

1906-02

Southampton County Chancery- Cary, Mattie vs Cary, Thomas

Divorce

Mallie Cary
or, $\frac{3}{3}$ Bill &c,
Thomas Cary

1905. 2nd Nov. Rules.
Filed B.M. C.S.

Quaker & Quaker B.V.

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA.

Mattie Cary

Vs,

Thomas Cary.

To Hon Robert R. Prentis, Judge of the said Court.

Humbly complainant sheweth unto your Honor your complainant, Mattie Cary of the City of Norfolk, Va., (who was Mattie Turner, and subsequently Mattie Dawson, the wife of John Dawson) now deceased,), that heretofore, to wit, in the year 1889, in January of that year, she was united in marriage to Thomas Cary, in _____ county in the State of North Carolina, as will fully appear from a copy of the marriage license and certificate thereto annexed, herewith filed as Exhibit "A" and prayed to be read and taken as a part of this bill.

That sometime after being so duly married, to wit, in the year 1889, your complainant and the said Thomas Cary came to the County of Southampton in the State of Virginia to live, and did live together there as man and wife until later, to wit, sometime in the year 1891, when the said Thomas Cary wilfully and without just cause abandoned and ~~deserted~~ deserted your complainant. Your complainant says that since his abandonment of her in the said year, to wit, 1891 the said Thomas Cary and your complainant have not lived together as man and wife and that such abandonment and desertion has continued for more than three years, to wit, for the period of fifteen years.

That the said Thomas Cary now resides in the County of Southampton, Virginia, wherein also they last cohabited together.

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, she prays that the said Thomas Cary may be made a party defendant to this bill and be required to answer the same though answer under oath is waived; that proper process issue; that the marriage heretofore solemnized between the said Thomas Cary and your complainant, be dissolved and your complainant be forever divorced a vinculo matrimonii from the said

Thomas Cary; that all proper orders and decrees may be entered
and proper inquiries be taken; and that all other further general
and special relief may be granted your complainant as the nature of
her case may require or to equity shall seem meet.

And your complainant will ever pray &c.

Mattie Cary

Coleman & Sibrell *per*

By *counsel*

COUNTY OF HERTFORD,
STATE OF NORTH CAROLINA

OFFICE OF
JOHN A. NORTHOOTT,
REGISTER OF DEEDS.

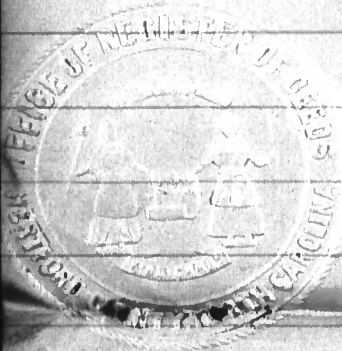
Winton, N. C., Nov 13, 1905

State of North Carolina }
Hertford County }

I J. A. Northcott.

Register of Deeds of Hertford Co. & State of
North Carolina do hereby certify that
Thos Cary and Martha A. Turner were married
Dec 29th 1889. at Chaney's Neck. Said County by
L. F. Lee a Justice of peace.

J. A. Northcott
Reg. Of. Deeds.



Mattie Cary

vs.

} Notice.

Thomas Cary

Executed Nov 16th
1804 by Delivering a
true Copy of the
within Notice to
within Name.
Thomas Cary
in person.

J. F. Bishop
Deputy for

J. F. Gierke shff

Co

Thomas Cary

You are hereby notified, that on the 17th.....day of November 1905, ~~in the year 189..~~, at the office
of.....Joseph B. Prince....., in the town of Courtland, Southampton county, Va., be-
tween the hours of 11.....a. m. and 5.....p. m. of that day, I shall proceed to take the deposition of.....
.....Len Fiers, Phil Ridley.....and others, to be read as evidence in my behalf in a certain.....
.....suit in equity.....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,

Mattie Cary
By couple

Commissioner in Chancery.

Given under my hand this 17th day of November, 1808.
Place and for the purpose in the caption hereto annexed.

taken, sworn to and subscribed before me, at the times and
places Turner, Did say, Phil Ridley and Leonard Riers were duly
Virginia, do hereby certify that the foregoing depositions of
then Circuit Court for the county of Southampton in the state of
I, Joseph B. Prince, a commissioner in chancery of
Southampton county, testify:-

Virginia,

Comd for 2/1/00

Cary.

1. Depositions for Plaintiffs

Cary

Depositions

Depositions

A. About fourteen or fifteen years.

C. How long has it been since they lived together as man and wife?

A. No, sir.

C. Do they live together as man and wife now?

A. I did.

C. Did you know when they were married?

The depositions of Leonard Fiers and others, taken before me Joseph B. Prince a commissioner in chancery of the Circuit Court for the County of Southampton, pursuant to notice hereto annexed, at the Office of Joseph B. Prince, in the town of Courtland, between the hours of 11 a.m. and 5 p.m., on the 17th day of November, 1908, to be read as evidence in behalf of Mattie Cary in a certain suit in equity depending in the Circuit Court of Southampton County, Va., wherein Mattie Cary is plaintiff and Tom Cary is defendant.

Present:- John N. Sebrell, jr., for the plaintiff.

Thomas Cary, the defendant.

177nd

Witness Ulysses Turner being duly sworn deposes as follows:-

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

A. 28, Southampton County, farmer, I know the parties.

Q. How long has it been since Tom Cary and Mattie Cary, the plaintiff and the defendant in this suit, lived together as man and wife ?

A. About fourteen years.

Q. Where were they living together at that time ?

A. In Southampton County.

Q. State whether or not he abandoned her, and has lived separate from her for more than three years.

A. He left her, and they have not lived together within three years.

Q. Where does Tom Cary now reside ?

A. In Southampton County.

Q. Where does Mattie Cary now reside ?

A. In Norfolk, Va.

Q. Please state whether ~~Mattie Cary~~ the abandonment was willful on the part of Tom Cary ?

A. It was.

Q. And further this deponent saith not.

Ulysses Turner

Witness David Ray being first duly sworn , deposes as follows:-

Q. State your name age, residence, occupation, and do you know the parties to this suit, Tom Cary and Mattie Cary ?

A. David Ray, 39, Southampton County, public work, I know the parties.

Q. Did you know these parties while they were living together as man and wife ?

A. Yes, sir.

Q. Please state whether or not Tom Cary has of his own free will, and voluntarily abandoned Mattie Cary ?

A. He has, sir, I think of his own free will.

Q. Do they live together now ?

A. No sir.

Q. Have they lived together within the last three years ?

A. No, sir.

Q. And further this deponent saith not.

David Ray

Witness Phil. Ridley being first duly sworn deposes as follows:-

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

A. Phil. Ridley, 43, Southampton County, farmer, I know the parties.

Q. How close did you live to them when they lived together as man and wife ?

A. About a mile, I reckon.

Q. State whether or not they now live together ?

A. No, sir, they do not.

Q. How long has it been since they lived together as man and wife ?

A. Fourteen years.

Q. And further this deponent saith not.

Philmore Ridley

Witness Lem Fiers, being first duly sworn, deposes as follows:-

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

A. ~~Lem Fiers~~ Leonard Fiers, 49, Southampton County, I know the parties to this suit.

Q. You knew Tom Cary and Mattie Cary while they were living together as man and wife.

A. I did.

Q. Did you know when they were married ?

A. I did.

Q. Do they live together as man and wife now?

A. No, sir.

Q. How long has it been since they lived together as man and wife?

A. About fourteen or fifteen years.

Witness:-

J. B. Prince

Leonard Fiers
mark

Camera fee \$1.00

Virginia,

Southampton county, to wit:-

I, Joseph B. Prince, a commissioner in chancery of the Circuit Court for the county of Southampton in the state of Virginia, do hereby certify that the foregoing depositions of Ulysses Turner, Did Ray, Phil Ridley and Leonard Fiers were duly taken, sworn to and subscribed before me, at the times and place and for the purpose in the caption hereto annexed.

Given under my hand this 17th day of November, 1905.

Joseph B. Prince
Commissioner in Chancery.

Barry

Barry

1905-1906 Noo Rules

Executed 31st day of Oct
1905 by delivering a true
copy of the within
to Thomas

Barry

J. F. Bishop Supt
for J. L. Hillitt Sheriff

Returns Janry 16. 1906.

I found

paper you

can make use

there this was
served same
day the other
was.

J. F. Bishop

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....

Thomas Cary

.....
.....
.....
.....
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 *Third* Monday in *November* 190*5*
~~next~~, to answer a Bill in Chancery exhibited against *him*
in our said Court by *Mattie Cary*

.....
.....
.....
And this *he* shall in nowise omit under penalty of law. And have then there this
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
28 day of *October*, 190*5*, in the *130* year of the Commonwealth.

Teste:

B. F. McLemore, c. c.

Mathew Cary 1906
✓ vs. 3 Decree

3
Thomas Cary

Enter this Jan. 15
1906.

Robert R. Curtis

Entered in
D. O. B. for 229.

Mattie Cary

vs. ³
Thomas Cary

This day this cause came on to be heard on the complaints here, the exhibits therewith filed, and on the depositions of witnesses, and was argued by counsel. On consideration whereof, the court being of opinion that the defendant has, of his own will, abandoned the plaintiff for a period of more than three years, doth advise, order and decree that the marriage heretofore had and solemnized between the plaintiff, Mattie Cary (formerly Mattie Turner) and the defendant, Thomas Cary, be and the same is hereby dissolved and annulled, and that the said Mattie Cary be forever deemed a vincula matrimonii from the said Thomas Cary.

And it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

GEO. C. CABELL, JR.

JNO. N. SEBRELL, JR.

CABELL & SEBRELL,

ATTORNEYS AT LAW.

222-227 ATLANTIC BUILDING.

NORFOLK, VA. Nov. 11, 1905

Mr. B. R. McLenore,
Courtland, Va.,

Dear Sir:-

Enclosed you will find bill in the chancery suit of Cary Vs Cary, which we wish you would file at the ~~#####~~ rules to which the suit was made returnable.

Jim Burgess writes me that you cannot find the bill in the chancery suit of Britt Vs. Jones. That is strange as the bill was carried directly from the court room to the clerks office and the injunction was issued then. You will ofcourse that the bill must have been filed to have had the injunction. It may ~~##~~ be that the bill was misplaced among the papers on the desk and it would be well to look over the table in your office as it might have gotten mixed up with other papers on the table.

Yours very truly,

Cabel & Sebrell
"

Mattie Cary
r } Stat: Rules.
Thomas

Mattie Garry

Thomas Garry

1905. Oct: 28 - Process up? to 2" Nov: Recker

" 2" Nov Recker - Bill filed.

Process not returned

" 1 Dec " " " "

" 2 " " " " "

1906. 1 Jan " " " "

" " 16" Process returned Executed.