

1880-13

Sanilamptan County - Chancery -

Ricks, Levi vs Ricks, Elvira

Divorce

Ricks

vs } Sir Chancery

Ricks

September Rules

—
"

1879 September Rules

To the Honorable George Blom, Judge,
of the Circuit Court of Southampton
County:

Your complainant, Levi Ricks,
of the said county of Southampton,
humbly complaining sheweth to your
honor,

That, on the 27th day of February, in
the year of our Lord eighteen hundred
and sixty six, he was living with
one Elvira Ricks, (formerly Elvira
having first obtained the consent of the
said Elvira's master, - they being previous
to that time in a state of slavery, - as
his wife; and, by an Act of the General
Assembly of Virginia passed at that date,
they became, by virtue thereof, husband
and wife, subject to all marital rights
and obligations.

That, from that time, until the last
six or seven years, to-wit:

Your complainant lived
with the said Elvira, and was to her
a kind, faithful and dutiful husband,
and discharged towards her all legal
duties and obligations. That your Com-
plainant had by the said Elvira two
children, now in his possession, named
respectively

and of the respective ages of eighteen years and fourteen years.

That sometime in the year,

The said Eliza, from some cause unknown to your complainant, wilfully and actually deserted and abandoned him, and since that time has never returned nor shown any disposition to return to him. That she is now living in the city of Norfolk in adultery with one Sam Hines and is a common prostitute. That your complainant has never cohabited or had any connection whatever with her since her desertion or abandonment.

Your complainant further sheweth to your honor that he is now seized and possessed of considerable real and personal property, which he acquired by his own act since the desertion or abandonment of him by the said Eliza.

In tender consideration whereof, and forasmuch as your complainant is remediless save in a Court of Chancery, where matters of this kind are properly cognizable, and that justice may be done, your complainant prays that the said Eliza Ricks be made a party defendant to this Bill and compelled to answer upon oath. The

allegations herein contained.

That some fit and proper person be appointed guardian ad litem to defend her interest in this suit.

That your Complainant may be absolutely and forever divorced from the bonds of matrimony with the said Elvira, and permitted to keep perpetually, during their infancy, his two children in his absolute custody and control, the desertion and lewd habits of the said Elvira having rendered her unfit and incapable to rear and to raise them. That the property, or any parts thereof, of your Complainant shall be free and exempt from all right, title, claim or demand of the said Elvira, to which she might have been entitled, in virtue of their previous relations as husband and wife, - and that your Honor will grant such other, general and special relief as to Equity may seem meet, and the nature of the case may require. Your Complainant will ever pray &c., May it please the Court &c.,

Parker p. q.

Ricks
vs } Notice
Ricks

Executed this 12th day
of September A. D. 1879
by serving a copy hereof
on Elvira Ricks in
person —

A. J. Mominett
Deputy
for A. J. Dalton
Sergeant

Fees paid

Elvira Ricks

Take Notice, That I shall proceed on the 15th day of October
1879 and between the rising and setting of the sun, at the office of
W. A. Parker in the Town of Jerusalem.

to take the deposition of Wm. A. Bell. Jno. G. Kello. Joshua Harrison
Sam Ricks and Richard Ricks

to be read as evidence in the suit now depending in the Circuit Court of the County of
Southampton at the November term thereof
1879

in which Levi Ricks plaintiff and Elvira Ricks

defendant. And if, from any cause, the said deposition should not be commenced on that day,
or if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from
day to day, or from time to time, at the same place and between the same hours, until the same shall be
completed.

Levi Ricks By
Counsel

Richmond road
Swade

Ricks
as } Sumt
Ricks

leir, leir November term

Executed
at Court by
for Wm. Maggs self

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon *Wm A Bell, Mrs. L. Wells,*
Joshua Harrison, Sam Ricks and Rich^d Ricks
to appear at the ~~Clerks Office of our~~ *West Parker* ~~Court for South-~~
~~ampton County, at the Rules to be holden for the said Court on the first~~
~~Monday, on~~ *the 15th October 1879* ~~to answer,~~ to give ev-
idence in the suit now depending in the Circuit
Court of Southampton County at ~~the~~ *November term*
thereof 1879, in which Leir Ricks is plaintiff and
Elvira Ricks is defendant

and have then there this Writ: Witness, ~~Little~~ *Edwards*, Clerk of
our said Court, at the Court House this ~~day of~~ *187*
in the ~~year of the Commonwealth~~ *Jas R. Tyler, Comr*

Ricks 112
vs } depositions
Ricks

1879 act. 17th handed
in by Jas. Sebrell Comr.

The Depositions of Wm A. Bell, Sam Ricks Joshua Harrison others taken before me J. N. Sebell, a Commissioner in Chancery for the Circuit Court of Southampton County, pursuant to notice hereto annexed, at the Office of Wm. H. Parker, in the town of Jerusalem on the 15th day October 1879. between the hours of 6 A.M and 6 P.M, to be read as evidence in behalf of Levi Ricks in a certain suit in equity depending in the Circuit Court of said County, wherein the said Levi Ricks is Plaintiff and Elvira Ricks is Defendant.

Present Wm H. Parker Atty for Plaintiff.

Samuel Ricks being first duly sworn deposes and says as follows—

Question How old are you and where do you reside?

Ans: I am about 41 years old and live in Berlin District Southampton County Va

Question Do you know the parties to this suit?

Ans I have known both parties from childhood

Question When did they begin to live together as man & wife?

Ans — a few years before the war, and they lived as such until about the fall of the year 1873, when she left Levi —

Question Do you know the cause of their separation?

Ans: It was common report that she ran away with Sam Stines - and went with him to Norfolk where she now lives - I don't think there is any doubt about the truth of this report -

Question. What were the relations existing between Levi and Elvira during their married life, was he kind to her or cruel and negligent?

Ans. I saw them frequently together, and as far as I know he was kind and dutiful to her -

Question. Did Levi provide sufficient food and clothing for her during their married life?

Ans. She fared as well as the most of colored people -

Question How many children were born to them during coverture -

Ans. Five - One died soon after birth, Elvira carried away one of them and the other three ~~have~~ lived with Levi, until lately when his oldest child left him and went to Norfolk - The names of the two living with Levi, are Maggie, about 9 years old - and Rowena about 13 or 14 years old, Their oldest child Orris ~~who~~ has lately left him, is about eighteen years old.

Question: Do you know whether they have ever cohabited since she deserted him?

Ans I am certain he has never seen her since then — He has never been to Norfolk, nor has she ever returned to this County since she left.

Question What is her character since she deserted Levi —

Ans She has had two children since she left, I have been told this by persons from Norfolk who had seen them.

And further this deponent saith not,
Sam^{his} F. Ricks
mark.

Richard Ricks being duly sworn deposes & says as follows.

Question How old are you where do you reside?

Answer I am about 28 years old & live in Berlin District Southampton County Va. —

Question Do you know the parties to this suit —

Ans I know them well — Levi & myself belonged to the same lady, before we were set free, and Elvira lived only a few miles away at Mrs. Edna Hood who owned her. I belonged to Mrs Martha Rollings —

Question Was any ceremony of marriage celebrated between them?

Ans They were married in the way colored

people used to marry in those days, by getting the Consent of their owners.

Question. Have you heard the depositions of Sam Ricks read, and do you concur with him, in his Testimony -

Ans. Yes sir - I am certain that what he has said is the Truth -

& further this deponent saith not -

Richard ^{his} + Ricks
mark

Joshua Harrison being duly sworn deposes & says as follows -

Question How old are you & where do you live

Ans. I am 25 years old and live in Berlin District in this County -

Question Do you know the parties to this suit?

Ans Yes sir, I know them well -

Question Do you know the cause of Elvira's desertion of Levi -

Ans I do not, but I know they were living together as man & wife until about the year 1873 when she left him, and went to Norfolk -

Question Have you seen Elvira Ricks, since she left Levi -

Ans I have seen her in Norfolk two different times -

Question Has she had any children born since she deserted Levi - and do you think they are his

Ans. She has had two - and I am certain they are not Levi's, because I know he has not seen her since she left the County -

Question What property has Levi Ricks, the nature thereof - and how long has he been in acquiring it -

Ans. He has a tract of land, and ~~some~~ some stock & other personal property - The Land he has bought since she left him - He had some personal property before she left him -

I further this deponent saith not.

Joshua Harrison

Wm. A Bell, being duly sworn, deposes and says as follows -

Question

How old are you and where do you reside.

Ans. I am 60 years old and live in Berlin District - Southampton County -

Question Do you know the parties to this suit,

Ans. I do, and have known them both all their lives.

Question When did Elvira Ricks desert or leave her husband Levi Ricks?

Ans About six or seven years ago

Question Have you seen Elvira Ricks since she left ~~the Courtland~~ and where was she, and what conversation occurred between you?

Ans. I was in Norfolk on a visit to Mr. J.R. Briggs, and Elvira Ricks called there to see me, I was out at the time, and she left a request that I should meet her at Mr Briggs' store next morning, I went there but she was not there, I left Mr Briggs and told them to tell her to meet me at the Cars, if she wanted to see me. When I reached the Cars she was there. She was making inquiries about her children in the County, with Levi, and I asked her if she had married since she left Levi, she said she was not married, but had two children.

born since she left Levi, and acknowledged to me that they were not Levi's Children. and that she had not seen him since she left.

I am satisfied that they have never met since their separation, as Levi lives within $1\frac{1}{2}$ miles of me and I see him very frequently, and Elvira's brother lives with me and if she had visited the County I would have learned it thro' him — I remember when at Mr. Briggs in Norfolk, the boy with whom she left the message, desiring to see me spoke of her as the wife of Uncle Sam Stines. who by general rumor was her paramour. This visit of mine to Norfolk was about March or April 1878.

Further this deponent saith not

Wm. A. Bell

The above depositions were taken, sworn and subscribed to before me J. N. Seabell a Commissioner in Chancery for the Circuit Court of Southampton Co. at the time and place mentioned in the caption & in pursuance of annexed notices.

Given under my hand this 15th day of Octo

1879

J. N. Seabell

Comm^{rs} fee

\$7.50 Ch^g'd to Levi Ricks

Com^r in Chancery

On this 12th day of February, A.D. 1880,
I, Jacob Glenn, formerly Deputy
Sergeant of the City of Norfolk, Va.,
do make oath that in the suit of Levia
Ricks vs Elvira Ricks, on the 8th day
of August, A.D. 1879, I served a
copy of the summons in said suit
on Elvira Ricks in person, while
acting in my capacity as Deputy
Sergeant, and that the return on
said writ that a copy of the same
was served on Levia Ricks is an
error.

Jacob Glenn

Subscribed and sworn to
before me, this 12th day
of February, A.D. 1880

Jan. T. Saunders,
Notary Public

Ricks

or } Stat. Rules

Ricks

1880 May Term

In Southampton Circuit Court

Levi Ricks

Plaintiff

vs

Elvira Ricks

Defendant

In Chancery

1877 August 5. Sp^e. issued

" September R. - Sept. returned Executed - Bill filed

" Nov. , Nov. Cause set for hearing -

" Oct. 17th Depositions filed

1880 Mar. 5. Decree granting divorce

Ricks

to } Sum. Chy

Ricks

1879 September Rules

Exempted this for
day of August A.D.

1879 by running on
every horse in her
man. Ricks in

James

James Clum
for Deputy
A. J. Dutton
Lange

The Commonwealth of Virginia.

~~Sherriff~~ Sargeant of the City of Norfolk
To the ~~Sheriff~~ of Southampton County: Greeting.

We command you to summon Elvira Ricks

to appear at the Clerks Office of our Discuit 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 Levi Ricks

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this 5 day of August 1879
in the 104 year of the Commonwealth.

L R. Edwards cc

Ricks

is my Dearest

Ricks

May 1st 1880

To be entered

Geo. Blod.

Ricks

against

Ricks

Decree.

This day this cause came on to be heard on the Complainant's Bill, the depositions of witnesses, and was argued by counsel. On consideration whereof, the Court being ~~of opinion~~ ^{being} ~~that the~~ ^{charges of desertion} ~~is fully proved~~, doth adjudge, order and decree that the marriage heretofore consummated between Levi Ricks and Elvira Ricks be and the same is hereby dissolved; the said Levi Ricks forever divorced from the bonds of matrimony with the said Elvira Ricks, and ~~shall have~~ ^{shall have} the absolute custody and control of the minor children of their said marriage now in his possession and living with him, to-wit: ~~Eliza~~ ^{Rebecca} and Maggie. ~~And the Court doth further adjudge, order and decree that the said Elvira Ricks to and she is hereby denied any right or interest to the property, real or personal, of the said Levi Ricks acquired by him during or since their intermarriage,~~ and nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket, with leave to reinstate it upon the application of any party interested as authorized by law.