

1909-032 Chancery Causes: Mittie Richs vs Leroy Richs

71

Isle of Wight County

other SURNAMES: Allman,
Happer, Johnson

MARRIAGE LICENSE



Virginia, Isle of Wight 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,

Lery Ricks
 and Mittie Allman

Given under my hand, as Clerk of the Circuit Court
 of Isle of Wight this 6th day of December 1898

H. F. Young, Clerk.
 By J. R. Faturer, D.C.

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, Dec 7 th 1898	Place of Husband's Birth, Nausmond Co.
Place of Marriage, Isle of Wight Co.	Place of Wife's Birth, Isle of Wight Co.
Full Names of Parties Married, Lery Ricks and Mittie Allman	Place of Husband's Residence, Nausmond
Color, Colored	Place of Wife's Residence, Isle of Wight
Age of Husband, 23 years	Names of Husband's Parents, Am old and Antonette
Age of Wife, 20 years	Names of Wife's Parents, Moses and Amanda
Condition of Husband (widowed or single or divorced) Single	Occupation of Husband, Laborer
Condition of Wife (widowed or single or divorced) Single	

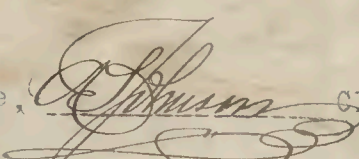
Given under my hand this 6th day of December 1898

H. F. Young, Clerk.
 By J. R. Faturer, D.C.

MINISTER'S RETURN OF MARRIAGE.

I, certify, That on the 7th. day of December 1898 at Isle of
 Wight Co. Va. I united in Marriage the above-named and described
 parties, under authority of the annexed License.

W. M. Reid, Minister.

A copy, Teste,  Clerk.

Ricks
v. Exhibit A "77"
Ricks

1st September rules 1909
Filed with Bill
Dist. Johnson Cent

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Mittie Ricks

Plaintiff

v.

IN CHANCERY.

Levy Ricks.

Defendant.

in which the defendant has been duly served with process and the notice of the taking of the same having been duly served on the defendant
This cause came on this day to be heard on the bill of complaint, exhibits filed therewith, the examination of witnesses, and was argued by counsel.

On consideration whereof, it appearing to the Court from the evidence, independently of the admissions of either party, in the pleadings or otherwise, that the parties have been domiciled in this State for more than ^{one} year; that the parties last cohabited in this county, and that the defendant now resided therein, and that the defendant has wilfully deserted and abandoned the plaintiff for more than three years before the commencement of this suit, the Court doth adjudge, order and decree that the plaintiff Mittie Ricks be divorced from the bonds of matrimony existing between her and the defendant Levy Ricks, and that the marriage heretofore solemnized between the said plaintiff and defendant be and the same is hereby dissolved; and that the care and custody of Livy Ricks and Alma Ricks, the infant children of the said Levy Ricks and Mittie Ricks be awarded to the said Mittie Ricks with whom they shall remain *free from the molestation of the said defendant.*

And on the motion of the plaintiff, the Court doth further adjudge, order and decree that the plaintiff be allowed to resume her maiden name, and that her name be changed from Mittie Ricks to Mittie Allman.

And nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket.

6

Ricks

v.

DECREE.

Ricks.

1909
Dec. 6.

ENTER THIS.

1250.

COR # 7 J 5

The depositions of William E. Happer et als., taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, on the 22nd. day of October, 1909, to be read as evidence for the plaintiff in a certain cause in the said court depending, wherein Mittie Ricks is the plaintiff and Levy Ricks is the defendant, pursuant to notice, which said notice is hereto attached showing service thereon.

Present, Farke E. Deans,
Counsel for complainant.

Examination conducted by Mr. Deans:

William E. Happer being duly sworn, deposes and says:

Q. What is your name, age, residence and occupation? A William E. Happer, I am fifty six years old. I live in Isle of Wight County and I am a farmer.

Q Do you know Mittie Ricks and Levy Ricks and if so state how long have you known them? A. I have been knowing them twenty nine years.

Q. Do you know when they were married? A. I do not exactly, it has been as much as ten years ago I am confident.

Q. Do you know when and where they last lived together? A. They lived at her father's house in Isle of Wight County.

Q. How long have they been separated? A. They have been separated for five years.

Q. Has Levy Ricks contributed anything to the support of Mittie Ricks and her children for the last three years, so far as you know? A. No sir.

Q. State whether or not Mittie Ricks left Levy Ricks or whether Levy Ricks left Mittie Ricks? A. Levy left her while she was sick.

And further this deponent saith not.

W E. Happer

S. B. Johnson being duly sworn, deposes and says:

Q. State your name, age, residence and occupation? A. S.B. Johnson, I am fifty two years old, live in Isle of Wight County, and am a farmer.

Q. Do you know Mittie Ricks and Levy Ricks, if so how long have you known them? A. I couldn't say, but I have been knowing Levy Ricks about fifteen years. I have known them both since before they were married. I have known Mittie ^{about} all her life, of course.

Q. Do you know when they separated? A. Well sir, I wouldn't say, but I think it was in the Fall of about four years ago.

Q. Who left the other? A. Well now, I couldn't give you that clearly, because I do not know myself. I had heard that he had communicated to her some disease and afterwards talking to him he told me that he had it but he did not know whether he gave it to her or not.

Q. In your conversation with him did you understand him to accuse her of having anything to do with other men? A. No sir.

And further this deponent saith not.

S B Johnson

Amanda Allman being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. Amanda Allman, I am about fifty years old. I live in Isle of Wight County.

Q. Do you know Mittie Ricks and Levy Ricks? A. Yes, I am Mittie Ricks' mother.

Q. When were they married, do you know? A. They were married at my house about eleven years ago in December.

Q. Do you live now where you lived then? A. Yes sir, I live rightin the same place.

Q. Do you know when they separated, if so when, and state the circumstances of the separation? A. It was about the 11th. of October, 1905. They had been living at Mr. John Uzzel's near Barbers Cross Roads and Mittie was taken sick and she came to our house and Levy came with her and he has not been back to her since the time I stated before.

Q. Did he leave her while she was sick? A. Yes sir?

Q. Has he given her any supplies for herself or her children since he left her? A. He has not given her a thing since he left her. He has given the boy a suit of clothes and a cap.

Q. Does she live at your house now? A. Yes sir, and she has been living there ever since he left her except when she was out working for some one else. She calls my house her home.

Q. How many children have been born to them and how many of them are now living? A. There have been four, two of them are living, a boy and a girl, Livy is eight years old and Alma is six years old. The boy lives with me and the sister of my husband takes care of the girl for Mittie.

Q. Where does Levy Ricks live? A. He stays right in front of Mr. Floyd Joyner's in this county.

Q. Do you know why Levy left Mittie? A. I do not know unless it was because he had made a mess of her and was ashamed to live with her after. Unless that was the reason I do not know of any. They had been living together for a good many years before he left her and they stayed at my house more than they did anywhere else and they lived just like two children, playing together like them. Unless that was the reason I do not know of any.

And further this deponent saith not.

Amanda Allison

State of Virginia,

County of Isle of Wight, to-wit:

The foregoing depositions were taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at the time and place mentioned in the caption hereto, and at the time and place mentioned in the notice to the defendant herein.



Commissioner in Chancery.

Cost \$5.00

To Levy Ricks:

Take notice that on the 22nd. day of October, 1909, at the office of A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at Isle of Wight, Virginia, and before the said Commissioner in Chancery, I shall take the depositions of William E. Happer et als. to be read as evidence, in a certain cause in chancery in the said court depending, in which I am the plaintiff and you are the defendant, in my behalf.

And if, from any cause, the taking of the said depositions shall not be commenced on that day, or if commenced be not completed, the taking of the same will be adjourned from day to day, between the same hours, at the same place and before the same commissioner, till the same shall have been completed.

Mittie Ricks,

By Patte P. Deane
Attorney.

Mittie Riess

W } I have
to leave
Departing

Levy Riess

To 22^d day of
Oct. 1909

Executed October 7th
1909. by delivering
a true copy of the
within notice to
Levy Riess in person
in the County of
Isle of Wight
W. A. Edwards
Sheriff

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Ricks

MS Depositions - Camery

Ricks

Filed November 27-1909

Test. Johnson Clerk

To Levy Ricks:

Take notice that on the 25th day of September, 1909, at the office of A. S. Johnson, at Isle of Wight Court House, Virginia, between the hours of 10 A. M., and 4 P. M., of that day, I shall proceed to take the depositions of W. E. Happer, John Allman and others to be read as evidence in my behalf in a suit in equity depending in the Circuit Court of Isle of Wight County, wherein I am plaintiff, and you are defendant: and if for any cause the taking of the said depositions be not commenced; if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day at the same place and between the same hours, until the same is completed.

Given under my hand this 18th day of September, 1909.

Miller Ricks
by Counsel

Minnie Ricks

vs ³/₄ notice to
late depositions

Levy Ricks

Levy Ricks not being found
at his usual place of abode
I executed the within notice
by tacking a true copy there-
of on the front door of his
residence. Sep't. 23rd, '09.

A. A. Edwards,
Shff.
By R. Aug. Edwards
D.S.

The depositions of William E. Happer et als, taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, September 25th. 1909, to be read as evidence for the plaintiff in a certain cause in the said court depending, wherein Mittie Ricks is the plaintiff and Levy Ricks is the defendant, pursuant to notice, which said notice is hereto attached showing service thereupon.

Present, Parke P. Deans,
Counsel for Plaintiff.

William E. Happer being duly sworn, deposes and says.

Examination by Mr. Deans.

Q. What is your name, age, residence and occupation? A. William E. Happer, I am fifty six years old, I live in Isle of Wight County and ~~am~~ am a farmer.

Q. Do you know Mittie Ricks and Levy Ricks and if so state how long you have known them. A. I have been knowing them twenty nine years.

Q. Do you know when they were married? A. I do not exactly, well it has been ten years ago I am confident.

Q. Do you know when and where they last lived together? A. They lived at her father's house in Isle of Wight County.

Q. How long have they been separated? A. They have been separated five years.

Q. Has Levy Ricks contributed anything to the support of Mittie Ricks and her children within the last three years? A. No sir.

Q. State whether Mittie Ricks left Levy or whether Levy left her? A. Levy left her while she was sick.

Q. And further this deponent saith not.

W. E. Happer

Q. Does she live at your house now? Yes sir, and she has been leaving there ever since he left her except when she was out working for some one else. She calls my house her home.

Q. How many children have been born to them and how many of them are living? A. There have been four born, two of them are living, a boy and a girl, Livy is eight years old and Alma is six years old. The boy lives with me and the sister of my husband take care of the girl, for Mittie.

Q. Where does Levy Ricks live? A. He stays right in front of Mr. Floyd Joyner's in this County.

Q. Do you know why Levy left her? A. I do not know unless it was because he had made a mess of her and was ashamed to live with her after. Unless that was the reason I don't know of any. They had been living together for a good many years before he left her and they stayed at my house more than they did anywhere else and they lived just like two children. Unless that was the reason I don't know of any.

And further this deponent saith not.

Test, J. B. Johnson

Ananda x Allman

State of Virginia,

County of Isle of Wight, to-wit:

I, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, do hereby certify that the foregoing depositions were taken before me at the time and place mentioned in the caption.

Given under my hand this 25th. day of September, 1909.

A. S. Johnson
Commissioner in Chancery.

S. B. Johnson being duly sworn deposes and says:

Q. State your name, age, residence and occupation? A. S. B. Johnson

I am fifty two years old, live in Isle of Wight County, and am a farmer.

Q. Do you know Mittie Ricks and Levy Ricks, if so how long have you known them? A. I couldn't say, but I have been knowing Levy Ricks about

fifteen years. I have known them both before they were married. I have known Mittie all her life, of course.

Q. Do you know when they separated? A. Well now sir, I wouldn't say, but I ~~xxxx~~ think it was in the Fall about four years ago.

Q. Who left the other? A. Well now I couldn't give you that clearly, because I do not know myself. I had heard that he had communicated to her some disease and afterwards talking to him he told me that he had it but he did not know whether he gave it to her or not.

Q. In your conversation with him did you understand him to accuse her of having anything to do with other men? No sir.

And further this deponent saith not.

S. B. Johnson

Amanda Allman being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. Amanda Allman, I am about fifty years old. I live in Isle of Wight County.

Q. Do you know Mittie Ricks and Levy Ricks? A. Yes, I am Mittie Ricks' mother.

Q. When were they married, do you know? They were married in December in about eleven years ago at my house.

Q. Do you live now where you lived then? A. Yes sir, I live right in the same place.

Q. Do you know when they separated, if so when, and state the circumstances of the separation? A. It was about the 11th. of October, 1905, They had been living ~~in~~ at Mr. John Uzzell's near Barbers X Roads, and Mittie was taken sick and she came to our house and Levy came with her and he has not been back to her since the time I stated before.

Q. Did he leave her while she was sick? ~~XXXXXXXX~~ A. Yes sir?

Q. Has he given her any supplies for her self or any of her children since he left her? A. He has not given her a thing since he left her. He has given they boy a suit of clothes and a cap.

S - 3 -
Ricks

W. J. Depositions

Ricks

Filed September 25th 1909

Dist. Johnson

ccr

The Commonwealth of Virginia,

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

WE COMMAND ^{again} YOU that you summon Leroy Nickel

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 3rd Monday in October 1909,
to answer a bill in chancery, exhibited against him in our said court ~~for~~
by Mittie Nickel

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the 5th day of October 1909 and in the 18th
year of the Commonwealth.

T. S. Johnson
Clerk

Executed this 7th of October 1909. by
serving a true copy of the within process
on Levy Richards in person, in the
County of Isseof Wright.

W. A. Edwards
Sheriff.

Shuff fee paid.

4

Shuf Richards

VS.

SUBPOENA
IN
CHANCERY.

Levy Richards

John D. Adams p. 9

To 2nd October Rules,

General Court.

1909

B 3319

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

Levy Ricketts

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 *1st* Monday in *September* 190*9*,
to answer a bill in chancery, exhibited against *him* in our said court for
by Melvin Ricketts

And have then there this writ. Witness *A. S. Johnson* ~~NATHANIEL P. YOUNG~~, Clerk of our said court, at
the court-house, the *1st* day of *September* 190*9*, and in the *12th*
year of the Commonwealth.

Test, Johnson

When finding the Defendant, Leary Piers, at his usual
place of abode, I returned the within process this 3^d
day of September 1909 by delivering a true copy thereof
to Lida Welles a colored person over the age of sixteen
years, at whose house the said Defendant boarded, explaining
the purpose thereof, which place of abode is in the
County of Islet Wright,

W. A. Edwards Sheriff
of Islet Wright County

Mt. Sticks

VS.

SUBPOENA
IN
CHANCERY.

Leary Piers

State of Nevada

p. 9

To 1st September

Rules,

Pinpoint

Court.

1909

B 3119

Lida Welles for
Leary Piers -

Mittie Ricks,)
 (
 v.) Bill.
 (
Levy Ricks)

To the Honorable Circuit Court of Isle of Wight County:
Your complainant, Mittie Ricks, respectfully represents:

(1) That on the 7th day of December, 1898, your complainant whose maiden name was Mittie Allman, was lawfully married in the County of Isle of Wight, Virginia, to Levy Ricks, as will appear from a certificate of marriage herewith filed, marked "Exhibit A", and made a part of this bill; and

(2) That continuously from the date of said marriage until some time before the 11th day of October 1905, your complainant and the said Levy Ricks lived together as husband and wife near Indika, in the County of Isle of Wight, Virginia; and,

(3) That said Levy Ricks has wifully deserted and abandoned your complainant for a period of more than three years: that is to say that some time before the 11th day of October, 1905 I was taken sick and the said Levy Ricks carried me to the home of my father's, the late Moses Allman, and there left me, never providing food, raiment nor medical attention, and from that time until now I have lived at my fathers in Isle of Wight County, Virginia; and,

(4) That there were four children born of this number two are living and are cared for by me, their names and ages are, as follows:

Livy Ricks	8 years
Alma Ricks	6 years.

(5) That your complainant 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:

(6) That both your complainant and her husband are

residents of Isle of Wight County;

(7) That your complainant last cohabited with the said Levy Ricks, near Indika Virginia, in the County of Isle of Wight, Virginia;

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Levy Ricks may be made a party defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed her; that she may have absolute control of her children, Livy Ricks and Alma Ricks, and 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.

Anittie Ricks

Complainant.

John J. Stans,
Counsel -

State of Virginia,

Isle of Wight County, to-wit:

Mittie Ricks, the complainant named in the foregoing bill being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be upon information, and that so far as they are therein stated to be upon information she believes them to be true.

Mittie Ricks

Complainant.

Taken, sworn to and subscribed before me, Clifford E. Saunders, a Notary Public of and for the County and State aforesaid, in my County aforesaid, this 7th day of September, 1909.

Clifford E. Saunders

Notary Public.

My Commission expires August the 3rd, 1912.

Ricks

r Bill of Complaint

Ricks

1st. September rules 1909
 Sum returned executed - Bill
 Filed - Decree nisi

2nd September rules 1909
 Defendant not appearing.
 Case set for hearing

2nd October rules 1909
 Claim process returned
 executed, Decree nisi

1st November rules 1909
 Case set down for
 hearing.