1928-017 Chancery Causes: Jamie Scott vs Charlie Scott

538

Dob of Wright County

other SURNAMES: Thomas, Williams, Rose, Ashman

"Exhibit A"

State of North Carolina

HALIFAX County

Office of Register of Deeds

Dec. 13, 1905. 192-

To any Ordained Minister of any Religious Denomination, or any Justice of the Peace of said County:

[1] J. J. Scott having applied to me for a LICENSE for the marriage of[2] Chas. Scott, of[3] Halifax Co., aged[4] 31 years color[5] Col., the son of[6] _____ and[7] Eliza Scott the father now[8] _____, the mother[9] dead resident of [10] _____ and[11] Janie Ashman, of[12] Ile Wight Co., aged[13] 20 years, color[14] Col., daughter of[15] _____ and[16] Annie Ashman the father[17] _____, the mother[18] living, resident of[19] _____

*And the written consent of _____, the _____ of the said _____, to the proposed marriage having been filed with me:

And there being no legal impediment to such marriage known to me, you are hereby authorized, at any time within sixty days from the date hereof, to celebrate the proposed marriage at any place within the said county.

You are required, within sixty days after you shall have celebrated such marriage, to return this license to me, at my office, with your signature subscribed to the Certificate under this License, and with the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars to the use of any person who shall sue for the same.

No. _____

T. W. Fenner
Register of Deeds.

1. Name of person applying for license.
2. Name of man to be married, in full.
3. Residence.
4. Age.
5. White or colored.
6. Father of man to be married.
7. Mother of man to be married.
8. Living or dead.
9. Living or dead.
10. Residence, if known; if not, state unknown.
11. Name of woman to be married, in full.
12. Residence.
13. Age.
14. White or colored.
15. Father's name.
16. Mother's name.
17. Living or dead.
18. Living or dead.
19. Residence, if known; if not, state nnknown.

*If both parties are over 18 years of age, strike out.

_____ being duly sworn, says: That the parties applying for License are of lawful age (*i. e.*, each is over 18 years of age), and, so far as he is informed and believes, there is no lawful cause or impediment forbidding said marriage. I further swear that the answers appended to the questions asked me are correct and true.

Sworn to and subscribed before me on day and date above written.

_____
Register of Deeds.

_____
Affiant.

_____
Affiant.

State of North Carolina

HALIFAX County

I,[1] M. H. Clark, a[2] Justice or the Peace united in matrimony[3] C. Scott and[4] Annie Ashman the parties licensed above, on the 13 day of Dec., 1905, at[5] Halifax, in[6] Halirax Township, in said County, according to law.

*WITNESSES PRESENT AT MARRIAGE:

Willie Doyle of _____
Frank Whitehead of _____
J. J. Scott of _____

M. H. Clark, J. P.
Officiating Officer.

1. Name of person officiating. 2. If Minister, of what denomination? If Justice of the Peace, so state. 3. Name of man married. 4. Name of woman married. 5. Place of Marriage. 6. Township. *At least three persons present at marriage must sign as witnesses.

NORTH CAROLINA,) OFFICE OF REGISTER OF DEEDS.

HALIFAX COUNTY.)

I, E. H. House, Deputy Register of Deeds for Halifax County, do hereby certify that the foregoing is a true and correct copy of the Marriage License of Chas. Scott and Janie Ashman as recorded in the office of Register of Deeds for Halifax County.

Witness my hand and official seal this the 20th day of Sept., 1928.

E. H. House.

Deputy Register of Deeds.

Chas. Scott

AND

Janie Ashman

MARRIAGE LICENSE

, 192

RETURNED TO REGISTER OF DEEDS

Returned on the 23rd day of Dec., 1905 and registered in Marriage Register on page 42 this 23rd Dec. 1905.

T. W. Fenner

Register of Deeds.

NOTE. Minister or Justice is required to fill the blanks in the Certificate and return the License within two months after marriage.

2M-11-30-25 EDWARDS & BROUGHTON PRINTING CO., RALEIGH, N. C.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Janie Scott,.....Complainant,

vs) In Chancery

Charlie Scott,.....Respondent.

To the Clerk of said Court:

Please issue summons against the said respondent in favor of the said complainant, returnable to the Second August Rules; it being the Third Monday in August, 1928.

C. F. Whitley p.q.

The respondent resides near Windsor, Va.

538

Scott

& Co.

Scott.

memo.

8-16-28

Dep ck for 8.50

Bd S. Lth 1.00

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Janie Scott,.....Complainant,

vs) In Chancery

Charlie Scott,.....Respondent.

This cause, in which the respondent has been served in person with process, came on this day to be heard upon the bill and exhibits, the respondent failing to appear, to demur, plead or answer, and depositions of witnesses taken, due notice having been served in person upon the said respondent, and was argued by counsel.

And it appearing from the depositions filed in this cause that the complainant and respondent were married in the town of Halifax, North Carolina, and last cohabited as man and wife in the County of Isle of Wight, Virginia, and the said complainant and respondent are bona fide residents of, and have been domiciled in the said County and State of Virginia for more than one year next preceeding the institution of this suit, ~~and that the respondent deserted and abandoned the said complainant for a period of more than three years~~: On consideration whereof, the Court doth adjudge, order and decree that the complainant, Janie Scott, be divorced a vinculo matrimonii from her husband, Charlie Scott. But neither party shall be permitted to marry again for six months from the date of this decree, nor shall such bonds of matrimony be deemed to be dissolved as to any subsequent marriage to this decree until the expiration of the said six months.

It appearing to the Court that the object for which this suit was instituted has been accomplished, it is hence dismissed from the docket.

Janie Scott,.Complainant,

vs) In Chancery

Charlie Scott,.Respondent.

D E C R E E .

1928
Oct. 2.

Enter this

Oct 2. Judge.

8-465

HAMPTON ROADS PAPER CO., NORFOLK

TO CHARLIE SCOTT:

TAKE NOTICE, That on the 31 day of Aug. 1928, at the office of C.F.Whitley, Attorney-at-Law Windsor, Virginia, between the hours of 10 A.M. and 4 P.M. of that day, I shall proceed to take the depositions of Janie Scott, and others, to be head as evidence in her behalf in a certain divorce suit pending in the Circuit Court for the County of Isle of Wight, Virginia, wherein Janie Scott is the complainant and you are the respondent. And if from any cause the taking of said depositions, be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from time to time at the same place and between the same hours, until the same shall be completed.

Given under my hand this 16 day of August, 1928.

Janie Scott

By C F Whitley
Attorney for the Complainant.

Original

Virginia

In the Circuit Court of

Isle of Wight County.

Janie Scott, Complainant

vs) In Chancery

Charlie Scott, Respondent.

Notice to take depositions.

C. F. Whitley, P.Q. Attorney

Windsor, Va.

Not finding Charlie Scott at his usual place of abode, nor any person of his family of the said Charlie Scott over the age of 16 years, I executed the within by serving a true copy of same on Charlie Scott in the County of Isle of Wight, Virginia, this the 18 day of Aug 28 in person, with the following a true copy of same, Virginia. on the front door of the residence of the said Charlie Scott

W. C. Whitehead, Sheriff.

By O. Williams, D.

Janie Scott, being first duly sworn deposes and says:

Q- Please state your age residence and occupation?

A- I am 40 years old, I live right here in Isle of Wight and I wash for people in Windsor.

Q- When and where were you married to Charlie Scott?

A- I was married to him in December, 1905, in North Carolina. In Halifax County.

Q- Where did you and he cohabit as man and wife?

A- Here in Isle of Wight County.

Q- How long have you been a bona fide resident of Isle of Wight County, Virginia?

A- All my life, I was raised here.

Q- Where did you and Charlie Scott last cohabit as man and wife, and where does he reside now?

A- We last lived together here in Isle of Wight, and he lives here now.

Q- Why did you and Charlie Scott separate?

A- He didn't want me. If he had, he wouldn't have beat me like he did. He told me that he didn't want me, and he went to work one Monday morning and told me if I was there that Saturday when he came back that death would separate us pretty quick, and I left.

Q- Were you afraid of him?

A- I was afraid to stay there after he told me that.

Q- Where does Charlie Scott live now?

A- He lives in the same house where he and me lived and where we separated.

Q- Who lives there with him?

A- Ophelia Thomas.

Q- Do they live as husband and wife?

A- I don't know that, but they live in the same house together, but he told me before we separated that Ophelia Thomas was ten times nicer and better to him than I was.

Q- Who has supported you since you and Charlie Scott separated?

A- No one, I have worked for myself since then.

Q- When did you and he separated?

A- It was the third Saturday in February, 1922.

Q- Have you lived with him since Feb.1922?

A- No Sir.

Q- Will you ever live with him again?

A- No Sir, I don't think we can get along together.

Further this deponent saith not.

her
Janie x Scott
mark

Blanch Williams, being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 21, live in Isle of Wight County, and I keep house.

Q- How long have you known Janie Scott?

A- All of my life, she is my mother.

Q- Why did your mother and father separate?

A- It seemed that he didn't want my mother. He used to beat her whenever he wanted to. I have seen him beat mamma just as if she was a man. I saw him shoot at her once.

Q-Did he ever order her away from home?

A- He told her that she had better leave there.

Q- Was it safe for Janie Scott to live with Charlie Scott?

A- It didn't look like it was to me after I saw him shoot at her.

Q- Who is living with Charlie Scott now?

A- Ophelia Thomas, in the same house where he and mamma lived at the time they aeparated.

Q- Do they live as husband and wife?

A- I don't know that,but every other place than here they go as husband and wife. Ophelia Thomas was in the hospital in Norfolk last year and she went there as Ophelia Scott.

Q- When did Janie Scott and Charlie Scott separate?

A- In February, 1922.

Q- Have they ever lived as man and wife since that time?

A- No Sir.

Q- Do you think they will ever live together again?

A- No Sir.

Further this deponent saith not.

Blanch Williams

F.L.Rose, being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 28, live in Windsor and automobile salesman.

Q- How long have you known Janie Scott and her husband Charlie Scott?

A- I have known them 15 or 20 years.

Q- When did they separate?

A- 5 or 6 years ago, I don't know the exact date.

Q- Where does Charlie Scott live now?

A- He lives near Windsor with another woman.

Q- Who is that other woman he is living with?

A- Ophelia Thomas.

Further this deponent saith not.

Frank F Rose

STATE OF VIRGINIA,
COUNTY OF ISLE OF WIGHT, TO-WIT:

I, S.T.Holland, a Notary Public, in and for the County of Isle of Wight, State of Virginia, do hereby certify that the foregoing depositions, were duly taken reduced to writing, and signed before me in my County aforesaid, at the time and place mentioned in the notice hereto attached.

Given under my hand this 31st, day of August,1928.

S.T.Holland
Notary Public.

My commission expires
Nov. 5th,1931.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

JANIE SCOTT,.....COMPLAINANT,

VS) IN CHANCERY,

CHARLIE SCOTT,.....RESPONDENT.

The following depositions of Janie Scott, Blanch Williams and Frank L.Rose, taken before me S.T.Holland, a Notary Public, in and for the County of Isle of Wight, and State of Virginia, on the 31st day August, 1928, at the Office of C.F.Whitley, Attorney-at-Law, in the Town of Windsor, Virginia, pursuant to the notice hereto attached, to be read as evidence in behalf od the Complainant.

Present C.F.Whitley,

Counsel for Complainant.

Janie Scott,.Complainant

vs) In Chancery

Charlie Scott,.Respondent.

C.F.Whitley,p.q.
Windsor, Va.

D E-P-O-S-I-T-I-O-N-S-

filed
Oct-2-1928.
N. A. Edmonds
Clk

HAMPTON ROADS PAPER CO., NORFOLK

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon Charlie Scott,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the Third Monday in August, 1928, to answer a bill in chancery, exhibited against him in our said Court by Janie Scott,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 16th day of August, 1928, and in the 153rd year of the Commonwealth.

R. A. Edwards Clerk.

Not finding Charlie Scott at his usual place of abode, nor any member of the family of the said Charlie Scott, over the age of 16 years, I executed the within ~~warrant~~ Process in the County of Isle of Wight, Virginia, this the 18 day of aug 1928, by posting a true copy of same on the front door of the residence of the said Charlie Scott

W. C. Whitehead Sheriff.

By H. S. Wilkinson D.S.

Janie Scott,

vs. } CHANCERY NO. 534

Charlie Scott,

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit Court of the County of Isle of Wight.

Aug 22, 1928

Returned, entered and filed.

Teste: M. G. Evans *Clerk*

To Second August *Rules*

19 28

C. F. Whitley, *p. q.*

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Janie Scott,.....Complainant

vs) In Chancery

Charlie Scott,.....Respondent.

To the Hon. B.D.White, Judge of said Court.

Humbly complaining, your complainant, Janie Scott respectfully represents:

1. That for more than one year prior to the institution of this suit, the said Charlie Scott has been a bona fide resident of and domiciled in the county of Isle of Wight,Virginia, where he now resides.

2. That your complainant and respondent were lawfully married on the 13 day of Dec 1905, in the county of Halifax in the State of North Carolina, as will more fully appear from a certified copy of the marriage certificate or license herewith filed and marked "Exhibit A" and prayed to be taken, and read as a part of this bill.

3. That your complainant and respondent cohabited as man and wife in Isle of Wight County, Virginia, from the date of said marriage until the ___day of Feb 1923, when the respondent, Charlie Scott, drove your complainant away from home on account of Ophelia Thomas, and took the said Ophelia Thomas there in the same house to live with him, where he is now living with her .

In consideration whereof, and for as much as your complainant is remediless in the premises, save in and by the aid of a court of equity where such matters are alone and properly cognizable, she prays that proper process issue; That the said Charlie Scott be made a party defendant to this bill, and be required to answer the same, but an answer under oath being hereby waived; That a divorce from the bonds of matrimony,which were created

by the aforesaid marriage, be decreed her from her said huaband Charlie Scott,on the grounds of desertion and adultery.That the respondent be required to pay reasonable attorney fee for briging this suit and the cost of the court; And that your complainant be afforded such other, further and general relief as the nature of her case may require. or to equity shall seem meet.

And your complainant will ever pray,etc.

Janie Scott.
By Counsel.

W. F. Whitley p.q.

538

VIRGINIA:

IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY.

Janie Scott,..Complainant

vs) In Chancery

Charlie Scott,.Respondent.

C.F.Whitley, p.q.

Windsor, Va.

8-16-28

HAMPTON ROADS PAPER CO., NORFOLK