

1894-031
Nansemond Co. (Suffolk)

Chancery Causes: Martha E. Bottiger by etz vs John G. Bottiger

Stallings, Baxter, Duke, Baker, Holland, Copeland, Rogers, Eley, Briggs,
Stever

Martha C Bottiger
vs

John Bottiger.

It appearing that there has been no
order or proceeding for five years in this
cause, it is ordered that it be stricken
from the docket, with leave to re-instate
with good cause within one year
from this date.

Martha E. Bottiger
vs
John Bottiger

Oct-12th 94

Whe entered

CMA

Entered in Chancery
Order Book No. 2
Page 588.-

The answer of Geo. G. Bottiger, defendant, to a bill of Complaint exhibited against him in the Circuit Court of Hancock County, by Martha E. Bottiger, Complainant.

This respondent, now & at all times hereafter saving and reserving to himself all manner of benefit & advantage of exception to the numerous errors, uncertainties, and imperfections in the said Complainant's bill contained, for answer thereto as to so much thereof as he is advised is material for him to answer, answering truthfully. It is true as alleged in the said Complainant's bill that this defendant & the said Complainant were married on the 30th of October 1873, and at the time of the said marriage this defendant was in a very low state of health, and has been in declining health ever since, and is physically impotent. That at the time of his marriage with the said Complainant, she knew that he was physically weakened & required a great deal of nursing and attention, and for a short time after the said marriage, the said Complainant did carefully attend his person, but soon became wearied with the constant care he required, and was cross and petulant, not caring for his wants but leaving him often times in his almost helpless condition to provide for himself as best he could, while the said Complainant would entertain young men and other gay company upon his premises.

And this respondent further says that at the time of the said marriage, he was possessed of some money, and a small chattel property, besides a tract of land near the town of Suffolk. That he spent his money freely while it lasted in providing for the wants of the said Complainant, but being

physically helpless and unable to work, with out any income and under almost constant medical treatment, his funds have been exhausted. Being unable to work in the farm, it has been no source of profit, but he entreated the Complainant to give it her attention, and seek to enable it sustain them, as it was their only means of support, though she took no interest in the matter & seemed utterly careless of the interests of this respondent.

And further This respondent says that when he married the Complainant he had considerable household property, wearing apparel, bed clothing, furniture &c, which he entreated the Complainant to look after and care for, and that since his marriage by far the larger portion of these effects have been carried from his premises, as he really believes by the said Complainant, though this Respondent has always provided her with sufficient clothing and food, and had urged her for her own sake to be provident and economical; that from her careless and improvident habits it became frequently necessary for him thus to caution her, none of which caution she seemed to heed, but showed a disposition to irritate and harass this respondent in every possible way, and finally refused to attend to his wants and greatly abused him. And this respondent denies that he ever threatened to persecute the said Complainant or ordered her to leave his house; but on the contrary frequently told her, that if she would not wait upon and nurse him in his helplessness, the house was large enough for both of them and she could occupy one portion of it, while he occupied the

also, that when the said Complainant had greatly annoyed him, and by reason of his feeble condition he was reasonably incitable, he did ^{attempt to} take from a gun, which said Complainant knew to be harmless, and perhaps did say he would shoot her if she did not cease her constant quarreling and warring, but said Complainant knew such a threat was futile, and she actually took the gun and carried it away with her and still retains it. That even after said Complainant left his house, this respondent sent and urged her to return, and conduct herself properly and offered, that if she were unwilling to wait upon him ~~and~~ as a dutiful wife should do in his condition, she might occupy apartments in his house, separate from his own, and enjoy with him equally whatever he possessed, all of which entreaties the said Complainant persistently refused.

And this respondent, in further answer to the said bill, denies that he has been cruel to his children and driven them from his home. It is true as alleged, that he was ~~him~~ prosecuted in our County Court for cruelty to his children, and it is further true that he was honorably acquitted of the charge. This respondent's physical condition in years past, forbids the idea that he could practice such cruelties as alleged in the said Complainant's said bill. And the said Complainant's greatly superior physical strength, her knowledge of this respondent's utter weakness & helplessness, forbids the thought that she could feel any fear of personal harm from him. But this respondent alleges ^{and} believes that the proceeding in the fact of the said Complainant was begun and continued for the sole purpose of securing a livelihood for her from any personal labor or care and at

the cost of this respondent, whose life has been prolonged beyond the hope and expectation of the said Complainant, at the time she married him. That the said Complainant has frequently stated that she would never have married this respondent, had she supposed he would live so long.

And this respondent further alleges that he is now dependent upon friends for attendance and maintenance, to a great extent, having exhausted what available funds he has in the maintenance of himself and family, and been compelled from time to time to dispose of portions of his personal property to obtain the means of living - and now has nothing, save the small Real Estate which he had accumulated, and is absolutely without the means to provide for the maintenance and fee as prayed for in said Complainant's said bill.

All which matters & things this defendant is ready to verify as this Court may direct & pray to be hence dismissed, with his reasonable costs & charges in this behalf most wrongfully sustained. And as in fact found, he will ever pray &c -

Jos G. Bottiger

By Wright & Rawles attys.

Hausemond County - to wit:

This day personally appeared before me, a Notary Public for the County aforesaid, Jos G. Bottiger, whose answer is above written, & made oath that the statements contained in the said answer, are true to the best of his knowledge & belief.

Given under my hand this 10th of October 1877

Jos W. Wright, Notary Public.

Bottiger }
72 } In Chauncy -
Bottiger }

Answer of Bro. G. Bottiger.

MARRIAGE LICENSE

Virginia--~~Nansemond~~ ^{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.

Jno. G. Bottiger
and *Martha E. Stallings*

Given under my hand, as Clerk of the County Court of ^{Nansemond} said County, this *29* day of *Octo*, 187*3*.

W. E. Cohen, Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

To be annexed to the License, required by Act passed 15th March, 1861, and February 27th 1866

Time of Marriage, *30 Octo 1873*

Place of Marriage, *Nansemond*

Full Names of Parties Married, *Jno. G. Bottiger Martha E. Stallings*

Color, *White*

Age of Husband, *44 years*

Age of Wife, *34 years*

Condition of Husband (widowed or single), *widowed*

Condition of Wife (widowed or single), *single*

Place of Husband's Birth, *Hesse Cassell, Germany*

Place of Wife's Birth, *Nansemond Co. Va*

Place of Husband's Residence, *do " "*

Place of Wife's Residence, *do " "*

Names of Husband's Parents, *C. & Elizabeth Bottiger*

Names of Wife's Parents, *Wiley & Nancy E. Stallings*

Occupation of Husband, *Mechanic*

Given under my hand this *29* day of *Octo*, 187*3*.

W. E. Cohen, Clerk.

Minister's Return of Marriage.

I CERTIFY, that on the *30* day of *October*, 187*3*,
at *Nansemond County*, I united in Marriage the above named
and described parties, under authority of the annexed License.

W. B. Wellens

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.

Nansemond Co. Co. Clerk's office } a copy: *Jesse*, *Peter B. Prentiss*. Clerk
April 2^d 1877

Ino: G. Bottiger

with { City Clk of Marriage

Martha E. Stallings

Exhibit
(a)

Martina E. Buttiger per pro

vs. { Du Chey

Jno. G. Buttiger

To The Honorable George
Blaw Judge of the Circuit Court for
Hanseman County

Humbly complaining
sheweth unto the Court your oratrix
Martina E. Buttiger suing by her next friend
Richard H. Baker of the County of Hanseman
that heretofore your oratrix exhibited
her original bill in this Court against
Jno. G. Buttiger, in which original bill
a decree was asked, praying for a
divorce a mensa et thoro, and for mainte-
nance & support, which order was gran-
ted by this honorable Court, directing the
said Jno. G. Buttiger "to pay to your oratrix
the sum of Twenty Dollars per month
for her support & maintenance, and
Fifty Dollars for her legal charges in
this suit expended". Your oratrix
says that no part of the said money so
decreed has ever been paid to her, and
that since the date of the order (April
Term 1872) your oratrix has been living
as best she could, by her own labor, &
without assistance from her said
late husband Jno. G. Buttiger. Your ora

-try further says, that since the said
order was entered that the said Jas:
G. Butler has departed this life, which
event occurred early in the month of
December 1878. That he left a will
a copy of which is herewith filed
marked "A" in which Capt. Lett C. Casey
was named as his executor, who has
since qualified as such according
to law. That youratrix was entirely
ignored in the said will, that he left
some Chattle estate, and real estate
which has been sold, realizing
youratrix ^{is} informed some \$900 or
\$1000. dollars with other real estate
to sell, that she has received nothing
for her interest in said real estate
but has received a part of her expen-
-sion from the said executor,

Youratrix is extremely poor, and
can with the greatest difficulty find
any work to do at all, & then the pay
is so small that it is impossible
for her to live upon it, that she is now
getting old & will soon be entirely
unable to help herself & none of her
relations are able to help her, That
after the decree was entered, she contin-
-ued debts upon the faith of the said

decedent, for such necessary food and clothing as she was obliged to have & now owes Boothe Baker a bill for the goods so purchased, besides board to R. H. Baker & Elisha Duke. - That she has no other means of paying these bills save and except those funds given her by this Honorable Court. And she now prays that C. H. Causey Executor of the last will & testament of Jno. G. Battin deceased may be made a party defendant to this bill, & that he as such executor be directed to pay to youratrix before the payment of any of the special legacies mentioned in the said will the sum of \$20. per Month & Fifty Dollars for her legal charges already decreed, that the said Executor answer and settle an account before W. G. Hiey a Cmr. of this Court - shewing what estate has come into his hands, what has been sold & for what price, and also the balance in his hands as Exor. And youratrix will ever pray &c.

Martha E. Bottiger

State of Virginia

Unsubscribed to wit:

This day personally appeared before me A. L. Withers a Notary Public in and for the County of Shenandoah Martha E. Batten & made oath that the matters & things set forth in the foregoing bill are true so far as stated of her own knowledge & so far as stated upon the knowledge & information derived from others she believes them to be true. Given under my hand this the 10th day of April 1879

A. L. Withers
Notary Public

Martha E. Batten per
vs J. L. Cheney
Jno E. Batten

Amended Bill

We consent to the
filing of this amended
bill, & the decree
thereon.

Apr. 11th 1879 A. L. Withers

Att'y for P. & C.
Proving same
for \$50

Bottinger }
vsth } In Chancery
Bottinger }

To The Honorable Geo. Blaw Judge
of the Circuit Court of Nassau and County, N.Y.

Complaining sheweth
unto the Court your complainant Martha
E. Bottinger the wife of John G. Bottinger
suing by her next friend Richard H. -
Baker.

Your complainant respectfully
represents to the Court & says, that she
was married to the said John G. Bottinger
on the 30th October 1873, by the Rev. William
B. Wellons a duly licensed minister
of the gospel of the Christian Church as
will be seen by a duly certified copy of
the certificate of marriage filed here-
with & marked "A." & prayed to be taken
as a part of this bill

That previous to the said marriage her
name was Martha E. Sellings, that at
the time of her marriage she was thirty
five years old & resided in Nassau and
County, & the said John G. Bottinger was
about forty five years old, that your com-
plainant after marriage always con-
ducted herself in an orderly manner
and tried to make and did make the

the said John G. Battiger a good and dutiful wife, That since her marriage as aforesaid the said John G. Battiger has been in extremely low health, requiring her constant attention, which she has always accorded to him, that she has nursed him faithfully, without any assistance, that no servants were employed about the premises she doing all the cooking, washing, ironing, and cleaning up the house & nursing the said Battiger, That the said Battiger has never set up a day at a time since Christmas 1873. That he is cross and ill natured, & hard to please, often threatening to shoot her. That on Wednesday the 21st March 1877. the said Battiger flew into a violent passion with her, because a cat broke a butter dish, and threatened to poison her if she did not leave the premises, saying at the time that he could not get clear of her any other way, That on Thursday the 22nd (1877) day of March the said John G. Battiger threatened again to shoot her, & did get a gun which was loaded and did attempt to shoot her, & would have done so had she not by ^{and} main force held the gun, ~~which~~ of our complainant verily believes he wanted

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that her
home ~~was~~ had he not been prevented.
That John G. Battiger is cruel & unbearable
even with his own children, that all of
his children here had to leave him on
that account, that he frequently beat
them cruelly for a most trivial cause
& has been persecuted in our County
Court for cruelty to his children, that
he has frequently attempted to drive her
away from his house and on Friday the
23rd day of March threatened to kill her
if she did not leave. Burr complains
and further says that she is afraid
to live with the said Battiger any longer
on account of his threats ^{& cruelty} & believes that
her life is in danger by so doing.

Burr complains that she has had to leave
her house and home with her husband
and seek shelter and protection at
the house of her brother-in-law and
next friend Richd. H. Baker that she
is utterly destitute of ^{every} thing, even
of necessary clothing, the said Battiger
refusing when he drove her away
to allow her to take her clothes with
her. That she has no means of pay-
ing her board, & can not procure
work that will support her, that
there are no children by her, from

* That the said Battiger owns a lot of land with good buildings & improvements, when it is worth about \$1500. that he also owns two or two acre lots in the town of Grafton W. Va. that he has money in Bank in Norfolk the amount of your Com. plainant does not know and considerable Chattel estate worth eight hundred or a thousand dollars. That the land is in Hardemoni County on the line of the Norfolk & Petersburg Rail Road, & is highly improved & contains about 5 1/4 acres

the marriage, but that the said Battiger has three boys by a former marriage all of whom are away from home now & the said Battiger does not know where they are or whether they are alive, they having run away from his house some three or four years ago on account of his cruelty.*

And your Com. plainant now prays this Hon. Court to grant her its protection, to grant her a divorce from her husband, & to free her from the control of her said husband & to grant her an alimony twenty-dollars per month so as to enable her to keep her house & buy the necessary wearing apparel, & also prays that Fifty-dollars be allowed her out of the said Battiger's estate to pay for the maintenance of this her suit.

In consideration whereof & as this Court has jurisdiction to grant all adequate relief, To the end your Com. plainant prays that the said John G. Battiger may be made defendant hereto, & be compelled to answer under oath the allegations herein, That the relief prayed for as above set forth may be granted her, & that such other and further

relief may be granted. consistent with
equity, & your complaint and will
ever pray &c.

Signed

Martha E. Bottiger

Virginia

Hausmann County to-wit:

I A. C. Withers a Commissioner
In Chancery for the Circuit Court of Hausmann
County, do certify that Martha E. Bottiger
personally appeared before me in my
County aforesaid & made oath that the facts
& statements set forth in the foregoing Bill
are true to the best of her knowledge, informa-
tion & belief.

Given under my hand this
the 2nd day March 1897.

A. C. Withers

Cour. In Chcy &c.

Buttger

vs S In Chancery

Buttger vs S for Divorce from
Bed & Board.

Lo Apl. Rules

1877

Bolliger, L. v. Friend

to { Chy. Notes

Bolliger

1877. March 28th: Sumd. in chy. issued to April Rules, 1877.

" April 2. Bill L. filed. & docket nisi.

" " 11th Order directing the deft. to pay costs: \$20. per month -
until the further order of the Court, & \$50 for legal
charges in the suit - & for deft. to be served with
with a copy of the order, by the St. Pl.

" Octo: 15th: Rule to answer.

1878. Apl: 4th: Deft. filed

" Octo: 15th: Continued

1879. Apl: 11th: Decree with costs for many hrs. & making Chy. Cause y. 2nd d
for G. Bolliger as party

" Sept: 6th: Report filed

" Octo: 16th: Continued (1880. Apl: 14th) Continued

Chy: Notes

To Messrs Wright & Rawls
Atty &c.

Take notice, that we shall
on the 29th day of March 1878. (that
being Friday) at the Office of Atty
B. Drentis in the town of Suffolk
between the hours of 6 A.M. and
6 P.M. of that day, proceed to take
the depositions of Martha E. Bottiger
Frank Holland and others to be
read as evidence in and behalf
in a certain suit in equity now
depending in the Circuit Court
for the County of Hansemond, wherein
you are defendants & we are
plaintiffs; 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 & continued from
day to day, or from time to time at the
same place and between the same
hours until the same shall be com-
pleted

Respectfully &c
A. Leitch
Atty for Plf.

Service of the within acknowledged.

Wm. H. Newby

attys.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting:
YOU ARE HEREBY COMMANDED TO SUMMON Geo. M. Stever wife and
daughter; Her: P. B. Baker, Henrich G. McCleary and Elisha Burke

one of the Commissioners, in Chancery
to appear before the ~~Judge~~ ^{Clerk's Office} of the Circuit Court of Nansemond County,
at the Court House of said County, on the 4th day of April next, to
testify and the truth to say on behalf of John G. Bottiger

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

Martha E. Bottiger &

Plaintiff
and said

John G. Bottiger

Defendant .

And this the witnesses 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 30th
day of March 1878, in the 102nd year of the Commonwealth.

Peter B. Prentis Clerk.

John G. Bolliger

and { she

Mentha E. Bolliger

On 4th day of April, 1878
at the Clerk's Office in
Hauseman County Court

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Frank Holland, Charles P. Norfleet, L. L. Duke, Ruthy Baxter, Theophilus Rogers, John Wright Eley, Felix Briggs and Norris Copeland (the last four colored)

one of the Commissioners in Chancery of the
to appear before ~~the Judge of the~~ ^{Clerk's Office} Circuit Court of Nansemond County,
at the ~~Court House~~ of said County, on the 29th day of March, 1878 (this month) next, to
testify and the truth to say on behalf of Martha E. Bottiger, wife of John G. Bottiger,
suing by her next friend, Richard N. Baker

^{Circuit}
in a certain matter of controversy in our said Court, depending and undetermined between said

Martha E. Bottiger, &c

Plaintiff
and

John G. Bottiger

Defendant

And this the witnesses 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 25th
day of March 1878, in the 102nd year of the Commonwealth.

Peter B. Prentis Clerk.

Martha E. Botteger Leg

25 { 25th 1878

John G. Botteger

On 29th March, 1878, at
the Clerk's Office of Nassau
County.

The Depositions of Martha E. Bottiger, Ruth Baxter, Charles C. Duke, Richard H. Baker, Frank Holland, Norris Cepeland and Theophilus Rogers
 taken before me, Peter B. Prentiss, a Commissioner in Chancery for the Circuit Court of Hantsworth County, pursuant to notice hereto annexed, at the Clerk's Office of said County, on Friday, the 29th day of March, 1878, between the hours of 6 A.M. and 6 P.M., to be read as evidence on behalf of Martha E. Bottiger, wife of John G. Bottiger, suing by her next friend, Richard H. Baker, in a certain suit in Equity, depending in the Circuit Court for the County of Hantsworth, wherein said Martha E. Bottiger, as aforesaid, is Plaintiff, and said John G. Bottiger is Defendant.

Present

Mrs. Martha E. Bottiger, being duly sworn on the Holy Evangelists of Almighty God, deposes and says as follows:

1st Ques. by P. B. Prentiss, atty.

What is your age, where do you reside and are you a party to this suit?

Answer

I am 38 years of age; I reside in Hantsworth County with my brother-in-law, Mr. Richard H. Baker. Yes; and I am a party to this suit.

2nd Ques. by P. B. Prentiss, atty.

What is the cause of your leaving when you are?

Answer

My treatment was so bad and my life was threatened so that I was afraid to stay home.

3rd Ques.

Was the Defendant in this suit, cruel to you, before you left him; & were you afraid to remain with him; if so state how he was cruel & why you were afraid to remain.

with him?

Answer.

Yes, Sir, he was cruel to me before I left him - I was afraid to remain with him - he tried several times to stick his sword ^{from his} ~~in~~ ^{into} me - This occurred some time during the Fall of 1876, & in the Spring of 1877. He ~~threatened~~ to shoot me, several times - & he took the gun down, on the 27th March, 1877, to shoot me, when I took the gun away from him - He also threatened a few days before the 23rd day of March ¹⁸⁷⁷ to poison me, if he could not get clear of me in any other way. I was afraid of his shooting & poisoning me, when I was asked

4th Quest

Was he present when he offered to shoot you? Was the gun used, loaded, & if so, state how you knew it was loaded?

Answer.

There was not any one at all present when he offered to shoot me - The gun used, was loaded - for I helped him to load it, some two (2) weeks before.

5th Quest.

Was the gun fired off, at any time after you helped him to load it, & before he attempted to shoot you with it: if not, state how you knew it was not so fired off?

Answer.

One barrel, was: because I fired off one barrel myself, and tried to fire the other, but the cap, popped - but ~~was~~ another cap was put on the gun, in the place of the one that snapped.

6th Quest.

State fully, why the Defendant did not succeed in shooting you on the 23rd March, ¹⁸⁷⁷ or thereabouts,

when he made the attempt to do so?

Answer

Because I took the gun from him - The gun was hanging on the rack - he told that he intended to kill me that morning & started for the gun - being angry - when he took the gun from the rack I took it out of his hands, by force - he shot in my face & ^{bit} me, while I was taking the gun from him - After the gun was taken from him he cursed & abused me

Quest:

What were your duties as the wife of the defendant, & what was your daily work & employment?

Answer -

I waited on him, cooked & washed for the family, served, worked the garden, potatoes & corn - cleaned up & scoured the house - hauled wood & made fence.

Quest:

Was there any other help about the house, except yourself - or did you do everything that was done, after the defendant got sick?

Answer

There was no help about the house, except myself - I did every thing about the house, except the making of two shirts & two pairs of drawers & quilting a few days - I hauled most of the wood

Question

Did the defendant drive you away from his house on or about the 23rd day of March, 1877, or did you leave of your own accord?

Answer.

He drove me away - & said to me, that if I did not go, he would get another gun - I knew he had (2) more guns in the next room - He also threat-

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and to shoot me the next day, when I came back for my clothes in the presence of Mr. Frank Holland - I did not get my clothes - but have gotten a part of them, since.

Quest:

What was the condition of the defendant's health at the time you married him? What was it afterwards?

Answer:

His health was not very good when we were married. It continued to get worse.

Quest:

What was the defendant's treatment of you after you married him? What was his general reputation in the neighborhood, as a quiet, peaceable, orderly citizen?

Answer:

His treatment for the first two years was as good as I could wish it to be - after that, there was no living with him in any peace - according to general report he was a very bad man, in all respects - was quarrelsome, hard to please & was a bad man in his family;

Quest:

Had the defendant any children by a former marriage? If so, state their names & ages & where they now reside.

Answer:

He had three (3) children, by a former marriage - whose names are George, age 16 years, a thermator, Napier 14 years a thermator & Scholler 12 years of age a thermator - where they are now, I do not know - the 2 youngest were at home some time since I was married - the youngest remain about 6 months & the other 12 months & then ran away -

Quest. Of what did the defendant's property consist at the time you married him, & what did he have when you left him?

Answer At the time I married him he had land & money, house hold & kitchen furniture, & some live stock

Quest. Had you always been a dutiful wife to the defendant & had you nursed him, faithfully, during his sickness?

Answer Yes, Sir, I certainly was a dutiful wife & nursed faithfully during his sickness.

Cross Examined by Defts Atty.

1st Quest Was the defendant at the time you married him very feeble & did you not have reason to know that he required a great deal of attention?

Answer His health was very poor & continued to get worse - I knew he required a great deal of attention & I certainly paid it to him.

2^d Quest How long had you known the defendant before you married him?

Answer I was not personally acquainted with him more than three (3) weeks before we were married.

3^d Quest How far did you reside from him before you were married?

Answer I lived some four or five miles from his house - but he did not stay at his house - he lived in Weymouth.

4th Quest Had he come home to live before you married him?
Answer. He had, & continued at home thereafter.

5th Question

Did you know him, the defendant, by reputation, before you married him?

Answer.

I did not know him; myself - my information was obtained from others - having heard that he was very bad to his first wife, being quarrelsome, and to such & he has told me himself, that he slapped her

6th Question:

Was the defendant, physically, very weak, when you married him?

Answer

Not as much so, as he was afterwards - when we were married; he was able to keep up all day, tho' not able to work.

7th Question

How long, after your marriage, before he became confined to his bed

Answer.

He has never been confined to his bed - He has been sometimes, confined to the house.

8th Question

Was not his strength, constantly, declining, after your marriage?

Answer

His health would get worse thro' the winter, but better, every Spring

9th Question.

What was his physical condition, about the 23^d March, 1877.

Answer

He could go any where about the house or yard, without my help

10th Question

Was he not, most of the time, in bed or lounging about the house?

Answer

He was generally lying on the lounge, when he was in the house, but there was never a day, when he got up to go about the yard, that he could not have gone,

11th Quest

Answer

Did he not require your almost constant attention?
He used to request it when I was in the house,
but when I was out he could not get it.

12th Quest

Answer

Did you not frequently leave him alone?

Never in my life - only when he sent me.

13th Quest

Answer

Did you entertain any company at your house?

I never had but very little company.

14th Quest

When you had company, would you entertain it in
the defendant's presence?

Answer

Always - unless he requested to be alone.

15th Quest

Did the defendant supply you with ample food
& clothing?

Answer

I had clothing enough - but there was an time
in the Fall of 1876 when I did not have food enough.

16th Quest

Did the defendant at the same time have sufficient
food?

Answer

He had such as he wanted - No-breed & goat
milk - but that did not do for me.

17th Quest

Was there plenty of provisions on that time upon
the premises?

Answer

There was not.

18th Quest

What was the cause of the deficiency?

Answer

He said he was going to starve sense into me.

19th Quest

Was he physically able at that time to procure
the supply of food?

Answer

He was able to come to Town & buy cheese & crackers
& lock them up from me.

20th Quest

Could you not also have come to Town

and purchased food for your own consumption?
Answer. I could have come to town, but for a rising in
my hand, so that I could not drop my self-
Lieut. Had that rising continued as long as ~~it~~ there
was a deficiency of food?

Answer. It continued longer - I could not use my hand
in six weeks.

Lieut. For how long a time were you without sufficient
food?

Answer. I was on bread & water, 8 or 10 days.

Lieut. Was this diet (bread & water) sufficient, & could
you not have procured additional food?

Answer. It was - I was bound to eat it to keep from
starving - I had no means to procure no other.

Lieut. Was the Defendant's credit good at that time?

Answer. I had never asked any one to credit him.

Lieut. Was it his & your custom to pay cash for such
articles as you both purchased?

Answer. It was - I never had any thing charged to him
before I left there, & I never knew him to have
it done.

Lieut. Did he forbid you to ~~buy~~ buy on credit?

Answer. He did, from the first - he told me never
to get any thing without the money.

Lieut. Did you make known to him the fact that
you were suffering for food & ask him to -
supply your want?

Answer.

I did - He told me, that "damned me, he was going to shoot some sauce in me", before he gave me any thing more to eat.

Quest.

At what time of the year, 1876, was it, when you were suffering for want of food?

Answer

It was the last of October.

Quest.

Did the defendant raise hogs?

Answer

He did.

Quest:

About how much pork did he kill in the winter of 1875-6?

Answer

I do not know - He killed 4 hogs of his own - I bought one of 100 pounds, which was the largest.

Quest.

Did the defendant eat much bacon, himself, about this time or was his diet, chiefly of bread & milk?

Answer

He never ate much meat at any time - the rats destroyed more of the bacon than we ate - He never saw a dog but what he would eat milk, if he could get it - but sometimes, he would eat meat.

Quest:

Whose business, under the circumstances, was it, to look after the safety of the bacon & other family supplies?

Answer.

It was my duty.

Quest.

Was the Bacon properly hung up?

Answer

It was.

Quest.

On the occasion referred to, when you say the defendant threatened to shoot you, in what position was the gun

before he reached it.

Answer. It was, hanging up in the Calk room, on the wall - when the defendant & I were.

Quest. How do you know that the 2nd barrel of the gun had not been discharged, before that day.

Answer. Because I had never left the yard, ^{since I tried to see} ~~whether~~ ^{whether} that barrel was loaded or not - we never spent a night without a loaded gun in the house.

Quest. What became of this gun, after you took it from him?

Answer. I took the cap off & carried the gun & left it with Mrs. Baxter - he has since called for it & gotten it.

Quest. Did you discharge that gun after taking it from him? or has any one else done so, to your knowledge?

Answer. I did not & I do not know that any one else has done so.

Quest. What kind of guns were the other two (2) / or - which you have alluded to being in the next room?

Answer. One was a Carbine & the other was a rifle.

Quest. Did he threaten to use either of them against you.

Answer. He did - When I carried the first gun out, I hid it, until I could change my dress - he told if I had one, that he had another - & that I should not get out, that he would shoot me, & started to the next room, where the guns were.

Quest. Were these two (2) guns loaded?

Answer. I do not know.

Quest. Were you seriously alarmed for the safety of your life?

Answer I was.

Quest. Did he come to your room while you were changing your dress?

Answer He did not - he did not know that I was in that room.

Quest. Did he know that you were in the house?

Answer. while you were changing your dress?

Answer I did know that he did - as I was very cautious about making any noise when I came in - I went ~~into~~ through the room after changing my dress - having come out of the house that way.

Quest. When the defendant made those threats to shoot you did you believe that he was in earnest & really able to execute the threats?

Answer I certainly do think that he was in earnest - I never saw him unable to shoot a gun - & he was able to get the gun & to execute the threats.

Quest. Did he have any gun in hand when you returned to get your clothes?

Answer. He did not, as I saw.

Quest. Did you approach very near him?

Answer I was within the length of the room of him when I attempted to go after my clothes, he told me, that if I moved a step further, that he would blow my brains out.

Quest. Did you then attempt to get your clothing?

Answer

I did not - I left the premises I have not been there since.

Quest:

When & how did you get possession of your clothes?

Answer

^{the defendant} He sent word, by Eliza Dally, in May, 1877, to send I get my clothes - he sent a part of them - the balance I have never gotten since.

Quest:

Have you made any other effort to get them?

Answer

I have - thinking it was a mistake in him. I wrote him a note - stating what was missing; but he refused to send them.

Quest:

You have alluded to your daily employment & work - how many were there, in family?

Answer

There only two - except when his two boys were at home, & then there were four (4)

Quest

When the boys were at home did they assist in out-door work?

Answer

They did, when they were not going to school provided I was with them - but they would not work unless I was there.

Quest:

Did the defendant hire any help to assist in farm-work?

Answer

Hired sometimes here the plowing & sometimes part of the hoe-work

Quest:

How much land was in cultivation?

Answer

I do not really know - I suppose there was some 6 or 7 acres in corn, beside the garden & potato patches.

Quest:

Did he ever hire the hauling of wood, making a

fever?

Answer ~~Answer~~ He has had some of both

Quest: You have alluded to the property of the defendant at the time you married him, consisting of money, household & kitchen furniture, &c. &c. & I have ~~to say~~: at the time you left the defendant's home, was there as much household & kitchen furniture as when you married him?

Answer There was I saw - if you include carpets & quilts -

Quest: From what source did the increase come?

Answer From my own labor - I fixed the carpets, the he paid for its weaving - I made the patch work for the quilts & quilts all but one - He furnished some of the materials - I, the balance.

Quest: Was the defendant's constantly feeble health, a source of worry & annoyance to you?

Answer I always took it very patiently, as long as he was kind to me

Quest: ~~When~~ ^{How} did his unkindness first manifest itself?

Answer By cursing & abusing me for every thing that happened at home

Quest: Had you been unusually kind & gentle with him?

Answer I have always nursed him - as if he had been a small child.

Quest: Had the defendant ever used violence towards you previous to March 25th 1877?

Answer. He never struck me, but attempted to do so several times, but I always caught the stick. he pulled my hair a few days before I left.

Quest: Did you ever pull his hair?

Answer I certainly pulled his ~~hair~~ beard, while he was pulling my hair.

Quest: Please explain the cause of the trouble on that occasion?

Answer. He had me repairing a Loom & told me to measure a piece of wood he had fixed I, not knowing where he intended to go, measured to the wrong place, & he commenced cursing ^{me} & pulling my hair. & then I pulled his beard until he let go my hair.

Quest: Has the Defendant ever said to you that ~~he~~ you could occupy a portion of the premises free from molestation by him, & could cultivate for your own benefit a part of the farm which you might select?

Answer He has not.

Quest: Have you ever been requested by him to return home?

Answer I have.

Quest: When did he request you to return?

Answer In March 1877 - about one week after I left him.

Quest: How was this request made?

Answer Thro' Mr. Geo. W. Steves, who told me that the defendant said, if I would return, that it would be

all right, & that he, the defendant, would
never mention this difficulty — my reply was
that I had tried ^{him} to my own satisfaction — & that
I never would stay with him another hour, unless
a third person were present.

Question.

Where did you live, and what was your
pecuniary condition before your marriage
with the defendant?

Answer.

I had no particular home — was staying with
my relations — first one & then another — I
had to work for what I had.

And further this Dependent South note
(Signed).

Martha E. Bottiger

Mrs. Ruth Boyles being duly sworn on the Holy Evangelists
of Almighty God, deposes & saith, as follows:

1st Quest. by
Depts: all

What is your age, when do you reside & do
you know the parties to this Suit?

Answer

I am 42 years of age, reside in Nassau County
& know the parties to this Suit.

2nd Quest.

How far did the parties to this Suit reside from you
were they your neighbors, and did you know the plaintiff
before her marriage.

Answer

They lived about 1 mile from me — they were my neighbors;
I did know the plaintiff before her marriage.

Quest.

Did the Plaintiff ever bring a gun to your house
& leave it, & was that gun loaded or not, & when

Answer.

did she bring it

She did bring a gun I leave it - I do not know whether the gun was loaded or not - She brought it the morning of the day she left Mrs. Betteger the defendant,

Quest.

Do you know any thing of your own knowledge, or any difficulty between the plaintiff & defendant, & if so, state it:

Answer.

I do not.

Quest.

What is the general reputation of the defendant to this Court, in your neighborhood, as a quiet, peaceable & orderly citizen?

(Directed to by Judge's Counsel)

Answer.

I cannot tell you - I know very little about the neighborhood - He has a good reputation so far as I know -

Quest.

You say that the Bettegers ^{are} your neighbors. State what Mrs. Betteger's domestic habits are?

Answer.

She was an industrious person as far as I know - I attended to her domestic duties as far as I know.

Expt. Examined by Deft's: Altho.

1st Quest.

Do you know of any ill treatment of Mrs. Betteger toward her wife, or was he kind & considerate?

Answer.

That is more than I know.

and further this defendant saith not

(He says)

Witness
P. B. Betteger

her
Ruth Betteger
mark

Charles C. Duke being duly sworn on the Holy Evangelists
of Almighty God, deposes & saith as follows:

1st Quest. ^{by} atts.

What is your age, where do you reside & do you know
the parties to this suit?

Answer.

I am 56 years of age, reside in Nausaunaw County -
I am acquainted with the parties to this suit.

2^d Quest.

State what were the domestic habits of the Plaintiff -
was she industrious & lazy or was she an industrious
hard working woman?

Answer.

So far as I have seen she is a working woman.
have never been to house ^{except once} - only passing to & fro.

Quest.

State what reason you have, if any, for saying that
the Plaintiff is a working woman?

Answer.

I have seen her at work on the farm, pulling
up fence logs - both her horses - some 2 or 3
times a week.

Quest.

What is the Defendant's general reputation, in
the neighborhood, as a quiet, peaceable, orderly
Citizen?

Answer.

I have not heard ~~any~~ thing to the contrary.

Quest.

Do you know any thing of the difficulties between
the Plaintiff & Defendant, if so their?

Answer.

I know nothing at all.

Quest.

Have you ever heard that the Defendant was
prosecuted for cruelty to his children?

Answer.

(except to)
I have heard of such talk - ~~but~~

Cross examined by Defts. Counsel

Quest.

When you saw the Plaintiff work, was there

any one else; at work in the field with her, at the same time?

Ans: I have seen it work alone, also I have seen her working with others.

and further this defendant said -
Chas. C. Dudgeon

Richard H. Baker being duly sworn on the Holy Evangelists of Almighty God, deposes & saith as follows:

1st Question by the
attor:

When do you reside, how old are you & do you know the parties to this suit?

Answer

I reside in Harrison Co. Va. I am 52 years old, & I know the parties to this suit.

2nd Question

How long have you known the defendant in this suit?

Answer

I have known him personally, for 4 or 5 years. I not longer than that, by reputation.

3rd Question

What is the general reputation of the defendant in this suit, in his neighborhood, as a quiet, peaceable, & law-abiding citizen?

(after 1/4) Next attor:

Answer

His general reputation for 4 or 5 years back, is that he is a pretty cruel man.

4th Question

Does the Plaintiff in this suit reside with you & if so, when did she come to your house to reside?

Answer

She does reside with me, sometimes, & I believe that she calls it her home - She came directly to

11
5th Quest

my house, when she left Mr. Bolliger

Are you or have you been acquainted with the domestic life of the Plaintiff & defendant before they separated, & if so state what it was?

Answer.

I went to their house once or twice during their cohabitation - I have seen crop & troubled about their matters - ~~the~~ On one occasion, I went there: when he & his wife were working up some fence & I discovered, as I saluted them, that he was crop with her - she was crying - when I went on one occasion to take the tax list, he was crop to her, about ~~the~~ sewing, the Mosquito Netting - were so, then I thought a man ought to be to his wife -

Quest.

Was Mrs. Bolliger, as far as your observation extended an obedient & attentive wife?

Answer.

Yes, I thought so.

Crop examined by Defts. Atty.

Quest.

What is your relation to the Plaintiff

Answer.

My wife is her sister

Quest.

How far do you live from the defendant?

Answer.

5 or 6 miles.

Quest.

Did the Plaintiff ~~the~~ live with you before her marriage?

Answer.

She lived there some time (a year or two before marriage)

Quest.

You have spoken of the Defendant's reputation

for exactly: did you know of such a reputation
at the time he married the plaintiff?

Answer. I do not think ~~he~~ I did.

Quest: Did the Plaintiff consult her friends
or relatives about ^{her} ~~the~~ marriage?

Answer. No particular consultation was had
that I know of.

Quest: Did you know that she contemplated this
marriage?

Answer. I knew it a mighty short time before.

Quest: Did you advise her against it or otherwise?

Answer. I did not.

Quest: At the times I spoke of where you say he was
cross with her, did you witness any ill
treatment on his part?

Answer. I did not.

and further this defendant saith and

(Signed)

P. H. Baker

Frank Holland being duly sworn in the Holy Evangelism
of Almighty God, deposes & saith, as follows:

Quest: What is your age, where do you reside & do you
know the parties to this suit?

Answer. I am 23 years old - reside in Newsum County -
I know the parties to this suit.

Quest: Did you go with Mrs. Botteger after her clothes
after she left the defendant? If so, what occurred

after she got there, or any thing else you may know
in regard to this matter.

Answer.

I went with Mrs. Battiger after her clothes,
after she left the defendant. I met her in
Suffolk & she asked me to go with her & get her
clothes. She said to me, that he had guns in the
house, & that he did value his life, at all. She
said that he would just as soon shoot her, or
not, unless some one was present. When we got
to the house Mr. Battiger was in his work shop
~~and~~ ^{an} adjoining room to the kitchen. She went into the
kitchen. I stopped at the kitchen door (outside
when I could see). I heard Mr. Battiger
coming in the room where she was. The first
word that he spoke, ~~when~~ ^{he} "raved" out & said, "God
damn your soul, what did you come back here"
she remarked. I came after my
clothes. I started to go in her chamber
Mr. Battiger said "Go. Don't you dare
you go in there, if you do I will
blow your God damned brains out."
She turned around towards him, &
says to me, "you hear him say I don't
have my clothes" I intend to see if I
cant send some one that can get them
about that time the defendant came
out & rather stamped his foot, &
raised both arms, & hollered for aid.

God damn you, & continue to follow
it. until she got out of the yard.
She then walked in beside my cart
for some distance, & I took her
up & carried her home with me. I
eat my dinner & she eat none. —
I then hitched my horse to the cart
& carried her in sight of Capt. R.
H. Baker's house & turned her loose.
I have played for Mr. Battiger three
days at a time & have noticed that
he was very passionate & would
frequently fly into a rage at the slight-
est provocation, the tooth brush
seemed to be a great cause of trouble,
she used snuff, I never heard him
forbid the use of it, but he spoke
of it as her bridge, & I have heard
him say that she did it just to
put him, but she has always
been in the habit of dipping before
she was married.

Question When you lived at Mr. Battiger's
did Mrs. Battiger attend to her house-
hold duties promptly, & did she seem
to supply the wants of Mr. B. as
far as she could?

Answer, Yes sir, I think she done more to

give satisfaction to him than I ever saw any woman do, & I often spoke of it. I have seen her sit up from her dinner three times & light his pipe for him, when he would be sitting in a few feet of the stove.

Question What is Mr. Battig's general reputation in his neighborhood as being a peaceable quiet man, & a good citizen,

Answer. Well I have heard for the last four or five years a good deal of his bad treatment of his children & killings, —

Excepted by Depts. Counsel
X examined by J. W. Esq.

Question What is your relation to the plaintiff in this cause,

Answer She is my aunt, my mother's sister.

Question Did she live in your family before her marriage?

Answer. She lived with my mother a good part of her time, she & I living in the same family.

Question What were your relations with her during that time

Answer I always respected her as an aunt & our relations were kindly —

Question Were you in the habit of visiting the Defto' house either before or after his marriage.

Answer I never had been in his house or his yard before his marriage, but did frequently stop there afterwards to enquire after his health, or to get anything he wanted from town,

Question Did Mr. Battie provide freely for his family

Answer That I don't know, they always had a plenty of eat when I was there & saw the table

Question Did he pay you for the work you did?

Answer He did, always paid me promptly

Question When at his house did you ever observe any discord or farring between him & his wife

Ans. Nothing more than he was very passionate, I never knew him to strike her, but I looked for it more than one time,

Question Did she ever make any complaint of ill treatment?

Ans. I heard her say not a great while before she left that Mr Battie was getting so bad she expected

Question Whom blame him,
Of what ^{ill} treatment did she
specifically complain of?

Ans. She complained of his threatening
to poison, her, & to shoot her also.

Question From your personal knowledge,
did you consider your Aunt, in
any danger?

Ans: I did somewhat think that she
was from her complaints &c.,
& I thought there was danger of
his beating her if he was man
enough to do it, but I also thought
that she could beat him if she
tried,

Question When you went with her
to get her clothes, you say you
stood on the outside of the
Kitchen door. Could you from
that position look into the work-
shop?

Ans: I could see in the door, the door was
to my left hand, & I could see him
when he came in the door.

Question How many out doors are there
to the Kitchen & how are they
situated?

Ans. There are two out-doors, one opens

towards the Petersburg Rail Road
the one that I was in, and the door
opened to my right hand, I facing
South towards Suffolk. The other one
opened towards the Seaboard R.R.,
which I think is West. I was in
the yard that he calls the back yard

Question Standing in that door, is not the
entrance to the workshop on the
further side of the kitchen?

Answer It was precisely my left hand

Question When Mrs Battier entered the
kitchen, did she have to pass
through the workshop to get her
clothes?

Ans. No Sir,

Question Could she not have gotten her clothes
had she been disposed?

Ans. I suppose she could, tho' I don't
know nor she didn't know what
would have taken place if she
had, he was making towards her,

Question Did she not have with her a key
to the room containing her clothes

Ans I do not know.

Question Did Mr Battier have any weapon
in his hand at that time; or did
you see any weapons in the

house?

Ans. I could not say, if he had any thing it was his sword cane, though I do not remember. I saw no weapons about the house I never noticed for any, particularly -

Question Who spoke first on entering the house he or she?

Ans He.

Question Did she make any remonstrance about his refusal to let her have her clothes.

Ans. She was crying when she went in & crying when she came out. She called to me & told me that I must what he said &c.
(answer given before)

Question Did Mr. Bottiger address any remark to you or you to him?

Ans. When I reached the gate, I turned towards him, & I (the witness) said, to him, "Don't you say 'God damn me' - he remarked, that he was not talking to me, but was talking to her.

Question Did he not order you off the premises?

Ans. I thought he did - when he said, "get out God damn you" - but when, I ~~did not~~ told not to say God damn me, he replied, that he was speaking to her.

Question Did you threaten to whip him?

Answer. I told him if he would come in the road, I would give him what he needed:

Quest: ^{When} ~~there~~ you was with him?

Ans: I was: for about 15 minutes,

Quest: Had you ever before had any words with him?

Ans: No, Sir.

Quest: Had you ever remonstrated with him for ill treatment to your Aunt?

Ans: I had not.

And further this deponent saith not.

(Signed)

Frank Hollond

Now's Cepel and being duly sworn and examined on the Holy Evangelists of Almighty God deposes & saith as follows

Quest: How old are you, where do you reside & do you know the parties to this suit?

Ans: I am in ^{my} 40th. years ~~and~~ reside in Mansfield Court, & know the parties to this suit.

Quest: Have you ever worked at Mr. Bolliger's Lick Co, did you have an opportunity of seeing or hearing any thing transacted between them of a disagreeable nature, if so, state what it was & when?

Ans: I have worked at Mr. Bolliger's - In the Fall of 1875 I was working there - when a question arose about digging potatoes: was there beaking up offers to make ridges: she told him that there were no potatoes in the ridge: he shook his finger

in her face I told her that that was the way she had always been doing - fooling him & she had not put a spout in the ground - she then turned off & I went to the house.

Quest: (What is Mr. Bottiger's ^{general} reputation in the neighborhood as a peaceable, orderly law-abiding citizen?

Ans: (Expects to see Mr. Bottiger) I always heard that he was a pretty bad man

Crop examined by ^{Lefty} ~~Righty~~ Connor

Quest: How long did you work with Mr. Bottiger?

Ans: I worked with him 2 days, & he paid me for my services, quite promptly.

Quest: What did you hear respecting the defendant being a bad man?

Ans: I heard that he was bad with his children: that they had run off - & a curious man to be working on Sunday. I thought like - & I considered he was a bad man.

Quest: You said just now that you were afraid of him: Did he ever give you cause to fear him?

Ans: I had a cause from what I heard - I heard ^{him} say that he would whip you or shoot you or something if you did not mind how you got around.

Quest: Did your wife work with him considerably?

Ans: She worked there, 1/2 the day, right smart - I knew that she worked for Mr. Bottiger.

2nd Being afraid of hurt' yourself, ^{were} you ~~would~~ willing that your wife should run the risk of being whipped or shot?

Answer. Of course - many places where she would
live - I would die, shall I be there.

Quest. Do you mean to say that you could not
live with Mr: Bathier?

Ans: I mean to say that I could live with him, in peace, necessary to what I have seen & heard of him.

Just - Did you have any trouble with him while you
were there?

Ans. None at all, while I was there there
two (2) days.

and further this defendant saith not

Wm. B. Prentiss

Marix ^{as} Chelant
month

Theophilus Rogers, being duly sworn on the Holy Evangelists
 of Almighty God, depose and say as follows:

Quest: What is your age, when do you reside & do you know the factors to this suit

Ans: I am 48 years of age - reside in Nassau
County & I now the partner to the South

24th. How long have you known the Plaintiff

in the same Mrs. B. & what are her habits
as an interesting, busy working woman.

Ansⁿ I have known her from her childhood

She is always called on under the name of Susan

1
1
Quest: to be an industrious, hard working woman
State how far you live from the parties
in this Cause & also whatever you may know
of any thing, of any differences, quarrels or disputes
between them, as husband & wife?

Answer I live about one mile from Mr. Bottger's
house - I do not know of any differences
between them as husband & wife.

Quest: What is Mr. Bottger's general reputa-
tion in the neighborhood, as being a quiet,
peaceable & orderly citizen?
(it refers to)

Ans: He is called a bad man

(Cross examined { Defs: Counsel)
Quest Can you give any reason for his being
called a bad man?
(except to)

Ans: The people call him a bad man - I
know no reason for it

Quest: Have you any knowledge of any thing prejudi-
cial to his character
(except to)

Ans: I can't say ~~that~~ I do - nothing more than
what I have heard

Quest: Do you have any thing of the difficulty or of diffi-
culties between the defendant & his wife?

Ans: I can't say that I do.

Quest

Have you ever worked for Mr. Pollegger?

Ans:

Yes - before I knew his last marriage.

Quest

Have you ever had any cause of complaint of ill treatment towards yourself or him?

Ans:

We had a few words, once, & that was about all - ~~some times~~

Quest:

What was the cause of the few words you speak of?

(stopped to)

Ans:

I owed him a better money - and he asked me for it - and he asked me in such a rash way, that it worked me - & I had never refused a few words before doing any thing he asked me - & he wanted to know whether I ever intended to pay him or not & I told him that I would pay him as soon as I could & he said I had never paid him a dollar - & I said Mr. Pollegger don't say so - I carried your Steer down to Portsmouth & sold him for her, & I made some for you, & I said you did not pay me enough for that - when he said I was the most unreasonable man he ever saw in his life - & I said I do not see how you can say so - You never asked me to do any thing Sunday nor of week-day, but that I did it.

~~And further that I did not want to~~
(Re-examined { Pollegger Counsel })

Quest. Have you any bad feeling towards the State
in this Cause?

Ans. Not the least Sir
and further this defendant can't not

Verduly
P. B. Prentiss
(Signed)
Theophilus Rogers
mark

By consent, the further taking of these Depositions is
continued, until Thursday next, the 4th day of April, 1878, at the same
place and between the same hours.

Peter B. Prentiss, Counselor

Thursday, April the 4th: 1878

Present. A. C. Withers. att. for Plff.

John H. Wright att. for Defs.

John Wright Ely, being duly sworn on the Holy Evangelists to
Almighty God, deponent and saith, as follows:

1st. Ques. ^{Do you} How old are you, where do you reside, & do you know the
party to this suit?

Ans. I am 41 years old; I live in Hansberran Co. Va.
& I know the party to this suit.

Quest. Have you ever lived with Mr. Bottiger, since his
marriage with the Plaintiff?

Ans. I worked there - killed hogs for him; a few times
I also did Carpenter's work for him -

Quest. Can you give an idea of the amount of Pork killed
each year by you?

Ans. I cannot - look me account thereof

Quest. Was there a sufficiency for his family?

Ans: I don't know - Sometimes it looked like it was

Ques: Did you ever observe any ill treatment of his wife, { Mrs. Bolliger }

Ans: No Sir - I never did

(Cross examined by Mr. Little)

Ques: Whilst you were there, did you ever witness any thing unpleasant between Mrs. Bolliger & her wife; & if so, state what it was &c

Ans: No Sir.

Ques: ~~Whilst you were there~~ Do you remember ever to have seen Mrs. Bolliger come where you were at work & tell you she had a chill, and do you remember that Mrs. Bolliger came & told you to take her in the house, & did his manner, on that occasion seem to be kind & gentle or was it the reverse?

Ans: Yes Sir - I remember that Mrs. Bolliger led me to take her in the house - did not seem to be much out of the way than any one could expect.

Ques: What did Mrs. Bolliger say to you & what did he say to the plaintiff, on that occasion?

Ans: I do not recollect what was said - He led her to get up & go in the house.

Ques: Did you not tell me, that Mrs. Bolliger led you to carry her into the house, & you refused?

Ans: Yes: I told him so.

Ques: Has Mr. Botteger or any one for him said any thing to you, about what you should testify here, to-day, since you were summoned?

Ans: No Sir.

(Re-Examine) { Dep't: att }

Ques: on the occasion referred to, did Mrs. Botteger come into the fields when you were, before Mr. Botteger came?

Ans: I don't recall it.

Ques: Was Mr. Botteger able to carry her in the house, himself that is was his thought sufficient?

Ans: No Sir!

Ques: Did she go to the house, when requested?

Ans: No Sir.

Ques: State what she did? & where she went?

Ans: She sat there until she was ready to get up - when she arose from her seat, to sit & walk where she went.

Ques: Did she seem to be angry?

Ans: **No** more than you could expect of her. she having a chill on her, at the time

Ques: Had Mr. Botteger done any thing to make her angry?

Ans: No Sir - not that I saw -

And further this deponent saith not
(Signed)

Witness,
P. B. Proctor,

John Wright & Elay
mark

11 - Ques: by
Expt: 1000

Elisha Duke being duly sworn on the Holy Evangelists
of Almighty God deposes & saith as follows
How old are you, where do you reside
& do you know the parties to this suit

Ans: I am 43 years of age - reside in Nausetown
& I know the parties to this suit

Ques: What is your relation to the Plaintiff in
this suit?

Ans: She is my wife's sister.

Ques: Did the Defendant visit her at your
house before his marriage? & if so
how often?

Ans: He came there to see her, before he married
her, twice - I think that was all he came

Ques: Did you oppose the marriage?

Ans: I did - I told that Mr. Bottinger was
an afflicted man - & that there were
plenty of young - men - & that I
would prefer a young - man.

Ques: What was her reply to your remonstrance?

Ans: She was always one of those rattling sort
who would have the best of any thing that was
said to her - her reply was: That the Devil &
Tolliver of the old Steer would buy a young
one.

(Cross examined)

Ques: Did you ever hear Mr. Bottinger

curse & abuse the plaintiff, after they were married: & was their married life happy, or was it turbulent & quarrelsome?

Ans. I came by there one day, on my way to Lifford when I heard him cursing: she came out to the gate - I asked her what he was cursing about - she bursted out in a cry & said he had been cursing her all day. Not wishing to hear any more about it - I drove off.

Ques. Do you know whether the Plaintiff ever suffered for food, at any time after her marriage; & did you ever offer to send your boy for her to come to your house & get something to eat?

Ans. I went by there one day from Lifford; she was crying at the gate - said that she had had nothing to eat for several days, except some spoiled herrings in a bag or barrel - & she could not eat them; I told her to get up in the cart & go home with me & I would give her something to eat - her reply was: that she could not go then (it was Thursday) but if Mr. Bolger did not buy her something to eat, she would continue to him (the widow) word to come for her on the following Saturday - On Sunday following, I learned

That Mrs. Bottiger had procured something to eat, & I did not go after her.

Ques:

What is Mr. Bottiger's general reputation in the neighborhood, as a venerable, quiet, orderly citizen & a kind & indulgent father & husband?

Ans:

I have heard a great many people speak against Mr. Bottiger - both while he lived - as for my self I am glad ~~to~~ ^{to} get along very well together.

As to his being a kind & indulgent father & husband: I never heard any body speak in good word of him; much, or such.

Ques:

Do you know any thing of the domestic life of the parties to this suit? if so, was it happy or otherwise?

Ans:

I do - for the first 6 months Mrs. Bottiger seemed to get along very well there. Long towards the last, she told me that she had rather be in the Penitentiary for the same length of time, than she was there, or home.

Ques:

Was Mrs. Bottiger an industrious woman & attentive to her domestic duties, & did she wait upon the defendant, doing his Lickings, attend to the general house-work, & also work in the field, fix fences & haul wood?

Ans:

Whenever I was passing along, I always found her either waiting on Mr. Bottiger or doing some

out-door work - I think that she was an
industrious woman I attribute to her
domestic duties - she always, always
industrious before he married & was
always, being something - and is still

(Re - Examined)

Ques: Did you know Mr. Bottgers before -
taking before he & the Plaintiff were
married?
(affirmative)

Ans: Yes Sir -

Ques: Did you advise the Plaintiff of
that fact & was she familiar with his
reputation?

Ans: I was not acquainted with him before he married
her - but I used to hear people speak of his
being a bad man, & of his being & leaving home
& she had heard it as well as
I had.

Ques: What was the Plaintiff's disposition
& temper?

Ans: I have been acquainted with her all my life
for 20 years, well acquainted with her - they
were raised within a mile & a half of
each other - she came of a splendid family of
people - as to her disposition, I never
heard it disputed of any body - in regard to

her temper - I don't know that it is any worse
than other people's: when she gets mad
she has a right smart ^{heat} which is hard to
raise - but when it is raised, it takes a
long time to get off

Ques. In what year & at what time of the year
did she complain of insufficient food?

Ans. I don't recollect the time of the year - but
it was in 1876.

Ques. Do you know whose fault it was, that
their domestic life was unhappy?

Ans. I do not.

And further this dependent South not

Wm. L. P.

Sign

P. B. Prentiss

his
Elisha D. Duke
mark

Felix Briggs being duly sworn on the Holy Evan-
gelists of Almighty God, deposes & saith as
follows:

Ques. What is your age, where do you reside & do
you know the parties to this suit?

Ans. I am 47 years of age - I reside in Ham-
den County, Va. I know the parties to
this suit.

Ques. Were you working at Mrs. Bottegus, after
Mrs. Bottegus left him, & when she returned
to get her clothing?

Ans: Yes Sir.

Ques: State what occurred on that occasion, or nearly
as you can?

Ans: I was there before she left, one day: I went back
the next day, when she was not there - I saw her
coming by in a cart & I was working a Sic lance
off: she stopped at the gate: I did not
know what she stopped for - when I found
out any thing about it, Mr. Bolles & the man
who was in the cart with her, seem to be
in cross argument - but I did not know.
What about - ~~She did not stop there~~

Before she left, at all - I heard Mr. Bolles
& herself in cross argument, as I judge,
in the garden where they were at work - &
I heard him curse, twice - but whether he
curse her or not, I don't know - but there
was no one else there.

Ques: Did she seem to be quarrelling with him
as well as he quarrelling with her?

Ans: Yes Sir - she was in high language talking
with him & he with her.

Ques: When she came with the man in the
cart, did you hear the man make any
threat against Mr. Bolles?

(Expte to)

Ans: I can't remember that I did.
and further this deponent saith not his
Witness
P. B. Perrett
Felix X Brigg's
mark

George M. Stever being duly sworn on the Holy
Evangelists of Almighty God, deposes &
says as follows:

Ques: by
deputy: call

What is your age, where do you reside &
do you know the parties to this suit?

Ans:

I am 30 years of age: I reside in
Harrison County & I know the parties
to this suit.

Ques:

Have you been accustomed to visit the family
of Mr. Botley before & since his marriage -
with the Plaintiff: & if so, state what has been
the character of his conduct & of his general
Domestic Relations?

Ans:

I have been accustomed to visit the family as
above stated - I have never seen anything wrong
about this conduct - As far as I knew, his
domestic relations were happy before his
first wife - ~~when I visited~~ I never knew
that there was any difference between her
& his last wife, until after she was
gone - they never showed it to me.

Ques:

Did the Defendant seem to provide,
amply, for the wants of his wife?

Ans:

It seemed to me, that they all the time
had a plenty of such as could be had.

Ques:

What was the Defendant's Physical
Condition before & at the time of his
last marriage & what has it been

since?

Ans: He was sick some time before he married his last wife, ~~and since then~~ for three (3) years, since his last marriage, he has been flat on his back - & been unable to do ^{any} work, for the past five (5) years.

Quer: Did you ever hear any complaint from the Plaintiff of ill treatment or insufficient food?

Ans: No Sir -

and further this deponent
saith not.

(Signed)

Geo W Stevens

Anna Steves being duly sworn on the Holy
Evangelists of Almighty God, deposes & saith as follows:

Quer:
& Depts: all

What is your age, where do you reside,
& do you know the parties to this Suit

Ans: I am 40 years of age, reside in Newsum
Co. Tex: & I know Mr. & Mrs. Pollock
the parties to this Suit.

Quer: Have you been accustomed to visit the family of
Mr. Pollock before & since his marriage with
the plaintiff? & if so, state what has been the
character of his conduct, & of his general
domestic relations?

Ans: Yes. I have been so accustomed — I never saw him out of temper, in my life — his conduct was always very pleasant, when I was there — & these domestic relations, were also pleasant.

Ques: Did he make ample provision for the wants of his family.

Ans: Yes Sir — in every respect.

Ques: Have you visited Mrs. Bitger since the Plaintiff left his house: & if so, state as nearly as you can, what has been her situation.

Ans: I have visited her, occasionally, since that time — Her situation has been very feeble — he was helpless, at the time she left him — & he has been dependent on his friends & neighbors for assistance.

Ques: Do you know, whether the defendant, ever requested the Plaintiff to return to his house & conduct herself as an wife should do!

Ans: Yes Sir — I went myself to look for her — ~~but we~~ went to Mrs. Frank Hollands but did not find — we went to look for her again.

Ques: Did you ever hear the Plaintiff use any language concerning the defendant which seemed to imply dissatisfied feelings with her conduct?

(Expressed to)
an agent here

Ans: No Sir.

Ques: Did you ever hear the Plaintiff say

why she married him?

Answer to

Ans: I heard the Plaintiff say that she married him, for what he had - by the thought he would die in a little while.

(Cross examined)

Ques: How often were you at the House of Mr: Botger during his Cohabitation with the Plaintiff?

Ans: I could not say, positively - I was there more than 6 times per year.

Ques: Were you acquainted with Mrs: Botger before her marriage to Mr: Botger & if so, state whether you visited her or not?

Ans: No Sir - I never saw her in my life, until after she was married.

Ques: Were there, at Mr: Botger's, at the time he was left there?

Ans: No Sir - but I was there a few days after.

Ques: You say he was, helpless, at the time she left him: State, how do you know?

Ans: Why - he was down, flat of his back

Ques: You say, you were not there, at the time she left him: I did not go there for 2 or 3 days afterwards: how do you know he was flat of his back?

Ans:

I was there a few days before she left: & I was there, a few days afterwards — He was helpless, on both occasions — & was not able to get himself a drink of water.

Ques:

Not being present then, — at the time she left, you cannot lay, apart from inference that he was flat on his back when she left. Can you?

Ans:

~~I know, positively~~ No. I cannot.

Ques:

You say he has been defendant on his neighbors' & friends, since his wife left. State how you know^{it} & which of his neighbors he is defendant upon[?]

Ans:

I know, by his feeble condition, when I saw him, that he was so defendant — & he looked ~~to~~ to Mr. Storer, who is a neighbor of his, & a friend for help.

Ques:

How far does Mr. Storer live from the Defendant in this Suit.

Ans:

About Seven (7) miles.

Ques:

Has Mr. Storer been in the habit of looking up the wants of the Defendant: staying with him at night, & nursing him, during his illness?

Ans:

Whenever he called on him; he sent his daughter to stay with & to nurse & take care of him.

Ques:

When did Mr. Storer's daughter go to Mr. Bottiger: how long did she stay there & was she there with or without compensation?

Ans: She went the week his wife left - & I stayed 6 weeks, & was there without compensation

Ques: How often were you there, during that time (6 weeks) ?

Ans: I don't exactly know - but I was there a number of times.

Ques: Did Mrs. Bottiger come for her clothes, while you were there ?

Ans: No, she did not.

Ques: Did you ever say to Mrs. Bottiger, in the presence of Mrs. Eliza Doherty, & her sister, that the plaintiff, Mrs. Bottiger could not live with Mrs. Bottiger, that he was unkind & cruel to his first wife ?

Ans: I did not say any thing of the kind.

Ques: Was he kind & attentive to his children & his first wife ? or do you know ?

Ans: I never saw him otherwise - I was there often - enough to know.

And further this defendant saith not.

(Signed)

Annie Stearns

Dr: P. B. Baker, being duly sworn on the Holy Evangelists of Almighty God, deposes & saith as follows:

Ques:
& deposes that

What is your age, where do you reside & do you know the parties to this suit ?

Answer I am 50 years of age - I reside in
Suffolk, Va. & I know the parties to
this suit.

Ques: How long have you known the Defendant, Mr.
Bollinger - Have you been attending him
professionally & what has been his condition

Ans: I have known him 8 or 9 years - have been
attending him professionally during that time -
his condition has ^{been} feeble for several years -
~~have~~ been able to get about, some part of
the time in bed & his complaint is
Chronic Rheumatism - when I have
visited him, his legs were involved & they
still are. Due to no serious, often he
been able to do no work for ^{several} ~~many~~ of
years. I ^{saw} ~~visited~~ him at long intervals -
he usually came to my office, in a vehicle -
have visited him at his house, occasionally.

(Emph. Examined)

Ques: From your knowledge of the Family of
Mr. Bollinger, for the last few years,
has his domestic relations, as far as
you know, been pleasant or otherwise?

Ans: They have been pleasant, as far as I
know.

Ques: Do you know of any differences between
the defendant & any of his children or of

state what they were - & what is his general reputation in his neighborhood as a good, reasonable citizen & affectionate father & indulgent husband -

(Exhibit 6)

Ans: I do not know, except in this way: I was called ^{on} in Court as a witness in a prosecution against him for cruelty to one of his children - in which prosecution he was acquitted - My testimony in that trial was, that I knew of no cruelty to his child - His general reputation in the neighborhood I know nothing about.

Ques: Have you ever heard it reported in the neighborhood that Mr. B. was cruel or unkind to his children, & that, they had run away from him, on that account?

Ans: I have heard it so reported - but the neighborhood but know nothing of my own knowledge -

Ques: Is it generally reported or have you only heard it from one or two?

Ans: I cannot say whether it was generally reported or not - I have heard it

Ques: Do you know any thing of any difficulty - or unpleasantness between the plaintiff & defendant?

Ans: I do not.
and further the defendant saith not.

(Signed)

M. B. Baker

May C. Stever being duly sworn on the Holy Evangelists
of Almighty God, deposes & saith, as follows:

Ques: y
D. Fr: Atto:

How old are you, where do you reside
& do you know the parties to this suit?

Ans:

I am 20 years old, reside in Harrison
County, Va & I know the parties to this suit

Ques:

Have you been accustomed to visit the
family of Mr. Bottiger, either before or since
his marriage with the plaintiff: & if so, state
what you know concerning his domestic
relations.

Ans:

I was there once while his last wife lived with him -
was there several ~~times~~ ^{times} before ~~said times~~ ^{marriage}, but not
very often - ~~for~~ his family it was pleasant.

Ques:

Were you there, soon after the Plaintiff
left the defendant: & if so, state how
^{long you were there}
long & why you went?

Ans:

I was there about 6 weeks - I heard that his
wife had left him, ^{and} in a helpless condition -
and I went to assist him, of my own accord,
he being a friend of my father's.

Ques:

Did you find him in a condition requir-
ing assistance?

Ans:

I did -

Ques:

State what was his condition, as nearly as
you can? & was he confined to his bed?

Ans:

He was sick - ~~his condition was~~ was not
confined to his bed, at all times. He was not

able to cook his own food was unable to
attend to his household or any thing else.

Quer. When you visited him before his wife left
did she seem attentive to his wants &
performing her domestic duties, faithfully

Ans. It was the first Sunday after their marriage
and she seemed very attentive then.

Quer. When you went there after she left had any
provision been made for supplying his wants

Ans. There ~~were no provisions~~ had not.

Quer. Were there any provisions on the premises?

Ans. Everything in abundance that one could
want to eat.

Quer. In what condition was the house left?

Ans. In a very dirty condition. Did not look like
it had been swept for two or three weeks, things
were lying around, her clothes and his
clothes -

Quer. Did she come after her clothes while you
were there?

Ans. No - she did not.

Quer. Did Mr. Botzger's friends supply him with
any delicacies suited to his physical condition
and was he dependent upon them at that time
for such things?

Ans. My mother carried him a good many things
and so did Mr. Wright - and he was dependent
upon his friends for such things.

Ques

Did you observe any evidence of a contest or struggle between Mrs Bottiger & his wife

Ans.

I did - I saw where she scratched him on the face and a bunch of his whiskers which she pulled out.

Cross Examination

Ques

You say you saw where she scratched him across the face and his whiskers which she pulled out. Will you please state how you know she scratched his face and pulled his beard out?

Ans

I saw the marks of her fingers and I do not suppose he would scratch his own face and I heard him say she pulled his beard out.

Ques.

What kind of provisions did Mr. J. W. H. Wright carry to Mrs Bottiger and what kind did your mother carry?

Ans

Loaves were carried by Mr Wright and cake bread and soups by my mother.

Ques

Were you with Mr. Bottiger at that time and if so, could you not have made all of the articles mentioned by you, you have said that he had at that time a full supply and ample provision in his house for his family?

Ans

Yes Sir I could have made provision for him and I did make them

Ques

Will you then state how Mr Bottiger was dependent upon his friends & neighbors?

Ans

Because before his wife left him she did not cook anything to suit his appetite.

Ques

What were your duties - Did you scan the house, work in the garden cook & wash and do all the work which she did when she was there?

Ans

I cooked and did what washing was needed ~~and cooked~~ and scrubbed up the cook room two or three times which was all there was to be done. I set out some onions in the garden.

Ques.

What day of what month did you go there?

Ans

I think it was in March but am not certain but have no recollection of the day of the month. I went there two or three days after she left and in the same week she left.

And further the Deponent saith not -
Mary C Storer

John S. Bottiger the Deft: in this suit being duly sworn &c deposes & says

Ques {
D. & C. 11th

What is your age, where do you reside and are you a party to this suit?

Ans

30 yrs of age - reside in Hancumond County and I am a party to this suit.

Ques

How long had you known the plaintiff before

you married her?

Ans.
Ques

Between five & six weeks
What was the state of your health at that
time and had you been under medical
treatment, and if so, how long

Ans

I thought my health was improving, I had been
under medical treatment since 1871

Ques

Was the Pltff. thoroughly acquainted with
your physical condition and ^{did} you advise
her of it - fully & acquaint her with the fact
that if she married you, you should require
a great deal of personal attention.

Ans.

I had informed her of it - and that if I was
to get well I could make a living for her,
but I did not tell her I had house, land or
money. I did not tell her in so many words
that I should require great personal atten-
tion but thought her common sense would
teach her.

Ques

Did she make any inquiry concerning
your pecuniary affairs?

Ans

Not that I recollect.

Ques

How long after your marriage before
there was any discord between you & her
It occurred first, during the second year
and more so in 1875

Ans

Ques

Was she a dutiful wife, attentive to her
domestic duties and kind in her treatment

to you personally

Ans.

She was not a dutiful wife & neglected her domestic duties ^{but} after I made my will I told her that all would be in her favor up to 1874 was kind in her treatment to me personally.

Que

What was the beginning of the trouble between you and your wife?

Ans

She would not cook anything palatable to me and she did not seem to be satisfied because she did not know the contents of my will, words had passed between us because spittle had dropped in the tray when she was making up dough and I told her none of that sort of bread for me. I promised her a set of new teeth if she would stop dipping snuff, but I did not forbid her to dip. She had the entire management of the household, carried all the keys and could eat and cook what she chose. During neither of the years we lived together have I eaten more than thirty pounds of meat, I could hardly go about without the aid of some one to support me. I have hired help whenever it could be procured. I have never told her that I would poison her. ~~and~~ Her wastefulness was the cause of my first complaining of her conduct.

Ques Did you communicate with her for her propensity - to disp. snuff - her wastefulness and general neglect of your wants.

Ans Over and Over. but she did not seem to regard anything I said.

Ques. Did you tell her when you made your will and did she show anxiety - to know its provisions

Ans I did tell her, and she wanted to know its contents but I would not tell her nor any one else; but I told her that I had provided for her.

Ques Did she seem satisfied or disposed to complain that you would not gratify her desire to know its contents.

Ans. No more than to inquire repeatedly why I locked up a certain book case in which I had ^{private} ~~valuable~~ papers.

Ques Did she ever ask you what disposition you had made of your property -

Ans. No, she did not.

Ques. Was she disposed to be cross and peevish with you and did she complain of your requiring too much attention?

Ans. She was cross sometimes and has often told me that what she did for me no one else would do.

Ques. Did she ever leave home in anger and

and leave you to provide for yourself before the 23rd of March 1877

Ans

She had not-

Quer

What led to the difficulty on the day she left-

Ans

The day before she left she had a chill and came in the lot where I was and I told her to go into the house - that that was no place for her she would not go into the house but walked up the railroad and sat down and grumbled with me and I then told John Wright Eley to take her in the house as I was unable to do it myself, she still sat there and after some time went to the house, the next morning she left home without my knowledge and without any provocation

Quer.

Did you threaten to shoot her the morning she left home?

Ans.

I did not - I did not know when she went nor did I speak to her that morning - she did not sleep in my room the night before, but slept two doors from me and had taken herself out of my room some time before.

Quer.

When she left - did she take any property - belonging to you?

Ans

Not that I know of.

Quer.

Could she have taken her clothing with

her at the time or did you forbid her to do so

Ans. I did not forbid her, she could ~~not~~ have taken them if she had been disposed as she had the keys.

Quer. Did you ever threaten at any time to shoot her, and take a gun for that purpose

Ans. I have not, even if I had desired to do so I was unable, she has loaded and fired all the guns since she has been there

Quer. Did you ever order her to leave your house?

Ans. I have not

Quer. Have you always provided ample food & clothing for her?

Ans. I have

Quer. Did she ever complain to you of the quality of her food or the quantity? if so, when

Ans. She has. She complained in August 1876 that she had nothing but bread and water

Quer. Was there any reason at any time for such a complaint?

Ans. None in the world. at one time for three or four days there was no meat in the house nor had I the money with which to buy it - and I told her wilful waste made woeful want, but there was flour, honey, preserves

and vegetables ~~fruit~~, fish &c in abundance
and that was the only time since we were
married that I was out of meat;

Ques.

Have you ^{always} been, are you now willing for
her to return to your house, & share with
you and provide for her as best you can,
and have you ever sent her word to that
effect?

Ans

I sent her word before she brought this suit to
come back home, but I do not want her
back now since ~~she~~ she has brought suit, - because
I am afraid of her. I have about seven
acres of land including my lot, and if she
is now willing to occupy a house on the
premises with two rooms I am willing to
permit her so to do and to have the ex-
clusive charge and control of a field of
four acres of my land for her support -
and will bind myself never to molest her
in any way nor even to speak to her.

And further this deponent saith not -
(S. J. M.) John G. Bottiger

State of Virginia - Hanover County, to wit:

I, Peter B. Prentiss, a Commissioner in Chancery for the Circuit
Court of Hanover County, aforesaid, do hereby certify that the
foregoing Depositions were duly taken, sworn to and subscribed

before me at the times and place, mentioned therein

Given under my hand, this 4th day of April 1878.

Peter B. Prentiss. Comm^r in Chg

Fee. For Comm^r. \$10.00

" " Witness 8.00

" " Shff. 2.60

Total \$20.60

Martha E. Bottinger

for friend

vs { Depositions

John G. Bottinger.

1878. Apr. 4. P. Prentiss.
clerk

At a Circuit Court continued and held for Ham-
mond County, The 11th day of April, 1877.

Martha E. Bottiger, wife of John E. Bottiger
suing by her next friend Richard H. Baker . Plaintiff

Against & In Chancery

John E. Bottiger .

Defendant-

On application of the plaintiff, it is ordered
that the defendant do not in any way interfere
with the plaintiff and that the said defendant
pay to the said plaintiff the sum of Twenty dol-
lars per month, for her support and mainte-
nance, and fifty dollars for her legal charges
in this suit expended. and ordered that the
Clerk of this Court have a copy of this order
served and executed by the sheriff on the
defendant, until the further order of the
Court.

A copy -

Teste:

Peter B. Prentiss. Clerk.

On the 11th day of May, 1877, I delivered a copy of the
within to John G. Bottiger.

John L. Fulgham Sheriff of
Harrison County, Va.

1877

Bottiger
+ 1 copy Deane
Bottiger

Delivered to John G. Bottiger

~~to~~

Buttger per friend

us. }

Buttger.

On motion of the plaintiff
+ Defendant given in open Court
it is ordered that a vacation be
be allowed in this cause, & that
the cause may be considered in
vacation as aforesaid.—

We consent to
this order.

Al Weathers p. 95.
Aught & Hawles p. 4.

To be entered

Geo B. Low

Boettger pr. fr. d.

at }

Boettger

On the motion of the plaintiff
by his counsel it is ordered that Geo:
G. Boettger be summoned to the first
day of the April Term 1878 of this court
to show cause why an attachment
should not issue against him for
disobeying, violating and disregarding
the order of this Court made on the April
Term 1877 ordering the said Geo. G. Boettger
to pay to Martha E. Boettger the plaintiff
the sum of \$50. for her legal charges &
twenty dollars per month beginning
on the 1st April 1877 for her maintenance
and support.

Buttger per frs.
of S. L. Chey
Buttger.

Order
To be entered.

Geo. T. Blod

Sum 1. 100.
25. 00. 77
city

Bottiger

vs

Bottiger -

On the motion of the Defendant, by Counsel, leave is granted him to file his answer to the Complainant's bill, which is accordingly done & this cause is continued.

Bollig

20

Bollig-

Decur

To be entered

Oct 1877

By Consent.

Geo H Knight p. d.
A. C. Winters p. g.

Battiger In Circuit Court of Hanscom
vs. S County 7th
Battiger S (Bill in equity for divorce from
Bed & Board &c.

On application of the
plaintiff, it is ordered that the defen-
dant do not in any way interfere with
the plaintiff, & that the said defendant
pay to the said plaintiff the sum
of Twenty Dollars per month for her
support and maintenance, & Fifty
Dollars for her legal charges in this
suit expended, and ordered that the
Clerk of ~~said~~ ^{the} Court have a copy of
this order served and executed by the
Sheriff on the defendant, until the
further order of the Court.

Battiger vs Battiger

Deced

April Term 1877

To be entered

Geo. F. Blod

Entered O.B. not p. 340

Martin E. Battiger per pro.

vs. { Dr Leher
John G. Battiger

This cause came on this day to be again heard upon the papers for merely read, and an amended bill of the said plaintiff, and was argued by Counsel, In consideration whereof the Court doth advise order & decree that C. H. Cansey Executor ~~of the~~ last will and Testament of the said defendant John G. Battiger, ^{be made party Defendant to} and that he proceed ^{this suit} to pay over to Martin E. Battiger out of any moneys coming into his hands as such executor the sum of \$20. per month commencing on the 1st day of April 1877 and ending on the 1st day of December 1878. ~~and Fifty Dollars~~ and Fifty Dollars for her legal charges, And that ~~the~~ said C. H. Cansey proceed Wilbur J. Kelly one of the Commissioners of this Court proceed to take the following accounts of the transactions of the said C. H. Cansey Exor, as aforesaid

- 1st An account showing the amount and value of the estate real & personal that came into his hands as Executor.
- 2^d What has been sold & for what price
- 3^d Showing the amount which is in his hands as Exor. after paying debts &

Martin & Butcher
vs. J. L. Chcy
John G. Butcher

(117)
April Term
1872

To be entered

Geo. B. Shaw

We consent to the
within decree

Apr. 11th 1879.

Attest

City for Plt.

Geo. H. Wright
atty for def.

Entered A. B. No. 1

p-436

Chy

& printed by printers. — and made
reprints by printer.

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

16th July 1879

To Martha E. Bottiger per friend

and C. H. Causey Executor of John G. Bottiger ^{Plaintiff}
deceased

^{Defendant.}

You are hereby notified that I have fixed upon the 6th day of August next, to take and settle, at my office, the following accounts, to-wit:

1. An Account showing the amount and value of the Estate real and personal that came into the hands of C. H. Causey Executor of John G. Bottiger deceased.
2. An Account shewing what part of said estate has been sold and for what price
3. An Account shewing the transactions of said Executor and the balance in his hands after payment of funeral expenses and debts of said deceased.

required to be taken by the decree of Nansemond County Circuit Court, rendered ~~on the~~ at the ~~day of~~ April Term. 1879 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Wilbur J. Kilby
Commissioner in Chancery

1879 July 16th. Service of the within notice
is hereby ^{acknowledged} by us.

Chas. E. Estlin & Co.

Attest

at New York for Martin E. Estlin

Bathger

At a Circuit Court continued and held for Nassau and
County, the 11th day of April, 1879.

Martha E. Bottiger - *pro se* - Plaintiff

vs } In Chancery

John E. Bottiger

Defendant.

This cause came on this day
to be again heard upon the papers formerly read
and an amended bill of the said plaintiff, and
was argued by counsel. On consideration
whereof the Court doth adjudge order and decree
that C. H. Laurey Executor of the last will and
testament of the said defendant John E. Bot-
tiger be made party defendant to this suit;
and that he proceed to pay over to Martha E.
Bottiger out of any moneys coming into his
hands as such executor the sum of \$20. per
month commencing on the 1st day of April
1877, and ending on the 1st day of December
1878 and Fifty Dollars for her legal charges,
And that William J. Kelly one of the Commis-
sioners of this Court proceed to take the following
accounts of the transaction of the said C. H.
Laurey Ex^r as aforesaid.

1st An account showing the amount and
value of the estate real and personal that
came into his hands as Executor.

2nd What has been sold and for what price
3rd Showing the amount which is in his ^{hands}
as Executor after paying debts and fun-
eral expenses and make report to Court.

A copy - Teste, Peter B. Prentiss, clerk

Bottger
as } com decu
Bottger

To the Circuit Court of Staunton
County, Virginia;

In pursuance of a decree of
said Court pronounced at the April
Term thereof in the year 1879 in a
Cause in Chancery in said Court,
depending, between Martha E. Bottiger
suing by her next friend, Plaintiff and
Chas. H. Causey Executor of John G. Bot-
tger deceased, Defendant, a copy
of said decree being herewith annexed,
the undersigned, Commissioner in Chan-
cery of said Court, having given notice
to the parties as will appear by the
endorsements on the notice herewith re-
turned, proceeded on the 6th day of
August 1879 to take and settle the
several accounts specified in
said decree and having at length
completed the ~~result~~ proceedings, here-
with respectfully submits the result
as follows:

Account No. 1

An Account of the value of the real estate
and personal estate that came into the
hands of C. H. Causey Executor of John
G. Bottiger deceased.

Value of said real estate, -	\$ 735 00
Value of said personal estate including money -	202 64
Total =	\$ 937 64

(over)

Account No. 2.

An Account shewing what part of said estate has been ~~paid~~ sold and for what price

Under this head your Commissioner reports that all of the real estate of said John G. Bottiger has been sold by said Executor and for the full value of it, to wit, the sum aforesaid of — \$ 735 00
and that all of said Bottiger's personal estate has been sold by said Executor for the sum aforesaid of 202 64

Account No. 3.

An Account of the Balance in the hands of said Executor due said Bottiger's Estate after payment of debts and funeral expenses.

Under this head your Commissioner reports that from an ex parte settlement of the Account of said Executor before the Commissioner of Accounts for Nassau County, on the 16th day of August 1879, he is able to make the following statement:

Statement

1879 Mar. 24 By Balance in the hands of said Executor this day due said Estate as per said ex parte settlement, to wit \$ 537 90

1879 Aug. 8th. Respectfully submitted
this day

Wilbur J. Kilby
Commissioner in Chancery

Cour's. fee \$10.⁰⁰

Bottiger

vs } In chy.

Bottiger

Report

8 Aug. 1879

1879. Sept. 6th. Filed
clk

At a Circuit Court continued and held for Hamse-
mond County, The 11th: day of April, 1879.

Martha E. Bottiger, wife of John G. Bottiger

suing by her next friend Richard H. Baker... Plaintiff.

Against { In Chancery
John G. Bottiger Defendant.

This cause came on this day to be again
heard upon the papers formerly read, and an amended
bill of the said plaintiff, and was argued by counsel.
In consideration whereof the Court doth adjudge, order
& decree that C. H. Causey Executor of the last will
and testament of the said defendant John G. Bottiger,
be made party defendant to this suit and that he
proceed to pay over to Martha E. Bottiger out of
any moneys coming into his hands as such executor
the sum of \$20. per month commencing on the 1st:
day of April 1877 and ending on the 1st day of December
1878: and Fifty Dollars for her legal charges, And that
Wilbur J. Kilby one of the Commissioners of this Court
proceed to take the following accounts of the trans-
actions of the said C. H. Causey Exor. as aforesaid
1st: An account showing the amount and value of the
Estate real & personal that came into his hands as
Executor.

2nd What has been sold & for what price.

3rd: Showing the amount which is in his hands as Exor.
after paying debts & funeral expenses. — And make
report to Court.

A Copy: Teste, Peter B. Prentiss, Clerk

Martha E. Bottiger ^{xiii} L

to { Copy Degree
April Term
1879
John G. Bottiger

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON

John G. Bottiger,

to appear at the Clerk's Office of our *Circuit* Court for the County of Nansemond, on the first Monday in *April* next, 18*77*, being rule day, to answer a bill in chancery, exhibited against *him, in said Court* by *Mentha E. Bottiger, wife of John G. Bottiger, suing by her next friend, Richard H. Baker*

and unless *he* shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this *28th* day of *March* 18*77*, and in the *101st* year of the Commonwealth.

Peter B. Prentis, Clerk.

The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Others. p. 9
Martha E. Bottiger & Co. from

to { Sent in City.

John G. Bottiger

To April Rules, 1877.

Executed & copy
delivered to J. G.

Bottiger

March 31/77

J. L. Fulham
Shoff

Proc. B. No. 1. Page 100

Cox & Co.

The Commonwealth of Virginia,

To the Sheriff of Nansemond County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *John G. Bottiger to appear before*
the Judge of the Circuit Court of Nansemond County, Virginia, on the
10th day of April next, 1878, (the first day of the next term of said
Court) and show cause, why an attachment should not issue against him
for disobeying, violating and disregarding the order of said Court made
at the April Term, 1877, in the Chancery Cause of Martha E. Bottiger, suing
by her next friend, Richard H. Baker, Plaintiff against John G. Bottiger Defendant,
ordering him to pay Martha E. Bottiger, the sum of Fifty
dollars for her legal charges, and Twenty Dollars per month, beginning on the
1st day of April, 1877, for her maintenance and support.

~~if he found within your bailiwick, to appear at the Clerk's Office of our~~
~~Court, for our said County of Nansemond, at the Rules to be holden for the said Court, on the first Monday in~~
~~next, to answer~~

And have then and there this writ.
aforesaid, this *25th* day of

WITNESS, PETER B. PRENTIS, Clerk of our said Court, at the Office
October 1877, in the *192nd* year

of our foundation.

Peter B. Prentis CLERK.

Martha E. Bottiger, Pr:
Friend

25th } Rule Day

John G. Bottiger

To 1st day April Term,
1878.

Pro: B. No: 1. Page 100

Cut: Co:

Specimen & copy of the within returned to
John G. Bottiger

John A. Fulgham M