

1872-01

Southampton County Chancery

Kee, Nancy vs

Kee, James

divorce

Spivey, George W.

100

Rec by most friend

or $\frac{2}{3}$ Bill

Rec

1872 May Term

\$ 4.58

1872 February 19

To the Honorable George Blow Judge of
the circuit Court of Southampton County in
chancery sitting

Humly complaining your Oration Nancy
I see a married woman who was by George
W Spivy her ^{husband} ~~husband~~ ^{& friend} ~~husband~~ unto your Honor
that she whose name before marriage was
Mason was sometime in the year 1854
united in the bonds of marriage with James
B. Kee having been married by one Samuel
Holmes all at that time residents of
Southampton, That your Oration conducts
herself in all things as an affectionate
and dutiful ^{wife} that she bore to her husband
four children and continued to live with
him until sometime in the year 1865 -
during all of which time she labored earnestly
and truly to discharge honestly toward her husband
and children all the duties of a good wife
and mother, Notwithstanding which and without
any cause on the part of your Oration and
without any notice of his designs sometime
in June 1865 now nearly seven years since
her husband James Kee took the children
from her and abandoned her, that she
has not seen him or her children since
your Oration states further that she does

not know where her husband went or
where he now is but is informed that
he is living in the state of North Carolina
but this she states and positively charges that
her husband James Kee wilfully and without
cause in June 1845 - took her children from
her and abandoned her and that he has
not seen her or cohabited with her since
now nearly seven years. Your Oratrix is
advised that such ^{by a husband} with abandonment and
violation of all the rights and duties ^{and}
is a violation of the marriage tie and
that five years continued abandonment
is cause for a divorce from the bond of
marriage and your Oratrix now invokes the
aid of this court to relieve ^{her} from a tie
which her husband has already not only
severed.

In further consideration whereof and
inasmuch as your Oratrix is without remedy
at Law and only entitled to relief in a court
of equity where such matters are peculiarly
cognizable she therefore prays that James Kee
may be made a party defendant to this bill
and that the court would compel him as free
and proper answer make to the allegations
therein contained as if he had been personally
arrested fully and specially interrogated. That

the court would by its decree dissolve
your Oratrix from the bond of marriage
with James Kee restoring to her all
her right of property with authority
and the right to marry again should
she see fit making such disposition
of the children as to the court may
seem right should they be brought again
into this state And that the court would
grant such other and general relief the
premises considered as equity may dictate
and the nature of her case may require
and as in duty bound your Oratrix will
ever pray in

Shanda p. 3.

Red
Beals

to } Dep.

Rec

Handed in by W B Shand

May 3. 1892-

The deposition of George W. Spivy Taken on
the 24 day of April 1872 at S. Lewis Store
to be made as evidence in behalf of
Nancy L. Kee in a certain suit in chancery
pending in the circuit Court of Southampton
wherein she is Plaintiff and James C.
Kee defendant

George W. Spivy having been first
duly sworn deposes and says
That he believes in June 1864 said
James C. Kee left the State with
another woman carrying his children
with him and has not been in the County
since as I know of. I am certain that
he has not seen his wife nor had no
correspondence what ever. In fact she has
been entirely dependant on her own exertions
for her support ever since he left in
1864 -

Signed

George W. Spivy

State of Virginia }
Southampton County } The above deposition was taken
and sworn to before me a Justice of the Peace at the time
and place mentioned given under my hand this
24 day of April 1872

Solomon Lewis J. P.

~~X~~ee

as 3 Deposition

Xee

Handed in by W. B. Shands
Apr. 16. 1872

The deposition of William Beale Taken
at the office of Mr B Shances on the
15th of April 1872 taken to be used as
evidence in behalf of Nancy L Kee in
a certain suit in chancery now pending
between Nancy L Kee or James C Kee
her husband in the ^{in the circuit court of} county of Southampton

William Beale having been first duly
sworn deposes and says that James C Kee
in June 1865 left his wife Nancy L Kee
and went away he has been from the
county ever since I have not heard from
him until lately and thought he was ^{dead}.
He took his children from his wife
and went off with another woman
He ^{has} not lived with his wife since. I
live by his wife and have lived in
her neighborhood ever since 1865.
and further this deponent hath not
signed

William Beale

State of Virginia
Southampton County } 3

The above deposition
was taken subscribed and sworn to before me
at the time and place mentioned in the caption
given under my hand this 15th of April 1872

Geo J. Kindred Com: in Chancery

sworn to taken and subscribed to before
me a justice of the peace for the county
and state aforesaid at the time and
place mentioned in the caption given
under my hand this 15th of April 1872
Mills. A. Smith J.P.

Rec.
As 3 Deposition
Rec.

Handed in by Mr. J. Shand
April 16. 1872.

The depositions of William T Griffin
Taken at the office of Mr B Chance
in the town of Jerusalem on the 15th of April
1872 to be made as evidence in behalf of
Nancy L Kee in a certain suit in chancery
now pending in the Circuit Court of Southampton
between her and her husband James C Kee for
divorce an order of publication having been
duly issued and published for the institution of
the suit the said James C Kee being a
non resident of Virginia

William T Griffin Having been first duly
sworn deposes and says as follows I know
that James C Kee left the county of
Southampton and I believe the state in
June 1865. he took the children from
his wife Nancy L Kee and gave her a
certificate that he would never interfere with
her again he abandoned his wife at that
time and has now lived with her since
He has not been to the county since so
far as I know he left with another
woman whom he abandoned his wife
Signed Wm. T. Griffin

State of Virginia }
Southampton County }

The above deposition was

Samuel Kee is not a resident of
my County Wm Barrow Esq

Kee

v { Sum Chy.

Kee

1872 March Rules -

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon

James Kie

if *he* be found within your bailiwick, to appear at the Clerk's Office of our *Circuit* Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *March* next to answer a bill in chancery exhibited against him in our said Court by *Nancy L Kie* a married woman who sues by *Geo. W. Spivey* her next friend

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-house, this *20* day of *February* A., D., 187*2*, in the *96* year of the Commonwealth.

Oswin White

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 parties
to make application to the court for such
further orders as are authorized by law

Rec
as 3 Decem
Rec

May Term 1872
to be entered

Geo. S. Scott.
J

Kee
vs 3 Deerec
Kee

This cause in which the plaintiff appears to have proceeded against the defendant who is out of this commonwealth, in the mode prescribed by law against absent defendants and in still failing to appear and answer, comes on this day to be heard on the bill, the exhibit filed and the examination of witnesses and was argued by the counsel for the plaintiff, On consideration whereof the court being of opinion that the charge of desertion for five years by the defendant is proved doth adjudge, order and decree that the marriage hitherto solemnized between James C Kee and Nancy L Kee be and the same is hereby dissolved and that the said Nancy L Kee be forever divorced from her husband James C Kee, and all the right, title and interest of the said James C Kee, of, in and to the estate real and personal of the said Nancy L Kee shall cease and determine, and that the court doth further adjudge, order and decree that the said Nancy L Kee shall have the right to marry again but the same right shall not be given or extended to James C Kee the husband, And that the plaintiff recover from the defendant her costs by her expended in the prosecution of this suit

Kee
to } Br. Pub

Kee

Christian Sun

Virginia.

In the Circuit Court of Southampton County

In vacation the 26 day February 1872.

Nancy L Kee a married woman who sues by George W Spivey her
next friend

Plaintiff

In Chancery

against

James Kee

Defendant

The object of this suit is to obtain a decree divorcing the plaintiff
from the bonds of marriage with the defendant &c. And affidavit being
made that the defendant is not a resident of the State of Virginia it is
ordered that he appear within one month after due publication of this order
and do what is necessary to protect his interest.

A Copy

Teste

O. White Clk

Key

to } Ex: with bills

Key

To the Clerk of the County Court of Southampton County, in
the State of Virginia-

I hereby Certify, that the following is a correct Statement of a Marriage
Solemnized by me in the County aforesaid.

Date of marriage. 14th day of Sept. 1854
Place of marriage. Same ~~at~~ Holmes - Southampton
Full names of Parties married - James C Key & Louisa Mercer
Age of husband - 22 years
Age of Wife 16 years
Condition of husband (widowed or single). Single
Condition of Wife (widowed or single). Single -
Place of husband's birth, Suggs.
Place of Wife's birth, Southampton.
Names of husband's parents, James Key & Elizabeth Key -
Names of Wife's parents - John Mercer & Nancy Mercer
Occupation of husband - Mechanic -

Given under my hand as a Minister of the Baptist Church (legally authorized to
solemnize Marriages) this 14th day of September AD 1854.

Sam. A. Holmes

Southampton Co. Clk's Off
March Feby 19 1872 }

Attest J. T. White

VIRGINIA IN THE CIRCUIT COURT OF
Southampton County, in Vacation the 26th
day of February 1872.

Nancy L. Kee a married woman who sues by
George W. Spivey, her next friend,

Plaintiff,

IN CHANCERY,

Against

James Kee

Defendant.

The object of this suit is to obtain a decree di-
vorcing the Plaintiff from the bonds of marriage
with the Defendant &c. And affidavit being
made that the Defendant is not a resident of the
State of Virginia, it is ordered that he appear
within one month after due publication of this
order and do what is necessary to protect his in-
terest.

A Copy—Teste:

O. WHITE

Clerk

mh6-4t

Shands, p.q.

We do hereby certify that the
annexed notice was published
for four successive weeks, in the
Christian Sun, and that the
price charged is in accor-
dence with the established
rates of the Office. Given
under my hand this April 5th 1872
W.B. Wellous Sec.

Price of Advg.

\$5.75

July 19th 1872 This day Mr J. B. Shames
personally appeared before me and made oath
that to the best of his knowledge and belief
James Kee is not a resident of this state
giving under my hand the day above
written

James D. Tyler, Commissioner
in Chancery