

1890-07

Sanilampton County - Chaucing

Ely, L. P. vs Ely, Ida M.

Divorce

117 ~~120~~ ~~124~~
Eley 4
or 3 Bill &c.
Eley

Price & Sibrell,
N.Y.

To the Hon. Court, Judge of the
Circuit Court of Southampton:

In Chancery.

Humbly complaining sheweth unto
your Honor your complainant L.P.
Eley that on the ^{13th} day of April
1887, your complainant was united
in marriage with Ida M. Eley, formerly
Bryant, as will more fully appear
from a copy of the marriage-license,
with the minister's return thereon,
herewith filed as an exhibit, marked
"A" and prayed to be read as a part
of this bill; that at the time of
the said marriage, the said Ida M.
Eley, formerly Bryant, without the
knowledge of your complainant, was
enjoined by some person other than
your complainant, and within
less than months from the date of
the said marriage - to-wit, on the
day of 1887, gave birth
to a well-developed and fully matured
child; that your complainant has
not cohabited with the said Ida
M. Eley, formerly Bryant, after
knowledge of the fact that she was
enjoined as aforesaid, and your

Complainant is advised that, under the Statute Law of Virginia, he is entitled to a divorce a vinculo matrimonii from the said Ida M. Ely, formerly Bryant.

In tender consideration of all which, and inasmuch as your Complainant is remediless save in a Court of Equity where matters of this kind are properly cognizable, to the end, therefore, that Justice may be done your Complainant prays that the said Ida M. Ely, formerly Bryant, may be made a party defendant to this bill and compelled to answer the same; that a proper guardian ad litem be assigned the said defendant to protect her interests in this suit; that your Complainant may be granted a divorce a vinculo matrimonii from the said Ida M. Ely, formerly Bryant, and the marriage heretofore solemnized between them be completely and absolutely dissolved, and that all such other further general and special relief may be

granted as in the premises is
just and right.

And your complaint will be prayed.

May it please the Court &c.

Primer & Sebrill, }

n.g. }

Eley

H.

Eley

}
}
}

Amended Bill.

To Hon. Sedgwick

Judge of Dist. Ct. of Southampton :-

Humbly complaining sheweth unto your Honor your complainant L. P. Ely, by way of amended bill, that on the 13th day of April 1887, your Complainant was united in marriage with Ida R. Ely, formerly Bryant, as will more fully appear from a copy of the marriage license, with the minister's return thereon, herewith filed as an Exhibit, marked "A" & prayed to be read as a part of this bill; that at the time of the said marriage, the said Ida R. Ely, formerly Bryant, was enceinte by some person other than your complainant and within less than five months from the date of the said marriage - to-wit, on the 24 day of July 1887, gave birth to a well-developed and fully-matured child; that your complainant has not cohabited with the said Ida R. Ely, formerly Bryant, after knowledge of the fact that she was enceinte as aforesaid, but on the contrary has separated from her; that since the separation of your complainant from the said Ida R. Ely, formerly Bryant, she has led

a lewd and adulterous life, having
been guilty of acts of adultery at
divers times and places, as your
complainant ~~has been~~^{is} informed,
verily believes and so charges, And
your complainant is, therefore, ad-
vised that he is entitled to a divorce
a vinculo matrimonii from the
said Ida R. Eley, formerly Bryant.

In tender consideration of all which
and inasmuch as your complain-
ant is without remedy save in a Court
of Equity, where matters of this sort are
properly cognizable, to the end, therefore,
that justice may be done, your Com-
plainant prays that the said
Ida R. Eley, formerly Bryant, may
be made a party defendant to this
bill, & compelled to answer the same;
that a proper guardian ad litem be
assigned the said defendant to pro-
tect her interest in this suit; that
your complainant may be granted
a divorce a vinculo matrimonii from
the said Ida R. Eley, formerly Bryant,
and the marriage heretofore solemnized
between them be completely and
absolutely dissolved, & that all

such other further general & special
relief may be granted as in the
premises is just right - And you
Complainant will soon pray &c -
May it please the Court &c.

Primer & Sebrill } L. P. Eley
vs. }

State of Pa.,

County of Southampton, to wit,

This day personally appeared before
me L. P. Eley whose name is signed
to the foregoing bill in Chancery & made oath
that the statements therein made of his own
knowledge are true, & that those made upon
information derived from others he believes
to be true - Given under my hand this 6th
Mich. 1890.

B. F. McLennan
Clerk in Chancery

Eley

vs.

} Notice.

Eley

Executed by serving a
true copy on the defendant
Ida. Eley. A.H. Baker
Dec 23^d 1889 of Suffolk Co

To Ida Eley

You are hereby notified, that on the 14th day of January 1890, in the year 1890, at the office of B. F. McLEMORE, in the village of ~~Jerusalem~~ ^{Courthouse}, Southampton county, Va., between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of W. B. Wrench and others, to be read as evidence in my behalf in a certain Suit in Chancery depending in the Circuit Court for Southampton county, wherein I am Plaintiff 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.

Your obedient servant,

L. P. Eley
By Counsel.

Eley
v. ^K_M Deposition

Eley

1890. Jan 4. filed.

B. F. M. C. C.

The Disposition of W. B. Wrench, taken before
B. F. W. Lemare, Commissioner in Chancery of
the Circuit Court of Southampton County, on
the 4th day of January 1890. pursuant to Notice
herewith filed. to be read as evidence in
behalf of L. P. Eley, in a certain Chancery
suit depending in said Court, in which
said L. P. Eley is Plaintiff and Ida Eley is
Defendant.

Present: Truico & Sebrelo, Attys for Plff.

The witness W. B. Wrench, being duly sworn
deposes as follows.

J: What is your age, residence and
occupation, and do you know the
parties to this suit?

A: My age is 22 years. resides in
Horseshoe and am a Farmer by occupa-
tion and know the parties to the
suit.

J: Have you seen any thing of the
Defendant, Ida Eley, since the
summer of 1887. the time of her
separation from the Plaintiff?

A: Yes, I have.

J: Do you know any thing about her
conduct since that time, and
whether the same has been attended

with any lewdness

A: I do know something of her conduct since that time, having frequently seen her. And know that she has been guilty of lewdness. I myself have had sexual intercourse with her five or six times within the past twenty two months.

Q: Have you had sexual intercourse with her within the last six months?

A: I have.

And further this deponent says etc
not.

W B Wrench

Virginia:

Southampton County - to wit:

J. B. F. McLennan, Com'r in Chancery &c
do hereby certify that the foregoing dep-
osition of W. B. Wrench was duly taken,
subscribed and sworn to before me
on the day and date in the caption
thereof mentioned, and for the purposes
therein specified.

Given under my hand this 4th
day of January 1890.

B. F. McLennan

Com'r in Chancery

Com'd for \$2.50

ch Plainiff

Eley

r } spa

Eley

1890 March 6.

Executed by giving
a true copy in the
hands of ~~W.B.~~ ~~W.B.~~ ~~W.B.~~
on the 13th day of
Feb. 1898

A.H. Baker

Qgt.

Suffolk

(rat)

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON H. B. Wrench

B. F. McLeMORE, Clerk
to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse
thereof, on the 6 day of March Term, 1890, to testify and the truth to
speak on behalf of L. P. Eley

in a certain matter of controversy in our said Court depending and undetermined between

L. P. Eley, plaintiff, and

Ida R. Eley, defendant.

And this he shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 6 day
of Feb, 1890, in the 114th year of the Commonwealth.

TESTE:

B. F. McLeMORE, C. C.

Eley

vs.

Notice.

Eley

Exhibited by
bearing a true
copy from the
hands of John Eley
on the 13th day of
Feb. 1890

A. W. Baker.

Dgt.
Duffell

To Ida R. Eley

You are hereby notified, that on the 6th day of March, in the year 1890, at the office of B. F. McLEMORE, in the village of Christland ~~Jerusalem~~, Southampton county, Va., between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of N. B. Wrench & others and others, to be read as evidence in my behalf in a certain chancery suit depending in the Chancery Court for Southampton county, wherein I am Plaintiff 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.

Your obedient servant,

L. P. Eley

By Counsel.

Eley
(H) } Deposition

Eley
1890: Mch 6. filed.
B. F. M. co.

The Deposition of W. B. French
taken before W. F. McLennan, Com-
missioner in Chancery of the Circuit
Court for Southampton County. on
the 6th day of March 1890. Pursuant
to Notice herewith filed. to be read as
evidence in behalf of L. P. Eley in
a certain Chancery suit depending
in said Court. in which the said
L. P. Eley is plaintiff and Ida Eley
is defendant.

Present: Prince & Sebreo, Attys for Plff

The witness, W. B. French, being duly sworn
deposes as follows:

Q: What is your age, residence and occu-
pation, and do you know the parties
to this suit?

A: My age is 22 years. reside in
Norfolk. am a Farmer by occupation
and know the parties to the suit.

Q: Have you seen any thing of the
Defendant, Ida Eley, since the sum-
mer of 1887. the time of her separa-
tion from the Plaintiff?

A: Yes. I have.

Q: Do you know any thing about her conduct since that time - and whether she same has been attended with any lewdness?

A: I do know something of her conduct since that time, having frequently seen her, and know that she has been guilty of lewdness. I, myself, have had sexual intercourse with her seven or eight times within the last twenty four months.

Q: Have you had sexual intercourse with her within the last six months?

A: I have

Q: State whether or not you have ever seen her inside of a house of ill fame since her separation from the Complainant?

A: I have, several times within the last twelve months.

And further this deponent says etc.
not.

W B Wrench

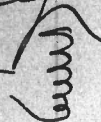
Virginia:

Southampton County - to wit:

I, B. F. M. Lemore, a Commissioner in
Chancery of the Circuit Court for the
County and State aforesaid. do hereby cer-
tify that the foregoing deposition of W.
B. Wrench was duly taken, subscribed
and sworn to, before me, on the day
and date in the Caption thereof men-
tioned. and for the purposes therein
specified.

Given under my hand this 6th day of
March 1890.

B. F. M. Lemore
Comm in Chancery.

105
Eley
4"  Stat: Rules
Eley

1 inch

L. P. Eley - ~~Plff~~

Def

Ida R. Eley - Def.

} In Chancery

1890. Feb: 5. Process up? to 1st March Rules.

" 1st Mich Rules. Process ret? Executed. Amended

Bill filed. Decree nisi.

" 2 " " Bill taken for confessed
and Cause set for hearing.

Eley

135

4

Stat: Rules

Eley

L. P. Eley

"
17

Ida M. Eley - by B. F. M. Leonard her Gov
ad litem.

1887. Sept 17. Sum ip? to Oct. Rules

" Oct. Rules: Process ret^d Executed. Bill &
Ex: filed. B. F. M. Leonard appt^d
Gov ad litem - Deven nisi &
Deft.

" Nov Rules: Bill taken for confessed -
~~answer of Gov ad litem filed.~~
Cause set for hearing.

Eley

Cobb

4 3 Sum

Eley

1889. Oct. Rules

Cir: Ct:

Executed Sept 28th 1887
by delivery to Ida M. Eley
& B. F. Mc Lunnon each
a copy of this summons

A. F. Cobb Sept for

J. W. Williams Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Ida M. Eley* by *B. A. McLeonard*, her *Adv. ad litem*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *October* next, to answer a bill in chancery exhibited against *her* in our said Court by *L. P. Eley*

And this *she* shall in no wise omit; and have then there this writ.

Witness, *B. A. McLeonard*, Clerk of our said Court, this *17* day of *Sept* 188*7*, in the *112*nd year of the Commonwealth.

Testo: B. A. McLeonard C. C.

Eley

ms

Sum

Eley

1890. 1 Mich Rules

Exhibited by sewing
a letter copy into the
hands of John Eley
on the 14th day of
Feb. 1890

J. H. Baker

Ogt:

Duffolk
Va.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Ida B. Eley

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *1st* Monday in *March* next, to answer ^{*an Amended*} bill in Chancery exhibited against *her* in our said Court by *L. P. Eley*

And this *she* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *5th* day of *Feby*, 18*90*, in the *114th* year of the Commonwealth.

B. F. McLemore

C. C.

Eley
or Eley Costs

Sum 25- Copy $\frac{2}{25}$. Sum 25- Cop 13
 Receipt 36. Atty 10 docket 18. Return 70
 Filing bills 30. do Exhib: 15. Copy
 Exhib 25 Rules 2.00 Filing Sup
 30. 2 decrees + Cop 1.44 Lang Costs
 40 Filing away paper 25

CLK	7.31
Shff of S. Simpson	.50
" Hansmann	1.30
Law fr.	16.50
Do do	16.50
Comm B. & M.	5.00
	47.11

Eley

vs.

Notice.

Eley.

Copy for
J. R. Eley

~~Enclosed by delivery of
a copy of within to
J. R. Eley
Oct 17/87 J. W. Oliver
a citizen of Southampton Co~~

State of Virginia,

County of Southampton, to-wit,

This day personally appeared before
J. R. Edwards, a J. P. in & for the
County aforesaid, J. W. Oliver,
and made oath that he has
delivered a copy of the within
notice to the within-named
J. R. Eley. Given under my hand
this 22 day Oct. 1887.

J. Edwards. J. P.

To ^{R.} Ida ~~M.~~ Eley.

You are hereby notified, that on the 27 day of October, in the year 1887, at the office of C. H. Causey ~~town of Suffolk, Naamemond~~ town of Suffolk, Naamemond, in the village of Jerusalem, Southampton county, Va., between the hours of 6 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of W. Mrs. J. Kirby and others, to be read as evidence in my behalf in a certain Suit in Equity depending in the Circuit Court for Southampton county, wherein I am plainiff and you are defendant; and if, from any cause, the taking of the said depositions be not commenced, or, if commenced, be no 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.

Your obedient servant,

L. P. Eley by att.

The depositions of Dr. John J. Kelly
and others taken before me, C. H.
Causby, a Commissioner in Chancery
for the Circuit Court of Nonnewood
County on the 27th day of October
1887, pursuant to notice hereto
annexed at my office in the
town of Suffolk Virginia between
the hours of 6 A. M. and 6 P. M.
to be read as evidence on behalf
of L. P. Eley, in a certain
suit in equity depending in the
Circuit Court for the County of
Southampton, Virginia, wherein
is plaintiff and
defendant.

Present -

The further taking of
these depositions is adjourned to
Saturday the 29th of Oct. at the
same place and between the same
hours.

Given under my hand the
27th of October 1887

C. H. Causby, Court

1887 Oct. 29th

Present J. B. Prince Esq. atty for
plaintiff.

Dr. John T. Kelly being duly sworn
deposes and says -

1st Q

What is your name, your age, your
residence and do you know the
parties to this suit?

Ans

John T. Kelly, 62 years - Suffolk
Co. and I know the parties
to this suit.

2nd Q.

State whether ^{were} you attended Ida
R. Eley - the wife of the plaintiff
during child-birth on the 24th
day of July, 1887, and the Circum-
stances attending it -?

Ans

I was called in about 11 or 12
O'clock by the plaintiff, who
met me at the door and
told me he feared his wife
was about to miscarry, and
that she was about three
months gone - I made an
examination as soon as I
entered her room and dis-
covered at once her true con-
dition - labor was in progress
and the child was born
about one o'clock. The
child was fully developed - a

nine month child as perfect as ever I saw. It was a full term nine month child every limb and feature were fully developed - even to the nails, hair, eye lashes &c

3^d Q.

What was the appearance of the plaintiff when you first arrived at his home?

Ans

He was very pleasant and met me at the door smiling - he went with me up stairs and introduced me to his wife and his wife's mother Mrs. Bryant and seemed utterly ignorant that there was any thing wrong - I saw him after the birth of the child and his appearance was the most well before I ever saw under the circumstances and he manifested every mark of astonishment at the result.

4th Q.

The exhibit "A" filed in this cause shows that the marriage took place on the 13th of June, 1887, state whether or not the wife might have been pregnant by her

husband at the time of the birth of
the child.

Ans - Sufficient time of course had
elapsed for her to have become
pregnant and miscarried on the
24th of July - 1887 -

3rd Q Could a man have been deceived
by a woman as to her ^{time} condition
at the time of marriage whose
pregnancy was so far advanced
as must have been the case
with the defendant on the 13th
of April 1887 -

Ans Yes, I think a man could
have been deceived who was
ignorant of such matters.
And further this defendant said not -

John H. Pelly M.D.

1st Q. John H. Pelly being duly sworn
deposed and says as follows -
What is your name, age, residence
and do you know the parties to
the suit -

Ans

Julian A. Eley - 27 yrs - Suffolk
Va. and I know the parties to
this suit.

2^d Q

Have you been living with your
brother - the plaintiff, for the
last twelve (12) months?

Ans

Yes - I have been living with
him - rooming with him, eat-
ing and sleeping with him for
18 months prior to his marriage
to the defendant.

3rd Q

Do you know anything of your
brother visiting the defendant
during the past 12 months.

4th Q

I know ~~he~~ that my brother was
in Suffolk all the time up
to Christmas - 1886 - we were
working and living together -
during the Christmas holidays of
1886 I know he went on a visit
to the neighborhood where she
lived, and went again two or
three weeks before he married
her. There was some correspond-
ence by mail between them -
she lived in Southampton County
about 25 miles from Suffolk

5th Q

Has your brother ever been married before?

Ans

No.

6th Q

Has your brother stayed with the defendant since the birth of the child?

Ans

He has not - he has been with me every night since

7th Q

Where is the defendant now?

Ans

She is in Southampton County at her father's home.

And further this deponent says not.

J. A. Eley.

Amanda Brown being duly sworn, deposes and says

1st Q

What is your name - age - residence and do you know the parties to this suit?

Ans

Amanda Brown - 28 yrs - reside in Suffolk and I know the parties.

2^d Q

Do you know whether or not the plaintiff
staid in the room with his wife
after the birth of the child on
the 24th of July, and if so state
how you found it.

Ans

I know he did not - I was living
there as Cook at the time and
helped to wait on Mrs Ely and
every time he went in the room
he always called me and I
went with him and was in
the room as long as he was.

3^d Q

What became of Mrs Ely after
her month was up.

Ans

She left Mr Ely's house and I
went to the train with her and
the child and she has never
been back since that I know of.

And further the deponent
saith not Amanda Brown

Virginia - Hanover County to wit -
J. C. Hearnsey, a Court in Chancery for the
Circuit Court of Hanover County Va,
do certify that the foregoing depositions
were duly taken, sworn to and

Subscriber before me at the time and
place mentioned therein
Given under my hand this 29th day of
October 1887

C. H. Bailey Comdr

Eley & Decree.
Eley

This day this Cause came on to be heard upon the Complaint — and bill exhibits, the depositions of witnesses, and was argued by Counsel. On consideration whereof, the Court, without deciding any question involved in this Cause, doth adjudge, order and decree that leave be granted the plaintiff to amend his bill. And as to all other matters, this Cause is continued —

Eley 5
W. 5 Decm.
Eley 7 112

May Term 1889

To be entered

C. M. Hill

May 8. 1889

342

Eley }
r. } Decm.
Eley-

May term 1890.

To be entered -

C. M. Hill

U

Entered

Prince & Sebrice,
n.e.

Eley

27.

}
}
}

Decree.

Eley

This day this cause came on to be further heard upon the papers formerly read, and upon the complainant's amended bill and depositions therewith filed, and was argued by counsel. On consideration whereof, the Court being of opinion that the charge of adultery against the defendant is plainly and clearly proved, doth adjudge, order and decree that the marriage heretofore solemnized between L.P. Eley and Ida R. Eley, formerly Bryant, be and the same is hereby dissolved and annulled, the said L.P. Eley forever divorced from his wife, the said Ida R. Eley, formerly Bryant, and all the right, title & interest of the said Ida R. Eley, formerly Bryant, in or to the estate, real or personal, of the said L.P. Eley shall henceforth cease and determine. And nothing further remaining to be done in this suit it is ordered that the same be removed from the docket.

MARRIAGE LICENSE



Virginia, Southampton Co 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,

and *Levellin P. Eley*
Ida R. Bryant

Given under my hand, as Clerk of the *County* Court of *Southampton* this *11* day of *April* 188*7*
J. P. Prince Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 15th March, 1861, and February 27th, 1866.

Time of Marriage, <i>April 13th 1887</i>	Place of Husband's Birth, <i>Ile of Wight Co</i>
Place of Marriage, <i>Southampton Co</i>	Place of Wife's Birth, <i>Southampton</i>
Full Names of Parties Married, <i>Levellin P. Eley</i> <i>and Ida R. Bryant</i>	Place of Husband's Residence, <i>Charleston</i>
Color, <i>white</i>	Place of Wife's Residence, <i>S.ampton</i>
Age of Husband, <i>24 yrs</i>	Names of Husband's Parents, <i>Geo. M. and Mary M. Eley</i>
Age of Wife, <i>19</i>	Names of Wife's Parents, <i>Eley + Margaret Bryant</i>
Condition of Husband, (<i>widowed or single</i>)	Occupation of Husband, <i>Book Keeper</i>
Condition of Wife, (<i>widowed or single</i>)	

Given under my hand this *11* day of *April* 188*7*
J. P. Prince Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the *13th* day of *April* 188*7*,
at *Southampton Co* I united in Marriage the
above-named and described parties, under authority of the annexed License.

J. S. Kitchen

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

Copy Issued to J. P. Prince