

1914-012 Chancery Causes'. Waverly Holleman vs Rhoda Holleman

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Isle of Wight County

other SURNAMES; Branch,
Evans, Vines

Waverly Hollenman,
Vs. In Chancery
Rhoda Hollenman.

Bill of Complaint.

3rd. September rules, 1913: Process returned executed. Bill and exhibit filed. Decree nisi.

2nd. October rules, 1913: Defendant not appearing, etc. case docketed for hearing.

Waverly Holleman,

Vs.

Bill of Complaint.

Rhoda Holleman.

To the Honorable Circuit Court of Isle of Wight County:

Your complainant respectfully represents:

(1) That on the 11th., day of March 1885, your complainant Waverly Holleman was lawfully married in the County of Southampton, Virginia, to Rhoda Holleman, whose maiden name was Rhoda Branch as will appear from a copy of the certificate of marriage herewith filed, marked "~~Exhibit~~ A", and made a part of this bill: and,

(2) That continuously from the date of said marriage until the 2nd., day of April 1909, your complainant and the said Rhoda Holleman lived together as husband and wife in the County of Isle of Wight, Virginia: and,

(3) That the said Rhoda Holleman has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, on the 2nd., day of April 1909, the said Rhoda Holleman did, voluntarily and without any justification whatever, ~~did~~ leave her home near Windsor in Isle of Wight County, Virginia, that at the time she left she stated that she was going to leave him and that she would never return to him: that your complainant is advised and believes that she lives in the City of Suffolk but she has never returned to ~~him~~ since that day; and your complainant has not cohabited or lived with her since that day; and,

(4) That your complainant has resided and has been domiciled in this State ever since his marriage and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in the County of Isle of Wight and in the State of Virginia: and that your complainant last cohabited with the said Rhoda Holleman near Windsor, in the County of Isle of Wight, Virginia:

In consideration whereof, and for as much as your complainant is remediless in the premises save in a Court of equity your complainant prays that the said Rhoda Holleman may be made a party defendant to this bill and required, but not on oath, to answer the same, the oath being hereby waived: that proper process may be issued, that a divorce from the bonds of matrimony which was created by the aforesaid marriage be decreed him; and that your complainant may have such further, and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

Waverly Holleman
by Counsel Complainant.

By Hugh J. Holman Counsel.

I have on this 16th Day Sept 1913
revised and executed the within
summon by delivering a true
copy in writing to Rhoda Holloman
in person in the city of Buffalo N.Y.

W. B. Buelter
city Sept 16 1913

Waverly Holloman

vs) Subpoena in Chancery

Rhoda Holloman

Issued Sept. 10th. 1913.
Returnable to 5th. Sept.
Rules, 1913.

In the County of Erie in the
State of New York

COUNTY OF ERIE OF MIGHT

this 19th

Sept 1913

Returned to the

Prot. W. B. Buelter

COMMONWEALTH OF VIRGINIA.

Sergeant of the City of Suffolk,
TO THE ~~SHERIFF OF ISLE OF WIGHT COUNTY~~—Greeting;

We command you that you summon Rhoda Holleman

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
Fifth Monday in September, ..., 1913, to answer a bill in
chancery exhibited against her in our said Court by Waverly
Holleman,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-
house, this 10th. day of September, ..., 1913, and in the
138th. year of the Commonwealth.

A. S. Johnson Clerk.

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Waverley Holliman

x

Rhoda Holliman

Depositions of
Certamen

Filed

In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT

this 15 day of December 1913

Test. A.S. Johnson Clk.

To Rhoda Holleman:

Take notice that I shall, before A. S. Johnson, a Commissioner in Chancery of the Circuit Court for the County of Isle of Wight, State of Virginia, at his office at the Courthouse of the said County, on Monday the 15th. day of December, 1913, at ten o'clock A.M. take the evidence of Adolphus Evans and others, to be read as evidence in my behalf, in a certain suit in Chancery in the said Court now depending in which I am the complainant and you are the defendant, for a divorce from the bonds of matrimony.

Respectfully,

Waverly Holleman

By

Hugh L. Holland
His counsel.

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

Waverly Holleman

vs) Chancery-----Divorce.

Rhoda Holleman.

The depositions of Adolphus Evans, and others, taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, at my office, at Isle of Wight Court-house, pursuant to notice to defendant, Rhoda Holleman, duly served, on Monday the 15th. day of December, 1913, beginning at ten o'clock A.M., and ending at twelve o'clock M., to be read as evidence in the suit in Chancery in the Circuit Court of the County of Isle of Wight pending, styled as above, in behalf of the complainant, Waverly Holleman.

Adolphus Evans being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. Adolphus Evans, I am sixty years, or nearly so, old; I live in Isle of Wight County, near Windsor, and am a farmer by occupation.

Q. The Bill of complaint in this suit states that Waverly Holleman, on the 11th. day of March, 1885, married one Rhoda Branch; and that they lived together till the 2nd. day of April, 1909, when she left him. Do you know these parties, if so, please state how long you have known them, how well, and what were your opportunities for knowing them? A. I do not know just when they were married, but it has been some time. They had ten or twelve children. She left him about five years ago. I have been knowing them about twenty five years. They lived in my neighborhood ever since

they were married, and for the last five years or so they lived together the resided within about five hundred yards of my house.

Q. The Bill states that Rhoda Holleman willfully deserted and abandoned Waverly Holleman, voluntarily and without justification? Can you tell any of the circumstances causing her to leave him?

A. I do not know sir. All I know is he was off at work and of course, like I have done many times, and when he come home, about the last or middle of the week, and when he come back she was gone. So far as what the reason was I dont know nothing about that.

Q. Do you know what kind of a husband Waverly Holleman was to her?

A. Yes sir, I think he was all right, myself, what I seed of it. He done a lot of things for her that I was not able to do for my old woman.

Q. What County did they live in when they separated? A. Isle of Wight County.

Q. Did you ever hear them quarrelling together? No sir, I never hear either of them quarrel with the other. I know of no reason why she left him except he bought some land and he could not give her what he had been giving her till he paid for the land.

Q. What sort of a reputation does Waverly bear in his community?

A. All right so far as I know. I have never heard anything against him.

Q. Is he a member of the church and does he attend well? A. Yes-sie, he goes every Sunday. He is one of the deacons.

Q. Do you know where Rhoda is now and what she is doing? A. She was living in Suffolk some time ago. I think she is there now. She washes I reckon.

Q. Has she ever been back to Waverly since she left him about five years ago? No sir.

Q. Are you sure it has been five years since she left him? A. Yes sir, about five. She left him when they lived at the Jerry Gay place. Sam Branch lived there one year after Waverly moved away from there. Doc Randall lived there the next year, and Morris has lived there the same since.

two years since Doc Randall left there. She left him some little time before he moved from there.

Q. Are any of the children with her? Yes sir, I think she has two or three of the youngest ones. I do not know how many.

Q. Are any of them with Waverly? A. Yes sir, one I think.

Q. Where are the rest of them? Some of them gworn, some married, and the others at different places.

Q. What do you know about the morals of Rhoda? What is her reputation for morality? A. I dont know as I know. I did see her when I thought she was too familiar with one man one time, and it was then that she left Waverly..

And further this deponent saith not.

Arthur A. Johnson

Adolphus ^{his} Evans
mar.

Joseph Henry Vinos being duly sworn, deposes and says:

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

My name is Jo Henry Vinos, I am thirty seven years old, I live in Isle of Wight County, near Windsor, I work on the railroad.

Q. Are you acquainted with Waverly Holleman and Rhoda Holleman, and if so, state how long you have known them.? A. All my life.

Q. When did they separate? A. They separated the 2nd. day of April, 1909, the sa e year as I was sick.

Q. What was the matter with you? A. I had pneumonia.

Q. What time of year were you sick? A. I was taken sick in Fenruary, and was sick February, March and April. She left during the time I was sick; that is why I remember it so well.

Q. Do you know why she left him? A. No sir, I, I can tell you this much, all I know about it, he bought that farm over there, and he just let them, like a man want to be, he give them all he could give them, and he lost his place on account of it, so she came over to our house and told us, me and my wife, just before she left, that she was going to leave, and said that he has lost his place

and she want going to work her self to deat trying to have something, and on Saturday night Mr. Holleman came home and went away on Monday morning, and told her what to do and what to tell the boys to do, and during that week she took her things and four of her children, (a part of her things, part of them she give to my wife and said if she ever called for em she would get him and if she didn't she could have em) and Satirday night he come and found her gone.

Q. How did she go away and where did she go to? She went on the train, she went to Suffolk that night, and from there she went to Norfolk, from Norfolk back to Suffolk.

Q. Have you ever seen her since she left Waverly? A. Yes sir, It has been about two months ago, in Suffolk.

Q. Do you know what she is doing? A. She told me she was washing and ironing.

Q. Do you know how Waverly treated her? A. He, well, I tell you one thing, he worked as hard to take her as any man I ever saw, and I believe he did all he could for her. I say that with a clear conscience? I never seen him fuss wit her and I have been knowing them all my life, and I lived right across the road in less than a hundred yards of them for over a year, and in their neighborhood many years, and I have never seen or heard that he treated her any way but right.

Q. What about her? A. All I know is what she said. She said Mr. Holleman told her that people told her about Milteer, the preacher, and he believed it and she was going to leave him.

Q. Did you ever see Milteer there? A. Yes sir, it was the only place he went about there.

Q. Did you see him there often, and while Waverly was away from Home? He used to come to preaching, and sometimes he would stay around there two or three days in a week. I do not know how often he was there. I would not wanted him to pay as much attention to my wife as he paid to her.

Q. Where did they live when they separated? A. In Isle of Wight County.

Q. Where does Waverly live now? A. There in Windsor, in this County, he has lived in this County ever since she left him.

Q. What did Waverly do when she left him? A. He was getting out logs at Turner's siding-lumber.

Q. Is Waverly industrious, and has he always been so? A. Yes sir.

And further this deponent saith not.

Jakewy Oliver

Leandrew Evans being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Leandrew Evans, I am thirty seven years old next birth, I live in Isle of Wight County, and am a farmer.

Q. How long have you know Waverly Holleman and his wife, Rhoda?

A. I been knowing them about fourteen or fifteen years.

Q. What kind of a man is Waverly? A. Well as fur as I know he is a all right man so fur as I know.

Q. How near him do you reside? A. About a mile and a quarter.

Q. Doe he and Rhoda live together now? A. No sir.

Q. When did they separate? A. Well, according to what I can count up, I wouldnt say directly, sometime in the year 1909.

Q. What part of that year? A. The first part of it, about April, because I took the farm in change after she left.

Q. Are you positive that it has been more than three years before the first of September this year? A. Yes sir.

Q. Has she ever been back to him since that time? A. Not as I know of sir.

Q. How near did you live to them when they separated? A. About three hundred yards of them. I had been living that near and a little nearer for about four or five years.

Q. What seemd to be the cause for her leaving? A. I could not tell you sir.

Q. To your mind was Waverly a faithful, kind and affectionate husband to her. A. As far as I see of him.

Q. If they had been quarrellsome and fussy would have likely seen or heard some it? A. I certainly would. It seems so, I was in sight of his house for about four years.

Q. Did he leave her or did she leave him? A. She left him.

Q. Do you know where she went? A. I know where they say she went. they say she went to Suffolk. I have seen her since then at Church.

Q. Was Waverly there? I don't think he was.

Q. Has she ever been back to him since she left? A. Not as I know of.

Q. Do you know, or have you reason to believe, that Waverly has been with her since they separated? A. I do not believe that he has been with her since then or she with him.

Q. Where does Waverly live now? A. in Windsor, he has lived there or near there, in this County, ever since she left him.

And further this deponent saith not.

Jonathan E. Evans

Johnson
Commissioner in Chancery.

I have on this 10th Day DEC 1913 served
and executed the within notice by
delivering a true copy in writing
to Rhoda Hallerman: in person
in the City of Suffolk Co

W. B. Binsley
City Surgt

Wendy Stilleman

Rhoda[^] Stilleman

Deer

1414
Jan. 5
Enter this.
B.D.W.

6007 p 211

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Waverly Holleman,

vs.

Rhoda Holleman.

in which the defendant, who is a resident of the City of Suffolk,
This cause came on this day to be heard on the
the exhibit therewith,
bill, and the depositions of the witnesses, taken after due
~~and legal~~ notice to the defendant as required by law, and the
defendant, *style* who appears to have been proceeded against in the
appear to manner prescribed by law, failing to plead, answer or demur,
and was argued by counsel.

On consideration whereof, it appearing to the Court
from the evidence ~~submitted in this cause~~ that the said defendant
Rhoda Holleman, ~~since her marriage with the plaintiff~~
willfully has deserted the plaintiff for more than three years ~~without~~
~~cause~~; that the plaintiff and defendant last cohabited in
the County of Isle of Wight; that the plaintiff is a resident
of the County of Isle of Wight and has been domiciled in said
County for more than twelve (12) months next preceding the
commencement of this suit; the Court doth adjudge, order and
decree that the plaintiff be and is hereby ~~granted a full~~
~~divorce~~ *2* a vinculo matrimonii from the said defendant, and that
between the said plaintiff, Waverly Holleman, and the said defendant Rhoda Holleman
the marriage ceremony heretofore solemnized be and the same
is hereby ~~is hereby annulled and set aside~~ And it appearing that *there is nothing*
further ~~remain~~ to be done in this cause it is ordered that
and is, dismissed, and
same, be stricken from the docket.

has been fully heard with process,

1

Harvey Holliman

vs { Chauncy

Rhodes Holliman

Attorneys Meems
Filed Sept 10/1913

MEMORANDUM.

To A. S. Johnson, Clerk, of the Circuit court of
Isle of Wight County, Virginia.

Waverly Holleman,

Plaintiff.

vs.

Rhoda Holleman,

Defendant.

Please summon defendant for plaintiff to
Second September rules, 1913, to answer a bill in Chancery.

Hugh F. Holland, p.q.

11
Holliman
n { Chancy
Holliman

Copy of Marriage License

Filed 3rd Sept miles 1913
with Bill
Dato, Holliman Clerk

MARRIAGE LICENSE



Virginia, Isle of Wight 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,

Waverly Holleman

and Rhoda Branch

Given under my hand, as Clerk of the County Court of said county this 15th day of March 1884

N. P. Young Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 16, 1910.

Time of Marriage, March 20th 1884.	Place of Husband's Birth, Unknown
Place of Marriage, Isle of Wight Co., Va.	Place of Wife's Birth, Isle of Wight Co.
Full Names of Parties Married, Waverly Holleman and Rhoda Branch	Place of Husband's Residence, Same
Race (white or colored) Colored	Place of Wife's Residence, Same
Age of Husband, 25 years	Names of Husband's Parents, Unknown
Age of Wife, 20 years	Names of Wife's Parents, Lewis & Martha
Condition of Husband (widowed or single or divorced) Single	Occupation of Husband, Laborer
Condition of Wife (widowed or single or divorced) Single	

Given under my hand this 15th day of March 1884

N. P. Young Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 20th day of March 1884, at My House I united in Marriage the above-named and described parties, under authority of the annexed License.

I. E. Stephenson.

A copy.

Teste, *Stephenson*, Clerk.