

1879-20

Southampton County Chancery -

Worrell, William J.

vs

Worrell, Sarah (Babb)

Divorce

William L Worrell

W L
Sarah Worrell

Bill - for Divorce

1877 June Rules

To The Hon George Blount,
Judge of the Circuit Court of Southampton County

Humbly complaining sheweth unto
Your Honor your orator, William J. Worrell
of said County, and respectfully represents
as follows -

That in the month of March 1872 he
was married to one Sarah (or Sally) Babb
in the said County, by the Reverend John S.
Russell, a Minister of the Gospel legally au-
thorized to solemnize marriages -

that notwithstanding your orator did all
in his power ~~in~~^{the} discharge of his whole
duty so far as the law required towards
his said wife, she within four or five
weeks after the said marriage, voluntarily
of her own will and accord and without
any provocation or cause whatever on
the part of your orator, deserted your
orator and has ever since that time
remained away from the bed and board
of your orator and from his control and
presence, and notwithstanding he has al-
ways been able to provide her with a
home and proper maintenance & support -

that never since her said voluntary
desertion has your orator had any inter-
course ~~with~~ or cohabitation with her -
That ~~about three years ago~~ she, the
said Sarah has, since her said desertion
of your orator, had two children, one

of them about three years of age and the other about one year of age -

Your orator is informed that he is entitled to be divorced from the bond of matrimony from the said Sarah Babb, for two reasons, to wit, for that she did voluntarily desert him more than five years ago, and secondly for that she has since such desertion committed adultery and that your orator has never since cohabited with her -

Your orator therefore, being without remedy save in this honorable Court of Equity, humbly prays that the said Sarah Worrell (formerly Babb) may be made a party defendant to this Bill and Compelled to answer its allegations specially - that your ~~Orator~~ would grant ~~such other~~ ^{orator} ~~and grant~~ a Decree divorcing ~~her~~ from the bond of marriage with the said Sally or Sarah Babb, giving him full authority to marry again, if he should ~~think~~ wish so to do, and grant such other & general relief, the premises considered as equity may dictate and the nature of the case may require -

and as in duty bound your orator
humbly prays &c -

Wm J. Worrell

By J. I. Kinross Esq Counsel

2 * That neither of them had any estate of any kind at the time of the said marriage or desertion, nor has either of them any property at present - Nor did they have any child born to them as issue of the said marriage, nor was any born within eleven months after her said desertion -

Worrell vs Worrell

Decece

To be entered

November 11/879

Geo Blow.

Worrell

vs

Worrell

This cause was this day heard on the Complainant's bill, taken for confessed as to the defendant Sarah Worrell upon whom process has been duly served, and she still failing to appear and plead, answer or demur upon the examination of witnesses and was argued by Counsel.

On consideration whereof the Court doth adjudge order and decree that the said Wm. J. Worrell, be and he is hereby declared to be divorced from the bond of matrimony with the said Sarah Worrell (formerly Babh) with leave to the said Wm. J. Worrell to marry again.

And the Court doth further decree that the said Sarah Worrell be forever debarred from all right of dower or other marital rights in and to the Estate of said Wm. J. Worrell.

And nothing further being necessary to be done in this Cause the same is ordered to be dismissed from the docket.

107. 92 89

Worrell

or

}

Stat. Rules

Worrell

In the Circuit Court Southampton County

William I Worrell

Plaintiff

against
Sarah Worrell formerly Babb

Defendant

1877 June 2^d Summons issued

" " Rules - Summons ret.^d Executed - Bill filed

" " 25. Depositions filed

Aug Rules - Cause set for hearing -

79 Nov Decree divorcing Wm I Worrell from Wife Sarah &c.

Worrell vs Worrell

Deponctois

To The Clerk of Circuit Court
Southampton County
Jerusalem

Came to be heard & sealed Nov 8th 1879
D. A. B. D. C.

The Depositions of John S. Russell & others, taken this
23rd day of June 1877, at Newsum's Depot, in pursuance of no-
tice duly given, to be read on behalf of the plaintiff in ~~the~~
suit now pending in the Circuit Court ~~now pending~~ of Southampton
County, ~~was pending~~ between William S. Worrell plaintiff
and Sarah Worrell (formerly Babb) defendant - before me
~~a Notary Public~~ a Justice of the Peace for the said County -
This 23rd day of June 1877 -

Rev^d John S. Russell - having been duly sworn & says & declares,
as follows -

Question - State whether or not you are authorized to sol-
emnize marriages - whether you married Wm S. Worrell
& Sarah Babb (the parties to this suit) & when as well
as you can remember -

Answer - I am authorized ~~to~~ to solemnize matrimony
I joined in the bonds of marriage the said Wm S.
Worrell & Sarah Babb about the first part of
the year 1871 - I have no record of the fact -
& I am informed that there is no record thereof
in the Clerk's office, but I well remember the
fact & that it occurred at the house of George
W. Whitfield some time in the early part of that year
& forth ...

Question - Do you know about the time these parties sep-
arated as husband & wife -

Answer - I do not - they separated the same year
and have never lived together since -

Question - Do you know how many children the defendant
Sarah Womell has had since ~~her~~ separation
from her husband & what is the age of each

Answer - She has had only two to my knowledge -
the eldest one is about three years old -

Question - Where do you reside?

Answer - In the immediate neighborhood of the place
where Mr. Womell now lives - The way in
which I happened to become acquainted
with the foregoing circumstances, I would pre-
fer to explain - as follows -

Mrs. Womell having & has resided a several
years with Mr. James Vick - his mother
was quite an aged woman & frequently sent
for me to converse with her, ~~I suppose~~ on
religious subjects - While there, the old lady
seemed to be troubled about the state of af-
fairs in the family, with respect to the
two children before alluded to - of course
I don't know the paternity of the two children

And further they dependent each other

James Womell

Council Story having been duly sworn, says and de-
poses as follows -

Question - Where do you reside - what is your relationship
to the parties to the suit - When were they married -
How long did they live together as husband & wife -
Where has the defendant Sarah resided since their
separation?

Answer - I reside in the immediate neighborhood of the parties
My relationship is only that the defendant is sis-
ter to my wife - I don't ^{know} exactly when they
were married but as near as I can as-
certain it, I suppose it has been about six
years since they were married -

They stayed together only a few weeks, per-
haps not more than three weeks (as well as
I remember) - ~~about that~~ about the end
of that time she went to her father's
where she stayed till the following fall &
~~then went to her father's~~ & shortly after
went to Mr. James Vick's where she has
been ever since till this time, where she is now
living -

Question -

How many children has the Defendant had, since she left her husband & what is their respective ages?

Answer -

She has had two children - the older one between three & four & the other one to two years of age -

Question. Where has the Plaintiff Mrs. Howell resided since their separation? In the neighborhood of the Defendant or not?

Answer -

No Sir - She has not been living in her neighborhood since but has generally lived some what up the Country from her -

Question - Did you ever hear or have any reason to believe that the parties to this suit have ever cohabited together or lived together as man & wife since their separation above alluded to?

Answer -

No Sir - I know they have never lived together as man & wife & I have no reason to believe that they have ever ~~been~~ been

together as man & wife — I am very sure
they have not.

Question —

What is your ~~of~~ opinion from all that you know of
the relations between the parties to this suit, & from
all the circumstances connected therewith, as
to whether the plaintiff is the father of the
two children of the defendant before alluded to.

Answer — Of course Sir, I don't know who this father
is; but I have no reason at all to be-
lieve & do not believe that Wm. Woneell
is their father — I know of no reason
at all why I should think so —
as to who their father is, I suppose
it is not necessary for me to express
any opinion —

And further the Defendant doth not —

Council ^{his} Story
mark

Isiah Vick having been duly sworn say, & dep^r as
Question -

How long have ~~since~~ the parties to the suit
separated?

Answer - As well as I can get to the time, it
has been ~~five~~ years & going on six - I make this
calculation from the time I was married myself.

Question - How many children has the defendant
had since her separation from the plaintiff,
what is their age?

Answer - I don't know how many she has had -
all that I can tell you is that she has two
at this time, & that ~~they are~~ ^{the oldest is} between three &
four years old & the youngest one is nearly two
I reckon -

Question - Have the plaintiff & defendant ever
lived together since their separation?

Answer - No Sir - They have not -

Question - Where ~~she~~ has the defendant resided
since their separation?

Answer - For the last five ^{years} or thereabouts she has been

living where she is now - Mrs Vick the mother of
James Vick lived there till her death about a year
or two since - & Sally, the defendant lived with
them till old Mr Vick's death - Since that time
she has continued to live with James Vick -

Question -

Has the plaintiff ever cohabited with the defen-
dant since their separation, to your knowledge -

Answer - No Sir - I have no reason at all to
believe that they have ever been together
& do not believe it.

Question - How far do you reside from the place
at which the defendant has resided for
the last five or six years?

Answer - About one mile - a short mile -

And further the defendant saith not -

Isiah ^{his} Vick
wark

Simmon Story having been duly sworn, says and deposes as follows -

I reside about a mile from where the Defendant has lived for the last five or six years - know the parties well -

Am familiar with the habits of life -
& circumstances connected with this suit -
& confirm what has been said by the last witness -

And further the Defendant says not.

his
Simmon Story
mark

Mr H. Drake having been duly sworn, says & deposes as follows -

Question - How long has the defendant been living where she is at present, that is, at James Vick's -

Answer - About five years I reckon - as near as I can come at it -

How far do you live from where the Defendant has lived for the last five years - How many

children has she & what is their ages

Answer - I live not more than half a mile from where the defendant has been living for about the time I have stated - She has two children - ~~the~~ about three or four years of age & the other perhaps about two years ~~old~~ -

Question - Have ^{you} any reason to believe that the plaintiff & defendant have ever cohabited together since their separation -

Answer - I have no reason to believe so - but I know nothing about the affairs -

And further the defendant cannot not

per H. L. Drake
mark

Witness in attendance

Witnesses in attendance

John S. Russell -
Council Story -
Josiah Vick -
Simeon Story -
Wm H. Drake -

I hereby certify that the foregoing depictions
were taken at the place ~~and~~ time, place & manner
mentioned in the caption.

Given under my hand this 23rd Jan 1877

A. B. Vick J.P.

disposition

Worrell
003
Worrell

May L. R. Edwards

Came to date of June 25-1877
S. R. E.
dated

Belk Creek Ch. Southampton Co.

Magistrates fee for taking
the probin depositary \$2.00

J. R. D.

Prinsaleen
age

Mrs Sarah Morrell:

Please take notice that I shall, on Saturday the first day of November next, at Newson's Depot, in this County, proceed to take the depositions of Council Story & others to be read as evidence in my behalf, in a suit in Chancery now pending in the Circuit Court of Southampton County, in which you are Defendant and I am Plaintiff.

Yours &c

W^m J. Morrell

October 29th 1879

Southampton County - Va

This day personally appeared before me a Notary public in said County, Robert J. Griffin, and made oath that he delivered a copy of the above notice to Sarah Morrell on the 29th day of October 1879.

Witness my hand this first day of November 1879
R. E. Darden N. P.

Personally appeared before me this 23rd day of June 1897, Peleg
Learoon, who made oath that he executed the within note by delivering a
copy of the same to Sarah Horrell, the within named defendant, on
the 22nd day of June 1897.

GIVEN under my hand ~~the~~ day above-stated -

R. E. Dardine,
Notary Public

Horrell

or S

Horrell

Attest to the foregoing

To be returned -

To Mrs Sarah Worrell (formerly Babb)

Please take notice that I shall, on
Saturday next, the 23rd of the month, between the
hours of 2 and 7 o'clock ^{at Newson's depot} P.M., proceed to take
the depositions of John S. Russell, Josiah Vick
(or Lebeck Vick) & others to be read as evidence
in my behalf in a suit in Chancery now
pending in the Circuit Court of Southampton
County, in which you are defendant
and I am plaintiff -

June 16th 1877
I
J
Wm. J. Worrell
By his Counsel

Depositions of Frank Vick & others, taken at New-
com's Depot in Southampton County, on Saturday the first day of
November 1879, in pursuance of notice duly given, to be
read as evidence on behalf of the Plaintiff, in a suit
in Chancery now pending in the Circuit Court of said
County, in which Wm. J. Worrell is Plaintiff and Sarah
Worrell (formerly Rabb) is defendant.

Taken before Rufus E. Darden a Notary Public.

Frank Vick Having been duly sworn, says and de-
poses as follows -

Question - What is your age - Where do you live &
how long have you known the parties to this
suit?

Answer - I am 23 years old & live in this County -
Have known Wm. J. Worrell ever since first
before he was married to Sarah Rabb -
Have known Sarah about three or four
years - She lives two or three miles from here

Question - Where does Sarah Worrell now live?

Answer - She lives with James Vick - She has
been living with him for several ^{past} years

Question - How many children has Sarah Worrell,
the Defendant in this suit?

Answer - She has three children now - one a baby
about six months old -

Question - Who is the father, or reputed to be the
father of those children?

Answer. I don't know of course who the father is, but every body thinks that James Vick, the man with whom she now lives is the father - He treats them as his children and no body doubts as far as I ever heard, but what he is their father -

It is generally understood in the neighborhood that he is their father.

She has lived all the time for the last several years with James Vick, and the universal opinion in the neighborhood is, that she lives with him as his wife.

I live in the immediate neighborhood and have been to James Vick's home, once this year -

Question - Has William Warrall the plaintiff, ever visited her for last several years, that since she left him?

Answer - No sir - Not that I know of or ever heard of - He has been living in a different neighborhood - The most of the time six or eight or ten miles from James Vick's, where she has been living -

And further the defendant said not.

Frank. H. Vick
mark

Robert J. Griffin having been duly sworn, says and deposes as follows:

Question - What is your age - where do you reside & how long have you known the parties to the suit -

Answer - I am 30 years of age - live in the county where I have lived all my life, & have known the parties to the suit more or less all my life - about as long as I can remember -

Question - Do you know why Sarah Warrall, the Defendant left Tom Warrall the plaintiff?

Answer - I cannot - only from what I have heard -

Question - Who is reported to be the father of Sarah Warrall's children?

Answer - Well - I have always heard say, that James Vick was - of course I don't know

Question - Does James Vick treat them as his children?

Answer - Yes - I consider that he does - I don't go there often, although I live in the immediate neighborhood - Have lived from two to four miles from James Vick's for the last several years - sometimes in two miles & sometimes further -

And further the Defendant said not
Robert J. Griffin

Council Story having been duly sworn says and deposes as follows

Question - What is your age, where do you reside, and how long have you known the parties to this suit?

Answer - I am thirty three years old - Was born in this county & have lived here all my life - have known Wm. Warrill the plaintiff from his childhood, and have known Sarah Warrill the defendant, about fifteen years or more.

Question - Did you live in the neighborhood in which the parties to this suit resided while they lived together as husband & wife -

Answer - Yes - within two or three miles.

Question - How long did they stay together as man & wife & what was the plaintiff's treatment of defendant -

Answer - They stayed together only three or four weeks at the end of which time she left - and in two or three months she went to James Vick's where she has been ever since, about three miles from here.

Question - What was Wm. Warrill's treatment of his wife, during the short time

she remained with him was kind - He treated her as well as he was able - He was and is now a poor man & was not able to furnish her with the luxuries of life - but he treated her as well as she had been used to - they were both raised in humble circumstances -

Question - Who else lives in the family with James Vick besides Sarah Warrill -

Answer - No one else but Sarah & her children

Question - Did Wm. Warrill ever do any thing to or towards Sarah Warrill to cause her to leave him?

Answer - Nothing at all - He did every thing as his duty required towards her - was a kind husband in every respect -

Question - ~~What~~ Who is generally reported to be the father of Sarah Warrill's children?

Answer - James Vick so far as I have heard - He treats them as his children, feeds them, clothes them and takes as good care of them as he is able, I suppose - It is generally considered that they are his children

and further they depose that not
Council Story

Virginia }
Southampton County } Trust

I hereby certify that the foregoing
depositions were taken before me at the
time and place mentioned in the caption
Given under my hand this first day
of November 1879.

Notary's fee \$1.50 cents }
J. E. Darden N.P.

J. Jask Tyler a Commissioner in Chancery for the Circuit
Court of Southampton County, do certify that Geo. J.
Kiedra personally appeared before me ^{in my office} and made
^{County} oath that he delivered Sarah Horrell (formerly Batt)
a true copy of this summons on the 24th
day of June 1877. Given under my hand as
Commissioner aforesaid this 5th day of June
A. D. 1877.

Jask Tyler
Commissioner in Chancery

1877 June 24
J. Jask Tyler

Horrell
2.
J. Jask
Horrell

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Sarah Worrell (formerly Bath)

if *she* 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 *June next* to answer

*a bill in Chancery exhibited against her in the said
Court by William J. Worrell*

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *2nd*

day of

June

, 187*7*, in the

10^{1st}

year of the Commonwealth.

L. R. Edwards CC