaret Scott*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the
Courthouse this *5th* day of *June* 186*6*, in the *90* year of the Commonwealth.

L. R. Edwards

A

Scott

to { Ex with B.R.

Scott

1870

Office Ass't Sup't R. F. & A. L.
AND PROVOST MARSHAL.

Southampton County, Va. May 4th 1866.

Margaret Scott,
V.S.
Levi Scott,

It appearing to me from evidence that Levi Scott, abandoned his wife and children some four years ago, after having treated her cruelly. And that his wife has supported herself and children ever since, without aid from her husband, and I being of the opinion that the mother is the proper person to have custody of the children, It is therefore ordered, that the children, issue of the marriage of Levi and Margaret Scott, be awarded to the custody of the mother, Margaret Scott, until further orders.

Morton Harney
Ass't Sup't
R. F. & A. L.

The above depositions were taken, subscribed
and sworn to before me a commissioner in
the circuit court of Chancery for Southamptons
Co at the time and place mentioned in the
caption given under my hand this 25th of
September 1866

James W. Parker, Commr.

Scott
333
Scott

Signature of
J. S. Fullen was

Attest in Chancery
Comm 1st Sept 25. 1866
J. R. G. Lewis

The deposition of Thomas J. Putlow taken at the office of Wm. B. Shanks in the
Town of Simsbury between the hours of
sunrise and sunset on the 25th of September
1866 pursuant to the annexed notice duly
given to be read as evidence in behalf of
Margaret Scott in a certain suit now pending
in chancery in the circuit court of
Southampton between Margaret Scott plaintiff
and Levi Scott defendant.

Thomas J. Putlow having been first duly sworn
on the Holy Evangelists of Almighty God deposes
and says as follows, Sometime about the
latter part of the year 1861 or early in 1862
Margaret Scott the wife of Levi Scott was brought
to me for medical and surgical aid, at the
time she was suffering severely from sundry
wounds and bruises ~~which~~ she said were
inflicted by blows received by her at the hands
of the said Levi Scott, one or more of the wounds
were inflicted on the head, and at the time
were considered to imperil the life of the
patient, the said Levi Scott did not appear
at the time, being alarmed ~~and~~ ^{and} I was
informed that she should ^{could} terminate fatally
and further this deponent saith not.

colg. J. J. Putlow
Garry Ricks having been duly sworn
deposes and says Margaret Scott is my
wife's daughter she has been with four
children living with me and supports

by me since her separation from her
husband which happened as well as I
recollect in January 1862, she was hauled
to my house in my cart very badly beaten
by her husband in the night, and it was
feared she would die that night, he beat
her with a light wooden stick, I have
supported her wife and four children con-
stantly, I do not know the fact that Levi
Scott has had intercourse with Henrietta
Buck but know that she has been living
with him pretty much ever since his
separation from his wife, Margaret Scott
has five children by Levi Scott viz Oliver
John, William, David and John Scott, the oldest
about 15 years old and the youngest about
six or seven years, Levi Scott has not given any
thing to support his wife or children
since her beating and separating from him
but has entirely abandoned them

his
Gausey Ricks
mark

Eli Jogan having been first duly sworn
deposes and says as follows, I live within
a half a mile of Levi Scott he has been
living more or less for twelve years
some twelve months after his wife Margaret
Scott left him Henrietta Buck came
to live with him, she has been ever since
there in a small log cabin with one room
in which they live, I have seen her
frequently at the house, but know nothing

of the relations existing between them, and
further this deponent saith not. his

Eli Jogan
mark

colored
Lorisa Buck having been first duly sworn
deposes and says as follows, Henrietta Buck
is my mother, I know that Levi Scott
lives with her, they have been living together
several years, he took up with Henrietta
Buck soon after he left his wife Margaret
Scott, they live together as man and wife
I have seen them in bed together many
times, they habitually slept together in
the same bed and they are still living
together as man and wife, I am a frequent
visitor at Levi Scott's house, he lives in a
small log house with one room, and
further this deponent saith not her

Lorisa Buck
mark

Polly Buck having been first duly sworn
deposes and says as follows, Henrietta Buck
is my daughter, I have been there times
to Levi Scott since my daughter has
commenced living with him, they live
together as man and wife, I was opposed
to my daughter living with him, she having
another wife, I do not know exactly the
time they have lived together some three or
four years I suppose, and further this deponent
saith not

Polly Buck
mark

Scott
vs 3 Notice
Scott

Executed Sept. 18TH
1866 by reading the
- within to him and
explaining its purport
to him.

E. L. Story Sept
for S. Wells Chff

September 13th 1866

Dear Scott

Take notice that I shall on
Tuesday the 25th of September 1866 in the
town of Jerusalem at the office of Wm B
Shanas between the hours of sunrise and
sunset and to be continued from day to
day until finished proceed to take the
depositions of Thomas F. Wallace, Eli Ryan
and others to be used as evidence in my
behalf in a certain suit in chancery now
pending in the circuit court of Southampton
County wherein I am plaintiff and you
are ^{defendant} at which time you may attend if
you see fit

Margaret Scott

Know all men by these presents that we Levi Scott & Jesse S. Barham are held and firmly bound unto the Commonwealth of Virginia in the sum of One hundred and fifty dollars, for the true payment whereof we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 28th day of February 1849.

The condition of the above obligation is such that whereas a marriage is shortly intended to be had and solemnized between the above bound Levi Scott and Margaret Powell (free negroes, - of the County of Southampton) Now if there be no lawful cause to obstruct said marriage, then the above obligation to be void or else to remain in full force and virtue

Witness

Levi ^{hus} Scott (Seal)
Jesse ^{wife} S. Barham (Seal)

Attest

Teste

L R Edwards bl

List of Marriages Solemnized - B. Dewany for 1848 and 1849.

1848. Peter Goodman & Harriet Howell.
Jno. W. Gurley & Nancy M. E. Dromgole }
1849 Samuel W. Davis & Margaret E. Williams
Wm D. Mason & Sarah C. Barron.
Jacob Bradshaw & Mary A. Scott
Joseph E. Gillett & Edith E. Norrell
Jno. W. Edwards & Charlotte Griffin
Nathian Ellis & Martha Jordan
Bennett Lewis & Frances J. Whitehead
Wm H. Bishop & Martha J. Capul
Newson Artis & Patience Artis. F. W.
Levi Scott. & Margaret Powell, F. W.

B. Dewany

Attest

Teste

L R Edwards bl

Scott

v. } Stat. Rules

Scott

In Southampton Circuit Court.

Margaret Scott
against
Levi Scott.

1866 June 5 Summons issued.
" July 10. Summons ret^d Executed. Bill filed & Decree nisi vs. Deft.
" Aug. " Bill taken for confessed vs. Deft.
" Sept. " Cause set for hearing 1^o
" " 25 Depositions filed on behalf of Plff
" Nov. 5 Decree granting Divorce