

1908-028 Chanery Causes: Martha Sue Batten vs John Batten

Isle of Wight County

other SURNAMES: Tynes
Byrd, Bird, Cofer

Northa Sue Batten

TS.

Mrs Batten

Bill of Complaint.

Filed April 2^d 1901

Teste J. B. Young & Co.

1st April rules 1901 Bill
filed: sum: returned executory, & de
nied.

April term 1901 -
de first term & return order

June 1, 1908

#2.

Your complainant says that the said John Batten had no property when he married her and that there is in her possession now, only one axe, a tin cup and some peices of clothing which belinged to him, that she lives on a small piece of land in Isle of Wight County which belongs to her, that she has had no children by the said John Batten.

For as much as your complainant is without remedy save in this Honorable Court where matters of this sort are alone and properly cognizable she prays that John Batten may be made a party defendant to this suit and required to answer this bill of complaint, but she hereby expressly wives an answer on oath as provided by the Statute, that she may by a warded a divorce from bed and board and afterwards awarded a divorce from the bonds of matrimony, that an injunction and may be ~~awarded~~ your complainant enjoining and restraining the said husband, John Batten from fighting and beating and killing her and from interfering with her or in any way molesting her at her home in said County or elsewhere when about her law ful and proper business and when attending public worship. And your complainant prays that all said orders and decrees may be made and entered, that all such inquiries be taken and reported, as to the nature of her case may require. And she prays for all such other and further general relief as to equity and good concience may seem meet. And she will ever pray. Let a subpoena go.

Martha Sue ^{her} + Batten
mark

State of Virginia,

County of Isle of Wight, to-wit.

I, G. M. Crumpler, a Justice of the Peace in and for the County of Isle of Wight in the State of Virginia do certify that ~~Martha~~ Sue Batten whose name is signed to the foregoing bill of complaint signed the same before me in my said County, and then and there made solemn oath in due form of law that the statements contained in said bill of complaint are true.

Given under my hand this 28th day of March 1901.

G. M. Crumpler J. P.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

FIRST APRIL RULES, 1901.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VA.,

Your complainant, Martha Sue Batten, humbly complaining, respectfully represents that on the 25th day of March, 1900 in the County of Isle of Wight she was married to the said John Batten, that she lived with him till some time in May of that year in the County of Isle of Wight and in the State of Virginia, that she was to him a true and faithful wife and has been at all times a true and faithful wife. Your complainant's husband, on the other hand, in a few days after the said marriage became and was insufferably abusive and violent to her, frequently beating and choking her, that in May, 1900 he cruelly beat your complainant several times and on one occasion after cruelly beating and choking her he locked her up in a room and she escaped through a window, and flew to the woods where some men were at work, and these men, as your complainant verily believes, and here charges saved her life. Your complainant was then advised to get a warrant and have her said husband arrested, that she procured said warrant, that he was fined and incarcerated in the County Jail of Isle of Wight County where he is now and has been since May, 1900. That she was informed that he was put in jail by reason of the non payment of a fine imposed against him for beating her and was required to keep the peace and be of good behaviour and in default of a bond conditioned to keep ^{the peace} and be of good behaviour to all citizens of the Commonwealth, especially to your complainant his said wife, his incarceration in the County jail was continued and still continues. Your complainant says that the violent inhuman and cruel treatment received at the hands of her said husband during the short time which she lived with him causes her to believe and to fear that when he is released that he will take her life or do her some great bodily harm, and she is advised that in a few days he will be released from the jail of Isle of Wight County.

Martha Sue Catten

vs.

}

SUBPOENA
IN
CHANCERY.

John Catten

Wm S. Halland

p. q

To Just Appt

Rules,

Circuit

Court.

B 3119

^r
Entered on the
return Apr 1st, 1901

Ro A Edwards

clerk

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

John Batten

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

First Monday in *April*

190/

to answer a bill in chancery, exhibited against

him

in our said court for

by Martha Sue Batten

And have then there this writ.

Witness NATHANIEL F. YOUNG, Clerk of our said court, at

the court-house, the

28th

day of

March

190/ , and in the 12th

year of the Commonwealth.

N. F. Young

Martha S. Batten
vs J. Depositions
John Batten

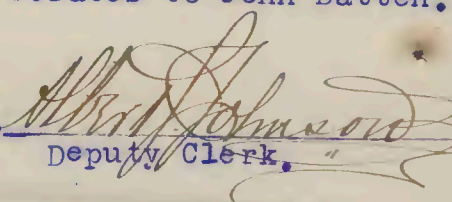
Filed April 12th 1901

Teste A. F. Spriggs.

John Batten, tried for Assault and Battery, May 14th. 1900 by M. F. Jordan, a Justice for the County of Isle of Wight, State of Virginia, and fined \$25.00 and costs \$5.30. Constable, L.J.Crumpler, Witnesses, Pleasant Byrd, Tom Harris and Retha Tynes.

John batten, required to give a peace bond by M. F. Jordan, a Justice of the Peace for Isle of Wight County in the State of Virginia, May 14th 1900, \$1.25 costs, L. J. Crumpler, Constable, witness, Retha Tynes.
"Sent to jail in default of surety, bound over to Peace for 12 months, bond \$50.00"

I hereby certify that the foregoing is a true copy from the "Justices Criminal Record", page 90, in the Clerk's Office of the County Court of Isle of Wight County, Virginia. so far as it relates to John Batten.

Teste, 
Deputy Clerk.

me that Pleasant Byrd said to come up to the house and keep John Batten from killing Miss Mattie Sue (the wife of John Batten), and I told the boy that I had nothing to do with it, but after I had gotten my load of marl I went up there and they were then quarrelling. He had finished beating her, and I told him to come on away and let her alone, that he had just gotten out of one trouble and that if he did not mind he would be in another, and he said no, he wouldn't; he would do what he was going to do and take to the bushes for his

Q-5: What did you understand him to mean by doing what he was going to do and then take to the bushes?

Ans: I took it that he was going to beat her might bad or kill her, or something of the kind, I couldn't say which.

Q-5: How long have you known John Batten?

Ans: About five years.

Q-6: Do you think that if John Batten was allowed to go back to her house that she would be in danger of being killed or badly beaten?

Ans: I think she would, And further this deponent saith not.

his
Tom X Harris
uk

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, TO-WIT:

I, Albert S. Johnson, a Notary Public in and for the County of Isle of Wight in the State of Virginia, do certify that the depositions of Aretha Tynes, Pleasant Byrd and Tom Harris were duly taken, sworn to, and subscribed before me, in my said County at the time and place, and for the purposes specified in the caption to these depositions.

Given under my hand this 12th. day of April, 1901.

Albert S. Johnson

For
Sum employed, three hours, @ 46¢ per hour
\$1.38

Tom Harris, being duly sworn, deposes and says:

Q-1: State your name, residence, age and occupation.

Ans: Tom Harris, I am ~~26th~~ years old, I live ~~axx~~ in Long View Precinct of Isle of Wight County and I am a farmer.

Q-2: Are you kin to either of the parties to this suit.

Ans. No sir:

Q-3: I see on the record of criminal cases that you were a witness in two cases of the Commonwealth against John Batten tried ~~May~~ 14th. 1900, was that the same John Batten which is the husband of Martha Sue Batten?

Ans. Yes sir:

Q-4: Do you know anything about how he treated her while they lived together as man and wife, and if so tell it.

Ans: I passed their house several times while they lived together and heard them quarrelling and arguing, and one morning I was down at the marl pit near their house, and a boy came ~~running~~ running down there and told

disposed of by Justices of the Peace of the County of Isle of Wight in the year 1900, which refers to John Batten on page 90 in the record)

Q-13: Did you ever hear John Batten give any excuse or reason for treating his wife badly?

Ans: The only excuse I ever heard was, he told her that he had ordered her to patch his pants and his wife told ~~xx~~ him that she did patch them and he said that you didn't patch them when he told her to do it, and she said why have you been beating me so; and he told her to hush her ~~x~~mouth, that she had been off and told ~~what~~ that he had beat her and that he had given her a few more for telling it.

And further this deponent saith not.

Pleasant ^{his} Byrd
~~wh~~

Pleasant Byrd re-called:

Q-1. When was John Batten married to his wife and how long did they live together as man and wife.

Ans: They were ~~mar~~ried in March, 1900, I dont recollect what day, but I think it was the last Sunday in Mar**hh**, and they lived together till the 14th. day of May, 1900, when Mr. Jordan had him sent to jail.

Q-2: In what County and State did they ~~xxxx~~ live during all the time they lived together as man and wife.

Ans. In the County of Isle of Wight and the State of Virginia.

And further this deponent saith not.

Pleasant ^{his} Byrd
~~wh~~

Q-5: How long have you know John Batten?

Ans. About fourteen years.

Q-6: From what you know of him and what you know as to how ~~xx~~ he and his wife lived together, do you think it would be safe for him to go back to live with her?

Ans. I do not. I think that if he did not kill her he would beat her mighty bad.

Q-7: Where is John Batten now?

Ans. He is in Isle of Wight Jail, I think.

Q-8: When was he put in Isle of Wight jail.

Ans. In May 1900.

Q-9: Has he been in jail ever since ~~May~~ sometime in May 1900?

Ans- Yes sir, I think he have.

Q-10: Who sent him to jail

Ans. Mr. Jordan of Smithfield, a Magistrate

Q-11: I see from the "Justice's Criminal Record" that John Batten was convicted May 14th. 1900 by Justice M. F. Jordan and that you were a witness, now tell on whom was the assault made for which he was convicted.

Ans: On martha Batten his wife.

Q-12: I see on the same book and on the same page, namely, page 90, that John Batten was also required to give surety to keep the peace and that he was sent to jail in default of surety to keep the peace for twelve months. Now tell whether or not he has been in jail from that time till now and tell why he was required to give a peace bond.

Ans: He has been in jail from that time till now; and he was required to give a peace bond because Martha Sue Batten, his wife, was afraid of him

(Note. Counsel for plaintiff here asked the Notary to please copy and file with this deposition that part of the record of criminal cases

and I am no kin to any of the parties to this suit.

Q-2: State whether or not you knew anything of John Batten and his wife Martha S. Batten while they lived together.

Ans. I lived about three or four hundred yards from them and passed there nearly ever day.

Q-3: Tell what you know as to how John Batten treated his wife.

Ans. I heard them quarrelling several times when I passed by there, but I would not stop to hear or listen for I did not ^{want} to have anything to do with it.

I was working in the field about four hundred yards from the house where they lived one day and this woman, Martha Batten come running down there to the fence and John Batten was behind her, and when she got to the fence he grabbed her and she caught hold of my vest and ~~took~~ it, she was scared mighty bad. I told John he ought not to beat her and he said she was his wife and he was going to rule her. He he orded her to go to the house and she said she was afraid to to go. I told her to go to the house with him and told John not to beat her. I went up to the house with them. John sot her down in the house in a chair and told her she had to stay where he put her. I told him he ought not to beat her, that if he did he might get into Isle of Wight jail again, and he said no, he would never go to jail any more, that she had to do what he told her and that if she did not do so he would do what he had to to and would take to the bushes. I thought from what he said about doing what he had to do and take to the bushes, that he ~~meant~~ meant to beat her very bad or kill her, for he had his clothes out in the woods.

Q-4: Did you ever see him beat her or see her soon after she had been beaten by him, and if so, tell about it?

Ans. No sir, I never see him beat her but I saw scars on her neck which she said he put therewhen he beat her. I heard him say that he give her a few.

Q-2: When did your half sister marry John Batten?

Ans- March before last.

Q-3. Where did you then live?

Ans. I lived with my sister.

Q-4: Did you live with your sister and John Batten her husband, all the time they lived together?

Ans. Yes sir.

Q-5: Tell how she treated him?

Ans. She treated him pretty well for she was afraid of him. She cooked for him, washed for him and was very kind to him.

Q-6: Tell how he treated her?

Ans. One Sunday morning she was singing and he got up from the table with a knife in his hand and went to her and told her if she did not shut her mouth he would cut her dam throat, and he drew the knife back as if to cut her, but he didn't cut. He was continually fussing and quarrelling with her; and one day I went to town and come back the same day and when I got back I saw bruises on her neck and she said he had been beating her that day and I heard him say that he had beat her.

Q-7: You say that Martha S. Batten and John Batten were married in March of last year? And that you lived with them while they lived together? State how long they did live together.

Ans. They were married in march and he went off in May.

And further this deponeth saith not.

Martha S. Batten
her
Lyones
wife

Pleasant Byrd, being duly sworn, deposes and says:

Q-1: State your name, age, residence and occupation, and whether you are related to the parties to this suit.

Ans. Pleasant L. Byrd, I am 30 years old to day at twelve o'clock, and I live at Long View, Isle of Wight County, and my occupation, laborer

The depositions of Aretha
Lynes and others taken at
my office at Isle of Wight
Co. Va. this 12th day of April
1901 between the hours of 9 A. M.
and 6 P. M. pursuant to notice
hereto attached to be read as
evidence in behalf of Martha
S. Batten in a certain suit
in equity depending in the
Circuit Court of Isle of Wight
County wherein said Martha
S. Batten is complainant
and John Batten is defendant.

Present Wm S. Hall and atty for Empt.

Aretha Lynes being duly sworn
deposes and says:

ques 1

State your name, age, residence
and occupation and whether
you know the parties to this
suit.

Ans. Aretha Lynes, age 40 years,
reside in Isle of Wight Co.
laborer by occupation, know
the parties to this suit
I am half sister to
Martha S. Batten

Martha Sue Patton

West End,

John Patton

Respected

April 11th 1901

H. S. J. Luggan

John R. S. Luggan

Received of the Commission
for the purchase of the land
of the V. A. Johnson, located in the
West End, and in the year 1901.

and in which location is the circuit court of the county of
and the right to speak in behalf of the people of the nation in a certain
of which is at two o'clock P.M. of the year 1901, to be
made, to appear at the office of V. A. Johnson, located in the
West End, and to be accompanied by the person named John R. S. Luggan,
to the effect of the county of the county of West End, and to be
in the county of the county of West End.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

Your are hereby commanded to summon Pleasant Byrd and Tom Harris, colored, to appear at the office of A. S. Johnson, Notary Public, at Isle of Wight C.H. at two o'clock, P.M. of Friday April 12th., 1901, to testify and the truth to speak in behalf of Martha Sue Batten in a certain suit in equity pending in the Circuit Court of Isle of Wight County, wherein she is plaintiff and John batten is defendant.

And you **will** have then and there this writ.

Witness, A. S. Johnson, Notary Public for the County of Isle of Wight in the State of Virginia, this 8th. day of April, 1901, and in the 125th. year of the Commonwealth.

A. S. JOHNSON,

Notary Public.

Wear the Sun Buds
as witness to
Coke's garden
John Paulsen

Presented
Apr 28 1901
To A. Edwards
S. H.

To Mrs Batten

You are hereby notified that on the 12th day of April in the year 1901,
at the office of A. J. Johnson in at Isle of Wight Co. between the hours of 6
o'clock A. M. and 8 o'clock P. M. of that day I shall proceed to take the depositions of Theresa
Byrd and Tom Morris and
and others, to be read as evidence in my behalf in a certain suit in equity
depending in the Circuit court of Isle of Wight county, wherein
Mecrtha Sue Batten is
John Batten are plaintiffs, and is defendants; and if from any cause the taking of said
depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will
be adjourned from time to time or from day to day and from place to place or at the same place be-
tween the same hours until the same shall be completed.

Your obedient servant,

Mecrtha Sue Batten
Wm S. Holladay
her atty.

MARTHA SUE BATTEN

VS

JOHN BATTEN.

D E C R E E

TO BE ENTERED

APRIL 22, 1901.

Robert R. Batten

Martha Sue Batten

Vs :

John Batten.

This cause came on this day to be heard on the bill of complaint, to answer ~~which~~ the defendant has been duly summoned, he still failing to appear, plead, ~~answer~~, or demur, upon exhibits filed with said bill, and upon the testimony of witnesses in writing filed with the papers in this cause on the 12th day of April 1901, and was argued by counsel.

The Court being of opinion from the evidence filed, that the said defendant, John Batten was ~~very~~ cruel to his said wife during the short time they lived to-gether, and that the said wife was ~~probably~~ in danger of serious bodily ~~hurt~~ while they lived to-gether as man and wife, the Court doth adjudge, order and decree, that the complainant be granted a divorce from bed and board from her said husband, ~~that the said complainant and defendant be perpetually separated.~~

And the Court on motion of the Complainant, doth adjudge, order, and decree that said defendant husband be, and he is, hereby enjoined and restrained from molesting, visiting the house and home of, or in any way, at any place, or at any time assaulting, beating, insulting, or otherwise interfering with the said complainant. And that after the rising of this Court, a copy of this order be served on the said defendant by the Sheriff or one of his deputies.

And This cause is continued.

John Batten
and } Married
Mattie Sue Cofer

Filed April 12th 1901

MARRIAGE LICENSE



Virginia, County of Isle of Wight 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,

John Batten
and Mattie Sue Crofer

Given under my hand, as Clerk of the County Court of Isle of Wight this 24th day of March 1900

N. J. Young Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2329 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, March 25 th 1900	Place of Husband's Birth, Isle of Wight
Place of Marriage, Isle of Wight	Place of Wife's Birth, do
Full Names of Parties Married, John Batten	Place of Husband's Residence, do
Mrs. Mattie Sue Crofer	Place of Wife's Residence, do
Color, Colored	Names of Husband's Parents, Henry M. Farnum
Age of Husband, 27 years	Names of Wife's Parents, Robert M. Cherry
Age of Wife, 30 years	Occupation of Husband,
Condition of Husband (widowed or single or divorced) Single	
Condition of Wife (widowed or single or divorced) Widowed	

Given under my hand this 24th day of March 1900

N. J. Young Clerk.

By J. A. Latimer D.C.

Certificate of Time and Place of Marriage.

I, _____, a _____ of the _____ Church, or religious order of that name, do certify that on the 25th day of March 1900, at the residence of Mattie Sue Crofer, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 25th day of March 1900.

Reverend Isaiah Deland

The Minister celebrating a marriage is required, within two months 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.

A copy Teste N. J. Young &c.