1921-004
Nansemond Co (Suffolk) Chancery Causes: Elizabeth Dunning vs Charles Dunning

Maybrick, Henderson, Wilkins, Parker, Gray, Smith

S. E. Everett, A. J.

Elizabeth Deming

vs.

Charles Deming

Brief of Case

Dec. 19, 1906

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TO THE HONORABLE GEORGE E. BUNTING, CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Elizabeth Dunning.....Complainant

vs. In Chancery

Charles Dunning.....Defendant

Please issue summonds to Second Rules (Third Monday) in September, 1921.

H. H. Brinson

p. q.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON....Charles. Dunning.....

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....September, 1921, to answer...a.....Bill in Chancery, exhibited against...him.....

in the said Court by.....Elizabeth Dunning.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this.....14th.....day of ..September....., 19.21.., in the 146th..year of the Commonwealth.

~~A copy—Teste:~~

....., Clerk.

Teste:

G. E. Bunting, Clerk.

Charles Dunning
could not be found at his usual place of abode on the 14 day of Sept. 1921, so the within process was executed on the said 14 day of Sept. 1921 within the county of Nansemond by ~~posting~~ a true copy of the same, in writing, ~~and giving information of its purport~~ to

On the Front Door of

~~the was found at~~

his usual place of abode, and who is a member of

family, and above the age of sixteen years.

E B Rawles
Sheriff of Nansemond County.

Charles Dunning
could not be found at his usual place of abode 14 day Sept. day of 1921
19 So the within process was executed on the 14 day of Sept. 1921 within the county of Nansemond by ~~posting~~ a true copy of the same, in writing, ~~and giving information of its purport~~ to

Front Door

who was found at

Home

usual place of abode, and who is a member of

family, and above the age of sixteen years.

E B Rawles
Sheriff.

Sep 14

Original Packing Box

P. E. Pruett, p. q.

Elizabeth Dunning

vs. } In Chancery.

Charles Dunning

19.31.

P. E. Pruett Rules.

Filed Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3.

Page.....

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

.....Sheriff.

1

Suffolk Va.
March 29 '16

Miss Wannater Brown
118 Palmetto St
Norfolk Va.

Dear Girl

While I am thinking
of you I will write
you a few lines to let you know
how I am and
as the time present I
I hope you are the same
I enjoying the best
of health. I say I
will be at Suffolk

Good night
from
Effie
&
Charlie Hudson

until Easter Say I have
for what I promise you
I will send it Homer
Say look I got left last
night why I did not
C it that Say Don't be
the sure I Red Crowd
there on Monday morning
Do I will not forget
much time for you
got to go to City
& I Love Want to See
you then Come for I
go to be sure to see
the Easter that I say

MARRIAGE LICENSE

Virginia Nansemond County to-wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

Charlie Pumming

and Lizzie Maybrick

Given under my hand, as Clerk of the Circuit Court of said County this 5th day of October 1904

S. W. Lawrence C. C.

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, 1904 October 5th

Place of Marriage, Nansemond Co. Va.

Full Names of Parties Married, Charlie Pumming & Lizzie Maybrick

Race (white or colored), Colored

Age of Husband, 24 years

Age of Wife, 24 years

Condition of Husband, single (Widowed or single or divorced)

Condition of Wife, single (Widowed or single or divorced)

Place of Husband's Birth, Littleton N. C.

Place of Wife's Birth, Rocky Mount Va.

Place of Husband's Residence, Suffolk Va.

Place of Wife's Residence, Suffolk Va.

Names of Husband's Parents, Hal Pumming & Martha his wife

Names of Wife's Parents, Anderson Maybrick & Frances his wife

Occupation of Husband, Laborer

Given under my hand this 5th day of October 1904

S. W. Lawrence C. C.

Certificate of Time and Place of Marriage

I, H. W. Bond, a Minister of the A. M. E. Zion Church, or religious order of that name, do certify that on the 5 day of Oct 1904, at Fairground Church under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 12th day of Oct 1904

A true copy Teste Porter Clk
of Sept Circuit Court 1921
Teste S. E. Rountree Clk

14 day H. W. Bond

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.)

195

Charlie Fanning

Victor } Marriage Certificate

Lizzie Graybrick

1904

October 5

Pg 58

To CHARLES DUNNING:

Take notice that on the 17th day of October, 1921, at the office of S. E. Everett, Suffolk, Virginia, between the hours of nine o'clock A. M. and six o'clock P. M. of that day, I shall proceed to take the depositions of Charles Wilkins, Evaline Smith, Jordan Christian, Susie Freeman and others, to be read as evidence in my behalf, in a certain suit in Chancery, depending in the Circuit Court of Nansemond County, Virginia, wherein I am complainant and you are defendant; 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.

Given under my hand this 14th day of September, 1921.

Witness:
Sue W. Riddick.

her
Elizabeth x Dunning
mark

Executed the within notice by delivering a true copy of the same, in writing, to Charles Dunning, in person, on the 14th day of September, 1921, within the County of Nansemond Virginia.

E B Rawles
Sheriff of Nansemond County.

Elizabeth Dunning.....Complainant

vs. DEPOSITIONS

Charles Dunning.....Defendant

The depositions of Eliza Henderson and others, taken before me, M. Anderson Maxey, Notary Public, in the City of Suffolk, in the State of Virginia, pursuant to notice hereto annexed, at the office of S. E. Everett, in Suffolk, Virginia, on the 17th day of October, 1921, between the hours of nine A. M. and six P. M. of that date, to be read as evidence on behalf of Elizabeth Dunning, in a certain suit in equity, depending in the Circuit Court of the County of Nansemond, Virginia, wherein Elizabeth Dunning is complainant and Charles Dunning is defendant.

Present: S. E. Everett, Attorney for Complainant.
No attorney for defendant and
Defendant not present.

Eliza Henderson, being duly sworn, deposes as follows:

Q. Do you know Elizabeth and Charles Dunning.
A. Yes, I do.

Q. Did you know them when they separated.
A. I did.

Q. Do you know anything about when they were living together in Jericho.
A. Yes, sir.

Q. How did he treat her.
A. As far as I know, he was not good to her and did not give her nothing and when she was sick I would wash for her and she had to pay me.

Q. Were you there right after he came home sick.
A. Yes, right after that, but I left and went to Norfolk soon after that. I don't know when I left but I left her sick.

Q. Were you in a position to know how she treated him.
A. She treated him all right as a wife.

Q. Did she make it unpleasant for him in any way.
A. She did not. She made it pleasant for him and he stayed evil all the time.

Q. When did they separate.
A. As far as I know, it has been about five (5) years.

Q. Do you know what month it was.

A. I have told you as far as I know.

Q. Do you know if it was summer or winter.

A. It was hot weather. I think it was August, but I have forgot.

Q. Did you ever hear Charles Dunning make any remarks about how he was doing or what he was going to do.

A. No, sir, I did not. He stayed evil all the time and I did not talk with him much, or bother with him. He was evil all the time.

Q. Are you satisfied in your mind that Elizabeth Dunning gave no cause for Charles Dunning to leave her.

A. I is.

Q. I understood you to say that she was confined to the bed when the child was born, but he would not assist her at that time.

A. Yes, sir, that is right. He was brought back there sick at the time the child was born.

Q. After he was brought back there sick were you here when he left.

A. I was here when he left and I left pretty soon after that.

Q. Did he leave as soon as he could get up.

A. He. did.

And further this deponent saith not.

Elija Hamdson

Charles Dunning, Jr., being sworn, deposes as follows:

Q. You were named for your father, were you not.

A. Yes, sir.

Q. How old are you.

A. Fourteen going on fifteen.

Q. Big boy for your age, are you not.

A. Yes, sir.

Q. Do your father and mother live together now.

A. no, sir.

Q. How long have they been separated.

A. I don't know exactly how long.

Q. Do you remember when they were separated.

A. Yes, sir.

Q. What time of the year was it.

A. When he first left it was winter and when he come back it was summer.

Q. Do you remember if he was there when your little brother was born.

A. No, sir, he was not.

Q. Did he come back soon after that.

A. Yes, sir.

Q. How old is your little brother.

A. Five (5) years old.

Q. How long after the child was born before he left there.

A. He left before the child was born first and he come back sick and went away again as soon as he could get around good, about two months, I reckon.

Q. Do you know why he left your mother and you children.

A. Yes, sir, I know. He did not want to feed them.

Q. Did he tell you he did not want to feed you.

A. About a dozen times, I reckon.

Q. Did you ever hear him say he was not going to stay there and feed you.

A. Yes, sir.

Q. How did he act towards your mother, kind or cruel.

A. Cruel. He was all the time cussing at her and being like that.

Q. Did he provide for her and the children.

A. no, sir, she had to work in the factory.

Q. Did you ever see your mother do anything mean to him.

A. As far as I see she was kind to him.

Q. Do you remember that she did have him arrested.

A. Yes, sir.

Q. Did he take care of you after that.

A. No, sir, he would say he won't gwine to do nothing now she had had him arrested.

Q. As soon as they would turn him aloose he would not do anything.

A. Yes, sir.

Q. Has he ever been back there since he left the last time.

A. No, sir, he has passed by there a few times.

Q. Have you ever seen your mother and father together anywhere since then.

A. No, sir.

And further this deponent saith not.

Witness:
Lee W. Riddick.

Charles X Dunning
his mark

Elizabeth Dunning recalled.

Q. Since Charles left there has he ever tried to come back.

A. No, sir.

Q. Has anyone else ever tried to persuade you to take him back.

A. No, sir.

And further this deponent saith not.

Charles Wilkins, being duly sworn, deposes as follows:

Q. Give your name, age,residence and occupation.
A. Charles Wilkins, 69 years old, Jericho, right side of Lizzie Dunning. I don't work nowhere now but around home, do gardening.

Q. Do you know Charles Dunning and Elizabeth Dunning.
A. Yes, sir.

Q. How long have you been living by Elizabeth Dunning.
A. I have been there for the last eighteen years.

Q. You have been there ever since they lived there, haven't you.
A. Yes, sir, because Charles Dunning bargained to buy the place and he did not buy it but Lizzie Dunning bought it, had to pay for it herself. After he left she went on with it herself. She see he won't gwine do nothing and she bought the house on it and all to suit herself, seemed like he want gwine do nothing and she took the business and did it herself.

Q. Then she owns this home.
A. Yes, sir.

Q. I understood that you said she worked for the money and paid for her home herself.
A. Yes, sir.

Q. She finally took it up when he would not do anything and paid for it herself.
A. Yes, sir, and that brought a little more anger in him than he had before.

Q. Did you ever hear him say what he intended doing.
A. No. He was this man, this way, he never said much. I would speak to him when he was going by, say, Hello, Charlie, and he would say Good evening, Cousin Charles, and go on.

Q. Did you ever hear them fuss or misbehave at home.
A. No, I cannot tell what a man and his wife do in their own home.

Q. Do you know when he left then.
A. Now, Mr. Everett, you hold on, I know when he left, but I don't remember the month.

Q. Was it in the summer or the winter.
A. I don't know.

Q. Do you know when the last child was born.
A. I did.

Q. Was it in the summer time or winter time.

A. I just don't know.

Q. How long has it been, how many years.

A. That has just slipped my memory, but to my own knowledge it has been five years.

Q. D o you know why he left.

A. I do not.

Q. Do you know whether she ever gave him any cause to leave.

A. He had no cause, she did not give him no cause. If he had been the man she was a woman he would have been there to-day.

Q. Do you know anything about his leaving and going to Norfolk.

A. I know he went to Norfolk but what he went for I don't know.

Q. You are satisfied in your mind that she gave him no cause to leave her.

A. Yes, sir, I am.

Q. Are you married.

A. Yes, I got a wife living, thank God.

And further this deponent saith not.

Witness:
Sue W. Riddick.

his
Charles X Wilkins
mark

Elizabeth Dunning, being duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation.
A. Elizabeth Dunning, forty-one the 8th day of next month, Jericho, near Suffolk, housekeeper.

Q. Are you the wife of Charles Dunning.
A. Yes.

Q. You have brought suit against Charles Dunning, your husband, for a divorce. State when you were married, if you can remember the day.
A. The 5th. day of October, 1904.

Q. You have stated in your Bill of that you and your husband have separated. When was this separation.
A. In August, 1916. We have been separated over five (5) years now.

Q. Where were you living when you separated.
A. In Jericho, right where I live now.
Q. You never have moved.
A. No, sir.

Q. Where is he living now.
A. He lives with Mr. N. T. Gray, Justice of the Peace, in Nansemond County.

Q. He has been living in Nansemond County since the separation.

A. Yes.

Q. You never moved from the house that you lived in when you separated.

A. No, sir, that is where he left me in, and where I live now.

Q. State what you know about the separation and how the separation came about and why and who was at fault.

A. He just got tired of me and left me and wanted to go off with another woman and he went off with another woman. He don't know why he left me any more than that himself.

Q. Did he ever leave you before the last separation in 1916.

A. The first time he ever left me he went to Norfolk and stayed three months and got sick and they sent him back, the woman he was with sent him back home and he come back then.

Q. Do you know who that woman was.

A. I know who it is from a letter he wrote to her.

Q. Have you a letter he wrote to this woman.

A. Yes.

(The letter is filed as Exhibit to be read as part of this evidence.)

Q. What is the woman's name.

A. Junita Brown.

Q. I understand that he went to live with her in Norfolk and got sick and she sent him back to you.

A. Yes.

Q. When they sent him back there, did you take care of him and take him back.

A. I sure did.

Q. This was before he left for good.

A. Yes.

Q. What did you do for him.

A. Waited on him until he got up and paid his doctor's bill and when he got up and got well then he went back.

Q. Has he ever been back to you since.

A. No, sir, he ain't been back to stay, but would just pass by and after a while I told him to stop passing and not to come by at all, because he did not bring nothing with him when he come.

Q. After he left that time and went back to that woman, has he ever been back to live in that house with you.

A. Never, not a night.

Q. Did he ever come in the day or night.

A. Yes, sometimes he would stop and holler at the children and stay a while like I said.

Q. Has he ever been there since August, 1916.
A. No, sir, he has never put his foot in the house since then.

Q. Was he sick when he left you.
A. He wasn't sick, but I was. I sure was. I was confined to the bed. He left about two weeks before the baby was born and was gone very near three months when they brought him back, and the baby was pretty near three months old and I was sick and could not get around.

Q. As I understand it, he was not there when the child was born, but they brought him back when the child was about three months old.
A. Yes, sir, and I was still sick.

Q. Was he kind to you and did he support you.
A. No, sir, he certainly did not. I could prove that by the policemen here, because I had him arrested several times because he would not support me and the children, and he would promise them he would do it if they turned him out and the minute he was out he woulun't do nothing for us. I think I had him arrested three times and after that he never did any better and I just let him alone.

Q. Did you give him any cause for him to leave you.
A. If I did, I did not know it.

Q. But you did have him arrested.

A. Yes, because he would not support me and his children.

Q. Have you any other children besides this one. (Meaning Charles Dunning, Jr.)

A. Yes, that boy there is the biggest.

Q. Did he support them.

A. No, sir. He would promise to do it when I had him arrested but as soon as he was out he never did. He is a hard working man too, but he just wouldn't spend it on his wife and children.

Q. He is working now.

A. Yes, working hard.

Q. You have not had him arrested since the last separation.

A. No, sir.

Q. You never have followed him up any further.

A. No, sir, I just dropped it.

And further this deponent saith not.

Witness:
Sue W. Riddick.

her
Lizzie X Dunning
mark

Oma H. Parker, being duly sworn, deposes as follows:

q. Give your name, age, residence and occupation.
A. Oma H. Parker, , Suffolk, Virginia, Foreman of one of the departments of the Planters Nut & Chocolate Company.

Q. Do you know Elizabeth Dunning.
A. Yes.

Q. How long have you been knowing her.
A. She has been working under me ever since I have been there, about five years.

Q. What is her reputation as to work, for peace, and good order.
A. First class. She is a good worker, always prompt, loses no time, never had the least trouble with her among the hands or otherwise since she has been there. I understand she has been there since the factory started. She was one of the first who ever worked with the company after they went to work here and has been working with us ever since the mill started.

And further this deponent saith not.

Oma H. Parker

STATE OF VIRGINIA,
CITY OF SUFFOLK, To-wit:

I, M. Anderson Maxey, Notary Public, for the City of Suffolk, State of Virginia, do certify that the foregoing depositions of Eliza Henderson, Charles Dunning, Junior, Elizabeth Dunning, Charles Wilkins and Oma Parker were duly taken before me at the place and time herein mentioned, pursuant to the annexed notice.

In witness whereof I have hereunto set my hand at the office of S. E. Everett, Suffolk, Virginia, aforesaid, this 17th day of October, 1921.

M. anderson Maxey
Notary Public.

Elizabeth Dunning
vs. Evidence
Charles Dunning.

Dec'd Oct. 17, 1921

G. C. Bontz
Clerk

To CHARLES DUNNING:

Take notice that on the 25th day of November, 1921, at the office of S. E. Everett, Suffolk, Virginia, between the hours of Nine o'clock A. M. and Six o'clock P. M. of that day, I shall proceed to take the depositions of Eliza Henderson and others, to be read as evidence in my behalf, in a certain suit in Chancery, depending in the Circuit Court of Nansemond County, Virginia, wherein I am complainant and you are defendant; 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.

Given under my hand this 19th day of November, 1921.

her
Elizabeth X Dunning
mark

Witness:
Sue W. Riddick

Elizabeth Dunning

vs. NOTICE

Charles Dunning

Executed the within notice by delivering a true copy of the same, in writing, to Charles Dunning, in person, on the 23rd day of November, 1921, within the County of Nansemond, Virginia.

E B Rawles

Sheriff of Nansemond County.

Elizabeth Dunning.....Complainant

vs. DEPOSITIONS

Charles Dunning

The depositions of N. T. Gray and Evaline Smith, taken before me, M. Anderson Maxey, Notary Public, in the City of Suffolk, in the State of Virginia, pursuant to notice hereto annexed, at the office of S. E. Everett, in Suffolk, Virginia, on the 25th day of November, 1921, between the hours of nine A. M. and six P. M. of that date, to be read as evidence on behalf of Elizabeth Dunning, in a certain suit in equity, depending in the Circuit Court of the County of Nansemond, Virginia, wherein Elizabeth Dunning is complainant and Charles Dunning is defendant.

Present: S. E. Everett, Attorney for Complainant.
No attorney for defendant and
Defendant not present.

Mr. N. T. Gray, being duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation.
A. N. T. Gray, 35, Nansemond County, Virginia, farmer and Justice of the Peace.

Q. Do you know Charles Dunning.
A. Yes, I know him. He has been working for me about two years and a half.

Q. Does he live with his wife.
A. Why, no, his wife lives over in Jericho and he lives in the yard at my house, about five miles in the country and he has been living there about two and a half years, came there the 10th day of June.

Q. Have you ever had any conversation with him since he has been with you, about his wife or this divorce suit, I mean, did he ever mention the matter to you until he got this notice.
A. All I ever heard him say was that he had one wife and he did not want another one and he was not going to live with her any more.

Q. Did he give any reason for this.
A. None at all.

Q. What brought about this conversation.
A. I merely asked him if he was going to stay or would he go back to his wife pretty soon.

Q. Why did you ask him this.
A. The only reason was that I wanted to know if

he was going to stay with me or not. So often when they live apart they go back and we don't know how long we have a permanent hand. I always want to know whether they will stay or leave. Charles Dunning is a very peculiar sort of nigger. He does not say anything much unless you draw it out of him. He just simply told me he was never going to stay with his wife again. I will say this, that after that notice was served on him, in this divorce suit, he said if they didn't keep bothering him he would leave and go out of the State.

And further this deponent saith not.

N. T. Gray

Evaline Smith, being duly sworn, deposes as follows:

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

A. Evaline Smith, around forty, Jericho, 4th Street, I work at the peanut factory.

Q. Do you know Elizabeth Dunning and Charles Dunning.

A. Yes.

Q. How long have you been knowing them.

A. Between ten and eleven years. They have been living beside me about ten years.

Q. Do you know whether they are living together now or not.

A. Yes, I know. I know they are not living together.

Q. Where is Elizabeth Dunning living now.

A. Right there where he left her, beside of me.

Q. Is that the next house to you.

A. Yes, on the same side.

Q. I understood you lived there before they moved there.

A. Yes, sir.

Q. They have separated. Do you know anything about the causes for this separation, and do you know of any trouble you have ever heard or seen between them. I want you to tell everything you know.

A. Yes, sir. I know why they separated all right.

They could not get along. He would not feed her. He would not treat her right. Shortly after they moved there by me, I heard him from time to time, until he left her, always fussing at her and threatening to beat her about not taking care of his something to eat. I was in their house one night about supper time and he come home there and was fussing that night about flour. He had bought some flour and she had cooked supper out of it and he got so mad he slapped her and the children run in and tried to help her out. Count of my being there and the children running in kept him from giving her a good beating. He was fussing high.

Q. You have lived next door to them ever since they have been there.

A. Yes.

Q. Where were you when the first depositions were taken in this case.

A. I was over in Cape Charles and Elizabeth did not know where I was and I did not know she was doing this then.

Q. You were there when he left her.

A. Yes, I was living next door and I knowed all about it.

Q. When was that.

A. It was just after the last child was born, about five years ago.

Q. Do you know the reason why he left her.
A. I think I know that. He was not satisfied with her, all the time abused her and threatened to whip her and I am satisfied he thought he could make her leave there and go out of town, maybe, and he would be free from his wife. He abused her there for six or seven years and when he found she would not leave him and he could not run her away with all his meanness, there was nothing left for him to do but get out and he did pull out himself and left her. He did not want to divide what he got with his family, and that is one reason he left. When he left he had a little store near his house but that was too near her for him and he closed that up and left town. The last time I heared anything about him, he was living over the town bridge with Mr. Justice Gray.

Q. Is there anything else you know about this.
A. Nothing else that I know. He left and it is just like it is, but it did look to me like he didn't have no cause for leaving but he did not want to live with her and divide with her what he got. I live where I know something about how they live and nothing could have happened hardly that I would not know about and from things I heard over and over I am satisfied that he left her because he wanted to get rid of her and he had no cause for doing it except he just did not want her.

Q. How is Elizabeth Dunning thought of in the neighborhood.

A. I have never heard anything wrong about Elizabeth Dunning in my life and she is at peace with everybody on the street and I am sure I should know it if she had ever had any words with anybody. That is certainly so. I don't know anybody that ever lived more friendly with everybody that what she does. She gets along all right with everybody. Charles Dunning had no reason to leave her and ought to be living with her now and taking care of her. She tried hard to live with him. She had him a good home. She is a hard working woman, worked in the peanut factory and helped take care of the family and bought her a little house and lot.

And further this deponent saith not.

Witness:
Sue W. Riddick.
M. Anderson Maxey

her
Evaline X Smith
mark

Ada Jun. 25, 1921

STATE OF VIRGINIA,
CITY OF SUFFOLK, To-wit:

I, M. Anderson Maxey, Notary Public, for the City of Suffolk, State of Virginia, do certify that the foregoing depositions of N. T. Gray and Evaline Smith were duly taken before me at the place and time herein mentioned, pursuant to the annexed notice.

In witness whereof I have herpunto set my hand at the office of S. E. Everett, Suffolk, Virginia, aforesaid, this 25th day of November, 1921.

M. Anderson Maxey
Notary Public.

ELIZABETH DUNNING

VS. Evidence

CHARLES DUNNING

Filed Nov 25. 1921

VIRGINIA, IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND:

Elizabeth Dunning.....Complainant

vs.

Charles Dunning.....Defendant

This cause, which has regularly matured at rules, and the said defendant still failing to appear and plead, answer and demur, came on this day to be heard on the bill and the depositions taken on the 17th day of October, 1921, and on the 25th day of November, 1921, in accordance with the notices properly executed on the said defendant, and filed on behalf of the plaintiff, as of said dates, and was argued by counsel.

On consideration whereof, it appearing to the Court from the depositions submitted in this cause, that the said parties were lawfully married; that the said defendant has without cause abandoned the said complainant; that a period of more than three years has elapsed since said abandonment and before the institution of this suit; that the said complainant and defendant have been domiciled in this State for more than one year next preceding the commencement of this suit, and that the said complainant and defendant last cohabited in the County of Nansemond, the Court doth adjudge, order and decree that the said Elizabeth Dunning and Charles Dunning be divorced from the bond of matrimony, which was created by the aforesaid marriage, and that the said marriage be, and the same is hereby dissolved, and there remaining nothing further to be done in this cause, it is ordered that the same be stricken from the docket.

Elizabeth Dunning

vs. Decree

Charles Dunning

Enter 19. day of Dec'r, 1921.

James L. McKinnon.

Entered ___ day of _____, 1921.

Chancery Order Book,

No. 51, page 366.

Elizabeth Dunning.....Complainant

vs. BILL

Charles Dunning.....Defendant

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Your complainant, Elizabeth Dunning, respectfully represents:

(1) That your complainant, Elizabeth Dunning, was lawfully married in Nansemond County, Virginia, to Charles Dunning, on the 5th day of October, 1904; and

(2) That continuously from the date of said marriage until August, 1916, your complainant and the said Charles Dunning lived together as husband and wife in the County of Nansemond; and

(3) That the said Charles Dunning has wilfully deserted and abandoned your complainant for the period of more that three years, that is to say, in 1916 did voluntarily, wilfully and without any justification whatever, leave her home; and

(4) That your complainant further states that the said defendant left her without cause, and your complainant knows of no reason except that he did not care to stay with her and live with her; and

(5) That your complainant has resided in the County of Nansemond for the past two years, and the said defendant has continued to reside and does still in Nansemond County, Virginia, ever since the separation in August, 1916.

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 Charles Dunning may be made a party defendant to this bill, and required, but not on his 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 may be decreed her; that your complainant may have all such further and other general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Witness:
Sue W. Riddick.

Elizabeth Dunning
Complainant.

H. E. Burnett
Counsel.

STATE OF VIRGINIA,
CITY OF SUFFOLK, To-wit:

Elizabeth Dunning, 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 upon information, and that so far as they are therein stated to be upon information, she believes them to be true.

Witness:
Sue W. Riddick.

Elizabeth Dunning
Complainant.

Taken, sworn and subscribed before me, Sue W. Riddick, a Notary Public of and for the City and State aforesaid, in my City, aforesaid, this 19th day of September, 1921.

Sue W. Riddick.
Notary Public.

My commission expires the 10th day of March, 1925.

Elizabeth Dunning

vs. BILL

Charles Dunning

Filed this 13th day of

Sept., 1921.

G. E. Dunning

Clerk

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY, JULY AND OCTOBER

HON. JAMES L. McLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT COMMONWEALTH'S ATTORNEY
E. B. RAWLS, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT. COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VIRGINIA

Elizabeth Denning
v
Charles Denning

Process issued Sept. 14, 1921, returnable to
Sept. Rules 3rd Monday, 1921

Sept. Rules, 3rd Monday, 1921, process
returned executed, bill filed & decree
nisi.

Oct. Rules 1st Monday, 1921. decree nisi
confirmed & cause set for hearing