

1921-013 Chancery Causes: James Robert Scott vs Mary Lou Scott

359

Isle of Wight County

other SURNAMES: DREW,
Hayes, Chappel

(3)

Scott, J. R.

v.

Scott, Mary L.

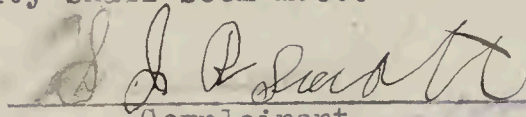
Bill of Complaint

Filed Feb. 15 - 1921.

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

The Linden Printing Company, Hartford, Conn.

equity, your complainant prays that the said Mary L. Scott 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 him; and that your complainant may have all such further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.


Complainant


Counsel

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

J. R. Scott.

v.

Mary L. Scott.

To the Honorable Circuit Court of Isle of Wight County:

Your complainant, J. R. Scott, respectfully represents:

1st That on the 29th day of December, 1898, your complainant was lawfully married to Mary Lou Drew in Nansemond County, Virginia, as will appear from a certificate of marriage herewith filed, marked "Exhibit A", and made a part of this bill;

2nd That continuously from the date of marriage until the ____ day of April, 1904 your complainant and Mary L. Scott lived together as husband and wife, and for many years they resided in Smithfield, Isle of Wight County, Virginia;

3rd That the said Mary L. Scott has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, on the __ day of April, 1904, the said Mary L. Scott did voluntarily, wilfully and without any justification whatever, left the home your complainant provided for her in Smithfield, Isle of Wight County, Virginia and has never returned;

4th 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; and

5th That your complainant last cohabited with the said Mary L. Scott at Smithfield, in Isle of Wight County, Virginia:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of

(2)

J. R. Scott

Vs. Chancery No 359

Mary Lou Scott.

.....
Original.

Attest this the 4 day of Feb 1891
serving a copy hereof on

Mary Lou Scott

IN PERSON.

W M Hanna

Sergt. City of Norfolk, Va.
By C. Humber Depty

COMMONWEALTH OF VIRGINIA.

Sargeant Of The City Of Norfolk.
TO THE ~~SCOTLAND COUNTY~~ COUNTY—Greeting;

We command you that you summon **Mary Lou 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
Second Monday in **February**, 19**21**, to answer a bill in
chancery exhibited against **her** in our said Court by

....., **J. R. Scott,**

And have then and there this writ.

Witness, **R. A. Edwards,** Clerk of our said Court, at the Court-
house, this **2nd** day of **February,** 19**21**, and in the
145 year of the Commonwealth.

P. P. Deane, p. q.

R. A. Edwards Clerk.

(4)

Scott

Mrs C Lanery.

Scott

Depositors

Filed - 2/25/21

R.A.E.
clw

State of Virginia,

County of Isle of Wight, to-wit:

I, R. A. Edwards, a Commissioner in Chancery for the Circuit Court of the County aforesaid and 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 in the said County this 25th day of February, 1921

R. A. Edwards,
Commissioner in Chancery.

The Witness, J. R. Scott, being duly sworn, deposes as follows:

State your name, age, residence and occupation.

A. J. R. Scott, age 45 - occupation is a Farmer.

When were you and Mary Lou Drew married and where?

A. We married in Dec. ²⁹ 1898, in Suffolk, Va

Where have you lived since that time?

A. I have lived in Dale of King County, every since.

I understand that you and your wife have separated? which one

left the other, what was the cause, when was it,

A. We have separated, she left me in 1904
not known, and what for except to go with another man I do
Where did you and Mary last cohabit together?

A. In Smith field, Dale of King Co, Va

Were there any children born by this marriage if so state if any
are living? No. She never had any.

A.

Where has she lived since the separation?

A. She lived in Smith field about 4 years when
she first left & then moved to Norfolk where she
has lived since. Did you provide for her and did you give her any reason for leaving,

A. Yes, sir I spent all I made on her
and my home, and I never gave
her any reason for leaving me.

And further this deponent saith not

J. R. Scott

Are there any children living by this marriage?

A. No Sir.

State to the Court any reason why she left him and was he in any way to blame for the separation?

A. I know of no reason, Except that she wanted more than one man.

And further this deponent saith not.

x H J Hayes

The witness Charles Chappell being duly sworn, deposes as follows:

State your name, age residence and occupation

A. Char. Chappell, age 48 - Clerk. & laborer.

How long have you know J. R. Scott and Mary L. Scott? where have they lived during this time?

A. I have known them 20 or 30 years, they lived in Smithfield as man & wife, & then she left him.

Do you know when they were married and where?

A. No I do not.

When did they separate, give the facts concerning this separation, as to date, cause and by whom done?

A. About 16 or 17 years ago - do not know why they separated. She just pulled up & left him - her name wasn't the best in the neighborhood. Was J. R. Scott a dutiful husband and would he provide for his wife as one of this station?

A. Yes. So far as I could see, he did - I lived near them.

Where did they last live together,

A. In Smithfield

Where has Scott lived since then and what has he done?

A. In Smithfield and he has been a laborer.

Where does Mary Scott live?

A. She was living in Norfolk the last time I saw her.

And further this deponent saith not

Charles Chappell

The witness, H. T. Hayes, being duly sworn, deposes as follows:

Please state your name, age, residence and occupation?

A. I am H. T. Hayes, I am 53 years old. I live in Smithfield, Isle of Wight County, Virginia and a merchant.

Do you know J. Robert Scott and Mary Lou Scott, if so state how long you have known them and where they lived during this period?

A. Yes, have known them at least 15 years, when I first knew them they were living together as man & wife but for a number of years, she has been away from him & he has been living here in Smithfield.
When did they separate?

A. Some time the first part of April, 1904.

Where were they living then?

A. In Smithfield on Cedar Street.

Which one left the other?

A. She did.

Why did she leave?

A. Do not know.

Where did she go?

A. She went to Norfolk.

Has she been back since that time?

A. She has been back to Smithfield but not to live with her husband.
Where does she live now?

A. In Norfolk Va

Do you know what she is doing? I do not.

What is the reputation of J. R. Scott, was he able to provide for his wife,

A. His reputation is good & I think he provided for her.
Was he in any way to blame for her leaving?

A. Not to my knowledge.

Where does J. R. Scott live and his occupation? How long has he lived there?

A. In Smithfield, he is a Laborer, since 1904.

Do you know when Scott and his wife were married and when?

A. No I do not, they were married when they came here.

Original

J. R. Scott

v.

Mary Lou Scott

presented in the City of Norfolk, Va.
this the 4 day of July 1921
serving a Copy hereof on

Mary Lou Scott

IN PERSON.

W. M. Hannon

Ser. City of Norfolk, Va.

Chas. Hannon Clerk

To Mary Lou Scott:

Take notice that on the 25th day of February, 1921 at the store of H. T. Hayes in Smithfield, Isle of Wight County, Virginia, between the hours of 10 A. M. and 5 P. M. of that day, I shall proceed to take the depositions of H. T. Hayes and others to be read as evidence in my behalf, in a certain cause in chancery depending in the Circuit Court of Isle of Wight County, wherein I am plaintiff and you are 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 place and between the same hours, until the same shall be completed.

Given under my hand this 3rd day of February, 1921.

J. R. Scott
3 Parke O'Quinn Lee Atty

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

J. R. Scott

v.

DEPOSITIONS.

Mary L. Scott.

The depositions of H. T. Hayes and others, taken before me, R. A. Edwards, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight and State of Virginia, pursuant to notice hereto annexed, at the store of H. T. Hayes in Smithfield, Isle of Wight County, Virginia, on the 25th day of February, 1921, between the hours of 10 A. M. and 5 P. M., to be read as evidence on behalf of J. R. Scott in a certain suit in equity, depending in the Circuit Court of Isle of Wight County, Virginia, wherein J. R. Scott is plaintiff and Mary L. Scott is defendant.

Present, Parke P. Deans, attorney for plaintiff.

5

SCOTT, J. R.

V.

SCOTT, Mary L.

DECREE

ENTER THIS

EXAMINED AND CORRECTED

1921
Mar. 7.
Enter this
P. D. W.

Chancery Order Book
8. Page 49

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

The Linden Printing Company, Hartford, Conn.

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

J. R. SCOTT

V.

MARY L. SCOTT

This cause came on this day to be heard upon the bill of complaint filed by J. R. Scott; proof of legal service of proper process on the defendant, Mary L. Scott, in person, who has failed and still fails to appear, plead, demur, or answer the said bill; ^{after due notice} the depositions taken 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 29th day of December 1898; that on the ____ day of April, 1904, the said Mary L. Scott, voluntarily, wilfully and without any justification whatever, deserted and abandoned the said J. R. Scott; that the said J. R. Scott has not cohabited with the said Mary L. Scott since that time; that the plaintiff and defendant last cohabited in Isle of Wight County, Virginia, that the said J. R. Scott has resided and has been domiciled in this State ^{and County} ever since the time of desertion and for more than one year next preceding the commencement of this suit; ~~that~~ the Court doth adjudge, order and decree that the said J. R. Scott and Mary L. Scott be divorced from the bond of matrimony which was created by the aforesaid marriage and that the said marriage be and the same hereby is, dissolved and ~~annulled.~~ ^{But neither of said parties shall remarry until the expiration of six months after the entry hereof.} And nothing further remaining to be done in this cause, it is further ordered that the same be removed from the docket.

Memo.

J. R. Scott.

Vs Chancery No. 259

Mary Lou Scott.

.....

Filed 2/2/21

P. Is- " " "

In the Circuit Court of Isle of Wight County, Virginia:

J. R. Scott

v.

Mary Lou Scott

To the Clerk of the said Circuit Court :

Issue summons in chancery for the First February Rules,
1921,

John D. Deard p. q.

Deposit # 750

County (or City).....

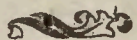
.....Husband

and } **Marriage License**

.....Wife

Date of Issue.....

Marriage Register No.....Page.....



MARRIAGE LICENSE



Virginia..... Nansemond County..... 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,

James Robert Scott..... and Mary Drew.....

Given under my hand, as Clerk of..... County..... Court of Nansemond..... County (or City) this
28th day of December....., 1898.....

R. R. Smith..... Clerk.

MARRIAGE CERTIFICATE

To be annexed to the license, required by Section 2229 of the Code of Virginia, as amended by Act of February 16, 1910.

VIRGINIA: In the Clerk's Office of the..... County..... Court for the County (or City) of..... Nansemond.....

Date of Marriage..... 1898 Dec 29th..... Place of Marriage..... Nansemond County Virginia.....

FULL NAMES OF PARTIES.

James Robert Scott..... and Mary Drew.....

Age of Husband..... 23..... years; Condition (single, widowed or divorced)..... Single

Age of Wife..... 25..... years; Condition (single, widowed or divorced)..... "

Race (White or Colored)..... Colored.....

Husband's Place of Birth..... Nansemond County..... Residence..... Nansemond County.....

Wife's Place of Birth..... Southampton, Co. Va..... Residence..... Nansemond County, Va.....

Names of { Husband..... Cornelius Scott..... and Francis his wife.....

Parents { Wife..... David Drew..... and Sallie his wife.....

Occupation of Husband..... Laborer.....

Given under my hand this..... 28th..... day of..... December....., 1898.....

R. R. Smith..... Clerk.

Certificate of Time and Place of Marriage

I,..... Jas. M. Copeland....., a Minister..... of the.....

..... Church, or religious order of that name, do certify that on the..... 29th..... day of..... December....., 1898....., at....., Virginia, under authority of the above License, I joined together in the Holy State of Matrimony the persons named and described therein. I qualified and gave bond according to law authorizing me to celebrate

the rites of marriage in the County (or City) of....., State of Virginia.

Given under my hand this..... 29th..... day of..... Dec....., 1898.....

A true copy:

Teste..... Jas. M. Copeland.....
Clerk..... (Person who performs ceremony sign here.)

The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (See Section 2229 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).