

1924-026 Chancery Causes - Julia Branch, by v c vs Wilson Branch

356

Isle of Wight County

Petition of Julia Branch, by v c

Other surnames: Harris,
Hamlin, Lyons, Kelly

3

BILL

JULIA BRANCH

VS) IN CHANCERY,
WILSON BRANCH.

C. F. WHITLEY, p.q.

Filed Nov 8-1920

*March 18-1921:
Affidavit for OP filed -
Order entered. Printed copy
sufficient. Kept for filing
& copy mailed to dept*

*April 25-1921
Order publication
Entered. Cause set down
for hearing*

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

Wight Cpuntty, Virginia, and has been all of her life except the short time she lived with her husband in Newport News, Va.,

In consideration whereof, and for as much as your complainant is remediless, save in a court of equity where such matters are cognizable, your complainant prays that proper process issue; that the said Wilson Branch be made a party defendant to this bill, and be required to answer the same but ~~answer~~ not on oath, answer under oath being hereby waived; that a divorce A VINCULO MATRIMONII, be decreed her from her husband on the grounds of desertion, cruelty and adultery. And that your complainant be afforded all such other, further and general relief as the nature of her case may require or to equity shall seem meet.

And your complainant will ever pray, etc.

Julia Branch an infant
who sues by Phenious Harris, her
grandfather, and next friend.

C. F. Whitty p.q.

In the circuit court for the County of Isle of Wight, Va.
Julia Branch, an infant, who sues by Phenious Harris
her grandfather, and next friend, ...Complainant,
vs) In Chancery,
Wilson Branch, ...Defendant.

To the Hon. B. D. White, Judge of the said Court:

Humbly complaining, your complainant Julia Branch,
an infant, by her grandfather, respectfully represents:

1. That on the 23rd day of February, 1920, she was
married to the said defendant, Wilson Branch, in the City
of Newport News, and State of Virginia; a certificate of
which marriage being herewith filed, marked exhibit
"A" and prayed to be made and read as a part of this
bill.

2. That your said complainant, and the said defendant
returned to the defendant's home in the City of New-
port News, immediately after said marriage, and co-
habited as man and wife, until the ____ day of April,
1920, when the said defendant, Wilson Branch, willfully
deserted and abandoned your complainant, and has not
since returned to live with her.

3. Your complainant here states that the said defend-
ant Wilson Branch was cruel to her during the time they
co-habited as man and wife, ~~xxxxxx~~ and has never contrib-
uted to the support of your complainant while they co-
habited as man and wife, or since he deserted your
complainant; that the defendant associated with lewd
women, and contracted some venereal disease which he
gave to your complainant while they co-habited as man
and wife;

4. That your complainant is now domiciled in Isle of

~~#~~ 6-

Julia Branch, an infant who
sues etc.....Complainant.
vs) In Chancery,
Wilson Branch,.Defendant.

Petition to have divorce
merged in to an avinculo divor

C.Fairfield Whitley p.q.

In the Circuit Court for the County of Isle of Wight, Va.
Julia Branch, an infant, who sues by Phenious Harris,
her grandfather and next friend, Complainant.

V) In Chancery,

Wilson Branch,.....Defendant.

To the Honorable B.D.White, Judge of said Court:

Your petitioner, Julia Branch, an infant, who sues by
Phenious Harris her grandfather and next friend, res-
pectfully represents to your Honor, that on the 6th day
of September, 1921, she was granted a decree of divorce
from bed and board, in a suit for divorce brought by
your petitioner against the defendant Wilson Branch, on
the grounds of desertion and abandonment and that there
has now elapsed more than three years from the time
of the desertion and abandonment complained of in her
bill filed in this cause; that no reconciliation has
taken place or is probable, and that a separation has
continued without interruption since the granting of the
said decree of divorce. She now respectfully applies
to your Honorable Court to merge such decree for divorce
from the bed and board which was granted her on the 6th dg
of Sept. 1921, into a decree of divorce from the bonds
of matrimony as is provided by the statute.

And your petitioner will ever pray, etc.

Julia Branch
An infant, who sues by Phenious Harris
her grandfather and next friend.

By C. Fairfield Whitley
Her attorney.

Julia Branch, etc.

vs) Chancery. No. 356.

Wilson Branch.

Subpoena.

Wilson Branch.
not found in
my bailiwick
November. 15th. 1920.

C. C. Curtis City
Sergeant. City of
Newport News,
Virginia

COMMONWEALTH OF VIRGINIA,

TO THE SERGEANT OF THE CITY OF NEWPORT NEWS:

We command you that you summon Wilson Branch to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor, on the third Monday in November, 1920, to answer a bill in chancery filed against him by Julia Branch, an infant, who sues by her grandfather, Phenius Harris, her next friend. And have then and there this writ.

Witness, R. A. Edwards, Clerk of said Court, at the Courthouse, this 8th. day of November, 1920.

Teste, R. A. Edwards Clerk.

C. F. Whitley, p.g.

Julia Branch, Complainant.
vs) In Chancery,
Wilson Branch,... Defendant.

Depositions,

C.F. Whitley, p.q.

C. F. WHITLEY
ATTORNEY-AT-LAW
PHOEBUS, VIRGINIA

Phenious Harris being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 63 years old, live in this county near Smithfield and I farm.

Q- What relation are you to Julia Branch?

A- I am her grandfather.

Q- How long has it been since she cohabited as man and wife with her husband?

A- Not since they separated in Newport News.

Q- Have they cohabited as man and wife since she was granted a divorce on the 6th day of Sept. 1921?

A- No sir, she ain't seen him since that time.

Further this deponent saith not.

Phenious ^{his} Harris.
made

STATE OF VIRGINIA,
COUNTY OF ISLE OF WIGHT, TO WIT:

I, Ailene C. Parish, a Notary Public, in and for the County and State aforesaid whose commission expires on the 6th day of Dec. 1925, do certify that the foregoing depositions, were duly taken, reduced to writing, and signed before me in my county aforesaid.

Given under my hand this 3rd day of May, 1924.

Ailene C. Parish
Notary Public.

James Hamlin, being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 43, I live on Mr. Edwards' land.

Q- In Isle of Wight County, Va?

A- Yes sir.

Q- How far do you live from Phenious Harris?

A- I live jst across the road from him.

Q- Where does Julia Branch live?

A- She lives with Phenious Harris.

Q- How long has it been since she and Wilson Branch
her husband, cohabited as man and wife?

A- I don't know exactly, but it has been a long time;
not since they first separated.

Q- How long has that been?

A- Three or four years.

Q- Have they lived together since the 6th day of Sept.
1921?

A- No sir, she ain't lived with him since sometime be-
fore then.

Further this deponent saith not.

his
James Hamlin
mark

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

Phenious Harris, who sues for Julia Branch, an infant, etc
vs) In Chancery,

Wilson Branch,.....Defendant.

The following depositions of Phenious Harris
and James Hamlin, taken before me, Ailene C.Parish,
a Notary Public, in and for the County and State
aforesaid , on the 3rd. day of May, 1924, at the
office of C.Fairfield Whitley, in the Town of Smithfield,
Va., pursuant to an order of publication duly published,
to be read in behalf of the complainant.

Present, C.Fairfield Whitley,

Counsel for the complainant.

6.

Phenious Harris, who sues, et
vs. In Chancery,
Wilson Branch,... Defendant.

DEPOSITIONS.

C. Fairfield Whitley, p.q.

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

State of Virginia,

County of Elizabeth City, to-wit:

I, F.D. Larrabee, a Notary Public, in and for the County and State aforesaid, whose commission expires on the 10th day of August, 1923, do hereby certify that the foregoing depositions, of Ella Harris, Louise Lyons and H.L. Kelly, were duly taken, reduced to writing and signed before me in my County aforesaid, between the hours of ten A.M. and five o'clock P.M.

Given under my hand this the 4th day of May, 1921.

Frank D. Larrabee
Notary Public.

H. L. Kelly, being first duly sworn deposes and says:

Q- Please state your name, age, residence, and occupation?

A- H.L.Kelly, 29 years old, 17th Street, Newport News, Va.

Q- How long have you known Julia Branch and her husband
Wilson Branch?

A- I have known her about eighteen months, and I have been
knowing him since they were married.

Q- When were they married?

A- Last Feb.

Q- Where did they live immediately after they were married?

A- They lived on Madison Ave. Newport News, Va.,

Q- How far did you live from them?

A- About two blocks.

Q- Did Wilson Branch support his wife Julia, while they
resided in Newport News, Va?

A- No.

Q- Were you ever at the home of Julia Branch when her
grand-mother came to see her?

A- Yes.

Q- What ~~was~~ ~~xxxxxx~~ occurred there while you were there?

A- I heard Wilson Branch ask her (Ellie Harris) for money
to pay the doctor, that he didn't have any money to
pay him.

Q- Did she pay the doctor?

A- Yes.

Q- Is Wilson Branch a good worker?

A- No, he aint no count.

Further this deponent saith not.

H. L. Kelly

Louise Lyons, being first duly sworn deposes and says:

Q- Please state your name, age, residence and occupation?

A- Louise Lyons, 34 years old, 541, 17th Street, Newport News, Va., housekeeper.

Q- Do you know Julia Branch and her husband Wilson Branch, and if so, how long have you known them?

A- Yes, I have known her all of her life, and I knew him about a month before he married her.

Q- When were they married?

A- Feb. 23rd, 1920. at Newport News, Va.

Q- Where did they reside after they married until they separated?

A- They lived on Madison Ave, first, and then they moved on 16th Street,

Q- Was this in Newport News, Va?

A- Yes.

Q- When did they separate?

A- Sometime in April, I don't know just when.

Q- In what year?

A- 1920.

Q- Why did they separate?

A- He wouldn't pay the room rent, and buy something to eat for her; then he left her.

Q- How do you know he wouldn't pay the rent and purchase food.

A- She came to my home and asked for fifty cents to pay room rent, and asked me to give her some food.

Q- Was this before they separated?

A- Yes.

Q- Was he cruel to her?

A- She said he was, and she would come to my home crying, and looked like he had ~~xxxx~~ beat her.

Q- Why did he desert her?

A- I don't know that.

Q- Do you think they will live together again?

A- I don't think so.

Further this deponent saith not.

Louise Lyons

Q- Who has supported her since she has been at your home?

A- Me, and her father.

Q- Have they co-habited since that time?

A- No Sir.

Q- Was she ever sick after she came home with you?

A- She stayed sick.

Q- What was the trouble with her?

A- She had the bad disease.

Q- What is the name of this disease she had?

A- I took her to Dr. Brock, and he called it the gonna, something, any way it was some bad disease.

Q- Was she ever infected with this disease before she married Wilson Branch?

A- No Sir.

Q- How do you know?

A- She has been with me all her life.

Q- Has she a very strong mind?

A- No, she has a weak mind, she never has been bright.

Further this deponent saith not.

Elle ^{the} Harris
mark

Ella Harris, being first duly sworn deposes and says:

Q- Please state your name, age, residence, and occupation?

A- Ella Harris, about 55 years old, Isle of Wight County, housekeeper.

Q- Do you know Julia Branch, and her husband Wilson Branch and if so, how long have you known them?

A- I have been knowing her all her life and have known him since they were married.

Q- Where were they married?

A- Newport News.

Q- How long did they co-habit as man and wife?

A- About two months.

Q- Did you ever visit their home when they lived together?

A- Yes, I went there twice.

Q- In what condition did you find them?

A- I found her sick in bed each time, and I had to send for a doctor to her, and had to pay the doctor, and pay for the medicine too.

Q- Why did you pay her bill?

A- She is my grand-daughter, and he wouldn't pay anything, and I saw her suffering.

Q- Who reared this girl?

A- I myself, she has been with me since she was a baby, until she ran away and married.

Q- Did they have any food in the house at the time you visited them?

A- No, not a mouthful.

Q- Where did you eat when you visited them?

A- I had to go out and get something to eat.

Q- When was the last time you went to see her?

A- It was in April, and I found her sick; she told me he had left her, and that she didn't have a penny in the world, and asked me if I wouldn't please take her home with me.

Q- Did you take her home with you?

A- Yes Sir.

VIRGINIA:

In the Circuit Court for the County of Isle of Wight:

Julia Branch, an infant, who sues by Phenious Harris
her grand-father, and next friend,.....Complainant.

vs) In Chancery,

Wilson Branch,.....Defendant.

The following depositions of Ella Harris,
Louise Lyons, and H.L.Kelly, taken before me, F.C.
Larrabee, a Notary Public, in and for the County of
Elizabeth City, Va., on the 4th day of May, 1921,
at the office of C.F.Whitley, in the Town of Phoebus,
Va., pursuant to an order of publication duly published
according to law, to be read in behalf of the complainant.

Present C.F.Whitley,

Counsel for the Complainant.

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Branch.

Vs.Chancery # 356

Branch.

Affidavit for order publica
tion.

Filed Dec. 12th.1920.

Virginia:

In the Clerk's office of the Circuit Court of the
County of Isle of Wight:

Julia Branch,.....Complainant.

vs.) In Chancery.

Wilson Branch,.....Defendant.

This day Phenious Harris personally appeared be-
fore me, B B Brigg a Notary Public, for and in
the County and State aforesaid, and being duly sworn
made oath that the defendant in the said suit is not
a resident of the State of Virginia, and that his last
known Post Office Address is Newport News, Va.

Given under my hand this 4th day of Dec 1920.

B B Brigg
Notary Public.
My Com. Expires Nov 10-1924.

Action is brought for divorce a vinculo matrimonii, and
a mensa et thoro, on the grounds of desertion, cruelty
and adultery.

The defendant is a non-resident of the State of Vir-
ginia, and his last known Post Office Address is New-
port News, Va.

Chas. F. Whitting p. q.

Branch

Vs. Shancery 356

Branch.

.....

Corrected

Copy order publication
filed 3/18/21.

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE
COUNTY OF ISLE OF WIGHT, VIRGINIA, ON THE 18
DAY OF MARCH, ~~1921~~. 1921.

Julia Branch, an infant, who sues by Phenious
Harris, her grandfather, and next friend,...Complainant,
vs) In Chancery,
Wilson Branch,.....Defendant.

The object of this suit is for the plaintiff
to obtain from the defendant a divorce a mensa et
thoro, and divorce a vinculo matrimonii, upon the
grounds of desertion, cruelty and adultery.

It is ordered that the said defendant do
appear here within ten days after publication here-
of, and do what may be necessary to protect his
interest in this suit.

Teste: R. A. Edwards Clerk.

Charles F. Whitley, p.q.

A Copy Teste: R. A. Edwards Clerk.

A Copy of the foregoing order was this day
posted at the front door of the Court House of
this County; a copy mailed to Essex Herald
for publication, and a copy mailed to defendant
at address given.

Given under my hand this 18 day of March, 1921.

R. A. Edwards Clerk.

Filed 4/30/21

In the Clerk's Office of the Circuit
Court for the County of Isle of
Wight, Virginia, on the 18th day
of March, 1921.

JULIA BRANCH, an infant,
who sues by Phenious Harris,
her grandfather, and next friend,
complainant,

vs.

WILSON BRANCH, Defendant,
In Chancery.

The object of this suit is for the
plaintiff to obtain from the defendant
a divorce a mensa et thoro, and di-
vorce a vinculo matrimonii, upon the
grounds of desertion, cruelty and
adultery.

It is ordered that the said defend-
ant do appear here within ten days
after publication hereof, and do what
may be necessary to protect his in-
terest in this suit.

Teste:

R. A. EDWARDS, Clerk.

Charles F. Whitley, p. q.

A Copy Teste:

R. A. EDWARDS, Clerk.

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA., April 29th 1921

I hereby certify that the order of which the annexed is
a copy has been published in THE SUFFOLK HERALD in
the manner prescribed by law—once a week for four weeks.

beginning March 25th 1921 and ending

April 15th 1921

E. L. Leach

Editor Herald

Per

E. A. Morrison

Manager

Deety

Julia Branch,...Complainant

vs. 356

Wilson Branch,...Defendant.

Decree,

Enter this.

Judge.

Sec 5706 ¹⁵ not judging
Go to sub 6009

The O.P. should show that
the spot is a non-incident.
It is upon a public place
that the defendant is not
concerned, as that the
spot is not a public place
was verified. That what
is in the O.P. should become
not be a non-incident if
it is in the public place
should be more specific
that it is a non-incident
May 20, 1911. P.M.

Virginia,

County of Isle of Wight, in the Circuit Court thereof.
Julia Branch, an infant who sues by her grand-father,

Phenious Harris, her next friend,.....Complainant,

vs.) In Chancery,

Wilson Branch,.....Defendant.

This cause came on this day to be heard on the bill, and depositions of witnesses taken in connection therewith, and was argued by counsel.

On consideration whereof, the Court being of the opinion from the evidence taken in this cause, that the said Wilson Branch, in total disregard and in violation of his marriage vows and obligations, has, since said marriage with the complainant, been guilty of the offence of adultery; the Court doth adjudge, order and decree that the marriage heretofore had and solemnized between the parties hereto shall be and the same is hereby forever ~~xxxxxxxx~~ dissolved and the said complainant be forever divorced from the defendant Wilson Branch. But neither party shall be permitted to remarry again for six months from the date of this decree nor shall such bonds of matrimony be deemed to be dissolved as to any subsequent marriage to this decree until the expiration of the said six months.

It appearing to the Court that the object for which this suit was instituted has been accomplished, it is hence dismissed from the docket.

Julia Branch;...Complainant

vs. 356

Wilson Branch,...Defendant.

Decree,

1921
Sept. 6

Enter This.

W.D.S.

Judge.

Chancery Book # 8

Page 80.

EXAMINED AND VERIFIED

Virginia,

County of Isle of Wight, in the Circuit Court thereof.

Julia Branch, an infant who sues by her grandfather,
Phenious Harris, her next friend,...Complainant,

vs) In Chancery,

Wilson Branch,.....Defendant.

** via which Julia Branch, an infant, who sues by her grandfather, Phenious Harris, her next friend, is complainant and Wilson Branch is defendant, and in which she is*

This cause came on this day to be heard on the

bill, and depositions of witnesses taken in connection
therewith, and was argued by counsel.

On consideration whereof, the Court being of
the opinion from the evidence taken in this cause, that
the said Wilson Branch, in total disregard and in viola-
tion of his marriage vows and obligations, has, since
inserted
and abandoned the said complainant
said marriage with the complainant, been guilty of the
~~offence of adultery~~; the Court doth adjudge, order and
decree that the marriage heretofore had and solemnized
between the *said* parties hereto shall be and the same is here-
by forever dissolved and the said complainant be forever
divorced from the defendant Wilson Branch. But neither
each after a month at two, and his
cause is retained in the docket for such other
party shall be permitted to remarry again for six months
or further relief as the complainant may be
from the date of this decree nor shall such bonds of matri-
entitled to
mony be deemed to be dissolved as to any subsequent mar-
riage to this decree until the expiration of the said six
months.

It appearing to the Court that the object for
which this suit was instituted has been accomplished
it is hence dismissed from the docket.

Proceeding against the defendant in the manner prescribed by law as to defendant's

Julia Branch, an infant etc.

v. In Chancery,

Wilson Branch,

Decree

Enter this.

1946
May 5
1946 Judge.

C. U. B. = 8

page 196.

E4V

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VA.
Julia Branch, an infant, who sues by Phenious Harris,
her grandfather and next friend,.....Complainant,

V.) In Chancery,

Wilson Branch,.....Defendant.

This cause came on this day to be again heard on the papers formerly read and on ^{the petition} application of the complainant to merge the decree from the bed and board heretofore granted her against the said defendant into a decree from the bonds of matrimony, and on the depositions of witnesses taken in connection therewith; due notice having been served by order of publication upon the defendant who failed to appear, plead, answer or demur, and was argued by counsel.

On consideration whereof; the Court being of the opinion from the evidence taken in this cause and in support of said ^{petition} application that three years have elapsed since the desertion and abandonment of the complainant by the defendant; that no reconciliation has taken place or is probable; and that the said separation has continued without interruption since the granting of the decree from bed and board, doth adjudge, order and decree that the marriage heretofore had and solemnized between the parties hereto shall be and the same is hereby forever dissolved and the said complainant be forever divorced from the defendant. But neither party shall be permitted to marry again for six months from the date of this decree, nor shall such bonds of matrimony be deemed to be dissolved as to any marriage subsequent to this decree until the expiration of the said six months.

It appearing to the Court that the object for which this suit was instituted has been accomplished, it is hence dismissed from the docket of this Court.

/

Julia Branch,, etc..

vs) Chancery. No. 356.

Wilson Branch, etc..

Memorandum.

Filed, Nov. 8th.1920.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF
WIGHT.

JULIA BRANCH, An infant, who sues by her Grand Father,
Phenious Harris, ~~her~~ next friend,.....PLAINTIFF,

Vs) IN CHANCERY,

WILSON BRANCH.

TO THE CLERK OF THE SAID COURT:

Please issue summons in chancery to the
first October Rules, 1920.

C. F. Whitley p.q.

WILSON BRANCH, resides at 515 19th Street,
Newport News, Va.,

County (~~WICH~~) ELIZ. CITY, VA.,

WILSON BRANCH, Husband

and } **Marriage License**

JULIA HARRIS, Wife

Date of Issue Feby 23, 1920.

Marriage Register No. 2 Page 39.

*Filed Feb 24/20
R. E. E. cl*



MARRIAGE LICENSE



Virginia..... ELIZABETH CITY 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,

WILSON BRANCH..... and..... JULIA HARRIS.....

Given under my hand, as Clerk of..... CIRCUIT..... Court of ELIZ. CITY..... County (or City) this
23..... day of..... February....., 19 20.....

H. H. HOLT..... 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 ELIZ. CITY, VA.,
Date of Marriage..... February 22, 1920..... Place of Marriage..... Eliz. City Co. Va.,

FULL NAMES OF PARTIES.

WILSON BRANCH..... and..... JULIA HARRIS.....

Age of Husband..... 21..... years; Condition (single, widowed or divorced)..... Single,

Age of Wife..... 21..... years; Condition (single, widowed or divorced)..... Single,

Race (White or Colored)..... Colored,..... FULL MAILING ADDRESS

Husband's Place of Birth..... Chicago, Ill..... Residence..... Hampton, Va.,

Wife's Place of Birth..... Hampton, Va.,..... Residence..... do.

Names of { Husband..... Sam..... and..... Minnie Branch

Parents { Wife..... Phenix,..... and..... Ella Harris,

Occupation of Husband..... Laborer U.S.G.

Given under my hand this..... 23..... day of..... February....., 19 20.....

H. H. HOLT..... Clerk.

Certificate of Time and Place of Marriage

I, REV. W. H. HARRIS..... a..... PASTOR..... of the..... FOUNTAIN BAPTIST,

..... Church, or religious order of that name, do certify that on the 23..... day of February....., 19 20.,
at Newport News....., Virginia, under authority of the above License, I joined together in the Holy State of Matrimony 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..... Newport News....., State of Virginia.

Given under my hand this..... 23..... day of..... February....., 19 20.....

Rev. W. H. Harris,

(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 28, pages 36 and 37).

A COPY TESTE:

CLERK. B. L. M. Gump &c

Certificate of Person Performing Marriage Ceremony

To be detached and delivered to the parties married.

I, Rev. W. H. Harris, a Pastor of the Ashtain
Baptist Church, or religious order of that name, do certify that on the 23 day of February 19 20
at Blupat, Virginia, under authority of a license issued by _____ Clerk of
_____ Court of Blupat County (or City), State of Virginia, dated the 23 day
of February 19 20, I joined together in the Holy State of Matrimony Willson Branch,
husband and Julia Harris, his wife.

Given under my hand this 23 day of February 19 20

Rev. W. H. Harris

(Person who performs ceremony sign here.)

Exhibit A.

IN THE CLERK'S OFFICE, OF THE
CIRCUIT COURT OF ELIZABETH
CITY COUNTY, VIRGINIA, JUNE
30th. A. D. 1921.

Lillian Moore Plaintiff
vs.

Culbert P. Moore.....Defendant
IN CHANCERY

The object of this suit is for the plaintiff to obtain from the defendant a divorce a vinculo matrimonii, upon the grounds of wilful desertion and abandonment.

It is ordered that the said defendant do appear here within ten days after publication hereof and do what may be necessary to protect his interest in this suit.

Teste:—H. H. HOLT, Clerk.
Geo. W. Fields p. q.

A Copy Teste:—H. H. HOLT,
Clerk

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

July 7th 1921.

Judge B.D.White,
Lynnhaven, Va.

Julia Branch vs. Wilson Branch.

Dear Judge:

I find a note among the papers in the above case in which you referred me to sec. 5708 and 6070 of the Code of Va. Your note also stated that the O.of P. should show that the defendant was a nonresident of Va., and that the affidavit was inconsistent on the ground that it stated that the last known P.O.A. of the defendant was Newport News, Va., and further stated that the defendant was a non-resident of the State of Va., I wish to say that sec. 5708 does not mention orders of publication nor divorces, and sec. 6070 provides how the order shall be published ect. but it does not provide nor anyother section of the C.V. as far as I have been able to find that the order of publication shall state that the defendant is a non resident, and I have attached hereto a copy of an order of publication, which is used in Hampton and Newport News which was followed in the above case verbatim. This short form cost about four dollars less than the form used in your court, and this is the reason I used this short form. As to the affidavit failing to show why the defendant is a non-resident after stating that his last known P.O.Address was Newport News, I do not believe that any one can say why he is a non-resident except himself or some of his close friends who would refuse to assist my client in this suit, and I have been unable to find any statute which provided that the plaintiff was required to do more than to file an affidavit showing that the defendant was a non-resident.

It does seem to me as your note stated that something had been left out, after the affidavit showed the defendant's last known address was Newport News, Va., and that he was a non-resident, but it is very probable that this could be true. My client had been advised and I have been advised that he had returned to ~~XXXXXXXXXXXXXXXXXXXX~~ N.C. but yet his last known address is Newport News, and I think I have complied with the statute on both of these points raised by the Court.

I am submitting herewith the whole record in the above case in order that you may reconsider the objections raised by you if you wish to do so.

I am sorry that we did not have time to go over the whole situation Tuesday at Isle of Wight,

I am,

Very truly yours,

C. F. Whitley