

1910-06

Southampton County Chancery - Cary, Dorsey, M. vs Cary, Josie

Divorce

VIRGINIA: IN THE CIRCUIT COURT
OF THE COUNTY OF SOUTHAMPTON

CHANCERY CAUSE

Dorsey M. Carey

VS ----- Divorce

Leone Carey

1910-15 October Rules filed
J. P. M. Clerk

Guy T. Horner
Attorney

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF

SOUTHAMPTON

CHANCERY CAUSE

Dorsey M. Carey

VS ----- Divorce.

Josie Carey

To Honorable J. L. McLemore, judge of the Circuit Court
of the County of Southampton:

Your orator, Dorsey M.

Carey, humbly complaining, would respectfully show unto
your Honor that:

1st. He resides in the County of Southampton, Virginia,
and has been domiciled in this state one year next prece-
ding the institution of this suit.

2nd. On the 18th. day of November, 1895, in the County of
as appears from the marriage license herewith filed -
Southampton, Virginia, your orator^A was married to one Josie
Carey, with whom he has lived and cohabited as husband and
wife in Southampton County, until the fall of 1903, when
they separated and have not since lived and cohabited together.

3rd. During their said marriage, to-wit: in the fall of 1903,
in said County where they last cohabited as man and wife,
your orator's said wife, Josie Carey, disregarding her marriage
vows, did abandon and desert him, and broke off the matrimonial
cohabitation, and at the time of the institution of this suit
has abandoned and deserted him for a period exceeding three
years, and during this time has, without justification or

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ATTESTED IN THE COURT OF THE COUNTY OF
excuse, voluntarilly refused to renew the matrimonial cohabitation, and does still refuse, and stoutly maintains that she will not renew the matrimonial cohabitation.

4th. During their said marriage no children survived to this union.

Wherefore, inasmuch as your oritor is remediless, have in a Court of equity where matters of this sort are properly cognizable, he prays that Josey Carey be made a defendant to this bill, and be required to answer the same, but an answer under oath is waived; that upon the hearing, your honor will grant unto your orator a divorce a vinculo matrimonii from the said Josie Carey. And for such other, further and general relief as in equity is meet and proper.

Wm. A. Barnes p. a.

VIRGINIA: IN THE CIRCUIT
COURT OF THE COUNTY OF
SOUTHAMPTON

NOTICE OF TAKE DEPOSITIONS

CAREY

VS-- DIVORCE

CAREY

*Specified by returning
copy of the written
notice, to the de-
fendant for in copy
in person. This
the 8th day of
Oct 1910.*

*B. E. Feltz
Constable*

GUY T. HORNER

VIRGINIA; IN THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON

CHANCERY CAUSE -- OCTOBER TERM
1910

Dorsey M. Carey

VS ----- Notice to take depositions.

JOSIE CAREY

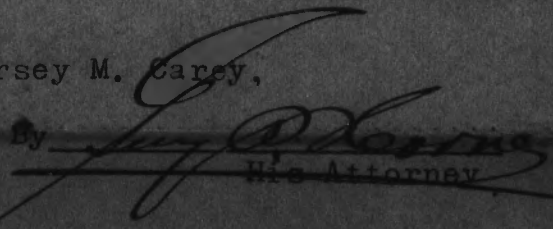
TO JOSIE CAREY:

PLEASE TAKE NOTICE that I shall, on the 11th. day of October, 1910, at the office of my Attorney, Guy T. Horner, in Boykins, Virginia, between the hours of eleven o'clock AM and three o'clock P. M., on that day proceed to take depositions of Dorsey M. Carey and others, to be read in a certain Chancery cause depending in the Circuit Court of the County of Southampton, as evidence in his behalf, wherein you are defendant, and if for any cause or reason the taking of said depositions be not commenced on that day, or if, commenced be not concluded, the taking of the same will be continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be concluded.

Given under my hand this the 7th. day
of October, 1910.

Dorsey M. Carey,

By


His Attorney

Depositions

Cory

VS

Cory

Two copies filed
Horn. Court

Page 2
Q-2 I don't know when they were married exactly but I boarded
with them about ten years ago and they had been married four or
VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON

DORSEY M. CAREY

VS ----- DEPOSITIONS

JOSIE CAREY

Depositions of Walter BUTRELL, et. al. witnesses, taken before
William Shands, a Commissioner in Chancery for the Circuit Court
of the County of Southampton, Virginia, on the 11th. day of Oct.
1910, in pursuance of the annexed notice, at Boykins, in the
County of Southampton, Virginia, between the hours of eleven
o'clock A. M. and four o'clock P. M. to be read in evidence in
a suit in which Dorsey M. Carey is Plaintiff, and Josie Carey is
defendant pending in the Circuit Court of the County of Southamp-
on, Virginia.

EXAMINATION OF WITNESSES: Present Guy T. Horner, counsel for
plaintiff: No counsel for defendant. Walter Futrell being
first duly sworn deposeth and sayeth in answer to interrogatories
as follows:

Q-1 What is your age, occupation, residence and are you acquaint-
ed with the parties to this suit?

A-1 My age is 25 years and I work for the Seaboard Air Line as
brakeman and I live in Boykins. I have been knowing the parties
to this suit for ten or twelve years and lived for a time right
at their house, and boarded with them for awhile.

Q-2 Do you know when the parties to this suit were married, if so,
how long they lived together and do they live together now?

Page 2

A-2 I don't know when they were married exactly but I boarded with them about ten years ago and they had been married four or five years when I started to board with them. I don't know when they parted but it has been more than five years and they ~~xxxx~~ were living near Boykins, Southampton County, Virginia, when she left him. On account of her disreputable conduct and her intimacy with other men they parted.

Q-3 You state that it has been more than five years since she parted from him and that they have not lived together since as husband and wife?

A-3 She has not lived with him since. She is now living with another man, as tho he were her husband.

Q-4 While they lived together did the plaintiff make her a good husband and provide for her as a husband should provide for his wife.

A-4 He was good to her and provided for her as best ~~she~~ she could and better than she deserved.

Q-5 Am I to understand from your testimony that while the plaintiff treated ^{her} and took care of her to the best of his means she parted from him and is now living with another man in the relation of wife?

A-5 Yes sir she certainly is.

Further this deponent sayeth not.

*Witness
W. Harrell*

*W. Harrell
+ La Trice
mrrh*

William Harrell, being first duly sworn, deposeth and sayeth in answer to interrogatories as follows:

Q-1 What is your name, age, occupation and where do you live?

A-1 I am fifty eight and live near Boykins, Virginia, and am a farmer laborer. I have known the parties for many years and

1950

and have live close by them ~~afinn~~⁷ all along.

Q-2 Do you know whether or not they live together now, if so how long have they been parted, if they are not now living together and do you know why they parted?

A-2 They are not living together and have not lived together for over three years. I do not know of my own knowledge but the common report is that she quit him for another man.

Q-3 Has she ever lived with him since they parted?

A-3 She has not as I know of and as stated above I have been living near them all along.

An further this deponent sayeth not.

B. E. Felts, being first duly sworn, deposeth and sayeth in answer to interrogatories as follows:

Q-1 What is you name, age, occupation and place of residence.

A-1 My name is B. E. Felts, ~~am~~ forty, and live four miles from Boykins and am deputy sheriff and Constable.

Q-2 Do you know the parties to this suit and do you know whether or not they are now living together, and when they were married?

A-2 I have been knowing the parties twelve or fourteen years and I know they are not living together now. They have been parted five or eight years; I don't remember exactly. I don't know when they were married; I think about fifteen years ago.

Q-3 Since they parted, as you say, do you know whether they have lived together, or do you know why they parted?

A-3 No sir they have not been living together, on the contrary, she has taken up with another man. She was once arrested for living in adultery with another man and she is now back with him.

A-4 He treated her all right. I saw them often. She is natur
rally a no'account woman.

B. E. Feltz

Tom Carey being first duly sworn deposeth and sayeth in answer to interrogatories as follows:

Q-1 What is your age, name, occupation, place of residence and do you know the parties to this suit.

A-1 My name is Tom Cary, forty eight years of age, live near Newsoms, Virginia, and have been knowing the paintigf all my life and the defendant ever since she was about ten years old.

Q22 Do you know when they were married and do you know whether they are living together now, and if not, why not?

A-2 They were married about fifteen years ago. They are not living together now because she is a disagreeable woman and always fooling with other men.

Q-3 How long have they been parted and did the plaintiff make her a good wife while they lived together.

A-3 They have been parted ~~about~~ over five years. He was good and kind to her while they lived together.

Further the deponeth sayeth not

Tom & Corry

Boykins to Oct 11/10

I ~~Mr~~ hands a Commission
in honor for Circuit Court of
Southampton Co Va. hereby certify
that the annexed dispositions
were duly taken before me
at the time & place in the
copies mentioned & duly
signed & sworn to by the said
parties. Same taken according
to notice herewith filed
given under my hand this
11th day of Oct 1910

Wm Shand
Clerk in Charge

Carey Dorsey M.

vs: Spa in Chay,

Carey Josie.
1910- 1st October Rules,

Executed this the Oct. 1.
in Southampton County
1910. by serving copy of

the within on Josie Carey

John I Turner, Sheriff

By *R. E. Felt*

Depty.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon Josie Carey,

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 1910 to answer
a Bill in Chancery exhibited against them in our said Court by
Dorsey M. Carey,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 28th
day of September, 19 10, in the 135 year of the Commonwealth.

Teste:

H. B. McLEMORE

C. C.

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,

Dorcy Lamy
and Josi M. Powell

Given under my hand, as Clerk of the County, Court of Southampton this 2^d day of October 1895
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, Oct 3 1895	Place of Husband's Birth, Southampton Co
Place of Marriage, Southampton Co	Place of Wife's Birth, "
Full Names of Parties Married, Dorcy Lamy and Josi M. Powell	Place of Husband's Residence, "
Color, Col	Place of Wife's Residence, "
Age of Husband, 21 years	Names of Husband's Parents, William & Martha Lamy
Age of Wife, 15 "	Names of Wife's Parents, Josi Powell
Condition of Husband (widowed or single or divorced) Single	Occupation of Husband, Seaman
Condition of Wife (widowed or single or divorced) "	

Given under my hand this 2^d day of Oct 1895
B. F. McSwain Clerk.

Certificate of Time and Place of Marriage.

I, Elder Sam Freeman, a Minister of the Gospel Church, or religious order of that name, do certify that on the 3^d day of Oct 1895, at , under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 3^d day of Oct 1895
Elder Sam Freeman

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 N. B. McSwain Clerk

Dorsey M. Carey,

vs: Statement of Cost.

Josie Carey,

<i>Wm. L. Paine</i>	-----Clerks cost	\$4.30
	-----Sheff	1.00
	-----Atty	16.50
	-----Comr in Chancery----	

and that the doctor.

to be done in this case, it is ordered that the date be set-
AND IT IS ORDERED that nothing further remain
State of New York.

M. Carey be forever divorced a vinculo matrimonii from the said
James H. Carey, his sole and lawful husband, and that the said Dorsey
Dorsey H. Carey, and his respondent, Louis Carey, pay and the
marriage heretofore had and solemnized between the plaintiff,
and, the court hath adjudged, order and decree that the said
complaint were then there venue before the Justices of this
Court, and that the said defendant voluntarily answered and the

James H. Carey
VS
Louis Carey

Enter Octo 18/1910
James L. McGowan

James Carey
VS
Louis Carey

Dersey M. Carey

VS ----- Decree

Josie Carey

This day this cause came on to be heard upon the bill of the complainant and exhibits therewith filed, and the depositions of the witnesses taken after reasonable notice to the defendant of the time and place of taking the same, the defendant upon whom the process has been duly served, still failing to appear, and plead, answer or demur to the said bill and was argued by counsel:

ON CONSIDERATION WHEREOF, it appearing that both parties are and have been for the past twelve months resided in this county, and that defendant voluntarily abandoned and the complainant more than three years before the institution of this suit, the court doth adjudge, order and decree that the said marriage heretofore had and solemnized between the plaintiff, Dersey M. Carey, and the defendant, Josie Carey, be, and the same is hereby dissolved and annulled, and that the said Dersey M. Carey be forever divorced a vinculo matrimonii from the said Josie Carey.

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