

1919-005
Nansemond Co (Suffolk) Chancery Causes: Estelle Russell vs Marion W. Russell

Horton, Odom

George E. Bunting, Clerk:

Estelle Russell.....Complainant

Vs. IN CHANCERY

M. W. Russell,.....Respondent

Issue summons First Rules (FIRST MONDAY) in
May, 1915.

Suit for divorce.

J. Saunders p.d.

Memorandum

DATE FOR CLASSROOM

DATE: 1939

FROM: [Name] (LIVING HISTORY) TO:

RE: [Subject].....

AS: IN CLASSROOM

NOTES: [Notes].....

APPROVED BY: [Signature] DATE:

DATE FOR CLASSROOM

DATE: 1939

FROM: [Name] (LIVING HISTORY) TO:

RE: [Subject].....

AS: IN CLASSROOM

APPROVED BY: [Signature] DATE:

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon *Mr. H. Russell*

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 *Dist* Monday in *May 1915*; to answer *a*
Bill in Chancery, exhibited against *him*
in the said Court by *Estelle Russell*

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this *23rd* day of
April, 19*15*, in the *13th* year of the Commonwealth.

A Copy--Teste:

Clerk

Teste:

Clerk

Executed this 23rd day of April, 1915 by delivering a true copy of the with-
in process to Mr. W. H. Russell

in person, in the County of Nansmond, State of Virginia.

W. H. Russell Sheriff

John R. Saunders p. q.

Osborne Russell

vs. } In Chancery

Mr. H. Russell

1915

May Rules

First Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 5

Page

Estelle Russell.....Complainant.

vs.

M. W. Russell.....Respondent.

This cause in which process was duly served on the respondent came on this day to be heard upon the complainant's bill and exhibits filed therewith, the depositions taken before Bradford Wilby, a commissioner in chancery for Nansemond County, duly filed in this cause, and was argued by counsel.

On consideration whereof, it appearing to the Court independently of the admissions of either party in the pleadings or otherwise, that the said parties were lawfully married on the 5th day of January, 1913, that the said Estelle Russell and M. W. Russell last lived together as husband and wife in the County of Nansemond, Virginia, that both the said Estelle Russell and M. W. Russell have been domiciled and have resided in this state ever since the aforesaid marriage and for more than one year next preceding the commencement of this suit, and that the said M. W. Russell has deserted and abandoned the said Estelle Russell, the Court doth adjudge, order and decree that the said Estelle Russell and M. W. Russell be divorced a mensa et thoro(from bed and board).

And this cause is continued.

Decree.

Estelle Russell

vs.

M. W. Russell

Enter the ^{9th} day of *April*

1919

J. L. McNamee

Entered in Chancery Order

Book No. *5-*, at

page *200*

MARRIAGE LICENSE



Virginia Henric 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,

Marion Waff Russell
and Hannie Estelle Horton

Given under my hand, as Clerk of the Circuit Court
of Henric Co. this 4th day of January 1913

H. E. Bunting 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 16, 1910.

Time of Marriage, <u>Jan. 15, 1913</u>	Place of Husband's Birth, <u>Henric Co.</u>
Place of Marriage, <u>Henric Co.</u>	Place of Wife's Birth, <u>Henric Co.</u>
Full Names of Parties Married, <u>Marion Waff Russell & Hannie Estelle Horton</u>	Place of Husband's Residence, <u>Henric Co.</u>
	Place of Wife's Residence, <u>Henric Co.</u>
Race (white or colored), <u>white</u>	Names of Husband's Parents, <u>C. W. Russell and Lulie his wife</u>
Age of Husband, <u>20 years</u>	Names of Wife's Parents, <u>Wielis Horton and Lennie his wife</u>
Age of Wife, <u>20 "</u>	
Condition of Husband, <u>single</u> Widowed or single or divorced	Occupation of Husband, <u>Farmer</u>
Condition of Wife, <u>single</u> Widowed or single or divorced	

Given under my hand this 4th day of January 1913

H. E. Bunting Clerk

Certificate of Time and Place of Marriage

I, J. W. Johnson, a minister of the Christian Church, or religious order of that name, do certify that on the 5th day of January 1913, at Henric Co. Va. under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 6th day of January 1913

A True Copy
Jesse Kelley & Benton J. W. Johnson

The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the license and certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the license; failure to comply with these requirements of the law makes the minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (See Section 2229 of the Code of Virginia, as amended, by Act approved February 16th, 1910, Acts 1910, chapter 28, pages 36 and 37.)

Coxey

Marion Wey Russell

Wife } Marriage
Licence

Naunie Estelle Horton

The depositions of Estelle Russell and others taken before me, G. A. Harris, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, pursuant to notice hereto attached, at the office of Saunders and Hutton, in the City of Suffolk, Virginia, on the 23rd day of May, 1919, between the hours of 10 A. M. and 4 P. M. to be read as evidence on behalf of Estelle Russell in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein M. W. Russell is defendant and Estelle Russell is complainant.

Present: Saunders and Hutton, attorneys for the Complainant.

No. appearance for the defendant.

Estelle Russell, being first duly sworn, deposes as follows:

Q. On the 9th day of April, 1919, the Circuit Court of Nansemond County, in the chancery suit of Estelle Russell against M. W. Russell, now pending in said court, entered a decree granting the said Estelle Russell a divorce a mensa et thoro (from bed and board) on the ground of desertion. Please state whether you are the Estelle Russell just referred to and the complainant in said suit.

A. Yes, I am.

Q. Have you and your husband lived together since the 9th day of April, 1919?

A. No.

Q. In the bill filed in this cause you stated that your husband abandoned you on the 8th day of August, 1914, in that because of his extreme cruelty you were forced to leave his home.

A. Yes, he did.

Q. Please state whether or not you and M. W. Russell, the defendant in this suit, have lived together since the said 8th day of August, 1914?

A. We have not.

Q. Has any reconciliation taken place between you and M. W. Russell?

A. There has not.

Q. Is a reconciliation probable?

A. No. There is no chance of our living together again.

And further this deponent saith not.

Estelle Russell

Mrs. Cornelia Florence Odom being first duly sworn, deposes as follows:

Q. Do you know Estelle Russell and M. W. Russell?

A. Of course I do.

Q. Are you related to either party?

A. I am the aunt of Estelle Russell.

Q. Where do you live?

A. 113 North Saratoga Street, Suffolk, Virginia.

Q. You are aware of the fact that your niece, Estelle Russell, has secured a divorce from bed and board from M. W. Russell are you not?

A. I am.

Q. The decree allowing this divorce was entered by the Circuit Court of Nansemond County on the 9th day of April, 1919. Do you know whether these parties have lived together since this decree was entered?

A. I do know that they have not.

Q. Has there been reconciliation between these parties?

A. There certainly has not.

Q. Do you think it probable that there will ever be a reconciliation between them?

A. None whatever.

Q. Where does Estelle Russell live now?

A. She lives at my home, 113 North Saratoga Street, Suffolk, Va.

Q. What is Estelle Russell's maiden name?

A. Estelle Horton.

Q. Do you know whether she desires to resume her maiden name?

A. I know she does - she can't bear to use the name Russell.

And further this deponent saith not.

Mrs. Cornelia Florence Odom.

Virginia,

City of Suffolk, to-wit:

I, G. A. Harris, a Commissioner in Chancery for the Circuit Court of the City of Suffolk, Virginia, do hereby certify that the foregoing depositions of Estelle Russell and Mrs. Cornelia Florence Odom 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 23rd day of May, 1919.



Commissioner in Chancery.

Estelle Russell.....Complainant

vs. IN CHANCERY

M. W. Russell,,,,,.....Defendant.

To M. W. Russell:

Please take notice that on the 24th day of May, 1919, I shall make application to the Circuit Court of Nansemond County to have the decree for divorce from bed and board, entered on the 9th day of April, 1919, in the above styled cause in which I am the plaintiff and you are the defendant, pending in said court, merged into a decree for divorce from the bonds of matrimony, and that on the 23rd day of May, 1919, at the office of Saunders and Hutton, Suffolk, Virginia, between the hours of ten A. M. and four P. M., I shall proceed to take depositions in support of such application.

Given under my hand this 17th day of May, 1919.

Estelle Russell

By Saunders Hutton
her attorneys.

Executed this 20th
day of May 1919 by
delivering a true copy
of the within notice,
to M. W. Russell in
person, in the Co. of Man.
State of Va.

E. E. Wagner Sheriff

M. W. Russell

v. Notice

M. W. Russell

W. W. Russell

Estelle Russell
vs. In Chancery
M. W. Russell

DEPOSITIONS.

1919 May 24. filed
JLM

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

The depositions of Estelle Russell and others taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, pursuant to notice hereto attached, at the office of J.R. Saunders in the City of Suffolk, Va. on the 19th day of June 1915, between the hours of 10 A.M. and 5 P.M. to be read as evidence on behalf of Estelle Russell in a certain suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein M.W. Russell is Defendant and Estelle Russell is Complainant.

Present: J.R. Saunders, Attorney for the Complainant.

R.H. Rawles, Attorney for the Defendant.

Commonwealth of Virginia,

County of Nansemond, to-wit:-

To the Sheriff of Nansemond County:

We command you that you summon Effa Russell to appear before me at the office of J.R.Saunders in Suffolk, Va. on the 9th. day of June 1915, at 10 o'clock A.M. to testify and the truth to say on behalf of Estelle Russell in a certain matter in controversy in the Circuit Court of Nansemond County, now depending and undetermined, wherein Estelle Russell is plaintiff, and M. W. Russell is defendant, and that you have then and there this writ and make return how you have executed the same.

Given under my hand this 27th. day of May 1915.

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

Executed this the 5th day of June
by delivering a true copy of the
within summons to Effa Russell
in person in the County of
Hammont State of Virginia
as St. Botolph Shireff.
J. B. Piccini, Deputy.

Russell
v.
Russell
In Chancery
Summons
Original
19th

TO M. W. RUSSELL:

Take notice that I shall on the 19th day of June, 1915, at the offices of J. R. Saunders, in the City of Suffolk, Virginia, between the hours of 10 o'clock A. M. and 6 o'clock P. M., on that day, proceed to take the depositions of Ray Horton and others, to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit Court of the County of Nansemond, Virginia, wherein I am the plaintiff and you are the defendant, and if for any cause the taking of the said depositions be not commenced, on that day, or if commenced, be not completed on that day, the taking thereof will be adjourned from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Given under my hand this 29th day of April, 1915.

Ester Russell
by J. R. Saunders atty

Executed this 8 day
June 1915 by Charles
a James Esq of the Within
notice to
M W Russell
res per son in nansemond co
Va
J. R. Saunders
The H

Mrs. Estelle Russell, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation, and if you are the plaintiff in this suit?

A. Estelle Russell; age 22, residence Nansemond County; occupation, house-wife. Yes, I am the plaintiff in this suit.

Q. Mrs. Russell, you have alleged in your bill that your husband, M. W. Russell, beat you and treated you cruelly, and as a result of his cruel treatment you were forced to leave his home. Please state all you know about it?

A. I was married the 5th day of January, 1913, and we lived on the farm near his home. The first time he beat me was in December, 1913. He beat me again in February, 1914, and the 4th day of April he beat me, cursed me and drove me from his home.

Q. When was the first time you left him?

A. The 4th day of April, 1914.

Q. Why did you leave him at that time?

A. Because he treated me so cruel, beat me and cursed me, and then drove me from his home. He said he had a check in his pocket for everything he had and I had to get out, that he was going away that evening.

Q. Where did you go from there?

A. I went to my father's home.

Q. Was there anyone around that heard him curse and abuse you?

A. My brother heard him.

Q. Why was your brother over there at that time?

A. After he beat me and cursed me to everything that he could and told me to leave, I had no way to get my things away and I saw a little boy cross the road by the name of Carlton Russell and I asked him if he would stop and tell Ray, my brother, to come over there.

Q. When you left him that time how long did you stay away from him?

A. I stayed away from him about one month. I left him the 4th of April and went back to him about May 4th.

Q. Why did you return to him?

A. Because he wrtoe me two notes asking me to come back, that he wanted me to come back. He saw ^{me} ~~him~~ pass the road one day and he came to the gate and asked me to come back, that he was sorry for the way he had treated me; that he had married me and wanted to live with me and he promised to treat me better if I would go back. I went back and tried to live with him but he was just as mean to me as the first time.

Q. How many times did he beat you after you went back to him?

A. Twice. Once he cursed me and dragged me across the floor. He did not exactly beat me that time but told me he would kill me.

Q. How did he drag you across the porch?

A. He caught me by the foot.

Q. Do you remember the dates he beat you the last time you lived with him?

A. Yes, sir, the first time was the 12th of July, 1914, and the 3d of August, 1914, he cursed me and dragged me across the floor.

Q. When was it you left him the last time?

A. The 8th day of August.

Q. Did he beat you on that day?

A. Yes, sir.

Q. Why did you leave him on that day, because he beat you?

A. Yes, sir.

Q. Did he or did he not curse you on that day?

A. He did curse me on that day.

Q. Have you ever given him any cause to curse or beat you in any way?

A. No, sir, I know of nothing I have ever done that made him do so.

Q. Have you always been an obedient wife?

A. Yes, sir.

Q. You have heard the testimony of Mrs. Effie Russell so please explain to the court the situation at the time Mrs. Russell saw him have you by the arm and you were on the ground?

A. We were going hom and at the gate he bagan cursing me and pushed me down and he picked me up and carried me to the house, and cursed me after he got to the house.

Q. How has he treated you all along during your married life?

A. He was just as cruel to me as he could be and once after he beat me he went in the house and loaded his pistol and told me he was going to kill me. I told him that his time would be next and he said "no it would". He said he would go over to some neighbor's house and tell them that somebody shot at him and killed me, and by saying that he would get out of it.

Q. How many times did he threaten to kill you?

A. I don't know exactly how many times, but it was several times. He carried a pistol around with him all the time.

Q. Are you actually afraid to live with?

A. Yes, sir, I am. The first time he beat me he told me if I told it he would kill me.

Q. Then, as I understand it, you have tried everyway you could to live with him, that he has driven you away from home and even told you to get your clothes together and get out?

A. Yes, sir.

And further this deponent saith not.

Estelle Russell

Allie Ray Horton, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation, and if you know Estelle Russell and M. W. Russell?

A. Allie Ray Horton; age 16 years; residence, Nansemond County; occupation, farming. Estelle Russell is my sister and I know M. W. Russell.

Q. Were you ever at Mrs. Russell's house at any time when her husband beat her, and if so, tell what you know about it?

A. She sent for me and I went over there. When I got there she was standing in the floor crying and Marion was standing over her cursing her. I asked her what was the matter with her and she said Marion had whipped her, and he said "yes, I whipped her again" and ordered her to leave the house and said he had a check in his pocket for everything he had and he wanted her to leave so that he could give the key to his father, and he also ordered me to leave.

Q. Did he state what the check was for?

A. He said he had a check for everything he had, that he did not have anything and had a check for what he did have and that he was going away.

Q. When was that, what year?

A. It was April 4, 1914.

And further this deponent saith not.

Allie Ray Horton
J

Mrs. Lennie M. Horton, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation, and if you know the parties in this suit?

A. My name is Lennie M. Horton; age, 54 years; occupation, housewife; residence, Nansemond County. Yes, sir, I know the parties in this suit, Mrs. Russell is my daughter.

Q. Were you at home the day that your daughter came home the first time that she left her husband?

A. Yes, sir.

Q. Did she look to you as if she had been beaten, or anything of that kind?

A. Yes, sir.

Q. What did you notice about her appearance?

A. When I saw her I knew something was the matter with her and I asked her what was the matter and she told me that Marion had beaten her again and she just could not stay with him, that he cursed her also.

Q. What was the condition of her clothes at that time?

A. They were torn in two or three places from her neck to her waist.

Q. Now, Mrs. Horton, were you at home the second time she came home after she had left her husband?

A. Yes, sir.

Q. What was her appearance the second time that she came home?

A. When she came in the front door I saw that there was something the matter with her and I asked her and she said Marion had been fighting her again and she could not stay with him and stand it.

Q. When she came home how did she appear for a day or two?

A. Why, she was sore and stiff like, could hardly bend over and seem to be worried.

Q. Did she look as if she had been beaten when she came home?

A. Yes, sir, she certainly did.

Q. Is that all you know about it, Mrs. Horton?

A. Yes, sir.

Q. Did you ever hear him curse her?

A. Yes, sir.

And further this deponent saith not.

Linnick H. Horton

Willis Horton, being duly sworn, deposes and says:

Q. Please state your name, age, residence, and occupation, and if you know the parties in this suit?

A. Name, Willis Horton; age, 63 years; residence, Nansemond County; occupation, farming. Mrs. Russell is my daughter.

Q. Were you at home on the day Mrs. Russell first left her husband and came home?

A. Yes, sir.

Q. What was her appearance when she came home?

A. She was exhausted and was crying and said Marion had beaten her, that she did not know what to do. She was sore for two or three days and could hardly drag about the house and had to put her hands to her hips and went about with her hands to her hips. She stayed home for a month or more, and then M. W. Russell came and prevailed with her to go back with him and he promised to do better and she then went back to live with him and he was even meaner to her the last time than the first and she could not stay with him.

Q. Were you at home when she came home the second time?

A. Yes, sir, I was at home.

Q. What was her appearance at that time?

A. Just about the same as the first time.

Q. Did she appear sore the last time?

A. Yes, sir, she was sore both times.

Q. What was the condition of her clothes when she came home the first time?

A. They were split from her collar down to her waist, and the last time I don't recollect about her clothes being torn, but the first time they were split in pieces.

Q. Is that all you know, Mr. Horton?

A. I know that he was awful cruel to her.

And further this deponent saith not.

Willis Horton

Leonard Fleetwood Horton, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation, and if you know Estelle Russell and M. W. Russell?

A. My name is Leonard Fleetwood Horton; age, 23 years; residence, Nansemond County, Virginia; occupation farming. I know these parties and Mrs. Russell is my sister.

Q. Were you at home the day your sister left M. W. Russell and came home the first time?

A. Yes, sir.

Q. Did you know whether or not he had beaten her on that day?

A. She said he had.

Q. Did you have any other evidence of the fact that he had beaten her on that day?

A. She appeared like she had and was crying and very nervous. She had bruises on her arm.

Q. Is that all you know about it?

A. At time you mean, I think that is about all.

Q. Did you ever hear Mr. Russell talk to her in any abusive language of any kind?

A. Yes, sir, I have heard him curse her.

Q. When was that?

A. I can not say exactly as I never took any notice of the time but it was near the spring of 1914, the latter part of the winter.

Q. Where you living at the same house that your sister was after she left her husband?

A. Yes, sir.

Q. When she came home did she appear sore or in anyway look as if she had been beaten?

A. Yes, sir, her looks showed that and she sat down most of the time and did not stand up very much.

And further this deponent saith not.

Leonard Fleetwood Horton

Mrs. Effa Russell, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation, and if you know Estelle Russell and M. W. Russell?

A. My name is Effa Russell; age, 40 years; residence Nansemond County, Virginia; occupation housekeeper. Yes, I know Estelle Russell and M. W. Russell.

Q. Mrs. Russell, have you ever seen any trouble of any kind between Mr. and Mrs. Russell?

A. Yes, sir, I have. I see Estelle down on her knees at the gate and Marion taken her by the arm and carried her to the house, and she picked up something and threw at him, but don't know whether it hit him or not, and he cursed her.

Q. When you first saw them you say that Mrs. Russell was down on her knees on the ground and he had hold of her arm, is that right?

A. Yes, sir, I think so as far as I know.

Q²₂ How far do you live from the place where you heard the cursing?

A. Why, I suppose about two hundred and fifty yards, I think it is that far. Don't you Estelle? I live over in one field and they in the other.

Q. Then you state to the court that at a distance of two hundred and fifty yards you could hear him cursing?

A. Yes, sir.

Q. When was that, Mrs. Russell?

A. I could not tell exactly what day of the month it was, I didn't take any notice, but it was sometime last year.

Q. Do you remember about what time of the year it was?

A. You could not tell you to save my life what time of the year it was, but I think it was in February.

Q. What relation are you to Mr. Russell?

A. To Mr. Marion Russell? Why, I am his aunt by marriage.

Q. Is that all you know about it?

A. Yes, sir, that is about all I know.

And further this deponent saith not.

Mrs Effa Russell

Virginia,

County of Nansemond, to-wit;

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do hereby certify that the foregoing depositions of Estelle Russell, Ray Horton, Lennie M. Horton, Willie Horton, Leonard Fleetwood Horton, and Effa Russell 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 19th day of June 1915.

Bradford Kilby
Commissioner in Chancery.

Comr's fee. \$5.

REPORT OF BRADFORD KILBY,
COMMISSIONER IN CHANCERY.

Russell vs. Russell.

Filed June 19, 1885
J. R. Saunders,
Clk

J. R. SAUNDERS

Attorney-at-Law

Pinner Building

SUFFOLK, VIRGINIA

Estelle Russell,.....Complainant.

vs. IN CHANCERY

M. W. Russell.....Defendant.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY.

Your complainant, Estelle Russell, respectfully represents to the Court that on the 9th day of April, 1919, the Circuit Court of Nansemond County entered a decree in the above styled suit granting your complainant a divorce a mensa et thoro (from bed and board) on the ground of desertion; that three years have elapsed from the time of such desertion, to-wit, the 8th day of August, 1914; that the separation has continued without interruption since the granting of said divorce, and that no reconciliation has taken place or is probable.

Your complainant further represents that her maiden name was Estelle Horton, and that she desires to resume her maiden name.

On consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said decree for a divorce from bed and board heretofore granted as aforesaid may be merged into a decree for a divorce from the bond of matrimony that your complainant be allowed to resume her maiden name, 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.

Estelle Russell
Complainant.

Samuel H. Hester
Counsel

Estelle Russell

vs. Petition

M. W. Russell.

1919 May 24. filed.
Jm

Estelle Russell.....Complainant.

vs.

IN CHANCERY

M. W. Russell.....Defendant.

This cause came on this day to be again heard on the papers formerly read, the petition of Estelle Russell and the depositions of witnesses taken before G. A. Harris, a Commissioner in Chancery for the City of Suffolk, and filed in this cause on the 1st day of ~~May~~, 1919, and was argued by counsel.

On consideration whereof, it appearing to the Court that on the 9th day of April, 1919, a decree was entered in this cause granting the said Estelle Russell a divorce a mensa et thoro (from bed and board) from M. W. Russell on the ground of desertion, that three years have elapsed from the time of such desertion, that no reconciliation has taken place between the parties to this cause, or is probable, and that the separation has continued without interruption since the granting of the said divorce, it is adjudged, ordered and decreed that the said decree for a divorce from bed and board heretofore granted as aforesaid be merged into a decree for a divorce from the bond of matrimony; and it further appearing to the Court that the said Estelle Russell, whose maiden name was Estelle Horton, desires to resume such maiden name, it is adjudged, ordered and decreed that the said Estelle Russell be allowed to resume her maiden name. And there remaining nothing further to be done in this cause, it is ordered that the same be stricken from the docket.

Estelle Russell

vs. Decree

M. W. Russell

Enter the 24

day of May, 1919.

James M. Moore

Entered in Chancery
Order Book 61, page
511.

Estelle Russell.....Complainant.

vs. IN CHANCERY

M. W. Russell.....

To the Honorable Circuit Court of Nansemond County:

Your complainant, Estelle Russell, respectfully represents:

(1) That on the 5th day of January, 1913, your complainant, whose maiden name was Estelle Horton, was lawfully married in Nansemond County to M. W. Russell, 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 4th day of April, your complainant and the said M. W. Russell lived together as husband and wife in Nansemond County, near Whaleyville, Virginia; that your complainant was forced to leave the said defendant because of his extreme cruelty, in that the said defendant beat, abused and cursed the said complainant time and time again, and on the said 4th day of April, 1914, actually drove your complainant away from the home; that among divers occasions on which he cruelly treated your complainant, he struck your complainant in December, 1913; that he cruelly beat her in February, 1914, and that, as heretofore set out, he drove her away from home on the 4th day of April, 1914; that your said complainant, however, returned to live with the defendant upon his request on the 4th day of May, 1914, one month after she was driven away from his home, hoping that they could live properly to-

gether; that the said defendant, however, soon began to treat her more cruelly than ever before; that he beat her and cruelly abused her until on the 8th day of August, 1914, your complainant was forced to leave the defendant's home for her own protection; that your complainant has not since said 8th day of August, 1914, lived with said defendant; that your complainant, solely on account of the extreme cruelty of the defendant, left the home; that the said defendant had, on more than one occasion, threatened the life of your complainant; and,

(3) That the conduct of the said defendant amounts to wilful desertion and abandonment on his part, and that such conduct was without any justification whatever, as your complainant always tried to do her duty in every respect as a wife, and even for the sake of peace, suffered cruel treatment for a great length of time; and,

(4) That your complainant and the said defendant have 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 are domiciled and now reside in this state.

In consideration whereof, and foresruch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said H. W. Russell may be made a party defendant to this suit, and requires, but not on oath, to answer the same, the oath being hereby waived; that proper process may be issued, that a divorce a mensa et thoro (from bed and board) be decreed your complainant, 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.

Estelle Russell

Complainant.

J. Saunders
Counsel

STATE OF VIRGINIA,)
 (To-wit:
City of Suffolk,)

This day personally appeared before me,
the undersigned, a notary public for the city and
state aforesaid, Estelle Russell and made oath
~~that the statements made in the~~
foregoing bill are true.

Given under my hand this 15 day of
May, 1915.

My commission expires on the 11 day of
Oct., 1917.

H. J. [Signature]
Notary Public.

BILL
Estelle Russell
vs. IN CHANCERY
M. W. Russell.

Paid May 4/1915
J. R. Saunders
Att

J. R. SAUNDERS
Attorney at Law
PINNAR BUILDING
Suffolk, Va.

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.,

Rich Lohs;

April 23, 1815,

*Process issued, returnable to 1st May Rule 1815
1st May Rule. Process return & executed, also
filed & return made.*

*2nd May Rule, 1815. Return made confirmed &
Cause set for hearing.*