1866-034 Chancery Causes: Thomas English vs Martha Ann Elizabeth English

Isle of Wight County

other surnames: Luter, Daughtrey, Corbett, Spivey, Jenkins

Kilby for Pl.

Thomas English

v.

Chy. Pa.

Mary Ann E. English

1866.

March rules. Bill &c filed - Summ. issd. & decree nisi -

April rules - Bill taken for confessed & set for hearing

Appl. 2d. 1866. Depns: filed by consent.

May term 1866 - Decree for divorce - final -

Kirby fo. 9

~~Thomas Richard~~ English

vs Bill

Martha A. E. English
(his wife)

Cir. Ct. of I. of Wt

forfeited the love, confidence and esteem of your Complainant, and in consequence thereof he desires a final separation & divorce from her, the said Martha — In consideration whereof and for as much as this Court has Jurisdiction to grant due proper relief, your Complainant prays that the said Martha ann Elizabeth English, may be made Defendant hereto, and that a divorce a vinculo matrimonii may be granted him, and also that the custody of his three children may be secured to him where they now are, and that the privilege to marry again may be granted him, and also to her the said Defendant — And that such other and further order and decree may be made consistent with equity — And &

John R. Kilby p. q.

To the Hon. Richard H. Baker, Judge of the Circuit Court of Isle of Wight County. Complaining, shews unto the Court, your Complainant Thomas English a citizen of said County. —

Your Complainant respectfully represents to the Court and says That he was married on the 15th. day of May 1857, in the said County by the Revd. Jacob K. Daughtry, a regularly Licensed Minister of the Baptist Church, to Martha Ann Elizabeth Luter —

That he continued to live with his said wife happily, until the beginning of the year 1861 & in the mean time had three Children by her —

That early in the late war, he was called from home, into the Confederate States service & was absent in the army, far removed from home for over Eighteen months, never having seen his said wife during the said period: That whilst your Complainant was thus absent, his said wife Committed Adultery with one John Corbett by him had a child, which was born & begotten during the absence of your Complainant as aforesaid — That on his return home & finding his domestic happiness destroyed he refused to have anything to do with his said wife, and has not cohabited with her since her said transgression, and as she has by her conduct

Thomas English

vs. Sum. in Chy.

Martha A. E. English

To March rules 1866.
Circuit Court.
Kilby p.q.

Exceptions by defendant to Com. report filed in the above cause and overruled by the Court this 11th day of July 1866

E. D. Kilby Clk

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

We command you to summon Martha Ann Elizabeth English

to appear on the first Monday in March *next, being Rule day, at the Clerk's office, of the* Circuit *Court for the county of Isle of Wight, directed to be holden at the Courthouse thereof, to answer* the Bill in Chancery of Thomas English, for Divorce, filed against her.

and have then there this writ.

Witness Nathaniel P. Young, *Clerk of our said Court, this* 14th *day of* February *1866, and in the* 90th *year of the Commonwealth.*

N. P. Young Clk.

[A copy to be delivered to each defendant.]

Thos: English

vs. Ejpo.

M. A. E. English

=

To attend at Druksville
20th. Mar. 1866.

Ejpeuts Mawch 1st 1866

Hon Ejp Hyde Nunnemore
Commts

The Commonwealth of Virginia, Summond

TO THE SHERIFF OF THE COUNTY OF ~~ISLE OF WIGHT~~,—GREETING:

We command you to summon Jacob M. Daughtrey

to appear before ~~the~~ Justices of the County Court of the County of Isle of Wight, ~~at the Courthouse~~ Carrsville at Ducksville, on the 20th day of March 1866, to testify and the truth to say in behalf of Thomas English in a certain matter of controversy in said Court pending and undetermined, between the said Thomas English _____ Plaintiff, and Martha A. E. English _____ Defendant, and this he shall in no wise omit under the penalty of the law. And have then there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, this 14 day of Feby. A. D., 1866, in the 90th year of the Commonwealth.

N. P. Young Clk.

Thos: English

Ds: Ξ Dpo.

M. A. E. English

=

Fo allen d at Duck ville

2o. March 1866.

Executor's Sale the 16th 1866

E. L. Ely Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT,—GREETING:

We command you to summon Sarah Jenkins

to appear before ~~the~~ Justices of the County Court of the County of Isle of Wight, at ~~the Courthouse~~ Smithfield, on the 20th day of March 1866, to testify and the truth to say in behalf of Thomas English in a certain matter of controversy in said Court pending and undetermined, between said Thomas English Plaintiff, and Martha A. E. English Defendant, and this he shall in no wise omit under the penalty of the law. And have then there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, this 14. day of July A. D., 1866, in the 90th year of the Commonwealth.

N. P. Young clk

Thos. English

& Ex Spo.

Martha A. E. English

=

To attend at Danbridge

20. March 1866.

Executed Feb. 27th 1866
on Geo. W. Shivy.
Johnson Corbitt not found.
E. L. Story Dep.
for S. Kelly Sh'ff

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ~~ISLE OF WIGHT~~ Southampton, —GREETING:

We command you to summon George W. Spivey and Johnson Corbett

to appear before the Justices of the County Court of the County of Isle of Wight, at ~~the Courthouse~~ Duckville, on the 20th. day of March 1866, to testify and the truth to say in behalf of Thomas English in a certain matter of controversy in said Court pending and undetermined, between said Thomas English _____ Plaintiff, and Martha A. E. English _____ Defendant, and this they shall in no wise omit under the penalty of the law. And have then there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, this 14. day of Feby. A. D., 1866, in the 90th. year of the Commonwealth.

N. P. Young Clk.

Executed by delivering a true copy of the within to Mrs Martha ann Elizabeth English on 17th day of February 1866

E L Eley Shff

Rockbridge England
Writ issued to Lake
Sept. 20 March
1866 at Buchanan

Martha A. E. England

Rockbridge ss
I do hereby return on this
writ a true copy
to me. John R. Kirby

To Mrs. Martha Ann Elizabeth English

Take notiee that I shall on the 20th day of March 1866, next, at Duck, nile in Isle of Wight County Va. between the hours of 8 a. m. and 6 p. m. of that day, proceed to take the Depositions of Jacob K. Daughtrey, Rev. W. Spivey, Sarah Jenkins Johnson Corbett and others, to be read as evidenee in my behalf, in a certain suit for divorce, depending in the Circuit Court of Isle of Wight County, wherein I am the plaintiff, and you are defendant; and if from any cause the taking of the said Depositions be not commenced on that day, or if commenced be not concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place and between the same hours, until the same shall be completed,

Respectfully,

Thomas Richard English

by John R. Kilby his atty

To the Sheriff of Isle of Wight County to execute.

Thomas English

vs

Mary Ann E. English

1866
May 21. Decree
To be entered
R. H. Burkes

Entered

Petition to make application to the Court for such further relief as the circumstances may require

Thomas English

v

Mary Ann E. English

This cause, in which the process has been duly executed on the defendant, came on to be heard on the Complainant's Bill, & on the Examinations of witnesses, & was argued by Counsel: On Consideration whereof the Court being of opinion that the charge of adultery against the defendant, is fully proved, doth adjudge, order & decree that the marriage heretofore solemnized between the said Thomas English and the said Mary Ann E. English, be and the same is hereby dissolved, the said Thomas English forever divorced from his wife, the said Mary Ann E. English, and all the right, title and interest of the said Mary Ann E. English in or to the estate, real and personal, of the said defendant, plaintiff, shall cease henceforth cease and determine; and that each party pay his & her own costs. And the Court doth also further, adjudge, order & decree that each party to this suit, may shall have the right and privilege of marrying whomsoever he or she may think proper. And nothing further remaining to be done in this suit, it is ordered that the same be removed from the Docket, but leave is reserved to the

† and the Court doth order that the plaintiff take charge of and have the exclusive control of the three infant children referred to in this cause

Thomas English

vs. Z Depsons.

Mary A. E. English

April 2nd. 1866.

Came to hand under

seal and filed.

at the place, and on the day, and between the hours set forth in the Caption hereto and hereunto to the annexed notice,

Given under my hand this 20th day of March 1866.

J. K. Dunphy trb. 1 day & 10 mls.
Hiram Cotell 1 day.
Sally Seekins 1 "

May or not, at home, sick remained at
my house the best of the year 1862
& then went back to the army & finally
died — Mr English was from home
from about August 1862 till Jan 1864
I heard Mr English when he came home
& when he met his wife, he spoke to her
but did not go home with her, but left
and went to his father — I reside
very near the parties — I am satisfied
Mr English has never lived with his
wife since his return home, I am
satisfied the child born to his wife
was not the child of Mr English — She
seemed distressed at the disgrace of
her wife & said she should never
live with her again & that not. — I have
heard her repeatedly say that the child
was not that of Mr English, and I
am satisfied it is not —

And further deponent says not.

John + Cabell
mark

Virginia, Isle of Wight County to wit.

I, Ivan W. Tucker a Justice of the
Peace in and for said County do certify
that the foregoing depositions were taken

made no secret of the facts I have stated.
The said Thomas English has not resided with his said wife since her return home so far as I know or believe—

And further deponent saith not.

her
Sarah + Jenkins
mark

Johnson Corbell, being sworn declares, and says as is set forth in the answer below.

1st Question Should or do you, where or you reside and do you know the parties to this suit, how long have you known them.

Ans. I am about fifty four years of age—Reside in Isle of Wight County Virginia, I do know the parties to this suit, I have known them many years, I first say I have lived in a few hundred yards of them.

2d Question—

State what you know of any acts of adultery committed by the defendant Mary Ann Elizabeth English since the fact, & circumstances connected with the same.

Ans. I have heard her say on 10th Inst that the child was, that of my son John,

1st Question by Pltfs Atty.

State to me where do you reside, and are you acquainted with the parties to this suit how long have you been thus acquainted?

Ans. I am fifty five years old last 7th day. I reside in Isle of Wight County, I know the parties to this suit, have known them many years and I am a near neighbor of theirs.

2d. Question, State, if you know, of any acts of adultery Committed by the said Mary Ann Elizabeth, since her marriage with the said Thomas English and all the facts & circumstances connected with the same,

Ans: I think Mr English was about in the Confederate army from about August 1862 to January 1864 without ever being home during that time so far as I know — She lived with me a part of 1864 after she had the child, which happened in July 1863 — I know that she had the child, and have heard her declare repeatedly that her said husband was not the father of said child, and have heard her say that Jack or John Corbett was the father of said Child — she

the Rev'd Jacob K. Daughtry being
duly sworn, in answer to the questions
below as is set forth in his answers.

1st Question by Plt's Attorney

State if you are, whether you celebrated
the rite of Matrimony between the said
Henry Tuttle and said Mary Ann
Elizabeth his wife and when?

Ans. I did celebrate the rite of matrimony
between the said parties on the 7th day
of May 1857. in the County of Isle
of Wight, under a license from the
Clerk of Isle of Wight County Court.

2d. Question — what was the maiden
name of said Mary Ann Elizabeth
and of what Church are you authorized
to celebrate the rite of Matrimony?

Ans. Her maiden name was Mary Ann
Elizabeth Luter, and I am a
Minister of the Baptist church duly
Commissioned and qualified according
to the Laws of Virginia to celebrate
the rite of Matrimony?

And further Deponent says not.

Jacob K Daughtry

The deposition of Sarah Lanier who
being duly sworn answers and says
as is set forth in the answers below.

Am.

the said Thomas English, about August 1862 whilst in the Military service of the late Confederate States, and never returned came home in July
again till January, 1864 – That when he left home he went by my house and when he came home in January, 1864, which was whilst he was on a furlough, he came to my house; I am confident he was, without during the period aforesaid as he lives in the County of Isle of Wight about half a mile from my house, I should certainly have known it: during the time her said husband was absent, his said wife Mary Ann Elizabeth, ~~she~~ lived apart of the time at his residence aforesaid which is on Mr Brooks's land & part of the time at Henry Mumford's near by the former place. – That in July 1863 his said wife (Mary) was delivered of a child, which is now living – That after the return home of said Thomas English in January, 1864 & finding that his said wife had been then delivered of a child, he refused to live with her again that time since refused to do so.

and further this Deponent saith not.

George W Storey

Deposition taken at Drakeville in Isle of Wight County, Virginia, between the hours of 8 A.M. and 6 P.M. of the 20th day of March 1866, to be read in evidence on behalf of Thomas English, against Martha Ann Elizabeth English, in suit now pending in the Circuit Court of Isle of Wight County; for divorce, wherein said Thomas is plaintiff and said Mary Ann Elizabeth is defendant— Taken pursuant to the annexed notice.

George W. Spivey being duly sworn on the Holy Evangelists of Almighty God answers and says, as is set forth in the answers below.

1st Question by plt's attorney.

State how old are you where do you reside & how do you know the parties to this suit & how long have you known them?

Ans. I was forty eight my last birthday, I reside in Southampton County Va. & do know the parties to this suit & have known them for over ten years.

2d Question — State what you know of any acts of adultery Committed by the defendant, Mary Ann Elizabeth English, and all the facts bearing on the case.