

1880-12

Southampton County Chancery ~ Pope, Joseph A. vs Pope, Mary J. (Carr)

Divorce

114

Pope Bill
in 3 Exhibits
Pope

1879 October Rules

To the Honorable George Blair Judge of
the circuit court of Southampton in
chancery sitting

Humbly complaining your Orator
Joseph A Pope sheweth unto your Honor
that on the 21st of May 1874 he was
married to Mary J Carr by the Rev Rhu-
I Devany as will more fully appear by
a copy of the certificate of marriage
taken from the records of Southampton
County herewith filed marked A and
prayed to be taken as a part of this bill
and in a few days afterwards to wit
on or about the 5th of June 1874 she wilfully
abandoned and deserted his house and
bed and board and has lived consciously
away from him ever since.

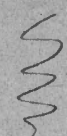
Your Orator states and avers that
in contracting this marriage with Mary
J Carr he did so in good faith that
he had every reason to expect as much
happiness as usually follows that relation
in life; and was fully determined to
discharge all its duties faithfully and
honestly but she without cause
abandoned him Your Orator ^{has} sought
over and over to restore his
marriage rights, he has ever been
willing and ready to provide for
her but she has always refused
to return to his bed and board
Your Orator does not know

where his wife now is but is informed
that she is residing in Isle of Wight
County Virginia.

Your Orator despairing of any
happiness from this unfortunate and
ill-starred marriage feels constrained
to invoke the aid of a court of
chancery to relieve him from
the bond of marriage.

In tender consideration whereof
and inasmuch as your orator is without
relief at law and only entitled to
relief in a court of equity where such
matters are peculiarly cognizable he
therefore prays that his wife Mary &
~~John~~ ^{Pope} formerly Carr may be
made a party defendant to this bill
and that the court would compel her
as free and perfect answer make to
the allegations therein as if she had
been thereto more fully and specially
interrogated and that the court
would by its decree dissolve the bond
of matrimony now subsisting between
your Orator and his wife Mary & Pope
with the right to your Orator to
marry again should he see fit and
that the court would grant such other
and general relief the premises considered
as equity may dictate and the nature
of his case may require, and as in duty
bound your Orator will ever pray he
Shames Jr. g.

Pape

Ans 

Cann

A

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, Joseph A. Pope and Mary Jane Carr

Given under my hand, as Clerk of the County Court of Southampton this 21 day May 1874
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, <u>21st May</u>	Condition of Wife, (widowed or single) <u>Single</u>
Place of Marriage, <u>Southampton County</u>	Place of Husband's Birth, <u>Southampton County</u>
Full Names of Parties Married, <u>Joseph A. Pope</u>	Place of Wife's Birth, <u>Isle of Wight</u>
& <u>Mary Jane Carr</u>	Place of Husband's Residence, <u>Southampton County</u>
Color, <u>White</u>	Place of Wife's Residence, <u>"</u>
Age of Husband, <u>44 years</u>	Names of Husband's Parents, <u>Joseph & Polly Pope</u>
Age of Wife, <u>24</u>	Names of Wife's Parents, <u>Jacob & Betsey Carr</u>
Condition of Husband, (widowed or single) <u>Widowed</u>	Occupation of Husband, <u>Farmer</u>

Given under my hand this 21st day of May 1874
Joseph A. Pope Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 21st day of May 1874
at my Residence I united in Marriage the above-named and described parties, under authority of the annexed License.

B. Devaney

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.

Pope

15 3 Sp a

Pope

1879: Sept: Rules

Not found, Sept. 1st 1879.
R. A. Eames D. S.

The Commonwealth of Virginia.

Isle of wight
To the Sheriff of ~~Southampton~~ County: Greeting.

We command you to summon

Mary J Pope

to appear at the Clerks Office of our *Circuit* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, on *September next* to answer, a bill
in Chancery exhibited against her
in our said Court by *Joseph A*
Pope,

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this *20* day of *August* 187*9*
in the *10* year of the Commonwealth.

L. R. Edwards cc.

The Commonwealth of Virginia:

To the Sheriff of Southampton County Greeting:

We command you to summon Mary J. Pifer

if _____ be found within your bailiwick to appear at the Clerks office of our
Circuit Court of Southampton County at the Rules to be holden for said Court
on the first monday in October next to answer a bill
in Chancery exhibited against her in our said
Court by Joseph J. Pifer

and have then there this writ. Witness Littleton R. Edwards Clerk of our
said Court at the Courthouse this 8th day of September 1879
in the 104th year of the Commonwealth. R. Edwards cl

State of Virginia
Southampton County 3 to wit

This day J. W. Bradshaw personally
appeared before me J. R. Tyler a Commissioner
in chancery and made oath that he
delivered a true copy of the within
commission to Mary J. Taylor on the 9th day
of September, 1879 from under my hand
this 11th day of September, 1879

J. R. Tyler
Comm. in chancery

1879 Oct. 11th
Wm. H. H. H.

J. W.

J. W. H. H.

J. W.

J. W.

Southampton County Court

This day James W. Bradshaw
personally appeared before me a commissioner
in chancery for the County Court of
Southampton and made oath that
he gave notice to Mary J. Pope by
delivering a copy of the within notice to
her in person on the 5th of October 1879
and that it was read to her in open court
and heard this 9th of October 1879

B. J. Pickens
com. ch. in c. c.

Pope
vs
Pope
Notice

To Mary J. Pope

Take notice that I shall
on Thursday the 9th of October 1879
between the hours of 10 o'clock A. M. and
sunset at Vicksburg in Southampton
County proceed to take the depositions
of John Kells, John Pilman and others
to be used as evidence in my behalf
in a certain suit in chancery now
pending in the circuit court of
Southampton wherein I am plaintiff
and you defendant at which time
and place you may attend if you
think proper

Sept 25th - 1879

Joseph A. Pope

28
May 1 Pope

Take notice that I
shall at the close of Sept B Vick
in the county of Southampton on
Monday the 21st of April 1880 between
the hours of ten O'clock A. M. and
sunset proceed to take the depositions
of John Killo

and others to be made as witnesses
in a certain suit in chancery now
pending in Southampton County
in my behalf wherein I am plaintiff
and you are defendant at which
time and place you may attend if
you see fit
April 19th - 1880

Joseph A Pope

Southampton County, E. soil

This day John Kells personally appeared
before me and made oath that he delivered
to Mary A. Pope a true copy of the within
notice on the 23rd day of April 1880 given under
my hand this 25th day of April 1880

~~Given under my hand as County Clerk in and for~~
~~the Circuit Court of Southampton County~~
J. H. Parker

Comm. in Chancery.
Cir. Ct. Southampton Co.

Pope
to M
Pope
Notice

1

The depositions of James G. Pittman and others taken at Dicksville in Southampton County, Virginia on Thursday October 9th 1879 pursuant to notice duly given ^{a.m.} between the hours of ten O'clock and sunset to be read as evidence in behalf of Joseph A. Pope in a certain suit in chancery now pending in the Circuit Court of Southampton wherein Joseph A. Pope is plaintiff and Mary J. Pope defendant

James G. Pittman a competent witness having been first duly sworn on the holy evangelists of Almighty God deposes and says as follows

Sometime in May 1874 Joseph A. Pope was married to Mary J. Carr. He rented a house from me and was moving in when his wife deserted and abandoned him. It was in the month of June 1874 that his wife abandoned him his wife has never lived with him since that time. Joseph A. Pope has lived my near neighbors ever since June 1874 and I am certain of the fact that he and his wife have never lived together since she left him in June 1874. So far as I know and believe Mr.

Mr Pope is a very comely man at least I have always found him a good neighbor His wife has been in Isle of Wight county ever since she deserted her husband and still lives there when last I heard from her and further This deponent saith not signed. James L Pittman

Alexander Breckinridge having been first duly sworn on the Holy Evangelists of Almighty God deposes and says as follows

I came home on Sunday and Joseph C Pope and Mary J Carr had been married on the Thursday before which was sometime in the latter part of May 1874 I saw them that day and they seemed to be very loving together she remained with her husband some fortnight or three weeks when she deserted him and went to the county of Isle of Wight where she has remained ever since, I now heard the reason why she abandoned and deserted him I have since seen Joseph C Pope ever since his marriage and know that he and his wife have now been together since their separation in ~~the~~ ^{the} summer 1874 Joseph C Pope has on

several occasions since his wife left him undaunted to get her back to live with him but she invariably and steadily refused I now heard of Mr. J. A. Pope's treating his wife otherwise than kindly so far as I know - and as far as I heard he was kind to her during their short time of living together and further this deponent saith not signed

Abel Brackshaw

Belvidere Brackshaw having been first duly sworn on the Holy Evangelists of Almighty God deposes and says as follows

In the latter part of May 1874 Joseph A. Pope married Mary I. Carr and brought to my house she and her husband remained in my house some two or three weeks at the end of that time her father and her sister came after her and she left with them, she said her mother was sick and she was going to see her she left and never returned to her husband any more. I have seen with Joseph A. Pope has lived with me from the day of his marriage up to this time and I know that his wife has never

lives with him from June 1874, the
 time she deserted and abandoned
 him up to this time to wit October
 21- 1879, soon after she left him
 Mr Pope asked ^{her} to return to his home
 and live with him but she refused
 I do not know the reason why
 Mr Pope left his husband I do
 not know of my own knowledge
 but am informed she has been
 living some time in Isle of Wight
 County now upwards of five
 years and further this deposition
 states not

Signed her
 Beladine x Brackshaw
 Mark

The Above depositions were taken
 signed and sworn to before me
 a Commissioner in chancery for the
 County Court of Southampton at
 the time and place mentioned in
 the caption pursuant to notice
 duly given and lawfully returned
 given under my hand this 21st of
 October 1879

B. H. H. H.

Comm. for \$3.75 paid
 to Plaintiff

Comm in chancery in
 Co. Court

Pop
as 3 Depositions
Pop

Handed in by Cairns
Victor Oct. 10th 1879

Depositions of John Kello and Eliza
Powell Taken at Vicksville at the
House of J. B. Vick The sworn
of J. B. Vick in the county
of Southampton on the 21st of
April 1880 between the hours of
Ten O'clock A. M. and sunset
pursuant to notice duly given
and truth returned to be read
as evidence in behalf of Joseph A
Pope in a certain suit in chancery
pending in the Circuit Court of
Southampton wherein the said Jos
A Pope is Plaintiff and Mary
J. Pope is defendant.

John Kello a competent witness
having been first duly sworn on
the holy Evangelists of Almighty
God deposes and says as follows:
I live in Southampton County and within a
half mile of Joe ~~Pope~~ ^{Pope}. I have known him all
my life and have always regarded him as
a good, inoffensive, quick and peaceable man.
He was married ^{to Mary Jane} in May 1874 and lived together
but a few days, during which ^{they} I saw them fre-
quently and his conduct towards her seemed
kindly and affectionate. She came to my house
shortly after her marriage with Mr. Pope and asked

if I would write a letter for her. I told ^{her} I would. The substance of which letter was, it being a letter to her father, that she was well and desired him to do as he had promised. In a few days he came to see her and carried her away, I suppose to his home and she has never since returned to her husband. I have no reason to believe that she had any just cause for deserting him and he visited her after she left him and desired her to return to him but she refused to do so, and even went so far as to rent a house for them, but she still refused to live with him. Soon after she deserted her husband I saw a letter written ^{to him} by her in which she expressed her determination most positively, never to return him. I have also heard her avow, with her ^{own} lips, the same determination - that is, never to live with him again. And further this deponent saith not.

John G. Kells

Powell v. d.
 Eliza Kells, a Competent witness, having been first duly sworn in the holy Evangelist of Almighty God deposes and says as follows:

I live in this County and within about two hundred yards of Mr. Jos. A. Pope. I saw him and his wife often and ^{he} treated her as far as I saw very kindly. I thought ~~they~~ she came by my house, a short time

1
3
after she was married, and she told me that she intended to leave Mr. Pepe and did not expect to ever come back to him, and has never come back that I know of. If she had returned I would have known of it, as I lived ~~where~~ near to where she did before she left Mr. Pepe. When she came by my house she was with her father.

And further this deponent saith not.

Eliza ^{her} Powell
mark

Virginia,

County of Southampton, to-wit:

I Wm. H. Parker, a Commissioner, in Chancery, for the Circuit Court of Southampton County, in the said State, do hereby certify that the foregoing depositions of John G. Kello and Eliza Powell, were duly taken, sworn to, and subscribed before me, at the time and place, and for the purpose therein mentioned.

Given under my hand this 26. day of April 1880.

Wm. H. Parker,

Commr. in Chy.

Commr's Fee \$1.00

John G. Kello's attendance .50 c

Eliza Powell's " .50

Pope

~ } Depositions

Pope

Handed in by Wm H. Parker
Comm April 26. 1880.
SRE

Pope
m 3 Dime
Pope.

~~To H. J. [unclear]~~
~~May 1880~~
May taken 1880

May 1880.

Bill du map^d with
Costs

Geo. B. [unclear]

1880 May. Dimeford

Pope
vs 3 Decree
Pope

This day This cause came
on to be heard on the plaintiff's
bill, exhibit files, and deposition
of witnesses, and was argued

by the plaintiff's counsel. On consideration
whereof the court being of opinion that the
charge in the bill that Mary I Pope has
wilfully abandoned and deserted her husband
Joseph A Pope for five years before the
institution of this suit has been fully
proved doth adjudge, order, and decree that
the marriage heretofore solemnized between
Joseph A Pope and his wife Mary I Pope
be and the same is hereby dissolved and the
said Joseph A Pope forever divorced from his
wife Mary I Pope with the right to the
said Joseph A Pope to marry again should
he see fit, and that the plaintiff recover
from the defendant his costs by him expended
in the prosecution of this suit, and it
appearing to the court that there is nothing
further to be done in this cause it is
ordered that the same be removed from
the docket.