

1928 - 014

Bertha M. Hayes vs Robert D. Hayes

510

Isle of Wight
Chancery Causes

Other Surnames:
Bowden,
Brazwell

COMMONWEALTH ATTORNEY
FOR ISLE OF WIGHT COUNTY

GEORGE F. WHITLEY
Attorney at Law
SMITHFIELD, VIRGINIA

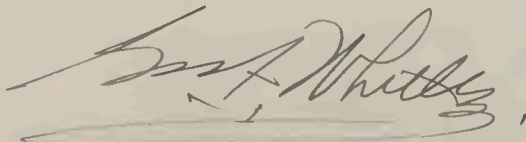
7/25/27.

Mr. R. A. Edwards,
Isle of Wight, Va.,

Dear Gus:

I am herewith enclosing bill to be filed in the
suit of Bertha M. Hayes, vs. Robert D. Hayes. Will you
please issue a certified copy of the marriage license
and file with this bill.

Yours truly

A handwritten signature in dark ink, appearing to read "G. F. Whitley", with a horizontal line underneath.

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,

Robert Donald Hayes and Bertha May Bowden.

Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this 2 day of November, 1923.

R. G. Edwards, Clerk.

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1919, 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

Date of Marriage November 3, 1923. Place of Marriage Isle of Wight Co.

FULL NAMES OF PARTIES

Robert Donald Hayes and Bertha May Bowden

Age of Husband 24 years; Condition (single, widowed or divorced) single

Age of Wife 24 years; Condition (single, widowed or divorced) single

Race (White or Colored) white

(PRESENT)

Husband's Place of Birth Cleveland Ohio Mailing Address Langley Field, Hampton Va.

Wife's Place of Birth Southampton Co. Va. Mailing Address Windsor Va.

Names of Husband Jno. S. Hayes and Annie May Hayes

Parents Wife R. M. Bowden and Annie S. Bowden

Occupation of Husband Carpenter, U.S. Army

Given under my hand this 2nd day of November, 1923.

a copy - J. G. Edwards, Clerk.

Certificate of Time and Place of Marriage

I, A. W. H. Jones, a minister of the Baptist

Church, or religious order of that name, do certify that on the 2nd day of November, 1923,

at home, 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 Fredericksburg, State of Virginia.

Given under my hand this 3rd day of November, 1923.

A. W. H. Jones

(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 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

County (~~or City~~) Ile of Wight

Robert D. Hayes
Husband

and { **Marriage License**

Bertha M. Borden
Wife

Date of Issue 11/2/23

Marriage Register No. 3 Page 606

Copy

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

Bertha M. Hayes-----Plaintiff,

VS.

Robert D. Hayes-----Defendant.

To the Clerk of the said court:

Issue summons in Chancery to 1st August Rules 1927.

 p.q.

Direct summons to Sheriff of
Isle of Wight County.

1
Bertha M. Hoyer
vs
Robert D. Hoyer

Memorandum

Filed 7-20-27

Dep-	8 ⁰⁰
	50
2d shift	<u>7.50</u>

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

Bertha M. Hayes.....Plaintiff.

VS: IN CHANCERY

Robert D. Hayes.....Defendant.

This cause, in which the defendant, Robert D. Hayes, has been proceeded against ^{in the manner provided by} according to law, ^{as to defendants whose place of residence is unknown, the diligence having been used to} ~~an~~ order of publication having been duly issued and ~~legally~~ published, came on this day to be heard on the bill of complaint and the exhibits filed therewith, and upon the depositions; ~~which have been duly and legally taken therein.~~

And it appearing to the Court;

FIRST. That the said Bertha M. Hayes and Robert D. Hayes were married on the 22d day of November, 1923, in the County of Isle of Wight, State of Virginia.

SECOND. That the said Bertha M. Hayes is domiciled in and is and has been an actual bona fide resident of the State of Virginia for at least one year next preceding the commencement of this suit.

THIRD. That the said Bertha M. Hayes and Robert D. Hayes last co-habited as man and wife in the said County of Isle of Wight.

FOURTH. That the said Robert D. Hayes has wilfully deserted and abandoned the said Bertha M. Hayes for a period of more than three years next preceding the institution of this suit, and that the said Bertha M. Hayes and Robert D. Hayes, have not at any time during the

in that County, it is the plaintiff's right, which is stated on the

said three years next preceding the institution of this suit, co-habited as man and wife:

On consideration whereof the Court doth adjudge, order and decree that the said Bertha M. Hayes and Robert D. Hayes, be divorced from the bond of matrimony, which was created by the aforesaid marriage; and the said marriage be, and the same is hereby dissolved, but neither of the parties hereto shall again marry within six months from the entry of this decree.

And there remaining nothing further to be done in this cause, the same is ordered to be stricken from the docket.

Bertha M. Hayes

Vs:

Robert D. Hayes

1928
Mar. 5
Enter this
R.D.H.

Decree.

Book 8 - page 435

copy to be sent - to
G.F.W.

THE SMITHFIELD TIMES

"One of Virginia's Leading Weeklies in the Circulation Field"

Smithfield, Virginia

TO WHOM IT MAY CONCERN:

I, Percy N. Bristow, editor of the Smithfield Times, a weekly newspaper, published at Smithfield, in the County of Isle of Wight, State of Virginia, do hereby certify that the order of publication of Hayes vs. Hayes appeared for four consecutive issues in the above named paper in its issues of August 12, ~~and~~ 19, and 26th and September 2nd, 1927.

Signed *Percy N. Bristow*
Editor the Smithfield Times.

VIRGINIA: In the Clerk's Office of the Circuit Court of the County of Isle of Wight August 6th, 1927.

Bertha M. Hayes, ---- Plaintiff
VS In Chancery Robert D. Hayes, ---defendant The object of this suit is for the plaintiff to obtain from the defendant a divorce a vinculo upon the ground of wilful desertion and abandonment.

It is ordered that the said defendant do appear here with in ten (10) day after publication hereof, to do what is necessary to protect his interest in this suit.

TESTE:

R. A. Edwards, Clerk.
Geo. F. Whitley, p. q. §

Hay
510
Hay. ~~~~~

Printers certificate
on order of publication.

Filed Sept. 7th 1927

R. G. Edwards
Ch.

PHONE 33

The Artcraft Corporation

for "REAL GOOD PRINTING"

134 South Main Street

SUFFOLK, VA.

Chg Suit.

1 Day & 1 Day.

3/5/128

Chg Copy Draw .75

VIRGINIA: In the Clerk's Office of the Circuit
Court of the County of Isle of Wight.

August 6th - 1927.

Bertha M. Hayes,-----Plaintiff

VS In Chancery

Robert D. Hayes,-----Defendant.

The object of this suit is for the plaintiff to obtain from the defendant a divorce a vinculo upon the ground of willful desertion and abandonment.

It is ordered that the said defendant do appear here within ten (10) days after publication hereof, to do what is necessary to protect his interest in this suit.

TESTE:

R. A. Eason Clerk.

Geo. F. Whitley, p.q.

Aug 6, 1927

Left at 11:00 AM. Arrived at 1:00 PM.
The morning was very hot and sunny.
The afternoon was cooler and cloudy.

Spent the day at the beach.
The children were very happy.
We had a picnic under a big tree.

Everything was very nice.
The food was delicious.
We had a very good time.

The children were very tired.
They went to bed early.
We had a very good night's sleep.

Everything was very nice.
The food was delicious.
We had a very good time.

The children were very tired.
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We had a very good night's sleep.

VIRGINIA: In the Clerk's Office of the Circuit Court
of the County of Isle of Wight.

August 6th 1927.

Bertha M. Hayes,-----Plaintiff,

VS. InChancery

Robert D. Hayes,-----Defendant.

The object of this suit is for the plaintiff
to obtain from the defendant a divorce a vinculo upon the
ground of willful desertion and abandonment.

It is ordered that the said defendant do appear
here within ten (10) days after publication hereof, to do
what is necessary to protect his interest in this suit.

TESTE:

R. A. Edwards Clerk.

Geo. F. Whitley, p.q.

VIRGINIA: IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE
OF WIGHT, AUGUST 6th 1927.

I, R. A. Edwards, Clerk of the Circuit Court of the County aforesaid, do
hereby certify that the foregoing order of publication was this day filed
in my office, a copy posted at the front door of the Court House of this
County, and a copy mailed to the Smithfield Times, a newspaper having gen-
eral circulation in said County, for publication as the law directs.

The last known Post Office address of the defendant herein being un-
known, as set forth by affidavit, a copy of this order could not be mailed
to the defendant.

R. A. Edwards
Clerk.

Office Copy
Order of Publication

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT,
VIRGINIA:

Bertha M. Hayes-----Plaintiff,

vs.

Robert D. Hayes-----Defendant.

The depositions of Robert M. Bowden, Nannie L. Bowden and N. T. Brazwell, taken before me, A. S. Barrett, a Notary Public for the County of Isle of Wight, at the office of Geo. F. Whitley, in the Town of Smithfield, Virginia, on the 1st, day of October 1927, between the hours of 10 o'clock A. M. and 6 o'clock P. M. to be read in evidence in behalf of the plaintiff in a certain suit depending in the Circuit Court of the County of Isle of Wight, wherein Bertha M. Hayes, is plaintiff and Robert D. Hayes, is defendant.

Present : Geo. F. Whitley, Counsel
for plaintiff.

24-29
Robert M. Bowden, being duly sworn, deposes and says as follows.

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

A. Robert M. Bowen, 59, farmer, live in Isle of Wight County.

Q. Do you know Bertha M. Hayes, and Robert D. Hayes? If so how long have you known them.

A. I have been knowing Bertha all her life, she is my daughter. I did not know Robert but a little while before they were married.

Q. You say they were married. When were they married?

A. They have been married four years next November, were married November 1923.

Q. Where were they married?

A. Right at my house here in this County, near Windsor.

Q. Are they living together as man and wife now?

A. No sir, he left Bertha, in about a month after they were married, and he has not been seen or heard from since

Q. Where did they live after they were married?

A. They lived in Norfolk, a while, and then they came back to my home and was there a while, and then he left and I do not know where he is now.

Q. How long has Bertha M. Hayes been living in the State of Virginia.

A. All of her life.

Q. Where has she been living since her husband left her?

A. She has been living right there at my house.

Q. Have they lived together as man and wife since he left.

A. No, he has not been back.

Q. Who has been taking care of her since he left?

A. I have. He has never given her a cent.

And further this deponent sayeth not.

Robert M. Bowden

Nannie L. Bowden, being duly sworn, deposes and says as follows:

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

A. Nannie L. Bowden, 49, house wife, Isle of Wight County.

Q. Do you know Bertha M. Hayes and Robert D. Hayes, if so how long have you known them?

A. Been knowing Bertha all her life she is my daughter, have been knowing Robert but a short time.

Q. Are they married? and if ^{so} when were they married and where?

A. Yes sir, they were married about four years ago, at our house in this County.

Q. Are they now living together?

A. No sir, he left her a short time after they were married, the same year. They were married in November and he left her before Christmas, yes it was the day before Thanks-giving.

Q. Where has she been living since he left her.

A. Right there with us in this County near Windsor.

Q. Do you know where he is now.

A. No sir that I dont.

Q. Have they lived together as man and wife since he left her?

A. No sir, she has been living with us all the time and he has not been back.

Q. Why did he leave her.

A. I do not know, he just went away. I am satisfied that it was not on account of any thing she had done. It looks like he just wanted to get clear of her.

And further this deponent saith not.

Nannie L. Bowden

N. T. Brazwell, being duly sworn, deposes and says as follows:

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

A. N. T. Brazwell, 47, farmer, and live in this county.

Q. Do You know Bertha M. Hayes, and Robert D. Hayes?

A. I know Bertha, and have been knowing her about 20 years. I have never met Hayes.

Q. Do you live near Mrs. Hayes, if so how long?

A. I have been living near Bertha, fifteen years or more.

Q. Where has she been living for the last four or five years?

A. Right there with her father and mother, about three miles from Windsor, and the same didtance from me.

Q. Has she lived with Robert D. Hayes for the past three years?

A. I do not think so he left soon after they were married and went away and I have never heard of him being back.

Q. Do you know why he left her?

A. No I do not. She is a mighty nice girl, and I believe would make any man a good wife.

And further this deponant saith not.

Witness:

A. S. Barnett

TTT N. T. ^{hus} Brazwell
mark

State of Virginia,

County of Isle of Wight, To-wit:

I, A. S. Barrett, a Notary Public in and for the
County of Isle of Wight, in the State of Virginia, do
hereby certify that the foregoing depositions of Robert
M. Bowden, Nannie L. Bowden, and N. T. Brazwell, were duly
taken, sworn to and subscribed before me at the place and
time mentioned therein and ⁱⁿ the caption thereto.

In witness whereof, I have hereto set my hand this
1st, day of October 1927.

A. S. Barrett
Notary Public.

My commission expires on the 16th day of July 1931

Bertha M. Hayes,

vs) In Chancery

Robert D. Hayes.

Depositions.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

State of Virginia,

County of Isle of Wight, to-wit:

This day personally appeared, Bertha M. Hayes, before me S. T. Holland, a Notary Public in and for the County of Isle of Wight, State of Virginia, in my County aforesaid, and made oath that diligence has been used by the said Bertha M. Hayes, to ascertain in what county or corporation ^{is} Robert D. Hayes, without effect, and that the last post office address of the said Robert D. Hayes, is unknown.

Given under my hand this 30th day of July 1927.

S. T. Holland
Notary Public.

My Commission expires on the 5th day of Nov 1927

Hoyer
vs
Hayer

Affidavit

8-1-27

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon **Robert D. Hays,**

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 **First** Monday in **August**, 192**7**,
to answer a bill in chancery, exhibited against **him**
in our said Court by **Bertha M. Hays,**

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this **20th**
day of **July**, 192**7**, and in the **152nd** year of the
Commonwealth.

R. A. Edwards Clerk.

Bertha M. Hays,

vs. } CHANCERY NO.

Robert D. Hays,

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

Returned, entered and filed. , 19

Teste: Clerk

To 1ST AUGUST Rules

19 27

George F. Whitley, p. q.

Subpoena fee paid by Clerk

after careful inquiring and diligent search I do not
find Robt. D. Hays in my County, nor do I believe that
he can be found in said County.
H. H. Chapman, Sheriff.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon **Robert D. Hays,**

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 **First** Monday in **August**, 192**7**,
to answer a bill in chancery, exhibited against **him**
in our said Court by **Bertha E. Hays,**

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this **20th**
day of **July**, 192**7**, and in the **152nd** year of the
Commonwealth.

R. A. Edwards Clerk.

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

Bertha M. Hayese,-----Plaintiff,

VS)

Robert D. Hayes-----Defendant.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT FOR
THE COUNTY OF ISLE OF WIGHT.

Your complainant, Bertha M. Hayes, respectfully
represents:

That on the 2nd. day of November 1923, your com-
plainant, whose maiden name was Bertha M. Bowden, was
lawfully married, in the County of Isle of Wight, State
of Virginia, to Robert D. Hayes, as will appear from
a certified copy of the marriage license herewith filed,
marked "Exhibit A", and made a part of this bill; and,

That your complainant and the said Robert D. Hayes,
lived together as man and wife in the County of Isle of
Wight, from the date of said marriage until the 22nd, day
of November 1923; and,

That the said Robert D. Hayes, has wilkfully deserted
and abandoned your complainant for a period of more than
three years next preceeding the institution of this suit;
that is to say, during the month of November 1923, the
said Robert D. Hayes, did voluntarily, wilfully and without
any justification whatever, leave your complainant; and that
your complainant has not seen or heard from said defendant
since said desertion and abandonment; and,

That your complainant has resided and has been dom-
iciled in this State ever since the aforesaid marriage

and is domiciled in and is and has been an actual bona fide resident of the State of Virginia for at least one year next preceeding the commencement of this suit;and,

That your complainant/^{last}cohabited with the said Robert D. Hayes, in the County of Isle of Wight, State of Virginia.

In consideration whereof and forasmuch as your complainant is remediless in the premises save in a Court of equity, this complainant prays that the said Robert D. Hayes, may be made a party defendant to this bill, and required, but not under 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 her; and that your complainant may have all such further, and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

And your complainant will ever pray etc.

Geo. F. Whitley.
Counsel.

Bertha M. Hoyer
By Counsel

540

Bertha M. Hayes.

VS) Bill

Robert D. Hayes.

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.