

1880-20

Southampton County - Chancery

Vick, James vs Vick, Mary Ann (Scott)

"Divorce"

Vick

or

} Depositions

Vick

Came to hand sealed 20th

day October 1877. S.R. E

James Vick

My 3

Mary Ann Vick

Bill + Exhibits

1877- October Rules

To the Hon George Blount

Judge of the Circuit Court of Southwestern County

Humbly Complaining sheweth me to your Honor, your Orator, James Vick, of the said County & respectfully represents as follows:

That on the 25th day of December AD 1855, your orator was married according to law to one Mary Ann Scott of the said County, the rites of which said marriage were solemnized by Robert S. Barnes, a minister of the Gospel, and a person duly authorized by law to solemnize marriages, #

That the said parties lived together as husband & wife for the period of a few ^{not more than one year} months only, when your orator's said wife without any just cause or provocation, on the part of your orator, voluntarily deserted or left his house, bed and board, and has always ever since, notwithstanding your orator's frequent solicitations to her to return and dwell with him, totally and persistently remained away from your orator's house, bed & board & control, and for the last ten or fifteen years has at all times refused to have any correspondence whatever with your orator, even to the extent of speaking to him or writing him

Your orator is informed that for such conduct on the part of his said wife he is entitled to ask of ~~of this~~ Honorable Court a ^{degree of} divorce from the bond of matrimony, with such further order as your Honor may think it proper to make.

A certified copy of the Certificate of said marriage returned by the said Barnes is herewith filed as part of this case & marked off -

Your orator would further state that ~~no~~ child was ever born of the said marriage, and that the said Mary Ann has never given birth to one since the said marriage. That your orator is seized and possessed of a small farm, one house and a little personal property, altogether not worth more than three or four hundred dollars — which is all of the property of every kind owned by him — and that the said Mary Ann, since her formal separation from your orator has come into possession ^{as heir to her father or mother} of a small orator is not certainly informed which, of a small piece of land, worth perhaps a few hundred dollars which she has ever since enjoyed free from all claim or disturbance of your said orator — for, in point of fact, the said parties have for the last fifteen years, though residing in the same County, lived as wholly separate & apart as if they had never married or even been acquainted with each other.

Notwithstanding the said Mary Ann since the said time ever interfered with your orator in any manner or claimed support from him, or any aid whatever.

In tender consideration of the premises, and as your orator is without remedy, save in a Court of equity as this honorable Court is, he therefore humbly prays that the said Mary Ann ~~Beck~~ ^{Beck}, for nowly Scott, may be made a party defendant to this Bill & required to answer its allegations specially —

That your ~~Honor~~ would grant to your orator a decree divorcing your orator from the bond of matrimony with the said Mary Ann ~~Beck~~ ^{Beck}.

make such order as may seem proper to your
Honor in relation to the property of the parties -
and grant such other and general relief
the premises considered as equity may dic-
tate and the nature of the case may require

And, as in duty bound, your most
Obedient Son &c.

J J Winans

pg

within about a half a mile of where I
lived at the time, the marriage occurred

Question - State how long they lived to-
gether as husband and wife, as far
as you know -

Answer - I can't state exactly but
they stayed together only a short
time, not more than a few months,
not as much as year -

Question - Have they ever lived together
since their separation?

Answer - Not since their last separation
which took place as well as I can
remember 15 to 18 years ago -

Question - Did they ever have any children
by their marriage or has the Defen-
dant ever had any child since their
marriage?

Answer - No Sir - She has never had a
child since her marriage to the
plaintiff - She had come by
her first marriage with a man
named Scott -

And further this Dependent said not

Sarah L. Harrod
mark

Giles E. Wick having been duly sworn
says and deposes as follows -

Question - What is your age? How long have
you known the parties to this suit?

Answer - I was born in 1822 - I have
known them both from their childhood
and know them both now - they both
live in the neighborhood at present.

Question - Do you know when they were mar-
ried?

Answer - Yes Sir - I remember all about
it - I was present at the marriage.
They were married on Lepristones -
day 5th by the Reverend Robert S. Barnes
I got the license from the Clerk's of-
fice - James the plaintiff, being
under 21 years of age (about 17 years of
age at the time), and the defendant
being about 34 years old - James
had to get a certificate from his
guardians, Mr. Elijah Dwyer -

Question - How long have they been sepa-
rated?

Answer - She didn't remain with him
but a short time before she
left him & went over to North
Carolina where she remained

a few weeks or months & then returned to her husband. Stayed with him perhaps a few weeks when she left him for good and has never returned to his roof since that I ever heard of or have any reason to believe. She didn't stay with him all put together as much as a year according to the best of my memory, from the time ^{they} were married.

I agree with the former witness as to all other statements.

Question - What is the value of the real & personal estate of each of the parties to this suit -

Answer - James Vick has a little piece of land (about 30 acres with a small single-story, plank house on it). I should say that all his property is worth about \$300 dollars. I don't know much about the value of the land which she has from her father, but from what I hear, I suppose it is of about the same value. And further this Deponent says that

Giles E. ^{Jr.} Vick
mark

William Drake having been duly sworn,
says & deposes as follows -

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

Answer - I am sixty three years of age -
I have known the Defendant
from childhood - the Plaintiff
from the time he was a youth -
I was present at the marriage -
My memory confirms generally
the statements of the two witnesses
before examined -
the Defendant left the plain-
tiff as stated & has never re-
turned to live with her -
she never had any children
since her marriage with him -
they both live in my neighborhood
now -

And further this Deponent saith not

William^{Drake}
mark

Joel Vick having been duly sworn says & deposes as follows -

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

Answer - I am ^{about} fifty seven years of age -
I have known the parties to this suit from their childhood -

Question - You have heard the statements made by the witnesses already examined - do you concur in their statements?

Answer - Yes sir - I have heard their statements & agree in the main with them -
I was present at the marriage -
She didn't live with the plaintiff but a few months in all - they lived within about quarter of a mile from me, at the time they were married - the defendant left the house of the plaintiff two or three times within about a year after the marriage - the last time she left was about nineteen years ago as well as I can remember - She has never returned to his house since that time - She left of her own accord so far as I know - they never had any children by their marriage - I think the value of the property of each one which since her desertion of the plaintiff they seem to

keep separate) is of about equal value -
They both live in my neighborhood now James has never been out of the neighborhood to reside - She has occasionally for a short time but she has generally resided in the County, with the exception of her short sojourn in Gast County N.C. which happened within a year after the marriage - they have never lived together since that separation that I ever heard of or have any reason to believe - nor ever had any association of any kind whatever that I have heard of or have any reason to believe -
And for the reasons I have stated I do not

Joel ^{Lee} Vick
mark

Calist Everitt Vick having been duly sworn says & deposes as follows -

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

Answer - I was born in 1829 - I have known the defendant well ever since I was a small boy, & the plaintiff ever since he was a child -

Question - Have you heard the statements made by the witnesses already examined & do you concur in them?

Answer - So far as I know I do concur -

I was not present at the marriage --

I heard of it at the time -- as to the other
State ments made by the witnesses, I concur
in them --

And fear that this document will not.

Caleb E. ^{his} ~~mark~~ Vick

The following witnesses stated to the Notary
that they made no charge for their attendance
Loel Vick - Sarah Harrod - & Caleb E. Vick

The following charged his legal fee 50 cents
which was paid for by William Drake)

Giles E. Vick charged only 25 cents which
was paid - all by the plaintiff -

Notary's fee for these depositions

\$2.00 cents - which was paid by the
plaintiff -

Virginia

Southampton County } Court

I hereby certify that the foregoing depositions
were taken at the time, place & manner men-
tioned in the capture

Witness my hand this day & year first - written

R. E. Darden
Notary Public

James Vick

27

Mary Ann Vick-

Notice to Withers-

Executed

W W Duggan ssk

To Joel Vick - Giles Elbert Vick - Caleb Vick
Sally Harrod - & William Drake

You are hereby summoned to
appear at Newton's depot, in Southampton
County, on Saturday the 20th day of this month,
between the hours of one and five o'clock
P.M., to be examined as witnesses, in my behalf,
in a certain suit in Chancery now pending in
the Circuit Court of said County, in which
said suit I am plaintiff and Mary Ann
Vick, (formerly Scott) is defendant -
- and this you shall no wise omit.

October 10th 1877

James Vick

By J. J. Kindred, his Atty

To the Sheriff of Southampton
County - to execute.

James Vick
or 3
Mary Ann Vick

Notice to take Depositions.

Executed by delivering
Mary Ann Vick a copy
of this Notice on the 16th
day of October 1877

W. W. Driggs Stff

To Mrs Mary Ann Vick, formerly Scott -

Please take notice that I shall by my Attorney, on Saturday the 20th day of this month, between the hours of one and five o'clock P.M., at Newsom's Depot in this County, proceed to take the depositions of Joel Vick, William Drake, Sally Harrod, Giles E. Vick & others, to be read as evidence in my behalf, in a certain suit in Chancery now pending in the Circuit Court of Southampton County, in which said suit you are Defendant, and I am plaintiff.

Yours respectfully

October 10th 1877

James Vick

by J. S. Kendrick, his Atty

To the Sheriff of Southampton County
to execute.

178 106 73 84

Vick

to { Stat. Rules

Vick

1880 May Term

In Southampton Circuit Court

James Vick

Plaintiff

against

Mary Ann Vick formerly Scott.

Defendant.

1877 Sept 29 Summons issued

Oct R. Sum. ret. Executed. Bill filed.

" Nov 29 R. Depositions filed
Cause set for hearing

1880 May Removed from the Docket with leave to re-instate

This day ^{personally} appeared before me, W^m H. Parker, Deputy clerk
for the Circuit Court of Southampton County, in my said County,
Jno J. Hinder and made oath that he executed the
within summons on the within-named Mary Ann Vick
or Scott by delivering to her a copy of the same on Mon-
day the first day of October A D 1877, about 11 o'clock AM
Witness my hand this October 1st 1877.

Wm H. Parker D.C.

Vick
as { Sent Chy

Vick

1877 October Rules

The Commonwealth of Virginia:

TO THE SHERIFF OF SOUTHAMPTON COUNTY....GREETING:

WE COMMAND YOU TO SUMMON *Many Ann Vick (formerly
Many Ann Scott)*

if.....to 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 *October next* to answer *a bill in
Chancery exhibited against her in our Circuit Court by
James Vick.*

and have then there this writ.

Witness, **Littleton R. Edwards**, Clerk of our said Court, at the Court House
this *29th* day of *September* 187*7*, in the *102nd*
year of the Commonwealth.

LR Edwards C.C.

Wich. Certificate
of
Birth & Marriage

1857 July 11.

(Page 500)

To the clerk of the County Court of Southampton, in the State of Virginia.

I hereby Certify, that the following is a correct statement of a Marriage solemnized by me, in the County aforesaid,

Date of Marriage, December the 25th.

Place of Marriage, Raleigh Vicks;

Full Names of Parties Married, James Vicks & Mary Ann Scott

Age of Husband, 17 years

Age of wife 28 years

Condition of Husband, (widened or Single) Single

Condition of wife, (widened or Single) widened

Place of Husband's Birth, Southampton, Va.

Place of wife's Birth, Southampton, Va.

Place of Husband's Residence, Southampton,

Place of wife's Residence, Southampton,

Names of Husband's Parents, Joseph & Rebecca Vicks

Names of wife's Parents, Matthew & Patience Vicks

Occupation of Husband, (Farmer,

Given under my hand as a Minister of the Gospel (legally authorized to solemnize Marriages,) this 25th day of December A.D. 1854.

Robert L. Harris

A Copy

Teste, James R. Tyler J.C.

Vick
" 3
Vick

Decece

November term '77

To be entered

Vick

vs. } Decree
Vick }

This Cause was this day heard on the Complainant's bill taken for confessed as to the Defendant (upon whom process has been duly served) and the examination of witnesses:

On consideration whereof the Court doth adjudge, order & decree that the said Complainant James Vick be and he is hereby declared to be divorced from the bond of matrimony with the said Defendant Mary Ann Vick (formerly Mary Ann Scott —

And that the said defendant be debarred from all right of dower or other rights in ^{and} to any of the estate real or personal of the said Complainant of which he may now be seized & possessed or which he may hereafter acquire

And the said Complainant is debarred from all right as tenant by the curtesy or any other right whatever in and to the real & personal estate of which the said defendant may be seized and possessed or may hereafter acquire but the said Defendant shall hold the same as if she had always been a feme sole.

James E. Vick

vs

Mary Ann Vick

Decree

May term 1880

To be entered

Wm. S. Brown

Faint, illegible handwriting on the right margin, possibly a signature or date.

James E. Vick

vs

Mary Ann Vick (former Scott)

On motion of the plaintiff,
Ordered that this suit be dismissed from
the docket -

Subject to be restored on the application of
any party interested, according to law -