

1926-009 Charney Cause, Merritt A. Delk vs Claudine Bell Delk [Ida C. Bell Delk]

480

Isle of Wight County

Other surnames: Bell,
English, Ford, Annas,
Simmons Chapman,
Wills, White

MARRIAGE LICENSE

Virginia Isle of Wight County to-wit:

To Any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church or religious denomination, and the laws of the Commonwealth of Virginia,

Merritt Ashton Delk and Ida C. Bell

Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this 24th day of Feb, 1926

R. A. Edwards Clerk.
By E. Kay Wills D.C.

MARRIAGE CERTIFICATE

To be annexed to the License, required by Section 5074 of the Code of Virginia, 1919, as amended by Act of February 16, 1910.

VIRGINIA: In the Clerk's Office of the Circuit Court for the County (or City) of Isle of Wight

Date of Marriage Feb 24th, 1926 Place of Marriage Isle of Wight Co.

Merritt Ashton Delk and Ida C. Bell

Age of Husband 27 years; Condition (single, widowed or divorced) single

Age of Wife 28 years; Condition (single, widowed or divorced) widowed

Race (White or Colored) white

Husband's Place of Birth Isle of Wight Co. (PRESENT) Mailing Address Ivor, Va. R#3

Wife's Place of Birth Isle of Wight Co. Mailing Address Ivor, Va. R#3

Names of Husband W.M. Delk and Mary V. Delk

Parents Wife George White and Ida C. White

Occupation of Husband Farmer

Given under my hand this 24th day of Feb, 1926

R. A. Edwards Clerk.
By E. Kay Wills, D.C.

Certificate of Time and Place of Marriage

I, J.W. Simmons, a minister of the Baptist

Church, or religious order of that name, do certify that on the 24th day of Feb, 1926,

at Ivor, RFD, Virginia, under authority of the above License, I joined together in the Holy State of

Matrimony the persons named and described therein. I qualified and gave bond according to law authorizing

me to celebrate the rites of marriage in the County (or City) of Wise, State of Virginia.

Given under my hand this 24th day of Feb, 1926

J. W. Simmons, D.D.

(Person who performs ceremony sign here.)

The Minister or other person celebrating a marriage is required, within thirty (30) days thereafter, to return the License and Certificate of the Clerk and his certificate of the time and place at which the marriage was celebrated to the Clerk who issued the License; failure to comply with these requirements of the law makes the Minister or other person celebrating the marriage liable to a fine of not less than ten nor more than twenty dollars for each offense (see Section 5074 of the Code of Virginia, as amended by Act approved February 16, 1910, Acts 1910, chapter 28, pages 36 and 37).

A Copy Tests, R. A. Edwards, Clk
By E. Kay Wills D.C.

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

Merritt Ashton Delk

Husband

and

Marriage License

Ida C. Bell

Wife

Date of Issue Feb 24th, 1926

Marriage Register No. 4 Page 76

a copy
to R. A. Edmunds
ccw

VIRGINIA,

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

- - - - -
Merritt A. Delk,.....Plaintiff

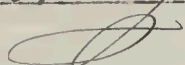
v.

Claudine Bell Delk.....Defendant.
- - - - -

TO THE CLERK OF THE

CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

Issue summons in Chancery to second April Rules,
1926.

Geo. F. Whitley. pq


M. A. Delk

v. #480

Claudine Bell Delk.

Memorandum

Filed 4/7/76

Dep. 8⁰⁰

VIRGINIA,

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

- - - - -

M. A. Delk,..... Plaintiff

v.

Claudine Bell Delk..... Defendant.

- - - - -

This cause, in which the defendant has been served ^{in person} with process and has been regularly proceeded on at rules, came on this day to be heard upon the complainant's bill, regularly filed and the exhibit~~s~~ filed therewith, the said defendant failing to appear, demur, plead or answer, upon the depositions of witnesses taken, after due notice having been served in person upon the defendant, and was argued by Counsel.

And it appearing from the depositions and exhibit~~s~~ filed in this cause that the ^{complainant} ~~complainant~~ ^{who was M. A. Delk} and defendant were married on the 24th day of February, 1926, in the County of Isle of Wight; that both the said plaintiff and defendant have been domiciled and are now and have been actual bona fide residents of the State of Virginia, for at least one year preceding the commencement of this suit, and that both the said plaintiff and defendant are resident in the County of Isle of Wight, and that the marriage between the said parties was brought about and consummated under duress by force and threats of imprisonment and intimidation and without the consent of the said plaintiff.

On consideration whereof, the Court being of the opinion that the said marriage was so brought about and consummated under duress by force and threats of imprison-

ment and intimidation and without the consent of the said plaintiff, and further being of the opinion that the said plaintiff is entitled to the relief prayed for in his said bill, it is therefore adjudged, ordered and decreed that the marriage heretofore entered into on the 24th day of February, 1926, between M. A. Delk and Ida C. Bell be, and the same is, hereby annulled and declared void. It is further adjudged, ordered and decreed that the said M. A. Delk do pay the cost of this suit.

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

M. A. Delk, Plaintiff

v.

Claudine Bell Delk,
Defendant.

DECREE.

1926
June 15th
Entered
P.D.

Book 8
p. 335

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

Search fees.

MAGNET, VA.,

7/24

192*6*

M. *Geo. F. Whitley, atty,*

IN ACCOUNT WITH W. H. CHAPMAN

Sheriff of the County of Isle of Wight, Va.

10% Commissions Charged on all Collections unless otherwise agreed upon

1926

April 13

To ex. sub. Bell vs Bell

*7/26/26
Pd by
Chel
B of S #*

666

50

This is all I find on my books.

M. A. Delk.....Plaintiff

v.

Claudine Bell Delk.....Defendant.

- - - - -

Depositions of M. A. Delk, J. W. Simmons and W.

M. Delk, taken before me, R. A. Edwards, a Commissioner in Chancery of the Circuit Court for the County of Isle of Wight, State of Virginia, on the 22nd day of May, 1926, and the other days hereinafter mentioned, pursuant to the annexed notice, at the office of Geo. F. Whitley, in the town of Smithfield, and State of Virginia, between the hours of two and six P. M., to be read in evidence in a suit in which M. A. Delk is plaintiff and Claudine Bell Delk is defendant, pending in the Circuit Court for the County of Isle of Wight, State of Virginia.

Examination of witnesses:

Present: George F. Whitley, Counsel for plaintiff.

W. H. Chapman, being duly sworn, deposes and says as follows:

Q. What is your name, age, residence and occupation?

A. W. H. Chapman, forty six, Smithfield, Sheriff of Isle of Wight County.

Q. Mr. Chapman, do you know Mr. W. W. Ford, if so how long have you known him?

A. Yes, about a couple of years.

Q. Where did you first meet him?

A. Out on the farm, when I was living in the country.

Q. What was he doing at your place?

A. He came out to my farm and told me he was an official organizer of the Ku Klux Klan and wanted to enroll me as a member, I told him I would consider the matter and he came to see me the second time but I have never joined.

Q. Have you seen him around here recently?

A. Yes sir, I saw him about a week ago. I have seen him several times since the first time he came to my house, the last time was about a week ago.

Q. Has he held any Ku Klux meetings as you know of?

A. Well, I was invited to attend a public meeting, I don't know whether you call them Ku Klux meetings or not.

Q. Where? A. Smithfield.

Q. Is Mr. Ford recognized in this community as organizer of Ku Klux?

A. He is.

Q. You know W. L. English?

A. Yes sir.

Q. Does he hold any official position in the County?

A. That of Constable.

Q. Do you know whether not he is a member of the K. K. K?

A. I couldn't state positively that he is, but he has that reputation.

And further this deponent saith not.

W. H. Chapman

M. A. Delk being duly sworn deposes and says as follows:

Q. What is your name, age, residence and occupation?

A. Merritt A. Delk, twenty six, Isle of Wight County, farmer.

Q. How long have you been living in Isle of Wight County?

A. All my life.

Q. With whom do you reside?

A. My father.

Q. How long have you known Claudine Bell Delk?

A. All my life.

Q. Is she one and the same person as Ida C. Delk?

A. Yes sir.

Q. What is her residence?

A. Isle of Wight County.

Q. How long has she been living in Isle of Wight County?

A. Ever since I have known her.

Q. Where is her home in Isle of Wight County?

A. On Willie Bell's land.

Q. Where is that?

A. In Isle of Wight County near Mill Swamp Church, just this side of Pons.

Q. Whose house has she been living in?

A. Willie Bell's.

Q. Living there by herself?

A. She and her children.

Q. You were married to Claudine Bell Delk, or Ida C. Delk, on the 24th of February, 1926, were you not?

A. Yes sir.

Q. Where did the marriage take place?

A. Mr. Preacher Simmons.

Q. Where does he live?

A. Isle of Wight County.

Q. What time did the marriage take place?

A. I reckon around eleven o'clock.

Q. Day or night?

A. Day.

Q. Why did you marry her?

A. 'Cause I was made to.

Q. Who made you?

A. Mr. Ford, English and Mr. Annas.

Q. Now, Mr. Delk, will you please state just why and how and the surrounding circumstances of your marriage with Claudine Bell Delk?

A. Well the 24th day of February, at six o'clock in the morning they come there at home, my father and I live together, and they were standing at the door, when I walked out there stood three men.

Q. What three?

A. Mr. Ford, English and Annas.

Q. What English?

A. English who is Constable. I asked them in, they wouldn't come in until my father come to the door and asked them in; then they come in and Mr. Walter English remarked they'd come after Merritt, course my father spoke and wanted to know what they were going to do with him, they said going to put him in jail or he would have to marry this woman.

Q. What woman?

A. Claudine Bell.

Q. Well, she is the same woman as Ida C. Delk?

A. Same one.

Q. Go ahead.

A. Then they wouldn't give me no bond-

Q. Did you ask them?

A. Yes, I asked them for bond, they wouldn't give me any. I asked them to let me come to see a Lawyer and they said you was the wrong man for me to come to see; and then they said I would have to have three or four thousand dollars if I had any bond.

Q. What do you mean by three or four thousand dollars?

A. It would have to be spot cash, if I had any bond.

A. They made me get my clothes on and go with them.

Q. Well, did they come in the house after your father invited them in?

A. Yes sir.

Q. What happened there?

A. At the house, well they come in and said they were going to take me.

Q. Did Mr. Ford do or say anything?

A. He got up and throwed his coat open.

Q. Why did he throw his coat open?

A. I don't know, just braced up for us to see his gun.

Q. Did he have any gun on?

A. Yes he had a gun on. Walter English had a gun and hand cuffs.

Q. Did you see the hand cuffs?

A. I did.

Q. What sort of gun did Ford have?

A. It was in a big holster, what you carry them in.

Q. Did he have a belt on with a pocket to carry the gun in?

A. Just had a pocket hanging down with a gun in it.

Q. Do you remember anything Mr. Ford said?

A. No more than when he read the warrant said he was going to carry me dead or alive.

Q. Who said that?

A. English.

Q. Do you know whether not Ford said anything?

A. He was the man said I would have to have three or four thousand dollar cash bond.

Q. Did they arrest you?

A. No sir.

Q. Did they read the warrant to you?

A. Yes.

Q. Why didn't they arrest you?

A. I don't know. They read the warrant to bring my body dead or alive.

Q. Why did they take you away?

A. They carried me to the Courthouse to get the license.

Q. Did they tell you where they were going to take you?

A. Yes, to get the license.

Q. Did you object?

A. Well, no I didn't.

Q. Why didn't you object?

A. 'Cause they said they were going to carry me whether not, I didn't see no use to object.

Q. Were you afraid to object?

A. I don't know as I was.

Q. Were you afraid they would put you in jail if you didn't go and marry her?

A. Yes, they were going to put me in jail.

Q. Why did they refuse to let you get a Lawyer?

A. They said that you was the wrong men, it wouldn't do me any good at all.

Q. When you say wrong men, what do you mean?

A. You, I asked if they wouldn't bring me or let me take our machine and bring them to see you, they wouldn't do it. They said you would be the wrong man for me to come to see/

Q. Was there some other Lawyer you could go to see?

A. I could have gone to see Mr. Williams, they wouldn't let me go to see no Lawyer or nobody.

Q. Then if I understand you the only reason you went with them to get the marriage license was because you were afraid they were going to put you in jail.

A. Yes sir.

Q. Well, after you left the house where did you go?

A. Pons store, stopped there.

Q. Who was with you?

A. Ford, English and Annas.

Q. Whose car?

A. Ford was driving, I reckon it was his.

Q. Where did you go from there?

A. Isle of Wight Courthouse, that lady's house at the Courthouse.

Q. What did you do there at the Courthouse?

A. Got the license.

Q. Who got the license?

A. English.

Q. Tell what happened after you got there.

A. English went in the house, left Ford and myself and Annas standing on the outside and then they called us in. Ford and myself went in, Annas still stayed outside.

Q. What house are you talking about?

A. Mrs. Wills, her residence, didn't get them at the Clerk's Office, where she lives.

Q. Then you say you, Ford and Annas stayed outside, English went in, this was at the residence of Mrs. Wills?

A. Yes sir.

Q. How long was it before you went inside?

A. Probably three or four minutes, probably five, Ford and myself went in.

Q. What happened after you and Ford went in?

A. The lady filled the license out.

Q. That is Mrs. Wills?

A. Yes sir.

Q. And she passed the license to you, did she?

A. Yes sir.

Q. Who paid for the license?

A. I did.

Q. What did you say?

A. I told them that was just money throwed away, Ford said you ought not to talk like that.

Q. What did you donwith the license?

A. Put them in my pocket.

Q. Were English and Ford present when the license was made out?

A. Yes, standing looking on.

Q. What happened then?

A. After the license was filled out we went across the bridge to English's store, he called his wife and talked to her, then we come from there back to Smithfield, stopped here in front of my cousin George Delk's, Ford and Annas come down to a restaurant and got some coffee, English stayed there. I come across the Street got a shave. He told me if I opened my mouth to anybody in Smithfield it would be hard for me.

Q. How far was the machine from the barber shop that you got a shave?

A. Fifteen steps.

Q. After you got the shave what did you do?

A. Went straight back to the machine where English was.

Q. Then what happened?

A. Then we went to Mr. Preacher Simmons.

Q. Is that J. W. Simmons?

A. Yes, J. W. Simmons.

Q. Who was with you then?

A. Ford, English and Annas.

Q. Did you go to Simmons' house?

A. No, stopped at his gate in the road; English went to the house to see if Simmons was at home, he come back and said to Ford, turn around quick as you can, he's gone to Gwaltney White's; they turned around and went to Gwaltney White's.

English remarked when we went in the yard not to say nothing he want going to let anybody hurt me. Mr. Simmons was getting in his machine, English went to talk to Mr. Simmons, then all went back to Mr. Simmons'. English got out and told me to stay with him, Ford and Annas went to Joel Holleman's after her, Claudine Bell.

Q. Mr. Simmons lives in Isle of Wight County near Mill Swamp Church ?

A. Yes.

Q. Did Ford come back?

A. Yes, brought Claudine Bell.

Q. Then what happened?

A. They all went in the house, they called English and myself in and we were married.

Q. Who was present?

A. Ford, English, Anns, Mr. Simmons, myself and Claudine Bell.

Q. Where were the license?

A. English had them.

Q. How did he get them?

A. When they called him he asked me to give them to him.

Q. Then English took charge of you until Mr. Ford could go to Mr; Holleman's and get Claudine Bell?

A. Yes sir, he did.

Q. Who took the license after the marriage?

A. Walter English.

Q. Have you and Claudine Bell at any time agreed to be married?

A. No sir.

Q. Did you ever discuss the matter?

A. No sir, never in my life.

Q. Why was it you married her on this occasion?

A. Because I was made to.

Q. When Mr. English and Ford came down to your house there and read the warrant to you did they say anything about marrying Claudine Bell?

A. Yes, said I had to marry her or go to jail.

Q. Is that what you mean by saying they made you marry her?

A. Yes sir.

Q. Was this marriage entered into with your consent?

A. No sir.

Q. Did you think they were going to put you in jail if you

didn't marry her?

A. Yes sir, they told me so and rather than go to jail I married her; they didn't give me chance to get a lawyer or to give bond and there was not anything else for me to do.

And further this deponent saith not.

Merritt A. Dillk

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J. W. Simmons being duly sworn, deposes as follows:

Q. What is your name, age, residence and occupation?

A. J. W. Simmons, present residence Isle of Wight, Minister, thirty nine years old.

Q. Were you living in Isle of Wight County on the 24th day of February, 1926?

A. I was, and am now living there, and have been for the past three and a half years.

Q. Do you know Mr. M. A. Delk and Claudine Bell Delk?

A. Yes, I know both of them.

Q. Is she one and the same as Ida C. Delk?

A. Yes, she was Ida Claudine Bell before she married M. A. Delk.

Q. How long have you known these parties?

A. Since I moved to the County three and a half years ago.

Q. Where does Claudine Bell Delk reside?

A. Isle of Wight County when I moved to the County and until just prior to this marriage.

Q. I am talking about her legal residence, has it been here all the time?

A. She has been living here all the time, on the land of Willie Bell just this side of Pons.

Q. Do you know Mr. W. W. Ford, W. L. English and Annas?

A. Yes sir.

Q. How long have you known them?

A. Why I never knew Mr. English to be able to point him out before the marriage took place on the 24th of February. I've been seeing him here and there and hearing of him. I saw Mr. Ford a few days prior to this marriage, he came to my home and had a conversation with me. I never knew him before some ten days before the marriage.

Q. What was the conversation about?

A. Concerning the same marriage; he was talking to me about the

marriage, asking me some questions about it.

Q. Did he state whether not he would want your services?

A. He told me I might expect to see him at anytime, he would call on me again.

Q. For what purpose?

A. He was talking about Merritt and Claudine, he said that was the only way and the easiest way out of it, he said there was not a question in his mind but what he was guilty and I could look for them at anytime, he was going to try to do it quietly and agreeably to all parties concerned, if he could get the consent of him he would not have any more trouble.

Q. What was he going to do?

A. Try to get his consent to marry Claudine without having to take out a warrant or anything of that kind.

Q. Well when did you see him again?

A. On the evening of the 23rd from my window up stairs. I had retired I would say it was around eleven o'clock in the night. I don't think more that a quarter of to quarter past, I heard an automobile horn blow, it blew several times, I asked my wife, I said I wonder who it is I don't feel like getting up and found it was Ford, he said come down I want to see you. I dressed hurriedly as I could went down and opened the door, he came in, no one else was with him. He said Mr. Simmons I have Ida C. Bell, we came to straighten this matter out and get it off hand, I was wondering if you would object to me leaving her here until I see Mr. Delk and see what arrangements can be made. I said Mr. Ford both parties so far as I know are friendly toward me, I haven't had anything to do with this thing, I think the best thing I can do is to have as little as I can to do with it, it would not only place me in an awkward but embarrassing position. Have you been to her brothers, he said no. I said my profession would not allow me to turn anybody out of doors but I would much rather you wouldn't leave her here. I think you can see your-

self what position it places me in, I said there is a whole lot to be considered. He went to the door and called Walter English this was the first time I ever knew him, he came in and Mr. Ford said Mr. English Mr. Simmons says it would place him in an awkward and embarrassing position and he would rather we wouldn't leave her here, how about going to her brother's. He said it suits me, it does place ^{him} in a bad position. We stood there a few minutes discussing that particular phase of the matter until they left telling me to sleep with one ear open they would call me possibly any hour from then until day. I said where are you going from Gwaltney White's said they were going to Mr. Delk's. I said Mr. Delk is a reasonable man in all things I have ever talked with him about and my advice would be not to go there in the dead hours of the night, I have already heard Mr. Delk say he was going to protect himself if anybody came there with any rough stuff. It has been reported to him that the Ku Klux are going to his house, he is expecting them whether not you are going to be able to explain that you are trying to do things to entire satisfaction to both parties I am not able to say. I advise you not to go there. Ford said we'd come pretty near getting him if we went there after him, wouldn't we? English said yes. I said I am just stating what I heard him say and if you go there and approach him like that I advise you not to go. They left my house leaving me thinking they were going straight there, what took place between that time and next morning I don't know, only what they told me that won't do you any good. I went back to sleep I thought they could wake me just as good the second time as the first. It was sunrise before I got up. I came down, I had business at Smithfield and had to come to Smithfield, I dressed and went to John Ramsey's store, came back, I said to my wife have you seen Ford, I said I was going to drive over to Gwaltney White's and find out whether not they had been there, I drove there his wife came and said he was back of the house doing some ditching, she said I

go out there or she would ring the bell, I said it wasn't important I would see him when I came back from Smithfield. I asked her if Ford and the others came there, and she said yes somewhere around one or one thirty o'clock and Gwaltney went off with them and she was very uneasy because he didn't get back until sunrise or little after. I said I got to go to Smithfield I got business more important than this. I went out to get in the car, just as I stepped on the starter I saw coming toward Gwaltney White's a car, so I waited to see if it was them. They turned in the driveway and stopped, Mr. English jumped down and came there where I was, I wouldn't swear English or Ford one of the two came there where I was said will you go back home, I said if necessary, why? He said every thing is alright. I said well I will go back home, I looked over in the car, I knew nothing about what had taken place, Merritt was with them. I got in my car drove home. They stopped outside my gate, Mr. English and Merritt got down and Mr. Ford and Annas drove on up the road at that time I didn't know where to.

Q. You say English?

A. English and Delk got out at my gate, then Ford and Annas went on further, I didn't know where they were going because I hadn't learned where the woman was. They came on in the yard and English told me they had gone after Claudine. I asked Mr. English if I might speak to Merritt just a minute he said certainly. I took him out there beyond my study, a little house stands out side the parsonage by itself that's what I call my study. I said Merritt, boy, what are you going to do, he said, Mr. Simmons, I don't know you'll have to ask them; - he said these men tell me it is the easiest way out, they can make me marry her or go to jail but they can't make me live with her ten minutes; and they told him not to tell me anything so he wouldn't tell me. I had to read between lines and guess the best I could, I said boy, I don't know what to tell you. Pretty quick Ford and Annas came back with Claudine Bell on

the car with them. They got down and came in, Ford, Annas and Claudine there in the room and then called for English and Merritt. English and Merritt came in together, when they came in I don't remember whether I called for the papers or he gave them to me, he passed the license to me I looked them over, saw they were made out correctly. Merritt was then standing in the doorway, I said you all stand over here, he walked over took her arm, I performed the ceremony, the questions and answers in their proper places without any prompting and we came on out of the house together. Mr. Ford said to me we are under sworn oath to his daddy to bring him back just like we carried him away, and I am not going to leave him here.

Q. What did he mean?

A. They told me Mr. Delk told them rather than put him in jail to kill him at the door and he would have an undertaker come down for him; they promised they wouldn't hurt him they would bring him back unharmed. And Mr. Ford asked me if I would assume that responsibility they were going on back to Norfolk or somewhere, I told him I would take care of him and take him on my way that I was going to Smithfield, I wouldn't stop until I got him to his father's home safe, like he turned him over to me. I took him there and put him down, that I all I know except what Delk and his father told me.

Q. Where did Ford, English and Claudine go?

A. I don't know they got on the car and left in front of my gate before Merritt and I left. They all went away together.

Q. In one car?

A. Yes in one car. Merritt and I stayed there I took him home and left him. He told me all they required him to do, he has already told you that.

Q. What sort of reputation has M. A. Delk for truth and veracity.

A. So far as I know I never heard it questioned.

Q. You heard him testify here, was it the same that he told you?

A. Only he seemed not to know how to frame his answers.

He admitted to me he didn't want to go to jail.

Q. After the marriage was over and you had heard what Merritt had to say about it and the manner in which they had acted and what they had done, if you had known these facts before you performed the ceremony, would you have performed the ceremony?

A. No sir, I would not.

Q. Then from what he told you did you, or did you not, think he had been forced to marry her?

A. I felt he had been scared. He was willing to make any sacrifice rather than go to jail, he thought it was the greatest disgrace in the world to go to jail.

And further this deponent saith not.

J. H. Simmons

-----oOo-----

W. M. Delk being duly sworn deposes as follows:

Q. What is your name, age, residence and occupation?

A. W. M. Delk, fifty nine, farmer, Isle of Wight County near Pons.

Q. Are you the father of M. A. Delk?

A. Yes sir.

Q. Were you at home on the morning of February 24, 1926?

A. Yes sir.

Q. Did you see Mr. W. L. English, W. W. Ford and Annas on that morning?

A. Yes sir.

Q. What time did they get to your house?

A. About six, probably little earlier, I don't think they had even blowed the lights out in the store right in front of the house.

Q. Did you have any conversation with them?

A. Merritt opened the door to feed the dogs, I heard him speak to some one, I went to the door and three men were standing there. I didn't know none of them except English, he introduced the other two to me. I said its cool to come in to the cook room to the fire so the three men came in the cook room. I stood at Ford's back leaning up against the table, Merritt sat on the wood box opposite of him. In a minute or two English said we come here after Merritt, before I could ask what they were going to do, Mr. Ford rared up and jumped around with his gun hanging facing me. I said what you going to do with him, they said going to put him in jail. I said, what kind of doings is that, can't I bail him; Ford said, can't bail him on a case of this kind, unless you can get three or four thousand dollars cash. I said that looks mighty funny to me. I said can't I go to town and see Mr. Whitley or some other Lawyer, go and see what I can do, they said I could^{n't}/do anything. So Merritt then said if you all go with us I will drive Papa's machine go with us as far as town, and they wouldn't let us do that. Then Merritt says, can't I take Papa down

far as town, he said it wouldn't do any good, it was no use in going. He told him to go along and get ready. He got ready and they took him on away.

Q. Did you hear them say anything about putting him in jail?

A. They certainly said they were going to put him in jail or he would have to marry her, one of the two things.

Q. Did they promise to bring him back?

A. Yes sir, the promised to bring him back. I told them rather than put him in jail to kill him, (you know the warrant read bring him dead or alive) to kill him and I would send Wesley Cofer or Tom Seward after him, his mother would rather for him to be there than sitting up in Isle of Wight jail or to marry Claudine; there wan't nothing else for him to do but marry her because they made him marry her.

Q. If I understand you Mr. Delk, English and Ford refused to give you and your son an opportunity to see a lawyer or to furnish bond?

A. Yes sir, certainly did.

Q. Did you hear English or Ford tell your son, he would either have to marry Claudine Bell or go to jail?

A. Yes sir, certainly heard them say so.

Q. Where has your son, M. A. Delk, been living?

A. Lives with me, been living there ever since he was born.

Q. Has he ever lived with Claudine Bell Delk?

A. Certainly has not.

Q. What time did he get back to your house that day?

A. Close around twelve, between eleven and twelve, I reckon.

Q. Did Claudine Bell come with him?

A. No sir.

Q. Who brought him to your home?

A. Preacher Simmons.

Q. Has M. A. Delk, your son, been living with you ever since that day?

A. Yes sir.

Q. Has Claudine Bell been there at anytime since the 24th of February?

A. No sir, that she has not.

Q. How long have you known Claudine Bell Delk?

A. Ever since she was born.

Q. Where does she reside?

A. Isle of Wight County.

Q. How long has she resided here?

A. All her life.

And further this deponent saith not-

Lis
At. M. Delk,
mark,

Witness to Mark,

Jane Johnson.

-----oOo-----

The further taking of the testimony was adjourned to Monday, may 24th, at the Clerk's Office for the County of Isle of Wight, Virginia, between the hours of two and six o'clock P. M.

R. A. Edwards
Commissioner in Chancery.

Pursuant to the adjournment of the taking of the testimony in this suit, the depositions of E. Kay Wills were proceeded with on Monday, May 24th, 1926, at two o'clock.

E. Kay Wills, being duly sworn deposes and says as follows:

Q. What is your name, age, occupation and residence.

A. E. Kay Wills, age 27 years, Deputy County Clerk and a resident of Isle of Wight County, Va.

Q. How long have you been Deputy Clerk for County of Isle of Wight?

A. About six years.

Q. Do you know W.L. English, W.W. Ford and Lester Annas and M.A. Delk.

A. I have known W.L. English for ten years or more, and know Mr. Ford and Mr. Annas and Mr. Delk when I see them.

Q. Did you on February 24th, 1938, issue a marriage license for the marriage of M. A. Delk to Claudine Bell Delk, if so, state the circumstance under which the marriage license was issued, and ~~xxx~~whom was present.

A. Yes, I issued the license for Ida C. Bell to marry M.A. Delk, Mr. English came to see me the evening before and asked me if I could issue a marriage license that night that they would have a trial, if he should need it, he told me if the party would marry the girl ~~they would have a trial~~ he would get the license and if the party did not marry the girl, he would be put in jail. He didn't not tell me any of the circumstances or who the parties were. I got a blank marriage license and took it over my house which is just across the road from the Clerk's Office and the next morning about eight thirty or nine o'clock, Mr. English, Mr. Ford and Mr. Delk came to my home, they came in and I asked Mr. Delk if he was the party who wanted the license and he said Yes. I filled out the license and gave them to Mr. Delk and he paid me for them.

Q. Did Mr. Delk say any thing about paying for the license after he gave you the money.

A. Yes, he said there was another three dollars thrown away.

Q. Was Mr. English and Mr. Ford present at the time the license were issued?

A. Yes. Mr. English came to the door first and told me he had the men to get the license

Q. Do you know where they went after leaving your house?

A. No, they all three left together

Q. Does Mr. English hold any office in this County, if so, what.

A. Yes, he is a Constable.

And further this deponent saith not.

E. Kay Wiles

State of Virginia,

County of Isle of Wight, to-wit:

I, R. A. Edwards, a Commissioner in Chancery for the Circuit Court for the County of Isle of Wight, State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing and signed by the witnesses, respectively, before me, at the place and time therein mentioned, pursuant to the annexed notice.

In witness whereof, I have hereunto set my hand this 24th day of May, 1926.

R. A. Edwards
Commissioner in Chancery.

TO CLAUDINE BELL DELK:

Take Notice that on the 22nd day of May, 1926, at the office of Geo. F. Whitley, in the town of Smithfield, Virginia, between the hours of two and six o'clock of that day, I shall proceed to take the depositions of W. M. Delk and others, to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit Court of the County of Isle of Wight, wherein I am plaintiff and you are defendant, and if from any cause the taking of said depositions be not commenced, or if commenced, be not concluded, on that day, the taking thereof will be adjourned from time to time at the same place and between the same hours until the same be completed.

Given under my hand this 12th day of May, 1926.

M. A. Delk.
By Counsel

Geo. F. Whitley,
Atty.

M. A. Delk

v.

Claudine Bell Delk.

Notice of Taking Depositions.

PAID

Executed in the City of Norfolk,
Va., this the 14 day of May 1926
by serving a Copy hereof on

Claudine Bell Delk

IN PERSON.

C. H. TUMBLESON,
Sergt. City of Norfolk, Va.

By C. B. Lemer Deputy

DEPOSITIONS

M. A. Delk

v.

Claudine Bell Delk.

Filed June 1st 1926.

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

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon Claudine Bell Delk,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the Third Monday in April, 1926,
to answer a bill in chancery, exhibited against her
in our said Court by M. A. Delk,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 7th
day of April, 1926, and in the 150th year of the
Commonwealth.

R. A. Edwards Clerk.

M. A. Delk,

vs.

CHANCERY NO. 480

Claudine Bell Delk,

ORIGINAL SUBPOENA

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

, 19

Returned, entered and filed.

Teste:

Clerk

To Third Monday Apr., Rules

1926..

p. q.

Not finding Claudine Bell Delk in usual place
of abode, nor at the residence of the said
Claudine Bell Delk over the age of sixteen years,
I executed the within sub. in presence of Claudine
Bell Delk on the front door of the residence of her father
day of April in the County of Isle of Wight this 13
By J. H. Chapman Sheriff.
D. S.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

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to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the Third Monday in April, 1926,
to answer a bill in chancery, exhibited against her
in our said Court by M. A. Delk,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 7th
day of April, 1926, and in the 150th year of the
Commonwealth.

R. A. Edwards Clerk.

Extra Copy

VIRGINIA,

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

M. A. Delk.....Plaintiff

v.

Claudine Bell Delk.....Defendant.

- - - -

Your complainant, M. A. Delk complaining showeth unto the Court the following case:

That your complainant is now domiciled in and has been a bona fide resident of the County of Isle of Wight, State of Virginia, for more than a year preceding the commencement of this suit; and that the said defendant, Claudine Bell Delk resides in the said County of Isle of Wight.

That on the 24th day of February, 1926, your complainant was married to Claudine Bell Delk in the County of Isle of Wight, a certified copy of the marriage license being filed herewith.

That said marriage was not entered into by agreement between your complainant and the said defendant, that said marriage was brought about and consummated under duress by force, threats of imprisonment and intimidation, and without the consent of your complainant.

That the facts surrounding said marriage and which brought about the consummation of same are as follows:

On the morning of February 24th, 1926, at about six o'clock, W. L. English, an officer of the County of Isle of Wight, together with W. W. Ford and Lester Annas, came to the home of your complainant's father, W. H. Delk in

the County of Isle of Wight, with whom your complainant resides; that the said W. L. English and W. W. Ford were armed with pistols; that after remaining there a while the said W. L. English announced to your complainant that he had come to get him, and read to your complainant what purported to be a criminal warrant charging your complainant with a crime committed against the defendant, Claudine Bell, stating at the same time that he, English, was required to bring your complainant dead or alive; that your complainant then and there asked permission to confer with a lawyer which permission was refused him; that your complainant asked for the privilege of furnishing bond and was told he would have to furnish a cash bond of from three to four thousand dollars or go to jail; that your complainant was further told by the said English and Ford that he would either have to go to jail or marry the said Claudine Bell; that your complainant was taken by the said English, Ford and Annas to the Courthouse of the County of Isle of Wight, where the Deputy Clerk of the County aforesaid issued a marriage license in the presence of your complainant, the said English and Ford, and delivered same to your complainant; that your complainant was then taken by said English, Ford and Annas to the home of J. W. Simmons, a Minister of the Gospel, where he was held by the said English until the said defendant, Claudine Bell, was brought to the home of the said J. W. Simmons by the said Ford; that the said English delivered the the said marriage license to the said J. W. Simmons, that the said marriage ceremony was performed by the said J. W. Simmons in the presence of said English and Ford and that said marriage took place about eleven o'clock A.M., on the 24th day of

February, 1926, at the home of said J. W. Simmons.

Your complainant here states and charges that the said defendant, Claudine Bell, obtained the said criminal warrant charging your complainant with the crime purported to be committed against her for the sole purpose of forcing your complainant to marry her, the said defendant; that the said defendant obtained the services of the said W. L. English, W. W. Ford and Lester Annas to assist her in bringing about said marriage; that the actions, and manner of and threats made by the said English and Ford at the time the said warrant was served on your complainant and which continued until the marriage was consummated were such as to overcome the mind and will of your complainant, and that your complainant submitted to said marriage because of the fear of bodily harm and imprisonment at the hands of the said English, Ford and Annas.

Your complainant here states that immediately upon the consummation of said marriage he went to the home of his father, W. M. Delk, where he was then and is now living; that he has not since said marriage lived with said defendant as man and wife, indeed has not seen said defendant since the day on which said marriage was consummated.

In tender consideration whereof and for as much as your complainant is remediless save in a Court of Equity where matters of this kind are properly cognizable, your complainant prays that the said Claudine Bell Delk be made a party defendant to this bill and required to answer the same, answer under oath being hereby waived, as is by the statute in such cases made and provided; that proper process issue; that the marriage which was entered into between your complainant, M. A. Delk, and the defendant, Claudine Bell Delk, on the 24th day of February, 1926, be annulled and declared void, and that all

such orders and decrees may be entered and such further and general relief may be granted as the nature of your complainant's case may require or to equity shall seem meet.

And your complainant will ever pray, etc.

M. A. Delk
By Counsel

Ben J. Whitley, p.p.

M. A. Delk, Plaintiff

#490 v. Bill

Claudine Bell Delk,
Defendant.

Second April rules
1926- Sum. returned
executed- Bill paid
Deane M. Sin.

Third April rules 1926.
Defendant not appear-
ing. Cause set for
hearing.

4/7/26

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