

1878-02

Southampton County Chancery Atkinson, Thosaria vs Atkinson, A.A.

"Lisance"

119

Atkinson

vs 3 Papers

Atkinson

1878 November

Atkinson by T.
as 3 Bill T.
Atkinson

1878 October Rules

J. W. Price
H. E.

To the Honorable Geo Blow, Judge of
the Circuit Court of Southampton.

In Chancery.

Humbly Complaining sheweth unto
your Honor, your Complainant, Vesuvia
Athinson, who was by D. J. Watkins,
her next friend, that she is now
year old; that at the age of 25 she
was lawfully married to one A. A.
Athinson and since that time,
she has been to him, a constant,
faithful & dutiful wife and has
borne him two children to wit -

Bessie Athinson & Jozie Athinson,
aged respectively 6 years & 4 years -.

Her husband, on the other hand has
been negligent, excessively intemperate
in drinking ardent spirits and
insufferably abusive and violent
to her, frequently beating and choking
her, until to protect her person from
violence and preserve her life, she
has been compelled to leave her
said husband and seek refuge in
the house of her brother in law D. J.
Watkins, where she is now with her
two children. Your complainant shows
further that she & her husband own no
property of any value except some little

household furniture - but that she understands her husband has an interest in the estate of Moses Atkinson, dec'd of Isle of Wight Co.. That her husband has not for several months made any provision for her support ~~of~~ the support of her two children -

In consideration of all which, and inasmuch as your complaint is without remedy except in a Court of Equity, where matters of this kind are properly to be heard, to the end therefore that justice may be done, your complainant prays that the said A. A. Atkinson may be made a party defendant to this bill & compelled to answer its allegations - That he may be enjoined & restrained from interfering with or in any manner molesting her & her children, that your oratrix may be divorced from him, and the marriage dissolved, and that if it can be made to appear during the pendency of this suit, that the said defendant has any estate that he may be compelled to surrender

such portion thereof as may be
right & proper to her & her children
for their support & maintenance
and that your Honor will grant
such other further, general &
special relief as Equity may
dictate and the nature of
this case require. And as in
duty bound your Complainant
will ever pray &c. May it please
the Court &c.

J. B. Pinner Jr.

Atkinson
w 3
Atkinson

Notice to take
depositions

Executed and copy of the
within delivered to
A A Atkinson

Oct 8th 78

J L Fulham Sff
of Hammond

To A. A. Atherton.

Take notice that I shall on the 29th day of October 1878, at the Clerk's Office in Jerusalem Va, between the hours of 6. am & 6 pm of that day proceed to take the depositions of J. C. Mills & others to be read as evidence in my behalf in a certain suit in Equity depending in the Circuit Court of Southampton, wherein you are defendant and I am plaintiff: and if, from any cause the taking of the said depositions be not commenced on that day, or if commenced be not concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place and between the same hours, until the same shall be completed.

Oct 3. 1878.

Respectfully
Veruvia Atherton
by Counsel.

To Shff of Havermond
to execute

S. J. Watkins

The depositions of ~~J. H. Hill~~ & others, taken before me James R. Taylor, a Commissioner in Chancery, for the Circuit Court of Southampton, at Jamaica Oct 29. 1838. pursuant to notice, between 6 am & 6 pm, to be read as evidence in behalf of Vesuvia Atkinson, in a certain suit in chancery, depending in the Circuit Court of Southampton, in which Vesuvia Atkinson by &c. is plaintiff and J. A. Atkinson is defendant.

D. J. Watkins being sworn, deposes and says as follows.

What is your age & do you know the parties
to this suit? I am 39 years old & know
the parties to this suit.

State as well as you can what has been the Conduct of A. A. Sturgeson to his wife - whether you know of acts of Cruelty and if so state them.

The conduct of A. A. Atkinson while
boarding with me in year 1875 was as
follows constantly drunk with threats to
his wife while in his room at night or at
other times when he was with her, and
was so very violent I had to go to her
assistance nearly every night to keep
him from maltreating ~~her~~ her.
And this deponent saith not.

L. J. Watkins

R. D. Taubert being duly sworn deposes
and says as follows.

What is your age and do you know the
parties to this suit.

I am 35 years of age and know the
parties to the suit.

State as well as you can what has been
the conduct of A. A. Atkinson to his wife
whether you know of acts of cruelty
and if so state them.

The conduct of A. A. Atkinson has been
very cruel to his wife.

1st month of Jan'y 1878. Mrs. Atkinson came
to me for assistance. and said Mr. Atkinson
was under the influence of liquor and wish
~~me~~ to protect ~~me~~ ^{her} and keep him from
killing ~~her~~ ^{her}. I went over to Mrs. Hollands where
Mrs. Atkinson was, her husband having driven
her away from home. Mr. Atkinson came
to the door and knocked, the door was opened
by Mrs. Hollands and he came in. His wife
left the room, he asked for his wife. I
remarked she is in the kitchen. When
I made the remark he went out the front
door and his wife came in the back door.
He came in again in a few moments his wife
was standing on the right hand side of the
stove and Mr. Atkinson on the left. I in front

Atkinson had a cut-throat under his coat
and a knife in his left hand, he walked
to the left of the stove, he drew his knife
I stepped between him and his wife I
pushed her his wife to ^{the} right, he made a
blow with his knife and ~~and~~ struck me
cutting me thru my vest, shirt & garter
my skin. She ran out of the house to
Mr. Hobbs store, and told their Mr. Atkinson
had cut me. Mr. Atkinson then followed
her to Mr. Hobbs store with an ax handle
in his hand, Mr. Atkinson went under the
counter, and remained until the side
door could be opened, she then crawled
out and met with friends who protected
back to Mr. Hollands.
And further this deponent says etc.

R. R. Daughtry.

D. F. Webb being duly sworn deposes and
says as follows

What is your age and do you know the
parties to this suit.

I am 29 years of age and know the
parties to this suit.

State as well as you can what was
the conduct of A. A. Atkinson to his
wife whether you know of acts of
cruelty and if so state them.

In month of Jan'y 1878. Wm. Atkinson
called me in while passing by to her
assistance. They were living on my
place at the time. When I went in
I heard Mr. Atkinson cursing and
abusing her. I stated to Wm. Atkinson
that was not the way for him and
his wife to live, And if he did not
do better he had to leave my
place, and she then called me
by my name and said Wm. A is
going to kill me he then
remarked yes I am sure I
will, any farther This deponent
says not.

D. J. Webb

Milly Higgins being duly sworn deposes
and says as follows.

What is your age and do you know
the parties to the suit.

I am 45 years of age and know
the parties to the suit.

State as well as you can what has
been the conduct of A. A. Atkinson
to his wife whether you know of
acts of cruelty any if so state them.
The conduct to his wife was very cruel.

Atkinson

2 } Depositions

Atkinson

Handed in by Jas. H. Tyler Comr.
Chancery Cir. Ct. Southampton Co.

October 29th 1878
L.R.E.

I went to Mr. Albinus Dec 24th 1877
to attend to his wife while in Labour,
I staid there 4 days, he was cruel to
her every day while I was there but
one, Christmas day morning he
cursed her and abused her, Tuesday
Christmas night he cursed and
abused her again and even he wished
she would lay on the bed and die
and told her after I went away she
might lie and suffer and die
for he did not intend to do any
thing for her at all. And I feel
sure he was not drunk.
And further this deponent sayeth not.

Living
Milley Higgins
deponent

Virginia: Southampton County, ss. Oct,

I, Jack Tyler, One of
the Commissioners in Chancery of the Circuit Court
of Said County do hereby Certify that the foregoing
Depositing were duly Sworn to and Subscribed
before me at the time & place mentioned
therein. Given under my hand this 29th
day of October A.D. 1878.

Jack Tyler,
Commissioner.

S. J. Watkins
R. R. Langtry
S. J. Webb

} each fifty Cents

Willy Higgins

Commissioner's fee for taking Depositions, including
Witness attendance of \$5.00 -

J. R. Taylor
Commissioner.

Presented

1878
by Mrs. Lamm
H. B. Briggs Sheriff

Atkins
1878
Atkins

1878 Oct. 29th

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

We Command You that you summon *J. L. Wigg, J. T. Wells, Rodrick*
Sanighton, Aaron Scott, J. M. Wigg, Wiggins

J. M. Tyler a Commissioner in chancery of the Circuit
to appear before ~~the Judge of our~~ Court of Southampton County,

at the Court House, on the *29th* day of *October*, *Term, 1878*

to testify and the truth to say on behalf of *More Virginia Athinson*

in a certain matter of controversy in our said Court, before
the said Judge, depending and undetermined between

Virginia Athinson Plaintiff and

Act Athinson Defendant. And this *They* shall

in no wise omit under the penalty of the law, and have then and there this writ.

Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court

House, this *7th* day of *October*, 1878, in the *103rd* year of the Commonwealth.

J. M. Tyler in
Chancery

served upon the deft A. A. Atkinson.

A. Leary:

Teste:

lells Costs	\$ 4.22	S. Q. Edwards clerk
Shiff J. W.	1.00	
Leon Tyler	5.00	
D. J. Watkins. Wit.	50	
R. R. Daughtrey "	50	
D. T. Webb "	50	
Law. fee &c	<u>16.50</u>	\$ 28.22

Atkinson by &c

T M Heave

Atkinson

Executed & copy of the within
acknowledged to A. A. Atkinson

J. L. Latham

Shiff J. W.
Copied
Mansfield Co

Southampton Circuit Court: November
Term: 1878.

Atkinson by oc
v. Deere
Atkinson -

This day this cause came on to be heard on the bill of the complainants - the examination of witnesses and was argued by Counsel - On consideration whereof the court doth adjudge order & decree that the parties Vesuvia Atkinson and A. A. Atkinson be divorced from bed & board, that the said A. A. Atkinson be enjoined & restrained from removing or interfering with the infant children Bessie & Josie Atkinson, and that the Custody & Control of the said children remain with their mother Vesuvia Atkinson That the said A. A. Atkinson be also enjoined & restrained from interfering in any manner with the liberty of the said Vesuvia Atkinson. The Court doth further decree that the said A. A. Atkinson pay to the plaintiff her cost by him expended in the prosecution of this suit - And nothing further remaining necessary to be done in this cause, it is ordered that the same be removed from the docket, but leave it reserved to the parties to make application to the court for such further orders as are authorized by law, And it is also ordered that a copy of this decree be

Atkinson

to } State Rules

Atkinson

In Southampton Circuit Court

Vesuvius Atkinson who sues by S J Watkins her next friend
Plaintiff

against
A. C. Atkinson

Defendant.

1878. Aug 21st Summons issued

" Oct R Summons returned Executed - suit dismissed as to S J
Hayden no bill being filed against him

" Nov " Cause set for hearing 1st

" Oct 29 Depositions filed p. 1st

" Nov 5 Removed from the Docket with leave to reinstate

Atkinson by J. C.

vs } Sum.

Atkinson vs. Hayden

1878 Sept. Rules.

Ex. ruled by deposing
to the written name

A. A. Atkins and
O. B. Hayden each a
true copy of the
written Summons
September 3rd 1878

A. B. Edwards

The Commonwealth of Virginia:

To the Sheriff of ^{State of Virginia} Southampton County :---Greeting.

We command you to summon A. A. Atkinson and
Chas B Heyden

if they 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
September to answer a bill in chancery
exhibited against them and our said Court by
Mrs Virginia Atkinson who sues by R J
Watkins her next friend

and have then and there this writ. Witness, **LITTLETON R.**
EDWARDS, Clerk of our said Court at the Court House, this
21st day of August 1878 in the 102nd year
of the Commonwealth.

L R Edwards Jr & Co

Atkinson by 4
or 3 Seas
Atkinson

Nov Term 1848

To be entered

Geo. B. S. W.

Athinson by 4.
vs 3 Deere
Athinson

This day this Cause came on to be heard on the bill of the Complainant, the examination of witnesses and was argued by counsel. On consideration whereof, the Court doth adjudge order & decree that the parties, Vesuvia Athinson and A. A. Athinson be divorced from bed & board; that the said A. A. Athinson be enjoined & restrained from removing or interfering with the infant children Bessie & Josie Athinson, and that the custody & control of the said children remain with their mother Vesuvia Athinson. That the said A. A. Athinson be also enjoined & restrained from interfering in any manner with the liberty of the said Vesuvia Athinson. The Court doth further decree that the said A. A. Athinson pay to the plaintiff her costs by her expended in the prosecution of this suit. And nothing further remaining necessary to be done in this cause, 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. And it is also ordered that a copy of this decree be served upon the said A. A. Athinson.