

1908-21

Southampton County - Chancery

Vaughan, Emma L (Harris) vs Vaughan, Edward

Verdict

Vaughan, Emma L.

v. 3 Bill & Exhibits.

Vaughan, Edward

1907. 2^d Dec. Ruler.

Jan.

To the Honorable Jas. L. McLeure,
Judge of the Circuit Court of Southampton
County:

Humbly complaining sheweth
unto Your Honor your complainant, Emma
L. Vaughan, (née Harris), that she is now, and
has been for more than one year next pre-
ceding the institution of this suit, a resident
of Southampton County, in the state of Virginia,
that on or about the 27th day of May 1900
she was legally married to Edward Vaughan,
as will more fully 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 after the said marriage
your complainant and the defendant lived
together as husband and wife till on or
about the day of September 1904, when
the said defendant, without just cause or
reason, but wholly regardless of his marriage
vows and duty, willfully deserted and a-
bandoned your complainant, and has never
returned to or lived with her since, but has
ever since continued, and still does continue,
in such desertion and abandonment of your
complainant; that the said defendant having
thus willfully deserted and abandoned your
complainant, without just cause or reason, for

a period of more than three years
next preceding the institution of this suit,
your complainant is advised that she is
legally entitled to a divorce a vinculo mat-
rimonii from the said defendant; that
the said defendant is a resident of the
City of Portsmouth, where he has resided
for the past two years; that your complain-
ant and the said defendant last lived
and cohabited together as husband and
wife in said County of Southampton in the
State of Virginia.

In consideration whereof, your com-
plainant prays that the said Edward
Vaughan may be made a party defen-
dant to this bill, and required to answer
the same, though answer under oath is
hereby waived; that the marriage here-
tofore had and solemnized between your
complainant and the said defendant may
be completely and entirely annulled and
dissolved, and your complainant forever
divorced a vinculo matrimonii from the
said defendant; that proper process
issue, and all proper orders and
decrees be made and entered, and for
all such other, further, general and spe-
cial relief as the nature of the case

may require or to Equity shall seem meet.
And your complainant will ever pray &c.
W. J. Sebrell, p. q. Σ

MARRIAGE LICENSE

Virginia, Southampton Co. 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,

Edward Vaughan
and Emma Lou Harris

Given under my hand, as Clerk of the County Court of Southampton Co. this 26th day of May 1900

B. F. McLennan Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2226 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, May 27 th 1900	Place of Husband's Birth, Greenville Co. Va.
Place of Marriage, Southampton Co.	Place of Wife's Birth, Southampton Co. "
Full Names of Parties Married, Edward Vaughan and Emma Lou Harris	Place of Husband's Residence, "
Color, Col ^d	Place of Wife's Residence, "
Age of Husband, 23 years	Names of Husband's Parents, Lewis and Patience Vaughan
Age of Wife, 20 "	Names of Wife's Parents, Henry and Alice Harris
Condition of Husband ~~widowed or single or divorced~~	Occupation of Husband, Laborer
Condition of Wife ~~widowed or single or divorced~~	

Given under my hand this 26th day of May 1900

B. F. McLennan Clerk.

Certificate of Time and Place of Marriage.

I, H. McSpencer, a _____ of the _____
Church, or religious order of that name, do certify that on the 27th day of
May 1900, at residence H. B. Town, under authority of the above
License, I united in Marriage the persons named and described therein.

Given under my hand this 27th day of May 1900.

H. McSpencer

The Minister celebrating a marriage is required, within two months 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

B. F. McLennan Secy.

Depositions

Vaughan, Emma L.,
vs.

Vaughan, Edward -
1908 Jan 18 Filed

JOSEPH B. PRINCE
Courtland, Va.

Vaughan, Emma L.

vs.

} Notice.

Vaughan, Edward.

Executed on this 13th
day of December 1907
in the City of Port-
smouth Virginia, By
delivering a true copy
of the within notice to
Edward Vaughan
in person.
Wmfon Smith Sergt
of Portsmouth Va.

Recd 50¢ for service
Wmfon Smith

To Edward Vaughan:

You are hereby notified, that on the 20th day of December, in the year 1907 at the office of Joseph B. Price, in the town 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 deposition of William Garnes, Elgin Parker, 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,

Emma L. Vaughan,
By Counsel.

Witness W.E. Parker being duly sworn deposes as follows:-

The depositions of William Barnes 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, Va., on the 20th day of December, 1907, ~~enact~~ between the hours of 8 a.m. and 8 p.m. to be read as evidence in behalf of Emma L. Vaughan in a certain suit in equity depending in the Circuit Court of Southampton County, wherein Emma L. Vaughan is plaintiff and Edward Vaughan is defendant:

Witness William Barnes, being duly sworn deposes as follows:-

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

A. William Barnes, 47, Southampton County, I know the parties to this suit. Last live and cohabit together as man and wife?

Q. Did you know them when they lived together as man and wife?

A. I did.

And further this deponent saith not.

Q. Do they now live together as such?

A. They do not.

Q. When did they separate, and which one abandoned the other?

A. In September 1904, I mean to say that it was three years ago last September, when he, Edward Vaughan, the defendant, left the plaintiff, Emma L. Vaughan.

Q. Do you know whether he left her wilfully and of his own free will and accord or not?

A. I have known both parties for quite a number of years, and I know that he left her of his own free will and accord, and I know of no just cause or reason why he should have done so.

Q. Has he ever returned to or lived with her as husband and wife since he abandoned her as aforesaid?

A. He has not.

And further this deponent saith not.

Q. In what county did they last live together and cohabit as man and wife?

A. In Southampton County, Va.

Q. Do you know whether the plaintiff and the defendant have both lived in this state for more than one year next preceeding the bringing of this suit?

A. They have both lived in this state longer than that time.

Q. Where do the parties now reside?

A. She lives in Southampton County, and he lives in the City of Portsmouth.

And further this deponent saith not.

Witness
Joseph B. Prince

William Barnes
mk

Witness W.E.Parker being duly sworn deposes as follows:-

- Q. State your name, age, residence, occupation, and do you know the parties to this suit ?
A. W.E.Parker, 40, Southampton county, farmer, I know the parties to this suit.
- Q. Did you know them when they lived together as man and wife ?
A. I did.
- Q. Do they now live together as such ?
A. They do not.
- Q. When did they separate, and which abandoned the other ?
A. He left her in September, 1904, that is, three years ago, last September.
- Q. Do you know whether he did so of his own free will and accord or not ?
A. He did so of his own free will.
- Q. Has he ever returned to her or lived with her as husband and wife since he abandoned her as aforesaid ?
A. He has not.
- Q. In what county did they last live and cohabit together as man and wife ?
A. In Southampton County.

And further this deponent saith not.

W.E. Parker

- Witness Clinton Harcum being duly sworn deposes as follows:-
Q. State your name, age, residence, occupation and do you know the parties to this suit ?
A. Clinton Harcum, 22, Southampton county, farmer, I know the parties.

- Q. Have you heard the testimony given in this case by William Garms and W.E.Parker, and if so, do you agree with them in what they have said and do you corroborate the same ?
A. I have heard their evidence and I fully agree with them in their statements knowing them to be true. I, therefore, corroborate and indorse the same.

And further this deponent saith not.

Clinton Harcum

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 certify that the foregoing depositions of William Garms, W.E.Parker, and Clinton Harcum 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 20th day of December, 1907.

Joseph B. Prince
Commissioner in Chancery.

Comrs. fee \$3.00

Vaughan, Emma L.
r } Stat: Reiter
Vaughan Edward

Emma L. Vaughan - Pliff

17 }

Stat. Rules

Edwards Vaughan - Deft

1907. Dec'r 12". Process issued to 2" Deaf Rules:

" 2" Deaf Rules: Process ret^d - Executed.

Bill & Exhibit filed

Decees nisi.

1908. 1" Jan'y Rules: Bill taken for
Confessed, and Cause
set for hearing.

Vaughan

THE COMMONWEALTH OF VIRGINIA

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:
WE COMMAND YOU TO SUMMON

Vaughan

1907- 2nd Dear Rules

Executed on this 13th day
of December 1907 in
the City of Portsmouth
Virginia By delivering
a true copy hereof to
Edward Vaughan
in person
Williamson Smith Sgt
of Portsmouth V^a

Defendant lives at
1907- Pearl St.

Recd 50¢ for service
Wmfor Smith

THE COMMONWEALTH OF VIRGINIA.

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~ ^{Deputy City of Portsmouth}, GREETING:

WE COMMAND YOU TO SUMMON *Edward Vaughan*

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 *12th* Monday in *December* 1907 next, to answer a Bill in Chancery exhibited against *him* in our said Court by *Emma L. Vaughan*

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 *12th* day of *Dec*, 1907, in the *13th* year of the Commonwealth.

Teste:

B. F. McLemore, C. C.

Vaughan, Emma L.
v. Deere.
Vaughan, Edward

Jan'y. 22. 1908.

Enter this,
James McInnere,

Entered C. O. B.
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Emma L. Vaughan, }
v. } Decree.
Edward Vaughan. }

This day this cause came on to be further heard on the complainant's bill, and exhibits therewith filed, and on the depositions of witnesses, ^{taken after reasonable notice to defendant.} and was argued by counsel. ^{it appearing that both of the parties complainant has been a resident of this state and guilty for more than one year.} On consideration whereof, the Court doth adjudge, order, and decree that the marriage heretofore had and solemnized between the plaintiff, Emma L. Vaughan, and the defendant, Edward Vaughan, be and the same is hereby dissolved and annulled, and that the said Emma L. Vaughan be forever divorced a vinculo matrimonii from the said Edward Vaughan. And it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

and that the parties had admitted together in this Court.