

1915-009 Chancery Causes: Nathaniel Edwards vs Daisy Batten Edwards

198

Dale of Wight County

other SURNAMES: Batten,
Boothe, Stephenson

200

Nathaniel Edwards
v.
Daisy Batten Edwards.

BILL of COMPLAINT

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VA.

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.

County thence to Suffolk, Virginia where she now lives.

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 Daisy Batten Edwards 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 bond of matrimony which was created by the aforesaid marriage be decreed him; and that your complainant may have all such further and other and general relief in the premises as the nature of his case may require or to equity shall seem meet.

Nathaniel Edwards

Complainant

Nathaniel

John A. Deane
Counsel.

Nathaniel Edwards,

v.

BILL

Daisy Batten Edwards.

To the Honorable Circuit Court of Isle of Wight County:

Your complainant Nathaniel Edwards, respectfully represents:

(1) That on the 28th day of April, 1909, your complainant was lawfully married in Southampton County, Virginia to Daisy Charlotte Battenn as will appear from a certificate of marriage herewith filed, marked "Exhibit A" and made a part of this bill;

(2) That continuously from that date of marriage until the ___ day of December, 1911, your complainant and the said Daisy Batten Edwards lived together as husband and wife; and

(3) That the said Daisy Batten Edwards has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say on the ___ day of December, 1911 the said Daisy Batten Edwards did voluntarily, wilfully and without any justification whatever leave their home.

(4) That there was born unto them two children, named Matlene and Carry, the eldest will be *six* years old her next birthday and Carry the baby will be five, she was left by her mother as a nursing babe without the attention of any one except your complainant.

(5) That your complainant has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceding the commencement of the suit, and is domiciled and now resides in this State; and

(6) That your complainant last cohabited with the said Daisy Batten Edwards at my residence in the County of Isle of Wight, Virginia. She left my house and went to Southampton

I have on this 18th day February 1915 received
and executed the within summons by
delivery a true copy Daisy Patton Edwards
in person in the City of Suffolk Va

(Signature)
Sgt. of City Suffolk

(Signature)
Daisy Patton Edwards
February 1915

(Signature)

VIRGINIA: OFFICE OF THE
CLERK OF THE COUNTY
OF ISLE OF WIGHT

(Signature) 1915

Teste, *(Signature)* Clerk.

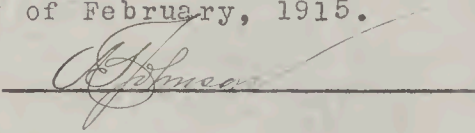
VIRGINIA,

CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,

To the Sergeant of the City of Suffolk, Greeting:

We command you that you summon Daisy Batten Edwards to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden for said court on the First Monday in March, 1915, to answer a bill in chancery exhibited against her by Nathaniel Edwards. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 17th. day of February, 1915.

 Clerk.

Parke P. Deans, p.g.

I hereby accept legal & sufficient power

Miss Daisy Edwards

To Daisy Batten Edwards:

Take notice that I shall, on the 1st. day of April, 1915, I shall proceed to take the evidence of Stephen Boothe and others, to be read as evidence in my behalf in a suit in chancery now pending in the Circuit Court of the County of Isle of Wight, in which I am complainant, and you are the defendant, before A. S. Johnson, Commissioner in Chancery of said Court, at the Clerk's Office of said County, at ten o'clock A.M.

Martha Edwards

By James B. Deans,
Counsel.

Parke P. Deans, p.q.

I accept service of above notice.

3 _____

Katharine Edwards

n of Chancery No 198

Daisy Butler Edwards

Filed Apr 1st 1910

Inst. Johnson. Clk

Deposition

Mathew Laward

21 Cy 198

Daisy Ballen Edwards

Notes to take evidence

I have on this 18th Decy of 1915
served and executed the written notice
by delivering a true copy in writing to
Daisy Ballen Edwards as person in
the City of Suffolk Vt

W. B. Smith

City Sgt. of Suffolk

To Daisy Batten Edwards:

Take notice that I shall, on the 19th. day of March, 1915, before A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at the Clerk's Office of said Isle of Wight County, at eleven o'clock A.M. take evidence to be read in behalf of Nathaniel Edwards, supporting his bill filed against you, for divorce a vinculo matrimonii.

Nathaniel Edwards
By Counsel

Parke P. Deans, p.q.

Given under my hand this 1st. day of April, 1915.

Commissioner in Chancery.

father I know. He works em well, he feeds em well, he clothes em well, and he takes them around to see pleasure, and takes em to church regularly. They work, but he is not over bearing with them. He does not seem to require more of them than he ought to.

Q. Where were they living when they separated? A. right where he is living now.

Q. Is that in the County of Isle of Wight? A. Yes sir.

And further this deponent saith not.

Charles M. Stephenson

Nathaniel Edwards being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. Nathaniel Edwards, I am forty eight years old, live in Isle of Wight County and am a farmer.

Q. When were you and Daisy Batton married? A. April, 1909.

Q. Where did you live, or have you lived since that time? A. right where I am living now, about two miles and a half from Zuni, in Isle of Wight County.

Q. When did she leave you? A. It was in the first part of December last three years ago?

Q. What did she do with her children, by you, when she left? A. There were two of them, one was a little better than twelve months old, and the other was about two months old, not quite two months old. She left the older one with me and took the other one with her, and when it was about seven or eight months old she came to my house on a cart, she and Bob Tyler's wife, and brought the baby with her and told me that she could not take care of the baby and work too, and I took it out of her hands and it has been with me ever since. *I raised both of them with her.*

Q. Do you want the custody of the two children? A. O yes sir.

And further this deponent saith not.

Q. Does he live in this County, and is the place he has lived at for the last five or six years in this County? A. Yes sir.

And further this deponent saith not.

Stephen Booth

Charles Stephenson being duly sworn, deposes and says:

Q. State your name, age, residence and occupation? A. Charles Stephenson, I am fifty two years old, live in Isle of Wight County and am a farmer.

Q. Do you know Nathaniel Edwards and his wife, Daisy Edwards?

A. Yes sir, I have know Nat going on seven years, and I have known her ever since she was a kid a small girl.

Q. Do you know whey they separated? A. It was last December three years ago, sometime before Christmas of that month.

Q. Do you know why these folks separated? A. I know of no cause for her to leave him?

Q. Did she leave him? A. Yes sir.

Q. Has she ever been back to him, or has he been to live with her since that time? A. No sir.

Q. Have you known Nat Edwards well for seven years? A. Yes sir, I have lived right by him since that time, and know him well.

Q. What kind of a man is he? A. Seems to be peaceable and quiet, and a good worker, and a good provider for his folks?

Q. Have you ever heard anything to the contrary, in the neighborhood? A. Not a thing, sir.

Q. What sort of a reputation does he bear in his neighborhood?

A. As good as anybody.

Q. Do you know why Daisy left Nat? A. No sir, I do not.

Q. Have you any idea that he was unkind to her? No sir, I feel satisfied that he was not.

Q. Do you know anything about how he treats his children? A. Yes, sir, I do.

Q. How does he treat them? A. He treats em well, as good as any

ing by him and working with him for some twenty years.

Q. Is he a good worker, and does he provide for his folks? A.

Yes sir, that he is, and he provides for his folks if air colored man in this County provides for his folks.

Q. Is he a drinking man? A. I have seen him take a drink, sometimes, but he is always very careful.

Q. Have you ever seen him under the influence of liquor? A. No sir.

Q. Is he cross, fractious, or disagreeable? A. No sir, I have never seen or heard anything of it around home. He is very quiet and always speaks quiet. If there is a good neighbor about our place he is.

Q. Do you know why she left such a good home? A. Not unless it was because she did not want to work. I believe that was the cause. He is a working man.

Q. Did he require her to do more work than he should have required of her? A. I have never heard him tell her to do any work when I was around there. He never required her to go in the field to work. He expected her to look after the house? I was about his house a good deal as I have been tending part of his land for some years.

Q. Were there any children born of this marriage? A. Yes sir, two of them.

Q. Boys or girls. A. both girls.

Q. How old were they when she left Nat? A. The oldest one was over twelve months old, and the youngest one was some two months old.

Q. did she take both children with her when she left? A. I forgot whether she carried both or not. I know she carried the baby.

Q. Where are the children now? A. They stay with Nat.

Q. Did she take the younger child back to him, or how did he get it? Yes sir, she brought it back several months after she went away from there.

Q. Where did they live when she left him? A. Right where he lives now, and has been living for some five or six years.

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

Nathaniel Edwards

vs) Chancery.

Daisy Batten Edwards.

The depositions of Stephen Boothe and Charles Stephenson, taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, on the 1st. day of April, 1915, pursuant to notice to defendant, the taking of said depositions having been adjourned from the 19th. day of March, 1915, at which time notice of taking same was returnable, till this date, to be read as evidence in behalf of the complainant in a suit in Chancery, now pending in the Circuit Court of the said County, in which the above named parties are complainant and defendant, respectively.

Taking of testimony begun at ten thirty o'clock A.M. according to adjournment.

Stephen Boothe being duly sworn, deposes and says:

Q. State your name, age, residence and occupation: A. Stephen Boothe, Fifty seven years old last July, live in Isle of Wight County about two mile this side of Zuni. I am a farmer.

Q. Do you know Nathaniel Edwards and Daisy Batten Edwards? A. Yes sir.

Q. When were they married? A. I do not remember, exactly. I know they lived together going on two years, and then separated, and she left there three years ago last December.

Q. Do you know why she left? A. No sir.

Q. Do you know Nat Edwards very well? A. Yes sir, I have been liv-

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

Nathaniel Edwards,

vs) Chancery. 198.

Daisy Batten Edwards.

This day came the complainant, by counsel, and the defendant not appearing, upon motion of counsel for complainant the taking of the depositions to be read on behalf of complainant in this cause is adjourned till Thursday the 1st. day of April, 1915, at ten O'clock A.M.

Given under my hand this 19th. day of March, 1915.

Commissioner in Chancery.

Edwards.

v. Decree

Edwards.

1915
Apr. 26
Enter this
B.D.W.

OB 7-287

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Nathaniel Edwards.

v. Decree.

Daisy Batton Edwards.

This cause can on this day to be heard upon the complainant's bill; proof of legal service of proper process on the defendant, Daisy Batton Edwards in person, who has failed, and still fails to appear, plead, demur, or answer the said bill, ~~which is taken for confessed as to her;~~ the depositions *after due notice to the defendant,* taken, and filed on behalf of the complainant, and was urged by counsel:

And
~~On consideration whereof, and~~ it appearing to the Court, independently of the admission of either party in the pleadings or otherwise, that the said parties were lawfully married on the 28th day of April 1909; that they lived together as man and wife from that time to the day of December 1911, when Daisy Batton Edwards did voluntarily, willfully and without *justification and abandoned the complainant* ~~justification left their home and has never returned;~~ that both the said Daisy Batton Edwards and Nathaniel Edwards have resided, and have been domiciled in this state ever since the aforesaid marriage, and for more than one year next preceding the commencement of this suit; that the said Nathaniel Edwards and Daisy Batton Edwards last cohabited in the County of Isle of Wight: *On consideration whereof,* the court doth adjudge, order and decree that the said Nathaniel Edwards and Daisy Batton Edwards be divorced from the bond of matrimony which was created by the aforesaid marriage, and that the said marriage be, and the same hereby is, dissolved ~~and annulled:~~

~~And it Ordered that the said Daisy Batton Edwards shall pay unto the said Nathaniel Edwards his cost by him in this behalf expended; and nothing further remaining to be done in this suit, it is further ordered that the same be removed from the docket.~~

Nathaniel Edwards

N of Chy 198

Sally B Edwards

Memo

Filed Feb 17/1913

Capt. A. S. Johnson, Clerk,

Circuit Court of Isle of Wight County:

Nathanial Edwards

vs.

Daisy Batten Edwards.

Issue summons in Chancery to First March Rules, 1915.

Defendant resides in Suffolk, Virginia

Edw. Edwards

p. q.

County (or City) Isle of Wight

Nathaniel Edwards Husband,

and {

Marriage License

Sarah C. Ballou Wife.

Date of Issue April 26/1909

Marriage Register No. 2 Page 587

"Edwards & A"

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,

Nathaniel Edwards and Daisy Charlotte Butler
Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this
26 day of April 1909 1909
Clerk.

MARRIAGE CERTIFICATE

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

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Isle of Wight Co.
Date of Marriage April 28, 1909 Place of Marriage Southampton Co Va

FULL NAMES OF PARTIES

Nathaniel Edwards and Daisy Charlotte Butler
Age of Husband Forty years; Condition (single, widowed or divorced) Single Widowed
Age of wife Sixteen years; Condition (single, widowed or divorced) Single
Race (White or Colored) White Colored
Husband's Place of Birth Isle of Wight Co Va Residence Isle of Wight Co Va
Wife's Place of Birth Southampton Co Va Residence "
Names of { Husband Sam Edwards and Roseanna Edwards
Parents { Wife Peter S Butler and Caroline Butler
Occupation of Husband Farmer

Given under my hand this 26 day of April 1909
Clerk.

Certificate of Time and Place of Marriage

I, C. P. Madison, a Pastor of the Lutheran Church, or religious order of that name, do certify that on the 28 day of April 1909
at Inor, Virginia, under authority of the above License, I united in Marriage 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 _____, State of Virginia.

Given under my hand, this 28 day of April 1909

C. P. Madison (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 2229 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 23, pages 38 and 37).