1920-003 Chancery Causes: Rufus A. Powell vs Minnie Ruth Powell
Isle of Wight County

other surnames: Spivey, Vaughn, Vaughan, Crumpler

STATE OF NORTH CAROLINA,) Office Register of Deeds.
Gates County.) Jan.2-1913

To any Ordained Minister of any religious Denomination,or any Justice of the Peace of said County:

J.B.Johnson having applied to me for a LICENSE for the Marriage of Rufus A.Powell of Isle of Wight Co.Va age 20 years,color,White, the son of Geo.W.Powell and Georgianna Powell the father now living the mother Dead resident of Isle of Wight Va and Minnie R. Spivey of Isle of Wight Co.Va age 23 years,color white daughter of Irvin Spivey and Anna Spivey the father dead the mother living resident of Isle of Wight Co.Va.

And there being no legal impediment to such marriage known to me, you are hereby authorized,at any time within one year from the date hereof,to celebrate the proposed marriage at any place within said County.

You are required,within two months after you shall have celebrated such marriage,to return this license to me at my office with your signature subscribed to the certificate under this license, and with the blanks therein filled according to the facts,under penalty of forfeiting two hundred dollars to the use of any person who shall sue for the same.

T.E.Hofler
Register of Deeds

J.B.Johnson being duly sworn,says: That the parties applying for license are of lawful age,and that,so far as he is informed and believes,there is no lawful causes or impediment forbidding said marriage.

WITNESS: J.B.Johnson
Edgar Cross

State of North Carolina,)
.....County.)

I,E.S.A.Ellenor a Justice of the Peace united in matrimony Rufus R.Powell and Minnie R.Spivey the parties licensed above,on the 5th day of Jan 1913,at R.W.Hayes house in Reynoldson Township, in said County,according to law.

WITNESSES PRESENT AT MARRIAGE:

R.W.Hayes	of Gates	N.C.
W.L.Duck	of "	" "
W.C.Eure	of "	" "

E.S.A.Ellenor J.P.

NORTH CAROLINA,) OFFICE OF REGISTER OF DEEDS.
GATES COUNTY.)

I,T.E.Hofler,Register of Deeds for Gates County,North Carolina, do hereby certify that the foregoing is a true copy of the original marriage license of Rufus A.Powell and Minnie R.Spivey as found on file in this office.

Witness my hand and official seal,this March 2nd,1920

T.E.Hofler
Register of Deeds for
Gates County,N.C.

Refus A. Powell
v / Cy No 328.
Minnie Ruth Powell

Exhibit "A" filed
with Bill

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Rufus A. Powell	)	
	)	
vs.	)	IN CHANCERY.
	)	
Minnie Ruth Powell	)	

Issue summons for the complainant against the defendant, returnable to the ~~second~~ first rules in ~~February~~ March, 1920, (third Monday), to answer a bill in chancery.

Virginia W. Leonard
p.q.

/

Rufus A. Powell

vs) Chancery. No. 328.

Minnie Ruth Powell

Memorandum

Filed February 24. 1920

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Rufus A. Powell	)	
	)	
vs.	)	In Chancery.
	)	
Minnie Ruth Powell	)	

This cause, leave for the re-instatement of which was provided for in the former decree herein pursuant to due, legal and sufficient notice to Minnie Ruth Powell, in person, of the taking of depositions to the end hereinafter set forth, she failing to appear, on application of Rufus A. Powell, through his counsel, it is ordered that this cause be and it is hereby re-instated, and upon the further application of the said Rufus A. Powell for a decree a vinculo matrimonii, it appearing to the court that no reconciliation or recohabitation has taken place between the said parties, or is probable, and that at this time more than three years have elapsed since the date of the desertion, May 8, 1917, it is therefore ordered, adjudged and decreed that the said parties be and they are hereby permanently and absolutely divorced from the bond of matrimony, each from the other.

And it is further ordered that this cause be again removed from the docket with leave to again re-instate the same for such other and further relief as the complainant may be entitled to.

R A Powell
n § 378
Mrs R Powell

1920.
Nov 12
Eucalyptus
Bird.

Bombycidae

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Rufus A. Powell)
)
vs. 378) In Chancery.
)
Minnie Ruth Powell)

This cause, in which the defendant, after having been duly served with process and notice for the taking of depositions, has failed to appear, plead, answer or demur, came on for hearing this day upon the bill, the exhibits filed therewith, and the depositions taken on behalf of the plaintiff, pursuant to the notice aforesaid; on consideration whereof the court being of the opinion that the plaintiff is entitled to a divorce on the grounds of desertion, and it further appearing to the said court that both of the said parties have been domiciled in the State of Virginia, and in the County of Isle of Wight for a period of twelve (12) months, previous to the institution of this suit, it is therefore ordered, adjudged and decreed that the said parties be, and they are hereby granted a divorce a mensa et thoro. And the plaintiff having in his bill prayed that this cause remain upon the docket to the end that later, application may be made in the absence of reconciliation for a permanent divorce, it is therefore ~~ordered that the same be continued upon the docket of this court.~~

~~And it is~~ further ordered, ~~adjudged and decreed that this decree shall be without prejudice to either party, as to the custody of their child which may be later determined upon proper application of either party in interest.~~ that this cause be removed from the docket with leave to have the same reinstated for such other and further relief as the complainant may be entitled to

In the Circuit Court
of Isle of Wight Co.,
Virginia.

Rufus A. Powell
vs } In Chancery
Minnie Ruth Powell

Decree

Sept 21/920

Enter this.
B.D.W.

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VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Rufus A. Powell	)	
	)	
vs.	)	In Chancery.
	)	
Minnie Ruth Powell	)	

To Judge B. D. White,

Judge of the Circuit Court of Isle of Wight County, Va.

Pursuant to the notice for the taking of the enclosed depositions and pursuant to the enclosed depositions wherein they disclose that Rufus A. Powell and Minnie Ruth Powell have been, by your Honor, heretofore divorced by a decree a mensa et thoro and wherein they further disclose that the parties have now been separated for a period of more than three years since the desertion as disclosed by the former depositions taken in this cause, May 8, 1917, application is respectfully made to the court for a decree granting to the said Rufus A. Powell a divorce a vinculo matrimonii.

Respectfully,

Rufus A. Powell
By Counsel.

Hunter McCunningham.
p.q.

TO MINNIE RUTH POWELL:

Notice is hereby given you that I shall, at the office of William M. Crumpler, Rooms 400-403, American Bank & Trust Co., Building, Suffolk, Virginia, between the hours of 9 a.m. and 6 p.m., on Saturday, November 6th, 1920, take the depositions of C. B. Crumpler, et als, to be used in my behalf in that certain chancery cause in which I am plaintiff and you are defendant pending in the Circuit Court of Isle of Wight County, Virginia, and in which I have heretofore been awarded a divorce a mensa et thoro. The purpose of these depositions being to show that we have not become reconciled since that divorce and that we have not since that divorce cohabited, under which circumstances it is my intention to ask the court for a permanent divorce from the bonds of matrimony.

In the event the above depositions are not completed on the above date or if for any reason are not taken, then they will be continued from day to day or from time to time between the same hours.

Rufus Powell

By Wm M Crumpler

- Counsel.

Executed this 28th day of October, 1920, by delivering a copy of the within notice for the taking of depositions to Minnie Ruth Powell in person, whom I found and to whom I delivered the same within my county of Isle of Wight, Virginia.

Constable.

The depositions of Rufus A. Powell and C. B. Crumpler, taken before me, Maris January, a Notary Public, in and for the City of Suffolk, Virginia, pursuant to notice hereto attached, on the 6th day of November, 1920, between the hours of 10 A. M. and 6 P. M., to be read as evidence in behalf of Rufus A. Powell in a certain suit in equity depending in the Circuit Court of Isle of Wight County, Virginia, wherein Rufus A. Powell is plaintiff and Minnie Ruth Powell, defendant.

Present: W. M. Crumpler, Attorney for plaintiff.

Rufus A. Powell, being duly sworn upon his oath, states and says as follows:

Q. Since the Court decreed you your temporary divorce, have you and your wife become reconciled or lived or cohabited together in anyway?

A. No, sir.

Q. Where do you now live?

A. With my Mother.

Q. Please state whether you have been living there ever since your decree in this case?

A. Yes, sir.

Q. Where has your wife lived since the decree in this case?

A. She has lived with her Mother. We have not lived together now for nearly four years.

Further this deponent saith not.

Rufus A. Powell.

C. B. Crumpler, being duly sworn upon his oath, states and says as follows:

Q. Since your former testimony in this case, have you been in a position to know whether Mr. Rufus A. Powell and his wife, Minnie Ruth Powell, have become reconciled or lived together?

A. Yes, sir.

Q. Have they?

A. No, sir, they have not.

Q. Where is he living?

A. He is living with his Mother.

Q. And she is living with her Mother?

A. Yes, sir.

Q. And they have been living in this manner for three or four years.

A. Yes, sir.

Further this deponent saith not.

C. B. Crumpler

VIRGINIA,

City of Suffolk, to-wit:

I, Maris January, a Notary Public, in and for the City aforesaid, in the State of Virginia, do hereby certify that the aforesaid depositions of Rufus A. Powell and C. B. Crumpler were duly taken, sworn to and subscribed before me, at the time and place for the purpose in the caption hereto mentioned.

Given under my hand this 6th day of November, 1920.

Maris January
Notary Public.

STENOGRAPHER'S MINUTES.

In the Circuit Court of Isle of Wight County, Virginia -

Rufus A. Powell

vs.

Minnie Ruth Powell

Before

Judge B. D. White

November 7, 1920

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MONTROSS & CLARKE CO., 14 MAIDEN LANE, N. Y.

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To Minnie Ruth Powell:

Take notice that on the 3rd day of April, 1920, at the office of William M. Crumpler, in Suffolk, Virginia, between the hours of 9 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of Rufus Powell and others, to be read as evidence in behalf of the complainant in a certain suit in equity depending in the Circuit Court of ~~Nansemond~~ Isle of Wight County, wherein the undersigned is plaintiff and you are defendant; and if, for any cause, the taking of said depositions be not commenced, or if commenced, and be not concluded, the taking thereof will be adjourned from day to day or from time to time, at the same place and between the same hours until the same shall be completed.

Given under my hand this 24th day of March, 1920.

Rufus A. Powell
By Counsel.

Wm. M. Crumpler
p.q.

In the Circuit Court
of Isle of Wight County

Rufus A. Powell

vs.

Minnie Ruth Powell

Notice to take
depositions

I executed the within
summons This the
25 day of March 1920
by delivering a true copy
of the same to Minnie
Ruth Powell in person
in the County of Isle of
Wight

J. H. Batts
D. C. Sheriff

The depositions of Rufus A. Powell and others, taken before me, Maris Jamery, a Notary Public, in and for the City of Suffolk, Virginia, pursuant to notice hereto attached, on the 3rd of April, 1920, between the hours of 10 A. M. and 6 P. M., to be read as evidence in behalf of Rufus A. Powell, in a certain suit in equity depending in the Circuit Court of Nansemond County, wherein Rufus A. Powell is plaintiff and Minnie Ruth Powell, defendant.

Present:- Wm. M. Crumpler, Attorney for plaintiff.

Rufus A. Powell.

Rufus A. Powell, the complainant, being duly sworn, upon his oath, states and says as follows:

Q. What is your name, age, residence and occupation?

A. Name, Rufus A. Powell; age, 26; residence, Isle of Wight County; occupation, Farming.

Q. When were you married Mr. Powell?

A. January 5, 1913.

Q. Whom did you marry?

A. Minnie Ruth Spivey.

Q. Where were you married?

A. Gatesville, N. C.

Q. After being married, where did you then live?

A. I stayed with her at her Mother's place the first year.

Q. During the first year that you stayed at your wife's mothers, was your wife a wife to you?

A. Yes, for about two months, from the first of January to the first of March.

Q. Did she then give any reason for not continuing her wifely relations?

A. Just didn't want to and her mother told her to stay much.

Q. Did you still continue to have the same room with her and occupy the same bed?

A. Along the rest of the year we occupied the same room and bed.

Q. Then you mean that after two months she refused the

usual privileges between husband and wife but would allow you to stay in the same room.

A. Yes, sir.

Q. Have you a child by your wife?

A. Yes, sir.

Q. When was it born?

A. May 8, 1917.

Q. Since that time have you been permitted by your wife to stay in her room or occupy her bed?

A. No, sir; not since that time.

Q. Between two months after you were married and the time your child was born, did your wife, during that time, permit you marital favors?

A. No, sir.

Q. And, her only excuse was that her mother told her not to.

A. Yes, sir.

Q. Then at the end of the first twelve months of your married life, did you continue to work on her mother's farm ?

A. No, sir; I worked on J. A. Reid's farm about a mile from there; then I would return there from one to three times a week for three months but I was compelled to occupy a different room by my wife and was conducted to it whenever I stayed.

Q. Then you began to go there less, about once a week.

A. I saw how things were going and she would not go with me

when I first went over to Mr. Redd's farm to work, so I rented a house but she still refused to go with me; then I would go over there to her mother's sometimes once a week or once in two week but was never allowed to sleep with my wife or occupy the same room. Since them I have been trying constantly to get her to come and live with me but she has refused and has refused to live with me since this suit was brought. Since I brought the suit I have gone there trying to get her to live with me. I have had three different places rented and she would not accompany me to any of them.

Q. What reason does she give for not going with you?

A. She has given me no reason, only said she doesn't want to go. She said when she had to leave her old home place I just as well cut her throat.

Q. Did you have any trouble with her people while living at her home?

A. No, I didn't have any trouble with any of them.

Q. While you were living at her mother's home, did you have any quarrels or disturbances?

A. We had no quarrels at all.

Q. Since the first two months of your married life, please state whether your wife has ever permitted _____?

A. Only twice.

Q. When was that?

A. Once I do not remember and the other time in the summer of 1916.

Q. Has this ever been permitted since your child was born?

A. No, sir.

Q. The first year of your marriage, while living at her mother's home, where did you work?

A. I worked at her mother's place with her brothers. You see her father is dead and her brothers tend the place. The next year I had a better offer with Mr. Redd and that was when my wife refused to go with me.

Q. That was the beginning of what year?

A. 1914.

Q. And you have found it necessary to work away since the first year of your marriage and your wife has constantly refused to go with you.

A. Yes, sir.

Q. You went into the service, did you not?

A. Yes, sir.

Q. Were you drafted or did you go voluntarily and what was your reason for going?

A. I was drafted, and as soon as I was drafted I told Mr. Sidney Johnson that I would not ask for exemption but would volunteer to go. The reason I wanted to go was that I thought perhaps when I came back she would do different. I went to war and made an allotment to her and all together

she received about $880.00

Q. When you first came home from the war where did you go?

A. To my wife's house to see her and the baby.

Q. Were you asked to stay there the first night?

A. I expect I would have stayed but my brother came and I went with him to see the rest of my people.

Q. Have you been to your wife's home and stayed there since you returned?

A. I have stayed there one night since I have been back.

Q. How soon after your return was that?

A. One week.

Q. Did you occupy the same room with your wife?

A. No, sir. She went upstairs and told me when I was ready to go to bed I could go and lay down as my room was ready.

Q. Had she prepared a different room for you?

A. She had, yes, sir.

Q. Who directed you to this room?

A. She did.

Q. If I understand you correctly, there seems to be no trouble between you and your wife other than that she refuses to leave her home and further to be a wife to you.

A. Yes, sir.

Q. You are willing to have her come and live with you now?

A. I would be glad to have her come and live with me if she would do as a wife should do. After this suit was brought

I told her when the case came off She might have to come, and that I was offering her one more chance to live with me as a wife and she still refused.

Further this deponent saith not.

Rufus A. Powell.

J. H. Vaughn, being duly sworn, upon his oath, states and says as follows:

Q. What is your name, age, residence, and occupation?

A. Name, J. H. Vaughn; age, 43; residence, Isle of Wight Co.; occupation, farmer.

Q. Do yom know Rufus A. Powell and his wife?

A. Yes, sir.

Q. Do you remember when they were married?

A. I remember but I do not know what year.

Q. Do you live close to him or his wife?

A. About a quarter of a mile from his wife; it is all in the same opening.

Q. Do you know where they lived the first year of their marriage?

A. At her mother's home.

Q. Where did Mr. Powell work that year?

A. With his wife's brothers.

Q. Where did he work the next year?

A. For John Redd.

Q. Did his wife go with him over there?

A. No, sir; she didn't go any where with him.

Q. Did he try to get her to go with him?

A. He's been trying all along to get her to go with him .

Q. Have you ever heard her say anything about him?

A. No, sir.

Q. Do you know whether he occupied the same room with his wife during all the time he lived there?

A. I do not know whether he did or not but I do not believe he did for from what I have learned I do not believe he stayed in the same toom.

Q. Do you know whether he has made effort to get her to go with him?

A. I do not know that he has but it is the talk all over the neighborhood that he has tried.

Q. Do you know why she doesn't go?

A. Because she would rather stay with her folks than any other place in the world.

Q. What kind of fellow is Mr. Powell?

A. He is a good man as far as I know.

Q. Please state whether he supported his family?

A. The year he stayed there he worked for nothing. He wasn't told what he was to get and when Christmas came his brother-in-law gave him $37.00.

Q. Do you know since Mr. Powell has been living away, whether he has tried to get his wife to come and live with him?

A. I do not know but it is the talk of the neighborhood that he has tried a lot.

Q. Since the child was born, do you know whether they have lived together as husband and wife?

A. No, not since the child was born. He may have stayed

but if he did, he stayed about like I would stay.

Q. Does she visit around the neighborhood or go to church?

A. No; they never go anywhares. They have never gone to church since the child was born. Her mother used to go to church but it has not been in several years.

Further this deponent saith not.

J. H. Vaughan

C. B. Crumpler, being duly sworn, upon his oath, states and says as follows:

Q. What is your name, age, residence, and occupation?

A. Name, C. B. Crumpler; age, 46; residence, Isle of Wight County; occupation, farming.

Q. How close do you live to Mr. Rufus A. Powell?

A. Something like a mile.

Q. Does she and Mr. Powell live together as husband and wife?

A. No, sir.

Q. How long since they have lived together as husband and wife?

A. Something like three years.

Q. Do you know whether Mr. Powell has attempted to have her live with him since he left there?

A. Yes, sir; he has made provision for her to live with him. He was going to rent part of my house and live there with his wife and after I told him I would rent it to him, he later came back and told me Ruth would not leave her mother's home to live with him..

Q. When was this that you rented your house, Mr. Crumpler?

A. In the year 1916.

Q. Since that time has Mr. Powell and his wife lived together?

A. No, sir.

Q. Have you been in a position to know if he had gone back there to live?

A. Yes, sir.

Q. During the time Mr. Powell did live with his wife, were you in a position to know if he cared for her and treated her kindly?

A. I think he did.

Q. What kind of reputation has Mr. Powell in the community?

A. Good.

Q. Have you ever known or heard of Mr. Powell mistreating his wife?

A. No, sir.

Q. What is the general reputation in the community of Mrs. Powell?

A. It isn't very good. It is the general opinion in the community that she has refused to live with him and will not permit the usual relations of a wife.

Q. Is that general understanding in the community or what you have heard one person say?

A. It is the general opinion in the community.

Q. Have you ever seen or known me before to-day?

A. I have seen you before but have never talked to you.

Q. I am asking you this because you bore the same name as I, so that the court would not suppose there had been any improper influences between us.

Further this deponent saith not.

C. B. Crumpler

Mrs. Mamie Powell, being duly sworn, upon her oath, states and says as follows:

Q. What is your name, age, residence and occupation?

A. Name, Mrs. Mamie Powell; age, 38; residence, Isle of Wight County; occupation, housekeeper.

Q. You keep house for yourself, do you not?

A. I do.

Q. What is your relation to Mr. Powell?

A. I am his step-mother.

Q. How far do you live from Mr. Powell's wife?

A. Two and a half miles.

Q. How long has it been since this couple have lived together as man and wife?

A. They never lived together as man and wife except the first year they were married.

Q. Do you know of any reason why they do not?

A. No, I do not know of any trouble or reason that they do not.

Q. Do you know of any quarrel or trouble.

A. No, sir.

Q. Do you know during the first year whether she was a wife to him?

A. So far as I know, that first year.

Q. Do you know whether she refused to go with him?

A. She did not go, I know that.

Q. Where did he prepare to take her that year.

A. To Mr. Redd's but Mr. Turner was the owner.

Q. Do you know whether he has prepared places since then and offered to have her come?

A. I do not know that he has because she would never go. I know that he rented a part of Mr. C. B. Crumpler's house and she refused to go with him there..

Q. Since he came back from the war,do you know that he has offered to have her live with him?

A. I do not know but what he told me and he told me he has.

Q. Do you know whether he is prepared now to have her live with him?

A. I wanted him to stay with me this year as I have only the two small children and wanted him to take care of the place for this year: there is plenty of room and, of course, since he came back from the war he hasn't had a great deal of money to do anything with, and I told him I would be glad to have them come and live with me and I would do everything in my power for her if she would come.

Q. What is Mrs. Powell's general reputation in the community as a wife.

A. Everybody talks about the way she has treated him and that she will not live with him and will not be a wife to him.

Q. Have you ever hear anyone blame him for it?

A. No, sir, I have not.

Further this deponent saith not.

Mrs Mamie Powell

VIRGINIA,

City of Suffolk, to-wit:

I, Maris January, a Notary Public, in and for the City aforesaid, in the State of Virginia, do hereby certify that the aforesaid depositions of Rufus A. Powell, J. H. Vaughn, C. B. Crumpler, and Mrs. Mamie Powell were duly taken, sworn to, and subscribed before me, at the time and place, for the purpose in the caption hereto mentioned.

Given under my hand this 3rd day of April, 1920.

Maris January

Notary Public.

STENOGRAPHER'S MINUTES.

In the Circuit Court of Isle of Wight County.

Rufus A. Powell

vs

Minnie Ruth Powell

Before

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MONTROSS & CLARKE CO., 14 MAIDEN LANE, N. Y.

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COMMONWEALTH OF VIRGINIA,

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

We command you that you summon Minnie Ruth Powell to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the Rules to be holden therefor on the third Monday in March, 1920, to answer a bill in chancery filed against her by Rufus A. Powell. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 24th. day of February, 1920.

Teste, A. S. Johnson Clerk.

Wm. M. Crumpler, p.q.

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Original

Rufus A. Powell

vs) Chancery. No. 328.

Minnie Ruth Powell

Subpoena.

I executed the within Writ this the 12 day of March 1926 by D. Cowsert a true copy of the same to Mrs. Ruth Powell in person in the County of Isle of Wight.

R. A. Edwards
Sheriff of Isle of Wight Co.

By J. S. Bakl D.S.

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,

Rufus A. Powell)
)
vs.) IN CHANCERY.
)
Minnie Ruth Powell)

To the Hon. B. D. White, Judge:

Your orator, Rufus A. Powell, humbly complaining, would respectively show unto your honor that:

F I R S T

He resides in Isle of Wight County, Virginia, and has been domiciled in the State of Virginia, and the said county, more than one year next preceding the institution of this suit.

S E C O N D

On the fifth day of January, 1913, in the County of Gates, North Carolina, as will more fully appear by certified copy of the marriage register herewith filed and asked to be regarded as a part of this bill, your orator was married to one Minnie Ruth Spivey, with whom he lived and cohabited, as man and wife, until on or about the fifth day of March, 1913, on or about which date his wife became estranged in her demeanor towards him and while they still lived together from that date until the eighth day of May, 1917, their marital relations were not the same, and since the eighth day of May, 1917, at which time a child was born to them, his said wife has not cohabited with him, having since that day refused to occupy the same room with him; and since that date having declined all marital rights and privileges, especially that of intercourse, and having continuously since their said marriage refused to accompany your orator to his place of residence and live with him, remaining constantly with her mother, and by necess-
ity since the first year of their marriage, your orator has work-

ed elsewhere, she having constantly and consistently declined to accompany him and continuing to do so now.

T H I R D

During their said marriage as is above setforth, there was born to them one child, on the eighth day of May, 1917, to which your orator is devoted, and the custody of which your orator asks may be determined later.

F O U R T H

And your orator by reason of the facts foregoing, alleges and charges that his said wife, by refusing him marital rights and privileges as aforesaid, even to the extent of requiring him to occupy a different room from hers, and by refusing to accompany him to his place of residence, has deserted and abandoned him, thereby justifying this court, in the absence of her willingness at this time to accompany and live with him, in granting him a divorce and when later requested in awarding to him the said child.

Wherefore, inasmuch as your orator is remediless, save in a court of equity where matters of this sort are properly cognizable, he prays that his said wife, Minnie Ruth Powell, be made a party defendant to this bill, and be required to answer the same, but an answer under oath is waived; that, upon the hearing, your honor will grant unto your orator a divorce, a mensa et thoro, and that this cause may be permitted to remain upon the docket of this court until three years shall have expired, from such date as the court may determine the desertion to have occurred, to the end at that time of permitting your orator, upon due application in accordance with the law, then to obtain a divorce from the bond of matrimony, with final and permanent custody of his said child; and for such other, further, and general relief as in equity is meet and proper, and your orator will ever pray, etc.

Rufus A. Powell
By counsel

[illegible] p.q.

Bill

Rufus A. Powell

vs.

Minnie Ruth Powell

} In Chancery

Second March Rules 1919

Process returned exd. & filed.
Bill filed this day.

First April Rules, 1920

Defendant not appearing to plead etc. Cause set down for hearing.

WILLIAM M. CRUMPLER
ATTORNEY AT LAW
SUFFOLK, VA.