1932-007
Nansemond Co (Suffolk) Chancery Causes : Edna Holland Bates VS Howard M. Bates

Holland, Hurrell, Dalton, Shields

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...ct of the congregation is urged.

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND IN THE ..... DAY OF .....

Edna Holland Bates ..... Plaintiff
against
Howard M. Bates ..... Defendant

The object of this suit is to obtain a divoree a vinculo from the bond of matrimony.

And an affidavit having been made and filed that the defendant, Howard M. Bates, is not a resident of the State of Virginia, it is ordered that he do appear within ten 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-Herald, 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 18th day of March, 1929, that being the next succeeding rule day after this order was entered.

PAUL J. POWELL,
Clerk.

M. ANDERSON MAXEY, p.q.
mar. 2,9,16,23.

EVERY AFTERNOON EXCEPT SUNDAY

ASSOCIATED PRESS SERVICE

THE SUFFOLK NEWS-HERALD

PUBLISHED BY
THE SUFFOLK NEWS COMPANY, INCORPORATED

SUFFOLK, VA.

H. STUART LEWIS, PRESIDENT
H. P. GUERRANT, GENERAL MANAGER
C. J. RIDDICK, JR., BUSINESS MANAGER
W. C. JOHNSTON, EDITOR

March 10, 1932.

This is to certify that the publication of a suit of Edna Holland Bates against Howard M. Bates was duly published four times in the Suffolk News-Herald, namely; on March 2nd, 9th, 16th and 23rd, 1929.

THE SUFFOLK NEWS COMPANY, INC.,

By C. J. Riddick Jr.

The Suffolk News-Herald is the best advertising medium for the trading territory comprising the City of Suffolk, Nansemond, Isle of Wight and Southampton Counties, Virginia, Gates and Hertford Counties in North Carolina. The Suffolk News-Herald is a consolidation of The Suffolk News, Established in 1923, and The Suffolk Herald, Established 1873, and is the only Newspaper Published in Suffolk, Virginia.

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT
OF THE COUNTY OF NANSEMOND
ON THE 1st DAY OF MARCH, 1929.

Edna Holland Bates . . . . . Plaintiff
against
Howard M. Bates . . . . . Defendant

The object of this suit is to obtain a divorce a vinculo from the bond of matrimony.

And an affidavit having been made and filed that the defendant Howard M. Bates is not a resident of the State of Virginia, it is ordered that he do appear within ten 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-Herald, 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 18th day of March, 1929, that being the next succeeding rule day after this order was entered.

Paul J. Powell Clerk

M. Anderson Maxey, p. q.

Order of Publication

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Edna Holland Bates Pltff.
vs.
Howard M. Bates Df't
} In Chancery

I hereby certify that on the 1st day of March 1929 I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered, and I further certify that I have mailed a copy of same to the last known address of the defendant.

Given under my hand this 1st day of March 1929

Paul J. Parrell, Clerk.

By Alvira Whitehurst, Deputy Clerk.

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Edna Holland Bates ..... Complainant

v.

Howard M. Bates ..... Defendant.

TO PAUL J. POWELL, CLERK OF SAID COURT:

Please issue process in the above-mentioned cause, returnable to 2nd March rules, 1929.

The object of this suit is to obtain a divorce, a vinculo matrimonii, upon the grounds of desertion and adultery.

In conformity with section 5108 of the Code of 1919, and as counsel for the complainant in this cause, I make application for an order of publication against the defendant, Howard M. Bates, who is not a resident of the State of Virginia, and whose last known post office address was R. F. D. 1, Washington, Pennsylvania, and I direct the Clerk to mail a certified copy of said order of publication, when entered, to the said defendant at the address given herein, and to certify the mailing of the same as required by the statute in such cases made and provided.

M. Anderson Mayer
Counsel for Complainant

STATE OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

I, Edna Holland Bates, being first duly sworn, do make oath that the above-mentioned defendant, Howard M. Bates, is not a resident of the State of Virginia, and that his last known address is R. F. D. 1, Washington, Pennsylvania.

Given under under my hand this 1st day of March 1929.

Edna Holland Bates
Complainant.

Subscribed and sworn to before me, the undersigned, a notary public, in my said city, by Edna Holland Bates, this 1st day of March, 1929.

My commission expires the 13th day of September, 1931.

M. Anderson Mabry
Notary Public for the City of
Suffolk, Virginia.

March 1st, 1929

Process issued returnable to second March Rules.

Bill filed.

Affidavit of non-residence of defendant filed.

Order of publication filed, copy made and mailed defendant, News-Herald, and filed.

MEMORANDUM &

AFFIDAVIT

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon Howard M. Bates

to appear at the Clerk's office of the Circuit Court of the Co. of Nansemond at the rules to be held for the said Court on the 3rd Monday in March, 1929, to answer a bill in chancery, exhibited against him in our said Court by Edna Holland Bates

And have then there this writ. Witness Paul J. Powell, Clerk of our said Court, at the court-house, the 1st day of March, 1929, and in the 153rd year of the Commonwealth.

Paul J. Powell, Clerk.

By Olivia Whitehurst, D. C.

original

No. 300

Edna Holland Bates

vs. } SUBPOENA IN CHANCERY

Howard M. Bates

M. A. Rafety *p. q.*

To. March *Rules,*

Nanse. Co. *Circuit Court.*

Not found in
my County of
Nansemond Va

E B Rawles
Sheriff

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon Howard M. Bates

to appear at the Clerk's office of the Circuit Court of the Co. of Nansemond at the rules to be held for the said Court on the 3rd Monday in March, 1929, to answer a bill in chancery, exhibited against him in our said Court by Edna Holland Bates

And have then there this writ. Witness Paul J. Powell, Clerk of our said Court, at the court-house, the 1st day of March, 1929, and in the 153rd year of the Commonwealth.

Paul J. Powell, Clerk.

By Alvira Whitehurst, D.C.

Copy

No. 300

.....

vs. } SUBPOENA IN CHANCERY

.....

.....

.....*p. q.*

To.....*Rules,*

.....*Circuit Court.*

Due, legal and sufficient service of the within process is hereby accepted.

Howard M Bates.

Stamp here

(Seal of Court here superimposed on an adhesive wafer)

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,

Howard Mathew Bates *and* Edna Holland

Given under my hand, as Clerk of the Circuit *Court of* Nansemond *County (or City) this* 16 *day of* Oct., 1926.

G. E. Bunting, *Clerk*
By M. K. Gardner, D. C.

Marriage Certificate

To be annexed to License required by Section 5074 of the Code of Virginia.

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

Date of Marriage October 16th, 1926 *Place of Marriage* Suffolk, Va.

(FULL NAMES OF PARTIES)

Howard Mathew Bates *and* Edna Holland

Age of Husband 25 years; Condition (single, widowed or divorced) Single

Age of Wife 24 years; Condition (single, widowed or divorced) Single

Race (White or Colored) White

Husband's Place of Birth Burggettstown, Pa. Mailing Address (PRESENT) 1316 25th St. Newport News, Va.

Wife's Place of Birth Nansemond County Mailing Address Holland, Va.

Names of Parents: Husband John Bates and Nancy, his wife

Wife Sam Holland and Stella, his wife (Full maiden name)

Occupation of Husband Ship Yard Work

Given under my hand this 16 day of October, 1926.

G. E. Bunting, Clerk
By M. K. Gardner, D. C.

Certificate of Time and Place of Marriage

I, I. W. Johnson, a Minister of the Christian Church, or religious order of that name, do certify that on the 16th day of October, 1926, at Suffolk, 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 rights of marriage in the County (or City) of Nansemond, State of Virginia.

Given under my hand this 16th day of October, 1926.

A true copy. Teste: Paul J. Pouncey, Clerk
By Olivia Whitehurst, D.C.

I. W. Johnson
(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, 1919).

County (or City) .....

.....

Husband

and { **Marriage License**

.....

Wife

Date of Issue .....

Marriage Register No.....Page.....

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Edna Holland Bates.....Complainant

V. NOTICE OF TAKING DEPOSITIONS

Howard M. Bates.....Defendant

Take notice that on the 22nd day of March, 1932 at the office of Hugh L. Holland in the City of Suffolk, Virginia, between the hours of ten o'clock A. M. and Five o'clock P.M. of that day and on the 23rd day of March, 1932, between the hours of ten o'clock A. M. and Five o'clock P.M. of that day at the office of Nelms & Colonna, Attorneys, Schmelz National Bank Building, Newport News, Virginia, I shall proceed to take the depositions of Edna Holland Bates and others, to be read as evidence in my behalf in a certain suit in equity 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 depositions be not commenced, or, if commenced, but not concluded, on those days, the taking thereof will be adjourned from time to time at the same places and between the same hours, until the same shall be completed.

Given under my hand this 12th day of March, 1932.

EDNA HOLLAND BATES

BY Hugh L. Holland

Her Attorney

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA

Edna Holland Bates...Complainant

V. NOTICE OF TAKING DEPOSITIONS

Howard M. Bates.....Defendant

Due, legal and sufficient service of the within notice is hereby accepted.

Howard M Bates.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Edna Holland Bates.....Complainant

vs. DEPOSITIONS

Howard M. Bates.....Defendant

THE DEPOSITIONS OF MRS. L. C. SHIELDS, taken before me, W. B. Colonna, a Commissioner in Chancery for the Corporation Court for the city of Newport News, Virginia, in the office of Nelms & Colonna, Attorneys, Newport News, Virginia, on the 23rd day of March, 1932, between the hours of 10:00 o'clock A.M. and 5:00 o'clock P.M., pursuant to due notice to the Defendant of which service was accepted as shown by endorsement thereon, said notice being herewith filed, to be read as evidence on behalf of the Complainant in a certain suit of Equity now pending in the Circuit Court of Nansemond County, Virginia, wherein Edna Holland Bates is Complainant and Howard M. Bates is Defendant.

P R E S E N T:

Hugh L. Holland, Counsel for Complainant

and Complainant

The Defendant did not appear either in person or by Counsel.

Deposition of Mrs. L. C. Shields, taken this 23rd day of March, 1932, at the office of Nelms & Colonna, Attorneys at Law, Law Building, Newport News, Virginia, between the hours of 10 A. M. and 5 P.M.

Present: Hugh L. Holland, Attorney at Law.

Mrs. L. C. Shields, a witness of lawful age, being duly sworn, deposes and says:

Examination by Hugh L. Holland:

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

A. Mrs. L. C. Shields, age 40, residence 2405 Roanoke Avenue, Newport News, Virginia, occupation housekeeper.

Q. Do you know Mrs. Edna Holland Bates, the complainant in this suit, and, if so, for how long?

A. I have known her since about June, 1927, at which time she came to my house to live with her husband, Howard M. Bates.

Q. What kind of wife did she make him?

A. A very good wife.

Q. Did they separate at your house, and, if so, when?

A. She went home on the 17th of December, 1927, and never returned.

Q. Please state briefly his treatment of her, including any threats that you may have heard him make.

A. From time to time I would over-hear bitter arguments in their room, but could not hear particularly what they said, after those arguments, several times, she would come down stairs crying and said she could not stand it any longer. On one occasion, I heard him curse her in my presence. He was very filthy in his habits and apparently very seldom took a bath. He would never go with her anywhere and did not seem to show any respect for her. About a month after she left, she returned, and he had been raving that afternoon and had gone back up stairs. He said if she came back to those rooms she never would go back to Holland again, and about that time, Mrs. Bates came in through the back door. I was washing dishes. I told her that if I were her, I would not go upstairs alone, I would get my aunt to go with me. I was in no condition to go into any such a quarrel as that.

Q. Did you or not consider it dangerous for her to continue trying to live with him?

A. I certainly did. At times he became violently mad and angry and looked to me as if he would kill her or else do her some serious injury, if she tried to continue living with him. He was very bitter against her people. He said very ugly things about her people, her sister and brother, but never made anugly remark about her mother.

Q. Are you related to Mrs. Bates or connected with her in any way?

A. Not in the least.

And further this deponent saith not.

Mrs L C Shields

STATE OF VIRGINIA,

City of Newport News, to-wit:

I, W B Colonna, a Commissioner in Chancery for the Corporation Court ~~a Notary Public~~ for the City of Newport News do certify that the foregoing depositions of Mrs. Leslie C Shields, were duly taken, subscribed and sworn to before me at the office of Nelms & Colonna, Attorneys, formerly in Schmelz National Bank Building, Newport News, Virginia on the 23rd day of March, 1932, between the hours of 10:00 o'clock A.M. and 5:00 o'clock P.M. of that date, to be read as evidence on behalf of the Complainant in a certain suit of Equity now pending in the Circuit Court of Nansemond County, Virginia, wherein Edna Holland Bates is Complainant and Howard M. Bates is Defendant.

Given under my hand this 23rd day of March, 1932.

My commission expires on the 23rd day of March, 1932

W. B. Colonna

~~Notary Public~~
Commissioner in Chancery

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

EDNA HOLLAND BATES

VS.

HOWARD M. BATES

DEPOSITION OF MRS. L.C. SHIELDS

1932 March 24th. filed.
K.L.M

LAW OFFICE OF
NELMS & COLONNA
SCHMELZ NATIONAL BANK BUILDING
NEWPORT NEWS, VA.

FRANKLIN PRINTING CO.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Edna Holland Bates.....Complainant

V. DEPOSITIONS

Howard M. Bates.....Defendant

THE DEPOSITIONS OF J. T. HARRELL, J. P. DALTON AND EDNA HOLLABD BATES, taken before me, William M. Birdsong, a Commissioner in Chancery for Nansemond County, Virginia, in the office of Hugh L. Holland, American Bank & Trust Company Building, Suffolk Virginia on the 22nd day of March, 1932, between the hours of 10:00 o'clock A. M. and 5:00 O'clock P. M., pursuant to due notice to the Defendant of which service was accepted as shown by endorsement thereon, said notice being herewith filed, to be read as evidence on behalf of the Complainant in a certain suit of Equity now pending in the Circuit Court of Nansemond County, Virginia, wherein Edna Holland Bates is Complainant and Howard M. Bates is Defendant.

P R E S E N T:

Hugh L. Holland, Counsel for Complainant

and Complainant

The Defendant did not appear either in person or by Counsel.

J. T. HARRELL, a witness of lawful age being duly sworn deposes and says:

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

A. J. T. Harrell, age 43, live in Holland, Virginia, lumber business.

Q. Do you know Edna Holland Bates, and if so for how long?

A. Yes I have known her practically all her life.

Q. What is her general reputation in the community for truth and veracity?

A. She has an excellent reputation and is very highly thought of by the people at Holland.

And further this deponent saith not.

J. T. Harrell

J. P. DALTON, a witnes of lawful age being duly sworn deposes and says:

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

A. J. P. Dalton, age 47, live in Holland, Virginia, Treasurer of Nansemond County.

Q. Do you know Edna Holland Bates, and if so for how long?

A. Yes all of her life.

Q. Do you know what her general reputation for truth and veracity is and if so what is it?

A. Very good.

And further this deponent saith not.

J. P. Dalton

EDNA HOLLAND BATES, a witness of lawful age being duly sworn deposes and says:

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

A. Edna Holland Bates, age 29, Holland, Virginia in Nansemond County, telephone operator.

Q. Are you the plaintiff in this suit?

A. Yes sir.

Q. Who is your husband and where does he live?

A. Howard M. Bates and he lives and resides in the State of Pennsylvania, his present address being R. F. D. 1, Canonsburg, Pa.

Q. Where do you live and how long have you lived there?

A. I live at Holland in Nansemond County, Virginia and have lived and actually resided there ever since December 17, 1927 at which time my husband abandoned and deserted me in Newport News, Va.

Q. Have you and your husband cohabited or lived together as husband and wife since December 17, 1927?

A. No.

Q. State briefly the circumstances of your separation.

A. When we were first married we went to live in Newport News, Va. where Mr. Bates was employed in the shipyeard. After about a month he suggested that I return home at Holland, Va. while he went to Pittsburg, Pa. in search of work. In January 1927 I joined him in Pittsburg and lived there with him until April 1927 when he lost his job. I became ill and was forced to return again to my mother's home at Holland, Virginia, as he could not support me and I had no where else to go. Later on my husband again secured employment at Newport News, Virginia and I joined him there again and lived with him, this was in 1927. Beginning certainly as early as June, 1927 in Newport News, Virginia, he was very irritable and cross with me and frequently cursed and abused me without any cause. He would ask me to wake him up at 12:00 o'clock at night to go to work on a Dairy farm, then when I would

wake him up as he had asked me to do, he would proceed to curse me and slapped me on one occasion in the summer of 1927 without any cause. He accused me of staying out on the streets in Newport News all night, which was not true.

Q. What occured on or about December 17, 1927?

A. At his request I had gone to my mother's home in Holland several times. He stated each time that he wanted me to go so that he could save some money, but when I got back each time he did not have any money. Shortly before December 17, 1927 he wanted me to go back to Holland and stay for some time and have my mother support me without any expense to him whatever. I did not feel it was right for me to continue going back home and living at the expense of my mother. I would have been willing to have gone to work but could not find any work to do. I tried to reason with him and explain this to him and told him that my mother was a widow and I did not think I should be living on her so much. He would not give me any money at all and I had to get money from my brother for medical expenses. When I told him that I did not feel it was right for me to keep going back to my mother, he became violently mad and proceeded to curse, abuse and threaten me more than ever. It was plain to me that if I did not leave him as he told me to do that he would kill me. For several days before December 17, 1927, I was in constant fear of my life. He drove me from the rooms we were occupying in Newport News on December 17, 1927 and I was forced to spend the night with friends in Newport News and the next day I went to the home of my mother at Holland, Virginia. Besides what he told me myself he told Mrs. Leslie Shields that I would never get out of our rooms alive if I went back to them.

Q. What occured after that?

A. Some time after I went back to my mother's home on December 18,

1927 and shortly after Christmas of that year, I found out that he had gone back to Pittsburg, Pa. While he had driven me away I thought probably he might have changed during our separation and I wrote him that if he would treat me right I would come back to him. He wrote me back that it was impossible and that if I did not get a divorce he would, and he refused to let me come back to him. He has not contributed anything to my support whatever since he drove me away on December 17, 1927.

And further this deponent saith not.

Edna Halland Bates

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

Edna Holland Bates.....Complainant

V. DEPOSITIONS

Howard M. Bates.....Defendant

STATE OF VIRGINIA;

City of Suffolk, to-wit:

I, William M. Birdsong a Commissioner in Chancery for Nansemond County, Virginia do certify that the foregoing depositions of J. T. Harrell, J. P. Dalton and Edna Holland Bates, were duly taken, subscribed and sworn to before me at the office of Hugh L. Holland, Attorney, American Bank & Trust Company Building, Suffolk, Virginia on the 22nd day of March, 1932, between the hours of 10:00 o'clock A. M. and 5:00 o'clock P.M. of that date, to be read as evidence on behalf of the Complainant in a certain suit of Equity now pending in the Circuit Court of Nansemond County, Virginia, wherein Edna Holland Bates is Complainant and Howard M. Bates is Defendant.

Given under my hand this 22nd day of March, 1932.

William M. Birdsong

Commissioner in Chancery for Nansemond County, Va

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Edna Holland Bates.....Complainant

V. DEPOSITIONS

Howard M. Bates.....Defendant

1932 March 24. filed.
J.M.

HUGH L. HOLLAND

~~HOLLAND & HOLLAND~~

ATTORNEY AT LAW

SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Edna Holland Bates.....Complainant

V. DECREE

Howard M. Bates.....Defendant

This cause, ~~in which the Defendant is duly served with process in accordance with law~~ which has been regularly matured and set for hearing, came on this day to be heard upon the Complainant's Bill and exhibits filed therewith, and the depositions of witnesses filed on behalf of the Complainant, the Defendant failing to appear; and was argued by Counsel.

On consideration whereof, and it appearing to the Court that the Complainant and Defendant were lawfully married on the 16th day of October, 1926 in the City of Suffolk, Virginia; that subsequent to said marriage, the said Howard M. Bates, Defendant, wilfully and without cause deserted the Complainant on the 17th day of December, 1927, and that the said Complainant and Defendant have not cohabited since that time, which has been more than three years; that the Complainant has been domiciled in Nansemond County, Virginia for more than one year next preceding the commencement of this suit and is still domiciled and resides in Nansemond County, Virginia; that the Defendant is not a resident of the State of Virginia, the Court doth adjudge, order and decree that the said Edna Holland Bates and Howard M. Bates be divorced from the bond of matrimony which was created by the aforesaid marriage, and that the said marriage be, and the same is, dissolved and annulled.

It is further ordered that the Complainant, Edna Holland Bates be, and she is hereby allowed and authorized to resume and to use her maiden name, Edna Holland.

It is further ordered that neither party shall re-marry in this State until the expiration of six months from the date on which this decree is entered, said date being the 24th day

of March, 1932.

VIRGINIA:
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

Edna Holland Bates..... Complainant

V. DECREE

Howard M. Bates.....Defendant

Entered March 24. 1932
Jas. L. McKinnon

Chancery Order
Book 6 Page 484

HUGH L. HOLLAND
~~HOLLAND & LOVELACE~~
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA,

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

Edna Holland Bates

v. BILL.

Howard M. Bates

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF SAID COURT:

Your complainant, Edna Holland Bates, whose maiden name was Edna Holland, respectfully represents that on the 16th day of October, 1926, in the City of Suffolk, Virginia, she was united in the holy bond of matrimony with her husband, Howard M. Bates, as will appear from a certificate of marriage herewith filed, marked "Exhibit A", which it is prayed may be read and taken as a part of this bill.

Your complainant further shows unto your honor that she and her said husband last cohabited in the City of Newport News, Virginia; that her said husband is now domiciled in the State of Pennsylvania and an actual bona fide resident of that State and your complainant is now, and for more than one year last past, has been a resident of the Town of Holland, in the State of Virginia.

Your complainant further shows unto your honor that when your complainant and her said husband were first married they went to live in Newport News, Virginia, where her said husband was employed in the shipyards there; that after about a month her said husband was layed off and suggested that she return to her mother's home at Holland, Virginia, while he went to Pittsburg, Pennsylvania, in search of work and in January, 1927, she joined him there and lived together until April, 1927, when he

was without work. She became ill and was forced to again return to her mother's home at Holland, Virginia. Later on her said husband again secured employment at Newport News, Virginia, where she again joined him and lived as husband and wife. It was not long before he was out of work again and became irritable and cross with complainant and did not try to secure work and without any excuse whatever would curse, abuse and threaten your complainant and finally on the 17th day of December, 1927, drove her from the rooms they were occupying and stated if she ever went up in those rooms again she would never get out of them alive and your complainant was forced to spend the night with friends in Newport News and the next day went to the home of her mother at Holland, Virginia. Your complainant later wrote her said husband that if he would secure employment and treat her kindly she would go back to living with him but her said husband wrote her that it was impossible and that if she didn't seek a divorce he would and has refused to become reconciled to her from the day and year aforesaid up to this time and has failed and refused to contribute anything toward her support and has wilfully deserted and abandoned your complainant without just cause.

In tender consideration whereof, and inasmuch as your complainant is remediless in the premises, save in a Court of Equity where matters of this kind are alone cognizable, she prays that her said husband, Howard M. Bates, may be made a party defendant to her bill, and required to answer the same, but not under oath, answer under oath being hereby expressly waived; that proper process may issue, summoning the said defendant to answer her Bill, that your complainant may be divorced from the bond of matrimony which now unites her with her said husband; that she may be permitted to resume her maiden name, and that she may have all such

other, further and general relief in the premises as the nature of her case may require, or to equity shall seem meet. And she will ever pray, etc.

Edna Holland Bates
Complainant. By Counsel

M. Anderson Mafey p.q.

VIRGINIA,

IN THE CIRCUIT COURT OF
THE COUNTY OF NANSEMOND:

Edna Holland Bates

v.

Howard M. Bates

BILL.

Filed Mar. 1-1939
Olivia Whitehurst, DC

M. ANDERSON MAXEY
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA