

1933-052  
Nansemond Co (Suffolk) Chancery Causes: Lottie Elliott vs William Elliott

60

Fisher, Scott

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon.....William Elliott.....

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...May, 1918..., to answer...a...  
Bill in Chancery, exhibited against.....Him.....  
in the said Court by.....Lottie Elliott.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this...1st...day of  
May, 1918, in the 14<sup>2nd</sup> year of the Commonwealth.

A Copy---Teste:

Clerk

Teste:

G. E. Bunting

Clerk

Executed this 3 day of May, 1918 by delivering a true copy of the with-  
in process to William Elliott

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

John A. S. Brereton Sheriff

-----Edward Walbridge-----p. q.

-----Lottie Elliott-----

vs. } In Chancery

-----William Elliott-----

19-18

May Rules

-----First-----Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page 146

Edward Walbridge

Attorney - at - Law

Citizens Bank Bldg.

NORFOLK, VA.

April 27 '18.

G. E. Bunting/  
Clerk, Suffolk Va

Dear Sir:- Enclosed find Memo & Bill in Case  
Elliatt vs Elliott. Please issue Summons.  
I wish you would put in the date in May  
in Notice to take deposition. I had to leave it  
blank as I did not know the rule day, and  
it must be some day after rule day.

I am enclosing \$8.50 which covers  
your fee 7.50 and 1.00 to Sergeant for service  
of Notice to take Dep. & Summons. I wish  
you would return the original Notice to  
take Dep to me so I can attach to Dep.  
when taken. Please ask to

Yours truly,  
Edward Walbridge

Edward Walbridge

Attorney - at - Law

38 Citizens Bank Bldg.  
NORFOLK, VA.

Lottie Elliott } Virginia.  
vs } In the Circuit Court  
William Elliott } for the County of Nansemond  
In Chancery.

- Memo:-

Bill for Divorce - a vinculo matrimonii  
Grounds: Desertion - Adultery.

Rules: next rules, 1918.

Clerk: Please issue Summons in  
the above entitled cause returnable at  
next rules, 1918.

Edward Walbridge

April 27/18

Virginia,  
In the Circuit Court  
for the County of Nan-  
semond,  
In Chancery

Lottie Elliott,  
Complainant  
vs

William Elliott  
Defendant

— Memo. —

Edward Walbridge P. Q.

To William Elliott

Defendant

Take Notice, that I shall, on the 11th day of May 1918, between the hours of Nine A. M. and Six P. M., before ROBERT H. RUSH, a Commissioner in Chancery for the Circuit Court of the City of Norfolk, Virginia, at 919 Bank of Commerce Bldg. Norfolk, Va., proceed to take the depositions of Delia Scott and others, to be read as evidence in my behalf, in a certain chancery cause now pending in the County of Hansemond Circuit Court, of the ~~City of Norfolk~~, wherein I am plaintiff and you are defendant, and if from any cause the taking of said deposition be not commenced, or if commenced, be not completed, the taking of the same will be continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Lottie Elliott

Complainant

By Edward Walbridge p. q.

308 Leitzgen's Bk. Bldg.  
Norfolk, Va.

April 27th, 1918.

Notice to Take Depositions

*Lottie Elliott*

vs. }

In Chancery.

*William Elliott*

p. q.

To \_\_\_\_\_ 191\_\_\_\_

Executed in the City of Norfolk,

Virginia, this \_\_\_\_\_ day of

\_\_\_\_\_ 191\_\_\_\_, by  
serving a true copy of the within notice on

\_\_\_\_\_ in person.

\_\_\_\_\_ Sergeant City of Norfolk

By \_\_\_\_\_

Deputy Sergeant

RETURN TO

ROBERT H. RUSH

COMMISSIONER IN CHANCERY

919-920 NATIONAL BANK OF COMMERCE BUILDING

NORFOLK, VA.

W. T. BARRON & CO., PRINTERS, NORFOLK, VA.

Executed on the 3 day of  
*Apr.* 1918 within the county of  
Nansemond, by delivering a  
true copy of the within process,

in writing, to *William*

*Elliott* in person

*off J. B. Brunch*  
Sheriff of Nansemond County.

1 IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

2

3 LOTTIE ELLIOTT, Complainant, )

4

vs. )

5

6 WILLIAM ELLIOTT, Defendant. )

7

8

9 The depositions of Lottie Elliott and  
10 others, taken before Robert H. Rush, a Commissioner in Chancery  
11 for the Circuit Court of the City of Norfolk, Virginia, pur-  
12 suant to the foregoing notice, at 919 National Bank of Com-  
13 merce Building, Norfolk, Virginia, May 11th, 1918, between  
14 the hours of nine A. M., and six P. M., to be read as evidence  
15 on behalf of the complainant in the above entitled cause,  
16 pending in the Circuit Court of Nansemond County, Virginia.

17

18

PRESENT:

19

Edward L. Walbridge, Esq.,  
Counsel for the complainant.

20

No counsel appeared for the defendant.

21

22

23

24

25

26

1 LOTTIE ELLIOTT, the complainant, being first  
2 duly sworn, deposes and says as follows:

3 Examined by Mr. Walbridge:

4 Q. State your name, age, residence and occupation?

5 A. Lottie Elliott, age thirty, residence Norfolk, Virginia,  
6 occupation house work.

7 Q. Who is William Elliott?

8 A. He is my husband.

9 Q. When were you married to William Elliott?

10 A. February, 1912.

11 Q. Where?

12 A. At Churchland, Norfolk County, Virginia.

13 Q. By whom?

14 A. Reverend Burman, white pastor of the Methodist church.

15 Q. Are you and William Elliott living together now as hus-  
16 band and wife?

17 A. No, sir.

18 Q. Since when?

19 A. Since April, 1912.

20 Q. Then you and he lived together from sometime in February,  
21 when you were married, until sometime in April, 1912?

22 A. Yes, sir.

23 Q. What happened then?

24 A. Then he left me certainly.

25 Q. Where were you living at that time?

26 A. In Hansemond County.

Q. Where is he living at this time?

1 A. He's living now in Nansemond County, Virginia.

2 Q. After he left you where did he go?

3 A. He went over then in Norfolk County on the other farm  
4 about a half a mile from there.

5 Q. Who did he live with over there?

6 A. Gertie Wright.

7 Q. Who is Gertie Wright?

8 A. She is the woman he took up with.

9 Q. He took up with a woman did he?

10 A. Yes, sir, stayed over there with her.

11 Q. Was she married or single?

12 A. She had been married but her husband left her on account  
13 of him, and I went to him and told him, and after he caught  
14 his wife and my husband he left her.

15 Q. How long did they live together there, William Elliott  
16 and Gertie Wright?

17 A. About ten months, then a child was born - she had one  
18 child by him, then she dropped dead when the baby was about  
19 a month old, and the child lived for about a month and a half  
20 then it died.

21 Q. Did anybody else live with them?

22 A. No, sir, nobody but she and him.

23 Q. How many rooms were in the house in which they lived?

24 A. Just a little small room and kitchen.

25 Q. Where did they sleep?

26 A. They slept together, because there wasn't but one bed

1 there - anyhow there wasn't but one bed in there.

2 Q. Have you and William Elliott lived together at all since  
3 April, 1912?

4 A. No, sir.

5 Q. Has he contributed anything towards your support since  
6 then?

7 A. No, sir, not a cent.

8 Q. Were any children born to you?

9 A. No, sir, I have not had nary one, before nor after.

10 Q. What do you do now?

11 A. I work in Main Street here in Norfolk, at a rooming  
12 house, and I live at 608 Chapel Street, Norfolk, Virginia.

13 Q. Did he have any reason for leaving you whatever?

14 A. No, sir.

15 Q. Well what was the cause of it?

16 A. Nothing, but he just left me for this woman he was living  
17 with.

18 Q. Did he leave you wilfully, and voluntarily then?

19 A. Yes, sir, and went on about his business, didn't tell me  
20 nothing, just told me he wasn't going to be messed up, he told  
21 me that she was my mistress as far as that was concerned, he  
22 said Gertie was my mistress, he never did like a black woman  
23 no how, as she was a light woman you know.

24 And further this deponent saith not.

25

26

<sup>Her</sup>  
Lottie Elliott  
mark.

Witness

M. R. Liddle

1 DELIA SCOTT, a witness for the complainant,  
2 being first duly sworn, deposes and says as follows:

3 Examined by Mr. Walbridge:

4 Q. State your name, age, residence and occupation?

5 A. Delia Scott, twenty nine years old, live in Piedmont  
6 Heights, Norfolk County, Virginia, occupation staying at home  
7 and keeping house for my husband, I am married and live with  
8 my husband.

9 Q. Do you know Lottie Elliott?

10 A. Yes, sir.

11 Q. Do you know William Elliott her husband?

12 A. Yes, sir, I know him too.

13 Q. Do you know the time they were married?

14 A. Yes, sir, they were married on February 10th, 1912.

15 Q. Where were you living then?

16 A. The same farm with them in Nansemond County, Ballard's  
17 farm, the same farm that Lottie Elliott lived on.

18 Q. Are they living together now, Lottie Elliott and he hus-  
19 band William Elliott?

20 A. No, sir.

21 Q. Since when if you know?

22 A. Since April, 1912.

23 Q. What happened then?

24 A. He deserted her.

25 Q. Did he have any cause or reason for deserting her?

26 A. Nothing but this woman he left her on account of, this

woman Gertie Wright.

Q. Did you know Gertie Wright?

A. Yes, sir.

Q. Where did she live?

A. She lived right on Sugar Hill farm in Nansemond County.

Q. Where did William Elliott go when he left her?

A. He went over to stay on the next farm to live with this Gertie Wright, they went housekeeping together.

Q. Do you know how many rooms they had in their house, Gertie Wright and William Elliott?

A. Only two.

Q. Have you ever been in Gertie Wright's house?

A. Yes, sir, and they had a bed room and a kitchen, that's all.

Q. How long did they live together?

A. About ten months.

Q. I mean of course William Elliott and Gertrude Wright?

A. Yes, sir, about ten months.

Q. Did anything happen then?

A. Yes, sir, a baby was born to them.

Q. Is Gertie Wright living now?

A. No, sir, she dropped dead about a month after her baby was born, and the baby died in about a month and a half.

Q. How soon was the baby born after William Elliott went to living with her - you said it was about ten months, was it during that period of ten months that the baby was born?

A. Yes, sir.

1 Q. How frequently have you seen Lottie Elliott since 1912?

2 A: Every week, and if I don't see her I talk to her over the  
3 phone.

4 Q. Has she and William Elliott lived together since then?

5 A. No, sir.

6 Q. Has he contributed anything towards her support since  
7 then?

8 A. No, sir.

9 Q. Where does William Elliott live, where is his residence  
10 now?

11 A. Nansemond County.

12 And further this deponent saith not.

13

14

Delia Scott

15

16

17 ISABELLE ELLIOTT, a witness for the complainant,  
being first duly sworn, deposes and says as follows:

18

19 Examined by Mr. Walbridge:

20

21 Q. State your name, age, residence and occupation?

22

23 A. Isabelle Elliott, but I don't know sir, how old I am, I  
24 was five years old when the war stopped. I live in Brighton,  
25 Norfolk County, Virginia, occupation housework.

26

Q. Do you know Lottie Elliott the plaintiff in this case?

A. Yes, sir.

Q. Is she some relation to you?

A. No, sir, no more than I married her husband's uncle.

1 Q. Where were you living in 1912?

2 A. I was living in Twin Pine, the other side of Churchland.

3 Q. What county is that in?

4 A. Norfolk County.

5 Q. Did you know Lottie Elliott the complainant then?

6 A. Yes, sir, we worked together on the same farm, Mr. Ballard's  
7 farm.

8 Q. Do you know the time that Lottie Elliott married William  
9 Elliott?

10 A. Yes, sir.

11 Q. When was that?

12 A. 1912 I think it was.

13 Q. Do you know how long they lived together?

14 A. Just about two months.

15 Q. Then what happened?

16 A. Then he left her, and went off with this Gertie Wright.

17 Q. Did you know this Gertie Wright?

18 A. Yes, sir, I knowed her, we all worked at the same farm  
19 together until she went to the house to cook for Mr. Ballard.

20 Q. How long did William Elliott and Gertie Wright live to-  
21 gether?

22 A. Just about ten months.

23 Q. During that period what happened?

24 A. A baby was born to them.

25 Q. How long did that baby live?

26 A. I reckon about a month and a half.

1 Q. Has William Elliott contributed anything towards the  
2 support of Lottie Elliott since then, that is 1912?

3 A. No, sir, not a crumb of nothing in the world.

4 Q. Did William Elliott have any reason for leaving Lottie  
5 Elliott whatever?

6 A. No, sir, no more than the cause of Gertie Wright is all  
7 I know, to go live with her.

8 Q. Did he then wilfully, and voluntarily desert her?

9 A. Yes, sir.

10 Q. What does Lottie Elliott do for a living?

11 A. She does housework here in Norfolk, Virginia.

12 Q. Did Lottie Elliott and William Elliott have any children  
13 born to them?

14 A. No, sir.

15 Q. Where is Lottie Elliott living now?

16 A. In Norfolk, Virginia.

17 And further this deponent saith not.

18

19

20

21

22

23

24

25

26

*Her*  
Isabelle<sup>x</sup> Elliott  
*mark.*

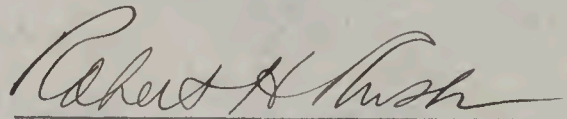
*Witness -*  
*M. R. Siebler -*

1 STATE OF VIRGINIA,

2 CITY OF NORFOLK, to-wit:

3  
4 I, Robert H. Rush, a Commissioner in  
5 Chancery for the Circuit Court of the City of Norfolk, Vir-  
6 ginia, do hereby certify that the foregoing depositions of  
7 Lottie Elliott, Delia Scott, and Isabelle Elliott, were duly  
8 taken, sworn and subscribed to before me at the time and  
9 place, and for the purpose in the caption mentioned.

10 Given under my hand this 10th day of May, 1918.

11   
12 Commissioner in Chancery for  
13 the Circuit Court of the City  
14 of Norfolk, Virginia.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# STENOGRAPHER'S MINUTES.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

LOTTIE ELLIOTT, Complainant

vs.

WILLIAM ELLIOTT, Defendant.

Before

ROBERT H. RUSH, ESQ.,

COMMISSIONER IN CHANCERY.

May 11th, 1918.

## INDEX.

| WITNESSES.                 | DIRECT. | CROSS. | RE-DIRECT. | RE-CROSS. |
|----------------------------|---------|--------|------------|-----------|
| Lottie Elliott (Colored)   | 2       |        |            |           |
| Delia Scott (Colored)      | 5       |        |            |           |
| Isabelle Elliott (Colored) | 7       |        |            |           |
|                            |         |        |            |           |
|                            |         |        |            |           |
|                            |         |        |            |           |
|                            |         |        |            |           |
|                            |         |        |            |           |
|                            |         |        |            |           |
|                            |         |        |            |           |

.....  
=====

=====

STENOGRAPHER'S TRANSCRIPT.

..... 191

=====

=====

VIRGINIA,

IN THE CIRCUIT COURT FOR THE COUNTY OF NANSEMOND

-----  
LOTTIE ELLIOTT,

v.

WILLIAM ELLIOTT.  
-----

)  
)  
) In Chancery  
)  
)  
)

To the Honorable J. L. McLemore,  
Judge of the Circuit Court for the County of  
Nansemond, Virginia:

Your complainant, Lottie Elliott, humbly complaining,  
respectfully shows unto your Honor the following case:

(1) That on or about the 10th day of February,  
1912, your complainant, whose maiden name was Lottie \_\_\_\_\_

*Fisher*, was lawfully married at Churchland, Norfolk  
County, Virginia, to the defendant, William Elliott, by  
Rev. Berman, as will appear by the certificate of  
said marriage, hereto attached and prayed to be read as  
part hereof.

(2) That your complainant has continuously resided  
and been domiciled in Norfolk County, Virginia, for more

than one year next preceding the commencement of this suit,  
*and last cohabited with defendant in said County*  
*of Nansemond* and is now residing and domiciled in the County of Norfolk,

Virginia, where she has been living for several years, *that said*  
*William Elliott resides in Nansemond Co Va*

(3) That continuously from the date of said marriage,  
until about the middle of April, 1912, your complainant and  
the said defendant lived and cohabited together as hus-  
band and wife; that no children were <sup>born</sup> as the issue of said  
marriage.

(4) That the said William Elliott has wilfully deserted and abandoned your complainant for a period of more than three years, that is to say, on or about the middle of April, 1912, in the County of Norfolk, Virginia, the said defendant, William Elliott, voluntarily wilfully, and without reasonable cause or justification, deserted and abandoned your complainant, and has persisted in such desertion, and yet continues to absent himself from your complainant; that at the time aforesaid the said defendant left the home and took up his home with a woman by the name of Gertie Wright, in said County of Norfolk, Virginia, with whom he lived for nearly a year, and your complainant further represents that the said defendant, regardless of his marriage vows, committed adultery with the said Gertie Wright at her home in said County of Norfolk, during the time that he lived with her; that he supported and maintained the said Gertie Wright, and refused to provide any means of support for your complainant, and that at no time has he contributed anything for the support and maintenance of the said complainant. And your complainant positively avers that the several acts of adultery and of said desertion hereinbefore charged were all committed without the consent, connivance, privity or procurement of your complainant, and that she has not voluntarily cohabited with this defendant since the discovery of such adultery, and that this bill is not founded on or exhibited in consequence of collusion, agreement or understanding whatever between the parties hereto, or between your complainant and any other persons, and that she has not been guilty of any act of adultery or mis-conduct as hereinbefore charged against the said defendant.

In consideration whereof your complainant prays that the said William Elliott may be made party defendant to this bill, and required, but not under oath, to answer the same, the oath being hereby expressly waived; that a divorce from the bonds of matrimony created by said marriage be decreed her; that proper process may issue, and that your complainant may have such other, further and general relief in the premises as the nature of her case may require and to equity may seem meet.

Lottie Elliott  
By Edward Wallbridge  
her Solicitor.

Edward Wallbridge  
P.O.  
Norfolk, Virginia.

Virginia  
In the Circuit Court  
for the County of Hanse=  
mond. In Chancery

---

Latter Elliott  
Complainant  
vs

William Elliott  
Defendant.

---

Bill for Divorc.

---

\* Defendant lives on  
John Ballard or Ballott's  
farm across from  
Sugar Hill - Colored

---

Edward Walbridge, P. Q.  
Norfolk, Va.

CYRUS P. FLICK  
LAWYER  
CITIZENS BANK BUILDING  
NORFOLK, VIRGINIA

Rule Notes:

Lottie Elliott,

Plft.

V. Chancery.

William Elliott.

Process issued May 1, 1918, returnable to May Rules 1st, Monday, 1918.

April 1850

Edward Halbridge Jr.

Roller Pencil

W. B. R. Co.

60