1911-005
Nansemond Co (Suffolk) Chancery Causes: Ella Wright vs Thomas Wright

Hinton, Terrell, Morgan

To Mr. R. R. Smith, Clerk of the Circuit Court of
Nansemond County, Virginia.

Ella Wright.....Complainant

vs. In Chancery

Thomas Wright.....Defendant.

Issue Summons to Second Rules (Third Monday) in May, 1911.

J. E. Powell

P. Q.

To Mr. R. R. Smith, Clerk of the Circuit Court of
Nansemond County, Virginia.

Ella Wright.....Complainant

vs. In Chancery

Thomas Wright.....Defendant.

Issue Summons to Second Rules (Third Monday) in May, 1911.

P. Q.

First Day of June set for the taking of depositions

May 1, 1911.

Mr. M. M. Watkins,

Suffolk, Va.

Dear Mr. Watkins:-

Please issue the papers in this suit at once, and tell the sheriff that Thomas Wright is in Hunters-ville this week and I have been told that he will leave there the latter part of this week. If he gets there within the next two or three days he will be able to catch him.

Very truly yours,

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas Wright

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in May 1911, to answer a Bill in Chancery, exhibited against him in the said Court by Ella Wright

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 1st day of May, 1911, in the 135th year of the Commonwealth.

~~A copy—Teste~~:

....., ~~CLERK~~.

Teste:

R. R. Smith

By M. M. Watkins D.C.

CLERK.

J. E. Everett p. q.

Ella Wright

vs. } In Chancery.

Thomas Wright

1911

May Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 97

TO THOMAS WRIGHT:

Take notice that on the 22d day of June, 1911, at the office of Bradford Kilby, Suffolk, Virginia, between the hours of 9 o'clock A. M. and 6 o'clock P. M. of that day, I shall proceed to take depositions of Hanny Henry Morgan, Weldon Minton, Missouri Branch, Olander Terrell and others, to be read in evidence in my behalf in the suit in equity depending in the Circuit Court of Nansemond County, in which I am plaintiff and you are defendant; and, if from any cause the taking of the said depositions be not commenced on that day; or if commenced, if they be not completed on that day, the taking of the said depositions will be adjourned and continued from time to time at the same place and between the same hours until they are completed.

Respectfully,

Witness:
H. Bivens

Ella Wright

To Thomas Wright:

Take notice that on the 22nd day of June at the office of Bradford Kilby, Suffolk, Virginia, between the hours of 9 o'clock A. M. and 6 o'clock P. M. of that day, 1911, I shall proceed to take the depositions of James Henry Morgan, Spencer Morgan, ~~Milton~~ Weldon Hinton, Missouri Branch, ~~et als,~~ Alexander Terrell to be read in evidence in my behalf in the suit in equity depending in the Circuit Court, of Nansemond County, in which I am plaintiff and you are defendant; and, if from any cause the taking of the said depositions be not commenced on that day; or if commenced, if they be not completed on that day, the taking of the said depositions will be adjourned and continued from time to time at the same place and between the same hours until they are completed.

Respectfully,

Ella Wright

Eye cotton this 5 day
of May by Alexander
Dick City of the Nation
Precinct of Thomas Wright
in the

TO THOMAS WRIGHT:

Take notice that on the 22d day of June, 1911, at the office of Bradford Kilby, Suffolk, Virginia, between the hours of 9 o'clock A. M. and 6 o'clock P. M. of that day, I shall proceed to take depositions of James Henry Morgan, Weldon Hinton, Missouri Branch, Olander Terrell and others, to be read in evidence in my behalf in the suit in equity depending in the Circuit Court of Nansemond County, in which I am plaintiff and you are defendant; and, if from any cause the taking of the said depositions be not commenced on that day; or if commenced, if they be not completed on that day, the taking of the said depositions will be adjourned and continued from time to time at the same place and between the same hours until they are completed.

Respectfully,

Wilson Waldrop

Ella Wright

Executed this the
9th day of June
1911 by Sheriff
copy of ~~Capias~~
on Thomas Wright
in person -

A. S. Baker Sheriff
By J. E. Jordan Dep.

May 24, 1911.

Mr. J. Kilby,

Churchland, Va.

Dear Mr. Kilby:-

I have set the 1st day of June to take depositions in the case of Ella Wright vs. Thomas Wright. Will you tell Ella to be sure to be here on that date, and bring James Henry Morgan, Spencer Morgan, Milton Hinton and Miscouri Branch as witnesses and anybody else she may wish to bring.

If you could get off this day, I would like for you to testify in the case which would help us out.

Answer so that I may know that you have received this letter.

Very truly yours,

The Depositions of Weldon Hinton and others, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, pursuant to notice hereto annexed, at my office in the City of Suffolk, Virginia, on the 22nd day of June 1911, between the hours of 10 A. M. and 6 P.M., to be read as evidence in behalf of Ella Wright, in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein Thomas Wright is defendant and Ella Wright is plaintiff.

Present: S. E. Everett, attorney for the plaintiff.

No attorney for the defendant.

Weldon Hinton, being duly sworn, deposes as follows:

Q. What is your name, residence, age and occupation?

A. Weldon Hinton, Huntersville, Va., 28 years old, fish merchant.

Q. Do you know Ella Wright and Thomas Wright?

A. Yes, sir.

Q. How long have you been knowing them?

A. About fifteen or sixteen years.

Q. Are they married, and how long have they been married?

A. Yes, sir, and have been married for about twelve or thirteen years.

Q. Are they living together today?

A. No, sir.

Q. How long have they been separated?

A. About seven or eight years.

Q. Have they lived together since they separated?

A. No, sir, not that I know of, and I have been living near her and been around where she lives all the time, in Huntersville.

Q. Are you uncertain or sure that they have not lived together since they separated?

A. I am pretty sure they have not, because I have been around there all of the time.

Q. Do you know why they separated?

A. Well, it was some trouble about a woman.

Q. Why do you say there was some trouble about a woman?

A. Well, I got after Tom, after they separated, and told him he ought not to treat his wife that way and ought to come back and stay with her, and he said he was not going to live with her and I know that he was staying with another woman and was living in the house with her.

Q. Did he ever have any cause for leaving Ella Wright?

A. No, sir, I do not think he did have any cause for leaving her.

Q. Was she a kind and dutiful wife to him?

A. Yes, sir. He never made any complaint to me about her.

Q. How near did you live to them?

A. Well, not more than one-half a mile a part.

Q. Did you ever hear of any disturbance between Ella Wright and her husband?

A. No, sir, Idid not.

Q. Did you ever hear it talked among the people that they were not getting along?

A. Yes,sir.

Q. Did you ever hear of any complaint?

A. No, sir.

Q. What do you think about this?

A. She seemed to be perfectly satisfied, I know her and I don't think she ever gave him any trouble or any room for complaint. And further this deponent saith not.

Weldon Hinton

Olander Terrell, being duly sworn, deposes as follows:

Q. What is your name, residence, age, and occupation?

A. Olander Terrell, Hunteresville, Va., age, 30, boatsman.

Q. Do you know Ella and Thomas Wright?

A. Yes, sir.

Q. How long have you been knowing them?

A. About twenty-eight years.

Q. Are they married?

A. Yes, sir.

Q. How do you know this?

A. I was with them when they were married.

Q. Where were they married, and by whom were they married?

A. Churchland, Va., by a Methodist preacher.

Q. Are these parties living together now?

A. No, sir.

Q. Which one deserted the other?

A. Her husband, Thomas Wright.

Q. How long ago?

A. About twelve or thirteen years ago.

Q. Do you know whether or not she gave him any just cause for deserting her?

A. Yes, sir, I know she did not give him any cause.

Q. Did she act towards him as a dutiful wife should act towards her husband?

A. Yes, sir.

Q. Has he ever returned to live with her as husband and wife since he lived there?

A. No, sir.

Q. Are you in a position to know these facts that you state?

A. Yes, sir.

Q. Why?

A. Because I boarded at her house before her husband deserted her, and for three years after and I have been living in the neighborhood about one-half mile from Ella Wright's home ever since up to this time.

Q. Do you know why her husband deserted her, what reason he ever gave, if any?

A. Yes, sir. It was the cause of another woman that he deserted her and went off with this woman.

Q. Did he live in the same neighborhood with this woman?

A. No,sir. He lived near Portsmouth with this other woman.

Q. Do you know who this other woman is?

A. No, sir, I do not know her name.

Q. Your boarding with Ella Wright was not the cause of Thomas Wright leaving her, was it?

A. No, sir, it was not. I am her brother.

And further this deponent saith not. Alandus Gerrell

Ella Wright, being duly sworn, deposes as follows:

Q. Give your name, residence, age and occupation?

A. Ella Wright, Huntersville, Va., age 35, and occupation, cooking for Mr. M. J. Kilby.

Q. Are you the wife of Thomas Wright?

A. Yes, sir, I am.

Q. How long ago has it been since you were married?

A. About thirteen years.

Q. Where were you married?

A. In Churchland, Va.

Q. Are you living together today?

A. No, sir.

Q. How long have you been separated?

A. About eight years.

Q. Have you ever been together since you separated?

A. No, sir.

Q. Did your husband desert you or you desert your husband?

A. My husband left me.

Q. Did you give him any cause?

A. No, sir, I did not, and both white and colored will tell you so.

Q. Why did he leave you?

A. He left me for another woman, and I did all I could to satisfy him in everyway, but he left and went with abother woman.

Q. Has he ever done anything to help support you since he left you?

A. No, sir, he has never given me five cents.

Q. Have you anything else to say about it?

A. Here is a letter that Mr. Kilby sent to you. He was unable to come (the letter is herewith filed).

And further this deponent saith not.

Witness: Ruby Keen

Ella + Wright
mark

James Morgan, being duly sworn, deposes as follows:

Q. What is your name, residence, age and occupation?

A. James Morgan, Hunter sville, Va., age, 36 years, working on a farm.

Q. Do you know Ella Wright and Thomas Wright?

A. Yes, sir.

Q. Do you know whether they are married or not?

A. Yes, sir.

Q. How long have they been married?

A. About thirteen years.

Mr Everett

Dear sir

I find it is impossible for me to come to Suffolk today in regard to the case of Ella Wright vs. Tom Wright but can testify to my knowledge that she is a hard working, quiet, peaceable woman and since Tom Wright left her, she worked in the family of W.T. Kirn for three years as a cook, and worked three years for me as a cook and is still in my employ as such and has always proved to be an honest and faithful servant, having to bik for the support of herself and child since this Man left her and does not or has never contributed to her support

Respect submitted

M. J. Kilby

N June 1/11

Q. How long did they live together?

A. About four years.

Q. Do you know now that they are separated and have not lived together since they separated?

A. Yes, sir.

Q. Will you state why they separated?

A. He left her for the other woman.

Q. Did she give him any just cause for deserting her?

A. No, sir, she did not.

Q. Why do you say he left her for another woman?

A. I went to the house where he was staying and called him and I saw him in there with her, and he stayed there all the time.

Q. Why did you go there to see him?

A. I went to see him about the way he had treated his wife.

Q. Did you tell him to go back and stay with her?

A. I tried to get him to go back and stay with her and he told me that he was not going to do it, and said he was not going back to her and he was not going to take care of here and would not stay with her.

Q. Did he make any complaint against her?

A. Thomas Wright never made any complaint against her and I know that she treated him as kindly as she could treat him.

Q. Was she a loving and dutiful wife?

A. Yes, sir, she was true to him and did all she could for him.

Q. Then you were trying to get them to live right and tried to persuade him to go back and stay with her.

A. Yes, sir, I certainly did.

And further this deponent saith not.

Witness: Ruby Ellis

his
James Morgan
mark

Virginia,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court for the County of Nansemond in said State, do hereby certify that the foregoing depositions of Weldon Hinton, Olander Terrell, Ella Wright, and James Morgan, were duly taken, sworn to and subscribed before me, at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this 22nd. day of June 1911.

Bradford Kilby

Commissioner in Chancery.

Comr's fee $5.00

Ella Wright
v. } In Chancery
Thomas Wright

Depositions

Ella Wright.....Plaintiff

vs.

Thomas Wright.....Defendant

This cause, in which process has been duly served on Thomas Wright and he still failing to appear and plead, answer and demur came on this day to be heard on the bill, and depositions taken on the 22d day of June, 1911, before Bradford Kilby, Commissioner in Chancery, and filed on behalf of the plaintiff as of said date, and was argued by counsel.

On consideration whereof and it appearing to the court that the said parties were lawfully married and that the said defendant has abandoned the said plaintiff, and a period of more than three years having now elapsed since the said abandonment, and that the said plaintiff and defendant have been domiciled in this state ever since the aforesaid marriage and for more than one year next preceeding the commencement of this suit, and that said plaintiff and defendant last cohabited in the County of Nansemond, the court doth adjudge, order and decree,.that the said Ella Wright and Thomas Wright be divorced from the bond of matrimony, which was created by the aforesaid marriage, and that the said marriage be and the same hereby is dissolved and annulled.

And it is ordered that the said Thomas Wright shall pay unto the said Ella Wright her cost by her in this behalf expended, and nothing further remaining to be done in this suit, it is further ordered that the same be stricken from the docket.

Ella Wright

vs.

Thomas Wright

Enter. 10, July, 1911.

James L. McLemore

Entered in Chancery

Order Book. 4., page 483.

To Thomas L. McClemmy, Judge of the Circuit Court of Nansemond County:

Ella Wright,

v. Bill.

Thomas Wright,

Your complainant, Ella Wright, respectfully represents unto the Court the following case:

(1) That in the year 1897 your complainant was lawfully married in Norfolk County, Virginia, to Thomas Wright.

(2) That continuously from date of said marriage until the fall of 1902, your complainant and the said Thomas Wright lived together as husband and wife at Huntersville, Nansemond County, Virginia.

(3) That the said Thomas Wright has wilfully deserted and abandoned your complainant for a period of more than three years: that is to say, in the fall of 1902, the said Thomas Wright did, voluntarily, wilfully and without any justification whatever, left his home and your complainant, and has never returned since. He has been living in Portsmouth, Virginia, and often comes in the community where your complainant lives but never comes to see her.

(4) That your complainant has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in this State; and,

(5) That your complainant last cohabited with the said Thomas Wright at Huntersville, in the County of Nansemond, Virginia:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Thomas Wright may be made a party defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed her; and that your complainant may have all such further, and other, and general relief in the premises as the nature of her

Case may require, or to equity shall seem meet.

Witness: Ruby Keller

H. E. Stevenson
Counsel.

her
Ella x Wright
mark
Complainant.

State of Virginia,

Nansemond County, to-wit:

Ella Wright, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be upon information, and that so far they are therein stated to be upon information she believes them to be true.

Witness:
Ruby Keller

her
Ella x Wright
mark
Complainant.

Taken, sworn to and subscribed before me, H. E. Stevenson, a Notary Public of and for the county and state aforesaid, in my county aforesaid, this 10th day of May, 1911.

H. E. Stevenson
Notary Public.

H. Emmens Esq.
Ellen Wright
& Bill
Thomas Wright

1911 May 15- Filed
M. M. Watkins D.C.

Ella Wright

vs.

Thomas Wright

1911, May 1 - Process issued returnable to Second May Rules - Executed -

1911 - May 15 - Bill filed and Decree Nisi -

1911 - June 5 - Decree Nisi confirmed and cause set for hearing -

Ella Wright
vs- J Chancery Notes -
Thomas Wright

S. E. Everett Pq.

Ella Wright

Vs [In Chancery-

Thomas Wright

1911- July 10-

Final Decree

Costs:

Jay	1.50
Clerk	3.50
Sheriff	1.50
Atty	15.00
Comrs	5.00
	$26.50