

1901-36

Southampton County Chancery. Digging, Amanda (Lassiter) vs Digging, Robert

Divorce

MARRIAGE LICENSE

Virginia, Southampton 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,

Robert Diggins
and Mandy Lassiter

Given under my hand, as Clerk of the Circuit Court of Southampton this 3rd day of July 1904
P. F. McEnroe Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, July 3, 1904	Place of Husband's Birth, Southampton Co
Place of Marriage, Southampton Co	Place of Wife's Birth, N.C.
Full Names of Parties Married, Robert Diggins and Mandy Lassiter	Place of Husband's Residence, Southampton Co
Color, <u>Leel</u>	Place of Wife's Residence, "
Age of Husband, 23 Years	Names of Husband's Parents, J. W. & D.
Age of Wife, 21 "	Names of Wife's Parents, George Diggins Madison & D.
Condition of Husband (widowed or single or divorced), Single	Names of Wife's Parents, Louisa & White
Condition of Wife (widowed or single or divorced), "	Occupation of Husband, Farmer

Given under my hand this 7th day of July 1904
P. F. McEnroe Clerk.

Certificate of Time and Place of Marriage.

I, Rev. Wm. Reid, a Minister of the Gospel,
Church, or religious order of that name, do certify that on the 3rd day of
July 1904, at David's Tavern, under authority of the above
License, I united in Marriage the persons named and described therein.

Given under my hand this 6th day of Oct 1904

Rev. William Reid

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 sent P. F. McEnroe Clerk
By W. F. McEnroe

Diggins, Amanda
Bill in Chancery

Diggins, Robert.

1909: 2nd June Pule, Filed
R. D. McLeeson Lck

let it pass to 1000

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT
OF SOUTHAMPTON COUNTY, VIRGINIA:

Your complainant, Amanda Diggins, sheweth unto the Court
the following case:

That on the 3rd day of July, 1904, your complainant, whose
maiden name was Amanda Lassiter, sometimes called Mandy Lassiter,
was lawfully married at Franklin, Virginia, in the County of South-
ampton, to Robert Diggins, as will more fully appear from a certi-
ficate of marriage herewith filed, marked "Exhibit A" and prayed to
be read as a part of this bill:

That continuously from the date of said marriage until
sometime in July, 1905, your complainant and the said Robert Diggins
lived together as husband and wife, at various places in Southampton
County, Virginia; that the said Robert Diggins has wilfully deserted
and abandoned your complainant, for a period of more than three
years, that is to say, that in the month of July, 1905, the said
Robert Diggins, voluntarily, wilfully and without any justification
whatever, left his home then in Franklin, Virginia, and went to the
State of North Carolina; that immediately before leaving he stated
to your complainant that he was going to leave her forever, and that
he would never return to her; that your complainant has never heard
from him since that day, nor does she know positively where he is,
though she has been advised that he is now residing in North Caro-
lina.

Your complainant further sheweth unto the Court, that
she has resided and has been domiciled in this State ever since
the aforesaid marriage, and for more than one year next preceding
the commencement of this suit, and is domiciled and now resides in
this State; that your complainant last co-habited with the said
Robert Diggins at Franklin, in the county of Southampton, in the

State of Virginia.

In tender consideration whereof, and for-as-much as your complainant is remediless in the premises, save in a court of equity where such matters are alone and properly cognizable, your complainant prays that the said Robert Diggins may be made a party defendant to this bill, and required to answer the same, not on oath however, same being hereby expressly waived; that proper process may issue; that a divorce from the bonds of matrimony which was created by the aforesaid marriage be decreed her; that your complainant may have all such further and other and general relief in the premises, as the nature of her case may require, or to equity shall seem meet.

And your complainant will ever pray, etc.

AMANDA DIGGINS,

By

her Attorney.

p. q.

Diggins. Amanda
 } Stat: Rules
 Diggins. Robert.

Diggins Robert.

Amanda Diggins. Plff.

or { Statement of The Rules.

Robert Diggins Defh

1909. June 16th; Process issued to 2nd June Rules.

" 2nd " Rules. " returned "not an inhabitant
+ Exhibits
of my County. Bill filed.

1909. June 16th. Order of Publication issued.

" " 17th Order " Published.

" " 18th " " posted.

" July 16th Order of Publication Completed
and Cause set for hearing.

8
11
Diggins
or Order of Publication
Diggins
1909 June 16"

Virginia:

In the Clerks Office of the Circuit Court of Southamp-
ton County, June 16th 1909.

Amanda Diggins, Plaintiff

vs:

Robert Diggins, Defendant,

The object of this suit is to obtain a divorce " A Vinculo
Matrimonii" by the plaintiff, from the defendant.

And affidavit having been made and filed, that the defendant
is not a resident of the State of Virginia. It is ordered that
he appear here within fifteen days after due publication of
this order and do what is necessary to protect his interest
in this suit.

And this order be published once a week for four successive
weeks in the Tidewater News, a News paper published in the
Town of Franklin, Va, and a copy thereof be posted at the front
door of the Court house, on or before the next succeeding rule
day, after it is entered.

Teste: *B. J. McLenora* Clerk

By *H. B. McLenora* -----D. C.

E. Frank Story, p.q.

Riggins
vs. 3 Reece
Riggins

Entered this 11th Aug 1909.
J. M. L. L. L. L.

Entered 100 B
P. 50

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

* Amanda Diggins, *
* vs. *
* Robert Diggins. *

This day this cause, in which the complainant has proceeded against the absent defendant in the mode prescribed by law against non-resident defendants, and he still failing to appear and plead, answer or demur, came on to be heard on the bill of the complainant, exhibits therewith filed, and the depositions of witnesses, notice of the taking of the said depositions not being necessary, this cause having properly matured against the defendant by order of publication, and was argued by counsel:

On consideration whereof, it appearing that the parties last cohabited in the County and that plaintiff is now a resident of the County, it further appearing that defendant wilfully abandoned and deserted the complainant more than three years ago, and they have not cohabited since, the Court, doth adjudge, order and decree that the marriage heretofore solemnized between Robert Diggins and Amanda Diggins be, and the same is dissolved.

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

Diggins
Vol. 7 Depositions
Diggins.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

And further this deponent saith not.
STATE OF VIRGINIA, (
(to-wit: none waived).
Southampton County, (

Witness The depositions of L. S. Vaughan and others, taken before me, the undersigned, Claude J. Edwards, a Commissioner in Chancery for the Circuit Court in and for the County aforesaid, in the State of Virginia, to be read as evidence in a certain suit in equity, now pending in the said Court, generally styled, Diggins vs. Diggins, pursuant to notice hereto annexed.

Claude J. Edwards
COMMISSIONER IN CHANCERY.

Witness L. S. Vaughan, being first duly sworn, deposes and says:

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

A. L. S. Vaughan, 60 years old, reside in Southampton County, Virginia, house-keeper, and I know the parties to the suit.

Q. Please state if Robert and Amanda Diggins ever lived on your farm.

A. Yes, they lived here for two years.

Q. Please state if Robert Diggins was kind and considerate of his wife, Amanda Diggins.

A. No, he was not, he used to beat her when they lived on our farm, and at times would not provide anything for her to eat.

Q. Please state if Robert Diggins deserted Amanda Diggins, and if so, when.

A. Yes, sometime in the summer of 1905, I think.

Q. Has he ever returned to live with her since that time that you know of.

A. No he never has returned to live with her since then that I know of. I have heard that he had another wife since then.

And further this deponent saith not.

(Signature waived).

Witness Walter Carr, being first duly sworn, deposes and says:

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

A. Walter Carr, forty years old, reside in Southampton County, Virginia, farmer, and know the parties to the suit.

Q. Please state if you knew Robert and Amanda Diggins when they lived together as man and wife in Southampton County.

A. Yes, I knew them, they were close neighbors of mine.

Q. How did Robert Diggins treat her during the time you knew them.

A. He was not kind to her, and use to beat her right often.

Q. Did Robert Diggins desert his wife, Amanda Diggins, that is, did he leave her, and if so, about when.

A. He went to North Carolina about four years ago.

Q. Do you know anything about what kind of wife she made him.

A. No I cannot say about this.

And further this deponent saith not.

(Signature waived) but the treatment accorded Amanda Diggins by her husband Robert Diggins.

A. He used to drink a good deal and at times he would beat her.

And further this deponent saith not.

Witness Penney Watson, being first duly sworn, deposes and says:

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

A. Penney Watson, twenty-four years old, reside at Burdette, Southampton County, Virginia, house-keeper, and know the parties to the suit.

Q. Did you know Robert and Amanda Diggins when they lived together as man and wife in Southampton County.

A. Yes, I knew them the entire time they were married.

Q. During that time did Amanda Diggins make Robert Diggins a good and faithful wife.

A. Yes, she seemed to from all appearances to make him a good wife.

Q. Were you near neighbors.

A. Yes, a good part of the time we lived about one hundred yards apart. Mandy's home is in Franklin, and that's where I knew her.

Q. Do you know whether or not Robert Diggins deserted his wife Amanda Diggins or not.

A. Yes, I know that he went away and left her, and he went to North Carolina. They lived in Southampton County then.

Q. Do you know about what time he deserted or left her.

A. Between three and four years ago.

Q. Can you give the exact date.

A. No I cannot give the exact date.

Q. Has Robert Diggins ever returned to live with his wife, Amanda Diggins, since that time, or has he ever lived with her since he left her.

A. No he never has returned to live with her since that time.

Q. Please state if you know anything about the treatment accorded Amanda Diggins by her husband Robert Diggins.

A. He used to drink a good deal and at times he would beat her.

And further this deponent saith not.

(Signature waived.)

8. DURING THE TIME THE VOUCHER DEBITED WERE MOVED DEBITED &
A. YES, I KNOW FROM THE ENTIRE TIME THEY WERE DEBITED.

STATE OF VIRGINIA, ((to-wit:
Southampton County, (

I, Claude J. Edwards, a Commissioner in Chancery for the Circuit Court, in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of L. S. Vaughan, Walter Carr and Penney Watson, were this day taken and sworn to before me, signatures being waived, for the purpose designated in the caption hereto.

Given under my hand this 22nd day of July, 1909.

Claude J. Edwards
COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE: \$5⁰⁰

Diggins

vs.

}

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Diggins

Frank Story

p. q.

1909. June 16.

In the Clerk's Office of the Circuit Court of the County of
Southampton

Amanda Diggins

Plaintiff

against

Robert Diggins

Defendant

This day E. Frank Story personally appeared
before me W. P. McEnroe, Deput Clerk of the said Court,
and being duly sworn, made oath that Robert Diggins, the

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 16 day of June 1909.

W. P. McEnroe Clerk
By W. P. McEnroe D.C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon

Robert Diggins

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

Mauda Diggins

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse this *16th*
day of *June*, 19*09*, in the *133* year of the Commonwealth.

Teste:

B. F. McLeMore

C. C.

Diggins Amanda

(M) } Spacie Chay

Diggins Robert

1909. 2nd June Rules-

~~Not a Resident~~

This with in same
partic is not a
resident of my
Bail Vicks

Just Turned Sheriff
By J. L. Turner W. P.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon

Robert Diggins

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

Annaud Diggins

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse this *16*
day of *June*, 1909, in the *133* year of the Commonwealth.

Teste:

B. F. McLemore

C. C.

By W. B. McLemore

1909

Higgins

No. 3 Authentic certificate

Higgins.

VIRGINIA:
IN THE CLERK'S OFFICE OF
THE CIRCUIT COURT OF SOUTHAMPTON
COUNTY, JUNE 16TH, 1909.

Amanda Diggins, Plaintiff

vs.

Robert Diggins, Defendant.

The object of this suit is to obtain
a divorce "A Vinculo Matrimonii"
by the plaintiff from the defendant.
An affidavit having been made
and filed, that the defendant is not
a resident of the State of Virginia.
It is ordered that he appear here
within fifteen days after the publi-
cation of this order and do what is
necessary to protect his interest in
this suit.

And this order be published once
a week for four successive weeks in
The Tidewater News, a newspaper
published in the Town of Franklin,
Va., and a copy thereof be posted at
the front door of the Court house,
on or before the next succeeding rule
day, after it is entered.

Teste: H. B. McLemore, Clerk.

By H. B. McLemore, D. C.

E. Frank Story, p. q.

OFFICE OF THE TIDEWATER NEWS.

I, Paul Scarborough, Editor of The Tidewater News, a weekly newspaper
published in the town of Franklin, Southampton County, Virginia, do
hereby certify that the attached notice styled "Amanda Diggins,
Plaintiff vs Robert Diggins, Defendant" was published in the Tidewater
News once a week for four successive weeks in the manner prescribed
by law, beginning in its issue of June 18th 1909 and ending July
16th 1909.(inclusive).

SIGNED


Editor

Franklin, Va., July 21st 1909