

1926-009
Nansemond Co (Suffolk) Chancery Causes: Nettie Hayes vs Archie Hayes

Ricks, Henderson, Chatman, Powell

Nansemond County Court

Nettie Hayes

VS.

Archie Hayes

Papers in above Styled Suit
in the Hands of

Lawrence S. Vellon

Attorney

Sept 8th 1926

IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE COUN-
TY OF NANSEMOND, ON THE
27TH DAY OF MARCH, 1926

Nettie Hayes.....Plaintiff
against

Archie Hayes.....Defendant

The object of this suit is to obtain a divorce a vinculo matrimonii, upon the ground of desertion. And an affidavit having been made and filed that the defendant, Archie Hayes, is not a resident of the State of Virginia, it is ordered that he do appear within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four successive weeks in the Suffolk News, a newspaper published in the city of Suffolk, and that a copy be posted at the front door of the Courthouse of this county on or before the 5th day of April, 1926, that being the next succeeding Rule day after this order was entered.

A Copy—Teste:

G. E. BUNTING, Clerk.

Saunders & Hutton, p. q.

Mch31, Apr 7, 14, 314t

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Suffolk, Va.. Sept. 14, 1926

This is to cerify that the attached order of publication in
the suit of Nettie Hayes against Archie Hayes was printed
for four scucessive weeks in The Suffolk News, beginning
March 31, 1926.

W. J. Hunter-----, Editor

in Saturday night Mrs. H. B. Over-
attended the twenty fifth wedding
iversary of Dr. and Mrs. W. T. Mc-

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Nettie Hayes.....Complainant

Vs. AFFIDAVIT

Archie Hayes.....Defendant.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

 This day Nettie Hayes, the above-named complainant, personally appeared before me, Evelyn Palmer, a notary public for the city and state aforesaid, in my said city aforesaid, and made oath before me that Archie Hayes, the defendant named above, is a non-resident of the State of Virginia and that the last known address or place of abode of the said Archie Hayes was New York City.

 Given under my hand this the 18th day of March, 1926.

Evelyn Palmer.
Notary Public.

VIRGINIA:

IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND:

Nettie Hayes,
Complainant,

Vs. AFFIDAVIT

Archie Hayes,
Defendant.

In the Clerk's Office of the Circuit Court of the County of
Nansemond on the **27th** day of **March** 19**26**

Nettie Hayes

, Plaintiff

against

Archie Hayes

, Defendant.

The object of this suit is to **obtain a divorce a vinculo matrimonii, upon the**
ground of desertion.

And an affidavit having been made and filed that the defendant.. **Archie Hayes**

not resident of the State of Virginia, it is ordered that.....**he**.....do appear within fifteen
days after due publication hereof, and do what may be necessary to protect.....**his**.....
interest in this suit. And it is further ordered that a copy hereof be published once a week for
four successive weeks in the.. **Suffolk News** .., a newspaper published in the
.....**City**.....of **Suffolk** .., and that a copy be posted at the front door
of the Court-house of this County on or before the.. **5th** day of **April** .., 19**26** .., that
being the next succeeding Rule day after this order was entered.

A copy—Teste:

Samuel S. Hill

p. q.

W. B. Ambrose

Clerk.

FORM NO. 301.

US.

}

ORDER OF
PUBLICATION.

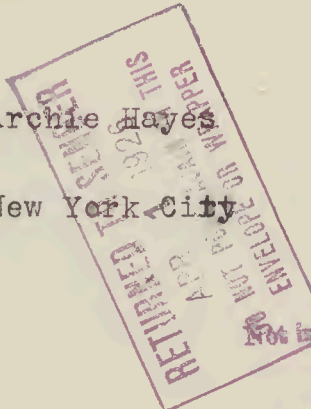
GEORGE E. BUNTING

CLERK OF CIRCUIT COURT OF
NANSEMOND COUNTY
SUFFOLK, VA.



Archie Hayes

New York City



Not in Directory Delivery delayed
incomplete address
Searcher No. 9.
City Hall station, N. Y. P. O.



VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND:

Nettie Hayes.....Complainant,

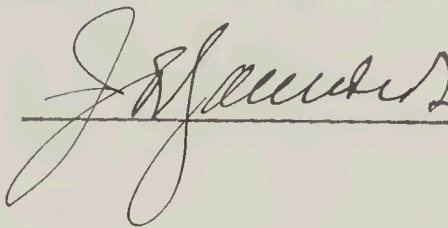
Vs.

IN CHANCERY

Archie Hayes.....Defendant.

TO THE CLERK OF SAID COURT:

Issue summons, First Rules, First Monday in April,
1926.



p. q.

Nettie Hayes

v

Archie Hayes

3.27-26 Process issued, returnable to April Rules, 1st Monday, 1926
Affidavit of nonpresident filed,
Order of publication, copy to Suffolk News, copy posted at C.H. door and
copy mailed to New York City, the last known address of the said
defendant

VIRGINIA:
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY:

Nettie Hayes,
Complainant,

Vs. IN CHANCERY

Archie Hayes,
Defendant.

MEMORANDUM.



MARRIAGE LICENSE



Virginia

City of Suffolk

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,

Archie Hayes

and

Nettie Ricks

Given under my hand, as Clerk of Circuit Court of City of Suffolk County (or City)

this 26th day of May, 1914

G. A. Harris

Ruth Marshall, D. C., Clerk.

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1910, as amended by Act of February 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of City of Suffolk,

Date of Marriage May 26th, 1914. Place of Marriage Suffolk, Va.

FULL NAMES OF PARTIES.

Archie Hayes

and

Nettie Ricks

Age of Husband Twenty-one years; Condition (single, widowed or divorced) single

Age of Wife Nineteen years; Condition (single, widowed or divorced) single

Race (White or Colored) colored

Husband's Place of Birth Suffolk, Va.

(PRESENT)

Mailing Address Suffolk, Va.

Wife's Place of Birth Franklin, Ca.

Mailing Address Suffolk, Va.

Names of { Husband John Hayes and Lavinia Hayes

Parents { Wife John Ricks and Candis Ricks

Occupation of Husband Laborer

Given under my hand this 26th day of May, 1914

G. A. Harris

Ruth Marshall, D. C., Clerk.

Certificate of Time and Place of Marriage

I, J. L. Goodwin, a minister of the gospel

Church, or religious order of that name, do certify that on the 26 day of May, 1914,

at home, Virginia, under authority of the above License, I joined together in the Holy State of Matrimony the persons named and described therein. I qualified and gave bond according to law authorizing

me to celebrate the rites of marriage in the County (or City) of Suffolk Va., State of Virginia.

Given under my hand this 26 day of May, 1914

A copy- Teste;

J. L. Goodwin

(Person who performs ceremony sign here.)

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 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

Certificate of Person Performing Marriage Ceremony

To be detached and delivered to the parties married.

I, _____, a _____ of the _____

Church, or religious order of that name, do certify that on the _____ day of _____, 19____,

at _____, Virginia, under authority of a license issued by _____,

Clerk of _____ Court of _____ County (or City), State of Virginia, dated the

_____ day of _____, 19____, I joined together in the Holy State of Matrimony

_____, husband, and _____, his wife.

Given under my hand this _____ day of _____, 19____.

(Person who performs ceremony sign here.)

County (or City) Suffolk

Archie Hayes

Husband

and { **Marriage License**

Nettie Ricks

Wife

Date of Issue May 26, 1914

Marriage Register No. 1 Page 44

MARRIAGE LICENSE

VIRGINIA:

Circuit Court of the County of Nansemond.

Nettie Hayes Còmplainant

vs. On Bill for Divorce. Depositions.

Archie Hayes Defendant.

Depositions of Nettie Hayes, Candies Henderson, Mamie Chapman and C. R. Powell, taken before me, John H. Palmer, Commissioner in Chancery for the Circuit Court of the County of Nansemond, Virginia, on the 21st day of May, A.D. 1926, pursuant to order of publication, at the office of Saunders and Hutton, 103 West Washington Street (Pinner Building) between the hours of nine o'clock in the forenoon and six o'clock in the afternoon of that day, to be read in evidence in a suit in which Nettie Hayes is complainant and Archie Hayes is defendant, pending in the Circuit Court of the County of Nansemond, Virginia.

APPEARANCES:

For the Complainant: Job R. Saunders, esquire, of counsel
for the complainant;

For the defendant: None.

Nettie Hayes, the complainant in this suit, being first duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation?

A. Nettie Hayes; age, 23; residence, Nansemond County, Virginia; occupation, factory hand.

Q. Are you the wife of Archie Hayes and the complainant in this suit?

A. Yes.

Q. You have filed a suit alleging that in November, 1920, your husband, Archie Hayes, without just cause deserted you and your three children. Is that correct?

A. Yes sir.

Q. Where were you living at the time he left you?

A. I was living in Nansemond County, Virginia.

Q. Did you give him any cause to leave you?

A. No sir, not a bit. I didn't give him any at all.

Q. During the time you lived with him did he support you and the children?

A. No sir, he didn't do anything for us. I supported myself and children and him too because he was not doing anything. What little he had and did do he gave to other people, I didn't see it.

Q. What do you mean by other people?

A. I mean other women.

Q. During the time he lived with you did he go with other women?

A. Yes sir.

Q. Since he left you has he in any way contributed to your support or to the support of the children?

A. No sir, he has not given me anything nor the children anything.

Q. Did he tell you when he left you whether or not he was going to leave?

A. Yes sir. He told me he was going to leave. He said he had plenty of women and was not going to have anything more to do with me and I could look out for myself and the children and said he was going away and said that before he would stop going with his women folks he would suffer his throat to be cut.

Q. What was the occasion of him saying that?

A. I had just passed him and he was walking with another woman and he hollered at me and I didn't say anything to him, and when he came home he was quarreling about it.

Q. Do you know where he is now, Nettie?

A. I do not, Mr. Saunders.

Q. How long has it been since you saw him?

A. About five years I think. It has been eversince November, 1920.

Q. How long have you been living in Nansemond County and the State of Virginia?

A. About 18 years.

Q. Did I understand that you lived here at the time of your marriage, during all the time of your marriage and at the time of your separation and eversince that time, and now live here?

A. Yes, sir.

Q. Did you treat him all right, as a wife should treat her husband?

A. Yes sir. I did the best I could. I did the work every day and took the children backwards and forwards from one to the other.

Q. As I understand it, the only complaint he made was that he was not going to stop going with other women? That is right?

A. Yes, sir.

And further this deponent saith not.

Walter Hayes

Candies Henderson, a witness produced on behalf of the complainant in this cause, being first duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation?

A. Candies Henderson; age, 48; residence, Nansemond County, Virginia; occupation, housewife.

Q. How long have you been knowing Nettie Hayes and Archie Hayes?

A. I got acquainted with him just a little before they were married and have known her all her life.

Q. Are they now living together?

A. No sir.

Q. Which one left the other?

A. Archie left her.

Q. Did she give him any cause to leave her?

A. No sir.

Q. Was she a dutiful wife?

A. Yes sir, she sure was.

Q. When did he leave her?

A. It was in 1920.

Q. What time of year in 1920?

A. It was in the winter.

Q. Since he left her in 1920 have they lived together?

A. No sir.

Q. Where has she lived since then?

A. She stayed with me.

Q. Did she and her^{three} children live in your home?

A. Yes sir.

Q. If they had lived together would you have known it?

A. Yes sir.

Q. Along about the time he left her, did you have any talk with him as to whether or not he was going to leave?

A. He told her that he didn't expect to live with her any more. He was walking with a girl by the name of Indie and Nettie passed him and he hollered at Nettie and Nettie did not say anything to him, so when he came home he spoke about Nettie passing him and not speaking to him, and he asked me what did I think of it, and I told him I didn't have anything to do with it. Then he commenced to fuss with her and told her that he had plenty of women and he was going with women all the time and before he would stop going with them he would suffer his neck to be cut off.

Q. Did he tell Nettie whether or not he was going to live with her any more?

A. Yes sir. He told her to go along and do the best she could that she would not be Nettie Hayes any more.

Q. Did he leave her then?

A. Yes sir. He left her that very day.

Q. Since then, have he and Nettie lived together?

A. No sir.

Q. Have you seen him since then?

A. No sir.

Q. What relation are you to Nettie?

A. Nettie's mother.

Q. Since they separated has he made any contribution to the support of their three ~~three~~ children in any way?

A. No sir.

And further this deponent saith not.

*Witness to me at
John H. Palmer
Commissioner in Chancery*

*her
Candice Henderson
mark*

Mamie Chapman, a witness produced on behalf of the complainant in this suit, being first duly sworn deposes and says:

Q. Please state your name, age, residence and occupation?

A. Mamie Chapman; age, 28; residence, 4th Street Saratoga Place; occupation, factory hand.

Q. How long have you known Nettie Hayes and Archie Hayes?

A. I have known Nettie all my life and got acquainted with him when he was going with her.

Q. Are they now living together?

A. No sir.

Q. Which one left the other?

A. Archie left her.

Q. When did he leave her?

A. In 1920.

Q. What time in 1920?

A. In the winter.

Q. Did you ever hear of any cause that she gave him to leave her?

A. No sir.

Q. Did you see them often when they were living together?

A. Yes sir.

Q. Was she a dutiful wife and do her part?

A. Yes sir, she was a dutiful wife to him.

Q. Since he left her in the winter of 1920, have they lived together?

A. No sir.

Q. Where has Nettie lived since then?

A. Nansemond County. Nettie lived at her mother's.

Q. Where has he been?

A. I do not know, sir. Not here.

Q. Has he been away from Suffolk?

A. Yes sir. He is not in Suffolk.

Q. Has Nettie remained here all the time?

A. Yes sir.

Q. If they had lived together would you have known it?

A. Yes sir. Because I went backwards and forwards to her mother's.

Q. Nettie is your sister isn't she?

A. Yes sir.

Q. Since the separation has he made any contribution to the support of your sister or his children?

A. No sir; not any.

And further this deponent saith not.

Mamie Chatman

C. R. Powell, a witness produced on behalf of the complainant in this cause, being first duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation?

A. C. R. Powell; age, 63; residence, Nansemond County, Virginia; occupation, Mail carrier.

Q. How long have you known Nettie Hayes and Archie Hayes, her husband?

A. I have been knowing her ever since she was small, but have only known him a short time before they were married.

Q. Did you know them at the time they were living together?

A. Yes sir.

Q. Do you know which one left the other?

A. I know that he left her.

Q. Do you know of any cause that she gave him to leave her?

A. No, I never heard of any cause she gave him to leave.

Q. Did you see them often during the time they lived together?

A. Yes sir.

Q. Was she or not a dutiful wife and looked after her part of the bargain?

A. Yes, she was.

Q. Do you know about when he left her?

A. Yes sir, I know about the time left, it was in November, 1920.

Q. Since November, 1920, have they lived together?

A. No sir. They have not.

Q. If they had lived together would you have known about it?

A. Yes sir.

Q. After they separated did she remain in Suffolk?

A. Yes sir.

Q. Where did he go?

A. I do not know, no sir.

Q. Did he leave from around here?

A. Yes sir.

Q. She still lives here doesn't she and has lived here ever since the separation?

A. Yes sir.

Q. They were living together in Nansemond County as man and wife at the time of the separation?

A. Yes sir.

And further this deponent saith not.

G. R. Powell

STATE OF VIRGINIA,)
CITY OF SUFFOLK,)
COUNTY OF NANSEMOND,) To-wit:

I, JOHN H. PALMER, a Commissioner in Chancery for the Circuit Court of the County of Nansemond, in the State of Virginia, do hereby certify that the foregoing depositions were taken, reduced to writing and duly signed before me, in my immediate presence, at the place and time in the caption mentioned, pursuant to order of publication; except that the deposition of C.R.Powell, was signed before me, on this twenty eighth day of May 1926, after same was distinctly read over to him, he having previously deposed thereto on the twenty-first day of May now instant.

IN TESTIMONY WHEREOF, I have hereunto set my hand at the City of Suffolk, Virginia, this twenty-eighth day of May, in the year of our Lord one thousand nine hundred and twenty-six.


Commissioner in Chancery.

Fees: \$ 10.00

Circuit Court of the County of
Hansemond

Nettie Hayes,
Complainant

vs.

Archie Hayes,
Defendant.

In Chancery.

On Bill for Divorce.

DEPOSITIONS.

Saunders and Hutton,
Attorneys of Complainant.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

Nettie Hayes.....Complainant

Vs.

DECREE

Archie Hayes.....Defendant.

This cause, in which the complainant has proceeded against the non-resident defendant in the mode prescribed by law, came on this day to be heard on the complainant's bill and the exhibit filed therewith, the defendant failing to appear, plead, answer or demur, to the complainant's bill, ~~of complaint~~, the depositions taken before John H. Palmer, Commissioner in Chancery, duly filed in this cause, and was argued by counsel.

Upon consideration of all of which, independently of the admissions of either party in the pleadings or otherwise, the court is of the opinion that the parties last cohabited in the County of Nansemond, Virginia, and that the defendant has, without cause, abandoned the complainant for a period of more than three years, and that the complainant is entitled to the relief prayed for in her said bill. It is, therefore, adjudged, ordered and decreed that the marriage heretofore had and solemnized between the defendant, Archie Hayes, and the complainant, Nettie Hayes, (formerly Nettie Ricks) shall be, and the same is, hereby dissolved; and that the said Nettie Hayes be forever divorced from the said Archie Hayes and her maiden name, Nettie Ricks, be restored to her.

And there remaining nothing further to be done in this suit it is ordered that the same be stricken from the docket.

VIRGINIA:

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

Nettie Hayes,
Complainant,

vs. Decree

Archie Hayes,
Defendant.

Enter the 14 day of Sept.
 Jas. L. McNamee, 1926.

Entered in Chancery Order Book

#6, Page 34.

Nettie Hayes.....Complainant

Vs. IN CHANCERY BILL

Archie Hayes.....Defendant.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF
NANSEMOND, VIRGINIA:

Your complainant, Nettie Hayes, respectfully represents
the following:

FIRST: that on the 26th day of May, 1914, your complainant, whose maiden name was Nettie Ricks, was lawfully married in the City of Suffolk, Virginia, to Archie Hayes, as will appear from a certificate of marriage herewith filed, marked "EXHIBIT A", and made a part of this bill.

SECOND: That continuously from the date of the said marriage until sometime in November, 1920, to-wit: the _____ day of November, 1920, your complainant and the said defendant lived together as husband and wife in the County of Nansemond, Virginia,

THIRD: That the said defendant has wilfully deserted and abandoned your complainant and his three children, Elsie Hayes, age nine (9) years; Daisy Hayes, age six (6) years, and Archie Lee Hayes, five (5) years of age, for a period of more than three years next preceding the commencement of this suit, that is to say, that during the month of November, 1920, the said Archie Hayes did wilfully, voluntarily and without any justification whatever leave your said complainant and his home; that at the time of said desertion the said children were tiny infants, the said Archie Lee Hayes being about one and one-half (1-1/2) months old; that from the time of said desertion until the present your complainant has not seen the said defendant or heard from him or has he made any effort whatever to communicate with her or to support his said children in any way; that immediately before leaving and many times subsequent thereto, the said defendant stated that he never intended to live with your complainant again, and he has never returned to her or in any way contributed to her support or made any effort to have her return to him, and that they have not lived together as husband and

wife since sometime in the month of November, 1920.

FOURTH: That your said complainant has 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 is now domiciled and now resides in the County of Nansemond, Virginia.

FIFTH: That your said complainant last lived with the said Archie Hayes as husband and wife in the County of Nansemond, Virginia.

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 Archie Hayes may be made a party defendant to this suit and required to answer the same, but not on oath, the oath being hereby waived; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed her; that the said complainant prays that the care and the custody of the aforesaid children be awarded to her, and that your complainant may have all such further and other and general relief in the premises as the nature of her cause may require or to equity shall seem meet.

Wettie Hayes
Complainant.

By J. H. Anderson
Her Attorney.

J. H. Anderson
Counsel.

VIRGINIA:

IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND:

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Nettie Hayes,
Complainant,

VS. IN CHANCERY BILL

Archie Hayes,
Defendant.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.