

1899-21

Santhampton County. Chancery Nicholas, J. & vs Nicholas, M. J.

Divorce

Nicholson

vs. { Bill & Exhibits.

Nicholson.

1899. 2nd. Sept. Rules filed

L. R. Gay Jr.

W. J. SEBRELL
ATTORNEY-AT-LAW
COURTLAND, VA

Everett Watkey Co., Stationers and Printers, Richmond, Va.

To Hon. R.R. Prentiss, Judge of the
Circuit Court of Southampton County:

In Chancery :-

Humbly complaining sheweth unto Your Honor your complainant, J.D. Nicholson, that on the 18th day of March 1890, in said County of Southampton, he was united in marriage with Mary J. Nicholson, (who was formerly Mary J. Rollings,) as will appear from a copy of the marriage-license, with ministers return thereon, herewith filed as Exhibit A, and prayed to be read as a part of this bill; that after his said marriage with the said Mary J. Nicholson, (formerly Rollings), they lived together, as man and wife, in said County, for some time, to-wit, till on or about the day of August 1895, and your complainant endeavored to be to her a faithful husband and to provide for her as best he could, but that on said day of August 1895, the said Mary J. Nicholson, (formerly Rollings), without sufficient cause, and against his wishes, willfully abandoned your complainant, which said abandonment has continued ever since, and your complainant and the said defendant have never since that

time, cohabited or lived together as man and wife, and the said defendant, since her abandonment of your complainant as aforesaid, has repeatedly said that she will never again live with him as his wife; that no children have been born to your complainant and the defendant; that the said Mary J. Nicholson (formerly Rollings,) having thus willfully abandoned your complainant for a period even greater than three years, he is advised that, under the statute law of Virginia, he is entitled to have^a divorce from her a vinculo matrimonii; In tender consideration whereof, and inasmuch as your complainant is without remedy save in a Court of Equity, where such matters are properly and peculiarly cognizable, your complainant prays that the said Mary J. ~~Nicholson~~ ^{Nicholls} may be made a party defendant to this bill and required to answer the same, though answer under oath is hereby waived; that the said marriage heretofore solemnized between the complainant and the defendant may be completely dissolved and annulled, and your complainant be entirely divorced a vinculo matrimonii from the said defendant;

and for all such other, further relief as the
case may require or to Equity shall seem meet.
And your complainant will ever pray, &c.

J. D. Nicholson.

Virginia,

Southampton County, to-wit:

I, Proctor, a N. P.
in and for said County and state, do hereby
certify that J. D. Nicholson, whose name is
signed to the foregoing bill, has personally
appeared before me in my said County,
and made oath that the allegations therein
contained, so far as made of 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 18 day
of September 1899.

Proctor
Notary Public

Nicholson J.B.
Disposition of
against } Plaintiff
Nicholson N.J.

To _____ Rules, 189 _____

1899. 28th. September filed

L. A. Gay b.b.

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

The depositions of Thos. H. Turner, and others taken before me, Geo. J. Sevrill, Jr., a Notary Public for the County of Southampton, Virginia, pursuant to notice hereto annexed, at the office of H. J. Sevrill, in the town of Petersburg, Virginia, on the 25th day of September 1899, between the hours of 8 o'clock A.M. and 8 o'clock P.M. to be read as evidence in behalf of J. D. Nicholson, in a certain suit in Equity, depending in the Circuit Court of Southampton County, Virginia, wherein J. D. Nicholson is plaintiff and M. J. Nicholson is defendant.

Prisunt:..

W. J. Sevrill Esq. Counsel for plaintiff

The witness Thos. H. Turner, being first duly sworn deposes and says.

Q. 1

State your name, age, residence, occupation and do you know the parties to this suit.

Ans. -

Thos. H. Turner, 40 yrs. old, Carpenter and farmer, Southampton County and know the parties

Q. 2.

State whether or not you lived near them during the time that they lived together as man and wife and whether you saw them often?

Ans.

I did.

Q. 3

Do you know whether or not, the plaintiff endeavored to be to the defendant a faithful husband and to provide for her as best he could?

Ans.

I think he did. He seemed to be as faithful to her as he could, and seemed to provide for her. I went there often and he was doing the best he could.

Ques 4

Do you know whether or not they now live together as man and wife or whether either one has abandoned the other?

Ans. 5

I know they do not live together, but that Mrs. M. Michelson, the defendant, abandoned her husband, J. D. Michelson about

Ans. 5

four years ago last August.
Do you know that it has been
as much as 4 yrs.

Ans.

I know it has.

Q. 6

Do you ^{know} whether or not she ~~she~~
abandoned him wilfully and of her
own free will and accord?

Ans.

I know she did, for I have
seen her often, and she told
me that she never intended to live
with him as man and wife again.
I know that she left him of her
own choice and wilfully.

Q. 7

Do you know whether or not they
have ever lived together as man
and wife since she abandoned
him more than four years ago?

Ans.

I know they have not.

Q. 8

Have any children been born
to them?

Ans.

They have not.

And further this deponent saith not

Thomas H. Thruer

Q. 2. State whether or not you lived near

The witness Sam Woodson being first
sworn deposes and says -

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

Ans. 38, Southampton Co., farmer, and
know the parties -

Q. 2. State whether or not you lived near
them during the time they lived together
as man and wife and whether you
saw them frequently?

Ans. I lived with them two years and
the balance of the time in the
neighborhood of them, and saw them
often.

Q. 3. Do you know whether or not Mr.
J. D. Nicholson and covered to be a faith-
ful husband to the defendant, and to
provide for her as best he could?

Ans. I do. He tried to be a faithful
husband to her, and provided for
her as best he could.

Q. 4. Do you know whether or not they
now live together as man and wife
or whether either one has abandoned
the other?

Ans. They do not live together as man and

wife now. Mrs. Nicholas has abandoned her husband.

L.

Do you know when she abandoned him and whether she did so of her own accord and willingly?

Ans

She abandoned him last August four years ago, and I think she did it of her own accord and willingly.

L.

Do you know whether they have lived together as man and wife since she thus abandoned him.

Ans -

They have not.

And further this deponent will not.

Sam^l X Woodson
mark

Witness Jacob J. [unclear]

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,

J. D. Nicholson
and *M. J. Rollings*

Given under my hand as Clerk of the *County* Court
of *Southampton Co.* this *17th* day of *March*, 189*0*.

B. F. McLemore 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, *March 18th 1890*
Place of Marriage, *Southampton*
Full Names of Parties Married, *J. D. Nicholson*
and M. J. Rollings
Color, *White*
Age of Husband, *28* years
Age of Wife, *48* "
Condition of Husband (*widowed or single*),
Condition of Wife (*widowed or single*),

Place of Husband's Birth, *Southampton*
Place of Wife's Birth, *Do*
Place of Husband's Residence, *Do*
Place of Wife's Residence, *Do*
Names of Husband's Parents,
Names of Wife's Parents, *M. R. & A. Williams*
Occupation of Husband, *Farmer*

Given under my hand this *17* day of *March*, 189*0*.

B. F. McLemore Clerk.

Minister's Return of Marriage.

I Certify, That on the *18* day of *March*, 189*0*
at *the brides residence* I united in Marriage the
above-named and described parties, under authority of the annexed License.

J. W. B. Robins

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.

A Copy. Teste: L. P. Gay D. C.

Nicholson J. D.

vs } Sp. a: in chg.

Nicholson M. J.

1899. 2nd. Sept. Rules
Leir. let.

Executed Sept. 11th 1899
By delivering a copy
of this notice to Mary
J. Nicholson the deft. in
this suit.

J. Williams
Shy

W. J. Sebrall p. q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting :

We command you to summon Mary J. Nicholson

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 3rd Monday in Sept. 1899 next, to answer a bill in Chancery exhibited against her in our said Court by J. D. Nicholson

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 8th day of September, 18 99, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: _____ C. C.

4 e outside of ept as to inside
to you who could not be found
Sept 21st 1995
JW Williams
Laff

Nicholson

21. 3/3

Nicholson

1899. Sept. 20.

Executed.

J. H. Williams
J. H. Williams
Laff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Tommye Turner, Enclid

Joyner and Jane Woodson

Not Public to appear before the ~~Judge of our County Court~~ *Office of H. J. Nelson, Court* of Southampton County, at the ~~Courthouse thereof~~,
on the *25* day of *September*, 1899, to testify and the truth to speak on
behalf of *J. D. Nicholas*

in a certain matter of controversy in our ~~said~~ *Circuit* Court depending and undetermined between
J. D. Nicholas, plaintiff, and
M. J. Nicholas, defendant.

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

Witness, *Not Public* *H. J. McLEMORE*, Clerk of our said Court, at the Courthouse, this *15th*
day of *September*, 1899, in the 123d year of the Commonwealth.

TESTE:

Not Public *H. J. McLEMORE*, C. C.
Notary Public

Nicholson J. D.

vs. } Statement of Railway

Nicholson Mary J.

J. D. Nicholson Plaintiff }
vs. } In chg.
Mary J. Nicholson Defendant }

1899. 8th. Sept. Term. Process issued 10th.

Sept. Rules 1899.

1899. 2nd. Sept. Rules. Process returned executed.

Bill and exhibits filed.

Decree nisi vs Defendant.

1899. 3rd Sept. Rules. Bill taken for confessed
and Cause set for hearing

Nicholson

vs.

} Notice.

Nicholson.

Executed Sept. 11th 1898
by delivering a copy of this
notice to Mary J. Nicholson
the deft. in the suit.

J. W. Milligan
Sgt.

To Mary J. Nicholson

You are hereby notified that on the 25th day of September, in the year 1899, 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 8 P. M. of that day, I shall proceed to take the depositions of

Euclid Joyner 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,

J. D. Nicholson,
By Counsel.

Nicholson

vs. Statement of facts

Nicholson

Nicholson J.D.

vs } Statement of Costs

1899 Nicholson M.J.

Sept. 8th. Sum. 25. exp. 13. receipt 18. atty. 10. Book 18 = .84

Railroad 1.00. entering return 35. fil. bill 15 = 1.50

Do. Exhibits 15. Do. depositions 15. exp. 2x. 50 = .80

Decon & copy 72. Jan costs & copy 40 = 1.12

Filing away papers 25 = 25
"O.K." ^{W.D.}

bal. due 4.51

Shyl. 1.60

Law &c. 16.50

22.61

Fee of J. N. Sabree Jr. Notary Public 5.00

27.61

Teste: L. A. Gay 6, 6,

4.51
.60
5.00
10.11

Nicholson. J. D.

vs. } Deane.

Nicholson M. J.

Enter this

Oct. 3. 1899.

Robert R. Prentiss

Entered page - 274 -

This case, it is ordered that the same be removed from the docket.

A copy.

Note: L. A. May & Co.

In the Circuit Court of Southampton
County, Oct. Term 1899.

Nicholson J. D.

vs. } Decree.

Nicholson Mary J.

This day, this cause came on to be
heard upon the bill of Complaint,
exhibits therewith filed, the depositions of
Witnesses, and was argued by Counsel.

On consideration whereof, the Court, being
of opinion that the charge of willful aban-
donment of the plaintiff by the defendant
for a period even greater than three years
is proved and established by the testimony
of the witnesses, doth adjudge, order
and decree that the marriage heretofore
solemnized between the plaintiff J. D.

Nicholson, and the defendant, Mary J.
Nicholson, be and the same is hereby dissolved
and annulled, and the said J. D. Nicholson
forever divorced a vinculo matrimonii from
the said Mary J. Nicholson, and that all
the right, title and interest of the
said Mary J. Nicholson in or to the
estate of the said J. D. Nicholson shall
henceforth cease and determine, and
nothing further remaining to be done in

Nicholson, J.D.,

v. ³ Deere.

Nicholson, M.J.

Enter this—
Oct. 3, 1899
Robert R. Plunk