

1909 - 14

Southampton County Chancery

Britt, Matthew (Rice) vs Britt, John

Divorce

To Hon. Jas. L. McLeure,

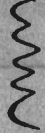
Judge of the Circuit Court of Southampton County:

Humbly complaining sheweth unto Your Honor your complainant Mattie Britt (née Riels) that both she and the defendant, John Britt, are now, and have been for more than one year next preceding the institution of this suit, residents of the state of Virginia, your complainant residing in the County of Southampton, and the said defendant residing in the City of Portsmouth; that on the 30th day of December 1891, she was legally married to the said John Britt, 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 said defendant lived together as man and wife till on or about the 15th day of December 1904, during all which period your complainant was to him a faithful and dutiful wife, but that on or about the said 15th day of December 1904, the said defendant, without just cause or reason, willfully deserted

and abandoned your complainant, and has never returned or lived with her as husband and wife since that time, 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 matrimonii from the said defendant; that your complainant and the said defendant last lived and cohabited together, as man and wife, in said County of Southampton in the state of Virginia.

In consideration whereof, your complainant prays that the said John Pitt may be made a party defendant to this bill and required to answer the same, though answer under oath is hereby waived; that the marriage heretofore 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 special 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. 

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,

John Britt
and Mattie Ricks

Given under my hand, as Clerk of the County Court of Southampton this 31st day of Dec 1891
B. F. McLennox 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 8, 1900.

Time of Marriage, Dec 31 st 1891	Place of Husband's Birth, N. C.
Place of Marriage, Southampton	Place of Wife's Birth, Southampton Co. Va.
Full Names of Parties Married, John Britt and Mattie Ricks	Place of Husband's Residence, " " "
Color, Col	Place of Wife's Residence, " " "
Age of Husband, 21 years	Names of Husband's Parents, Jno. Hunt and Fannie Britt
Age of Wife, 22	Names of Wife's Parents, Bolling Ricks and Harriet Ricks
Condition of Husband (widowed or single or divorced) Single	Occupation of Husband, Laborer
Condition of Wife (widowed or single or divorced) "	

Given under my hand this 31st day of Dec 1891
B. F. McLennox Clerk.

Certificate of Time and Place of Marriage.

I, Joseph Gregory, a Minister of the Gospel Church, or religious order of that name, do certify that on the 30th day of Dec 1891, at my house at 8 O'clock P.M., under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 30 day of Dec 1891

Joseph Gregory

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 Teste: B. F. McLennox Clerk

Brett
Ely } Mrs Li
Recks

Exhibit
"A"

Britt
n } Stat of Sect
Britt

Mattie Britt

or } Stat of Wash

John Britt

Sum 25 Copy 13 38

Receipt 18 Atty 10. 28

Doc 18 Rules 1.00 Entry Ret 35 153

Fil Bill 10; Ex 10 Dep 15 45

Copy of Marriage License 50

Decree for Divorce 36

Tax Cost 20 Copy 20 40

Filing away papers. 25

Clerk

4.15

Sheriff. 50

Atty 16.50

Frank Story Somr. 5.00

22.00

22.00

26.15

Britt Mattie
or } Spawchen
Britt Joe

1909. 1" Oct Reels.

Executed in the
City of Portsmouth
Virginia this 1st
day of October 1909
by delivering a true
copy hereof to John
Britt in person,
Williamson Smith
Sgt of Portsmouth Va

Recd 50¢ for service
Wmfor Smith
1909. Oct 6" Ret

The Commonwealth of Virginia

Sergeant City of Portsmouth Va -
TO THE SHERIFF OF ~~SOUTHAMPTON COUNTY~~ GREETING:

We command that you summon

John Prith

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 *October 1909* to answer
a Bill in Chancery exhibited against *him* in our said Court by

Matth Prith

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

Witness, *W. F.* McLEMORE, Clerk of our said Court, at the Courthouse this *29*
day of *September*, 19*09*, in the *134* year of the Commonwealth.

Teste:

W. F. McLemore

C. C.

Mattie Pratt

Stat of book

John Pratt

page 25 copy 13

38

Pratt ~~18~~ Atty 10

28

Nov 18 Rules 1.00 Ent Ret 35

1.53

Fil Rec 15 Ex 15 Dep 15

43

Copy of Marriage License

50

36

Deem for Divorce

40

Tax Cost 20 copy 20

25

Filing away papers

4.15

Sheriff

50

Atty

16.50

Frank Storey Comi

500

22.00

22.00

26.10

Britt, Mattie
vs. Depositions
Britt, John.

Oct. 14, 1909: Filed

E. FRANK STORY.
ATTORNEY AT LAW
COURTLAND, VIRGINIA

* Britt, Mattie *

* * *

* vs. *

* * *

* Britt, John. *

The depositions of George Ricks and others, taken before me, E. Frank Story, a Commissioner in Chancery for the county of Southampton, in the State of Virginia, pursuant to notice hereto annexed, at Courtland, Virginia, on the 11th day of October, 1909, between the hours of eight A. M. and eight P. M., to be read as evidence on behalf of Mattie Britt, in a certain suit in equity, depending in the Circuit Court of Southampton County, Virginia, wherein John Britt is defendant, and Mattie Britt is plaintiff.

Present: W. J. Sebréll, Attorney for the Plaintiff.

A. Yes, that is correct.

Witness Geo. Ricks, being duly sworn, deposes as follows:

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

A. George Ricks, age 52 years, reside in Southampton County, Virginia, laborer, and I know the parties to the suit.

Q. Do you know where they now live.

A. The plaintiff, Mattie Britt lives in Southampton County, and I have heard that the defendant lives in Portsmouth, Virginia.

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

A. Yes, I did.

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

A. No.

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

A. It has been over four years ago, and he, the defendant left her, the plaintiff.

Q. Has he ever returned to, or lived with her as man and wife since he thus deserted or abandoned her.

A. No he has not.

Q. Do you know how long they, or either of them, has been living in this State.

A. He has not.

Bluff, 10th.
As.
Bluff, 10th.

Q. Where did they last live together as man and wife.

A. The plaintiff has been living here all her life, and I have heard that the defendant has been living in Portsmouth since his desertion of her.

Q. Where did the parties last live together and co-habit as husband and wife.

A. In Franklin, Southampton County, Virginia.

Q. Then I understand from you, that the defendant wilfully deserted and abandoned the plaintiff more than four years ago, and that he has never returned to live with her since he thus deserted her, is that correct.

A. Yes, that is correct.

And further this deponent saith not.

Witness:
Ruth M. Owens.

George X Ricks
mark

Witness Bowling Henry Ricks, being duly sworn, deposes as follows:

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

A. Bowling Henry Ricks, age 62 years, reside in Southampton County, Virginia, carpenter, and I know the parties to the suit.

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

A. I did.

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

A. They do not.

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

A. They separated about four and one-half years ago, and he left her.

Q. Did he do so wilfully, and of his own free will and accord.

A. Yes.

Q. Has he ever returned to, or lived with her since he deserted her four and one-half years ago.

A. He has not.

Q. Where did they last live together as man and wife.

A. In Franklin, Southampton County, Virginia.

Q. Do you know where the parties now live, and how long they have lived where they now live.

A. The plaintiff in Southampton County, and has been living here all of her life, I have heard that the defendant lives in Portsmouth Virginia.

Q. Then I understand from you, that the plaintiff now lives, and has lived in Southampton County for more than one year next preceeding the institution of this suit, and in fact, that she has lived here all of her life. The State of Virginia, do hereby certify that

A. Yes. going depositions were duly taken, reduced to writing, and signed. And further this deponent saith not.

Witness Bolling Henry X Ricks
Ruth M. Owens

Witness J. S. Scott, being duly sworn, deposes as follows:

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

A. J. S. Scott, age 65 years, reside in Southampton County, Virginia, laborer, and I know the parties to the suit.

Q. Have you heard the evidence just given by George Ricks and Bowling Henry Ricks, in this case, and if so, do you agree with them in the statements which they have made, or not, and do you know the same to be true, or not.

A. I have heard their evidence, and I know it to be true.

And further this deponent saith not.

J. S. Scott

- Q. Do you know where the depositions were taken and how long they were taken?
- A. In Blenheim, Southampton County, Virginia.
- Q. Where did you find that the depositions were taken and how long?

the office of W. J. Sabrell in the town of Courtland, Va., between the hours of 8 A.M. and 8 P.M., of that day, I shall proceed to take the depositions of George Ricks and others to be read as evidence in my behalf in a certain suit in Equity depending in the circuit court of the county of Southampton, 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

STATE OF VIRGINIA, (to-wit: until the same shall be completed,
Southampton County, (

I, E. Frank Story, a Commissioner in Chancery for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the time and place therein mentioned, pursuant to the annexed notice.

Given under my hand this 11th day of October, 1909.

COMMISSIONER IN CHANCERY.

Copy 1
\$5.00
100.

Mattie Britt
v.
John Britt } Decree.

This day this cause came on to be heard on the bill of the complainant, exhibits therewith filed, and the depositions of witnesses, ^{taken after reasonable notice to defend and of the} the defendant upon whom process has been duly served, still failing to

appear and plead, answer or demur to the said bill, and was argued by ^{it appearing that the parties last cohabited in this County and have resided here for more than twelve months} counsel. On consideration whereof, ^{before the maturation of this suit} the Court doth adjudge,

order and decree that the marriage heretofore had and solemnized between the plaintiff Mattie Britt, and the defendant John Britt, be and the same is hereby dissolved and annulled and that the said Mattie Britt be forever divorced a vinculo matrimonii from the said John Britt. And it appearing that nothing further remains to be done in this cause it is ordered that the same be removed from the docket.