

V I R G I N I A :

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO.

* * * * *

JAMES R. [REDACTED]

v.

ARMENIA E. [REDACTED]

TO THE HONORABLE R. CARTER SCOTT, JUDGE:

Your complainant, James R. [REDACTED], respectfully shows unto the court the following case:

(1) - Your complainant was married to Armenia E. [REDACTED] (now Armenia E. [REDACTED]) in the City of Richmond, Virginia, on the 22nd day of December, 1898, by the Reverend George H. Wray, as is shown by a certified copy of the marriage license and the certificate of marriage hereto attached.

(2) - Your complainant and his wife resided in the City of Richmond, Virginia, for a number of years after their marriage and then moved to the County of Henrico, where they have had their home continuously for something more than the last three years.

(3) - Two children were born of said marriage, both of whom are of age and married, one Hazel [REDACTED] and the wife of Charles M. [REDACTED], and the other Lena Shubrick [REDACTED] [REDACTED], the wife of Dr. J. B. [REDACTED], and both of said daughters live with their husbands and families near the residence of complainant and his wife.

(4) - Your complainant has faithfully tried to perform every duty to his wife and to afford her such comforts and luxuries in her home as his means permitted; but for a number of years has received from her hands harsh and unkind treatment. Despite her conduct, your complainant has given and conveyed to his wife property, real and personal, amounting in value to slightly over \$225,000.00, which she now owns. In addition to this, your complainant has given her a considerable portion of his income, which she has used for her own purposes.

(5) - Despite his efforts, the life which your complainant has led with his said wife has not been happy, and, in addition to the general conduct referred to above, your complainant has recently discovered that she has been unfaithful to him and guilty of gross immorality with one H. L. Kirby, now a resident of the City of New York. Without attempting to state all the facts and circumstances surrounding the intimacy between his wife and said Kirby, the complainant deems it sufficient to make the following statement:

(a) - For many years respondent has been on terms of friendship with H. L. Kirby above named, but your complainant had no reason to believe that there was anything wrong in their relations with each other until events recently came to his knowledge which show conclusively that such is the case. During the month of June, 1924, respondent left home to make a journey to the City of New York and thence through the west with a lady who is a friend of hers, and whose name complainant prefers not to reveal if this can be avoided. The trip lasted for several weeks, and among the places visited were the cities of New York, Detroit, Chicago and Denver, and a visit was made to Yellowstone National Park, in the State of Wyoming. On a part of this journey respond-

ent and her friend above referred to were accompanied by said H. L. Kirby, who spent the days with them and at night stayed in the same hotel in which they stayed, frequently being in an adjoining room, with a bath room between the two rooms for their common use.

(b) - On the 29th day of June, 1924, the three persons referred to were at the Burlington Cody Inn together, at Cody, Wyoming, where they spent the night. On the 30th day of said month they were at the Grand Canyon Hotel in Yellowstone National Park and spent the night there in connecting rooms, with a bath room in common. The same thing occurred on the first day of July, 1924, and the night of said day at Mammoth Hotel in said Yellowstone National Park, and again on the second day of said month and the night of that day at Lake Hotel, Yellowstone National Park, and on the third day of said month they were again at the Burlington Cody Inn, at Cody, Wyoming, where they spent the day and night; and from July 4, 1924, to July 10, 1924, these three persons were at the Henning Hotel, Casper, Wyoming, and occupied connecting rooms, with a bath room in common.

(c) - After her return to her home in this State, respondent received a postal card from the sister of H. L. Kirby, then in the island of Haiti, and said to the complainant and others who were present that she would not be surprised if H. L. Kirby was also in the island of Haiti, as she had not seen or heard from him during a period of three years. Respondent's reasons for wishing to deceive your complainant in reference to the whereabouts of H. L. Kirby are obvious from what has been stated.

(d) - In addition to what has already been alleged, your complainant is informed, believes and charges that his said wife has been guilty of committing adultery with the said Kirby at the Hotel Hamilton, in the City of Washington, D. C., on the

13th day of August, 1924, and again on the 13th and on the 14th days of September, 1924, as appears from the following statement of facts:

(a) - On the 13th day of August, 1924, shortly after respondent had returned from the trip above referred to, she announced that she was going to Lanexa, near the City of Richmond, Virginia, on a picnic and left home ostensibly for this purpose. However, instead of going to Lanexa, respondent took a train for Washington, D. C., and was met at the station by H. L. Kirby, who there embraced and kissed her and went with her to the Hamilton Hotel in said city and registered for her and himself as H. L. Kirby and wife. They dined together at said hotel. He accompanied her to the room which was assigned to them in common and there stayed with her for several hours during that day. On leaving the hotel, they went together to the railroad station, where he kissed her farewell before she took the train for Richmond. After returning to her home in Richmond from the day thus spent in Washington, respondent made a false statement to the effect that she had spent the day with a friend in Richmond, as her plans for going to Lanexa had been changed, but made no reference to the actual manner in which the time had been spent.

(b) - Following the incident just described, on the third day of September, 1924, respondent left her home in an automobile and went to Washington, D. C., where on the following day she was met by H. L. Kirby at the Raleigh Hotel. He greeted her most affectionately in the lobby of the hotel and kissed her. They spent that day and several days following together until her return to Richmond.

(c) - About ten days later, respondent was again in Washington, and on the night of Saturday, September 13th, together with

another woman and a man, whose names complainant prefers to leave undisclosed, she met H. L. Kirby at the railroad station, and these four persons went together to the Hotel Hamilton in that city, where the said Kirby registered for respondent and himself as H. L. Kirby and wife, and also registered for the other persons as man and wife. On that occasion, these two couples occupied adjoining bed rooms. About the hour of three o'clock in the morning of September 14th, an officer with a warrant for their arrest found said Kirby and respondent in one of said bed rooms together, where they had been since before midnight. He was in his pajamas and she in one very scant garment of underwear. The door between the adjoining rooms was open and the other man and woman referred to above were found in the next room, and all four persons were arrested and charged with immorality and carried to the Second Police Station in the City of Washington, D. C., where they were bailed for appearance later to answer said charge. None of said parties appeared to answer or deny the charge against them, but, rather than do so, they forfeited their bail bonds.

(7) - Since the occurrence just referred to, respondent has not returned to her home in Richmond and your complainant has not seen her, although he is advised and believes that she has spent a considerable portion of her time in the City of Philadelphia, Pennsylvania.

(8) - For the foregoing reasons it is impossible for complainant to live with respondent further, and inasmuch as he is without remedy save in a court of equity, he prays that said Armenia E. [redacted] may be made a party defendant to this bill and required to answer the same but not under oath, which is expressly waived; that proper process may issue and that all proper orders and decrees may be entered; that the marriage heretofore solemnized between complainant and said Armenia E. [redacted] may be dissolved and

Denver, Colorado, September 3, 1924.

In RE: Mrs. J. R. [REDACTED], Case No. 9375
Report of Oper. 128

On August 25th, Operative was instructed to proceed on the morning of August 26th to Casper, Wyoming, from there to Cody, Wyoming, and thence thru Yellowstone National Park, and at each place to check the hotel registers, obtaining all information therefrom concerning H. L. Kirby, Mrs. J. B. [REDACTED] and Miss Daisey Rutherford, and in compliance with these instructions the following report is submitted, not in the order of hotels checked but in continuation of dates as shown by the hotel registers.

These registers show the following:

6/29/24 Burlington Cody Inn, Cody, Wyoming
Mrs. J. R. [REDACTED], Richmond, Va., Room 17
Miss Daisey Rutherford, Sandy Hook, Va., Room 17
H. L. Kirby, New York, Room 18
(These are not connecting rooms)

6/30/24 Grand Canon Hotel, (Yellowstone National Park)
H. L. Kirby, New York - - - - - Room 121
Mrs. J. R. [REDACTED], New York - - - - - " 122
Miss Daisey Rutherford, New York - - - - - " 122
(Connecting rooms with bath)

7/1/24 Mammoth Hotel, (Yellowstone National Park)
H. L. Kirby, New York - - - - - Room 320
Mrs. J. R. [REDACTED], New York - - - - - " 321
Miss Daisey Rutherford, New York - - - - - " 321
(Connecting rooms with bath)

7/2/24 Lake Hotel (Yellowstone National Park)
H. L. Kirby, New York - - - - - Room 233
Mrs. J. R. [REDACTED], New York - - - - - " 233
Miss Daisy Rutherford, New York - - - - - " 237
(Connecting rooms with bath)

7/3/24 Burlington Cody Inn, Cody, Wyoming
H. L. Kirby, New York - - - - - Room 17
Mrs. J. R. [REDACTED], New York - - - - - " 18
Miss Daisey Rutherford, New York - - - - - " 18
(Not connecting rooms)

7/4/-to July 10, 1924
Henning Hotel, Casper, Wyoming
H. L. Kirby, N.Y. - - - - - Room 343
Mrs. J. R. [REDACTED], N.Y. - - - - - " 345
Miss Daisey Rutherford, N. Y. - - - - - " 345
(Connecting rooms with bath)

The Henning Hotel was the first hotel which operative checked with the result set forth above, and the management of this hotel Mr. A. K. Bott refused permission to photograph the register, stating that his refusal was based on the instructions received from the hotel attorneys, as the hotel in the past had become involved in two law-suits thru granting permission for photographs to be taken of their register.

However, operative did obtain a tracing of all three signatures which tracing is on stationery of the Henning Hotel and is attached to this report, as the handwriting on all other registers is the same as the attached tracing.

At the Burlington Cody Inn operative obtained the information that upon arrival of Kirby and the two women on June 29, that three telegrams were awaiting Kirby and that on the morning of June 30th, he received another telegram stating that his mother had died, and that he sent some telegrams in reply. That Kirby and the two women had arranged for a tour of the Yellowstone National Park at the transportation office in the Cody Inn and that their tour is what is known the C - C Tour, which means entrance at Cody and exist at Cody, and that they had left on the bus on the morning of June 30th, that they had again registered in at the Burlington Cody Inn on the evening of July 3rd, and had left on the train on the morning of July 4th. Mr. Patrick, Manager of the Burlington Cody Inn, refused permission to photograph register, stating that he was acting under advice of his attorneys. Operative then proceeded in the Yellowstone National Park and the manager of the Grand Canon Hotel refused permission to photograph his register unless the authority was granted by the manager of the Yellowstone Park Hotel Company located at Mammoth Hot Springs, and under whose management are the Grand Canon, Mammoth Hotel, Old Faithful and the Lake Hotel. Operative then proceeded to the Mammoth Hotel and interviewed the manager who absolutely refused permission to photograph any hotel register in the park, stating as his reasons that the hotels under his management have had three damage suits in the past on account of their registers being photographed and that his attorneys had instructed that no more photographs of registers be permitted and further, that these hotels are operating under special franchise in the United States Department of the Interior, and all of their rules, regulations, charges, etc., are under the direct supervision of the government. Operative checked the Old Faithful Hotel but found no registration.

Particular attention is called to the register of the Lake Hotel Under date of July 2nd, which register shows that Kirby and Mrs. [redacted] occupied room 233 and that Miss Rutherford occupied room 237. Hotel management was questioned very carefully about the assignment of rooms on this date to subjects and stated that Room 235, which is the room between 233 and 237, was the room containing the bath, and that this room was included in the charge for room 233 and 237. He further stated that there was such a thing possible that room 233 was occupied by Mrs. [redacted] and Miss Rutherford and not occupied as the register would show, for the reason that on July 2nd their hotel register shows a registration of some 520 names, and as these three subjects were on the tour there was probably 400 of these names that were registered as fast as the clerks on duty could assign rooms, and as the room number was written on register in lead pencil before being written in with ink there was a possibility that the clerk might have confused the numbers. At none of the hotels checked was operative able to ascertain any information as to the conduct of subjects, due to the fact that at the time they were in the Yellowstone National Park the tourist season is reaching its peak, with thousands of people in the park. As this completed the check of the hotels, operative returned to Cody on the night of August 31st, left Cody on the morning of September 1st and arrived in Denver, September 2nd.

Denver, Colorado, September 3, 1924.

In Re: Mrs. J. R. [REDACTED], Case No. 9375
Report of Oper. 126.

Acting under instructions received from the agency to make a check at the Argonaut Hotel in Denver, ascertaining whether subject or H. L. Kirby and Miss Daisey Rutherford had stopped at this hotel Operative inspected the register and found the following:

7/15/24 H. L. Kirby, New York - - - - - Room 206
Mrs. J. R. [REDACTED], New York - - - - - Room 321
Miss Daisey Rutherford, New York- - - - - Room 321
(These are not connecting rooms as one is on the second floor and the other on the third)

and these parties left on July 16th, 1924 and left no forwarding address.

OGDEN T. DAVIS, being first duly sworn, deposes and says as follows:

I am Chief of the Vice Squad of the Police Department of Washington, D. C., with the rank of Lieutenant. Mr. Charles H. [redacted] ^{upon} called me about four o'clock in the morning of September 14, 1924, at Number 2 Police Station, Washington, D. C. In company with Mr. [redacted] and with Mr. Josey, Sergeant McGuade, and Detective Holmes, we went to the Hamilton Hotel, Fourteenth and K Streets, N. W., Washington D. C. A consultation was held with the Manager, whereupon Detective Holmes remained at the office, while Sergeant McGuade, Mr. Josey, Mr. [redacted], and myself went with the Manager to room 617. A knock on the door brought a response from a man who later was identified as Hugh Lee Kirby. When Kirby opened the door the entire party stepped inside of room 617. Upon entering, we observed said Hugh Lee Kirby attired in a suit of thin, white pajamas; he also being barefooted. We also observed getting out of a bed a female who was later identified as Armenia E. [redacted]. She was clad in only a thin night gown of the sleeping type. As she walked across the room toward a bathroom, which was at the north end of the room, we observed that she was perfectly nude beneath this gown. At this time Kirby was observed to take a key from a door on the north side of the room. Sergeant McGuade took the key from Kirby, opened the door, and entered this communicating room. There in this room were found Thomas H. Lyons and Mrs. M. A. Parr. All of these parties were arrested, taken to Number 2 Police Station, and charged with a statutory offense.

Before proceeding to room 617, an examination of the hotel register was made and the information gained that Kirby had registered under the name of H. L. Kirby and wife of New York at

room 617. The register showed room 619, Thomas H. Lyons and wife, Manassas, Virginia. A comparison showed that all of this writing was in the same hand. About two or three minutes, not more than five, after we gained entrance to room 617, we were joined by Detective Holmes. At Number 2 Police Station all of these parties were recorded on the police blotter, which shows the record of arrests, as follows: Hugh Lee Kirby, Cherrydale, Virginia; Ada [redacted], Richmond, Virginia; Andrew Aaron Holland, Suffolk, Virginia; Betty Johnson, Norfolk, Virginia. A positive identification was made in the case of Hugh Lee Kirby and Armenia E. [redacted] in the presence of all three above mentioned police officers by Mr. Glenn, son-in-law of Mrs. Cole. Mrs. Cole admitted that Mr. [redacted] was her son-in-law and also that she was Armenia E. [redacted] of Richmond, Virginia. Credentials found upon Andrew Aaron Holland and Betty Johnson established the fact they were none other than Thomas H. Lyons of Manassas, Virginia, and Mrs. R. A. Parr of Red Hill, Virginia. Because of the fact that Mr. [redacted] did not care for any publicity in the premises these parties were permitted to post the cash collateral of \$25.00 each, which was forfeited in U. S. branch of the police court on September 15, 1924, which was a Monday and the first court day following the arrest. Questioning Kirby with reference to having sexual intercourse with Mrs. [redacted], he replied that he did not go to that room for the purpose of playing ping pong. I also had a conference with Mrs. [redacted] with reference to her giving to Kirby an automobile belonging to her husband. She denied the fact that the automobile belonged to her husband, stating that it was her own automobile.

In looking at a picture at this time, I positively identify the photograph as that of Armenia E. [redacted], the same woman who was arrested on September 14, 1924, on a statutory offense at the Hamilton Hotel in Washington, D. C.

at the request of Mr. [REDACTED], and for the sake of suppressing publicity, a great amount of courtesy was extended to these parties and they were permitted to go to the police station in private automobiles. In conclusion, I would also like to say that I was appealed to, and for some time prevailed upon, by Mr. [REDACTED] to defer making these arrests, but, as I stated to him, being an officer of the law with sworn duties to perform, it was not optional on my part to defer arresting these parties.

Lieut. O. T. Davis

Subscribed and sworn to before me this 18th day of
February, 1925.

Irvin L. Ewing
Notary Public.

JAMES D. HOWARDS, Sergeant Second Police Station, Wash-
ington, D. C., being first duly sworn, deposes and says as follows:

I have heard the statement just made by Lieutenant
Davis and was with him, as he states, and am familiar with all
the incidents stated by him and agree with what he says. In addi-
tion to what he has said, I wish to state that I took the key
away from Mr. Kirby and when I opened the door of the next room
I found a twin bed, in which were Mr. Lyons and Mrs. Parr. Lyons
got out of bed and came to the door of room 617, where Mr. Kirby
was. I told them to get dressed as I was going to arrest them.
I remember that, as we went into the room, Mrs. [REDACTED] accused her
son-in-law, Charlie [REDACTED], of having caused all the trouble.

I have seen a picture of Mrs. Armenia E. [REDACTED] today and
identify the photograph as that of the same woman who was arrested
on September 14, 1924, on a statutory offense at the Hamilton
Hotel in Washington, D. C.

James D. McCreath

subscribed and sworn to before me this 18th day of
February, 1925.

Irvin L. Pearson
Notary Public.

NELSON O. HOLMES, being first duly sworn, deposes and says as follows:

I am a detective, assigned to the Vice Squad under Lieutenant Davis, in the City of Washington, D. C. I concur in the statement made today by Lieutenant Davis insofar as he states the things that occurred while I was present. When I got to the room Kirby was dressing, tying his shoes. Mrs. [REDACTED] was in the bathroom. I also went into room 619, occupied by Lyons and Mrs. Parr, and I agree with what sergeant Howade says in his statement made in my presence today.

I identify the picture shown to me today as that of Armenia K. [REDACTED], the woman who was arrested on September 14, 1924, on a statutory offense at the Hamilton Hotel in Washington, D. C.

N. O. Holmes

Subscribed and sworn to before me this 18th day of February, 1925.

Irvin L. Currough
Notary Public.

P. C. JOSEY, being first duly sworn, deposes and says as follows:

My name is P. C. Josey. I live in Richmond, Virginia, and am connected with the Bodeker National Detective Agency. I have heard the statements made by Lieutenant Davis, Sergeant McQuade, and Detective Holmes. I was present during all the time of the incidents stated by them, except that I did not hear a private conversation which Lieutenant Davis had with Mr. Kirby, nor the one he had with Mrs. [REDACTED], and I did not go into room 619. I recall being asked about the identification and recall distinctly all the incidents which have been recited by Lieutenant Davis, except as stated above. I agree fully with everything he has said.

I identify the picture shown to me today as that of Armenia B. [REDACTED], the woman who was arrested on September 14, 1924, on a statutory offense at the Hamilton Hotel in Washington, D. C.



Subscribed and sworn to before me this 18th day of February, 1925.



Notary Public.

CHARLES M. [REDACTED], being first duly sworn, deposes and says as follows:

I live in Richmond, Virginia, and am the son-in-law of Mrs. James R. [REDACTED]. As stated by Lieutenant Davis, I called on him on the morning of September 14, 1924, in connection with the presence of Mrs. [REDACTED] and H. L. Kirby at the Hamilton Hotel, Washington, D. C. I was present during the incident he has recited and his statement is correct. I did not hear the private conversation with Mrs. [REDACTED] as to the automobile and the conversation with Kirby as to his relations with Mrs. [REDACTED]. I know some things in addition to those stated by Lieutenant Davis. When I entered the room Lieutenant Davis told me that Mrs. [REDACTED] was in the bathroom. I was the last of the party of five to enter the room. Seeing the ^{bath} room dark, I snapped on the light and found Mrs. [REDACTED] sitting on the edge of the bath tub, naked except for one garment. As soon as she could see me plainly, she said in a vindictive manner, "Yes, its me. What of it. This is one of your tricks". I said to her, "Mrs. [REDACTED] I will be in Washington until ten o'clock this morning, and if you will talk to me I would like to talk to you". She replied, "I don't want to talk to you, Mr. [REDACTED], get these men out of here. You have seen." I then left the room.

Charles M. [REDACTED]

Subscribed and sworn to before me this 18th day of February, 1925.

Innie L. Eoughly
Notary Public.

Filed August 7, 1925.
E. H. Berner, Clerk.
By Bessie Ellsworth, Deputy.

No. 21972
Dept. _____

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

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ARMENIA E. [REDACTED],
Plaintiff,
-vs-
JAMES ROBERT [REDACTED],
Defendant.

C O M P L A I N T

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Comes now the above named Plaintiff and complaining of the Defendant for cause of action against, and divorce from, Defendant, alleges and avers as follows:

I.

That Plaintiff is now, and for more than six months immediately preceding the commencement of this action has been, an actual bona fide resident of the City of Reno, County of Washoe, and State of Nevada, and now resides, and during all of the time above mentioned and immediately preceding the filing of this complaint has resided in and had her domicile in the City of Reno aforesaid.

II.

That Plaintiff and Defendant were married at the City of Richmond, in the County of Henrico, and State of Virginia on the day of December, 1892, and ever since said date have been, and now are, husband and wife.

III.

That there are no minor children, the issue of said marriage.

IV.

That there is no community property belonging to the Plaintiff and the Defendant in the State of Nevada or elsewhere.

V.

That since said marriage, beginning at a time about three years before the filing of this complaint, Defendant has treated Plaintiff with extreme cruelty and been guilty, since that time, of a long, persistent and systematic course of unkind and cruel treatment, some of the particulars whereof are hereinafter stated.

That on or about September 1st, 1922, Defendant began to show that his affection for Plaintiff had ceased to exist; that he did this in many ways that can be better appreciated by a wife than they can be explained in words; that Defendant, by his conduct toward the Plaintiff, from said time, constantly, in one way or another, brought home to the Plaintiff the fact that his affection for Plaintiff no longer existed and also that he desired Plaintiff to know and appreciate this fact.

That in May, 1923, when Plaintiff had noticed that the affection of Defendant no longer existed, but had kept her own counsel and done nothing by way of retaliation or had done nothing to show that she appreciated the purpose of the Defendant to make her understand that he no longer loved her, Defendant openly stated to the Plaintiff that he desired Plaintiff to secure a divorce and stated to Plaintiff that unless she did this something dreadful would happen. That by this statement Plaintiff was greatly shocked, not having believed that Defendant would, after all the years of their married life, make any such suggestion, and having

believed that for the sake of the grown children of the marriage Defendant would not seek in any way to disrupt the marriage relation, even if his affection had cooled. As a result, Plaintiff suffered great mental torment and anguish, her peace of mind and happiness were destroyed and her entire nervous system greatly upset and seriously disturbed.

That after the Defendant had openly suggested to the Plaintiff, in May, 1923, that she secure a divorce, he continued constantly to request the Plaintiff to secure a divorce, repeatedly asked the Plaintiff when she intended to see a lawyer, constantly asked the Plaintiff when she intended to leave and during all of this time conducted himself in such a way as to indicate very clearly that he no longer loved or cared for the Plaintiff.

That Plaintiff was brought up and reared in a home of refinement and culture and had always believed that the relationship of marriage was a holy one and had also felt that husband and wife should consider that relationship as the most sacred thing in their lives and that the constant suggestion by the Defendant to the Plaintiff that the Plaintiff should secure a divorce and the constant request by the Defendant from the Plaintiff for information as to when Plaintiff expected to leave, at each and every time that they were repeated, were a great and grievous shock to the sensibilities of the Plaintiff. That these suggestions on the part of the Defendant outraged the Plaintiff's sense of decency and propriety and as a result thereof Plaintiff suffered severe mental anguish and torment.

That eventually, when Defendant had continued the course of conduct hereinabove referred to from the Fall of 1922 up to the early Fall of 1924, Plaintiff was no longer able, physically or mentally, to withstand further torment by the Defendant and feared

that if she should continue to live with Defendant and further cohabit with him her health would be so seriously affected that her life would be endangered and, therefore, in the early Fall of 1924 Plaintiff left the Defendant and ceased to cohabit with him and has not since that time lived with, nor cohabited with, the Defendant.

That as a result of the treatment of Plaintiff by the Defendant, hereinabove outlined, and acts of a similar nature too numerous to mention, Plaintiff's health was seriously affected so that when she was compelled to leave Defendant, as hereinbefore stated, she was on the verge of a nervous breakdown and so seriously had Plaintiff's health been affected that up to the present time Plaintiff is still exceedingly nervous and unstrung and is having great difficulty to get back her health and strength, all on account of the conduct of the Defendant, hereinabove mentioned.

WHEREFORE, Plaintiff prays judgment: Granting to her a decree of divorce, absolutely and forever dissolving the bonds of matrimony now existing between this Plaintiff and this Defendant and restoring each of said parties to the status of single persons.

Huskey and Souter.
Attorneys for Plaintiff

STATE OF NEVADA,)
 : ss.
COUNTY OF WASHOE.)

ARMENIA E. [REDACTED], being first duly sworn according to law, on her oath deposes and says as follows:

That she is the Plaintiff in the above-entitled action; that she has read the foregoing complaint and knows the contents thereof; that the same is true of her own knowledge, except as to those matters therein stated on information and belief and as to those matters she believes it to be true.

Armenia E. [REDACTED]

Subscribed and sworn to before me
this 7th day of August, 1925.

Clyde D. Souter

Notary Public in and for the County
of Washoe, State of Nevada.

My Commission Expires

May 18, 1928.

Notarial
seal

I, CLYDE D. SOUTER, one of the counsel for the Plaintiff herein, hereby certify that the foregoing is a full, true and correct copy of the complaint filed and summons issued in the foregoing action.

Clyde D. Souter

STATEMENT OF CHAS. M. [REDACTED] ON WASHINGTON TRIPS.

Aug. 14th. Accompanied by Dr. Bullard left Richmond 9:00 PM arrived Wash about 2:30 AM stopping at Raleigh Hotel.

Following morning went to Hamilton Hotel asked for Register sheet of Aug. 13th. finding H. L. Kirby and wife registered as of New York in Room 601. Had a photo-stat copy made of the same as a record.

Sept. 3rd. accompanied by Dr. Bullard, left Richmond 3:30 PM for Washington D. C. endeavoring to find Mrs. [REDACTED] who had driven there that day in the Packard. Met Josey in Raleigh lobby about 7:30 PM who advised us he lost them south of Alexandria account of having a puncture. About 10:00 PM while phoning to Richmond, Mrs. [REDACTED] was reported to have just registered at the desk. Bullard saw her and got out of the door without her knowledge of his presence. We both left the hotel and registered elsewhere to receive reports from the Detectives. Nothing of consequence happened until about 10:30 AM following day, Thursday when she was met in the lobby, so I was advised by Josey. At that time we had also employed a local man, Jenkins to follow them if they got away. Josey phoned that they had left in a taxi, followed by Jenkins. Within a few hours or around noon, Jenkins came to us reporting he had followed them to Gaithersburg Md. where they entered a house about 15 minutes, returning to Wash. going to Union Station, Kirby taking a train about 1:00 PM.

I returned to Richmond Saturday morning and returned to Wash. Saturday night, meeting Bullard.

Sunday AM Kirby was reported to us to have again taken a taxi to Gaithersburg Md with Mrs. [REDACTED], getting the Packard car which was stored there, she driving it back to Wash. to Powhatan Hotel where they both had lunch. While at lunch, Josey thought they expected to leave possibly in the Packard for some destination. I immediately provided him with a Hudson car to follow. They had some man drive them around Wash. in the afternoon, winding up again at same hotel at night having dinner together. That day we had also employed another man Mr. Griffith. At 8:55 PM he phoned me from Union Station that both parties were there and had bought tickets and Pullmans; Kirby buying the tickets. I went to Union Station at once, finding Josey there, having also followed them. As it turned out, Mrs. [REDACTED] came to Richmond and Kirby went elsewhere possibly. We did not return to Richmond until Monday night, having gone to New York from Wash.

On Saturday Sept. 13th. we learned through Josey that Kirby was again expected to arrive Wash. that afternoon at 7:30 PM. I took the 3:30 PM train for Wash, getting off at Alexandria, taking a car to Wash so as to avoid possible contact with either one in the Union Station. On arrival, tried to locate Josey and failed. About 8:00 PM he phoned me Kirby and Mrs. [REDACTED] had registered as man and wife again at the Hamilton hotel and another couple was registered at same time, all names being written by Kirby, the latter in 619, while Kirby and Mrs. [REDACTED] were in 6:17.

I overlooked stating that in Kirby's room and Mrs. [redacted], they had twin beds, both having been used.

We watched the entrance until about 12:30 AM Sunday the 14th. to see if they left the hotel. We had not seen them. Then Josey left and went into hotel to see if he could get the house man to have the door opened to their rooms. He returned, reporting that they would not permit it. I then went to Headquarters to see if they would give me a man who had authority to enter the rooms. They said they had no such authority unless I swore out a warrant. They suggested that I go to Station #2 and see Sargt or Liet. Davis of the vice squad. I did so, told him the situation, that I wanted the evidence if it existed but wanted to avoid publicity. I was advised that he would enter and make an arrest if I wanted, but not without making an arrest. I then communicated with Bullard over the phone, asking him to explain the situation to the families, asking for instructions.

I was advised to not let the evidence get away, but if no other way, as a last resort to have the Officers enter the rooms.

Then I went to the Clerk on duty telling him that I believed there was a couple there not properly registered, argued with him an hour possibly, but he again refused to allow us to enter the room. I told him if there was no other way I would have to get the Officers, but he still refused. Then it was up to me to act; it was after 3:00 Am I paced the floor and thought over the situation. I was there to get the evidence if it existed, yet I wanted no publicity. I finally decided to call Sargt or Lt. Davis. He came with his men, we told him the floor and room, talked it over and he entered the Hotel, we following. After talking with the Clerk, we took the elevator to the 6th. floor and proceeded to room 617. I told Josey to first enter with the officer and identify Jirby if he appeared.

The officer knocked, waited, knocked, waited and a third time he knocked and the door was opened and he asked "Is this Mr. Kirby" The reply was "yes". The door was pushed open and the Officer and Josey entered. I heard him ask Josey, "Is this the man" and he replied it was, then they called me. The lights were on then. I saw Kirby in his pajamas. Officer asked for the lady, locating her in the bath room, where she had evidently ran at the knock on the door. Kirby made no answer that I heard, but Davis told me she was in the bath room, where the door was open. I went to the door, snapped on the light to be sure of no mistake and as soon as she saw me, before I uttered a word, she said, "Yes it's me. What of it! This is one of your tricks" I then said Mrs. [redacted] I will remain in Wash until 10:00 AM and if you will tell me where you will be I will phone you, I would like to talk to you. She replied, "No I dont care to talk with you" That's all, get those men out of here, Mr. [redacted], get them out, take them away. I then withdrew.

She was dressed only in her "teddy's". Her manner was absolutely bold, just as if nothing had happened, not at all excited. I said nothing further to her after she refused to talk to me. I wanted to tell her that I was anxious to keep this from her mother and others but did not have the opportunity.

I again went out and looked at Kirby, who appeared to fear death possibly from someone; he was white as a sheet, tried to cover his face and attempt to crouch down and in a most coward_y and humiliated attitude, never uttering a word, passing out.

In the meantime, the officers had found the door to the adjoining room open and discovered that the other couple were not man and wife and announced that all were under arrest. I was not interested in the other people, did not ask who they were. All were told to dress and get ready to go to Headquarters. I then went on down stairs to await the whole party. Mr. Kirby and Mrs. [redacted] with an officer came down first. When she saw me in the lobby then about 4:40 AM, she threw her head in the air, in a most haughty attitude, turning away from me in defiance, walking over back of the side of the office with her back to me. A few minutes later the other couple came down. I did not know the man, but the woman was Mrs. P. [redacted] who I well knew, a friend of the family and a person who had had my confidence absolutely so far as being straight was concerned. I was utterly surprised to see her in that predicament. She looked at me once or twice, but I was not near enough for an attempt to speak. As stated I had no interest in their affairs, and had in no manner contributed to their being disturbed.

I went to the Station at the request of the Officer until records were made, leaving ahead of them. Went to a garage near and called a taxi, it coming in about 20 minutes. On the way in to hotel, we passed Kirby and Mrs. [redacted] also the other couple walking carrying baggage. That is the last I saw of them.

I got some breakfast, leaving Wash in Josey's car at
6:10 AM

(Signed) Chas. M. [redacted].

IN RE [REDACTED] INVESTIGATION

Tuesday, August 18, 1925

5:00 P.M. - consulted Mr. Stoddard at his office. From his office went to 439 West Fifth Street, Reno, Nev. Saw man whom I afterwards learned is Dr. Kountz. He was watering the lawn - very leisurely. Continued to drive past the residence several times and Dr. Kountz was still there.

6:00 P.M. - went home to dinner and at 8:00 P.M. drove past the residence and the house was in darkness.

10:00 P.M. drove past and saw the lights on - upstairs and downstairs - all blinds down. Saw no one. Stayed on opposite side street until 10:25 P.M. - then all lights turned out. Drove around the residence few more times. Saw no one or no more lights. Went home.

Wednesday, August 19, 1925.

7:30 A.M. - All blinds still down and could see nothing. Supposed parties still sleeping.

8:10 A.M. delivery boy (looked like drug store delivery) brought small package to the door. Could not see who signed as, party remained inside of the house on the 5th street entrance.

8:15 A.M. very small boy - perhaps 8 or 9 years old - from the neighborhood brought something to the house in a ten pound lard bucket to the Ralston Street entrance. The man seen last night (Dr. Kountz) took the bucket inside and brought it back out to the boy who went down 5th Street. Dr. K. remained on the porch for a few minutes. He appeared to have just risen.

9:30 A.M. reported to Mr. Stoddard who requested me to go to the Assessor's office and find out about an automobile the parties were supposed to have. I found no record of a license having been taken out by these parties.

Next went to the realstate firm fromwhom the parties leased the house. They told me there were only 3 people - Dr. Kountz and his wife (who seemed to be traveling companions of Mrs. [REDACTED]) and Mrs. [REDACTED] herself. The realstate people told me the parties sold the car Thursday or Friday of last week and that Mrs. [REDACTED] had gone on a trip to California. This firm also told me the parties had the place leased until September 10th. But Mrs. [REDACTED] told them she would vacate the house and that they could have it by August 25th - and her vacating was to accomodate the owner, Mr. Twaddle, who had a chance to lease it to some Sorority girls who would lease it for \$150.00 a month.

3:00 P.M. rode around the residence again. Didn't see anybody until 4 P.M. when Dr. K. came out to move the two sets of hose which had been in the same places since the night before.

4:30 P.M. reported to Mr. Stoddard.

1 day	\$10.00
Expense:	
Gas and oil	1.88
taxi	.50
purchase at store opposite residence	<u>.30</u>
Total,	\$12.68

IN RE [REDACTED] INVESTIGATION

Thursday, August 20, 1925

9:00 A.M. - went to the store opposite residence. Made no inquiries because too many people in the store. Saw no one at the residence - blinds all down.

2:00 P.M. Saw Dr. Kountz and two ladies upstairs in the room on the corner of Ralston & 5th Streets - moving around. But the shades were partly down so couldn't distinguish enough of the ladies to see who they were or give a description of them.

Next went into the store opposite residence and inquired about when the sorority girls were moving in and the lady there answered very shortly that she knew nothing about it and that the people who were there intended to stay along time. She seemed to suspect some ulterior purpose in my question.

3:00 P. M. Reported to Mr. Stoddard and he instructed me to do nothing else that day.

Friday, August 21, 1925

7:30 A.M. Went down to residence. No activities there. There were several pieces of lady's clothing hanging on the clothes line outside.

8:15 A.M. - a little boy with a bucket came to the Ralston Street entrance. Some one - could not see whether a man or woman took the bucket in and then gave it back to the boy.

9:00 A.M. Truck drove down the alley and stopped - looked like a plumber's truck. The man brought something out and dumped it into the truck and left.

10:30 A.M. A process server on a motor cycle went up on the porch, then came back to meet Dr. Kountz who was in the yard. The process server handed Dr. K. a paper. Dr. Kountz refused to take it. The process server then took the paper up to the porch.

10:37 A.M. Process server left. Right after that Dr. K. went to the grocery store across the street.

10:42 A.M. Dr. Kountz came out of the store with arms loaded with groceries and went home.

11:12 A.M. Dr. Kountz went back to the store - came back with 2 cantaloupes. He entered the back entrance.

2 - $\frac{1}{2}$ days	\$10.00
2 sodas	.20
Total	<hr/> \$10.20

1 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
2 IN AND FOR THE COUNTY OF WASHOE.

3 -----
4 ARMENIA E. [REDACTED]

5 Plaintiff.

6 -VS-

7
8 JAMES ROBERT [REDACTED]

9 Defendant.

) Dept. No. _____ No. 21,972

) FILED _____, 1925

) _____, Clerk

) By _____, Deputy

) COOKE & STODDARD,

) Attorneys for Defendant

10 -----
11 DEMURRER
12 -----

13
14 Defendant above named demurs to plaintiff's Complaint
15 on the grounds and for the reasons following:

16 I.

17 That said Complaint does not state facts sufficient
18 to constitute a cause of action.

19
20 WHEREFORE, defendant prays that plaintiff take nothing
21 by her action herein; that said Complaint may be held for naught
22 and said action dismissed, and that defendant may go hence with
23 his costs and without a day.

24 _____
25 Attorneys for Defendant

26
27 Service of the above and foregoing Demurrer admitted this
28 _____ day of September, 1925.

Attorneys for Plaintiff

OFFICE COPY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

ARMENIA E. [REDACTED]	:	Dept. No. _____	No. 21,972
)		
	:	FILED _____	1925
<u>Plaintiff,</u>)		
	:		_____, Clerk
)		
-VS-	:	By _____	Deputy
)		
JAMES ROBERT [REDACTED],	:		COOKE & STODDARD
)		
<u>Defendant.</u>)		Attorneys for Defendant

DEFENDANT'S ANSWER AND CROSS-COMPLAINT

Now comes the above named defendant, by and through his attorneys, Messrs. Cooke and Stoddard, and for answer to plaintiff's Complaint on file herein, admits, denies and alleges:

I.

Defendant admits the allegations contained in paragraph I of plaintiff's Complaint.

II.

Defendant admits the allegations contained in paragraph II of plaintiff's Complaint.

III.

Defendant admits that there are no minor children, the issue of said marriage, and in this connection avers that three children were born, the issue of said marriage, to-wit: Alma May [REDACTED], who died in infancy, and Hazel [REDACTED] and Lena Shubrick [REDACTED], both of whom have reached their respective ages of majority and now survive.

IV.

Defendant admits the allegations contained in paragraph IV of plaintiff's Complaint.

V.

Defendant denies that since said marriage, beginning at a time about three years prior to the filing of plaintiff's Complaint, or that at any other time since said marriage, he has treated plaintiff with extreme cruelty, and denies that he has been guilty, since said marriage, of a long, or any persistent and systematic course of unkind and cruel treatment.

Defendant denies that on or about September 1, 1922, or at any time since the marriage, he attempted to or did show that his affection for plaintiff had ceased to exist, or that he desired or attempted to convey to plaintiff knowledge or appreciation of any lack of affection upon his part, and in this connection defendant alleges that on the contrary, he has ever since the said marriage, at all times, and, up to and until the time that he acquired knowledge of the events hereinafter alleged, had and held great affection for the plaintiff and faithfully tried to perform every duty to his wife.

Defendant denies that he openly or otherwise stated to plaintiff that he desired her to secure a divorce and denies that he stated to her that unless she did so something dreadful would happen, and denies that plaintiff suffered great or any mental torment or anguish, and that her peace of mind was disturbed, and her happiness destroyed, and that her nervous system became thereby upset or disturbed.

Defendant denies that in May, 1923, or at any time, he openly, or in any way, suggested to plaintiff that she secure a divorce, and denies that he thereafter or at any time constantly or at all requested plaintiff to secure a divorce, or repeatedly

or at all asked the plaintiff when she intended to see a lawyer, and denies that he constantly or at all asked the plaintiff when she intended to leave, and that he in the manner described, or at all conducted himself in such a way as to indicate that he no longer loved or cared for the plaintiff.

Defendant admits that plaintiff was brought up and reared in a home of refinement and culture, but denies that at any time subsequent to about the month of June, 1924, plaintiff believed that the relationship of marriage was a holy one, or considered such relationship as the most sacred thing in her life, and denies that any suggestion was made by him to her that she should secure a divorce, or that she should leave the domicile, or that any such suggestion by defendant caused a great or any grievous shock to the sensibilities of the plaintiff or that any suggestions of defendant outraged the plaintiff's sense of decency or propriety, or that as a result thereof she suffered severe or any mental anguish or torment.

Defendant denies that eventually or because of any course of conduct by him practiced toward her plaintiff became or was unable physically or mentally to continue to live with the defendant, or feared that her health would be seriously affected, or her life endangered should she continue to live and further cohabit with defendant. Defendant admits that in the early Fall of 1924, and on or about the 3rd day of September, 1924, plaintiff left and abandoned the defendant, ceased thereafter to cohabit with him, and has not since that time lived or cohabited with him.

Defendant denies that as a result of the treatment of plaintiff by defendant, as alleged in paragraph V of plaintiff's Complaint, or as a result of any treatment or conduct of defendant, the plaintiff's health was affected, and denies that when she abandoned the home of plaintiff and defendant in Richmond, Virginia, she was upon the verge of a nervous or any break-down

and denies that plaintiff's health had then been affected, and denies that plaintiff is now nervous or unstrung or is having great difficulty in getting back her health and strength, and denies that her health and strength have been affected by reason of the alleged conduct, or any conduct practiced by defendant towards her.

And by way of further defense to said Complaint, seeking affirmative relief, and by way of counter-claim and cross-complaint against said plaintiff, defendant alleges:

I.

That plaintiff and defendant intermarried in the City of Richmond, State of Virginia, on the 22nd day of December, 1892, and that ever since said time they have been and now are husband and wife.

II.

That defendant is informed and believes, and, basing this allegation upon such information and belief, alleges the fact to be that plaintiff is now, and for more than six months immediately preceding the commencement of this action has been, an actual bona fide resident of the City of Reno, County of Washoe, State of Nevada.

III.

That three children have been born the issue of said marriage, to-wit: Alma May [redacted], who died in infancy, and Hazel [redacted] and Lena Shubrick [redacted] both of whom now survive and are over the age of eighteen years.

IV.

That there is no community property arising from said marriage within the jurisdiction of the above Court.

V.

That at all times since the marriage of plaintiff and defendant, the defendant has conducted himself towards the plaintiff in a faithful and proper manner, and has done everything upon his part that could be done to preserve and keep the happiness of the home and marital relation with plaintiff, but that notwithstanding defendant's efforts plaintiff has, without cause or provocation and in disregard of the solemnity of her marriage vows and obligations, been guilty of extreme cruelty practiced upon and towards the defendant, and has caused him to suffer great mental pain, anguish and humiliation, and, as illustrative of the conduct and acts of plaintiff toward defendant, defendant shows and sets forth the following:

Defendant is possessed of an extremely jealous disposition and has frequently, during the married life of the parties hereto, without cause or provocation, quarreled with and berated defendant; upon many occasions plaintiff has, without just cause, accused defendant of seeking the society and companionship of other women and has falsely accused him of seeking, having and maintaining unduly intimate relations with other women; notwithstanding the cruel treatment afforded defendant by plaintiff the defendant continued to treat her affectionately and kindly, and afforded her such comforts and luxuries in their home as his means permitted.

Commencing about the month of June or July, 1924, plaintiff, without the knowledge or consent of defendant, surreptitiously became unduly intimate with one H. L. Kirby, who had for many years been on terms of friendship with plaintiff, during

which period they had frequently been in the same house or hotel at a distance from defendant's home and without his knowledge. Plaintiff left the home of the parties hereto in Richmond, Virginia, during the month of June, 1924, taking a journey to the City of New York and thence throughout the West with a lady, who is a friend of hers, and whose name defendant prefers not to reveal if it can be avoided; said trip lasted for several weeks and included a visit to the Cities of New York, Detroit, Chicago and Denver, and to Yellowstone National Park in the State of Wyoming; upon a part of this journey, plaintiff and her said friend were accompanied by said H. L. Kirby, who spent the days with them and at night stopped at the same hotel, frequently being in an adjoining room with a bathroom between such rooms for their common use.

Thereafter, and upon her return to her home in the State of Virginia, plaintiff wilfully and falsely represented to defendant that said H. L. Kirby was probably then in the Island of Haiti, and that she had not seen nor heard from him for a period of three years.

Thereafter, and on or about the 15th day of August, 1924, plaintiff announced to her daughters, Mrs. [REDACTED] and Mrs. [REDACTED], that she was going to Lanexa, near the City of Richmond, Virginia, on a picnic and left the home ostensibly for that purpose, but plaintiff instead of so doing took a train to Washington, D. C., and was met at the station by said H. L. Kirby, who there embraced and kissed her affectionately and accompanied her to the Hamilton Hotel in said City, where said H. L. Kirby registered for plaintiff and for himself as "H. L. Kirby and wife"; the plaintiff and said H. L. Kirby remained at said hotel using the room so assigned to them in common, for several hours during said day and left the hotel together and went to the railroad station where the plaintiff affectionately kissed said H. L. Kirby farewell before she took the train to return to Richmond; plaintiff, upon her

return to the home of plaintiff and defendant in Richmond upon said day, deceitfully stated to defendant, in substance, that she had spent the day with a friend in Richmond as her plans for going to Lanaxa had been changed, but made no reference to the actual manner and with whom she had spent the day; thereafter and on or about the 3rd day of September, 1924, the said plaintiff left the home of plaintiff and defendant and has ever since lived separate and apart from him.

That the acts and conduct of plaintiff, as aforesaid, caused this defendant to suffer grievous mental pain and agony, caused him to suffer deep humiliation and loss of sleep to the extent that his nervous system was affected,— all of which threatens to permanently injure his health.

And for a further, second and separate defense to said Complaint seeking affirmative relief herein, and by way of counter-claim and cross-complaint against said plaintiff, defendant alleges:

I.

That plaintiff and defendant intermarried in the City of Richmond, State of Virginia, on the 22nd day of December, 1892, and ever since said time have been and now are husband and wife.

II.

That defendant is informed and believes, and basing this allegation upon such information and belief, alleges the fact to be that plaintiff is now, and for more than six months immediately preceding the commencement of this action, has been an actual bona fide resident of the City of Reno, County of Washoe, State of Nevada.

III.

That three children have been born the issue of said marriage, to-wit: Alma May [REDACTED], who died in infancy, and Hazel [REDACTED] and Lena Shubrick [REDACTED], both of whom are now living and are over the age of eighteen years.

IV.

That there is no community property arising from said marriage within the jurisdiction of the above Court.

V.

That defendant is informed and believes, and upon such information and belief, alleges the fact to be that plaintiff did, on or about the 15th day of September, 1924, commit adultery with one H. L. Kirby at the Hotel Hamilton in the City of Washington, District of Columbia, and on divers days and times during the months of August and September, 1924, the exact dates being unknown to defendant, wilfully committed adultery with the said H. L. Kirby at the Hotel Hamilton and at the Hotel Raleigh, in said City of Washington. Defendant avers that each and all of said acts of adultery remain unforgiven by him, and that said acts of adultery and each of them were committed without the consent, connivance, procurement or previous knowledge of defendant, and that he has not forgiven nor condoned said acts, nor has he lived or cohabited with plaintiff since he became cognizant of said acts of adultery.

WHEREFORE, defendant prays that plaintiff take nothing by her Complaint and cause of action and that her prayer for judgment and relief be wholly disallowed and denied; that defendant be granted a decree of absolute divorce forever dissolving the bonds of matrimony now existing between him and the said plaintiff, releasing said defendant and plaintiff and each of them from the obligations thereof, and restoring said defendant

and plaintiff and each of them to the status of unmarried persons; and for such other and further relief as to the Court may seem just and equitable.

Peck & Steward

Attorneys for Defendant.

STATE OF VIRGINIA }
CITY OF RICHMOND } ss.

JAMES ROBERT [redacted], being first duly sworn, deposes and says: That he is the defendant in the above-entitled action; that he has read the foregoing Answer and Cross-Complaint and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes it to be true.

James Robert [redacted]

Subscribed and sworn to before me
this 14th day of September, 1925.

Edith L. Tidwell

Notary Public.

(SEAL)
No seal tax

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

-----000-----
Dept. No. _____ No. 32149
JAMES ROBERT [REDACTED],) FILED Sept 30th, 1925
Plaintiff,) E. H. Beemer, Clerk
vs.) By _____, Deputy
ARLENIA [REDACTED],) C O M P L A I N T.
Defendant.)
-----000-----

Comes now the above named plaintiff and complaining of the defendant for cause of action against, and divorce from, defendant, alleges and avers as follows:

I.

That plaintiff and defendant intermarried in the City of Richmond, State of Virginia, on the 22nd day of December, 1892, and that ever since said time they have been and now are husband and wife.

II.

That plaintiff is informed and believes, and, basing this allegation upon such information and belief, alleges the fact to be that defendant is now, and for more than six months immediately preceding the commencement of this action has been, an actual bona fide resident of the City of Reno, County of Washoe, State of Nevada.

III.

That three children have been born the issue of said marriage, to-wit: Alma May [REDACTED], who died in infancy, and Hazel [REDACTED] and Lena Shubrick [REDACTED] [REDACTED], both of whom now survive and are over the age of eighteen years.

IV.

That there is no community property arising from said marriage within the jurisdiction of the above Court.

V.

That at all times since the marriage of plaintiff and defendant, the plaintiff has conducted himself towards the defendant in a faithful and proper manner, and has done everything upon his part that could be done to preserve and keep the happiness of the home and marital relation with defendant, but that notwithstanding plaintiff's efforts defendant has, without cause or provocation and in disregard of the solemnity of her marriage vows and obligations, been guilty of extreme cruelty practiced upon and towards the plaintiff, and has caused him to suffer great mental pain, anguish and humiliation, and, as illustrative of the conduct and acts of defendant toward plaintiff, plaintiff shows and sets forth the following:

Defendant is possessed of an extremely high temper and jealous disposition and frequently during the married life of the parties hereto, without cause or provocation, has quarreled with and berated the plaintiff. On one occasion, about eight years or more ago, the defendant came into a room where the plaintiff was lying down and, without any provocation whatsoever so far as he knows, struck him on the head with a small ivory clock she had in her hands and caused him, in order to protect himself, to hold her and take the clock from her. Having done this, he left the

room, went to an adjacent room, and locked the door, whereupon she came to the door and beat upon it and called for a gun with which to shoot him. On other occasions defendant has threatened the life of the plaintiff and, entirely without justification, has berated and quarreled with the plaintiff. Defendant frequently quarreled with plaintiff in regard to money matters and expressed dissatisfaction with the plaintiff and with the home furnished by him.

After the occasion above narrated, when she threatened his life, at a time when plaintiff and defendant were living in an apartment with their daughter and son-in-law, defendant suggested that if they would get a home to themselves life might be better. Thereupon plaintiff, in order to gratify defendant, went to much expense and rented a separate apartment for the two of them in one of the most fashionable apartment houses in the City of Richmond, Virginia. This, however, did not cause defendant to change her attitude, but she continued to berate the plaintiff and to keep him in a state of mental turmoil. Following this, in order to satisfy her, plaintiff bought a handsome home in a fashionable suburban section in the County of Henrico, near Richmond, Virginia, and had the deed drawn so that the place would be conveyed to her. Plaintiff furnished the place handsomely and moved there with her in the hope that his life would become happy. No good resulted from this, and defendant continued her attitude, so that plaintiff had no happiness in his home and all his efforts to this end went for naught. As plaintiff's business became more prosperous and he had money to invest, he discussed his affairs with defendant, but every investment he suggested she opposed, and he was allowed to do nothing with a peaceful mind.

On more than one occasion, defendant made it evident that she no longer desired to live with plaintiff nor to remain as his wife, and she continually did things to irritate him, with

the apparent desire to provoke an altercation and to force him to take action towards getting a divorce. On one occasion, the date of which plaintiff does not now recall, defendant suggested that they go together to see a lawyer in the City of Richmond and have him arrange all things necessary for them to be divorced.

Defendant would frequently leave home on trips to distant points without telling the plaintiff where she was going nor how long she would be gone, and when plaintiff wrote to addresses that he understood would reach her defendant would not answer letters, so that all happiness in plaintiff's married life was wrecked. Defendant on more than one occasion showed that she had lost all affection for plaintiff, and at Christmas, 1923, when plaintiff had requested one of their daughters to purchase a handsome - - - - - writing set as a present for his wife, defendant showed her dissatisfaction and anger at the present offered her, on Christmas morning threw it on the floor, stamped upon it and broke it to pieces, and later in the day, when their daughters and their husbands and families were present, together with a visitor, reproached the plaintiff with having given her so unworthy a present.

Defendant showed her utter disregard of plaintiff's feelings on many occasions. One of them was at the time of the death of plaintiff's mother. Defendant was absent from their home at the time, made no response to a message sent her advising her of the death, and when she returned she bitterly reproached the plaintiff for having paid the funeral expenses and supervised the burial of his mother.

In addition to the foregoing, defendant is possessed of an extremely jealous disposition and upon many occasions, without just cause, has accused the plaintiff of seeking the society and companionship of other women, has falsely accused him of seeking, having and maintaining unduly intimate relations with other women,

and on one occasion, the date of which plaintiff does not now recall, defendant entirely without justification charged him with going with another woman and stated that if she ever caught him in an automobile with that woman she would put a bullet through him and through the woman.

Finally, during the early part of September, 1924, when plaintiff was changing a tire from one automobile to another at their home in Henrico County, Virginia, plaintiff came to see what he was doing, with no justification whatever became violently infuriated, threatened to take an axe and break both cars, and shortly thereafter, on or about the 3rd day of September, 1924, without plaintiff's knowledge or consent, left home in one of said cars and has ever since lived separately and apart from the plaintiff.

Notwithstanding the cruel treatment above described, up to the time of her leaving his home as above stated plaintiff continued to treat the defendant with all consideration due her and afforded her such comforts and luxuries in their home as his means permitted. Plaintiff has for many years given defendant one-half of all income he received and, in addition, has paid all the expenses of their home and all running expenses and all taxes on property owned by her.

The plaintiff further alleges that he has always regarded the relationship of marriage as a holy one and has felt that husband and wife should consider and treat that relationship as sacred, and the constant suggestion by the defendant that the plaintiff was unfaithful, that she would secure a divorce, and her continual acts of such a nature as to render life with her unbearable caused the plaintiff to suffer grievous mental pain and agony and to suffer deep humiliation, has seriously affected his nervous system and rendered it impossible for him to lead a quiet and restful existence, all of which has made his life unhappy to such an extent and in such a manner as to threaten permanent

injury to his health.

WHEREFORE plaintiff prays that he be granted a decree of absolute divorce forever dissolving the bonds of matrimony now existing between him and the defendant, releasing the plaintiff and the defendant and each of them from the obligations thereof, and restoring them and each of them to the status of unmarried persons, and for such other and further relief as to the Court may seem just and equitable.

Robert Stoddard

Attorneys for the plaintiff.

STATE OF VIRGINIA)
) ss.
CITY OF RICHMOND)

JAMES ROBERT [redacted], being first duly sworn, deposes and says: That he is the plaintiff in the above-entitled action; that he has read the foregoing complaint and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes it to be true.

James Robert [redacted]

Subscribed and sworn to before me
this 26th day of September, 1925.

Edith C. Tidwell

Notary Public.

My Commission as a Notary Public will expire Jan. 29th, 1929

(SEAL)
In seal box