

1914-016
Nansemond Co(Suffolk) Chancery Causes: Iona H. Aters vs Alvin E. Aters

Holland, Williams, Butler, Reid

To Geo . E. Bunting, Esq., Clerk of the Circuit Court
of Nansemond County.

Iona H. Aters.....Complainant,

Against: INCHANCERY

Alvin E. Aters.....Defendant .

Issue summons to Second (Third Monday) Rules
in April, 1914.

Everett Whittey

Check \$7.50

Send summon to Wm. C. Gill, Beach, Va. Chesterfeild County

Deposit 750

Genl Apr. 14, 1844.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

Chesterfield
TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.....Alvin E.Aters,.....

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the
said Court, on the....Third....Monday in....April..1914., to answer.....a.....Bill in
Chancery, exhibited against.....him.....
in the said Court by....Iona H.Aters.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this....14th,.....day of
....April....., 1914., in the 13.8....year of the Commonwealth.

A copy ~~Teste:~~

Clerk.

Teste:

G. E. Bunting, Clerk.

Shapps on said)

.....*Wm C Gill*..... Sheriff.
of Chesterfield Co. Va

..Everett. & Hutton,....., p. q.

Ionă H. Aterș.

vs. In Chancery.

Alvin. E. A. ters..

1974...

April.....Rules.

.....Third.....Monday.

NANSEMOND COUNTY COURT,

Process Book, No...3...

Page...122

Iona H. Aters.....Complainant.

vs.

Alvin E. Aters.....Defendant.

TO ALVIN E. ATERS:

Take notice that I shall, on the 14th. day of May, 1914, at the law office of Bradford Kilby, Suffolk, Virginia, between the hours of 10-30 A. M. and 4 P. M., on that day, proceed to take the depositions of Iona H. Aters, J. R. Holland, Mr. T. L. Butler, Mrs. T. L. Butler and others, to be read in evidence in my behalf, in a certain cause depending in the Circuit Court of Nansemond County, wherein you are defendant and I am Complainant, and if from any cause the taking of said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued 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 5th. day of May, 1914.

Iona H. Aters,

By Everett & Sutton, her attorneys

Executed in the County of Chesterfield the 6th day of May 1914
by going to the usual place of abode of the within named
Alvin E. Sturs, and not finding him, nor his wife, nor any
other person there a murderer of his family, I posted a
copy of the within Notice on the front door of the said
usual place of abode of the said Alvin E. Sturs. the
said 6th day of May 1914

Wm. C. Lill, Sheriff
of Chesterfield Co. Va.

Sheriff's fee paid

Original

The depositions of Charles L. Williams and others, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, pursuant to notice hereto annexed, at the office of S.E. Everett, Attorney, in the City of Suffolk, Virginia, on the 14th. day of May 1914, between the hours of 10:³⁰A.M. and 5.P.M. to be read as evidence in behalf of Iona H. Aters in a certain suit in equity depending in said court wherein Iona H. Aters is Complainant and Alvin Aters is Defendant.

Present: S.E. Everett and John K. Hutton, Attorneys for the Complainant.

Charlie L. Williams being duly sworn deposes as follows:

Q. Give your name, age, residence and occupation.

A. Charlie L. Williams, 49 years old, Suffolk, Virginia, and manager Lipman's Clothing Company.

Q. Mrs. Iona H. Aters has brought suit against her husband asking for divorce, absolute, Will you state Mr. Williams if you know Mrs. Aters?

A. I have been knowing Mrs. Aters and her husband about five years. They have traded with me at the store, and I have always known her as holding the best reputation. I have never heard anything against her.

Q. Do you know why they separated?

A. No sir, I do not.

Q. Did you ever hear of any unpleasantness existing between her and her husband.

A. Never.

Q. Are you surprised to hear of this?

A. I certainly am, I never heard anybody mention it, I would as soon heard of any other married couple separating as these.

Q. Mr. Williams do you know Mrs. Aters occupation?

A. School teacher. She is teaching school, and has been around the county for five or six years, and she stands well everywhere she goes. I have never heard anything but that she stood the best and highest everywhere she has ever been, in fact the highest.

And further this deponent saith not.

Charles L. Williams

Mrs. Iona H. Aters being duly sworn deposes as follows:

Q. Give year name, age, residence and occupation.

A. Iona H. Aters, 37 years old, Elwood, Virginia, and school teacher.

Q. Are you the complainant in this case?

A. Yes.

Q. Are you and your husband living together?

A. No.

Q. How long have you been separated?

A. Four years last April, 1910.

Q. Have you lived together since that time?

A. No sir.

Q. Where were you living when you separated?

A. At Elwood, Virginia.

Q. With whom?

A. We were boarding with Mrs. T. L. Butler.

Q. What was your husband's occupation at this time?

A. He was in the lumber business at that time.

Q. Please state how the separation came about?

A. He left as he usually did, giving me no intimation that he was going to leave or intended to do so, just simply deserted me without telling me about it.

Q. Did you ever write to him after he left you there?

A. I think I did once or twice.

Q. Did you ever get any letters from him after he left you?

A. No, not until recently.

Q. Have you any letters with you?

A. I have not.

Q. What did he have to say, did he make any promises as to whether he would come back or not?

A. No, I think he rather inferred that he would not. Of course he didn't say so in that many words, but I took it that way. that I would have to look after myself.

Q. Did you give him any cause in any way to desert you?

A. None whatever.

Q. While he was with you was he kind, so kind that it came as a surprise?

A. He was always kind and good to me.

Q. You have no complaint to make except that he has just refused to stay with you and deserted you.

A. Just willful desertion. There was never any crossness between us that I know of.

Q. How old a man is Mr. Aters?

A. I do not know his age. He is several years younger than I am, but I do not know his exact age.

Q. How long have you been living in this county?

A. For seven years. I was living here when I was married.

Q. How long did you live in this county before your husband deserted you?

A. The second year I was here teaching was when he deserted me.

Re-called by the Commissioner.

Q. Are you acquainted with your husband's whereabouts?

A. Yes, he is located at Beech, Chesterfield County, Virginia.

Q. Has he ever asked you to come and live with him at his present location?

A. No sir.

Sona Halland Aters

Mrs. T. L. Butler being duly sworn deposes as follows:

Q. Give your name, age, residence and occupation.

A. Mrs. T. L. Butler, 44 years old, Elwood, Nansemond County, Virginia, and house-keeper.

Q. Mrs. Butler, do you know Mrs. Aters, and how long have you been knowing her?

A. I have been knowing her for seven years, she has been boarding with me going on seven years.

Q. Do you know Mr. Aters?

A. Yes sir.

Q. Was he boarding with you?

A. Yes, he did board with me a while in the summer vacation.

Q. His business was not there all the time?

A. No sir.

Q. As I understand he was in and out?

A. Yes sir.

Q. Do you know Mrs. Butler as to whether they are now living together or not?

A. I do not think so, I would not consider it that way.

Q. Has she been boarding with you for the last four or five years?

A. Yes sir.

Q. Have they been living together within the last four years?

A. No sir.

Q. Do you know which one deserted the other?

A. Mr. Aters left Mrs. Aters.

Q. Did he leave her at your home?

A. Yes sir.

Q. Could you give us the reasons why he should have left?

A. I could not, I do not know any reasons why he should have left.

Q. Were you in a position to know if any unpleasantness had existed between them?

A. I think so.

Q. Did you ever know of any unpleasantness between them whatever?

A. No sir.

Q. Did his failing to return surprise you?

A. Yes sir.

Q. Did you ever get any reasons from him or any of his people why he did not return?

A. No sir.

Q. As I understand he left without any excuses and as far as you know he never gave any?

A. Yes sir.

Q. Has he ever returned during this period of four years?

A. No, he has never come back.

Q. Have they any children?

A. None at all.

And further this deponent saith not.

Mrs J. L. Butler.

Mr. T. L. Butler being duly sworn deposes as follows:

Q. Give your name, age, residence and occupation.

A. T. L. Butler, 45 years old, Elwood, Nansemond County, Virginia, Merchant.

Q. Mr. Butler do you know Iona H. Aters, the complainant in this suit?

A. Yes sir.

Q. Does she live in your community?

A. Yes sir.

Q. Do you know Alvin Aters, the defendant?

A. Yes sir.

Q. Have you known Mr. and Mrs. Aters ever since they were married?

A. Yes sir.

Q. Are they now living together?

A. No sir.

Q. Does Mr. Aters live in your community or has he left?

A. He has left, and is not living in my community.

Q. Do you remember about when he left?

A. Yes sir.

Q. When was that?

A. As well as I remember it was in April, 1910.

Q. Have you seen Mr. Aters since?

A. No sir.

Q. Do you know whether or not he has been back in that community since?

A. No sir, he has not been back.

Q. Do you know whether or not Mr. Aters deserted and abandoned his wife Mrs. Aters?

A. Yes sir, I know he deserted her, and the last time he was to see her she was boarding at my home, and after that a while she was very sick, and I wrote Mr. Aters that his wife was sick and wanted to see him, and he never came and did not reply to the letter.

Q. Was Mrs. Aters content to live with him?

A. As far as I know. I never heard of any trouble. She was teaching

school and boarding in my home with us, and the last time he came to see her they seemed to be very pleasant together, and I never heard of any trouble.

Q. Do you remember when they were married?

A. No sir, I do not.

And further this deponent saith not.

J. L. Butler

Mr. J. M. Reid being duly sworn deposes as follows:

Q. Give your name, age, residence and occupation.

A. J. M. Reid, 39 years old, Nansemond County, Virginia, and farmer.

Q. Mr. Reid do you know the parties to this suit?

A. Yes sir.

Q. Does Mrs. Iona H. Aters live in your neighborhood?

A. Yes she does now.

Q. Have you known her ever since her marriage to Alvain Aters?

A. Yes, and long before.

Q. Do you know whether or not Mr. Aters abandoned and deserted Mrs. Aters?

A. Yes sir, he did.

Q. Did he leave the community entirely?

A. Yes sir.

Q. Do you know about when that was?

A. I do not recollect exactly.

Q. Has it been as much as three years?

A. Yes, about three or four years.

Q. Have you seen Mr. Aters since?

A. No sir.

Q. Has he been back to that community?

A. No, I think not.

Q. Was Mrs. Aters, so far as you know, content to live with her husband?

A. Yes sir.

Q. Did Mr. and Mrs. Aters live together continuously in your neighborhood from the time they married to the time they separated?

A. Yes.

And further this deponent saith not.

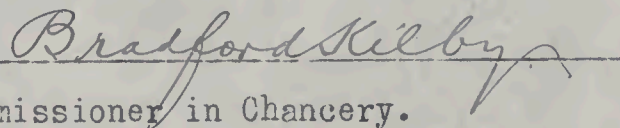
J. M. Reid

Virginia,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County in the State of Virginia, do hereby certify that the foregoing depositions of Charles L. Williams, Iona Holland Aters, Mrs. T.L. Butler, T.L. Butler and J.M. Reid, were duly taken, sworn to and subscribed before me, at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this 14th. day of May 1914.


Commissioner in Chancery.

Comr's fee: \$5.

Aters }
v. } In Chancery
Aters }

Depositions.

Filed May 10,
1914
U. G. Bonting,
Clerk

Iona H. Aters.....Complainant.

vs. Decree

Alvin E. Aters.....Defendant.

This cause, in which process has been duly served on Alvin E. Aters and he still failing to appear and plead, answer or demur, came on this day to be heard on the bill, and depositions, taken on the 14th. day of May, 1914, before Bradford Kilby, a Commissioner in Chancery, and filed on behalf of the complainant as of said date, and was argued by counsel.

On consideration whereof, it appearing to the Court that the said parties were lawfully married; that the said defendant has abandoned the said complainant; that a period of more than three years has elapsed since the said abandonment; that both complainant and defendant were domiciled in this State for more than one year next preceding the commencement of this suit, and that the said complainant and defendant last cohabited in the County of Nansemond, the Court doth adjudge, order and decree, that the said Iona H. Aters and Alvin E. Aters be divorced from the bond of matrimony, which was created by the aforesaid marriage, and that the said marriage be and the same is hereby dissolved and annulled.

And it is ordered that the said Alvin E. Aters shall pay unto the

said Iona H. Aters the sum of ~~the sum of \$~~ *together with the sum of \$50, as attorney fee for complainant's counsel, which* her cost in this behalf expended, and nothing further remaining to be done in this suit, *

it is ordered that the same be stricken from the docket.

** amount together with the costs of the Court as taxed by the clerk shall have the force and effect of a judgment against the defendant, and be entered up as a judgment by the said clerk against the said defendant.*

Iona H. Aters

vs. Decree

Alvin E. Aters

Enter this 16 day of May,
1914.

James M. Lmore

Entered in Chancery Order

Book, No. 4, Page 646.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CERCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Iona H. Aters.....Complainant.

vs. In Chancery.

Alvin E. Aters.....Defendant.

Your complainant, Iona H. Aters, respectfully represents:

That on the 4th. day of July, 1908, your complainant, whose maiden name was Iona Holland, was lawfully married at Edenton, in the State of North Carolina, to Alvin E. Aters, as will appear from a certificate of marriage herewith filed, marked "Exhibit A" and made a part of this bill; that continuously from the date of said marriage until the 4th. day of April, 1910, your complainant and the said Alvin E. Aters lived together as husband and wife in Nansemond County, Virginia; that the said Alvin E. Aters has wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, on the 4th. day of April, 1910, the said Alvin E. Aters did, voluntarily, wilfully and without any justification whatever desert and abandon your complainant; 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 this suit, and is domiciled and now resides in this State; that your complainant last cohabited with the said Alvin E. Aters in Nansemond County, Virginia.

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 Alvin E. Aters may be made party defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed your complainant; that the said Alvin E. Aters be required to furnish your complainant with sufficient money to prosecute this suit and to employ counsel therefor; that the said Alvin E. Aters be required to pay your complainant temporary alimony pending this suit; that it be decreed that the said Alvin E. Aters shall

pay to your complainant as permanent alimony, annually, so long as both your complainant and the said Alvin E. Aters shall live such sums of money as to the Court may seem right and proper; that proper process issue; and that your complainant may have all such further, other and general relief in the premises as the nature of her case may require or to equity shall seem meet.

Iona H. Aters

Complainant.

Everett Mutton

Counsel.

State of Virginia,

County of Nansemond, to-wit:

Iona H. Aters, the Complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information she believes them to be true.

Iona H. Aters.

Complainant.

Taken, sworn to and subscribed before me, Y. L. Butler
of Nansemond Co., a Justice of the Peace of and for the
County and State aforesaid, in my County aforesaid, this 22
day of April, 1914.

Y. L. Butler J.P.

Bill of Complaint

Iona H. Sters

vs. In Chancery

Alvin E. Sters

*Filed Apr. 20,
1914.*

H. E. Proctor

EVERETT & HUTTON

ATTORNEYS AT LAW

SUFFOLK, VA.

CLERK'S NOTES:

Iona H. Aters,

Plft.

V. In Chancery.

Alvin T. Aters,

Deft.

Process issued April 14, 1914, returnable to April Rules, 3rd, Monday 1914.

*Apr. 20, 1914 .. returned ex scutis, bill filed & decree nisi
May 20. .. Decree nisi confirmed & cause set for
hearing.*

Rule Notes.

Errett & Hutton, D. J.

Gora H. Ather.

V.

Chomsey

Alvin E. Ather

Final Record
entered May 15, 1909

Costs.

Writ Tax

1.50

Clark

4.58

Sheriff

2.00

Atty. (allowed by Court)

50.00

57.08

Comm.

5.00

62.08