

1907-015 Chancery Causes: Odie V. Butler vs Robert B. Butler

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Isle of Wight County

Odie V. Butler

vs

Robert B. Butler

On motion of the Complainant
this case is dismissed with the
cost of the said Complainant.

Butler
as } DuChaucoy
Butler

Rough Draw
Oct 10th 1907.
To Le Entera
R. E. Boykin

C. O. B. No. 6 p. 522.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

We COMMAND YOU that you summon:

Robert B. Butler

to appear at the Clerk's office of the *Circuit* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *1st* Monday in *July* 190*7*,
to answer a bill in chancery, exhibited against *Hani* in our said court for
by Odie V. Butler

And have then there this writ. Witness *NATHANIEL F. YOUNG*, Clerk of our said court, at
the court-house, the *19th* day of *June* 190*7*, and in the *31st*
year of the Commonwealth.

Nathan F. Young
Nathan F. Young

Not finding the within named
Robt B. Butler at his usual place
as above I executed this summons,
by delivering a copy to Brocken Butler
father & member of the family and explain-
ed the purpose of the same to him
in my capacity. June 28th/907.

Ro A. Caswell
Shp

Adm V Butler

SUBPOENA
IN
CHANCERY.

VS.

Robt B Butler

Robt B Butler

p. q

To 1st July

Rules,

Court.

Isle of Wight County

B 33119

To the Honorable Richard E. Boykin, Judge of the Circuit Court of Isle of Wight County.

Humbly complaining, sheweth unto your honor, your oratrix, Odie V. Butler, of Isle of Wight County, in the State of Virginia, the following case:

Your complainant says that when she was only 17 years old, she was married, on the 4th day of February, 1906, in said county, to Robert B. Butler, as will more fully appear from the Public Marriage Records of the Circuit Court of said county.

She further says that, since the said marriage, she has, at all times, been a true, faithful, loving, constant and confident wife to her said husband, and has done everything in her power to render their married life a peaceful and happy one. That she has never, at any time, to her knowledge, given her said husband any just or legal cause for any complaint whatever towards her; and that she has borne him one child; a little boy of only seven months old.

Your complainant says that, on the other hand, her said husband, since said marriage, has been given to excess in drink; that he frequently uses intoxicating liquors and has often been beastly drunk. She says that he is possessed of a most violent temper, which he does not seek, in any manner, to control. After their said marriage, he took her away from her father's home to a small farm, which he rented, about two miles from her said father's house. After she went to her new home she did all of the housework and house-keeping for her said husband; fed his team for him; did all the cooking and washing for him, and often he required her to work in the cornfield; a kind of work to which she was totally unaccustomed, as she had never been required to do anything of that kind before.

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She further says that within two weeks after her said marriage to him her husband became exceedingly angry with her because, on that occasion, her brother was married and she desired to attend the wedding ceremonies, which took place only a short distance from their house. Her husband became violently angry and cursed and abused her, in a terrible manner, and positively refused to let her attend the wedding dinner of her said brother. After this, he, on several occasions, cursed her, abused her, called her all sorts of vile names, and frequently threatened to kill her. On several occasions he struck her and beat her, without cause. She further says that he became angry because she would kneel at night to say her prayers, that he cursed her and twitted her about it and sarcastically call her "A damned angel," and that he would have "no such foolishness around him" and threatened to kill her if she did not arise. He often treated her in this way. He required her to feed his horses and take a hoe and work out in the corn-field, when she was in a most delicate state of health and totally unable to do such work. His cruel treatment continued to grow worse and worse until she could hardly stand it, and, as time went on and he continued to so beat and ill-treat her that her life became a burden to her and she was very much afraid of him. Finally one day, after they had been married only a few months, he became exceedingly angry, struck, cursed and abused her and ordered her to get her things and made her get up on a buggy and he drove down the road to her father's residence, but stopped in the middle of the road, at the gate, and made her get out, and then and there told her never to put her foot on his premises again, that he would kill her if she did.

He drove her up the lane to her father's house and then and there abandoned and deserted her; she went on to her father's and in a short time thereafter she gave birth to a child at her father's and she and the child have been living there ever since. Her said husband knew of her delicate condition at this time.

3.

She further says that his abuse not only extended to her, but to all the other members of her family. She says that he has repeatedly threatened to kill her father, on sight, and, well knowing his bad temper and violent disposition, she was always in terror lest her father should, by this means, lose his life.

She further says that after he thus abandoned and deserted her and drove her away from home, he ceased entirely to make any provision for her or for her infant child; that he has never given them anything, since that time, has neither provided them with food or raiment, nor has he taken any interest, whatever, in their little child, or in her. She, therefore, charges that her said husband, since their said marriage, has been guilty of great cruelty towards her; that she has every cause for and has reasonable apprehension of bodily hurt from her said husband, and that he has driven her away from home and has willfully abandoned and deserted

She further says that plaintiff and defendant cohabit in Isle of Wight her. County, that both of them are now residents of said County and have lived therein all their lives, and therefore more than one year next preceding the commencement of this suit.

Your complainant therefore believes that, under all the circumstances of the case, it will be best for all parties concerned, and certainly best for her and her said child, that she be granted a divorce from her said husband. And, to that end, she institutes this suit.

In tender consideration whereof, and forasmuch as your complainant is without remedy on the premises, save by the aid of a court of equity, where such matters are alone and properly cognizable, your complainant prays that the said Robert B. Butler may be made a party defendant to this bill and required to answer the same, though an answer under oath is especially waived; that proper process may issue; that all proper accounts and depositions may be taken; and that a decree for a divorce, a mensa et thoro, may be granted your complainant. That the court will decree that the said parties in this suit be perpetually separated and duly protected in their persons and property. She further prays that the

said defendant may be required and ordered to pay a necessary and sufficient sum to her for her maintenance, and to enable her to carry on this suit. That a decree may be entered preventing him from imposing any restraint on her personal liberty, and that she may be given the sole and entire custody of their said infant child.

And for all such other, further and general relief, as this case may require, or which to equity may seem meet; and she will ever pray, etc.

Odie V. Butler

State of Virginia,

County of Nansemond, To-wit:

I, L. D. Jacobs, a Notary Public, for the County aforesaid, in the State of Virginia, do certify that Odie V. Butler, whose name is signed to the foregoing bill, has this day made oath before me, in my County aforesaid, that the statements contained in the said bill, as coming of her own knowledge, are true, and that all other statements, therein contained, as coming from knowledge or information derived from others, she believes to be true.

Given under my hand this 24th day of June, 1907.

My commission expires on the 23rd day of February, 1909.

L. D. Jacobs.

Notary Public.

2 Rawles Key
Butter vs. Button
Bill.

1st July rules 1907
Process returned - executed
Bill filed - Deere nisi

2nd July rules 1907
Defendant not appear-
ing to plead, unless or de-
must. Case set for hearing
