1912-015
Nansemond Co (Suffolk) Chancery Causes: Cornelia C. Elem vs Edward J Elem

Reid, Brown, King

Order of Publication.

Virginia:

In the Clerk's Office of the Circuit Court of Nansemond County.

In vacation on the 2nd day of September 1911.

Cornelia C. Elam — Plaintiff.

vs.

Edward J. Elam — Defendant.

The object of this suit is to obtain for the plaintiff an absolute divorce from the bonds of matrimony from the defendant, Edward J. Elam, and affidavit having been made and filed that the defendant, Edward J. Elam, is not a resident of the State of Virginia, it is ordered that the said Edward J. Elam appear at the Clerk's Office of the said Court within fifteen days after due publication hereof and do what may be necessary to protect his interests.

And it is ordered that a copy of this order be published once a week for four successive weeks in the Suffolk Herald, and posted as the law directs.

Kenn. & Lemmon
Counsel.

Test: R. R. Smith, Clerk
By M. M. Watkins D. C.

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Cornelia C. Elem ..... Pltff.
vs.
Edward J. Elem ..... Df't
In Chancery

I hereby certify that on the 2nd day of September 1911 I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered.

Given under my hand this 2nd day of September, 1911

R. R. Smith, Clerk,

By M. M. Watkins, Deputy Clerk.

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., Nov 10 1911

M WM. Crumpler

City

To SUFFOLK HERALD CORPORATION, Dr.

: : Newspaper and Job Printing : :

No. 912 WASHINGTON STREET

TERMS OF THIS BILL—NET CASH

BOTH PHONES

Dept	3.0	Pub notice in suit Elem vs Elem	4 00

PUBLISHERS STATEMENT.

This is to certify that the suit in Chancery in the Circuit Court of Nansemond County in which Cornelia C. Elem appears as plaintiff and Edward J. Elem defendant, has been published once a week for four successive weeks in the Suffolk Herald, a weekly paper published at Suffolk, Va.; and that the copy attached is a true copy of same.

Suffolk, Va., March 26, 1912.

Suffolk Herald Corp.

W. J. Kendrick ----Editor

Per ----Mgr.

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Teste:

R. R. SMITH, Clerk.

M. M. WATKINS, D. C.

WM. M. CRUMPLER, Counsel.

Sep. 8.-4t.

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

In vacation this 2nd day of September 1911.

Cornelia C. Elem — Plaintiff.

vs.

Edward J. Elem — Defendant.

I, Cornelia C.Elem, plaintiff in the above cause do solemnly swear to the best of my knowledge, information and belief that the defendant, Edward J. Elem is not a resident of the State of Virginia.

Cornelia C. Elem

Subscribed and sworn to before me this 2nd day of September 1911, my term of office expiring on the 9th day of December 1911.

M. M. Watkins

Notary Public.

To the Clerk of the Circuit Court of Nansemond County, Virginia.

Cornelia B. Elem

vs.

Edward J. Elem.

Issue summons in Chancery for plaintiff against defendant to first rules in September, 1911, to answer said plaintiff a bill in Chancery.

Wm. H. Lawrence Cornelia B. Elem

p.q. By counsel.

Tax $1.50

3-99

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Edward J. Elem

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in September, 1911, to answer a Bill in Chancery, exhibited against him in the said Court by Cornelia C. Elem

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 2nd day of September, 1911, xxx, 19..., in the 136th year of the Commonwealth.

~~A copy—Teste~~:

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

Teste:

R R Smith

By M M Watkins D.C., CLERK.

W. M. Crumpler p. q.

Cornelia C. Elam

vs. } In Chancery.

Edward J. Elam

1911

September Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 99

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By M. M. Watkins D. C.

....., CLERK.

W. M. Crumpler p. q.

Copy for

vs. } In Chancery.

Edward J. Elem

1911

September Rules.

Finish Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 99.

Begin
Cornelia

The depositions of Cornelia C. Elem and A. J. Brown taken before me, John F. Pinner, a Commissioner in Chancery of the Circuit Court of the _____ of _____ in the State of Virginia, at the office of Wm. H. Crumpler, in Suffolk, Virginia, on the 24th day of October, 1911, between the hours of 8 A. M. and 6 P. M., pursuant to the annexed order of publication and to be read as evidence on behalf of Cornelia C. Elem in the Chancery suit now pending in the Circuit Court of Nansemond County, wherein she is the plaintiff and Edward J. Elem is the defendant.

Present.

John F. Pinner, Commissioner in Chancery.

Wm. H. Crumpler, counsel for plaintiff.

The defendant not appearing in person or by counsel.

The witness, A. J. Brown, being duly sworn deposes and says as follows:

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

A. A. J. Brown, age 45, residence Suffolk, Va., and occupation School teaching.

Q. Are you acquainted with Cornelia C. Elem, where does she reside and how long has she resided at her place of residence, that is, at her present place of residence

A. I am. She resides in Nansemond County, with one farm between hers and mine. She has resided there all her life, except she has worked North some. She has not been North for something over two years.

Q. Is her husband, Edward J. Elem, a resident of this State?

A. He is not

Further this deponent saith not.

A. J. Brown.

Cornelia C. Elem, being duly sworn deposes and says as follows:

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

A. Cornelia C. Elem, age 30 years, residence Nansemond County, and occupation has been hair dressing, but now living with mother at Magnolia.

Q. How long have you resided in Nansemond County?

A. Near two years.

Q. Are you married or single?

A. Married.

Q. What is your husband's name?

A. Edward J. Elem.

Q. Where does he reside?

A. Atlantic City, New Jersey.

Q. Where did you and your husband last reside together?

A. Atlantic City.

Q. When.

A. October 14th, 1907.

Q. Are you now living together in harmony as man and wife?

A. No sir.

Q. What occasioned your separation, when, and which one left the other?

A. On October 14th, 1907, he sent me to visit friends in Washington saying that he would join me on the following Saturday. We were living at No. 8 Norris Avenue, Atlantic City, N. J. He did not come to Washington as he said. After having waited in Washington about two weeks, I returned to Atlantic City and went home to No. 8 Norris Avenue and found that he had moved. He took such furniture as he wanted and left the remainder. Friends told me that he had moved to 138 Kentucky Avenue, and I went around there to see him and he said that he had decided to make that his home. He said that he would not live with me

any more and I said, "Well, I will move here" and he said "No, if you move here, I will move away".

Q. Have you at any time, on any occasion, either temporarily or for any length of time since the 14th of October, 1907, lived or cohabited with your said husband?

A. No sir.

Q. Did you ever communicate with your husband your willingness to live with him again other than as you have above stated?

A. I called him up over the 'phone about two weeks after I went to see him on Kentucky Avenue and he said that he would come but he did not come, afterwards, I called him up several times to try and have a talk with him, hoping to induce him to return to me or to allow me to return to live with him but he never would agree and never would come to see me or appoint any place for us to meet.

Further this deponent saith not.

Cornelia C. Elam

State of Virginia,

County of Nansemond to-wit:

Notary's certificate

I, John F. Pinner, a Commissioner in Chancery of the Circuit Court of the County of Nansemond in the State of Virginia, do certify that the foregoing depositions of Cornelia C. Elem and A. J. Brown, were taken before me in the office of Wm. M. Crumpler in Suffolk, Virginia on the 24th day of October, 1911.

Given under my hand this 24th day of October, 1911.

John F. Pinner (Seal)
Commissioner in Chancery.

The depositions of REBECCA C. REID, and CATHERINE KING, taken before me, TRAVERSE A. SPRAGGINS, a Notary Public of, and in the State of New Jersey, at my office, No. 75 Montgomery Street, in the City of Jersey City, in the County of Hudson and State of New Jersey, on the Seventeenth day of February, in the year One Thousand Nine hundred and twelve, between the hours of 2 o'clock and 3 o'clock P.M. , to be read as evidence on behalf of Cornelia C. Elem, in the Chancery suit now pending in the Circuit Court of Nansemond County, Virginia, wherein she is the plaintiff, and Edward J. Elem, is the defendant.

P R E S E N T.

TRAVERSE A. SPRAGGINS, Notary Public of New Jersey.

THE DEFFENDANT, not appearing in person or by counsel.

THE WITNESS, REBECCA C. REID, being duly sworn deposes and says, as follows:-

Q. -1 What is your name, age, residence and occupation?

A. Rebecca C. Reid, 38 years, 109 Union Street, maid.

Q. -2 Are you acquainted with Cornelia C. Elem, and Edward J. Elem, and if so, are they husband and wife?

A. Yes sir. Fifteen or eighteen years, he lived at Atlantic City. Her home is Virginia, she is stop-

ping at 110 Harrison Avenue. Yes, I know they are husband and wife;they lived in Atlantic City about four years ago in the same house that I lived in and I frequently called to see them and visited them in Atlantic City. Her husband is by occupation a bar-tender, and she was employed as a manicurist and hair-dresser at Atlantic City. One child was born while they lived at Atlantic City, and they named it, Edward D. Elem, who afterwards died at Atlantic City.

Q. 3- How long have you known each of these parties?

A. I have known Mrs. Elem, since she was a child, and I have known the defendant Edward J. Elem, about fifteen years.

Q. 4- Since you have known them, have they lived together as husband and wife?

A. They have, to my own knowledge for about twelve years.

Q. 5- Do they now live together as husband and wife?

A. They are not living together as husband and wife now, and have not lived together for about 4-1/2 years. I know this, because I visit and associate with the same people that Mrs. Elem does, and I have seen her husband within this time, several times and conversed with him and he has told me that he was not living with his wife, and I further say, that Mrs. Elem has lived in Jersey City for about two years, and during this time her husband has lived at Atlantic City.

Q. 6- When and where did they separate, and what was the cause of the separation?

A. They separated at Atlantic City. Mrs. Elem had gone to Washington to see friends at the request of her husband, and with the understanding and promises on the part of her husband that he would join her in Washington;this was in October, about four years ago. He never went to Washington to join his wife, and in about two or three weeks afterwards his wife returned to Atlantic City from Washington and went to the place where they formerly lived, and found that her husband had moved from the place where they lived and took away his clothing and such other of the furniture as he desired. I had a talk with him about this, and asked him, why it was that he had left his wife, and he told me he was going to"quit" and would not live with his wife again. My acquaintance with him and his way of living leads me to believe, that he did not desire to live with his wife again. His wife is a woman of a quiet disposition with a desire to take care of home. He is a man who is known as a "sport", and I think that was the cause of their disagreement, because of his fondness of women who liked to sport, and several of these women he consorted with in Atlantic City.

I know, one woman in particular, that he seem-to be in love with, her name being Agnes Doscher, and this is the woman , I think he left his wife for to be with. About this time I was employed in the Cafe of Benjamin G. Fitzgerald at Atlantic City/ This is a place that is frequented by a great many women and men at night, and I

as a waitress there, have served him and this women together, frequently. I have served them drinks and meals at this cafe. I spoke with him about this, and asked him why he was not with his wife, and he told me, that he did not like to be with his wife, because she was "too slow."

Q. 7- Did Edward J. Elem leave and desert his wife, Cornelia C. Elem, or did she desert him?

A. Edward J. Elem left and deserted his wife, for the purpose of going with other women.

Q. 8- Have they lived together since the time of separation which you have mentioned?

A. They have not lived together since they separated, about four years ago or more.

Q. 9- Do you know whether or not Cornelia C. Elem did any thing to cause her husband to desert her?

A. I do not know of anything that Cornelia C. Elem did, to cause her husband to desert her, for my acquaintance with her was such that I knew her to be a good woman and desirous of living happily; but when her husband met these fast women, at the place where I was employed, his head seemed to be carried away.

Q. 10- Was her married life, so far as you know, and observed faithful and true to her marriage vows?

A. From a little child, when I first knew her, she has borne the very best reputation morality, and I know that she did nothing to cause her husband to desert her. I have noticed that she has always been a faithful and true wife, and I believe that she has always lived up to her marriage vows and obligations.

Further this deponent saith not. Rebecca C. Fee

Frances C. Hopkins
Notary Public

DEPOSITIONS OF CATHERINE KING.

Q. 1- What is your name, residence, age and occupation?

A. Catherine King, I live at 110 Harrison Avenue; twenty-four years; and am employed as a manicurist and hari-dresser.

Q. 2- Are you acquainted with Cornelia C. Elem and Edward J. Elem, and if so, are they husband and wife?

A. I am acquainted with Cornelia C. Elem and Edward J. Elem. They are husband and wife. I have known Cornelia C. Elem since I was a child, in fact, we were reared together, and I have known Edward J. Elem for about twelve years. I know that they were married and lived together as husband and wife, for about twelve years; that they lived at Atlantic City, at that time, and I visited them in Atlantic City at their home. They lived there as husband and wife, about three years ago.

Q. 3- How long have you known each of these parties?

A. I have known Cornelia C. Elem, all of my life, and Edward J. Elem for about twelve years.

Q. 4- Since you have known them have they lived together as husband and wife?

A. They have lived together as husband and wife since I have known them. They have lived, as I said before, about twelve years as husband and wife.

Q. 5- Do they now live together as husband and wife?

A. They do not now live together as husband and wife, and have not for more than four years.

Q. 6- When and where did they separate and what was the cause of the separation?

A. A little over four years ago, when I was employed at the Fitzgerald Cafe, on Kentuckey Avenue, in Atlantic City, Mr. Elem told me that he had sent his wife to Washington, and told me that he told her that he was going there to join her in Washington within a few days; but he did this for the purpose of getting rid of her, so that he could have a good time with the girls that frequented the cafe on Kentucky Avenue. After Mrs. Elem had been gone for seven or eight days, then he, Edward J. Elem, left the place where he and his wife had formerly lived and took up his lodging on Kentuckey Avenue. Mr. Elem is a man who is known as a sport, and likes to be with women of loose character and a sporting disposition. His wife is a quiet hard-working woman and he told me that he did not like his wife because she did not like to "sport" as other women with whom he associated. I have seen him quite often in the Cafe, when I was a waitress there, with Agnes Gosher. I have seen them drink and eat together, and I have seen her drink whiskey with him and he with her. I spoke with him about this, and he told me that he did not care; that he did not intend to live with his wife at any rate, and that he preferred to be with the Gosher woman. I told him that I would tell his wife about it, and he said that he did not care, that he wanted his wife away from him.

Q. 7- Did Edward J. Elem leave and desert his wife, Cornelia C. Elem or did she desert him?

A. The defendant Edward J. Elem deserted his

State of New Jersey. }
County of Hudson. } ss.

I, JOHN F. CROSBY, Clerk of the County of Hudson, and also Clerk of the Circuit Court and Court of Common Pleas, holden therein, the same being Courts of Record with a seal, do hereby certify that Travers N. Spraggins

before whom the foregoing Affidavit

was taken, was at the date thereof, a Notary Public, in and for said County and State, commissioned and sworn, resident in said County, and duly authorized to take the same. And, further that I am well acquainted with the handwriting of such Notary Public, and verily believe the signature purporting to be his is genuine.

IN WITNESS WHEREOF, I ~~have~~ hereunto set ~~my~~ hand and affixed the seal of said Courts and County this 15 day of February A. D. 191?

John F. Crosby Clerk

wife and has not lived with her for more than four years. I do not think that he is the kind of a man that wants a wife; he likes to be with loose women.

Q. 8- Have they lived together since the time of separation which you have mentioned?

A. I know that they have not lived together since the separation, or in other words, since by his meaness he drove her away from him, and that is about four years ago.

Q. 9- Do you know whether or not Cornelia C. Elen did antthing to cause her husband to desert her?

A. I know that his wife did not do anything to him to cause a separation. She and I used to go to the same Sunday-School, and I know her to be a good woman.

Q. 10- Was her married life, so far as you know, and observed faithful and true to her marriage vows?

A. Since her married life to him she has always conducted herself as married woman should, and I told her several times that she was foolish to be such a slave to this man.

And this deponent saith not. Katherine King

Carmen Christopher
Notary Public
of New Jersey

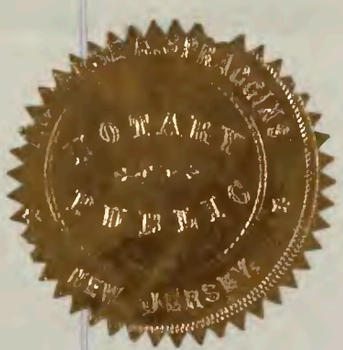
All Available Text Successfully Captured

State of New Jersey,

County of Hudson, ss. to-wit:

I, Traverse A. Spraggins, a Notary Public of the State of New Jersey, do certify that the foregoing depositions of Rebecca C. Reid and Katherine King were taken before me in my office at 75 Montgomery Street, Jersey City, on the Seventeenth day of February, Nineteen hundred and twelve.

Given under my hand and official seal, this Seventeenth day of February, Nineteen hundred and twelve.



Traverse A. Spraggins (Seal)

Notary Public of New Jersey.

My Commission expires Oct 31, 1912

Dated February 17th, 1912.

Cornelia C. Elem,

-vs-

Edward J. Elem,

DEPOSITIONS.

Traverse A. Spraggins,
Attorney at Law,
75 Montgomery St.
Jersey City, N.J.

Suite 515.

Virginia

In the Circuit Court of Nansemond County.

****
Cornelia C. Elem *
*
Vs. * In Chancery.
*
Edward J. Elem. *
****

This cause came on this day to be ~~again~~ heard on the bill, the exhibits filed, and the depositions of witnesses, the defendant, who appears to ~~be~~ have been proceeded against in the manner prescribed by law as to non-resident defendants, failing to appear, plead, answer, or demur and was argued by counsel.

On consideration whereof, the court being of the opinion from the evidence submitted that the defendant has willfully deserted the plaintiff, his wife, and that it has been three years or more since said desertion; that the plaintiff has been domiciled in this State, at least, one year next preceding the commencement of this suit and was a resident of this County at the commencement of this suit, doth order, adjudge, and decree that the plaintiff, Cornelia C. Elem be divorced absolutely from her said husband, Edward J. Elem; that the marriage heretofore solemnized between them be and the same is hereby annulled and set aside and a divorce a vinculo matrimoni is hereby granted the said plaintiff from her said husband. And nothing further remaining to be done in this case, it is ordered that the same be stricken from the docket.

Entered March 22, 1912

James L. McLemore,

Entered in Chancery
Order Book No. 4. Page 508.

No. 82530

ORIGINAL

I L. G. Gordon

hereby certify that on the 5 day of Jan.

one thousand eight hundred and ninety 6 at Philadelphia,

Mr. Edward J. Elem and Miss Cornelia C. Reid

WERE BY ME

United in Marriage

in accordance with License issued by the Clerk of the Orphans Court of Philadelphia County, Pennsylvania, numbered

L. G. Gordon

Minister of the Gospel, Justice of the Peace or Magistrate

GETZE & BLACKBURN, STATIONERS PHILA

Robt Upshur
Wm Allen Patton

Exhibit "a"

Virginia:

In the Clerk's Office of the Circuit Court of Nansemond County.

Cornelia C. Elem — Plaintiff.

vs.

Edward J. Elem — Defendant.

To the Honorable James L. McLemore, Judge of the Circuit Court of Nansemond County.

Your oratrix, Cornelia C. Elem, humbly complaining would respectfully show unto your Honor that:

F I R S T

She resides in Nansemond County, Virginia, and has been domiciled in said County and in this State more than one year next preceding the commencement of this suit;

S E C O N D

On January 8th, 1896, at Philadelphia, in the State of Pennsylvania, your oratrix was married to one, Edward J. Elem, with whom she lived and cohabited as man and wife at Atlantic City, New Jersey, until the 15th day of October, 1907;

T H I R D

During their said marriage, to-wit, on the 15th day of October, 1907, at Atlantic City, New Jersey, where they last cohabited, your oratrix' said husband, Edward J. Elem, disregarding his marriage vow, did abandon and desert her without any cause or default on her part and apparently and certainly so far as your oratrix knows without any reason whatever,

F O U R T H

That since said desertion your oratrix' said husband has not returned to her and they have not since that time cohabited;

F I F T H

That the marriage of your said oratrix to the said Edward J. Elem will more fully appear by her original certificate of her said marriage, herewith filed marked "Exhibit A" and prayed to be read as a part of this bill.

Wherefore, in as much as your oratrix is remediless, save in a court of equity, where matters of this sort are properly cognizable, she prays that Edward J. Elem, may be made a party defendant to this bill and required to answer the same, but an answer under oath is waived; that, upon the hearing your Honor will grant unto your oratrix an absolute divorce from the said Edward J. Elem and your oratrix further prays for such other further, and general relief as in equity is meet and proper. And she will ever pray etc.

Cornelia C. Elem

State of Virginia,
City of Suffolk, within the
County of Nansemond, to-wit:

I, M. M. Watkins a Notary Public in and for the county of Nansemond, in the State of Virginia, whose term of office expires on the 2nd day of September 1911 do certify that Cornelia C. Elem, whose name is signed to the writing above says that the statements made in the foregoing writing, so far as made upon her own knowledge are true, and that so far as made upon the knowledge or information derived from others, she believes them to be true.

Given under my hand this 2nd day of September 1911.

M. M. Watkins
Notary Public.

My Commission expires Dec 9th, 1911-.

Cornelia C. Elem

vs - In Chancery -

Edward J. Elem

1911		
Sept.	2	- Process issued returnable to 1st Sept. Rules - 1911 - Not Executed -
Sept.	2	- Affidavit of non-residence filed - Order of publication entered - Bill filed -

$16 - 1\frac{1}{3}$

$1\frac{3}{3}$

$\frac{3}{3}$ $\frac{14}{42}$

$\frac{32}{128}$

42

170 200

$3,40$

Notes -