

1901-014 Chancery Causes - Sottie Blackwell vs Austin Blackwell

Isle of Wight County

Other surnames: Copeland

Virginia:

County of Ile of Wight, to-wit:

Pleas before the County Court of the County of Ile of Wight
at the court-house of the said County, on the 10th day of March 1896.

Be it remembered, That heretofore, to-wit: at a County Court, held for the said County
at the court-house, on the 9th day of March 1896, Eugene E.

Edwards, Foreman, E. J. Johnson, Jas. L. Lawrence, R. C.
Cornwall, J. M. Jones, J. Wesley Chapman & J. Wesley
Godwin

Ile of Wight were sworn a Grand Jury of Inquest, in and for the body of the County of
Ile of Wight, and having received their charge, were sent out of court, and
after some time returned into court with an indictment against Austin Blackwell
for felony, which, with the endorsement thereon by the Foreman, is as follows:

County of Ile of Wight to-wit:

In the County Court of the County of Ile of Wight

The jurors of the Commonwealth of Virginia, in and for the body of the County of Ile of Wight
and now attending the said court, upon their oaths present, that Austin Blackwell
Ile of Wight, on the 14th day of January

in the year one thousand eight hundred and ninety six and in the said County, did unlawfully
and feloniously take from Lottie Blackwell, his mother, one
Martha Copeland, a female under the age of sixteen years,
to-wit: of the age of fourteen years, for the purpose of concubinage,
she the said Lottie Blackwell, then and there having the lawful
charge of the person of the said Martha Copeland, against
the peace and integrity of the Commonwealth of Virginia.

And the jurors aforesaid, upon their oaths aforesaid, do
further present, that Austin Blackwell on the 14th day of
January 1896, in the County of Ile of Wight, did unlawfully
and feloniously take from Lottie Blackwell, his mother,
one Martha Copeland, a female under the age of
sixteen years, to-wit: of the age of fourteen years, for the
purpose of prostitution, she the said Lottie Blackwell

them and then having the lawful charge of the person of the said Martha Copeland, against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid, upon their oaths aforesaid, do further present, that Austin Blackwell, on the 1st day of January 1896, in the county of Isle of Wight, did unlawfully and feloniously take away one Martha Copeland, a female over the age of sixteen years, to-wit, of the age of fifteen years and six months, against the will of the said Martha Copeland, with the intent to defile her, the said Martha Copeland; against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid, upon their oaths aforesaid, do further present, that Austin Blackwell, on the 1st day of January 1896, in the county of Isle of Wight, did unlawfully and feloniously detain one Martha Copeland a female over the age of sixteen years, to-wit, of the age of fifteen years and six months, against the will of the said Martha Copeland,

against the peace and dignity of the Commonwealth.

Upon the evidence of Lee Walker, George Johnson, Charlotte Blackwell and Martha Copeland

Endorsed: A True Bill, E. C. Edwards Foreman.

And now at this day, to-wit: At a County Court held for the said County, at the court-house, on the 10th day of March 1896, the said Austin

Blackwell was led to the bar, in the custody of the Sheriff of this County, and being arraigned, pleaded "not guilty," and the said Sheriff having returned the writ of venire facias, together with the names of fifteen persons summoned by him, and taken from the list furnished by the Judge of the court, and a panel of sixteen qualified jurors, free from exceptions, being completed, and the prisoner having stricken from the said panel four of the said jurors, the remaining twelve constituted the jury for the trial of the prisoner, to-wit:

John E. Vaughan, Charles M. Clement, Eliza E. Gay, Lewis L. Turner, Wm. V. Britt, Jas. E. Johnson, James C. Pugh, Tobias L. Johnson, Jacob Derrington, Geo. H. White, James J. Whitley and Benj. F. Helms.

who were sworn the truth of, and upon the premises to speak, and having heard the evidence, retired to consider of their verdict, and after some time returned into court with a verdict as follows, to-wit: "We, the jury, find the prisoner guilty, as charged in the within indictment, and ascertain the term of his imprisonment at ten years in the penitentiary"

and thereupon the prisoner was remanded to jail.

_____ , and thereupon it being demanded of him if anything for him self, he had or knew to say, why the court should not now proceed to pronounce judgment against him according to law; and nothing being offered or alleged in delay thereof: It is considered by the court that the said Austin Blackwell be imprisoned in the Penitentiary of this Commonwealth for the term of Ten years, the period by the jurors in their verdict ascertained. And it is ordered that the Clerk of this Court forthwith transmit to the Superintendent of the Penitentiary a copy of this judgment, and that the Sheriff of this County, when required so to do, deliver the said Austin Blackwell to the guard authorized to receive him, who shall remove and safely convey the said Austin Blackwell from the jail of this County to the said Penitentiary, therein to be kept imprisoned and treated in the manner directed by law. And thereupon the said Austin Blackwell was remanded to jail.

A Transcript from the Record.

Teste: A. J. Young Clerk.

Commonwealth

vs.

}

TRANSCRIPT OF
RECORD OF TRIAL AND
CONVICTION.

Austin Blackwell

Exhibit
B

MARRIAGE LICENSE



Virginia, Isle of Wight 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,

Austin Blackwell
and Lottie Copeland

Given under my hand, as Clerk of the County Court of said County this 28th day of Dec. 1886.

M. Young Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE, by Geo. M. Cooke D.C. 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, <u>Dec. 29th 1886</u>	Place of Husband's Birth, <u>Lynchburg</u>
Place of Marriage, <u>Isle of Wight Co Va</u>	Place of Wife's Birth, <u>Isle of Wight</u>
Full Names of Parties Married, <u>Austin Blackwell</u>	Place of Husband's Residence, <u>Same</u>
<u>and Lottie Copeland</u>	Place of Wife's Residence, <u>Same</u>
Color, <u>Colored</u>	Names of Husband's Parents, <u>Justin & Mary</u>
Age of Husband, <u>21 years & 1 month</u>	Names of Wife's Parents, <u>Jersey & Patsy</u>
Age of Wife, <u>23</u>	Occupation of Husband, <u>Laborer</u>
Condition of Husband (widowed or single or divorced) <u>Single</u>	
Condition of Wife (widowed or single or divorced) <u>Single</u>	

Given under my hand this 28th day of Dec. 1886.

M. Young Clerk.

by Geo. M. Cooke D.C.

Certificate of Time and Place of Marriage.

I, _____ of the _____ Church, or religious order of that name, do certify that on the 29th day of December 1886, at the Isle Church, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this _____ day of _____ 1886.

John Briggs

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 Issued to M. Young & Co.

Austin Blackwell

my } marriage license

Lottie Copeland

Exhibit
A.

Lottie Blackwell.

Versus. In the Circuit Court of the County of Isle of Wight.

Austin Blackwell.

This cause came on this day to be heard on the complainants bill, and evidence filed, the defendant still failing to appear, plead, answer or demur, though process was duly served, and was argued by counsel, on consideration whereof the court doth adjudge, order and decree, that the marriage heretofore had and solemnized between the defendant Austin Blackwell and the Plaintiff Lottie Blackwell, shall be, and the same is hereby dissolved; and that the said Lottie Blackwell be forever divorced from the said Austin Blackwell. And the court doth further adjudge, order and decree that the said Austin Blackwell, do pay unto the plaintiff her costs expended in the prosecution of this suit.

And nothing further remaining to be done herein it is ordered that this suit be ^{stricken} ~~dismissed~~ from the docket.

Lottie Blackwell

Vs. In Chancery.

Austin Blackwell.

Rough Decree, October ^{28th}~~21st~~ 1901

To be entered.

Robert M. Lewis

Order Book 6, page 248.

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Austin Blackwell*

to appear at the Clerk's office of the *Circuit* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *5th* Monday in *October* 190*1*,
to answer a bill in chancery, exhibited against *him* in our said court for by
 Lattie Blackwell

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *5th* day of *October* 190*1*, and in the 12*th*
year of the Commonwealth.

N. F. Young

Executed this 7th day of October 1901, by delivering a true
copy of the within summons on the within named
Austin Beckwith.
Given under my hand this 7th day of October 1901,

W. A. Whitehead

Dee of High County to wit.

J. R. E. Boykin a Commissioner in
Chancery for the Circuit Court of the County of Dee of High
do hereby certify that W. A. Whitehead, personally appeared
before me in my said county and under oath being he executed
the within summons by delivering a true copy thereof to the within
summons to the within named Austin Beckwith, in person, on the
7th day of Oct 1901
Given under my hand this 7th day of October 1901;

R. E. Boykin
Commissioner

Austin Beckwith

VS.
SUBPOENA
IN
CHANCERY.

Austin Beckwith

R. E. Boykin
D. 9

To Just Deputer
Rules,
Court.

Beckwith
Court.

To the Hon., R.R. Prentis, Judge of the Circuit Court of law and chancery for the County of Isle of Wight, in Chancery sitting.

Humbly complaining sheweth to the Court your Complainant, Lottie Blackwell.

That on the *29th* day of *Decer* 1886, your complainant was married to one Austin Blackwell, in the County of Isle of Wight; that she has resided in the said County continuously since her said marriage, now resides in said County, and last cohabited with the said Austin Blackwell in the County aforesaid. That your complainant, and as well, the said Austin Blackwell has been domiciled in the said County, and in the State of Virginia for more than one year next preceeding the bringing of this suit.

A certified copy of the marriage license of your complainant and the said Austin Blackwell, with the return of the minister celebrating the same endorsed thereon is herewith filed, marked A, and prayed to be read as a part of this bill.

That since the marriage of your complainant to the said Austin Blackwell she has been to him a constant, faithful and dutiful wife.

That on the *10th* day of *March* 1886, [✓] the said Austin Blackwell _^ was convicted in the County Court of the County of Isle of Wight, of an infamous offence, to wit, of the abduction of a female child of your complainant, born before her marriage with the said Austin Blackwell, under sixteen years of age, for the purposes of concubinage and prostitution, and was sentenced to confinement in the State penitentiary for the term of *Ten* years. A certified copy of the record of said conviction is herewith filed, marked B, and prayed to be read as a part of this bill.

That your complainant has not cohabited with the said

Austin Blackwell since his said conviction of the said infamous offence.

In tender consideration whereof and forasmuch as your complainant is without remedy at law, and can only be relieved by the aid of this honorable court of chancery, where matters of this kind are alone and properly cognizable and relievable, to the end that justice may be done ^{your complainant prays} in the premises, that the said Austin Blackwell be made a party defendant to this bill and be required to answer the same, but an answer under oath being hereby expressly waived. That a divorce a vinculo matrimonii be granted your said complainant ^{out} ~~from~~ from her said husband the said Austin Blackwell, and that such other, further and general relief may be granted in the premises as the nature of the case may require, or to equity shall seem meet. And your complainant will ever pray &c.

Boykin .p.q.

Isle of Wight County, to wit.

I, R. E. Boykin, a Commissioner in Chancery for the Circuit Court for the county aforesaid, in the State of Virginia, do certify, that Lottie Blackwell, personally appeared before me in my said county, and made oath that the statements contained in the said bill, so far as made on her own knowledge are true, and so far as made on knowledge or information derived from others she believes to be true.

Given under my hand this 26th day of September 1901.

R. E. Boykin
Commissioner in Chancery.

Lottie Blackwell.

Vs. In Chancery.

Austin Blackwell.

Complainant's Bill.

1st October rules 1901
Sum. expd: bill and exhibits
filed, de nisi

2nd October rules 1901
Bill taken for confessed
and case set for hearing

October Term 1901
Final Decree