

1917-016
Nansemond Co (Suffolk) Chancery Causes: Frank Scott vs Ella Scott

Gatling, Rawls, Walker, Jordan

OVERSIZE

Box 4

-1 marriage license (exhibit A)

In the Circuit Court of Nansemond County, Virginia,

Frank Scott

v.

Ella Scott. = 62 8 Brewer St. Norfolk Va.
To C. E. Bunting, Clerk,

Please summons the defendant to the First Sept. Rules
to answer a bill in chancery for a divorce.

W. S. Holland

By counsel.

W. S. Holland, P. C.

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon Ella Scott

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, ¹⁹¹⁷ to answer a

Bill in Chancery, exhibited against her

in the said Court by Frank Scott

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 27th day of

August, 19 17, in the 42nd year of the Commonwealth.

A Copy Teste:

[Signature] Clerk

Teste:

[Signature]

Clerk

Executed this day of, 191... by delivering a true copy of the with-
in process to
in person, in the County of Nansemond, State of Virginia.
Sheriff

H. S. Holland p. q.

Frank Stated

vs. } In Chancery

Ella Scott

1917

Syllable Rules

First Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page 51

Executed this 31st day of
August, 1917, by delivering a
true copy of the within process
to Ella Scott in person, in the
County of Nansemond, Virginia.

C. E. Wagner Sheriff
By A. S. Hargrove Deputy

Ella Scott
Not found
C. L. Hudgins
City Sergt
By C. H. Tumbleson
Deputy
Aug 29 1917

NORFOLK, VA.
NOTARY MAKE AFFIDAVIT THAT I HAVE
MADE DILIGENT EFFORT TO EXECUTE
THIS WRIT AND RETURN

C. H. Tumbleson
Deputy City Sergeant

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 29th DAY OF Aug. 1917

A. L. Cherry D.C.

To Ella Scott;

628 Brewer Street, Norfolk, Va.

Take notice that on ~~Friday~~ September 17th, 1917, at the office of William S. Holland, in Suffolk, Va., between the hours of 9 A. M. and 6 P. M., of that day, I shall proceed to take the depositions of Frank Scott and others, to be read in evidence in my behalf in a certain suit in equity, depending in the Circuit Court of Hansemond County, Virginia, wherein I am defendant, and you are plaintiff; and if from any cause the taking of the said depositions be not commenced, or, if commenced, be not concluded, on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Also take notice that on the first day of the next term of court in the Circuit Court of Hansemond County I shall make a motion for a divorce from the bond of matrimony.

Given under my hand this 27th day of August 1917.

Frank Scott

By Counsel.

Wm. S. Holland, P. C.

Ella Scott
Not found
C. S. Hudgens
City Serjt
By C. H. Tumbleson
Deputy
Aug 29 1917

NORFOLK, VA.
I HEREBY MAKE AFFIDAVIT THAT I HAVE
MADE DILIGENT EFFORT TO EXECUTE
THIS NOTICE
C. H. Tumbleson

Aug 29 1917
C. S. Hudgens D.C.

I have on this 31st day of August,
1917, served and executed the within
notice by delivering a true copy to
Ella Scott in person in the County
of Hennessy, Virginia.

J. E. Haggerty
By
C. S. Hudgens
Deputy

The depositions of George T. Rawles and others,
taken before me, Bradford Kilby, a Commissioner in Chancery
for the ^{Circuit Court of the} County of Nansemond, pursuant to notice hereto an-
nexed, at William S. Holland's office, in Suffolk, Virginia,
on the 17th day of September, 1917, and between the hours
of 9 A. M. and 6 P. M. to be read as evidence in behalf
of Frank Scott in a certain suit in equity depending in
the Circuit Court of the County of Nansemond, wherein
Frank Scott is plaintiff and Ella Scott is defendant.

PRESENT:

Wm. S. Holland, attorney for plaintiff.

No appearance for defendant.

John

George T. Rawles.

George T. Rawles being duly sworn deposes as follows:

Q. Please state your name, age, residence and occupation.

A. George T. Rawles, 63 years old, Pinner Street, Suffolk, Va.,
Farmer.

Q. How long have you been knowing Frank Scott and Ella Scott?

A. I am been knowing Frank all during his life, and I have known
his wife for 15 or 20 years.

Q. Do you know about when they were married, Mr. Rawles?

A. No sir, I do not.

Q. Do you know about when Frank Scott and his wife separated?

A. ~~No, I do not~~, I know the time when she left him.

Q. About how many years have they been separated?

A. About eight or ten years.

Q. You know they have been separated for over three years?

A. Yes.

Q. Did he leave her, or did she leave him?

A. I think she left him. He didn't go anywhere and she went away.

Q. Is she living in the neighborhood now?

A. I think not.

Q. Is Frank living in the neighborhood now?

A. Yes sir, he was when I left there and I suppose he is now.

Q. Where were they living when they separated?

A. At Capt. Tom Gaskins, in the yard.

Q. Is that place in Nansemond County, and State of Virginia?

A. Yes sir.

Q. Do you know where they resided during their married life.

A. In Nansemond County.

Q. Did she have any cause for leaving him?

A. None that I know of. I think she made her own cause.

And further this deponent saith not.

Geo. T. Rawles

Whit Walker, being duly sworn deposes as follows:

Q. State your name, age, residence, occupation, and if you know the parties to this suit?

A. Whit Walker, fifty-two years old, farmer, Nansemond County, Va., I know Frank Scott and Ella Scott.

Q. How long have you been knowing Frank Scott and Ella Scott?

A. I have been knowing them for 20 years.

Q. About when and where were they married?

A. They were married in Bennett's Pasture, Nansemond County. I don't know when.

Q. About how many years have they been married?

A. I don't know sir exactly how many years.

Q. Are they living together now?

A. No sir.

Q. How long have they been separated?

A. About ten years as near as I can remember.

Q. Did he leave her or did she leave him?

A. She left him.

Q. Please state whether he gave her any cause for leaving ~~him~~ ^{him} or not?

A. No sir, he didn't give her any cause as I know of, all I know is she left.

Q. Please state what kind of a husband he made her?

A. He made her a good husband so far as I know.

Q. Did you ever hear of him fussing with her or beating her, or treating her roughly?

A. No sir.

Q. Where is she living now?

A. I don't know, she is living in Norfolk I believe.

Q. Where is Frank living now?

A. In Nansemond County.

Q. How long has she been living in Norfolk?

A. I don't know sir exactly how long she has been in Norfolk.

Q. About how many years?

A. About five or six years as near as I can come at it.

Q. Do you know why she left him?

Whit Walker continued.

A. No sir, I do not.

Q. How far did you live from Frank Scott and his wife when they were living together?

A. Two miles and a half.

Q. Were you friendly with them or not and in a position to know how he treated his wife?

A. Yes sir, I was friendly with him and I know exactly that that he was good to her.

Q. Where were they living at the time of their separation?

A. In Nansemond County, Va.

Q. Have you ever known him ~~them~~ to live together as man and wife since their separation about ten years ago?

A. No sir.

And further this deponent saith not.

Witness
M. D. Andrews

Whit^{his} x Walker
mark

John Jordan being duly sworn deposes as follows:

Q. State your name, age, residence, occupation and if you know the parties to this suit?

A. John Jordan, twenty-seven, farmer, Nansemond County, Va.,
I know the parties.

Q. How long have you been knowing Frank Scott and Ella Scott?

A. Been knowing Frank all my life and I have been knowing Ella for about twenty years.

Q. About when and where were they married?

A. About twenty years ago, in Nansemond County.

Q. Are they now living together?

A. No sir.

Q. When did they separate?

A. They separated in 1908.

Q. Do you know the month of that year?

A. January.

Q. Did he leave her or did she leave him?

A. She left him.

Q. Did he give her any cause to leave?

A. No sir, he didn't give her no cause to leave.

Q. Did she leave him wilfully without any justification?

A? ~~Yes~~ Yes.

Q. What kind of a husband did he make her?

A. He made her a good husband.

Q. How far did you live from them during their married life?

A. About a mile.

Q. Were you friendly with them or not, and in a position to know how he treated his wife?

A. Yes, and he treated her good.

Q. Where were they living at the time of their separation?

A. At Capt. Tom Gaskins, in Nansemond County, Va.

Q. Where were they living during their married life?

A. At the same place.

Q. And further this deponent saith not.

John Jordan.

Frank Scott, being duly sworn deposes as follows:

Q. State your name, age, residence, occupation and if you know the parties to this suit?

A. Frank Scott, forty-one years, Nansemond County, Va., farmer, I am the plaintiff in this suit.

Q. Please tell the court about when you and your wife separated?

A. Going on ten years, it will be ten years in January.

Q. Do you mean by that that you all were separated in January, 1908?

A. Yes sir.

Q. Did she leave you or did you leave her?

A. She left me.

Q. What did she tell you when she left?

A. Well, she told me that she was going to leave me forever and eternity.

Q. Did you give her any cause for leaving?

A. No sir, do I don't know anything about it.

Q. Did she tell you why she left at the time?

A. No sir.

Q. Has she told you since why she left you?

A. She told me in the month of last August when she was up there during the meeting.

Q. What did she say then?

A. She said she over persuaded.

Q. By whom?

A. She didn't tell me that.

Q. What did she mean by saying that she was over persuaded?

A. I don't know sir, unless she was over persuaded by some one else, she didn't tell me.

Q. Have you lived with her as man and wife since 1908?

A. No sir, I have not stayed with her an hour.

Q. Where do you now live?

A. I live in Nansemond County, Va.

Frank Scott continued.

- Q. How long have you been living there?
- A. I was bred and born in Nansemond County.
- Q. Where is your wife now?
- A. I reckon she is in Norfolk.
- Q. How long has she been living in Norfolk?
- A. About six years.
- Q. Where were you all living at the time she left you?
- A. In Capt. Tom Gaskins yard, in Nansemond County.
- Q. Did she leave you wilfully without any justification?
- A. Yes sir.
- Q. In one of the above questions you said that you had not stayed with her an hour since she left you, what do you mean by that?
- A. I never have lived with her as man and wife since 1908.
- Q. Has she ever returned to your home since she left?
- A. No sir, she has not.

And further this deponent saith not.

Witness
M. D. Andrews.

Frank ^{his} Scott
mark

STATE OF VIRGINIA,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do certify that the foregoing depositions of George T. Rawles, Whit Walker, John Jordan and Frank Scott, were duly taken, sworn to and subscribed before me at the office of Wm. S. Holland, in the City of Suffolk, Virginia, on the 17th day of September, 1917, between the hours of 9 A. M. and 6 P. M. and for the purpose in the caption hereto mentioned.

Given under my hand this 17th day of September, 1917.

Bradford Kilby
Commissioner in Chancery for the Circuit
Court of Nansemond County, Virginia.

Comm. fee. \$5.00

Frank Scott

vs: depositions

Ella Scott

Filed

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Virginia:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,

Frank Scott

v. IN CHANCERY.

Ella Scott

This cause came on this day to be heard on the bill of complaint and depositions of witnesses, taken after due notice to the defendant by process served according to law, and the defendant who appears to have been proceeded against in the manner prescribed by law, failing to plead, answer or demur, and was argued by counsel.

On consideration whereof it appearing to the Court from the evidence submitted in ~~this~~ this cause that said defendant, Ella Scott, since her marriage with the said plaintiff, Frank Scott, has deserted him for a period of more than three years next before the institution of this suit, that they have been domiciled in and residents of Virginia for more than one year preceding the commencement of this suit; that they cohabited last in the said County of Nansemond, Virginia; the court doth adjudge, order and decree that the plaintiff be and he is hereby granted a full divorce a vinculo matrimonii, from the said defendant, and that the marriage ceremony heretofore solemnized be and the same is hereby annulled^l and set aside and it appearing that nothing further remains to be done in this case it is ordered to be stricken from the docket.

Frank Scott

Vs. DECREE.

Ella Scott.

Enter Oct 8. 1914.
Jas. L. Moore.

Chancery Office

Books No. 5

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VIRGINIA:

In the Circuit Court of Hansemond County,

Frank Scott *

v. *

BILL.

Ella Scott *

To the Honorable Circuit Court of Hansemond County:

Your complainant, Frank Scott, respectfully represents

(1) That on the 30th day of October, 1896, your complainant, Frank Scott, was lawfully married in Hansemond County, Virginia, to Ella Scott, whose maiden name was Ella Gatling, as will appear from a certificate of marriage herewith filed, marked "Exhibit A", and made a part of this bill; and,

(2) That continuously from the date of said marriage until the _____ day of January, 1908, your complainant and the said Ella Scott lived together as husband and wife in Hansemond County; and,

(3) That the said Ella Scott has wilfully deserted and abandoned your complainant for a period of more than three years: that is to say, on the _____ day of January, 1908, the said Ella Scott did, voluntarily, wilfully and without any justification whatever, leave her home; that immediately before leaving she stated to your complainant that she was going to leave him forever and that she would never return to him; and that the said Ella Scott has never returned to your complainant; and,

(4) That your complainant has resided and 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 Ella Scott near Drivers, in Hansemond County, Virginia:

In consideration whereof, and for as much as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Ella Scott 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 him; and that your complainant may have all such further, and other, and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

Witness

J. A. Barber

Frank ^H Scott Complainant.
moll ✓

H. S. Holland, P. Q.

State of Virginia,

City of Suffolk,

Frank Scott, 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 stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

Witness J. A. Barber Frank ^H Scott Complainant.
moll ✓

Taken, sworn to and subscribed before me, Hugh L. Holland, a notary public in and for the City of Suffolk, Virginia, this 1st day of September, 1917, in my city and state aforesaid.
Hugh L. Holland
Notary Public.

Frank Scott
v. Bill
Ella Scott

Paid Sept. 3, 1817
J. B. Denton

WILLIAM S. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY, AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTHS' ATTORNEY
E. E. WAGNER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA..

Frank Scott
vs
Oky.
Ella Scott

Aug. 27, 1917, Process issued, return 09 to Sept. Rules
1st Monday, 1917,

Sept. Rules, 1st Monday 1917

Process return & execution, fee paid & decern nisi.

Sept. Rules, 3rd Monday, 1917

Decern nisi complied and came out for hearing.

"Exhibit A"

MARRIAGE * LICENSE



Virginia, Nauvoo 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,

Frank Scott
and Ella Hatling

Given under my hand as Clerk of the County Court of said county this 28th day of October 1896
R. R. Smith Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA AS AMENDED BY ACT OF FEBRUARY 1896

Time of Marriage, <u>1896 Octo. 29th</u>	Place of Husband's Birth, <u>Nauvoo Co. Va</u>
Place of Marriage, <u>Nauvoo County</u>	Place of Wife's Birth, <u>Bates Co. Va.</u>
Full Names of Parties Married, <u>Frank Scott</u> <u>and Ella Hatling</u>	Place of Husband's Residence, <u>Nauvoo Co. Va</u>
Color, <u>Colored</u>	Place of Wife's Residence, <u>Nauvoo Co. Va</u>
Age of Husband, <u>21 years</u>	Names of Husband's Parents, <u>James Scott and</u> <u>Sallie his wife</u>
Age of Wife, <u>21 years</u>	Names of Wife's Parents, <u>Carroll Hatling</u> <u>and Rosa his wife</u>
Condition of Husband (widowed or single or divorced) <u>single</u>	Occupation of Husband, <u>Wrestman</u>
Condition of Wife (widowed or single or divorced) <u>single</u>	

Given under my hand this 28th day of October 1896
R. R. Smith Clerk.

Certificate of Time and Place of Marriage.

I Certify, that on the 30 day of October 1896 at bride Resident
 1/2 7 o'clock I united in marriage
the above-named and described parties,
and in authority of the annexed license
a copy - Test: G. E. Runtz, Clerk Rev. W. H. Shaw
By Kate P. Bell, D. C.

125

Frank Scott
with certificate
of
marriage

Ella Gelling

1896

Dec 29th