

1920-010 - Chancery Causes: Lucinda Sykes vs Milton Sykes

345

Isle of Wight County

Other surnames: Harrison
Gwaltney, Thomas

SYKES

V.

SYKES

Bill of Complaint

PARKE P. DEANS,
ATTORNEY AT LAW,
WINDSOR, VIRGINIA.

The Linden Printing Company, Hartford, Conn.

complainant may have such further, and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Linda Sykes
Counsel

John W. Sykes

LUCINDA SYKES

V.

MILTON SYKES

To the Honorable Circuit Court of Isle of Wight County:

Your complainant, Lucinda Sykes respectfully represents:

That on the ____ day of _____ 1886, your complainant whose name was Lucinda Harrisson was lawfully married at Tarboro, North Carolina to Milton Sykes;

That continuously from that date of said marriage until the ____ day of _____ 1904, your complainant and the said Milton Sykes lived together as husband and wife, a part of the time in North Carolina and afterwards in Virginia.

That the said Milton Sykes has wilfully deserted and abandoned your complainant for a period of more than three years, that is to say sixteen years, on the ____ day of _____ 1904, the said Milton Sykes did, voluntarily, wilfully and without any justification whatever, leave our home and that ^{the defendant} ~~complainant~~ has not ^{been} ~~had~~ in her home since that time.

That your complainant has resided and has domiciled in this State for several years before the separation and ever since we separated and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in this State; and

That your complainant last cohabited with the said Milton Sykes near Orbit in Isle of Wight County, 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 Milton Sykes 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; and that your

Lucinda Sykes
vs of Cy. N. 343
Milton Sykes

Process

Executed on the 17 day of
June 1920 within the county of
Nansemond, by delivering a
true copy of the within process.

in writing, to Milton

Sykes in person

E. B. Rawles
Sheriff of Nansemond Co. Va.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY, GREETING:

We command you that you summon Milton Sykes to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor on the Third Monday in July, 1920, to answer a bill in chancery filed against him by Lucinda Sykes. And have then and there this writ.

Witness,, A. S. Johnson, Clerk of said Court, at the Court-house, this 10thth day of July, 1920.

 Clerk.

Parke P. Deans. p.q.

SYKES

v.

Sykes

Depositions.

PARKE P. DEANS,
ATTORNEY AT LAW,
WINDSOR, VIRGINIA.

The Linden Printing Company, Hartford, Conn.

State of Virginia,
County of Isle of Wight, to-wit:

I, Fred T. Leathers a Notary Public for the County of
Isle of Wight in the State of Virginia do hereby certify that the
foregoing depositions were duly taken, reduced to writing, and
signed by the witnesses respectfully, before me, at the place
and time therein mentioned, pursuant to the annexed notice.

In witness whereof I have hereunto set my hand this
28th day of August, 1920

F. T. Leathers

Notary Public.

My term of office expires May 12th 1924 -

Milton Sykes being duly sworn, saith:

Please state your name, age, residence and occupation?

A. Milton Sykes, I am sixty six years old, I live at Buckhorn in Nansemond County and run a grist mill and saw mill.

Tell the court when you were married and the circumstances?

A. In the year 1886 I got two white gentlemen names Gammon and Bradley to go and get my papers and they took Lucinda and myself to a baker's shop and read something to us and said we were married.

What was Lucinda's name before you were married?

A. Lucinda Harrison.

How long did you live together and where?

A. We staid in North Carolina a part of the time and then moved over in Virginia and we last lived together in 1894 at Orbit on Mr. Lonnie Darden's Place.

Where were you married.

A. In Tarboro, North Carolina.

How long have you been living at Buckhorn?

A. Four years.

Have you lived with Lucinda since your separation?

A. No sar.

And your deponent saith not.

M. O. Sykes

Lee Thoams being recalled deposes as follows:

Do you know any thing about the life of Milton Sykes since he separated from Lucinda Sykes?

A. Louisa Council was my mother and over twelve years ago she took up with Milton Sykes and they lived together over at Mr. Clyde Stagg's and afterwards moved to Myrtle and then to Buckhorn. They never married. She died the second Saturday in July this year and was buried on second Sunday. Mr. Stagg's is in this County and Myrtle and Buckhorn are in Nansemond County.

^{Lee}
Lee Thomas

Witnessed by
Sidney Sykes

Lucinda Sykes being duly sworn, deposes as follows:

State your name, age, occupation and residence.

A. Lucinda Sykes, I don't know my age have no idea, I farm for myself, Mr. Sykes farm near Orbit in this County.

When were you and Milton Sykes married and where?

A. Tarboro, North Carolina at Mr. Spragler's baker's shop. I do not know how long it has been, Stkes says it was in 1886 and he has better recollection than I have but I don't think it was as long as that. I was working for Mr. Ganmon, nursing when we were married and after we got married we went back to the famr and lived there four years and they went to live with Judge Howard in Tarboro, staid there awhile and then came to Virginia.

Where did you first live in Virginia,

A. We came up to Suffolk and he worked for Mr. Jim Hall a long time and then to work with Mr. Lonnie Darden, we went out and staid at Exchange for a while and then went down to Orbit when he began to work there.

How long ago did you separate?

A. At least sixteen years and I would not rent no place and let him stay there and feed him to and he not help.

Why did he leave?

A. He would not furnish any thing so I told him I would not work and get all the some thing to eat and the house and let him spend all his money for whiskey. So he got out and never came back

Did you have any children by Milton Sykes?

A. No sir.

Have you lived in Virginia ever since you came from North Carolina.

A. Yes right in this county and have not moved off the Darden Farm since I first got there.

Yountried to do your part when you were together?

Yes sir, I was his wife and tried to live as a wife.

And this deponent saith not further.

Lucinda Sykes
MRS. S.

Witnessed by
J. M. S. S.

Lee Thomas being duly sworn, deposes as follows;

Please state your name age, residence and occupation?

A. Lee Thomas, thirty three, in Isle of wight County up at Orbit and farming and housewife.

Do you know Lucinda Sykes and Milton Sykes, if so state when you knew them and where.

A. Yes sif, they used to live together as man and wife at Orbit in this county and they told folks that they were married and about sixteen years ago they separated. Milton Stkes left there and never came back.

Where has Lucinda been since that time?

A. She has lived down there right at us all the time.

And this deponent saith not further.

Lee Thomas
mark

Witness by
Sidney Sykes

Ella Gwaltney being duly sworn deposes as follows;

Please state your name, age, occupation and residence

A. Ella Gwaltney, Thirty one years old, Housewife and Windsor,
R. F. D# 2, Va., in this County.

Do you know Lucinda Sykes and Milton Sykes, if so state how
long have you known them, when did they separate and where did
they live when they separated,

A. I knew them when they were living down near Orbit together
and that was some time before they separated, and some time over
sixteen years ago when they were living opposite the store at
Orbit on Mr. Fergusson's land owned to a few years ago by Mr.
Lonnie Darden and while there some thing came up and Milton SYkes
left home and never came back.

Is Orbit in Isle of Wight County,

A. Yes sir.

Then what ^{the year} would you say/they separated,

A. At least in 1904, I think.

Has Lucinda lived near you since that time?

A. She lived in the neighborhood all the while and she lives
on the same farm now.

Who farm do you live on?

A. Henry Sykes.

And this deponent saith not further

Ella^{for} Gwaltney
mark

*Witness
for
Gwaltney*

Executed on the 25th day of
Aug.: 1920 within the county of
Nansemond, by delivering
true copy of the within process

in writing, to *Milton*

Sykes in person
C. B. Rawler
Sheriff of Nansemond County.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF NANSEMOND:

We command you that you summon Milton Sykes to appear before F. T. Leathers, a Notary Public, for the County of Isle of Wight, State of Virginia, at the office of Parke P. Deans, Attorney at Law, in the town of Windsor, County of Isle of Wight and State of Virginia, on the 28th. day of August, 1920, at eleven o'clock A.M. to testify and the truth to speak for the complainant, in a certain matter now pending in the Circuit Court of the County of Isle of Wight, on the chancery side. And have then and there this writ, and make known how you have executed the same.

Witness, A. S. Johnson, Clerk of said Court, at the courthouse of the said County, this 23rd. day of August, 1920.

A. S. Johnson Clerk.

Parke P. Deans, p.d

Executed on the 25 day of
Aug. 1920 within the county of
Nansemond, by delivering a
true copy of the within process,

in writing, to Milton

Sykes in person
O. B. Rawler
Sheriff of Nansemond County

copy of 4/25

To MILTON SYKES:

Take notice that on the 28th day of August, 1920, at the office of Parke P. Deans in Windsor, Virginia, between the hours of 9 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of Ella Gwaltney and others, to be read as evidence in my behalf, in a certain suit in equity, depending in the Circuit Court of Isle of Wight County, wherein I am plaintiff and you are the defendant; and if from any cause the taking of the said depositions be not commenced, or if commenced, be not concluded, on that day, the taking thereof will be adjourned from day to day, at the same time and place until the same shall be completed.

Given under my hand this 19th day of August, 1920

— Lucinda Sykes —
} Parke P. Deans atty

Lucinda Sykes

V

DEPOSITIONS

Milton Sykes

The depositions of Ella Gwaltney and others taken before me, Fred T. Leathers, a Notary Public for the County of Isle of Wight and State of Virginia, pursuant to notice hereto annexed, at the office of Parke P. Deans in Windsor, Virginia on the 28th day of August, 1920 between the hours of 9 A. M. and 6 PM , to be read as evidence on behalf of Lucinda Sykes in a certain suit in equity depending in the circuit court of Isle of Wight County, in the State of Virginia wherein Lucinda Sykes is plaintiff and Milton Sykes is defendant.

Lucinda Sykes

v.

Milton Sykes

DECREE

Enter this.

1920

Sept. 7.

Enter this.

B. D. W.

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

Lucinda Sykes

v.

Milton Sykes

This cause came on this day to be heard upon the bill of complaint filed by Lucinda Sykes; ^{delivered} proof of legal service of proper process on the respondent, Milton Sykes, ^{delivered} in person, who has failed, and still fails to appear, plead, demur, or answer the said bill; the depositions taken ^{after notice duly served on the defendant,} and filed on behalf of the complainant, and was argued by counsel.

~~On consideration whereof,~~ ^{And} it appearing to the Court independently of the admissions of either party in the pleadings or otherwise, that the said parties were lawfully married on the _____ day of _____, ^{in the State of North Carolina} 1886; that on the _____ day of _____ 1904 the said Milton Sykes, ~~voluntarily~~, wilfully and without ~~any~~ justification ~~whatever~~, deserted and abandoned the said Lucinda Sykes; that the said Lucinda Sykes has not cohabited with the said Milton Sykes since that time; that the plaintiff and defendant last cohabited in Isle of Wight County, Virginia, that the said Lucinda Sykes has resided and has been ^{and is now} domiciled in this State ever since the time of ^{said} desertion, and for more than one year next preceding the commencement of this suit; ^{On consideration whereof} ~~that~~ the Court doth adjudge, order and decree that the said Lucinda Sykes and Milton Sykes be divorced from the bonds of matrimony which was created by the aforesaid marriage, and that the said marriage be, and the same hereby is, dissolved, ~~and annulled,~~ ^{that the said marriage be, and the same hereby is, dissolved, and annulled, and the said parties are free to marry each other.}

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

Sykes
ms of Cy. No 345

Sykes

Memo

Filed July 10/1920

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VIRGINIA

July 7th 1920

Capt. A. S. Johnson, Clerk of Circuit Court,
Isle of Wight County, Virginia:

Lucinda Sykes

v. IN CHANCERY

Milton Sykes

Issue process in chancery for Second July Rules,
1920.

Direct same to Sheriff of Nansemond, County, Virginia.

Parke P. Deans,

p. q.

Deposit of \$7.50 enclosed.