

1921-011  
Nansemond Co (Suffolk) Chancery Causes: Howard Lowe vs Josephine Mayfield Lowe

Mayfield, Macon, Downing

IN THE CIRCUIT COURT OF THE COUNTY OF MANSEMOND:

HOWARD S. LOWE.....COMPLAINANT.

vs. MEMORANDUM

JOSEPHINE MAYFIELD LOWE.....DEFENDANT.

To the clerk of said Court:

Please summon defendant for complainant to  
SECOND March (1921), Rules, in Chancery.

        Hugh A. Holland          
P. Q.  
Rule Files:

Mar. 5, 1921, process issued returnable to  
March Rules, Third Monday, 1921.

HOWARD S. LOWE...COMPLAINANT.

vs. MEMORANDUM

JOSEPHINE MAYFIELD LOWE..  
DEFENDANT.



CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF <sup>Nansemond</sup> NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon Josephine Mayfield Lowe

-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----

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 March, 1921, to answer a

Bill in Chancery, exhibited against her

in the said Court by Howard S. Lowe

-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----  
-----

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 5th day of

March, 1921, in the 145th year of the Commonwealth

~~A Copy~~ Teste:

}  
Clerk

Teste:  
*G. E. Bunting*

Clerk

*Original*

Hugh L. Holland, ----- p. q.

Howard S. Lowe -----

vs. } In Chancery

Josephine Mayfield Lowe -----

19 21 -----

March ----- Rules

Third ----- Monday.

NANSEMOND COUNTY COURT.

Process Book, No. 3 -----

Page -----

in person in the County of Nansemond State of Virginia.

Southampton

*W. S. Longmire*

Sheriff

Executed this 10th day of March, 1911, by delivering a true copy of the with-  
in process to Josephine Mayfield Lowe, in person, -----

TO JOSEPHINE MAYFIELD LOWE:

Take notice that on the 31st day of March, 1921, at the office of Hugh L. Holland, in the American Bank & Trust Company Building, in the City of Suffolk, Virginia, between the hours of 10 A.M. and 5 P.M. of that day, I shall proceed to take the depositions of Howard S. Lowe and others to be read as evidence in my behalf, in a certain suit in equity, depending in the Circuit Court of the County of Hanover, Virginia, wherein I am complainant, and you are defendant; and if from any cause the taking of said depositions be not commenced, or if commenced, be not concluded, on that day, the taking thereof will be adjourned from time to time, at the same place and between the same hours, until the same shall be completed.

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

Howard S. Lowe

BY Hugh L. Holland  
His attorney.



HOWARD S. LOWE.....COMPLAINANT

VS. NOTICE OF TAKING DEPOSITIONS

JOSEPHINE MAYFIELD LOWE .....  
DEFENDANT

"ORIGINAL"

Executed in Southampton County Virginia, this 10th,  
day of March 1921, by delivering a true copy here-of, to  
Josephine Mayfield Lowe, in person.

*D. S. Higgins*  
\_\_\_\_\_  
D. S. Higgins, Sheriff.



# MARRIAGE LICENSE



Virginia Southampton 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.

Howard Lowe and Josephine Mayfield

Given under my hand, as Clerk of Circuit Court of Southampton County (or City) this 2<sup>nd</sup> day of April, 1917.

H. B. McDemore 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 Southampton  
Date of Marriage 1917 - April 8<sup>th</sup> Place of Marriage Southampton Co

### FULL NAMES OF PARTIES.

Howard Lowe and Josephine Mayfield

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

Age of Wife 18 years; Condition (single, widowed or divorced) "

Race (White or Colored) Col. FULL MAILING ADDRESS

Husband's Place of Birth N.C. Residence Suffolk Va.

Wife's Place of Birth N.C. Residence Southampton Co.

Names of Husband Charles and Gusie Lowe

Parents Wife H. and Cuba Mayfield

Occupation of Husband Public work

Given under my hand this 2<sup>nd</sup> day of April, 1917. H. B. McDemore Clerk.

## Certificate of Time and Place of Marriage

I, W. S. Scott, a minister of the Christian

Church, or religious order of that name, do certify that on the 8<sup>th</sup> day of April, 1917, at Southampton Co., 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 \_\_\_\_\_, State of Virginia.

Given under my hand this 7<sup>th</sup> day of May, 1917.

W. S. Scott

(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 - sent to H. B. McDemore, Clerk  
by: P. M. Will



---

County (or City) Southampton

Howard Lowe Husband

and } **Marriage License**

Josephine May Wife

Date of Issue 1917-April 2

Marriage Register No. .... Page 571

---

The depositions of Luzie<sup>A.</sup>/Lowe, Howard Lowe, Lillie Macon and Louise Downing were taken before me, William S. Holland, a Notary Public, in and for the City of Suffolk, State of Virginia, on the 31st day of March, 1921, between the hours of 10 A. M. and 5 P. M. of that day, pursuant to due notice to defendant served in person as shown by annexed notice, according to law, to be read as evidence on behalf of the plaintiff in a certain suit in equity pending in the circuit court of the City of Suffolk, State of Virginia, wherein Howard Lowe is the complainant and Josephine Mayfield Lowe is defendant.

PRESENT:

Hugh L. Holland, counsel for plaintiff.

The defendant did not appear either in person or by counsel.

A.

Luzie/Lowe being duly sworn deposes as follows:

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

A. Luzie/<sup>A.</sup>Lowe, age 43, I live over here in East Suffolk, in Nansemond County, near Suffolk, Virginia, my work is housekeeper.

Q. Please state whether you know Howard Lowe and Josephine Mayfield Lowe, and if so, how long you have known each of them.

A. Yes, sir, I knows them, I been knowing Howard Lowe all his life and I been knowing Josephine ever since she was a small girl and she is about twenty-two years old now.

Q. About how far did you live from them when they were living together as husband and wife in East Suffolk, near Suffolk, Virginia, in Nansemond County.

A. I lived in the same house with them.

Q. Please state how well you are acquainted with them.

A. I know them very well indeed, I know them as well as I know anybody, I been knowing Josephine since she was a small girl and I been knowing Howard all his life. I lived right there in the same house with them, I lived upstairs and they lived downstairs I saw them in and out all day long. We saw a heap of each other I went to see them and they come up to see me.

Q. Please state whether they are living together now.

A. No, they are not.

Q. Which one left the other and when.

A. She left him in July, 1917.

Q. Have they lived together as husband and wife since that time.

A. No, sir.

Q. Please state the circumstances of her leaving and whether she



had any cause to leave.

A. No indeed she did not have any cause to leave, none at all, she was just tired of married life and was tired of Howard and wanted to get away and do like she please, Josephine told me several times before she left that she was going to leave Howard and was never coming back any more to him, the very day she walked out and left she told me that she was gone for good and was never coming back to her home again, she had been telling me for about a month that she was going away, she said that she was tired of living with Howard and did not want him any more, yes, indeed, she had made up her mind to leave Howard, I could see that plain, and nothing could stop her when she set her head to a thing, I could see with my own eyes that she was tired of living with her husband, I tried to reason with her and persuade her not to act like she did, I told her that she had a good husband and that she ought to appreciate him better, but she said yes, I am going away, I am tired of all this, and I am never coming back any more, she told me this the day she left. From what I could see she was hard to get along with and she did not have any patience with her husband, I never had any words with her, she was always real nice to me, but I could see how things was going, she got so she would not do a thing for her husband, when he would come in, she would let him go and wait on his self and do the best he could, she seemed to be mighty dissatisfied for several weeks before she left, and did all she could to make things disagreeable and unpleasant for her husband, she had just simply got tired of him and wanted to leave which she finally did. About a week before she left he come in one morning and asked her



to press his pants for him and she hauled off and hit him, I saw her, he did not touch her, he tried to quiet her. No he certainly did not give her any cause to leave as far as I could see, he took good care of her, and give her what she wanted, he was really too good to her, she did not appreciate him like she should ought, he made good wages and she did not have to strike a lick of work, she did not even wait on him, she made him wait on his self, she did not have any cause to leave and if she had done her part as a wife I don't think there would been any difference between them.

Q. Please state what kind of a husband Howard Lowe made his wife, Josephine Mayfield Lowe, as far as you know.

A. Well, like I done said, he made her a mighty good husband, he was good to her, took good care of her, give her most every thing she wanted or said she wanted, he was a nice smart man and did not throw his money away, he made good wages, he had a nice room for her and give her plenty to eat and wear and she did not have to work, yes, sir, as far as I could see and tell, he was mighty nice to his wife.

Q. Would you have known of any cause that he gave his wife to leave.

A. Yes, sir, I am sure I would, I lived in the same house, and I would been bound to found it out, if he had given her any cause to leave.

Q. Where does Josephine Mayfield Lowe live now.

A. I don't know, I have been told that she went back to her people in Southampton County, between Newsoms and Courtland.

Q. Where does Howard Lowe <sup>live</sup> now.

A. He lives in East Suffolk, on Norfolk Road in Nansemond County, near Suffolk, Virginia.

Q. Where were Howard Lowe and Josephine Mayfield Lowe, his wife, living at the time they separated.

A. on 4th street in East Suffolk, Nansemond County, near the City of Suffolk, Virginia.

And further this deponent saith not.

Luzie A Lowe



Howard Lowe being duly sworn deposes as follows:

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

A. Howard Lowe, age 24, I live over in East Suffolk on Norfolk Road, near Suffolk, Virginia, in Nansemond County.

Q. Are you the complainant in this suit.

A. Yes, sir.

Q. Please state whether you and your wife, Josephine Mayfield Lowe are living together now.

A. No, sir, we are not.

Q. Which one left the other and when.

A. She left me in July, 1917.

Q. Please state the circumstances of her leaving and whether you gave her any cause to leave.

A. Well, it was on one Monday morning about the middle of July, 1917, that she left me, she had been telling me that she was going to leave me, she said that she was tired of me and did not want me any more, she said that she was sorry to her heart that she married me, and that she was sick and tired of staying with me, she said that she did not care anything for me any how and that she had made up her mind to go back to her people where she could see Emmett Pope, a fellow she used to go with before she married me, so that morning she told me that she was going away for good and all and she said that she was not ever coming back any more and she got her trunk and clothes and left. I talked to her before she left and while she was getting ready to leave, and tried to put some reason into her, I tried to persuade her to stay and not go, but she said that she was dissatisfied and did not want to live with me any more, she seemed to get more tired and tired of me. I could not tell what ailed her, she stayed mad all the time and would start



to fussing every time I went home, nothing seemed to please her, I could not do a thing to suit her, and she did not want to do a thing for me, when I would go home from my work, she would not say a thing to me and would not do a thing for me, would not fix a thing for me, and if I asked her to do anything for me she would say "Do it yourself if you want it done". I did not know what to make of her doing that way for I certainly did all I could for her, I did a heap more for her than her people for I was more able, but she was tired of me, and wanted to be with Emmett Pope, I had a nice place for her to live, I give her spending money whenever she asked for it and I give her money lots of times when she did not ask for it, she had money all the time and nice clothes to wear. I was true to her in every way, I don't know what ailed her anynow except that she was tired of me and wanted to be with Emmett Pope. About a week before she left she got mad with me 'cause I asked her to press my pants, she hit me and said that she was tired of staying with me anyway and that she was going away, that she did not want me any more, I did not hit her, I tried to reason with her but she seemed to get madder, and in about a week, on a Monday morning, about the middle of July, in 1917, she took trunk and clothes and left like I said just now, and I have not seen her since that day. No, sir, I did not give her any cause to leave, none in the world, I was good to her and tried to do all I could for her, my neighbors all know that I was good to her. I wrote to her after she left and asked her to come back home and she did not even answer my letter. I have not seen her or heard a word from her since the day she left.

Q. Did she give you any reason for leaving.

A. Yes, she told me over and over the day she left that she was



sick and tired of living with me and that she was going to leave and get away that she did not ever want to see me any more, she said that she did not want me any more, she said that she could get along without me and make her living and that I could get along anyhow I could that it was nothing to her and she said she did not care what become of me that I could do what I pleased that she did not care, for she was going away and won't ever coming back, I asked her what in the world ailed her anyhow and all she would say to me was that she was tired of me and did not want me any more.

Q. What was her conversation shortly before leaving.

A. Well, like I just told you, she said that she was tired of me and did not want me any more and that she was going to leave me for good, and she said that it won't no use to try to get her to come back, for she won't coming, she said that she had made up her mind to leave and that I better not try to stop her, and the more I tried to persuade with her not to go, she seemed more bent on going.

Q. Where does Josephine Mayfield Lowe live now.

A. I don't know, she said that she was going back to her people in Southampton County, Virginia, between Newsoms and Courtland. I have not seen her since the day she left, nor have I heard a word from her.

Q. Have you and your wife lived together as husband and wife since she left you in July, 1917.

A. No, sir, we have not.

And further this deponent saith not.

Howard Lowe



Lillie Macon being duly sworn deposes as follows:

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

A. Lillie Macon, age 45, I live in East Suffolk, in Nansemond County, near the City of Suffolk, Virginia, my occupation is housekeeper.

Q. Please state whether you know Howard Lowe and Josephine Mayfield Lowe, and if so, how long you have known each of them.

A. Well, I been knowing both of them since they were married. They married 'bout four years ago, yes, I been knowing them 'tween four and five years.

Q. About how far did you live from them when they were living together as husband and wife in East Suffolk, near Suffolk, Virginia.

A. I lived just one block from them, you see, they lived on fourth street and I lived on fifth street in East Suffolk.

Q. Please state how well you are acquainted with them.

A. Well, I used to see them most any time, I saw them real often in passing and repassing, we used to stop and exchange words and talk together when we would meet, we lived there in the same neighborhood, I used to see her quite often, she had a garden down below me and I would see her every day, I could talk to her from my house, you see we all lived there close together.

Q. Please state whether they are living together now.

A. No, they are not living together now.

Q. Which one left the other and when.

A. She left him in July, 1917.

Q. Please state the circumstances of her leaving and whether he gave her any cause to leave.

A. No, sir, I did not see any cause that he give his wife to leave, and as far as I could see he was a good husband to her, and done all he could for her comfort and support. I never heard of any cause that he give her to leave and as far as I know and could see he was a good husband to her and tried to support her as good as he could, I don't know of any cause at all that he give her to go and leave.

Q. Where does Howard Lowe live now.

A. He lives in East Suffolk, on Norfolk Road, it is in Nansemond County, near Suffolk, Virginia, he lives just about three blocks from where he used to live, he moved a few months ago.

Q. How long has he lived here.

A. Well, he's been living here near Suffolk, <sup>in Nansemond County</sup> about five years.

Q. Where were they living at the time they separated.

A. They were living on 4th street in East Suffolk in Nansemond County, near the City of Suffolk, Virginia,

And further this deponent saith not.

Lillian Macon



Louise Downing, being duly sworn, deposes as follows:

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

A. Louise Downing, age 37, I live on 4th Street, East Suffolk County, near the City of Suffolk, Virginia, my occupation is housekeeper.

Q. Please state whether you know Howard Lowe and Josephine Mayfield Lowe, and if so, how long you have known each of them.

A. Yes, I know them, I have known Howard Lowe five years or more and his wife four years.

Q. How far did you live from them when they were living together as husband and wife in East Suffolk, near Suffolk, Virginia.

A. I lived just across the street from them.

Q. Please how well you are acquainted with them.

A. Well, I knew them as neighbors, they lived right across the street from me, Howard married Josephine Mayfield and brought her to his house right across the street from me, I saw them backwards and forwards, I saw them every day and sometimes several times a day being right 'cross the street, I have visited them and they have come to my house.

Q. Please state whether they are living together now.

A. No, they are not.

Q. Which one left the other and when.

A. She left him in July, 1917, it was about the middle of July.

Q. Have they lived together as husband and wife since that time.

A. No, they have not.

Q. Please state the circumstances of her leaving and whether she had any cause to leave.

A. Well, as I said she left her husband in July, 1917, the day she left, I saw her going, she left and she has not been back

to her husband since, he has lived right on there at the same place until a few months ago when he moved down on Norfolk Road which is about three blocks from where he used to live, but his wife has not come back to him, I have not seen her since the day she left. I don't know of any cause at all that she had to leave for Howard made her a good husband as far as I could see and did all he could for his wife and supported her all right, no, I don't know of any cause that she had to leave.

Q. Please state what kind of a husband Howard Lowe made his wife, Josephine Mayfield Lowe, as far as you know.

A. Well, as far as I know, he made her a good husband and did all he could for her, I never saw anything wrong with him, and like I just said, as far as I know and could see, he made her a good husband.

Q. Where does Howard Lowe live now.

A. He lives over here on Norfolk Road in Nansemond County, near Suffolk, Virginia.

Q. How long has he lived here.

A. Well, he's been living here near Suffolk five years or more.

Q. Where does Josephine Mayfield Lowe live now.

A. I don't know.

Q. Where were they living at the time they separated.

A. They were living right across the street from me on 4th street in East Suffolk, in Nansemond County, near Suffolk, Virginia.

And further this deponent saith not.

Louise Downing



STATE OF VIRGINIA, CITY OF SUFFOLK.....TO-WIT:

I, William S. Holland, a Notary Public in and for the City of Suffolk, State of Virginia, do certify that the foregoing depositions of Lucy Lowe, Howard Lowe, Lillie Macon and Louise Downing were duly taken, sworn to and subscribed before me at the office of Hugh L. Holland, in the City of Suffolk, State of Virginia, on the 31st day of March, 1921, between the hours of 10 A. M. and 5 P. M. of that day to be read as evidence on behalf of the plaintiff in a certain suit in equity depending in the circuit court of the City of Suffolk, Virginia, wherein Howard Lowe is complainant and Josephine Mayfield Lowe is defendant.

Given under my hand this 31st day of March, 1921.

*William S. Holland*  
Notary Public in and for the City  
of Suffolk, State of Virginia.

My commission expires on the

16<sup>th</sup> day of April 1921.

HOWARD LOWE.....COMPLAINANT

vs. DEPOSITIONS

JOSEPHINE MAYFIELD LOWE.....  
DEFENDANT.

HUGH L. HOLLAND  
ATTORNEY AT LAW  
SUFFOLK, VIRGINIA



HOWARD LOWE.....COMPLAINANT.

vs.       DECREE.

JOSEPHINE MAYFIELD LOWE.....DEFENDANT.

This cause came on this day to be heard on the Bill of Complaint and the depositions of witnesses taken after due and legal notice to the defendant, as required by law, and the defendant, who appears to have been proceeded against in the manner prescribed by law, failing to plead answer, or demur and was argued by counsel.

On consideration whereof it appearing to the Court from the evidence taken and submitted in this cause that the said defendant, Josephine Mayfield Lowe, since her marriage with the plaintiff has deserted him for a period of more than three years, that the plaintiff is a resident of the County of Nansemond, and has been domiciled in the State of Virginia, for more than twelve months next preceding the commencement of this suit, and that the plaintiff and defendant last cohabited in the County of Nansemond, Virginia, the Court doth adjudge, order, and decree that the said plaintiff be, and he is hereby granted a divorce a vinculo matrimonii, from the said defendant, and that the marriage heretofore solemnized be, and the same is hereby annulled and set aside, and it appearing that nothing further remains to be done in this cause, it is ordered to be stricken from the docket.

HOWARD LOWE....COMPLAINANT.

vs. ....DECREE

JOSEPHINE MAYFIELD LOWE....  
DEFENDANT.

*Entered May 9, 1921.*

*Jas. L. Moore.*

*Entered in chancery  
Order Book No. 5,  
page 341*

HUGH L. HOLLAND  
ATTORNEY AT LAW  
SUFFOLK, VIRGINIA



HOWARD LOWE.....COMPLAINANT

vs. BILL

JOSEPHINE MAYFIELD LOWE.....DEFENDANT

To the Honorable Circuit Court of the County of Nansemond:

Your complainant, Howard Lowe, respectfully represents:

- (1) - That on the 8th day of April, 1917, your complainant, Howard Lowe, was lawfully married in the County of Southampton, Virginia, to Josephine Mayfield Lowe, whose maiden name was Josephine Mayfield, as will appear from a certificate of marriage herewith filed, marked " EXHIBIT- A", and made a part of this bill; and,
- (2) - That continuously from the date of said marriage until the \_\_\_\_\_ day of July, 1917, your complainant and the said Josephine Mayfield Lowe lived together as husband and wife in Nansemond Co., near the City of Suffolk, Virginia; and,
- (3) That the said Josephine Mayfield Lowe has wilfully deserted and abandoned your complainant for a period of more than three years: that is to say, on the \_\_\_\_\_ day of July, 1917, the said Josephine Mayfield Lowe, did, voluntarily, wilfully and without any justification whatever leave her home; that on several occasions before leaving she stated to your complainant that she was going to leave him forever and that she would never return to him; she repeated this statement several times shortly before leaving, and also on the day that she left; that your complain-

ant and the said Josephine Mayfield Lowe have not lived together as husband and wife since that day; and,

(4) - That the said complainant, Howard Lowe, 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 Josephine Mayfield Lowe on Norfolk Road, near the City of Suffolk, Virginia, in Nansemond County:

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 Josephine Mayfield Lowe may be made a party defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that proper process may be issued; that a divorce from the bond of matrimoney which was created by the aforesaid marriage be decreed him; and that your complainant may have all such further, and other, and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

*Hugh A. Holland,*

\_\_\_\_\_  
COUNSEL.

*Howard Lowe*

\_\_\_\_\_  
COMPLAINANT.



HOWARD LOWE.....COMPLAINANT

vs. BILL

JOSEPHINE MAYFIELD LOWE.....  
DEFENDANT.

*Filed Mar. 21, 1851*  
*G. B. Ranting*  
*Clk*

HUGH L. HOLLAND  
ATTORNEY AT LAW  
SUFFOLK, VIRGINIA

Hugh B. Holland, N.Y.

Howard S. Rouse

Josephine Mayfield Rouse

Amal Acree

May Term  
1931



Deposit \$1000