

1880 - 21

Southampton County Chancery - Stewart, George W. vs Stewart, Mary (Patty)

Divorce

To the Honorable George Blaw, Judge, of
the Circuit Court of Southampton County.

Your complainant, George W. Stewart,
of the County of Southampton, humbly
complaining, sheweth to your honor,

That, on the 22nd day of April
Anno Domini, one thousand eight hundred
and seventy five, in the said County of
Southampton, he lawfully and in good
faith, entered into a contract of marriage
with one Mary Petty, which said Marriage
was solemnized by the Rev. Joseph Gregory,
a regularly ordained minister of the Gospel
and duly authorized to celebrate the rites
of matrimony: ^{a copy of which is herewith filed, and a} ~~part of this rite~~ ^{part of this rite} that from that time until
the within the last two years, to-wit: in
the year A.D., one thousand eight hundred
and seventy seven, when he left her,
they had lived together, in perfect peace
and harmony; and, that he was to her a
kind, faithful and dutiful husband - dis-
charging towards the said Mary all legal
duties and obligations enjoined upon him
by virtue of the said marriage; that some-
time in the year one thousand eight
hundred and seventy seven - then being
residents of the City of Norfolk, your Com-
plainant came to Southampton on a visit

to some relations; that upon his return to the City of Norfolk, he was informed by the friends that his wife, the said Mary, had proved faithless to her marriage vow, and, was living in adultery with one John Jones also a resident of that City; that nevertheless all this, though painful and sorrowful as it was to him, your complainant remained there, but without any cohabitation with the said Mary, for two or three weeks advising with her and trying to turn her from the error of her way, and prevail upon her to return to him; that all these persuasive and humble petitions by your complainant to reconcile the said Mary to him were received with a deaf ear; that she ^{is} still following her wayward and adulterous life - and, is now, eniente; that your complainant sometime in the month of January in the year one thousand eight hundred and seventy seven, left the said Mary, and, that since all that time, he has neither cohabited nor had any connection whatsoever with her nor even seen her, but once, ^{when he met speak with her.} Your Complainant further sheweth to your honor, that when he intermarried with the said Mary, he considered her to be and believed her to be, a pure, virtuous, chaste and unblemished woman; that since he has

separated from her, he has been reliably informed that even before he intermarried with her, she was a common prostitute.

In tender consideration whereof, and forasmuch as your complainant is remediless save in a Court of Chancery, where matters of this are properly cognizable, and that, therefore, justice may be done, your complainant prays that the said Mary Stewart, formerly Petty, be made a party defendant to this bill and compelled to answer the allegations herein contained.

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

And, that your honor may decree your complainant absolutely and forever divorced from the bonds of matrimony with the said Mary Stewart, she having become faithless and careless to the married state and, therefore, rendered it unpleasant and unhappy for ~~their~~ mutual good. And that, your honor will grant such other, general and special relief as to equity may seem meet and the nature of the case require. Your complainant will ever pray, May it please the Court. &c.

Parker p. q.

Virginia:

Southampton County. to-wit:

This day personally before me, James R. Tyler,
a Commissioner in Chancery, for the County
Court of Southampton, George W. Stewart, and
made oath to the best of his ^{information and} belief that the
allegations contained in the foregoing Bill
are true and correct.

Given under my hand this 27th day of
September A.D., 1879, as Commissioner aforesaid.

James R. Tyler,
Commissioner in Chancery

122
Stewart
vs
Bill
Stewart

1879 October Rules

Stewart
D
Atty

1876

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, George Stewarh and Mary Petty

Given under my hand, as Clerk of the County Court of Southampton this 22 day April 1875
L. R. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 15'h March 1861, and February 27th, 1866.

Time of Marriage, ...	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>George Stewarh & Mary Petty</u>	Place of Wife's Birth, <u>Do</u> "
Color, <u>Colored</u>	Place of Husband's Residence, <u>Do</u> "
Age of Husband, <u>21 years</u>	Place of Wife's Residence, <u>Do</u> "
Age of Wife, <u>20</u> "	Names of Husband's Parents, <u>Alex & Martha Stewarh</u>
Condition of Husband, (widowed or single) <u>Single</u>	Names of Wife's Parents, <u>Jos. & Louisa Petty</u>
	Occupation of Husband, <u>Farmer</u>
Given under my hand this <u>22</u> day of <u>April</u> 18 <u>76</u> <u>L. R. Edwards</u> Clerk.	

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 22 day of April 1875
at the Church I united in Marriage the above-named and described parties, under authority of the annexed License.

Rev. Joseph Gregory

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.

Copy. Teste L. R. Edwards cc

Stewart

v { Sums. Chy

Stewart

1879 October Rules

Executed this 1st day
of October A. D. 1879
by serving a copy
hereof on Mary

Stewart in person

L. L. Quinn

for A. J. Dalton Deputy
Sergeant

The Commonwealth of Virginia.

Sergeant of City of Norfolk

To the Sheriff of Southampton County: Greeting.

We command you to summon *Mary Stewart - formerly Petty*

to appear at the Clerks Office of our *Sircuit* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, on *October* to answer, a bill in Chancery
exhibited against her in our said Court by *George W Stewart*

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this *22nd* day of *September* 187*9*.
in the *104th* year of the Commonwealth.

L R Edwards

Stewart
vs } Notice
Stewart

Executed this 1st day of
October A. D. 1879 by serving
a copy hereof on Mary
Stewart in person

C. L. Quinn
Deputy
for A. J. Walton
Sergeant

To Mrs. Mary Stewart:

You are hereby notified, that on the 15th day of October, in the year 1879, at the office of J. N. Sebell, a Commissioner in Chancery, in the town of Jerusalem, between the hours of six a.m. and six p.m., of that day, I shall proceed to take the depositions of Ed. Turner and others, to be read as evidence in my behalf, in a certain suit in equity, depending in the Circuit Court for the County of Southampton, wherein you are defendant, and I am plaintiff; and if from any cause the taking of the said depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day, (or from time to time,) at the same place, and between the same hours, until the same shall be completed.

Your obedient servant,
George W. Stewart,
By Counsel.

To the Sergeant of
the City of Norfolk.

The Depositions of Ed. D. Turner and Asbury C. Jones Taken before me J. W. Sebell, a Com'r in Chancery for the Circuit Court of Southampton County pursuant to notices hereto annexed, at the Office of J. W. Sebell in the Town of Jerusalem on the 13th October 1879. between the hours of 6 am & 6 pm, to be read as evidence in behalf of Geo. W. Stewart in a certain Suit in equity depending in the Circuit Court of said County, wherein the said Geo. W. Stewart is Plaintiff and Mary Stewart, formerly Petty is Defendant.

Present Wm H. Partridge, Counsel for Plaintiff

Ed D Turner being duly sworn, deposes & says as follows,

Question How old are you, and where do you reside?

Ans. I am 23 years old & live near Jerusalem in Boykins District -

Question Do you know the parties to this suit

Ans I have known them both intimately for a long time -

Question When were they married, and how long did they live together as husband & wife

Ans. They were married the 22nd April 1875 and lived together till the year 1877. I don't know exactly the month, during the last year they staid together they lived in Norfolk.

Question Did you see them often during this time and what was his treatment of her?

Ans. I saw them frequently, two or three times a week, at their house, and he was always kind & affectionate towards her, & provided good food & clothing.

Question What was the cause of their separation?

Ans. It is generally believed that she is living as the Concubine of John Jones in the City of Norfolk - In fact I have visited his house & seen her with him occupying the same room and bed.

I asked her during a visit to Norfolk last Christmas to let me lodge with her and she said that she had only one bed & she and John Jones occupied that, and she could not accommodate me then, that if John was not at home she would permit me to stay with her and occupy the same bed - I have every reason

to believe she is a common prostitute
She told me that she never intended to
go back to her husband, as John Jones
gave her as much money as she wanted,
and she cared nothing for George Stewart
any way

Question Did she ever have any children by
George Stewart?

Ans No sir she never did.

Question Do you know whether or not George
visits her now, or has visited her since
their separation —

Ans. I don't think; in fact I am certain
George has never visited her since he
found out she was living with Joe
Jones, which was in the year 1877.
I live within one mile of George
Stewart. He told me when he left Nor-
folk that John Jones had taken his
wife from him, and that she refused
to return to his house, and that there-
upon he had left her, and has not co-
habited with her since. He has seen
her once at Church in this County
but did not speak to her. I was at Church
on that day and noticed them.

& further this deponent saith not.

Edwin D. Turner

Asbury C. Jones. being duly sworn deposes and says as follows.

Question, How old are you & where do you reside
Ans I live ~~in~~ in Newsoms Dist^{ct} within

3 miles of Jerusalem, and am 20 years old

Question Do you know the parties to this suit.
Ans: Mary & myself were children together, and I have known George about 12 or 14 years—

Question, Do you know why George Stewart separated from Mary—

Ans I have always heard it was because she is living with John Jones, and I know that she does live ^{with} John Jones ^{frequently} & I have seen her in Jones' house, and she told me Jones was her man. She lives with him ^{& goes by his name}— I lived in Norfolk and Portsmouth together, all of last year and a part of this, and John Jones & Mary Stewart I saw very often they, always acted as if they were man & wife.

They staid in the same room and there was only one bed, she said she slept with him, He called her his lady—

Question Do you know whether she ever had a child by Geo. Stewart,

Ans. I know she never did -

Question Has she any child born, by any other party,

Ans. She had not when I saw her, but she was "~~expecting~~" with child, ~~the~~ or looked to be so, and that was the common rumor in Norfolk among those who knew her, I think she will soon be confined.

Question Do you know whether or not George has seen her or cohabited with her since he found out she was living with John Jones?

Ans. I don't think he has. I never heard of his being in Norfolk to see her, nor of his being with her in this County.

Further this deponent said not.
Asbury ^{his} P. Jones
mark,

The above Depositions were taken sworn & subscribed to before me J. N. Sebrall a Com'r in Chancery for the Circuit Court of Southampton, at the time & place mentioned in the Caption in pursuance of annexed notice.

Given under my hand this 15. Octo. 1879.

Com'r for
\$5.00 chg'd to Geo. Stewart

J. N. Sebrall
Com'r in Chancery

Stewart
vs 3 Depositions
Stewart

1879 Oct. 17 'handed in by
J. A. Gibrill Com'

Stewart

to 33 Decree

Stewart

May Term 1850
To be entered
Geo Blow

Stewart
against
Stewart

Wm

On the motion of the plaintiff
it is ordered that this cause be removed from the
docket, with leave to reinstate it upon the applica-
tion of any party interested according to law.

Stewart

or } Stat. Rules

Stewart.

In the Circuit Court of Southampton County

George W Stewart	Plaintiff	}
against Mary Stewart formerly Petty	Defendant	

1879 September 22? Summons issued
" October R- Summons returned Executed - Bill filed
" Nov - Cause set for hearing

1880 May T- Cause removed from the Docket