

1888-012

Nansemond Co. (Suffolk)

Chancery Causes: Martha Jane Ellenor vs William T. Ellenor

Oberry, Ellenor, Eure, Baker, Parden, Savage

Copy this
decree &
tax costs

on a separate
piece of paper.
I want the
copy in hand-
writing of Mr.
Bentley I nicely
made.

Let the case
remain on
the docket
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CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:
YOU ARE HEREBY COMMANDED TO SUMMON *William J. Ellenor*,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *September*, next to answer

Bill in Chancery, exhibited against her
in the said Court by *Martha Jane Ellenor* suing by *Robert A. Marshall*, who, as her next friend, is admitted by the Court to prosecute for her.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *15th* day of *August*, 188*7*, in the *112th* year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

I have executed and served this process
by delivering a copy thereof to the within
named William J. Ellenor in person, this
22nd day of August 1887.

Wm H. Howell
Sheriff.

Albany, N.Y.
Martha Jane Ellenor, suing &c

vs
John J. Sullivan, Chy.

William J. Ellenor

In Septer: Rules, 1887.

Vol. 13, No. 1, page
Civ. Co.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Beverly P. Baker, J.*

Lloyd Savage, Elisha H. Darden, Charles E.

Summer and Miss H. Eum

Robert R. Prentiss Commissioner in Chancery *his Office in*
to appear before the Judge of the *Circuit* Court of Nansemond County, at ~~the Courthouse of said~~
~~Sussex Va in said~~
County, on the *26th* day of *March (1888)* next, to testify and the truth to say on behalf of

Martha J. Ellum

in a certain matter of controversy in our said Court depending and undetermined between *said*

Martha J. Ellum

Plaintiff,

and

William J. Ellum

Defendant.

And this the witness ~~he~~ shall in no wise omit, under the penalty of \$100 each. And have then and there this summons.

WITNESS, PETER B. PRENTIS, Clerk of our said Court, at his office, this *12th* day of *March*
188*8*, in the *11* 2th year of the Commonwealth.

Peter B. Prentiss

CLERK.

I have served this summons by delivering a copy thereof in writing to each of the within named persons in person.

Wm H Howell
Shff-
March 26th 1888.

To
March 26th 1888

William J. Ellison

vs
by

Matha J. Ellison

To William T. Ellenor

TAKE NOTICE that, on the 26th day of March, 1888, next, at
the office of Robt. R. Prentiss, Suffolk, Va.
between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of
Charles E. Summer, Elisha H. Darden
and others, to be read as evidence in my behalf, in a certain suit in Equity
depending in the Circuit Court of Chausemond county, wherein
I am Plaintiff and you are Defendants;
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.

Respectfully,

To the Sheriff of Chausemond }
county to execute.

10 March 1888.

Martha J. Ellenor.
By Wilbur J. Kilby
her Counsel.

I acknowledge legal and sufficient
service of the within notice. -

William J. Ellison
By E. E. Holland,
his Atty.

The depositions of Mills H. Cure
Berahy P. Baker ~~Charles E. Swann~~
and others, taken before Robert
R. Prentiss, Commissioner in
Chancery of the Circuit Court
of Nausemond County, pursuant
to the annexed notice, to be
read as evidence in behalf
of Martha J. Ellenor in a certain
Chancery cause depending in
the Circuit Court of Nausemond
County, wherein the said Martha
J. Ellenor is plaintiff and
William J. Ellenor is Defendant.

Present: Wilbur J. Kilby, Counsel
for Complainant.

C. E. Holland, Counsel
for Defendant.

Mills H. Cure being first duly
sworn, in answer to questions
deposes and says:

1. Q. State your age, residence, occu-
pation, and do you know
the parties to this suit?

A. I am about sixty-eight years old,
live in Gates County N. C., and I
know the parties to this suit and

have known them ever since the war. -

2. Q.

It appears from the record in this case, that the plaintiff and defendant were married on 28. October 1866. Please state what you may know of their matrimonial relations since that time? -

A.

It is generally understood that they separated shortly after their marriage - I know that William T. Ellenor left his wife and came to Gates County N.C. where he has been living apart from her for the past twelve or fifteen years. - I also know that Mrs Ellenor has been living in Suffolk during the same period of time or thereabouts. -

3. Q.

Do you know whether or not the defendant within five years ^{prior to} ~~from~~ the 15. August 1887, has committed adultery. - If yes, state the facts in connection therewith?

A.

He has been living in the same house with Miss Ida ^{Bampery} ~~Bampery~~ during which time she had

borne two children. - In a casual conversation with me he acknowledged to me that he was the father of the said children. - One of said children must have been begotten within five years previous to 15. August 1887. - These facts are generally understood in the neighborhood to be true. - He lives about three miles from me. - I should think that I have seen him once in every two weeks for the past five years and am frequently in his company. - I have never seen Mr. and Mrs. Ellenor together since their separation and have never heard of their being together. - I ~~would~~ ^{heard} have him say that he never expected to have anything more to do with her while he lived. -

Further this deponent saith not. -

M. H. Euse

Beverly F. Baker being first duly sworn in answer to questions deposes and says:

1. Q.

State your age, residence, occupation

and do you know the parties to this suit?

A. I am 48 years old, live in Hanscom County, am County Surveyor and farmer, I have known Mrs. Ellenor for about twenty four years, and Mr. Ellenor for about twenty-two years.

2. Q. The plaintiff and defendant were married 28. Octo. 1866. Please state what you may know of their matrimonial relations since that time?

A. They remained together five or six years. - I understood that their matrimonial relations were unhappy and that they could not live together peaceably. - He left her about sixteen years ago this Fall, he went to Gates County N.C. he never returned to her and I am satisfied he has never spoken to her since he left. - I have ^{heard} him say that he had no idea of ever bothering her any more. - He has never contributed to her support since he left her. - I have frequently heard that

2
he was living with a woman
in North Carolina.

Further this deponent saith not.
Beverly D. Baker

Eliza H. Darden being first duly
sworn in answer to questions
deposes and says:

1. Q. State your age, residence, occu=
pation and do you know the
parties to this suit?

A. I am 58 years old, live in Trans=
mond County, am a farmer.
I have known Mrs. Ellenor ever
since she was a child, we
were raised in the same neigh=
borhood - I have known Mr.
Ellenor ever since he was
married. -

2. Q. Please state what you may know
of the matrimonial relations of
the plaintiff and defendant
since their marriage on the
28 Octo. 1866.?

A. I understood that he failed to provide
for her and treated her badly. -
Five or six years after the marriage.

he left her and went to Gates
County North Carolina. - So far
as I know there was no cause
for his desertion. - He had
never returned to her or
provided for her in any
way. - I do not know, but
I have heard that he was living
with Miss ^{Bamberg} ~~Bamberg~~ in Gates
County N. C. -

I think the plaintiff is a
woman of fine character and
likely to make any man a
dutiful, faithful and affectionate
wife. She has been compelled
to ~~to~~ support and maintain
herself by her own labor. -

Further this deponent saith not.
E. W. Darden

J. Lloyd Savage being first duly
sworn in answer to questions
deposes and says:

1. Q. State, your age, residence, occu-
pation and do you know the
parties to this suit?

A. I am 31 years old, live in Suffolk
Va. am shipping clerk for The
Gay Manufacturing Co., I have

known the plaintiff for all my life, and have known Mr. Ellenor ever since his marriage. -

2. Q. Please state what you may know of the matrimonial relations of the plaintiff and defendant since their marriage on the 28. October 1866?

A. I visited there and know that their relations were very unpleasant. - He left her and went to Gates County North Carolina. - He left her entirely unprovided ~~provided for~~ she was dependant upon the charity of relatives and friends for food, clothing and the necessaries of life. - She would have had to go to the Poor house but for such charities. - She finally had to come to Suffolk and has been making her own living as a mantua maker. I have ^{not} heard of any legal cause or excuse for his desertion. - They have never cohabited since the desertion and there has been no communication of any kind

between them. - I know her well,
and believe her to be a woman
of high character fitted to make
any man a dutiful obedient
and faithful ~~&~~ wife. - I have
seen him intoxicated once. -

Further this deponent saith not.

J. L. Savage

State of Virginia,
County of Hansemond, to wit,
I, Rob. R. Prentiss a Commissioner
in Chancery of the ~~Chancery of the~~
Circuit Court of Hansemond County
do certify that the foregoing
depositions of Mills H. Cure, Beverly
P. Baker, Elisha H. Darden and J.
Lloyd Savage were taken sworn
to and subscribed before me
this 26. day of March 1888. -
Given under my hand this
26. day of March 1888.

Rob. R. Prentiss
Commissioner in Chancery

Fee \$5. -

Eleanor
11 Depositions
for
Plaintiff.
Eleanor. —

1888. March 27th. Filed.
Cik

Martha Jane Ellenor, suing
by Robert A. Marshall, who,
as her next friend, is ad-
mitted by the Court to pros-
ecute for her. - - - Complainant

Against } In Chancery
William T. Ellenor. Defendant

This Cause came on this day to
be heard on the Bill, the Exhibit
therewith filed, the examinations of
witnesses and on the application of
the Complainant, Martha Jane Ellenor,
by Robert A. Marshall her next friend
for change of her name, (which appli-
cation, on the motion of the Complainant,
by her said next friend, is herein filed
by leave of the Court), and was argued
by Counsel.

On consideration whereof the
Court, being of the opinion from the
evidence furnished in this cause
that the defendant, William T.
Ellenor, has wilfully deserted and
abandoned the Complainant, Martha
Jane Ellenor, for a period of more
than ^{prior to the institution of this suit} five years, doth adjudge, order

and decree that the marriage had and solemnized on the 28th day of October A. D. 1866 between the defendant, said William T. Ellenor and the Complainant, Martha Jane (who, prior to said marriage was Martha Jane Obery), be and the same is hereby annulled and dissolved and that said Martha Jane be, and she is hereby, forever divorced from said William T. Ellenor, - a divorce from the bond of matrimony being hereby decreed.

And the Court doth further adjudge, order and decree, on said application, that the name of said Martha Jane be changed from Martha Jane Ellenor to Martha Jane Obery and that henceforth her new name, Martha Jane Obery, shall be in the place of her former name.

And the Court doth further adjudge order and decree that said William T. Ellenor pay unto the Complainant her costs by her expended in the prosecution of this suit.

Ellenor etc.

vs. } In Chy.

Ellenor

In the Circuit Court
of Chaussemond County
April 13th 1888

Decree

To be entered
C. M. Hall

~~#~~
Chief Justice

Entered Chy Order Book
No. 2. P. 196

To the Honorable C. W. Hill, Circuit Court Judge in and for Jameson County in the State of Virginia;

Humbly Complaining respectfully represents and shows unto Your Honor, Your Applicant, Martha Jane Ellenor, wife of William J. Ellenor, by Robert A. Marshall, as her next friend

That on the 15th. day of August A. D. 1887 she, by her said next friend instituted a suit in Chancery in the Circuit Court of said County and filed her Bill therein praying that she might be divorced from said William J. Ellenor.

That said suit is still depending in said Court.

That it is her desire to change her name in order that she may be known by the name of Martha Jane Obery, which is the name she bore prior to her marriage to said William J. Ellenor, instead of by the name of Martha Jane Ellenor.

She, therefore, prays that this her application for change of her

name may be filed in said suit
and that her name may be
changed from Martha Jane El-
lenor to Martha Jane Oberry in
case the divorce, for which she
prays in said Bill, is granted.

And, as in duty bound Your
Applicant will ever pray etc.

Martha Jane Ellenor
By R. A. Marshall
her next friend

Wilbur J. Kilby, p. g.

Ellenor etc.

vs. } In Chy.

Ellenor

Application of
Martha Jane Ellenor
for change of her
name.

1888. April 13th: Filed by leave
of the Court. clk

✦ 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, *William Thomas Elenor*

and *Martha Jane Obery*

Given under my hand, as Clerk of the County Court of Nansemond County, this 25th day of *October*, 1866

Peter B. Prentiss Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

TO BE ANNEXED TO THE LICENSE, REQUIRED BY ACTS PASSED 15TH MARCH, 1861, AND FEBRUARY 27TH, 1866.

Time of Marriage *1866 October 28th*
 Place of Marriage *Nansemond County, Va.*
 Full Names of Parties Married *William Thomas Elenor & Martha Jane Obery*
 Sex *Male*
 Age of Husband *21 years*
 Age of Wife *28 years*
 Condition of Husband (widowed or single) *single*
 Condition of Wife (widowed or single) *widowed*
 Place of Husband's Birth *Hertford County - North Carolina*
 Place of Wife's Birth *Nansemond County, Va.*
 Place of Husband's Residence *do do*
 Place of Wife's Residence *"*
 Name of Husband's Parents *William Elenor & Emma, his wife*
 Name of Wife's Parents *Edward H. Oarden & Clarissa, his wife*
 Occupation of Husband *Farmer*

GIVEN UNDER MY HAND THIS *25th* DAY OF *October*, 1866

Peter B. Prentiss, CLERK,

W. S. Withers
Minister

✦ MINISTER'S RETURN OF MARRIAGE ✦

I CERTIFY that on the *28th* day of *October*, 1866 in *Nansemond County, Va.* I united in Marriage the above-named and described parties, under authority of the annexed license.

W. S. Withers

The Minister celebrating a Marriage is required, WITHIN TEN DAYS 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.

In the Clerk's Office of Nassau and County Court, the 29th day of
October 1866.

This Certificate of Marriage was returned and admitted to record

Teste: Peter B. Prentiss, Clerk

A Copy: Teste: Peter B. Prentiss, Clerk

Ellenor

vs. } In Chy.

Ellenor

Exhibit A.
filed with
the
Bill

To the Honorable, C. W. Hill,
Circuit Court Judge in and
for Fauquier County in
the State of Virginia;

Humbly complaining respect-
fully represents and shows unto
Your Honor, Your Complainant,
Martha Jane Ellenor, wife of Wil-
liam T. Ellenor, suing by Robert
A. Marshall, who, as her next
friend is admitted by the Court
to prosecute for her.

That on the 28th. day of Oc-
tober A. D. 1866, she was united
in the Holy State of matrimony
to William T. Ellenor by Rev. W.
B. Wellons, a minister of the
Gospel, duly licensed to cele-
brate marriages, in Fauquier
County, Va, as will appear by
a copy of the marriage license
and the certificate of said Rev.
W. B. Wellons, duly authenticated
filed herewith as part of this
Bill and marked "Exhibit
A".

That at the time of said mar-
riage, the said W^m T. Ellenor

promised and agreed to live with
Your Complainant after God's
ordinances in the Holy State
of matrimony and to love and
comfort and honor her and
to keep her in sickness and in
health and to be to her a faith-
ful and affectionate husband
so long as he ~~should~~ live and
she should both live

That said W^m T. Ellenor at
the time of said marriage was
a young man without estate,
but Your Complainant supposed
he was an honorable man, who
would make her a constant and
affectionate husband and would
be to her and do for her as in
his marriage vow he declared
he would.

That according to her marriage
vow she was constant, obedient
and dutiful to said W^m T. El-
lenor, being to him a virtuous and
affectionate wife, doing everything
in her power to please him and
giving him no cause whatever
to abuse her, and treat her with

cruelty and to cause her to apprehend bodily hurt from him;

That, nevertheless, Your Complainant is mortified and humiliated to say that soon after her marriage to said W^m J. Ellenor, he manifested an illnatured and violent temper towards her and became so violent as to strike her and threaten to inflict upon her further bodily hurt and otherwise abused and illtreated her in a most unnatural and cruel manner without any cause whatsoever for so doing;

That Your Complainant submitted to the abuse and unnatural and cruel treatment imposed upon her by said W^m J. Ellenor for some time but finally became so apprehensive of serious bodily hurt as that she was forced to remonstrate with him and to assure him that she could not longer allow him to illtreat and abuse her;

That when he became convinced that she would not longer tolerate his abuse and cruelty, he at once wilfully deserted and abandoned her and broke off matrimonial cohabitation with her without legal cause or excuse and went to parts unknown;

That he deserted and abandoned her more than ten (10) years ago and has never since that time returned to her nor in any way provided for her;

That she has been compelled ever since he left her, by hard work and with great exertions, to feed, clothe support and maintain herself as best she could;

That when he left her, he declared it to be his intention never to return again;

That since his desertion the said William J. Ellenor has committed adultery of the most flagrant and open character; that he and Your Complainant have never cohabited since said adultery; that said adultery has been committed within the period of five years before the institution of this suit; and that it was not committed by her procurement or connivance.

That there has never been any issue from her said marriage;

In consideration whereof Your Complainant, being without remedy save in a Court of Equity prays that said W^m J. Ellenor may be made a party

defendant to this Bill and be required to answer all the allegations thereof on oath; that Your Complainant may be divorced from said William T. Ellenor; that the bond of marriage existing between her and him may be severed and a divorce a vinculo matrimonii granted to her; and that all further and adequate relief may be afforded her as the nature of her case may require and to Equity may seem meet and proper.

And as in duty bound Your Complainant will ever pray etc.

Martha Jane Ellenor,
By R. A. Marshall
her next friend

Wilbur J. Kilby p. g.
15 August 1887.

State of Virginia }
Chaucesmond County } to wit

This day Martha Jane Ellenor and R. A. Marshall appeared in person before me, a Notary Public in and for the County and State aforesaid and made oath that the matters in the

foregoing Bill stated as of their own
Knowledge are true and those stated
upon the information of others, they
believe to be true.

Given under my hand this 15th,
day of August 1887.

Wilbur J. Kilby
Notary Public

Kilby, p. 9
Mauda Jane Elean, sing do
vs Bill do

William J. Elean

Mansfield & Co.

Martha Jane Ellenor, singly &c

to 5 Chy. Notes

William F. Ellenor

1887. Aug: 15th: Sum in Chy: passed to Sept: Rules, 1887

" Sept: 5th: Bill &c filed - Draw in to

" Octo: 3rd Set for hearing

" " 17th Continued

1888. March 27th: Depositions for Plaintiff. filed

" Apr: 13th Application for change of Deponents' names filed

" " " Decree for divorce from the bond of matrimony &
for change of name & citizenship

Chy: Notes