

1911-03

Southampton County - Chancery

Britt, Nellie vs Britt, Elnora

Livorce

VIRGINIA: IN THE CIRCUIT
COURT OF SOUTHAMPTON CO.

DELLIE BRITT

VS.

ELNORA BRITT.

BILL.

1911- Oct. 4" Filed -
H. B. M.

JOHN N. SEBRELL, JR.
Attorney and Counsellor at Law
NORFOLK, VIRGINIA
525-527 SEABOARD BANK BUILDING

Virginia,

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

In The Circuit Court for Southampton County.

your complainant prays that the said Elnora Britt may be made a party defendant to this bill, and required, but not on oath,

Dellie Britt,

to answer the same, the oath being hereby waived; that proper

v. Elnora Britt.

To The Hon. James L. McLeMore, Judge of The Circuit Court for said County.

Your complainant, Dellie Britt, respectfully sheweth unto your Honor the following facts, as grounds for this his bill for divorce.

Dellie Britt, Complainant.

1. That on the ___ day of By 1904, your complainant and the said Elnora were lawfully married in Southampton County Virginia, as will appear from a certified copy of the marriage certificate herewith filed marked exhibit "A" and asked to be taken and read as a part of this bill; and,

2. That continuously from the date of said marriage your complainant and the said Elnora Britt lived together in said county as man and wife until the ___ day of December 1907, at which time the said Elnora Britt wilfully deserted and abandoned your complainant for a period of more than three years; that is to say from the ___ day of December 1907 as aforesaid, the said defendant, voluntarily and without any justification whatsoever abandoned and deserted your said complainant; and,

3. That your complainant has resided and has been domiciled in this state ever since the aforesaid marriage, and for ^{more} than one year next preceeding the commencement of this suit, and is domiciled and resides in said state; and,

4. That your complainant last cohabited with the said defendant in Southampton County.

Britt
and
Lytle

Ma. Li.

1903

Exhibit "A"

MARRIAGE LICENSE

Virginia, Southampton 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,

Dellie Britt
and Elnora Flythe

Given under my hand, as Clerk of the Circuit Court of Southampton Co. this 28th day of December 1909.

L. Q. Gay Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, December 31 st 1909	Place of Husband's Birth, Southampton Co.
Place of Marriage, Southampton Co.	Place of Wife's Birth, Northampton Co. N.C.
Full Names of Parties Married, Dellie Britt and Elnora Flythe	Place of Husband's Residence, Southampton Co. Va.
Color, Col.	Place of Wife's Residence, " " "
Age of Husband, 25 years	Names of Husband's Parents, C. Jessie Britt
Age of Wife, 21 "	Names of Wife's Parents, Isaac and Marge.
Condition of Husband (widowed or single or divorced) Single	Anna Flythe
Condition of Wife (widowed or single or divorced) "	Occupation of Husband, Farmer

Given under my hand this 28th day of December 1909
L. Q. Gay Clerk.

Certificate of Time and Place of Marriage.

I, Pres. H. Scott, a _____ of the _____
Church, or religious order of that name, do certify that on the 31st day of
December 1909, at Newman, under authority of the above
License, I united in Marriage the persons named and described therein.

Given under my hand this 31st day of December 1909.

Pres. H. Scott

The Minister celebrating a marriage is required, within two months thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A copy - Reile: H. P. M. Remore, Clerk.
By: B. M. Hills, D. C.

Britt,
— vs. — { depositions.
Britt.

1911 Nov 11th filed
W.B. McClellan, Jr.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

STATE OF VIRGINIA, (
 (to-wit:
 Southampton County, (

The depositions of V. D. Thorp and other, taken, taken
 Q. Did you ever know of any reason for her deserting him.
 before me, the undersigned, E. Frank Story, a Commissioner in in
 Chancery for the Circuit Court in and for the County aforesaid,

Q. What was the reason.
 A. Loving other men.
 suit in equity, now pending in the said Court, generally styled,
 Q. Did she ever return to live with Dellie Britt.
 Britt vs. Britt, at the time and place and for the purpose stated
 in the notice hereto annexed.

Q. In what County and State does
 A. Southampton County, Virginia.
 Commissioner in Chancery.

Q. Witness V. D. Thorp, being first duly sworn, deposes and says:

Q. All of his life.

Q. State your name, age, occupation and residence.

Q. Does he work for you and how long has he worked for you.

A. V. D. Thorp, age 31 years, lumberman, and reside in Southampton

A. Yes, for about six years continuously.

County, Virginia.

Q. Where did they last co-habit as man and wife.

Q. Mr. Thorp do you know the parties to this suit.

A. In Southampton County, Newgate District.

A. Yes.

And further this deponent saith not.

Q. Did you know them at the time they co-habited as man and wife.

A. Yes.

Q. How long did they live together as man and wife.

A. I suppose they lived together four or five years.

Q. Is it not generally known that Elnora Britt deserted her hus-
 band, Dellie Britt.

A. Yes sir. name, age, occupation and residence.

Q. Where were they living at that time. name, age, occupation and residence.

A. On S. J. Myrick's farm, near Sands, Southampton County, Vir-
 ginia. you know the parties to this suit, if so, for how long.

Q. About when did Elnora Britt desert Dellie Britt. until they were

A. Three years ago last January. ever since he was five or six

Q. For what length of time did she remain away from him.

A. She has been away from him since that time. he and wife.

Q. While living together as husband and wife did Dellie Britt
 provide for his wife. live together as man and wife.

A. Yes he did. exactly, for four or five years I think.

Q. Is it not generally known that Elmore Britt deserted her husband?
Q. Did you ever know of any reason for her deserting him.

A. Yes.

A. Yes.

Q. What was the reason.

A. Where were they living at that time.

A. Loving other men.

A. On Mr. Jack Myrick's land, in Newsoms District, Southampton

County, Virginia.

Q. Did she ever return to live with Dellie Britt.

A. Never that I know of.

Q. Do you know to your own knowledge that Elmore Britt deserted

Dellie Britt.

Q. In what County and State does Dellie Britt now reside.

A. Southampton County, Virginia.

A. Yes I know she deserted him.

Q. How long has he lived here

A. About how long has she remained away from him.

A. All of his life.

A. Three years last January.

Q. Does he work for you and how long has he worked for you.

A. While they were living together as husband and wife did Dellie

Britt provide for his wife.

Q. Where did they last co-habit as man and wife.

A. I think he did, he has always been a smart honest darkey, I

A. In Southampton County, Newsoms District.

have known him all his life. Thought they got along well together.

And further this deponent saith not.

Q. To your knowledge did Elmore Britt ever attempt to live with

her husband.

A. No sir.

Witness M. E. Barrett, being first duly sworn desposes and
says.

A. In Southampton County, Virginia, he has lived here all of his

Q. State your name, age, occupation and residence.

A. M. E. Barrett, age 36, lumberman and farmer, reside in South-
ampton County, Virginia.

Q. Do you know the parties to this suit, if so, for how long.

A. Yes, I never knew anything about Dellie's wife until they were
married, but I have known Dellie ever since he was five or six
years old.

Q. Did you know them at the time they co-habited as man and wife.

A. Yes.

Q. How long did they live together as man and wife.

A. I don't know exactly, for four or five years I think.

Q. Is it not generally known that Elnora Britt deserted her husband Dellie Britt.

A. Yes.

Q. Where were they living at that time.

A. On Mr. Jack Myrick's land, in Newsoms District, Southampton County, Virginia.

Q. Do you know to your own knowledge that Elnora Britt deserted Dellie Britt.

A. Yes I know she deserted him.

Q. About how long has she remained away from him.

A. Three years last January.

Q. While they were living together as husband and wife did Dellie Britt provide for his wife.

A. I think he did, he has always been a smart honest darkey, I have known him all his life. Thought they got along well together.

Q. To your knowledge did Elnora Britt ever return to live with her husband.

A. No sir.

Q. In what County and State does Dellie Britt now live, and how long has he lived there.

A. In Southampton County, Virginia, he has lived here all of his life.

Q. Where did the plaintiff and defendant last co-habit as man and wife.

A. At Mr. Jack Myrick's place, in Newsoms District.

Q. On Mr. And further this deponent saith not.

County, Virginia.

M. E. Barneo,

Dellie Britt

Witness:
Bert M. Brown

Witness Dellie Britt, being first duly sworn, deposes and says.

Q. State your name, age, residence, and occupation.

A. Dellie Britt, age 30 years, reside in Southampton County, Virginia, and work for Mr. V. D. Thorp.

Q. About how long did you and Elnora Britt live together.

A. Between five and six years.

Q. About when did she leave, desert and abandon you.

A. Last January, three years ago.

Q. Was it with your consent.

A. No sir.

Q. You had provided for her all along had you.

A. Yes sir I did.

Q. You have been at work all along and able to provide for her.

A. Yes sir.

Q. Has she ever returned since she left you.

A. No sir.

Q. Do you know of any reason she had for leaving you.

A. Yes sir. She was loving other men.

Q. Where is she now living.

A. She is living in Boykins District, on Mr. Marvin Hill's land.

Q. Then you both now live in Southampton County.

A. Yes sir we both live here.

Q. Where did you last live together as husband and wife.

A. On Mr. S. J. Myrick's place, in Newsoms District, Southampton County, Virginia.

And further this deponent saith not.

Dellie ^{his} Britt
mark

Witness:

Rich M. Owen.

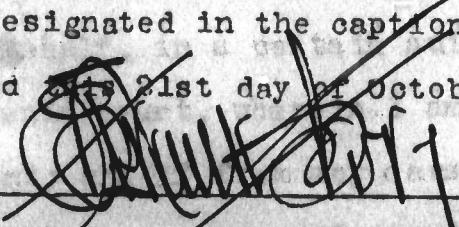
VIRGINIA,

In the Circuit Court of Southampton County,

STATE OF VIRGINIA, (
 (to-wit:
 Southampton County, (

I, E. Frank Story, a Commissioner in Chancery for the Circuit Court in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of V. D. Thorp, M. E. Barrett and Dellie Britt, were this day taken, reduced to writing, and signed by the witnesses, respectively, before me, for the purpose designated in the caption hereto.

Given under my hand this 21st day of October, 1911.


COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE: \$5.00.

to say at from time to time, at the same place and between the same parties, until the same shall be completed.

Given under my hand this 18th day of Oct. 1911.

Dellie Britt,

By Counsel.

V. D. Arnold, Jr.

Virginia,

In the Circuit Court for Southampton County,

Dellie Britt,

v. Notice to take depositions:

Elnora Britt.

You will take notice that I shall on the 21st day of October 1911, at the office of V. L. Arnold, Attorney at Law Reese Building, in the Town of Courtland, Virginia, ~~make~~ between the hours of nine A.M. and six P.M. of that day, proceed to take the depositions of V. D. Thorp and others, to be read as evidence in my behalf, in a certain suit in equity, now depending in the said court, wherein I am ~~plaintiff~~ 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 or from time to time, at the same place and between the same hours, until the same shall be completed.

Given under my hand this 16th day of Oct. 1911.

Dellie Britt,

By Counsel.

V. L. Arnold, PQ.

Brett Nellie
or { Sparie Okey

Brett Elvora

1911-1st October Reels

her lot

^{from Cantonment}
Executed By Diving
copy of the within
summons to Elvora
Brett on Sep 25th 1911

D. E. Fette Dyft for

Geo J Turner App

The Commonwealth of Virginia.

To The Sheriff Of Southampton County—Greeting:

WE COMMAND THAT YOU SUMMON

Elmore Britt

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 *1st* Monday in *October 1911* to answer
a Bill in Chancery exhibited against *her* in our said Court by

Dellie Britt

And this *she* shall in no wise omit under penalty of law. And have then there
this writ.

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse, this

12th day of *September* 1911, in the *13th* year of the Commonwealth.

Teste: *H. B. Mclemore* C. C.

-1911-

Butt, Allen

W. — { Deane,
Butt, Cluane

John N. Schaefer
Virginia L. Arnold E. J. D.

Entered Nov. 1, 1911.
James L. McLean

ENTERED - C.O.B.

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ARNOLD AND ARNOLD
ATTORNEYS AT LAW
WAVERLY, VIRGINIA

Dellie Britt,

vs.

Decree

Elnora Britt,

This day this cause came on to be heard upon the bill of the complainant and exhibits therewith filed, and the depositions of the witnesses, taken after reasonable notice to the defendant of the time and place of taking same, the defendant upon whom the process has been duly served, still failing to appear, and plead, answer or demur to the said bill, and was argued by counsel; 11

ON CONSIDERATION whereof it appearing that the complainant has resided and has been domiciled in this state for more than one year preceeding the commencement of this suit, and is domiciled and now resides in this state; and that the complainant last cohabited with the defendant in Southampton County; and that the defendant wilfully, voluntarily deserted and abandoned the complainant for a period of more than three years before the institution of this suit, the court doth adjudge, order and decree that the marriage heretofore had and solemnized between the plaintiff, Dellie Britt, and the defendant Elnora Britt, be and the same is hereby dissolved and annuled, and that the said Dellie Britt be forever divorced a vinculo matrimonii from the said Elnora Britt.

AND IT APPEARING that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.