1933-073 Chancery Causes. Mary Elizabeth Hatchell Vs Peyton Morris Hatchell 599

Isle of Wright County

OFFICE PHONE 1326
RESIDENCE PHONE 1522

OFFICE:
513 FIRST NATIONAL BANK BLDG.

PHILIP H. BURCHER
ATTORNEY AT LAW
NEWPORT NEWS, VA.

July 1, 1931.

Mr. R. A. Edwards,
Clerk of Court,
Isle of Wight County, Virginia.

Dear Mr. Edwards:

Inclosed herein you will please find a memorandum in the Chancery suit of Hatchell vs. Hatchell which you will please accept, along with my check payable to your order in the sum of $7.50 to cover the writ tax and costs for the same.

I would appreciate it if you will have this suit commenced and process issued immediately in order that I may have notice thereon served prior to July 6th.

Thanking you for your kind assistance in this instance, I am,

Very truly yours,

Philip H. Burcher.

Incl.
PHB:AC

OFFICE PHONE 1326
RESIDENCE PHONE 1522

OFFICE:
513 FIRST NATIONAL BANK BLDG.

PHILIP H. BURCHER
ATTORNEY AT LAW
NEWPORT NEWS, VA.

July 11, 1931.

Mr. R. A. Edwards,
Clerk of Court,
Isle of Wight Courthouse,
Isle of Wight County, Virginia.

Dear Mr. Edwards:

Inclosed herein you will please find a bill of complaint which you will please file in the Chancery suit of Mary Elizabeth Hatchell vs. Peyton Morris Hatchell.

I will thank you for complying with this request,

Very truly yours,

Philip H. Burcher.

PHB:AC

VIRGINIA,
In the Circuit Court for the County of Isle of Wight,

MARY ELIZABETH HATCHELL,

vs. IN CHANCERY.

PEYTON MORRIS HATCHELL.

To R. A. Edwards, Clerk of said Court:

Please issue process commanding the proper officer to summons Peyton Morris Hatchell, of Isle of Wight County, to appear in the Clerk's Office of the Circuit Court for Isle of Wight County, at the Second July Rules, 1931, to then and there answer the bill of complaint of Mary Elizabeth Hatchell to be there filed against him, praying for a divorce on the grounds of cruelty and desertion.

MARY ELIZABETH HATCHELL.
BY COUNSEL.

P. Whitehead Bunch
COUNSEL.

#
599

VIRGINIA,
In the Circuit Court for
the County of Isle of
Wight.

MARY ELIZABETH HATCHELL,

vs.

PEYTON MORRIS HATCHELL.

To R. A. Edwards,
Clerk of said Court:

7/2/31. Fees.

Dy.	7 50
Pd D.S.	50
	7 00

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

APRIL 26TH 1933.

Hatchell

vs: # 599
Hatchell

It appearing, pursuant to a decree entered herein on the 6th day of March, 1933, that the parties, or their Counsel, have been notified by the Clerk of this Court of the terms of said decree, and no good cause having been shown, it is ordered that this cause be removed from the docket, with leave to reinstate the same as provided in Section 6172 of the Code as Amended.

Hatchell

vs } 599 ✓

Hatchell

March TERM 19 33 Filed

CLK.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

MARCH 6th 1933.

Hatchell

vs: # 599

Hatchell

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Hatchel

D # 599

Hatchel

COB 9

Pag. 87.

VIRGINIA,
In the Circuit Court for the County of Isle of Wight,

MARY ELIZABETH HATCHELL,

vs. IN CHANCERY.

PEYTON MORRIS HATCHELL.

To Peyton Morris Hatchell,
Isle of Wight County, Virginia:

You are hereby notified that I will, on the 6th day of July, 1931, at 11:30 o'clock, A. M., or as soon thereafter as may be heard, move the Judge of the Circuit Court for the County of Isle of Wight in the Courtroom thereof, for an award of temporary alimony pendente lite, support money, counsel fees and court costs in the suit now pending in that said court wherein Mary Elizabeth Hatchell is the complainant and you, the said Peyton Morris Hatchell, are the respondent. And I will ask for such further orders as may be necessary and proper for the protection of my interest pending in that said suit.

Take notice of the above and govern yourself accordingly.

MARY ELIZABETH HATCHELL
BY COUNSEL.

Phillips H. Saunders
COUNSEL.

Executed the within process this 2nd day of July 1931 by serving a true copy of the Bill in Chancery upon Peyton Hatchell in the County of Isle of Wight

W. O. Whitehead Sheriff

VIRGINIA,
In the Circuit Court for
the County of Isle of
Wight.

MARY ELIZABETH HATCHELL,

vs.

PEYTON MORRIS HATCHELL,

To Peyton Morris Hatchell,
Isle of Wight County,
Virginia:

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon Peyton M. Hatchell,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the Third Monday in July, 1931, to answer a bill in chancery, exhibited against him in our said Court by Mary Elizabeth Hatchell,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 2nd day of July, 1931, and in the 155th year of the Commonwealth.

R. A. Edwards Clerk.

599

Mary Elizabeth Hatchell,

vs. } CHANCERY NO.....

Peyton M. Hatchell,

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit Court of the County of Isle of Wight.

....., 19.....

Returned, entered and filed.

Teste:

.....*Clerk*

To Second July *Rules*

19 31

Philip H. Burcher *p. q.*

Executed the 2d day of July 1931 in the County of Isle of Wight, Virginia, by delivering a true copy of the within Subpoena to the within named Peyton M. Hatchell in person.

H. Q. Whitehead, Sheriff

By T. C. Wilson D.S.

VIRGINIA,
In the Circuit Court for the County of Isle of Wight,

MARY ELIZABETH HATCHELL,

vs. BILL OF COMPLAINT.

PEYTON MORRIS HATCHELL.

To the Honorable Judge of said Court:

Your complainant, Mary Elizabeth Hatchell, respectfully represents:

1. That on the 2nd day of January, 1917 your complainant, whose maiden name was Mary Elizabeth Joyner, was lawfully married at Gates, North Carolina to Peyton Morris Hatchell, as will appear from a certificate of marriage herewith filed and marked Exhibit "A" and made a part of this bill.

2. That continuously from the date of said marriage until about the 10th day of June, 1931, your complainant and the said Peyton Morris Hatchell lived together as husband and wife in Isle of Wight County, Virginia, with the exception of certain periods of time when your complainant was compelled to leave for a short time as a result of the abuses of her husband.

3. That both your complainant and the said respondent have resided in and have been domiciled in this state ever since the aforesaid marriage, and are domiciled in and are and have been actual bona fide residents of this state for at least one year next preceding the commencement of this suit.

4. That during all of the time since their marriage your complainant has been unto her husband a faithful and devoted wife and has born unto him four(4) children. Your complainant does not pretend that during her married life that she has been wholly faultless, or that she is free from the common infirmities of human nature, but she does aver and charge that she has never given to her husband provocation to bad treatment, or that except when driven to desperation by his cruel and relentless conduct, she has

been other than a loving, obedient and gentle wife.

5. That she does not pretend that her love for him, which was once so strong, has survived the coarse abuse, the cold neglect, the public mortification, the want and suffering which her husband has inflicted upon her, and subjected her and her young children to.

6. Your complainant does aver on the other hand that for years her said husband has been intemperate in his habits, abusive and violect to her, even to blows, and that he has failed to provide for her wants and those of her children to such extent as he should and as your complainant had reason to expect and right to demand from his position in life.

7. Your complainant further avers that by reason of her husband's brutal treatment she is and has been in greater danger of her health and even of her life; that time and again she has been compelled to flee from her house and to seek shelter and protection from him.

8. That on or about the 7th day of June, 1931, the respondent in this cause severely beat and whipped your complainant and threatened to take her life and to do her other serious bodily harm and to deprive her of the companionship and custody of her children and refused to properly provide for their support and the support of your complainant as a result of which your complainant was forced, on the 10th day of June, 1931, or thereabouts, to leave the home occupied by she and the respondent and to seek protection from his abusive treatment at the home of her relatives in Newport News, Virginia where she has been residing ever since.

9. That the said respondent has not contributed any sum or sums of money to her since the date last mentioned and that your complainant is now upon the charity of her friends.

10. That the following children were born of the union of your complainant and the respondent: Jacque Doris Hatchell, 13 years; Louise Hope Hatchell, 11 years; Peyton Milton Hatchell, 9 years,

and that said children are now in the custody of your complainant and residing in Newport News, Virginia with her.

11. That your complainant last cohabited with the said Peyton Morris Hatchell at Isle of Wight County.

12. That said respondent in this cause is now occupying the farm and premises belonging to the children mentioned hereinabove and that your complainant represents that he should be required to vacate the said premises at once and return to his own land in order that the interest of the children can be protected.

In consideration whereof and forasmuch as your complainant is remediless in the premises, save in a court of equity, she prays that the said Peyton Morris Hatchell may be made a party defendant to this bill, and be required to answer the same, but not under oath, the oath being hereby waived; that proper process may issue; that the defendant be restrained and enjoined from interfering with or in any way molesting your complainant and her children who are with her; that a divorce from bed and board may be decreed her; that he at once, and pending this suit, be compelled to pay such sums of money, as temporary alimony, as may be sufficient for the support of your complainant and her children, and such other sums of money as may be required to pay the costs of this suit and the fees of counsel proper to be paid to carry on this suit; that he may be compelled to make such permanent provision for the support of your complainant and her children as may be just and right and to secure the regular, prompt and safe payment of the same in such way as may to the court appear to be effectual; that he be required to vacate the premises belonging to the children of he and your complainant and that he be placed under a bond not to interfere with or ever molest your complainant; and that your complainant may have all such other and further and general relief as the nature of her case may require, or to equity shall seem meet.

MARY ELIZABETH HATCHELL.
BY COUNSEL.

Philip H. Burchan
COUNSEL.

VIRGINIA,
In the Circuit Court for the
County of Isle of Wight,

BILL OF COMPLAINT.

MARY ELIZABETH HATCHELL,

vs.

PEYTON MORRIS HATCHELL.

7-13-31
M
F.
M & E

PHILIP H. BURCHER
ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
NEWPORT NEWS, VA.

FRANKLIN PRINTING CO.