

1878-26

Southampton County Chancery

Exe, Missouri vs Pope, John H.

"Divorce"
Execution

126

Pope

v } Papers

Pope

1878. Nov. Divorce granted

Missouri Pope

vs

John H. Pope

Bill

1878. October Rules

To the Hon George Blaw

Judge of the Circuit Court of Southampton County

Humbly complaining sheweth unto your
honor your Oratrix Missouri Pope. (formerly Miss
or Johnson or Missouri Artis) and respectfully rep-
resents as follows:-

That on the 14th day of August A D
1866 your Oratrix intermarried with ~~the~~ John
Pope or John H. Pope (both colored) as will ap-
pear by a certified Copy of the Return made
by C. D. Barham a minister of the Gospel
duly authorized by law to solemnize marriages,
which said Return is marked A and is prayed
to be annexed as part of this Bill -

That ^{for} about the period of five or six years
your Oratrix resided with the said John H.
Pope as his wife, during all of which time
she fully ^{& faithfully} performed all of the duties as far as
she was able of a true and lawful wife -

but during all of the said period the said
John H. Pope was very unkind to your Ora-
trix, and neglected her in many respects
in which it was his duty to contribute to
her comfort -

All this your Oratrix patiently ~~with~~
endured until in the year 1871 or 1872

the said John H. Pope, after having communi-
cated to your oratrix a foul and loath-
some ^{venereal} disease, voluntarily got his own
accord, without any provocation ^{what}
ever on the part of your oratrix deserted
and wholly abandoned her and has
never since that time provided in
any manner for her support, but
on the contrary has left her to take care
of and support herself -

and also to support and provide
for a child of the said marriage,
a little girl now about ten years of
age named Addie or Adeline -
this child was born in wedlock and
is the child of the said John H. Pope -

Your oratrix is advised that she
is entitled to be divorced from the bonds
of matrimony with the said John H.
Pope, which she prays your honor
will do ^{that the said John Pope may be}
made a party defendant to this bill and com-
and that your honor will also de-
cree that her said child may remain
with your oratrix free from all con-
trol of the said John H. Pope -

that your honor would grant such
further and general relief ^{the premises}
considered, ^{equity may dictate and} as the nature of the case may
require - Your oratrix being with-
out remedy save in a Court of equity
as the honorable court is -

and, as in duty bound, your oratrix
will ever pray &c.

May it please the Court &c.!

Wm. J. Hinds, Jr.

pledged to answer
its allegations

Pope notice to
W. E. Defendant &c
Pope

Executed in full
Oct 17 1878
J. Harris - Dy
for W. W. Briggs

Jerusalem Virginia
October 12. 1878

To John N. Pope,

You are hereby notified that I shall proceed, at the Office of John N. Sebell, a Com'r in Chancery for the Circuit Court of Southampton County, in Jerusalem Va. on Tuesday 22nd day of October 1878, to take before said Com'r the depositions of John Powell or Reed, Nancy Johnson, Ben Reese or Pope, Mary Ellen Johnson, Ruth Grainger, Mary Grainger & others, to be read in behalf of Missouri Pope, in a certain suit now pending in the Circuit Court of said County, in which she is plaintiff and you are defendant.

John J. Kindred
atto: for Missouri Pope

Pope
107 E. Court's
(Summons)
Pope

Executed in full
Oct 16 1878
J. T. Harris
for H. W. Briggs

Commissioner's Office
Jerusalem Octo. 12th 1878.

The Commonwealth of Virginia:
To. Wm. W. Briggs, Sheriff
of Southampton County. Greeting:

You are hereby commanded
to summon John Reed, or Powell, Mary
Ellen Johnson, Nancy Johnson Ben Reese
or Pope, Ruth Granger & Mary Granger, per-
sonally to appear before the undersigned
one of the Commissioners in Chancery of the
Circuit Court of Southampton County, at his
Office at the Court house of said County,
on the 22nd day of October 1878, to testify and
the truth to say in behalf of Missouri
Pope, in a certain suit in Chancery
now pending in the Circuit Court of said
County in which she is Plaintiff and
John H. Pope is Defendant, and this
they shall in no wise omit under the
penalty of \$100-. And have Then and
there this writ - Witness, J. N. Sebell
Commissioner in Chancery of said Court
this 12th day of October, 1878, in
the 103rd Year of the Commonwealth

J. N. Sebell
Comr in Chy

The Depositions of Nancy Johnson, John Powell & others, taken in pursuance of notice given, at the Office of John N. Seblee, a Commissioner in Chancery for the Circuit Court of Southampton County, - on the 22nd day of October 1878. - to be read as evidence on behalf of the plaintiff in a Chancery suit now pending in said Court in which Missouri Pope is plaintiff and John H. Pope is defendant.

Present - J. J. Kindie atty: for Plff and John H. Pope, the Def^t.

Nancy Johnson, being duly sworn deposes and says as follows:

Question? How long have you known the parties to this suit?

Ans: I have known the plaintiff from her infancy, I am her Grand mother - I have known the Defendant since just before his marriage with my grand daughter, which was the year after the war ended.

Question: How long did they live together after their marriage?

Ans: I don't recollect exactly, but think a little better than two years.

Question, During the time they lived together, what was his treatment of his wife?

Ans: Sometimes he treated her kindly, and at other times unkindly, at one ^{time} I saw him whip her with a switch, I asked him what he whipped her about, and he said he wouldn't tell me. She went away from him immediately, and staid awhile, but went back to him in one or two weeks, as near as I can remember, directly after her return I moved away, but John H. Pope left before I did.

Question - During the time of your living with them did you know of Missouri's having any bad disease?

Ans: I did, ~~she~~ she had the disease they call "Clap."

Question - Do you know who gave her that disease?

Ans: I do not know myself, but heard Missouri tell John that he did it -

Question During the time you lived with them was any man or men in the habit of visiting her?

Ans: Never, unless John was there folks visited them sometimes like they do other folks, but no man ever came to see them, except when John was there.

Question Did they have any children born to them while they lived together as husband and wife?

Ans Yes sir! they had two, the first one died when a baby - The other one is living with Missouri now.

Question What is her name, and age

Ans Her name is Addie Sugars Pope and her age is somewhere about ten or eleven years.

Question Who has supported and provided for this child since the separation of her parents -

Ans Her mother -

Question Do you know what has become of John Pope, or where he has lived since his leaving his wife?

Ans

I don't know where he has been living all the time, but for the last three or four years, he has been living with a woman named Mary Day everybody says he keeps her. I've seen them together frequently at church and other places behaving like man & wife - They own one another as man & wife.

Question

How old are you and where do you live?

Ans.

I am about 70 years of age and live with my daughter Mary Westbrook, in this County -

And further this Dependent ^{per} ~~fact not~~
Nancy + Johnson
mark

John Powell, being duly sworn, deposes and says as follows.

Question

What is your age and where do you live?

Answer

I am sixty odd years old and live in this County.

Question

How long have you known the parties to this suit - ?

Answer

I have known Missodri from his infancy, and have known John

from about the time of his marriage.
 Question Did either of the parties ever
 apply to you to cure them of
 gonorrhoea or what is common
 ly known as "Clap"?

Answer. Missouri Pope did about the time
 of their separation -

And further this deponent saith not
 John ^{his} Powell
 (mark)

Ben. Pope, being duly sworn, deposes
 and says as follows:

Question What is your age & where do you
 reside?

Ans. I am 24 years of age and live
 at Boykins Depot in this County -

Question Do you know the parties to this suit
 and how long have you known them?

Ans. I am a brother of Geo Pope, and
 have known him all of my life.
 I have known Missouri ever since
 about two years before she married
 John -

Question How did they live together during
 their marriage before their separation?

Ans. They lived very disagreeably to-
 gether during the latter part of their
 time they live & together.

Question. Do you know whose fault it was that they lived in this way.

Answer. It was his fault, on account of his running after other women. I mean having sexual connexion with other women.

Question. Do you know whether or not either one of the parties while they lived together had any venereal disease.

Answer. He had it, she did not, that I know of. I mean he had what is known, and commonly called "Clap".

Question. Do you know from whom he caught it, and how.

Ans. From Francis Whitfield, as he told me. I saw his privates he showed them to me, at the time - he had the disease very badly - he told me that he did not get it from his wife.

Question. When the parties separated which one deserted the other?

Ans. John left Missouri, he went off and took up with another colored woman named Alice Kindred, ~~with~~ whom he had been keeping during this time he was living with his wife - He didn't live with

Alien long - not more than a few months, when he left her, and took up with Mary Day another Col'd woman, with whom he now lives as his wife -

Question When did the parties to ^{this} suit separate?

Ans. As well as I can remember about the year '69 or '70.

Question Do you know whether they have ever lived together since John left Missouri?

Ans I am certain they have not. They have never had anything to do with each other since. I live and have lived in the same neighborhood within sight of my brother John on the same plantation, and am sure he has not lived with or visited her since he left her.

Question How do you know that John ever kept (as you express it) either Alice Kindred or Mary Day?

Ans While he was married, during the latter part of the time he lived with Missouri, I mean. He frequently visited

Question Who has provided for and supported this child since the separation of the parents?

Ans. Missouri, the mother during the whole time.

Question. Has John in any manner contributed to the support of Missouri or this child Addie since the separation of the parties to this suit?

Ans. Nothing whatever, he has never had anything to do with them.

Question What was the conduct of Missouri towards John ^{as his wife} while they lived together?

Ans. She was a faithful wife to him so far as I ever heard or knew or saw.

Question Did you ever hear John ^{directly} after the separation, speak of the causes of it?

Ans. I heard him say he never intended to go back to her or treat her as his wife any more.

And further this deponent saith not

Ben ^{his} + Pope
(marks)

Mary Ellen Johnson, being duly sworn
deposes and says as follows:

Question: What is your age & how long have
you known the parties to this suit?

Ans. I am about 19 years old and am
a sister to Missouri Pope the Plff
in this suit, and have known her
all my life. I have known John
Pope for the last 10 or 12 years -
^{from} about the time he was married to
my sister.

Question: Where have you resided since
the separation of Ino Pope and Mis-
souri Pope;

Ans. I have lived with Missouri a
great part of the time, and visited
her very often, have lived within
a mile of her, when not living
with her.

Question: Did you ever know or hear of
Ino Pope's visiting Missouri since
his having left her?

Ans. No Sir. I don't believe he ever
did. I never knew or heard
of it -

Question: Have you ever known of John's
contributing to the support of either
Missouri or Chaddie, their child,

since he deserted her.

Ans. No sir, I've never heard of
his sending her anything to eat
or to wear, or anything else—
And further this Dependent saith not
Mary^{her} Ellen Johnson
mark

Ruth Granger, being duly sworn
deposes and says as follows:

Question How old are you and where do
you reside, and how long have you
known the parties to this suit.

Ans. I am about 30 years old, live
near Newsoms Depot in this
County - and have known Ellison
in Pope all my life - I have known
Jno. Pope ever since Lee's sur-
render.

Question. How long has it been since John
Pope left Missouri Pope -

Ans. I can't say exactly, but it was
about one or two years after
I went to live where I now live
and I went there to live now
going on eleven years.

Question How far have you lived from the
parties to this suit since their
separation?

Ans. For the last six or seven years I have lived within, for one year a half mile of where Missouin lived and the rest of the time within one and a half miles - I have lived within two and a half or three miles of John all the time since the separation.

Question Did you ever have any conversation with John Pope the Defendant in this suit, about his separation from his wife directly after it occurred?

Ans. I did have^a conversation with John a short time, about a month or two after the separation, as near as I can remember, and he told me he never intended to go back to her, or that she should ever live with him as his wife any more, This happened at my house.

Question Have they ever lived together since that time or have they ever visited, or had any intercourse to your knowledge since that time

Ans. Not that I ever knew or heard of -

and further this deponent saith not
Ruth ^{nor} Grainger
mark

Mary Williams being duly sworn deposes and says as follows:

Question. How old are you, where do you reside & do you know the parties to this suit?

Ans. About 32 years old, I live near Newsoms Dapok in this County and have known Missouri all her life and have known John ever since the surrender.

Question Do you know of any efforts on the part of Missouri to get John to let her live with after the separation?

Ans. Yes sir! They met once at the place I live (James Hunt) and Missouri asked and begged him to let her live with him again, and John told her that she never should.

Question How long after their separation did this occur?

Ans. I can't remember exactly, but don't think it was more than one or two months.

Question Have they ever, to your knowledge, visited or lived together since their separation?

Ans.

For the last seven years I have lived within two or three miles of both of them, and don't think they have ever visited each other since - I have never heard of their doing so.

Question

Where does John Pope now reside?

Ans

It is common talk that he lives at Perkins with Mary Day in the same house with her - and has lived with her in this way for six or seven years.

And further this dependent ^{is} ~~is not~~
Mary ^{mark} Williams

I hereby certify that the foregoing depositions were taken at the time and place mentioned in the Caption. Given under my hand as Commissioner in Chancery. J. N. Sebrell,
Com'r in Chy

Court's fee for.

taking depositions

and writing summons &c.

\$12.00

Court's Office.

Jerusalem Va. Oct. 22, 1878

At the instance of John Powell, Nancy Johnson, Mary Ellen Johnson, Mary Williams ~~and~~ Ruth Granger, and Ben Pope, ^{who made oath according to law} I do hereby certify that they are entitled to receive from Missouri Pope the sum of fifty cents each for attending before me at my office one day as a witness in behalf of said Missouri Pope in a certain matter for divorce between Missouri Pope and John H. Pope - No mileage allowed as the parties lived within ten miles of Court's Office -

Given under my hand as Court's this 22^d day October 1878.

J. N. Sebrall

Court in Chy

Executed by delivering a true copy of
this summons to John Bape. Oct 7/75

W. W. Briggs Shiff
by Geo. K. Laurence

Bape

as

Shiff

Bape

1848, Oct. 1. Bape

The Commonwealth of Virginia,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

John Pope

if *he* be found within your bailiwick, to appear ^{*at the clerk's office of our circuit*} before the Judge of our _____ Court of Southampton County, at the ~~Court House~~, on the first day of _____ term

Rules to be holden for the said court on the first monday in October 1878 to answer a bill in chancery exhibited against him in our said Court by Missouri Pope formerly Missouri Artis.

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *24th* day of *October* A. D. 1878, in the *10³* year of the Commonwealth.

L. R. Edwards cllk

MARRIAGE LICENSE



Virginia, Southampton 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,

and John H. Pope
Missouri Johnson (Colored Persons)

GIVEN under my hand, as Clerk of the County Court
of Southampton County this 4th day August 1866
J. 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, August 4th 1866
Place of Marriage, Southampton County
Full Names of Parties Married, John H. Pope &
Missouri Johnson (Colored)
Color, ~~Red~~
Age of Husband, 20 years
Age of Wife, 18
Condition of Husband, (widowed or single) single

Condition of Wife, (widowed or single) single
Place of Husband's Birth, Southampton Co.
Place of Wife's Birth, "
Place of Husband's Residence, "
Place of Wife's Residence, "
Names of Husband's Parents, Robt Spark & Maria Pope
Names of Wife's Parents, Jacob Barnes & Ann Johnson
Occupation of Husband, Laborer

Given under my hand this 4th day of August 1866

J. R. Edwards Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 4th day of August 1866
at X Keys Southampton County I united in Marriage the above-named and
described parties, under authority of the annexed License.

W. D. Barham

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.

Teste, J. R. Edwards

In Southampton Circuit Court

Missouri Pope
against
John H. Pope

Plaintiff

Defendant.

1878 October 4th Summons issued

" " R Sum returned Ex^d Bill filed

" Nov Divorce granted

Pope
or { Decree,
Pope

This cause came on this day to be heard upon the bill and exhibits, and the examination of witnesses, and was argued by Counsel for Plaintiff.

On consideration whereof the Court doth adjudge order and decree that the marriage heretofore had and solemnized between the Defendant John H. Pope and the Plaintiff Missouri Pope, formerly Missouri Johnson shall be and the same is hereby dissolved and that the said Missouri Pope be forever divorced from the said John H. Pope, and all right title or interest of the said John Pope in or over the Estate or person of the said Missouri Pope, whether the said estate be real or personal shall henceforth forever cease and determine; and the said Missouri Pope shall be at liberty to marry again; and shall be restored to the condition of a single sole, with all other rights attaching to such condition.

The Court doth further adjudge order and decree, that the female child of the marriage of the said John H. Pope and Missouri Pope, named Addie

Sugar's Paper, shall remain in the
care and custody of ~~the~~ and un-
der the Control of said Missou-
ri Pope; and all the lawful power
and authority of the said John A. Pope
over the person and estate of the said
female child shall cease and determine
during the lifetime of the said Missou-
ri Pope, or until such time as this
or some other Court of competent
jurisdiction shall order or decree
to the contrary, and the Court
doth further adjudge, order and
decree that the said John A. Pope
do pay to the Plaintiff her costs
expended in the prosecution of this suit,

Pope
vs
Pope
Decree

Nov. Term 1878

To be entered

Geo. B. Brown