1873 - 17 Southampton County Chancery Vick, Lucy vs Vick, James B.

Divorce

Vicksburg
Bill
"
Vicksburg

1873 July Rules
" Aug. Dismissed

To the Honorable George Blow judge of the
Circuit court of Southampton County in
chancery sitting

Humbly complaining your oratrix
Lucy A. Vick who sues by Leonard C Cobb
her next friend shewith unto your Honor
that on the 21st day of Octo 1818 she
was married to James B Vick all of
Southampton as will more fully appear
by a certified copy of her marriage
certificate herewith filed marked A and prayed
to be taken as a part of this bill

Your Oratrix sheweth unto your Honor
that when she entered into this solemn
and high contract which was intended to
endure until death should sever the
kindred and holy tie she was fully impressed
with its solemn obligations and fully
intended to discharge all the duties of a
true and loving wife and has up
to this time done so as far as lay in her
power, and it is with great pain and
sorrow that she finds herself compelled
to invoke the aid of this court to
shield and protect her from the violence
and cruelty of her husband

Your Oratrix states and charges that
the conduct and habits of her husband
James B Vick are such that she cannot live
with him any longer but is compelled
to ask this court to grant her a
divorce from the bed and board of her husband

she states that his habitual state when he can procure brandy or whiskey is that of intoxication that when in that state he is cruel to her and being drunk as often she is in continual fear of great bodily harm and has every reason to fear personal violence and injury

In Tender consideration whereof and inasmuch as your oratrix is without relief at Law and only entitled to relief in a court of equity where such matters are peculiarly cognizable she Thompson prays that her husband James B Vick may be made a party defendant to this bill and that the court would compel him as full and perfect answer make to the allegations herein contained as if he had been thereto more fully and specially interrogated and that the court would decree to your Oratrix a divorce from the bed and board of her husband James B Vick securing to her all her rights of property and also prohibiting him from molesting or injuring her person or property in any way And that the court would grant such other and general relief the premises considered as equity may dictate and the nature of the case may require and as in duty bound your oratrix will ever pray &c

Thanks p.q.

159

Vicksburg &c
vs Bill
" exhibit
Vicks

1873. September Rides

To the Honorable George Blow judge
of the circuit court of Southampton
County in chancery sitting

Humbly complaining your Oratrix
Lucy M Vick who sues by L. C. Ramsay
her next friend sheweth unto your Honor
that on the 21st day of October 1868 she
was married to James B Vick all of
Southampton as will more fully appear
by a certified copy of her marriage certificate
herewith filed marked A and prays to be
taken as a part of this bill

Your Oratrix sheweth and states unto
your Honor that when she entered into
this high and solemn contract which
was intended to endure until death
should break it she was fully impressed
with its holy obligations and fully
intended to discharge all the duties of
a true and loving wife, and has so far as
lay in her power done so up to the
time of her separation from her husband
and it is with great pain and sorrow
that she finds herself compelled to invoke
the aid of this court to shield and protect
from her husband

Your Oratrix states and charges that
the conduct and habits of her husband
James B Vick are such that she
cannot live with him any longer
but is compelled to ask the court to grant
her a divorce from the bed and board

of her husband James B Vick. she states that his habitual state when he can procure brandy or whiskey is that of intoxication. that when in that state he is harsh and cruel to her and being drunk so often she is in continual fear of great bodily harm and has every reason to fear immediate violence and injury

She states that there are no children issue of the marriage and that her husband has no estate and has been living with her on a farm held by her and her children issue of a former marriage

All Tender consideration of all of which and inasmuch as your oratrix is without relief at Law and only entitled to relief in a court of equity where such matters are peculiarly cognizable she therefore prays that her husband James B Vick may be made a party defendant to this bill and that the court would compel him as full and perfect answer make to the allegations therein contained as if he had been thereunto more fully and specially interrogated, and that the court would decree to your oratrix a divorce from the bed and board of her husband James B Vick assigning to her all her rights of property and also prohibiting him from molesting or injuring her person or property in any way, and that the court would 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 oratrix will ever pray &c

Thomas J. Judge

Vick by &c
} Stat. Rules
v
Vick

18 3 November

Sft Cost

Clk — $3 79
Sh 40
Comm Schedule 10 00
Law 13 00
$ 63 19

In Southampton Circuit Court.

Lucy M Vick who sues by S. C. Bearman her next friend

against

James B Vick

1873 Aug. 13. Subpoena issued.
" Sept. 18 Subpoena Ret.d Ex.d Bill filed.
" Nov. Cause Set for hearing &c.
" Oct 11 Depositions filed.
" Nov. 3. Bill dismissed

I acknowledge service of the within notice for James B Vick
Oct 8th 1873

Jno. I. Kindred
Att'y for J B Vick

Vick
vs
Watson et al
Notice of appointment
Vick

To James B Vick

You are hereby notified that I shall at my house in Southampton between the hours of 10 Oclock A. M. and sunset on the 11th of October 1873 proceed to take the depositions of Winfield Scott Edwin B Bradshaw and others to be read as evidence in my behalf in a certain suit in chancery now pending in the circuit court of Southampton wherein I by next friend am plaintiff and you are defendant at which time and place you can attend if you see fit

Lucy M Vick
by Pearson her next friend

Depositions of Samuel Vick, Edwin Broadshaw Susan Vick and Richard Vick Taken at the house of Lucy M Vick pursuant to notice duly given and hereto annexed on the 21st of October 1873 both parties being present by themselves and respondents by counsel to be read as evidence in behalf of Lucy M Vick in a certain suit now pending in the circuit court of Southampton on the chancery side thereof Samuel Vick Having been first duly sworn testifies as follows

Question by plaintiffs' counsel what is your age

Answer Nineteen years old and son of Lucy M Vick

Question by same Did you live with your mother and James Vick at any time during their marriage and while they lived together and if so state what sort James Vicks habits as to drink

Answer I lived with them up to the early part of the year 1870 I left on account of his fusses and quarrels with me he was always drunk and quarreling when I was there very much

Question by defendants counsel How long did you reside with Mrs and Mr Vick after their marriage

and during the time they lived together

Answer from the time of their marriage up to the time I left I think it was in February or March that I left 1870

Question by the defendants counsel Did the defendant work in the farm in the year 1870

Answer Yes he worked on it a part of the time

Question Did he not do the main work of a farm hand

Answer He did when he worked but worked when he got ready

Question did he work regularly in the crop season in the year 1870

Answer Not as regular as a hand you would hire some time he went hunting and sometimes he went fishing

Question during the main work of the crop did he not work regularly

Answer Yes I think he did

Question During the years 1868 & 69 did he not work regularly

Answer I suppose he worked about half his time I don't know I did not take any particular notice of it

Question Did not you brothers and sister go to school to the defendant in 1872 & 73

Answer I think they went parts of year

Question did they not go as long as the dependant Taught a free school

Answer I Think they did in 1872 as to 1873 I do not recollect I have not resided with my mother in 1873

Question Has not the dependant been regarded as a good Master

Answer he was so regarded in 1872 I cannot answer as to 1873 I resided in Jerusalem this year 9 miles from my mothers residence

Question Have not you not been friendly with the dependant untill lately

Answer Yes he always

Question Did not do you such favors as he could according the relation he did towards you

Answer Yes except when he was drunk

Question Has the dependant since 1870 treated you unkindly in any manner

Answer No

Question Did the dependant ever offer or threaten to strike you or any member of the family

Answer He did threaten to strike me once

Question did not the dependant procure your present situation with Mr Williams

Answer I reckon he does help

And further this deponent saith not

Saml A Vick

Edwin Bradshaw having been first duly sworn deposes and says as follows

Question by Plaintiffs' counsel Are you acquainted with James B Vick and his wife Lucy M Vick have you seen them to gether often if so state it also state what are James B Vicks habits as to drink state if you have seen him or heard him use any threats of personal violence and if so when and where

Answer I have seen them once twice a year at their house I came on business there I saw nothing unpleasant between them they visited my house in a friendly manner on several occasions nothing unpleasant occured there except on one occasion which was election morning in May 1872 Mrs Vick came to my house that morning and wanted to know if I was going to run them (Mrs Vick) home Mr Vick came up she asked Mr Vick if he would not go with Charley Bradshaw and Frank Smith and let him have the horse she wanted the horse to go to Gunnison and send the Rockaway to the

shop Mr Vick said no it was a God damned picked up thing to put him afoot, he then told him about his buying a bonnet and some prunella for the children and he bought them the God damned dirty wife and children and then remarked that he wanted him lawfully that he did not take him and run off to N. Carolina and many him like a suck egg dog The next was his remark that Bob Vick was as good as any body that talked about him James B Vick then said that he could prove by Mr Bradshaw what sort of a man Bob Vick was I spoke to Mr Vick then I told him I did not think he was so weak as to be telling him in the truth about what he knew before marriage. he did not say anything more to Mr Vick then he looked at me two or three seconds straight and told me he intended going to Jerusalem in spite of Hell and slashed his horse and went off and that was the last of it he was very fond of liquor

Question by the same did you not have some conversation with James B Vick about his firing a gun into the bed at his house and set on fire and frightening his wife

Answer I think I did on one occasion I had heard of it but did not pay much attention to it Mr Dick came over to my house and I in jocular manner got after him about it I had heard the firing but did not know when it was he told me he did fire one or two guns and he did it to hear a little after Mr Dick was sick for a week or two afterwards the had the doctor with him I saw him paying my house

Cross Examined by Defendant's Counsel –

Question – Who else was present at the conversation at your home between plaintiff & defendt?
Answer – I don't recollect that any one else was present.

Question – Have you not frequently heard the manager & plaintiff & defendant told defendant that the time would come when he (defendant) could not live there – meaning at his home with plaintiff?
Answer – Yes – I have – for the first year or so I thought they (plaintiff & defendant) would get along pretty well, but since then I have not thought so – I have frequently told him that he wanted to do as he pleased & they would not allow it – that they would not take anything.

Question by Defendant's Counsel -
When did the firing of the gun to which you have alluded, take place?
Answer - I don't recollect - It has been two years ago or more -

And further this Deponent saith not

E. B. Bradshaw

Richard E. Vick having been duly sworn, says & deposes as follows -

Examination in chief by Plaintiff's Counsel

Question - What is your age & where do you live?
Answer - I am in my thirteenth year & live with my mother, Lucy A. Vick.

Question - Were you living with your mother when Jas B. Vick fired a gun into the bed & set it on fire?
Answer - Yes Sir -

Question - Was your Mother in the bed when the gun was fired?
Answer - Yes Sir -

Question - What was your mother's condition afterwards - sick or well - Did she have a Doctor attending her afterwards?
Answer - Yes sir - I believe she did -

Question by Plaintiff's Counsel -
Was D B. Vick drunk on this occasion?
Answer - Yes, Sir -

Cross Examined by Defendant's Counsel -

Question - Was the shooting of the gun to which you allude accidental or on purpose?
Answer - It was done on purpose, I reckon -

Question - Did the discharge of the gun do any harm?
Answer - It set the bed on fire -

Question - When was this?
Answer - I have forgot now when it was -

Question - Cant you state the year in which the shooting occurred?
Answer - It was last year I believe -

Question - What time in the last year?
I don't know what time it was -

Question - Was it before Christmas of last year or after christmas of last year -
Answer - I don't remember when it was now -

Question - Why do you think the firing of the gun was on purpose?
Answer - Because he done it on purpose -

Question - Did you never hear your mother

tell Mrs James Holmes that the discharge of the gun was an accident?
Answer – No sir –

Question – Did you never hear your Mother tell Miss Martha Hawks that the firing of the gun was an accident?
Answer – No sir –

Question – Did you not go to school to Mr Vick (the ~~Defendant~~) at Black Creek ^Church during the session ^last year – & at the Quaker Church during this year –
Answer – I went to school to him (a free-school at Black Creek church last year & at the Quaker church this year –

~~Question – Did you not go to Mr Vick~~

And further this Deponent saith not.
R E Vick

State of Virginia }
County of Southampton } Sct

I James R. Tyler A Commissioner in Chancery for the Circuit Court of Southampton County, do hereby Certify that the foregoing depositions Comprising nearly nine pages, were taken before me ~~at the time~~ place & manner stated in the Caption –
Witness my hand this 11th day of October 1853 –
Commissioners fee $5.00
Charged to Plaintiffs
James R Tyler
Com.r in Chancery

The separate Answer
of James B. Vick to a Bill filed in the
Circuit Court of Southampton County, against
him by Lucy M. Vick.

This Respondent, for answer to so
much of the Complainant's Bill as he is ad-
vised it is material for him to make answer
to, answering says —

That it is true as charged that he inter-
married according to law with the Complainant
on the day stated in said Bill — and was
actuated in doing so by feelings of sin-
cere affection —

That previous to the consumation of the
said marriage the said Complainant & this
Respondent entered into a written agreement
commonly called a marriage contract
which was duly recorded in the Clerk's Office
of the County Court of Southampton County in the
Month of October A.D. 1868 a Copy of which
is herewith filed as part of this Answer &
is marked A — This ~~Agreement~~ will show
& satisfy the Court that the marriage was
~~not~~ entered into by this Respondent from
any motive of avarice or desire to better
his pecuniary Condition —

As to the charges made in the Bill
that the Complainant has ever received
or has any just grounds to apprehend cruel

treatment or bodily harm, such charges are wholly without foundation - Never has this Respondent, at any time or in any manner treated the said Complainant with the least degree of cruelty, and this the Complainant herself well knows, but on the Contrary he has, as far as his circumstances permitted, supplied her reasonable wants & done all things that could be reasonably expected of him to promote her happiness - This Respondent feels that it is due to himself, to his family, to his own self-respect, & the good-name of his family to deny such charges, as he now does, in the most unqualified, but respectful terms - This Respondent may be excused for saying that it is not in his nature to be unkind much less cruel to any living thing much less a human creature & least of all the wife of his bosom - and this will be abundantly proved by some of the best & most & highly respected gentlemen & ladies in the County

As to any reasonable apprehension of bodily hurt, this Respondent in the most solemn manner avers that he has never on any occasion, used offered to use or threatened to use any violence, in any form, towards the said Complainant -

As to the charge of drunkenness this Respondent is compelled to admit that he has ~~from time to time~~, at times so far overstepped the proprieties of a christian as to permit himself to get somewhat under the influence of ardent spirits, but he also altogether & wholly denies that he is what can in any correct sense be called a ~~an habitual~~ drunkard

And furthermore he states that he is not as much addicted to the bad habit of drinking ~~as he was before~~ and has not been since his marriage, as he was before that event - And as to his habits generally before marriage the said Complainant must have been well informed having been acquainted with Respondent since the year 1853 - & this habit especially if habit it can be called, must have been known as well to Complainant as to others, as this respondent acted ~~for~~ in the public office of Constable for about the period of five or six years, about half of which time was before the late Civil war, & about the latter half since or close & in the immediate neighborhood of Complainant -

This Respondent having answered thereto prays that he may be dismissed with &c -

James. B. Vick

Endorsed

State of Virginia - County of Southampton - To wit

In my said County

This day personally appeared before me a Commissioner in Chancery for the Circuit Court of said County, James B. Vick & made oath that the Statements made

in the foregoing answer are true to the best of his knowledge & belief —

Given under my hand This 31st day of October AD 1873.

James R Tyler,
Commissioner in Chancery

Lucy M. Veit
vs
James B. Veit

Answer

Vick

v. } Ex. with Dfts ans

Vick

This Agreement made this 20th day of October in the 1868, between James B. Vick and Lucy M. Vick, both of the County of Southampton. Witnesseth that whereas the rites of Matrimony are shortly to be Solemnized between the said two parties, and whereas the said Lucy M. Vick is seized and possessed of certain real and personal estate the legal rights to which, it is desired by both parties, shall not be impaired by the said marriage - Now Consideration of the premises, the said James B. Vick releases and relinquishes all right, title or interest of every kind, in law or equity, which he might otherwise acquire in and to any property real, personal or mixed of which the said Lucy M. Vick may now be seized and possessed or may hereafter accumulate - And the said James B. Vick consents that the said Lucy M. Vick shall use, enjoy, control and dispose of all such property of every kind of which she may now be seized and possessed or which she may hereafter acquire, in the same manner in all respects, as if she were an unmarried woman - That the said James B. Vick shall claim no rights therein except such as may be granted by said Lucy M. Vick. That the said Lucy M. Vick shall have the right to bargain and contract as to all her said property & to dispose of the same by sale, Deed of Gift, last Will and Testament or otherwise as a feme sole might do - And the said James B. Vick further Consents and agrees that the said Lucy M. Vick shall not be deprived of her right of dower or any other legal rights to which she might become entitled in or to any estate real or personal which the said James B. Vick may now posses or may hereafter acquire, but the said Lucy M. Vick shall have and enjoy the same just as if this Agreement had never been entered into. Witness the following signatures and seals.

Signed and acknowledged in presence of

Jas. B. Vick (Seal)

Lucy M. Vick (Seal)

3

over

State of Virginia- County of Southampton.

This day personally appeared before me, a justice of the peace for said County, in my said County, the above- named James B. Vick and Lucy M. Vick, parties to the foregoing Agreement, and signed, sealed and acknowledged the same, and requested me to certify their said execution to the clerk of the county court of the said County in order that the said Deed may be admitted to record. Given under my hand this 20th October 1868.

Thugars Saint S. P.

"

Southampton County: In the Clerk's Office October the 21st 1868.

This Marriage Agreement between James B. Vick and Lucy M. Vick, was this day received, and together with the certificate thereto annexed of the acknowledgment of the said James B. Vick and Lucy M. Vick, before a Justice of the peace, admitted to record- Stamps of the Internal Revenue of the United States to the amount of ten cents, being affixed thereto and duly cancelled.-

Test. L.R. Edwards, Cls

"

A Copy

Test L.R. Edwards Cls

Vick
Ex. A.
Vicks

MARRIAGE LICENSE.

Virginia, Southampton Co. 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, James B Vick

and Lucy M Vick

GIVEN under my hand, as Clerk of the ~~County~~ Court of Southampton County this 21st day of October 1868

L.R. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be Annexed to the License, required by Acts passed 15th March, 1861 and February 27th, 1866.

Time of Marriage 21st Oct. 1868

Place of Marriage Southampton

Full Names of Parties Married James B Vick and Lucy M Vick

~~Color~~

Age of Husband 31 years

Age of Wife 32 "

Condition of Husband (widowed or single) Single

Condition of Wife (widowed or single) Widowed

Place of Husband's Birth Southampton Co

Place of Wife's Birth Petersburg

Place of Husband's Residence Southampton Co

Place of Wife's Residence "

Names of Husband's Parents James & Delila Vick

Names of Wife's Parents John & Mary Hawks

Occupation of Husband Constable

Given under my hand this 21st day of Oct. 1868

L.R. Edwards Clerk.

MINISTER'S RETURN OF MARRIAGE.

I CERTIFY, That on the 21st day of October 1868 at Brides residence Southampton Co. Va. I united in Marriage the above-named and described parties, under authority of the annexed License.

A. Wiles

☞ The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A Copy - Teste L.R. Edwards Clk

Executed 17th day of June 1879

A. H. Cobb Dep

Stff

Vicksburg

vs

U.S. Supreme Ct.

Writ

1879 July Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon James B. Vick

if he be found within your bailiwick, 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 Lucy M Vick who sues by her next friend Leonard C. Cobb

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 10th day of June A. D. 1873, in the 97th year of the Commonwealth.

L. R. Edwards Clk

Sun Job Print, Suffolk, Va.

Vide

ads: 3 Supt.

Vide

Executed

W. W. Borrowdale

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU TO SUMMON Duncan Bretlow and Wm H. Judkins

at Jesse B. Vick's store in the

to appear ~~before the Judge of our~~ ~~Court of~~ Southampton county, ~~at the Court House~~, on the 23rd day of October inst ~~term~~, to testify and the truth to say on behalf of James B. Vick in a certain matter of controversy in our said court depending and undetermined between Lucy M. Vick — Plaintiff and said Jas B. Vick — Defendant And this they shall in no wise omit, under the penalty of £100 ; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 20th day of October 1873, in the 98th year of the Commonwealth.

L R. Edwards CC

Vicks
v. } Sp.

Vicks
11 Lucy October 1878 at
Mrs. Lucy M. Vicks

Executed

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU TO SUMMON Edwin Bradshaw Winfield Scott & Wife
Susan & John Worrell

to appear before ~~the Judge of our~~ a Justice of the Peace at the residence of Lucy M Vick ~~Court~~ of Southampton county, ~~at the Court House~~, on the 11th day of October 1873 ~~term~~, to testify and the truth to say on behalf of Lucy M Vick in a certain matter of controversy in our ~~said court~~ Circuit Court of Southampton County depending and undetermined between Said Lucy M Vick Plaintiff and Jas B Vick Defendant And this they shall in no wise omit, under the penalty of £100; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 6th day of October 1873, in the 98th year of the Commonwealth.

L. R. Edwards Clk

Vick by
To } Sum. Chy.

Vick
1873 September Rules

Executed.
W W Briggs Sheff

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon James B. Vick

if he be found within your bailiwick, 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 September next to answer a bill in Chancery exhibited against him in our said Court by Lucy M Vick who sues by S. C Pearman her next friend

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 13 day of August A. D. 1873, in the 98 year of the Commonwealth.

L. R. Edwards Clk

Sun Job Print, Suffolk, Va.

Major Edwards will dismiss the suit in
chancery of Lucy M Vick by L. C. Leroot
her next friend vs James B Vick
and
Same subpa in chancery returnable to
the September rules of the circuit court
Lucy M Vick who sues by S. C. Pearman
her next friend vs James B Vick

Issued p. q.

To Mrs Lucy M. Vick

You will please take no-
tice that I shall, on Thursday
the 23rd day of October next be-
tween hours of 10 o'clock A.M.
and 5 o'clock P.M. at the Store
of Lepe B. Viché, proceed to
take the depositions of Wm W.
Cobb, Albert Raiford & others
to be read as evidence, in my
behalf in a suit now pending
in the Circuit Court of Southamp-
ton County, in Chancery in which
you are plaintiff & I am
defendant.

Respectfully
James D. Vick
By Jno I. Hunnicutt
Pl's Att'y

Octo 15th 73

Oct 23rd 1873 Academy
Denver to the north west
Dec 13 Thence
atlas for L. M. Vick

The Deposition of Shugars Laine James E. Schrell & others, taken at the Store of Jesse B. Vick in Southampton County on Thursday the 23rd day of October A.D. 1873. in pursuance of notice duly given to be read as evidence on behalf of the Defendant in a suit now pending in the Circuit Court of said County in which Lucy N Vick is Plaintiff and James B. Vick is Defendant — taken before Jno C. Schrell a Commissioner in Chancery.

Shugars Laine having been duly sworn on the Evangelists of Almighty God doth depose as follows —

Question 1 - By Defendant's Counsel —

What is your age — how long have you known Defendant & what are & have been his habits as to sobriety?

Answer —

I am seventy two years old — I have known defendant from his boyhood up to the present day — He lived with me a year or two & went to school when he was about half grown. When he lived with me he was a steady young man & continued so for years — as to his habits of sobriety, while he lived with me I never saw him under the liquor — Since then I have seen him at Times disguised with liquor, but I have never seen him out of temper in my life —

Ques. 2. What is your opinion of his disposition & character as to amiability & Kindness when under the influence of ardent spirits —

Answer — I consider him a man of amiable & Kindly disposition —

Question What are his habits as to drunkenness — ~~Is he~~ Is he much addicted to drink or the contrary — Does he get under the influence of ardent spirits very frequently or only occasionally —

Answer — So far as I know only occasionally —

Question — Even when under the influence of ardent spirits is he quarrelsome & pugnacious or kind & peaceable?

Answer — He is very peaceable & of good humor —

Question — Are you well acquainted with the plaintiff — How long have you known her and what is her disposition, amiable or not?

Answer —

I have been acquainted with her for some time, but don't know about her disposition — —

Cross Examined by plaintiff's Counsel.

Question - Have you seen Plaintiff & Defendant often together since their marriage, at home or abroad?

Answer - I have seen them together occasionally abroad -

Question - Do you know whether they lived happily together or not?

Answer - I do not -

And further this Deponent saith not.

Stanyarne Laine

William A Bell having been duly sworn says as follows -

Question by Defendant's Counsel -

What is your age - How long have you known Defendant & what is his character as to amiability or otherwise - and his habits as to sobriety or otherwise?

Answer -

I am over forty five years of age - I have known Defendant from boyhood since 1856 or '57 I have known him intimately - I have never seen him

I have all known in my life — I consider him a very amiable man. As to his habits of sobriety — I have seen him drunk a good many times, but he is always good dis posed when I have seen him in that condition —

Question —

Does he get drunk occasionally only or is he always or generally so?

Answer —

Only occasionally so far as I know

Question — Has he been more or less addicted to drink since his marriage with plaintiff, than he was before?

Answer —

Not more so that I know of — I have'nt seen him as frequently since marriage as I did before —

Cross Examined by plaintiff's Counsel

Question — Have you seen plaintiff & Defendant often together since their marriage? and where?

Answer —

I have seen them together since their marriage only at church — and at church not very often —

Question — Do you know whether they

have lived happily together since marriage or not?

Answer - So Sir - I know nothing about their domestic relations -

And further this deponent saith not.

Wm. A. Bell

James E Scoble having been duly sworn says as follows -

Question - What is your age - How long have you known defendant - What is his disposition as to amiability or otherwise & his habits as to sobriety or otherwise?

Answer -

I am about forty years of age - I have known him since 1856, when he was a school-boy under my charge during '56 & '57 I think - I never had any difficulty with him during the whole time - never knew him to be in a bad temper or to have any difficulty with any of his School mates - I always considered him a man of kind disposition of smooth & even temper.

As to his habits - I have seen him occasionally (on public occasions) intoxicated & even then I have never seen him in anger

or ie a bad liuman -

Cross Examined by plaintiff's Counsel

Question - Have you seen Plaintiff & Defendant often together since their marriage?

Answer - I have never seen them but once together since their marriage.

Question - do you know whether they live happily together or not?

Answer - I do not.

And further this Deponent saith not.

Jas. E. Sibrell

William W. Cobb having been duly sworn says & deposes as follows -

Question by Plaintiff's Counsel -

How long have you known defendant - What is his disposition or character as to amicability or otherwise & his habits as to temperance in drink?

Answer -

I have known him since he was a boy He lived in our family during the year 1856 - I regarded him as a boy of unusually

Kind & amiable disposition — He was then about eighteen or nineteen years old I suppose — I frequently observed him to shew less temper than I would have expected — that is on some occasions.

As to his habits of drink I know but little — Occasionally I have seen him under the influence of liquor (on public occasions) I know but little of his general habits in that respect.

When under the influence of drink (I have seen but little of him when he was under the influence of drink) but on those occasions I saw but little change in his disposition — I never observed that he was quarrelsome or fond of getting into disputes when

Cross Examined by ~~Plaintiff's~~ Def's Counsel

Question Have you seen Plaintiff & Defendant often together since marriage?

Answer — No I have never seen them together

Question — do you know whether they lived peaceably together or not —

Answer — Not of my own knowledge —

And further this Deponent saith not.

Wm. W. Cobb

Luther R. Edwards having been duly sworn says & deposes as follows—

Question—How long have you known defendant—what is his disposition as to amiability or otherwise—& his habits as to sobriety or otherwise?

Answer—The first of my knowing him intimately was during the war (since '61) He was a member of the Cavalry Company in which I was a Lieutenant—He served in my Company during the war except when disabled by a wound—As to his disposition he was amiable His disposition was good—

As to his habits of sobriety—His habits were good then—I have known nothing of them since the war—

Cross Examined by Plaintiff's Counsel—

Question—Have you seen plaintiff & defendant together often since their marriage?

Answer—

I have never seen them together at all

Question—

Do you know whether they lived happily together or not?

Answer—I know nothing about it. Only further the deponent saith not.

L. R. Edwards

Wallace A. Middleton having been duly affirmed says & deposes as follows

Question by Plaintiff's Counsel

How long have you known the Defendant? — What is his general disposition amiable or otherwise? What are his habits as to sobriety or otherwise?

Answer —

I have known him since '56 & '57 during which two years I went to School with him to James E Schrell — He is a person of amiable disposition as far as I ever knew — We also served together in the same Company during the late war —

As to his habits — He has generally been temperate —

Cross Examined by Plaintiff's Counsel

Question — Have you seen Plaintiff & Defendant often together since marriage & you know whether or they have lived happily together or not?

Answer —

I never saw them together — I am not even acquainted with his wife — I know nothing about how they have lived together —

And further this Deponent saith not.

Wm A Middleton

J. Denson Pethel having duly affirmed - says & deposes as follows -

Question by Plaintiff's Counsel -

How long have you known defendant What is disposition, amicable or otherwise? What are his habits as to sobriety & otherwise?

Answer - I am forty years of age & have known him since we were little boys together - were raised near each other in the same neighborhood together & have met him often since - I have always regarded him as having a very amiable disposition, easy quiet -

As to his habits - I have seen him under the influence of liquor at times, at public places & even in that condition I have never known him to be quarrelsome.

Question - Have you seen much of the parties to this suit since their marriage & how they have lived together?

Answer -

I have seen them two or three times since marriage at their home - I have been there on business - Mrs Vick seemed dissatisfied with Mr Vick about the business on which I called to see them - Complained of him & was somewhat fretful

Question

What is Mrs Vick's disposition as to temper so far as you know?

Answer -

I have never been in her company sufficiently to form an estimate of her temper -

And further this Deponent saith not -

L. D. Pettard

William B. Ellis having been duly sworn says & deposes as follows -

Question - How long have you known James B Vick? What is his disposition amiable or not?

What are his habits as to drink

Answer - I first became acquainted with him in the year 1868 which was the year I lived with Mrs Vick before the marriage - I lived there all that year. I regard him as an amiable man

After her marriage in '68 during the remainder of that year I saw a good deal of him - He & I rode out to the farm some not many days after his marriage

As to his habits of sobriety - I don't think I ever saw what can be called drunk there in my life -

Question — Do you consider Mrs Vick a lady of amiable temper or not?

Answer — I think she has the most desperate temper of any Lady I ever saw — She did during the year I lived there — I have never spoken to her since that I endeavored to please her during the year but found it impossible — I remember that on one occasion She told me that she would'nt mind chopping my jaws any more than She would Reuben's (a black boy who lived with her before the war). At many other times we had disturbances — I could'nt give satisfaction —

Question — Did you while you lived there after the marriage see any thing to induce you to believe that She was afraid of James B Vick, her husband?

Answer —

I did not —

Question — What was his conduct towards and treatment of her, was it kindly or unkindly?

Answer — They lived together as kindly & friendly as any couple I ever saw, so far as I knew —

Question. —

Was ~~not~~ James B. Vick's treatment of her ever violent — Did you ever hear him use threatning language towards her?

Answer — No sir —

Question — Is Mrs Vick a person of timid disposition or not afraid of any one?

Answer —

Judging from the treatment which I received the year '68 while there I should say that she was not afraid of any one —

Question —

What is your age?

Answer — Thirty one years of age —

Cross Examined by Plaintiff's Counsel.

Question — Do you know whether James B. Vick & his wife have lived happily together since the end of the year '68

Answer —

I do not.

And further the Deponent saith not.

William B. Ellis

Albert N. Raiford having been duly sworn says & deposes as follows.

Question — What is your age? How far do you reside from Mrs Lucy M. Vick's? —

How long have you known Defendant? What is his disposition? What are his habits as to drinking?

Answer — I am forty five years of age — I reside about a mile from Mrs Vick's I have lived there & at another place which is nearer to Mrs Vick's, ever since 1857 — I have known the Defendant since about 57 or 58 — As to his disposition I have never seen him out of temper all my life — I consider him an amiable man

As to his habits — I have seen him drinky at times, — But there has been a time or two while he was teaching school that he did not drink at all in my opinion for months — He taught school the most of last year & a part time of this year —

Question —

State what you may know about his laboring on the farm — when & what kind of work did he do?

Answer — I could not say when. He worked I suppose he worked the most of time he staid there — I have seen him at work often —

Question – Did you find James B. Vick to be a kind & obliging neighbor?

Answer – Yes – He was generally kind & obliging as far as I ever saw of him –

Question – Did you ever see or hear any thing to induce you to believe that Mr Vick was afraid of James B. Vick?

Answer – No –

Question – Were you in the habit of visiting the family often?

Answer – No sir I was not there but a few times whilst he stayed there –

Question – Is Mrs Vick a lady of amiable temper or the contrary?

Answer – So far as I have seen any thing of her she has a plenty of temper –

Question – How did Plaintiff & Defendant live together after marriage, peaceably or otherwise so far as you know –

Answer –

The few times I have been over there they seemed to live peaceably – I never of my own knowledge knew of any unpleasantness –

Cross Examined by Plaintiff's Counsel -

Question - Do you know whether James B. Vick & wife lived happily together or not

Answer - I do not

And further this Deponent saith not

Albert H. Raiford
mark

Lemon Wellons having been duly sworn says & deposes as follows -

Question - What is your age? How far do you reside from Mrs Lucy M Vick?

Answer - I am about 27 years old - I live but a few hundred yards from Mrs Vick's house - I live on her land now - I moved there about last New Year's day.

Question What is James B. Vick's disposition amiable or otherwise, so far as you know

Answer -

He was always quiet every time I saw him -

Question - What were his habits as to drink?

Answer - I have seen him out of the way with drink a few times -

Question - Ded you ever see or hear anything to induce you to believe that Mrs Vick was afraid of Mr Vick?

Answer - No sir - I have not

Question - Do you consider Mrs Vick a lady of amiable or violent temper?

Answer - I think she is right violent - She seems to have a plenty of temper

Question - Did you ever see Mrs Vick on any particular occasion show any violence of temper towards James B. Vick?

Answer - Yes sir - During last spring he was about to take a horse to ride Mrs Vick followed him a part of the way to the gate & tried to get the horse away from him - She tried to take the horse away from by the rope - & picked up a stick or piece of wood or something (I was not near enough to see what it was) & tried to make the horse break loose from him by knocking at the horse -

Question - Did you ever see or hear anything to induce you to believe that Mrs Vick was afraid of James Vick -

Answer - No sir - I have not - I have

heard Mrs Vick say that she was not afraid of him & that she was not afraid of any man under the sun —

Question — who caused you to go to Mrs Vick's to live this year, to work on the farm?
Answer
James B Vick —

Question — Did you ever hear Mrs Vick say that she would not have brought this suit but for her children?

Answer — So sir — I have not —

Cross Examined by Plaintiff's Counsel

Question — Did you see Mr & Mrs Vick often together during the time you have alluded to?
Answer —
Yes sir — quite often —

Question — From your observation did you think they lived happily together?
Answer.
They did so far as I saw —

And further this deponent saith not

his
Simon + Hellon
mark

Johnson Barnes having been duly sworn says & deposes as follows -

Question. How old are you & where do you reside, & what do you know of the general character of Plaintiff as to amiability.

Ans. I am about 52 years of age, and live within a mile of Mr Vick. As to her good temper I do not know.

Question. From your knowledg of Mrs. Vick do you think she is afraid of Defendant.

Ans. I have never seen anything to cause me to think so.

Question. Did you ever know Mr. Vick to do any work on farm & what kind.

Ans. I worked there some one day myself, in the year 1871 & he assisted me to pull fodder, until he was called away by his wife to attend her to Church.

Question. What do you think of the Defendants disposition, is he good tempered or not.

Ans. I have known him since he was a boy and he has always been good tempered, so far as I know.

Cross Examined -

Question. Did you visit Mr. Vick & his wife often after their marriage?

Ans. No sir, I never went & only on business & they lived happily so far as I know

And further this Deponent saith not

his
Johnson + Barnes
mark

Wm T. Hundley being duly sworn, deposes and says as follows.

Question. How old are you & where do you reside & what do you think of the disposition of the Plaintiff, is she good tempered or not?

Ans. I am 44 year old, live about 3 miles from Mrs Vicks. I think the Plaintiff is a very quick tempered woman

Question. Have you ever seen any outburst of temper on the part of the Plaintiff?

Ans. Yes sir. I saw her whip a negro on one occasion "mighty" bad.

Question. Do you know that the Defendant Mr. Vick performed any labor on the farm after his

marriage with the Plaintiff.

Ans. Yes Sir! in the year 1869, (the year after his marriage) he and myself got up the whole crop. there being no one else to do any work on the farm.

Question. Do you know anything of the Defendants temper.

Ans. He is always in good temper so far as I know.

And further this Deponent saith not.

William + T. Hundley
his
mark.

Mrs Delilah Holmes, having been duly sworn say & depose as follows —

Question —
State any conversation you may have ever had with Mrs Lucy M. Vick in relation to the firing of gun by your son James B. Vick in their house, or Mrs Vick's house —

Answer — In the year 1870 two or three days before christmas, as Mrs Lucy M. Vick told me, ~~James~~ at Ray house James was shooting Christmas guns — that he had fired off

two or three guns - & in loading or handling the gun in the chamber, it went off - She stated to me that the going off of the gun was an accident -
That the two younger children Richard & Mary were asleep at the time, & that the going off of the gun ~~also~~ in the house, alarmed them - The conversation occurred at my house - The going of the gun occurred at Mrs Vick -
Mrs Vick stated that She never wanted to hear anything more about it - that it was altogether an accident -
The conversation at my house occurred not very long after the going off of the gun - that is it happened in the month of January or February perhaps - it was during the winter -
And further this Deponent saith not.

Josiah Holmes

I, Chas F. Sebrell, a Comr in Chancery for the Circuit Court of Southampton County do Certify That the above depositions were taken before me at the time and place mentioned in the Caption & according to the annexed notice
Given under my hand this 23rd day of Oct. 1873.

Commissioner's Fee
$ 10.00

C. F. Sebrell
Comr in Chancery

Lucy M. Vick
vs
James B. Vick

Decree
September Term 73
To be entered —

Geo. Bros.

Lucy M. Vick

vs

James B. Vick

This cause this day was heard on the Bill of Complaint, ans the Defendant's answer, Replication thereto ~~Depo~~. Exhibits ~~Tab~~. & Depositions & was argued by Counsel: On Consideration whereof the Court doth ~~&~~ opinion that there is no legal grounds for granting a Decree a Mensa et thoro, doth adjudge, order & Decree that the Bill be dismissed the said Complainant paying all the legal costs of this suit.