

1929-020
Nansemond Co (Suffolk) Chancery Causes: Virginia Cleo Morris Mendez vs Salvador Benitez Mendez

MORRIS

VIRGINIA: IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF NANSE-
MOND COUNTY ON THE 29th DAY OF
JULY, 1929.

Virginia Cleo Morris Mendz-----Complainant
vs.

Salvador Bentz Mendz-----Defendant

The object of the above styled suit is for the purpose of the complainant to obtain from the defendant a divorce, a vinculo matrimonii on the ground of wilfull abandonment and desertion, and it appearing by affidavit filed according to law that Salvador Bentz Mendz, the above named defendant, is not a resident of this State, it is therefore, ordered and required that the said Salvador Bentz Mendz appear within ten (10) days after due publication of this order, and do what is necessary to protect his interests, and it is further ordered that this order be published once a week for four (4) successive weeks in some newspaper published in or having general circulation in the County of Nansemond, Virginia.

Paul J. Powell, Clerk.

By Olivia Whitehurst, D. C.

L. A. Howell, p. q.

VIRGINIA

I, P. B. Young-----, Editor of THE JOURNAL AND GUIDE,
a weekly paper published in the City of Norfolk, County of Norfolk, State of
Virginia, do hereby certify that the above named advertisement, viz:

Mendz vs Mendz-----

has appeared four consecutive issues in said paper as follows:

August 10th, 17th, 24th & 31st-----

Given under my hand this the 17th Day of Sept.-----

-----day of 1929---

Signed:

P. B. Young-----, Editor

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
NANSEMOND COUNTY ON THE 29th DAY OF JULY, 1929.

Virginia Cleo Morris Mendz Complainant

vs

Salvador Bentz Mendz Defendant

The object of the above styled suit is for the purpose of the complainant to obtain from the defendant a divorce, a vinculo matrimonii on the ground of wilfull abandonment and desertion, and it appearing by affidavit filed according to law that Salvador Bentz Mendz, the above named defendant, is not a resident of this State, it is therefore, ordered and required that the said Salvador Bentz Mendz appear within ten (10) days after due publication of this order, and do what is necessary to protect his interests, and it is further ordered that this order be published once a week for four (4) successive weeks in some newspaper published in or having general circulation in the County of Nansemond, Virginia.

Paul J. Powell, Clerk.

By Alvina Whitehurst, D.C.

L. A. Howell, p. q.

Order of
Publication

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Virginia-Cleo-Morris-Mendz-----	Pltff.---	} In Chancery
vs.		
Salvador Bentz Mendz-----	Df't---	

I hereby certify that on the 29th-----day of July-----1929-----

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered, and I further certify that I have mailed a copy of same to the last known address of the defendant.

Given under my hand this 29th-----day of July-----1929-----

-----Paul J. Powell-----, Clerk.

By Olivera Whitcomb-----, Deputy Clerk.

AFFIDAVIT.

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF ^{Norfolk} ~~Norfolk~~.

This day personally appeared Nausemond
Virginia Morris Mendz
 and made oath, in a chancery suit pending in said Court, wherein Virginia Cleo
Morris Mendz is plaintiff, and
Salvador Bentz Mendz is defendant, that

the said defendant is not a resident of the State of Virginia, the last known post office address being

in the City of New York, State of New York
Virginia Morris Mendz

Sworn to and subscribed before me this 29 day of July, 1929.

R. A. Howell
Notary Public D. C.

APPLICATION FOR AN ORDER OF PUBLICATION.

Application is hereby made for an order of publication in the above styled suit, the object of which is
 for the said plaintiff to obtain a divorce a vinculo matrimonii

from the said defendant, upon the grounds of

desertion
R. A. Howell
Notary Public

~~CERTIFICATE OF PUBLICATION.~~

VIRGINIA

In the Clerk's Office of the Circuit Court of the City of Norfolk on the _____ day of _____ 19____

I hereby certify that I have this day posted at the front door of the Court House, a copy of the order of publication, entered in the above styled suit, such posting being on or before the next succeeding rule day after said order was entered, and I on this day mailed a copy of said publication duly certified, to the said defendant at the last known post office address, stated in the foregoing affidavit.

Teste:

CLERK.

By _____ D. C.

Affidavit

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
HANSEMOND COUNTY ON THE 29th DAY OF JULY, 1929.

Virginia Cleo Morris Mendz Complainant

vs

Salvador Bentz Mendz Defendant

The object of the above styled suit is for the purpose of the complainant to obtain from the defendant a divorce, a vinculo matrimonii on the ground of wilfull abandonment and desertion, and it appearing by affidavit filed according to law that Salvador Bentz Mendz, the above named defendant, is not a resident of this State, it is therefore, ordered and required that the said Salvador Bentz Mendz appear within ten (10) days after due publication of this order, and do what is necessary to protect his interests, and it is further ordered that this order be published once a week for four (4) successive weeks in some newspaper published in or having general circulation in the County of Hansemond, Virginia.

Paul J. Powell, Clerk.

By Olivera Whitehurst, D.C.

L. A. Howell, p. 9.

PAUL J. POWELL

CLERK OF CIRCUIT COURT OF
NANSEMOND COUNTY
SUFFOLK, VA.

Salvador Bentz Mendz,
New York City.



RETURNED TO SENDER
JUL 18 1929
DO NOT POST AGAIN IN THIS
ENVELOPE OR WRAPPER

Not in directory Delivery delayed
Incomplete address

SEARCHER NO. 8
City Hall Station, N. Y. C.



ADDRESS YOUR MAIL TO STREET AND NUMBER	

Virginia.

On the Circuit Court of the County
of Nansemond.

Virginia Cleo Morris Mendy. Complainant
vs

Salvador Benty Mendy - Defendant

To the Clerk

Please issue summons
in the above style, cause re-
turnable to Rules, 3rd
Monday, in August 1929.

Virginia Cleo Morris Mendy

By - L. A. Howell
Her atty.

Defendant is a non-resident - last
known post office address
being in the City of New York
State of New York, R. A. Seare (1929)

Memorandum

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon Salvador Bentz Mendz

to appear at the Clerk's office of the Circuit Court of the Co. of Nansemond
at the rules to be held for the said Court on the 3rd Monday in August, 19²⁹,
to answer a bill in chancery, exhibited against him in our said Court by
Virginia Cleo Morris Mendz

And have then there this writ. Witness Paul J. Powell, Clerk of our said
Court, at the court-house, the 29th day of July, 19²⁹, and in the
154th year of the Commonwealth.

Paul J. Powell, Clerk.

By delivery Whitehurst, DC

Original

No. 300

Virginia Cleo Morris Mendz

vs. }

SUBPOENA IN CHANCERY

Salvador Bentz Mendz

L. A. Howell

p. q.

To Second August Rules,

Nansemond County Circuit Court.

Not found in
my County of
Nansemond

E B Rawls
Sheriff

The Commonwealth of Virginia,

To the Sheriff of the County of Hansemond, Greeting:

WE COMMAND YOU, That you summon Salvador Bontz Mendz

to appear at the Clerk's office of the Circuit Court of the Co. of Hansemond
at the rules to be held for the said Court on the 3rd Monday in August, 129,
to answer a bill in chancery, exhibited against him in our said Court by
Virginia Cleo Morris Mendz

And have then there this writ. Witness Paul J. Powell, Clerk of our said
Court, at the court-house, the 29th day of July, 29, and in the
154th year of the Commonwealth.

Paul J. Powell, Clerk.

By Oliver Whitcomb, Jr.

Copy

No. 300

vs.

}

SUBPOENA IN CHANCERY

p.q.

To.....Rules,

.....Circuit Court.

(State Stamp
and seal here)

(Seal of Court
here superim-
posed on an
adhesive wafer)

Marriage License

Virginia Nansemond 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,

Salvador Benitez-Mendez and Virginia Cleo Morris
Given under my hand, as Clerk of the Circuit Court of Nansemond County
(or City) this 2nd day of August, 1924.. G. E. Bunting, Clerk

Marriage Certificate

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

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Nansemond
Date of Marriage August 2, 1924 Place of Marriage Suffolk, Va.

(FULL NAMES OF PARTIES)

Salvador Benitez-Mendez and Virginia Cleo Morris
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) Colored
Husband's Place of Birth Porto Rico (PRESENT) Mailing Address Suffolk, Va.
Wife's Place of Birth Raleigh, N. C. Mailing Address Suffolk, Va.
Names of Husband J. C. Bentz and Juanita, his wife
Parents Wife W. H. Morris and Ida, his wife (Full maiden name)
Occupation of Husband Physician (Full maiden name)
Given under my hand this 2nd day of August, 1924.

G. E. Bunting, Clerk

Certificate of Time and Place of Marriage

I, Rev. J. J. Posey, a minister of the Episcopal Ch.,
Church, or religious order of that name, do certify that on the 3rd day of August, 1924,
at Suffolk, 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 authoriz-
ing me to celebrate the rights of marriage in the County (or City) of Nansemond, State of Virginia.
Given under my hand this 3rd day of August, 1924.

A true copy. Teste: Paul J. Powell, Clerk. Rev. J. J. Posey
(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, 1919).

Exhibit "A"

County (or City)

Husband

and

{ Marriage License

Wife

Date of Issue

Marriage Register No.....Page.....

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND .

Virginia Cleo Morris Mendz, Complainant.

Vs.

IN CHANCERY.

Salvador Bentz Mendz, Defendant.

DEPOSITIONS.

The depositions of Virginia Cleo Morris mendz and others taken before Estelle Pierce, a Notary Public, in and for the City of Suffolk, in the State of Virginia, whose commission expires on ~~the~~ the 17th day of December, 1929, pursuant to an order of publication at the office of L.A . Howell, ~~333~~ 333 E. Washington Street Suffolk, Virginia, on the ¹⁶th day of September, 1929, to be read as evidence, in the above entitled cause now pending, in the Circuit Court of the County of Nansemond, in the State of Virginia.

|||||

--: PRESENT :-

L. A. Howell, Esquire
Counsel for the Complainant.

No appearing for the defendant.

VIRGINIA :

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

.....

Virginia Cleo Morris Mendz, Complainant.

Vs.

Salvador Bentz Mendz, Defendant.

.....

INDEX.

DEPOSITION OF WITNESSES.

.....

Virginia Cleo Morris Mendz ... Nansemond County, Virginia.

Ida E. Morris Nansemond County, Virginia.

W. H. Morris Nansemond County, Virginia.

Post Office Box 336, Suffolk, Va

September 16th, 1929.

VIRGINIA CLEO MORRIS MENDS.

versus

SALVADOR BENTZ MENDZ.

Virginia Cleo Morris, complainant, being first duly sworn testified as follows:

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

A. Virginia Cleo Morris, age 27, Box 330 Suffolk, Va. teacher.

Q. Are you the complainant in the case of Virginia Cleo Morris Mendez against Salvador Bentz Mendez?

A. Yes.

Q. What relation are you to Salvador Bentz Mendez?

A. I am his wife.

Q. You say you are his wife, when were you married?

A. We were married about the 4th of August, 1924.

Q. I hand you a paper marked exhibit "A", please state what it is?

A. It is a copy of my marriage license.

Q. Are you living together now as husband and wife?

A. No.

Q. Which one left the other?

A. He left me.

Q. When he left, where did he go?

A. He went to Santurce, Porto Rico.

Q. What did your husband do for a livelihood?

A. He was a physician.

Q. Did you give him any cause to leave you?

A. No, I didn't give him any cause.

Q. Have you heard from him since he has been gone?

A. Indirectly, I have.

Q. How did you hear from him?

A. By having a copy of papers served on me for a divorce.

Q. I show you here a paper marked exhibit "B", please state what these papers are?

A. They are papers received from some court or from somebody in San Juan, Porto Rico.

Q. Have you heard any more from him?

A. I have not heard from him directly, but I did hear he was in New York.

Q. Since he has been away, has he sent you any support?

A. No.

Q. Do you know where he is now?

A. No, I do not, I heard he was in New York City.

Q. Have you done anything to form a reconciliation?

A. I have sent letters to him in Porto Rico, but have never gotten any reply.

Q. Have you lived together or cohabited as husband and wife within three (3) years from the date of his leaving?

A. No, we haven't seen each other since he left.

Q. Have you been a bonafide resident of this State and actually resided in this State for one year next before the instituting of this suit?

A. Yes.

Q. What kind of husband did he make?

A. He made a very poor husband. He was very trifling and hung out with bootleggers. He would stay out very late at night, go to Buckroe ^{Beach} sometimes and other places without telling me. He drank very heavily, spent all of his money either by gambling or with women and although we were living together, he never gave me any support. My mother and father with what I made maintained and supported both of us. He was in trouble a num-

ber of times which caused me and my people considerable worry and expense. He often incurred bills and people would present them to me for payment. He ignored entirely his obligations and kept me very much disturbed all the time by people presenting bills for payment and the like. In fact he didn't make any sort of a husband. After he left, it took me nearly two (2) years to settle the various obligations he made.

Q. You say he was in trouble a number of times. Will you please state what some of that trouble was?

A. Once he forged a note and was sentenced two (2) years in the Penitentiary and a number of other times, they got him for giving bad checks.

Q. Do you expect to live with him any more?

A. No.

Q. Have you any children as a result of the marriage?

A. No.

Further the deponent sayeth not.

Virginia Morris Mendez

IDA E. MORRIS, being first duly sworn testified as follows:

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

A. Ida E. Morris, 52, Nansemond County near Suffolk, Va. teaching.

Q. Do you know Virginia Cleo Morris Mendez and Salvador Bentz Mendez?

A. I do.

Q. What relation are they to each other?

A. Husband and wife.

Q. When were they married?

A. August 4th, 1924.

Q. Where were they married?

A. In Suffolk, Virginia.

Q. By whom?

A. Rev. J. J. Posey.

Q. After they were married, where did they go to live?

A. With me.

Q. Are you related to either of them?

A. I am.

Q. What relation and to whom?

A. I am Virginia's mother.

Q. You say they came to live with you, that is in your home?

A. Yes.

Q. How long did they live together?

A. About one year.

Q. Which one left the other?

A. Dr. Mendez left Virginia.

Q. When he left her, where did he go or do you know?

A. I think he went to Santurce, Porto Rico.

Q. Do you remember the date when he left?

A. It was the 28th of January, 1925.

Q. Have you heard from him since he has been gone?

A. I have not.

Q. What kind of a husband did he make?

A. A very trifling one.

Q. You say a very trifling one, why do you say that?

A. Well, one thing he didn't support her nor himself and he spent his time else where. He didn't stay home even when he could have stayed. He came in at all hours from two 2:00 A.M. until day and very often drunk. Why he kept up correspondence with other women and kept right on courting and he just stayed in a world of trouble with the police and the collectors. He was a mighty big liar and seldom told the truth.

Q. Have they lived together or cohabited as man and wife within three (3) years next before the instituting of this suit?

A. No, they have not.

Q. How do you know this?

A. Virginia has lived with me every since.

Q. Have they any children?

A. No.

Further the deponent sayeth not.

Ida C. Morris

W. H. MORRIS, being first duly sworn testified as follows:

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

A. W. H. Morris, 58, Box 330 Suffolk, Va., teaching.

Q. Do you know Virginia Cleo Morris Mendez and Salvador Bentz Mendez?

A. Yes sir.

Q. What relation are they to each other?

A. Husband and wife.

Q. When were they married?

A. August 4th, 1924 in Suffolk, Va.

Q. And by whom were they married?

A. Rev. J. J. Posey.

Q. After they were married, where did they live?

A. They came to my house to live.

Q. And how long did they live there?

A. About a year.

Q. And then what happened?

A. He left her.

Q. And after he left, where did he go?

A. I suppose, to Porto Rico.

Q. Did she give him any cause for him to leave her?

A. She did not.

Q. Did she make a good wife?

A. A very good one.

Q. Did he make a good husband?

A. He did not.

Q. You say he did not make a good husband, what did he do?

A. He made a poor husband because he failed to provide home or support for her and was a parasite to us. He would come in late nights and any time at night drunk, he hauled other women around and would go to other Cities with them and to meet them and his conduct was very embarrassing to my family, ~~for~~^{he} he was in trouble a number of times, which caused me expense and embarrassment.

Q. Have they lived together within a period of three (3) years next before the instituting of this suit?

A. They have not.

Q. Has Virginia been a bonafide resident and actually resided in this State for a period of one year before the instituting of this suit?

A. She has.

Q. Even with all of his trifling ways, did you do anything to cause him to leave?

A. No, we tried to reform him.

Q. What did he do for a livelihood?

A. He practiced medicine.

Q. Did he have a good practice?

A. Fine, for the way he attended to his business.

Q. Have you seen him or heard from him since he has been gone?

A. No. I have not, directly.

Further the deponent sayeth not.

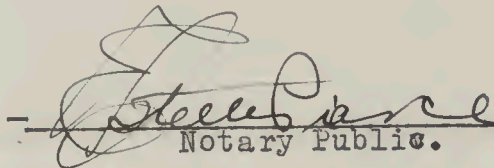
U. A. Morris

State of Virginia;

City of Suffolk, to-wit;

I, Estelle Pierce, a Notary Public in and for the City of Suffolk, Virginia, whose commission expires on the 17th day of December, 1929, do certify that the foregoing depositions of Virginia Cleo Morris Mendz, Ida E. Morris and W. H. Morris were taken and sworn to and subscribed to before me, at the time and place for the purpose in the caption mentioned.

Given under my hand this the 16th day of September, 1929.


Notary Public.

my commission expires Dec 17-1929

Mendy
vs
Mendy

Depositions

Filed Sept. 17, 1929
Paul J. Powell, Clerk
By, Oliver Whitcomb, Jr.

VIRGINIA

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, on the _____
day of September, 1929.

Virginia Cleo Morris Mendz, Complainant.

Vs.

DECREE.

Salvador Benitz Mendz, Defendant.

This cause in which the defendant has been duly proceeded
against, in the mode ^{as to non resident defendants} and manner prescribed by law, and he failing
to appear, plead, answer or demur, came on this day to be heard
upon the complainant's bill, and exhibits and depositions of wit-
nesses taken before a Notary Public and filed herein, and was
argued by counsel.

Upon consideration, whereof, it appearing to the Court in-
dependently of the admissions of either party in the pleading or
otherwise, that the said parties were lawfully married on the 4th
day of August, 1924, in the City of Suffolk, Virginia, that in the
month of January, 1925 the said defendant did wilfully and with-
out justification abandon and desert the complainant, which
desertion has been continuous for a period of more than three
years prior to the institution of this suit, that the complainant
resides and has been domicilled in the County of Nansemond for
a period of more than one year next before the commencement of this
suit; that the parties last lived together as husband and wife in
the County of Nansemond, Virginia, and that at the time of bringing
of this suit the defendant was not a resident of this State.

The Court doth order and adjudge and decree that the said ee
complainant, Virginia Cleo Morris Mendz, be divorced, a vinculo
matrimonii from the defendant, Salvador Bentz Mendz, and the bond
of matrimony created by the aforesaid marriage be and they are same to
hereby dissolved and annulled.

Nothing further remaining to be done in this cause, it is
ordered that the same be removed from the docket.

Judge.

Mendy

vs

Mendy

Final

Decree

Enter Octo. 9. 1929

J. L. M. Moore

Chancery Order Book

No. 6 Page 285

EN LA CORTE DE DISTRITO DE SAN JUAN, P. R.
DISTRITO JUDICIAL.

Salvador BENITEZ MENDEZ,
Demandante.

vs.

Virginia BENITEZ,
nec Virginia MORRIS,
Demandada.

Civil No. 2563.

Acción: DIVORCIO.

Causa: ABANDONO.

MOCION JURADA SOLICITANDO PERMISO PARA EMPLAZAR
POR EDICTOS.

A la Hon. Corte:-

Ahora comparece el demandante por conducto de su abogado que suscribe y expone los siguientes hechos:-

1.- que con fecha de hoy ha radicado en la Secretaría de esta Corte una demanda sobre divorcio, fundada en abandono por parte de la demandada, Virginia Benítez, nec Virginia Morris, y cuyos hechos todos de dicha demanda los he aquí por reproducidos y los hace formar parte de esta mocion.

2.- que la demandada, Virginia Benítez, nec Virginia Morris, siempre ha residido y en la actualidad reside en el pueblo de Suffolk, Estado de Virginia, de los Estados Unidos de América.

3.- que según se desprende de la demanda radicada y la cual se hace parte integrante de esta mocion el demandante tiene una buena causa de acción de acuerdo con el apartado 5. del Artículo 97. Titulo V. Capitulo I de nuestro Código Civil, lo que así cree dicho demandante por su abogado que suscribe después de haber oido todos los hechos constitutivos del caso.

4.- que es necesario emplazar a dicha demandada por medio de Edictos en la prensa de acuerdo con lo estatuido en los artículos 94 y 95 del Código de Enjuiciamiento Civil.

Por lo que se solicita de la Corte dicte una orden autorizando al demandante a emplazar a la demandada por medio de

V.

Que hace más de un año la demandada, mientras residían en Suffolk, Va., sin motivo ni causa justificada alguna, abandonó al demandante y al hogar conyugal, marchándose a vivir con sus familiares, y negándose después de una manera rotunda, formal y absoluta a volver al lado del demandante y al hogar abandonado.

VI.

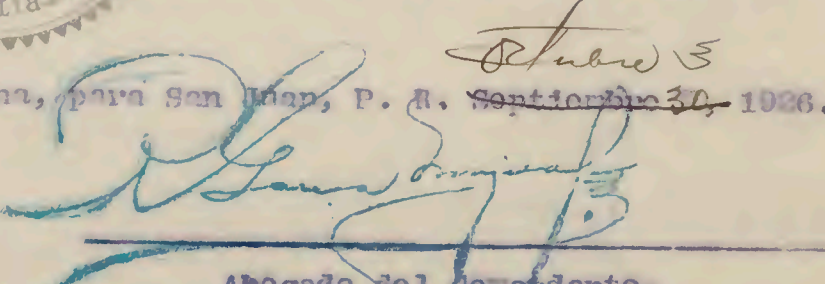
Que la demandada se ha negado además, de una manera decidida, venir a Puerto Rico a vivir con el demandante donde actualmente reside, desde hace más de un año, practicando su profesión de médico-cirujano.

VII.

Que el demandante ha hecho todas las gestiones posibles, personalmente, por medio de terceros-amigos y por medio de cartas, para lograr que su esposa venga a vivir a su lado y a formar nuevamente el hogar, dando todas estas gestiones resultados negativos, pues esta siempre se ha manifestado terca en permanecer alejada del demandante y no formar con él más el hogar.

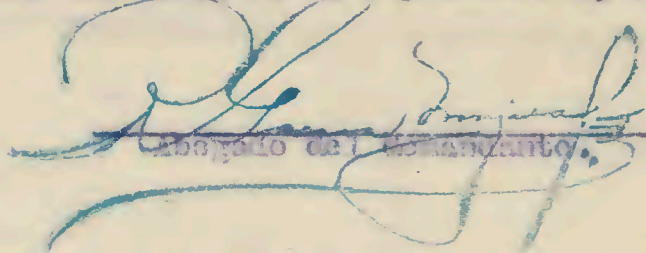
Por lo expuesto se solicita de la Corte que en su día y previo los trámites del ley dicte sentencia declarando con lugar esta demanda y en su consecuencia rote y disuelva el vínculo matrimonial existente entre el demandante y la demandada, con los demás pronunciamientos de ley pertinentes a esta clase de acción.

En Carolina, para San Juan, P. R. Septiembre 30, 1926.-


Abogado del demandante.

Edictos en un periódico de los de mayor circulación que se editan
ordenando
en la ciudad de San Juan y ~~mandando~~ al Secretario de esta Hon.
Corte expida los mismos en forma de ley.-

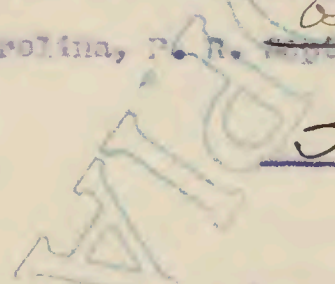
En Carolina, para San Juan, P. R. Septiembre ~~29~~ 1926.-


Abogado del Demandante.

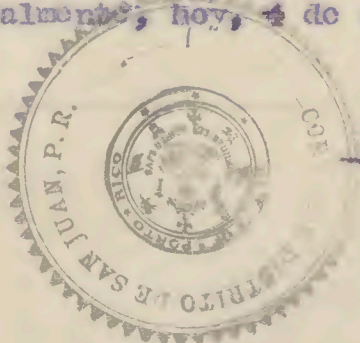
JURAMENTO.

Yo, Salvador Benítez Méndez, JURO: que mi nombre es como queda
dicho, que soy mayor de edad, doctor en medicina y cirugía, vecino
de Carolina, P. R.; que he leído la precedente acción y cada uno
y todos los hechos alegados en la misma son ciertos y me constan
de propio conocimiento; que soy el demandante en la presente acción
y que la demanda radica y en que se funda la misma también la he
leído y es cierta en todas sus partes y hechos alegados. - - - -

Carolina, P. R. ^{Octubre 3} ~~Septiembre 29~~, 1926.-


Salvador Benítez Méndez
Declarante.-

Jurado y suscrito ante mí por Salvador Benítez Méndez, mayor de
edad, médico-cirujano, casado, vecino de Carolina, P. R. y a quien
conozco personalmente; hoy, ³ ~~4~~ ^{Octubre} de septiembre de 1926.-



Luis Vergne Ortiz

EN LA CORTE DE DISTRITO DE SAN JUAN, P. R.
DISTRITO JUDICIAL .

Salvador BENÍTEZ MÉNDEZ,
Demandante.

vs.

Virginia BENÍTEZ,
nac Virginia MORRIS,
Demandada.

Civil No.

2563

Acción: DIVORCIO.

Causa : ABANDONO.

D E M A N D A .

A la Hon. Corte:--

Ahora comparece el demandante por conducto de su abogado que suscribe y establece demanda de divorcio contra la demandada nombrada en el epígrafe, alegando como causa de acción de su demanda los siguientes hechos: - - - - -

Que el demandante es mayor de edad, doctor en medicina y cirugía y vecino en la actualidad del pueblo de Carolina, Puerto Rico.

II.-

Que la demandada es también mayor de edad, profesora y vecina en Suffolk, Virginia, Estados Unidos de América.

III.-

Que entre el demandante y la demandada existe el vínculo del matrimonio, por haberlo contraído legalmente en Suffolk, Virginia, E. U. A., el día 4 de agosto de 1924.

IV.

Que durante la vida matrimonial entre el demandante y la demandada no han procreado hijos, ni han adquirido bienes de clase alguna que puedan reputarse gananciales.

EN LA CORTE DE DISTRITO DEL DISTRITO JUDICIAL DE SAN JUAN,
PORTO RICO.

ESTADOS UNIDOS DE AMERICA } ss
El Presidente de los Estados Unidos.)

Salvador BENITEZ MENDEZ,
Demandante.

v.

Virginia BENITEZ,
nec Virginia MORRIS,
Demandada.

Civil No. 2563.

EMPLAZAMIENTO.

Sobre: Divorcio.-

EL PUEBLO DE PUERTO RICO,

A Virginia Benítez, nec Virginia Morris, o sea la demandada antes mencionada, POR LA PRESENTE SE NOTIFICA A USTED que se ha presentado en la oficina del Secretario de la Corte de Distrito del Distrito Judicial de San Juan, Puerto Rico, la demanda del actor antes citado, en la cual se establece contra usted una acción sobre divorcio, fundada en el abandono suyo para el demandante por más de un año, sin causa ni motivo alguno justificado; que Ud. se negado a volver al lado del demandante o al hogar conyugal apesar de las gestiones con tal fin realizadas y que durante la vida matrimonial de Uds. no han procreado hijos ni adquirido bienes gananciales y se pide a la Corte que en su día y previo los trámites de ley dicte sentencia declarando con lugar esta demanda y en su consecuencia roto y disuelto el vínculo matrimonial existente entre Uds., con los demás pronunciamientos de ley pertinentes a esta clase de acción.

Es abogado del demandante el Ldo. Ramón García Mujica, con residencia y estudio abierto en el pueblo de Carolina, Puerto Rico.

Y SE NOTIFICA A USTED que de no comparecer a contestar dicha demanda dentro de los diez días después de notificada, si la notificación se hiciere en el Distrito, y dentro de los veinte días si se hiciere fuera del Distrito, pero en la Isla de Puerto Rico, y dentro de los CUARENTA DIAS si se hiciere en otra parte, el demandante podrá solicitar de la Corte anote su rebeldía y previa práctica de su prueba, si fuese suficiente, solicitar de la Corte sentencia su favor declarando con lugar la demanda de divorcio contra Ud. interpuesta y en su consecuencia roto y disuelto el vínculo matrimonial existente entre Uds., con los demás pronunciamientos de ley pertinentes a esta clase de acción.

Y habiendo ordenado el Hon. Juez de esta Corte el Emplazamiento de la demandada por Edictos que se publicarán en los periódicos diarios de los de mayor circulación que se editen en la ciudad de San Juan, por residir dicha demandada fuera de la Isla de Puerto Rico, es decir en Suffolk, Virginia, E. U. A., libro el presente bajo mi firma y sello de esta Corte en San Juan, Puerto Rico a ~~cuatro~~ ^{treinta} de septiembre de mil novecientos veintiseis. -

treinta Octubre 3.

Luis Vergne Ortiz
Secretario Corte de Distrito de
San Juan, P. R.

por P. Vidmang
Subreg

EN LA CORTE DE DISTRITO DE SAN JUAN.P.R.
DISTRITO JUDICIAL.-

Salvador BENITEZ MENDEZ,
Demandante.-

vs.

Virginia BENITEZ,
nac Virginia MORRIS,
Demandada.-

Civil No.2563

Acción: DIVORCIO.

Causa: ABANDONO.-

JURAMENTO.-

Yo, Ramón García Mujica, juro:- Que mi nombre es el expresado, soy mayor de edad, abogado, y vecino de Carolina, P.R.; que soy el abogado del Demandante en el caso del epígrafe y que con fecha de hoy he depositado en la oficina de correos de este pueblo, dirigido a Virginia Morris de Benítez, Suffolk, Virginia, E.U. un sobre franqueado y certificado por mí conteniendo las siguientes diligencias del presente caso:-

- 1.- Demanda.-
- 2.- Moción jurada solicitando permiso para emplazar por edictos.-
- 3.- Orden.-
- 4.- Emplazamiento.-
- 5.- Copia de este juramento.-

Que entre este pueblo y el de Suffolk, Virginia hay un servicio regular de correos.

Carolina, P.R. Octubre 6 de 1926.-

Jurado y suscrito ante mí por Ramón García Mujica, abogado, mayor de edad, y vecino de este pueblo a quien doy fe de conocer personalmente.-

Carolina, P.R. Octubre 6 de 1926.-

EN LA CORTE DE DISTRITO DE SAN JUAN, P. R.
DISTRITO JUDICIAL.

Salvador Benítez Méndez,
demandante.

vs.

Virginia Benítez,
nac Virginia Morris,
demandada.

Civil No. _____

D i v e r s i o .

ORDEN.

Vista la demanda y la poción jurada solicitando
permiso para emplazar a la demandada por edictos en
la prensa presentada por el demandante, la Corte au-
toriza que dicha demandada sea emplazada en la forma so-
licitada y ordena al Secretario de esta Corte expida
los emplazamientos correspondientes para que sean pu-
blicados en uno de los periódicos diarios de mayor
circulación que se editan en esta ciudad durante el
término de cuarenta días una vez por semana.

San Juan, P. R. ^{Octubre 3} ~~Septiembre 30~~, 1936.-



R. Sepúlveda
Juez de Distrito.

Luis Vergne Ortiz
Secretario.

Wendy
to
Mendy.

Exhibit B"

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El presente documento es una copia de un original que se encuentra en el archivo de la Oficina del Asesor Jurídico de la Presidencia de la República.

En fe de lo cual, se extiende esta constancia en la ciudad de Bogotá, D.C., a los veintidós días del mes de mayo del año dos mil y once.

Firma: _____

Colección de documentos de la Presidencia de la República

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VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND CO

Virginia Cleo Morris Mendz, Complainant.

Vs.

Bill In Chancery.

Salvador Bentz Mendz, Defendant.

To

The Honorable James L. Mclemore, Judge.

Your Petitioner, Virginia Cleo Morris Mendz, respectfully represents and sheweth unto the Court the following case, to-wit;

First- That on the 4th day of August, 1924 she was lawfully married to the defendant, Salvador Bentz Mendz, in the City of Suffolk, in the State of Virginia, by Rev. Posey, as will be shown from a copy of the marriage certificate herewith filed, ^{"marked exhibit A"} and made a part of this bill, and;

Second- That from the date of the aforesaid marriage, up and until the 28th day of January, 1925, your complainant and the said defendant lived together as husband and wife, in the county of Nansemond, in the State of Virginia, and;

Third- That on or about the 28th day of January 1925, the said defendant, did wilfully and without justification abandoned and deserted your complainant, and went to Santuce, ^r Porto Rico, to live, refusing to carry or to take your complainant with him, and;

Fourth- That your complainant has not heard from the said defendant since the date of his leaving, save that soon after he had deserted her, she received certain copies of papers from the District Court of San Juan, Porto Rico, in which he the said defendant was seeking or had entered a suit for a divorce, in Porto Rico.

which said papers are herewith filed, marked Exhibit " B" and made a part of this bill, and; that through friends , she has been informed that the said defendant is now residing in the State of New , in the City of New York, and;

Fifth- That your complainant have put forth efforts, without avail, to have the said defendant to return to her, but at no time has he ever answered any letter sent him by her, and;

Sixth- That your complainant and the said defendant have not lived together as husband and wife since the 28th day of January, 1925, nor have they cohabited or seen each other for a period of more than three years next before the instituting of this suit, and;

Seventh- That your complainant has been a resident and has actually resided in this state for a period of more than one year next before the bringing of this suit, and now reside in this state. and;

Eight- That the said defendant was a very triffling sort of a man, would drink whiskey, hang around with bootleggers and run around with other women, and would cause your complainant much embarrassment among her friends, and in the neighborhood in which she lived, that while your complainant and the said defendant were living together as husband and wife , that the said defendant utterly failed to support himself or your complainant, and was supported by your complainant and by your complainant's parents, and;

IN CONSIDERATION WHEREOF, and for as much as your complainant is remediless in the premises save in a court of equity, your complainant prays, that the said Salvador Bentz Mendz, may be made a party defendant to this bill, and required to answer same, but not on oath, the oath being hereby expressly waived, that proper process may issue, that a divorce from the bonds of matrimony which was created by the aforesaid marriage be decreed her, and that your complainant may have all further and general relief in the premises as nature of her case may require, or to equity shall seem meet.

By *R. H. Howell* her counsel.

Virginia Cleo Morris Mendz

Mandy

to

Mandy -

Bill

Filed August 19-1939

Paul J. Powell, Clerk

For Oliver Whitehurst, DC