

1897-02

Southampton County - Chancery

Bailey, James vs. Bailey, Nannie E. Gray

Divorce

To⁹Honorable Robert R. Prentis, Judge of the Circuit Court of Southamp-
ton County, Virginia.

In Chancery:

Humbly complaining sheweth unto Your Honor your complainant James Baily, that on the 3rd day of March 1881, he was united in marriage to Nanny E. Gray, ^{a residu} of said County, as will appear from a copy of the marriage license, with minister's return thereon, herewith filed as exhibit "A" and prayed to be read as a part of this bill; that no children have been born to them during their marriage; that from the time of said marriage until the 2nd day of June 1894 your complainant and the defendant lived ~~as~~ as husband and wife and your complainant was to her faithful and kind and provided for her as best he could according to his means, but on the 2nd day of June 1894, the said Nanny E. Baily, nee Gray, without just cause or reason willfully deserted and abandoned your complainant and has never returned to or lived with him since; that soon after the defendant thus abandoned the complainant he went to the place where he was informed that she was staying, for the purpose of trying to get her to return to him, and requested to be allowed to see her; That not being able to see her himself, he has since sent trusted and reliable friends to her with the request from him that she return to him, and he would receive her back and provide for her to the very best of her ability, but she spurned and rejected all these offers, saying that she did not wish to see complainant and that she would never live with him again and still continues to live in abandonment and desertion from your complainant.

In tender consideration whereof and inasmuch as your complainant is without remedy save in a Court of Equity where all such matters are alone and properly cognizable, your complainant prays that the said Nanny E. Baily, nee Gray, be made a party defendant to this bill and required to answer same, though answer under oath is waived; that the said

marriage heretofore had and solemnized between complainant and defendant be dissolved and annulled and that your complainant may be entirely divorced a vinculo matrimonii from the said defendant and for all such other relief as the nature of the case may require or to equity shall seem meet. And your complainant will ever pray &c.

Witness
John W. Goode

(Sign here.)

James ^{his} Bailey
mark

Virginia,

City of Richmond, to wit:

I, John W. Goode, Justice of the Peace
~~a Notary Public~~ in and for the City and State aforesaid, do hereby certify that James Bailey, whose name is signed to the foregoing bill, has this day appeared before me in my said City and State and made oath that the statements contained in the said bill so far as made from his own knowledge are true and so far as made upon information derived from others he believes to be true.

Given under my hand this 15th day of September 1897

John W. Goode J.P. N.P.

Bailey - $\sum$ Bill exhibits
vs. $\sum$ "
Bailey -

1877. 1st. Sept. Rules filed

L. A. Gay b. b.

Bailey

vs } Statement of Costs

Bailey

Sum. 25. Copy 10. Receipt 18. attorney 10 = .66

Docket 18. Rules 1.00, entering return 35 = 1.53

Filing bill 15. D. exhibits 15. Copy 24. 30 = .60

Replication 15. filing depositions 15. = .30

Decree & Copy 72. Jan Costs 42. 40 = 1.12

Execution for costs 50. receipt 18. = .68

abstract of decree for costs 25. fil. away papers 25 = 5.0

Oct. Ind. 1897, Paid L. A. Gay Clerk 73.39

shff. 50

75.89

Bailey

vs } Latency of Costs

Bailey

3

12-2-18

13

2

24/1/20

24

10

97

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15

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18

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10

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100

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Bailey James

vs. } Ann. In chy.

Bailey Nanny E.

1897. 1st. Sept. Rules

1st. 6th.

Executed Aug 31st 1897
by delivering a copy of
this Notice to Nanny
E. Bailey.

L. L. Hatfield

Depy for J. W. Williams
Daff

(1)

M. J. Sebrue p. 7.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Harry E. Bailey

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 1st Monday in Sept. next, to answer a bill in Chancery exhibited against her in our said Court by James Bailey

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 26th day of August, 1897, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

Bailey

against

Plaintiff's

Deposition

Bailey

To Rules, 189

1897. 29" Sept. filed

L. S. Gay C. C.

JOHN N. SEBRELL, JR.,
ATTORNEY AT LAW,
COURTLAND, VA.

The depositions of Joshua E. Bailey and others taken before me, Jno. M.

Sebrell Jr., a Notary Public in and for the County of Southampton in the

State of Virginia, pursuant to notice hereto annexed at Courtland Va.

on the 16th day of September 1897 to be read as evidence in behalf of

James Baily in a certain suit in equity depending in the Circuit Court

for the County of Southampton, wherein James Baily is plaintiff and

Nanny E. Baily is defendant, living together as man and wife, and whether

he was kind to her during that time?

A. 4 He did take care of her and provided for her, and was kind to her

Present: W. J. Sebrell Counsel for Plaintiff

Q. 5 Do you know whether she has any intention of returning to him and

living with him again?

A. 5 I don't think she has, in fact I have heard her say since her sep-

The witness Joshua E. Baily being duly sworn deposes as follows: again.

Q. 1 What is your age, residence, occupation and do you know the parties

to this suit.

A. 1 35; Southampton County; farmer; and know the parties to this suit.

Q. 2 Do you know whether the parties are now living together as husband

and wife?

A. 2 They are not.

Q. 3 When did they separate or cease to live together as such?

A. 3 On the 2nd day of June 1894.

Q. 4 Where were they living at the time of their separation?

A. 4 In Southampton County.

Q. 5 Which one abandoned or deserted the other?

A. 5 The wife, Nanny Baily.

Q. 6 Did she thus desert and abandon him of her own accord.

A. 6 She left of her own accord, they separated?

Q. 7 Has she ever returned to or lived with him since she thus abandoned

him?

A. 7 She has never returned to or lived with him since. He has never seen

her since though he has made repeated efforts to see her but she would not allow him to see her. After she refused to see him he asked me to go and see her and try to persuade her to come back to him and live with him. I went and saw her and tried to get her to live with him but she refused to do so saying that she never intended to have anything else to do with him or to see him any more.

Q. 8 Did you live near them or see much of them while they were living together as man and wife and if so do you know whether he treated her properly and kindly and as a husband ought to treat his wife?

A. 8 He did so far as I know. I lived near them, a part of the time living on the same farm, and I saw them often.

Q. 9 Have they any children?

A. 9 No sir, no living children.

And further this deponent saith not.

Witness
J. M. Sebrell Jr.

Joshua E. Bailey
li
mark

The witness B.F. Briggs being duly sworn deposes as follows:

Q.1 What is your age, occupation, residence and do you know the parties to this suit?

A.1 41; Farmer and merchant; Southampton County; and know the parties to the suit.

Q.2 Do you know whether they are now living together as man and wife?

A.2 I know they are not.

Q.3 Do you know anything of their separation or the causes thereof?

A.3 I do not.

Q.4 Do you know whether or not he provided for her and took care of her while they were living together as man and wife, and whether he was kind to her during that time?

A.4 He did take care of her and provided for her, and was kind to her so far as I know.

Q.5 Do you know whether she has any intention of returning to him and living with him again?

A.5 I don't think she has, in fact I have heard her say since her separation from him that she never intended to live with him again.

Witnesses fees:

And further this deponent saith not.

Joshua H. Bailly 50c

B.F. Briggs 50c

B. F. Briggs

The witness Robert Denson being duly sworn deposes as follows:-

Q.1 What is your age, occupation, residence and do you know the parties to this suit?

A.1 46; farmer Southampton and know the parties to this suit.

Q.2 Are they now living together as husband and wife?

A.2 They are not.

Q.3 How long has it been since they separated?

A.3 Three years ago last June.

Q.4 Which one abandoned the other?

A.4 She abandoned him.

Q.5 Has she ever returned to or lived with him since she abandoned him?

A.5 She has not.

Q.6 Did you live near them at the time that she left him?

A.6 I was living in about 300 yards of them.

Q.7 Do you know whether or not he provided for and took care of her and if he was faithful and kind to her?

A.7 So far as I know he did, he was faithful and kind to her.

Q.8 Did you see them frequently while they were living together as man and wife?

A.8 I did.

And further this deponent saith not.

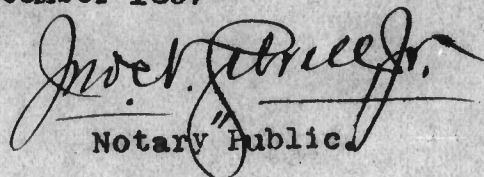
Robert Denson

Virginia

Southampton County, towit:

I, Jno. N. Sebrell Jr., a Notary Public in and for the county in ~~the~~
the state aforesaid, do hereby certify that the foregoing depositions of
Joshua E. Baily, B.F. Briggs and Robert Denson were duly taken, sworn to,
and subscribed before me at the time and place and for the purpose in
the caption hereto mentioned.

Given under my hand, this 16 day of September 1897


Notary Public

Witnesses fees:

Joshua E. Baily 50¢

B.F. Briggs 50¢

Robert Denson 50¢

Notary's fee \$2.50

\$4.00

Charged to plaintiff.

Bailey

W. { Statement of Rules

Bailey

James Bailey
vs.

Plaintiff.

Nanny Bailey

Defendant.

1897. 26th. August. Process issued to 1st. Sept. Rules

1897. 1st. Sept. Rules. Process returned Executed

Bills and Exhibits filed.

Decree nisi vs Defendant

1897 2nd. Sept. Rules. Bills taken for Confession
and Cause set for hearing

Bailey
vs. { Copy Mar: Licensu

Bailey

Ext. "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,

James Bailey
and Nanny E. Gray

Given under my hand, as Clerk of the County Court
of Southampton this 1st day of March 1881
L. R. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA.

Time of Marriage, <u>March 3rd 1881</u>	Place of Husband's Birth, <u>Southampton County</u>
Place of Marriage, <u>Franklin Va.</u>	Place of Wife's Birth, <u>"</u>
Full Names of Parties Married, <u>James Bailey &</u> <u>Nanny E. Gray</u>	Place of Husband's Residence, <u>"</u>
Color, <u>White</u>	Place of Wife's Residence, <u>"</u>
Age of Husband, <u>21 years</u>	Names of Husband's Parents, <u>W. J. Bailey &</u> <u>Siama Bailey</u>
Age of Wife, <u>27</u>	Names of Wife's Parents, <u>James Gray &</u> <u>Nancy Gray</u>
Condition of Husband (widowed or single), <u>Single</u>	Occupation of Husband, <u>Laborer</u>
Condition of Wife (widowed or single), <u>"</u>	

Given under my hand this 1st day of March 1881
L. R. Edwards Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 3rd day of March 1881
at Franklin Va. I united in Marriage the
above-named and described parties, under authority of the annexed License.

John J. Keetch

Wm. J. Keetch B. F. W. L. Moore L. L.

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.

Bailey

vs.

} Notice.

Bailey

Aug 31st
H.

Executed Aug. 31st 1852
by delivering a copy of
this Notice to Hannie
E. Bailey

L. L. Hatfield Depy

For J. R. Williams
Sgt.

(1)

To Nanny E. Bailey

You are hereby notified that on the 16th day of September, in the year 1897, at the office of ~~B. F. McLEMORE~~ ^{W. J. Sebrell,} in the village of Courtland, Southampton county, Va., between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of Robert Denson, B. F. Briggs

and others, to be read as evidence in my behalf in a certain Suit in Chancery 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,

James Bailey
By Counsel.

Bailey }
vs. } Decree.
Bailey }

To be entered -
Sept. 29, 1897
Not At All. H. H. H.

Entd. Page - 168 -

W. J. DeBrill, p. 9.

Bailey }
vs. } Decree
Bailey }

This day this cause came on to be heard upon the bill of complainant, exhibits therewith filed, the depositions of witnesses, and was argued by counsel. On consideration whereof, the court, being of opinion that the charge against the defendant of wilful abandonment and desertion of the plaintiff for the statutory period of three years is sustained and established by the proof, doth adjudge, order and decree that the marriage heretofore solemnized between the plaintiff, James Bailey, and the defendant, Nanny E. Bailey, né Gray, be and the same is hereby dissolved, and the said James Bailey forever divorced from the said Nanny E. Bailey, and all the right, title and interest of the said Nanny E. Bailey in or to the estate, real and personal, of the said James Bailey shall henceforth cease and determine. And nothing further remaining to be done in this suit, it is ordered that the same be removed from the docket.