

1893. 67

Santhampton County - Chancery

Sykes, Jack vs Sykes, Delia Francis

'Sinece'

Sykes

vs. Bill & Exhibits

Sykes

2 Oct.

Process not returned

Ex all copies

To the Hon. C. W. Hill Judge of the Circuit Court of Southampton Co.

Humbly complaining sheweth unto your honor that your orator, Jack Dykes was, on the 20 day of Octo. 1880 in the aforesaid County of Southampton married to Delia Francis as will more fully appear by copy of marriage license herewith filed and marked exhibit "A" and asked to be made a part of this bill. Your orator states further that they lived together until sometime in January 1884 at which time she, the said Delia Dykes, his wife, without any cause or reason whatever deserted him & that such desertion has continued without any interruption up to the present time, namely, considerably more than seven years, they having never lived together any part of the time since she deserted him in January 1884 as aforesaid, she absolutely refusing ever to live with him again though often entreated & persuaded by your orator to do so. Your orator furthermore states that he had always been a kind & loving husband to her, providing in every way possible for her convenience & happiness, that he had never given her

the slightest cause for such actions & harass him and that he has made numerous attempts to reconcile her to himself & in fact continued to make such attempts so long as he knew any thing of her whereabouts, she on each occasion positively refusing to ever live with or have any thing more to do with him. Your orator states further that for several years past he has not even known any thing of her whereabouts, she having left the community in which he lived as if the more effectually to rid himself of him. In tender consideration whereof and for as much as your orator is without remedy save in a court of equity where matters of this kind are alone and properly cognizable, To the end therefore that justice be done your orator prays that the said Delia Sykes may be made a defendant to this bill and required to answer the allegations contained in the same.

That your orator may be entirely divorced from her and the marriage be dissolved and that such further general and special relief may be granted as to equity may seem meet and the nature of the case may require. And your orator will ever pray etc.

C. L. Corbett p. q
J. W. Lemon

Sykes Josiah

vs.

Notice.

Sykes Delia

1893 Oct 13.

Executed this 3rd day
of October A.D. 1893 by
serving a copy here of on
Delia Sykes. *Signed for paid*
J. E. Murphy, Deputy
J. L. Dornin, Sergt
City of Norfolk

J. L. Dornin per.

To *Delia Sykes*

You are hereby notified, that on the *13th* day of *Octo*, in the year 189³, at the office of B. F. McLEMORE, in the village of Courtland, Southampton county, Va., between the hours of *11* A. M. and *5* P. M. of that day, I shall proceed to take the depositions of *Richard Leary*

and others, to be read as evidence in my behalf in a certain *Chancery Suit* depending in the *Circuit* Court for Southampton county, wherein I am *Plaintiff* and you are *Defendant*; 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, at the same place and between the same hours, until the same shall be completed.

Your obedient servant,

Jack Sykes
By Counsel

To Sergeant City
Norfolk to execute.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Richard Carr

B. F. McLeMORE Comm. in Ch. Cir.
to appear before the ~~Judge of our County Court~~ of Southampton County, at the Courthouse thereof,
on the 13 day of October, Term, 1893, to testify and the truth to
speak on behalf of Jack Sykes

in a certain matter of controversy in our said Court depending and undetermined between

Jack Sykes, plaintiff, and
Delia Sykes, defendant.

And this he shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, *Comm. in Ch.* Clerk of our said Court, at the Courthouse, this 6 day
of Oct, 1893, in the 11 8th year of the Commonwealth.

TESTE:

B. F. McLeMORE Comm. in Ch.

Sykes
(4" ^{mine}) Definitions

Sykes

1893. Oct. 14" filed.

The Deposition of Thos. Joyner and
others - taken before B. F. McLennan
Commissioner in Chancery of the
Circuit Court of Southampton
County - on the 13th day of October
1893, to be read as evidence, in
a certain Chancery suit now pend-
ing in the said Court - in which
Jas H Sykes is Plaintiff and
Delia Sykes is Defendant.

Present: Jas. L. McLennan,
Atty for Pltff.

The witness Thos Joyner, being
duly sworn, deposes as follows:

Q: What is your age, residence and
occupation - and do you know
the parties to this suit?

A: My age is 33 years - reside in South-
ampton County - am a farmer, by oc-
cupation, and know the parties to
the suit.

Q: Were you living near to, and
did you know well, the parties
to this suit while they lived
together as man and wife, and
at the time of the alleged separ-
ation? and if so, state whether
or not the Plaintiff made a

211/17

kind husband, and provided for his wife - as well as his circumstances in life would admit?

A: I knew the parties to this suit before and since their marriage - lived on the same farm - Jack Sykes was a kind husband - and provided for his family as well as any poor man could - who had to labor for all he got. I lived on the same farm with them at the time his wife left him - that was in the year 1854.

Q: Do you know whether or not Jack Sykes tried to get his wife (Relia Sykes) to come back home and live with him, after she left him?

A: I do know that he did try to get her to return and live with him, but she refused to return - and she has never lived with him since, and I have lived near Jack ever since she left - and she has never lived in this County since then.

Q: Did Jack Sykes cause his wife to leave him, or did she leave of her own accord.

A: She left of her own accord, and without letting him know she was

going to leave. She is a very bad
tempered woman, of a dissatisfied
nature - and disposed to ramble about
from place to place. never seemed
to satisfied at home or in any one
place.

And further this defendant say etc. not.

Thomas Joyner

The witness Richard Carr, being duly
sworn, deposes as follows:

Q: What is your age, occupation
and residence - and do you know the
parties to the suit?

A: My age is 45 years - reside in South-
ampton - and a farmer by occupation
and know the parties to the suit.

Q: You have heard the questions
asked Thos. Joyner - and his answers
there to: do they or do they not, sub-
stantially, state the facts in this
case, as known to you?

A: I agree with Thos. Joyner to this extent,
to wit: That Jack Sykes was a very
kind husband and provided for his
wife as well as he was able - that
his wife left him in 1884, of her
own accord, and has never lived
with him since - that he has

been after her, and tried to persuade her to return and live with him (I loaned Jack the vehicle to go after her) - but she refused to return. She has not lived in this County since she left her husband in 1884. I have been a near neighbor of Jack Sykes all the time, before and since his wife left him.

And mine this deponent sayeth not.

Richard Carr

Southampton County - to wit:
I, B. F. M. Lemae, ~~Commissioner~~ ^{Commissioner} in Chancery
of the Circuit Court for the County aforesaid,
in the State of Virginia, do certify that
the foregoing depositions of Thos. Joyner
and Richard Carr, was this day taken,
subscribed and sworn to before me
at the time and place and for the
purposes herein before mentioned.
Given under my hand this 13th day
of October 1893.

B. F. M. Lemae,
Clerk in Chancery

Sykes Jack
to } Ma. Li
Francis Lelia

Exhibet "A"

1880

Recorded Page 192

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,

Jack Sykes
and Delia Francis

Given under my hand, as Clerk of the County Court of Southampton Co., this 18th day of Oct 1890.
L. R. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2220 OF THE CODE OF VIRGINIA.

Time of Marriage, ...	Place of Husband's Birth, Southampton Co.
Place of Marriage, Southampton Co.	Place of Wife's Birth, ...
Full Names of Parties Married, Jack Sykes & Delia Francis	Place of Husband's Residence, ...
Color, Colored	Place of Wife's Residence, ...
Age of Husband, 45 years	Names of Husband's Parents, ...
Age of Wife, 24 "	Names of Wife's Parents, ...
Condition of Husband (widowed or single), widowed	Occupation of Husband, Farming
Condition of Wife (widowed or single), Single	

Given under my hand this 18th day of Oct 1891.
L. R. Edwards Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 20th day of October 1890
at Hollyfield Southampton Co. Va. I united in Marriage the
above-named and described parties, under authority of the annexed License.

J. I. Little Minister

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.

Sykes
w. 3/3 Spa

Sykes

1893. Octo. 12

Executed Oct 12
th 1893 by deliver-
ing a copy of this
Spa to each of
the within named
parties
R. D. Moore dep.
for J. W. Williams
Shff.

12 X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Dr. J. W. Sykes, Thos. Turner & Richard Cass

B. F. McLeMORE, Circuit Clerk.
to appear before the Judge of our County Court of Southampton County, at the Courthouse thereof,
on the *13th* day of *October* Term, 189*3*, to testify and the truth to
speak on behalf of *Jack Sykes*

in a certain matter of controversy in our said Court depending and undetermined between
Jack Sykes, plaintiff, and
Delia Sykes, defendant.

And this *they* shall in no wise omit, under the penalty of the law. And have then there, this writ.

Circuit Clerk.
Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *6* day
of *Octo*, 189*3*, in the *11th* year of the Commonwealth.

TESTE:

B. F. McLeMORE, C. C. Clerk.

between Bui's & Charles
Sept 1893 } Alias
or } Sum.
Sept 1893

1893. 1st Act Rule

Cor. lib.

Executed this 16th day
of September a.d. 1898
by serving a copy
here of on Delia by the
J.B. Banks Deputy
for J.B. Dorris, Supt.
City of Norfolk

Serv. fee paid

Shffs fee sent.
W.L. Moore per.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING

as at another time we have commanded you
WE COMMAND YOU TO SUMMON *Delia Sykes*

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 *7th* Monday in *Oct* next, to answer a Bill in Chancery
exhibited against *her* in our said Court by *Jack Sykes*

And this *She* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *15* day of
Sept, 189*3*, in the 11*th* year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

Sykes

or

Sum:

Sykes

1891. 2^o Oct. Rules

Cir: Lt:

Corbitt & McLenore & Co.

Not found

C. L. Quinn Deputy

for C. L. Quinn Secy

Blacks of Norfolk

I return stamp sent
for service

THE COMMONWEALTH OF VIRGINIA,

Serjeant of the City of Norfolk
TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~—Greeting:

WE COMMAND YOU TO SUMMON

Delia Sykes

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 *3^d* Monday in *October 1891* ~~next~~, to answer a Bill in Chancery
exhibited against *her* in our said Court by *Jack Sykes*

And this *she* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. MCLEMORE, Clerk of our said Court, at the Courthouse, this *7th* day of
October, 1891, in the 11⁶th year of the Commonwealth.

Testo: B. F. McLemore C. C.

THE COMMONWEALTH OF VIRGINIA,

Serjt. of the City of Norfolk
TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~ Greeting:

WE COMMAND YOU TO SUMMON

Delia Lykes

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 *3^d* Monday in *October 1891* next, to answer a Bill in Chancery exhibited against *her* in our said Court by *Jack Lykes*

And this *she* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *7th* day of *October*, 1891, in the 11⁶th year of the Commonwealth.

Testo: B. F. McLeMord C. C.

Sykes Jack
no. 3 Decree
Sykes Delia

1893 Nov.

To be entered.
CND

Entered

Jack Sykes
versus.

Decree

Delia Sykes.

This day this cause came on to be heard on the bill & exhibits filed ~~being taken from the record~~ and depositions of witnesses filed Octo. 14. 1893. and was argued by counsel. On consideration whereof & it appearing to the Court from the evidence filed in the cause that Delia Sykes ^{willfully} deserted her husband more than five years ago & has not lived with him since that time, doth adjudge, order and decree that Jack Sykes be and he is hereby divorced a vinculo matrimonii, from his said wife Delia Sykes for ever. with such privileges & powers as though he had never been married. And the said Delia Sykes is hereby debarred from the right of participating in any way, as distribute or otherwise, in the personal or real estate now owned by the plaintiff or that may hereafter come into his possession. ~~but~~ ~~and Jack Sykes shall not have the benefit of this decree until he shall have paid the costs of this suit.~~ Nothing further appearing to be done in this cause it is ordered to be removed from the docket.

Sykes
Er^d } Stat Cts
Sykes

Stat of coats in lby suit of
Jack Sykes & Delia Sykes

Colort	P. M. H.	\$ 4.97
Serch	phly J. L. M.	1.00
Shiff	J. M. W.	60
Lauro	J. L. M.	1.650
Leumr	B. F. M.	2.50

\$ 25.57

Alapys

Note: P. M. Heoward. C. C.

Sykes 715 202
" } Stat: Rules.

Sykes

Ex emp

Jack Sykes, Pltff.

Against,

In Chancery.

Delia Sykes, Defe.

1891. Oct 7th Process filed to 2nd Act Rules.

" 2nd Act Rules Process ~~not~~ not Executed.

Bills & Ex. filed.

1893. Sept 15. Alias Process filed to 1st Act Rules.

" 1 Act Rules. Alias Process Act Executed,

Decree nisi

" 2 Act Rules. Bills taken for confessed & cause set for hearing.