

1894-057
Nonsemond Co. (Suffolk) Chancery Causes: William J. Walls vs Lydia E. Walls

Savage, Duke

OVERSIZE
Box 2
-1 marriage license

Wm J Walls Complainant
against In Chancery
Lydia E Walls Defendant
Costs

A P Gomer Clerk	4.34
R R Smith County "	1.00
J W Hosier Notary	2.00
L A Baker Sheriff	1.00
Writ Tax	1.50
Attorney	15.00
	\$ 24.84

Costs

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON—

Lydia E. Walls

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the *Third* Monday in *March 1894*, to answer

a Bill in Chancery, exhibited against

her

in the said Court by

Wm J. Walls

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *15th* day of

March

189*4*, in the *118*th year of the Commonwealth.

Teste:

A. P. Gomer

Clerk.

Executed this 14th day of March 1894 /
 by searching a true copy of this process
 with Thomas Savage the brother of the
 Lydia to Walls, she not being found
 at home. ASB Baker
 Sheriff

and explaining
 the purpose of the same
 to him

Revised May 1894

Wm. L. Waller

Wm. L. Waller

Lydia L. Waller

1894

March Rules

Shind Monday

James L. Waller
 Circuit Court
 Process Book
 No 2 Page 99.

To the Clerk of the Circuit Court
of Nausemound County.

W^m J. Walls } In Chancery. ^{Pltff}
Lydia E. Walls } ^{Def}

Issue summons for plaintiff
against defendant to Second
March term 1894 to answer
said plaintiff of a Bill
in Chancery.

Robert Briggs
R.B.

Pay \$50

memo. for
Clerk,

Copy of Memo. for
Wilson, page 128.

The Depositions of Lizzie Bunker ~~attest~~
and others taken before me

J. Walter Horne
a Notary Public for the County
of Nausumund in the State of
Virginia pursuant to the notice
hereto annexed, at the office
of Rawles & Briggs in the Town
of Suffolk, and State of Virginia
on the 30th day of March 1894
between the hours of 9 a.m.
and 6 p.m. to be read as
evidence on behalf of W^m J.
Walls in a certain suit in
equity depending in the Cir-
cuit Court of Nausumund
County, wherein W^m J. Walls is
plaintiff and Lydia E. Walls
is defendant.

Present: Merritt Briggs Attorney
for plaintiff.

No Counsel appeared for the
defendant:

Lizzie Bunker

being duly
sworn on the Holy Evangelist
of Almighty God depose and
swear as follows:-

1 Q. What is your name, age, residence, occupation, and do you know the parties to this suit?

Ans. Lige Burr, Age 29. Hamsenup Co.
Hamsenup & I know the parties to
the suit

2 Q. Have you heard the bill in this case read and are you aware of its allegations?

Ans. I have & I do

3 Q. Will you state whether the said allegations are true or otherwise?

Ans. They are true & correct

4 Q. How long did the Defendant Lydia E. Walls live with her

husband Wm. J. Walls after their
marriage?

Ans. About eleven months

5 Q. What are, or what have been your
opportunities for knowing the
fact just stated?

Ans. I reside near them, about one mile
distant & was intimate with the family

6 Q. Is the said Lydia E. Walls now
living with her said husband?

Ans. She is not.

7 Q. Where is she living at this time?

Ans. With her father in Wausau, Wis.

8 Q. Has she to your knowledge lived with her said husband within the last four years?

Ans. She has not.

9 Q. Would you have known the fact if she had lived with him during that time?

Ans. I would.

10 Q. Can you state from your knowledge of all the facts in this case whether the said Lydia E. Walls has wilfully abandoned and deserted her

said husband for more than
three years?

Ans.

Yes, she has

11 Q. Will you state whether she
refuses to ever live again
with her said husband?

Ans.

She does.

12 Q. What was his treatment of her when
they lived together?

Ans.

He was a kind, indulgent husband
& made ample provision & took good
care of her

13 Q. Did she ever give her any cause
for deserting him?

Ans.

None whatever that I ever heard
of

14 Q.

Did he write to her entreating her to return to him after she had deserted him?

Ans.

He wrote her several times, to this effect

15 Q.

Did she refuse to answer any & all of his letters?

Ans.

She did & said she never would answer them.

16 Q.

Did he ever visit her at her father's residence since she deserted him.

Ans.

The first time he went there to ask her to come back to ask her to come back to live with him, he was refused admittance to the house & the second & last time he went for the same purpose, they permitting him to see her for a short time but only in the presence of her father's family, she refusing to see him alone. And further this deponent says not.

Lizzie Duke.

1
1
Martin Walls Jr. being duly sworn depose and say as follows:-

1, 2.

What is your name age residence occupation and do you know the parties to this suit?

Ans.

Martin Walls Jr. Age 28, residence Lawrence county, occupation, tin-smith. I know the parties to the suit.

2 2

Have you heard the bill in this case read & are you aware of its allegations?

Ans.

Yes

3 2

Will you state whether the said allegations are true or otherwise?

Ans.

They are true.

4 2

How long did the defendant, Lydia E. Walls live with her said husband after their marriage.

Ans.

Not quite one year.

52

What are or what have been
your opportunities for knowing
this fact

Ans.

They reside very near me &
I was intimate with the family

62

Is the said Lydia E. Wall now
living with her husband

Ans

She is not

72

Where is she residing at this time?

Ans

at her father's in Nauset Co.

82

Has she to your knowledge lived
with her said husband within
the last four years

Ans

She has not.

92

Would you have known the
fact if she had lived with him
during that time?

Ans

I would

102

What was his treatment of her when they lived together?

Ans.

He provided her with a good home & furnished her with all the comforts of life according to the best of his ability & was kind, affectionate, & dutiful to her.

112,

Did he ever give her any cause for deserting him?

Ans.

None whatever.

122

Has he attempted to bring about a reconciliation & endeavored to persuade her to return to him as a dutiful wife should do.

Ans.

He has by writing to her repeatedly ~~by writing to her repeatedly~~ & going to her father's house on one or more occasions to see her. She refuses to answer his letters & to see him except in the company of other people.

13, 2

Can you state from your knowledge
of all the facts in this case,
whether the said Lydia E. Wall
has willfully abandoned & deserted
her said husband for more than
four years?

Ans

She has

14, 2

Does she refuse to ever live with
him again as her husband?

Ans

She does. And further this de-
ponent says not.
Martin Waller Jr

For W. being duly sworn
deposes & says as follows

12

What is your name, age, residence,
occupation & do you know these
parties to this suit.

Ans,

For W. being age 33, farmer,
Haverhill Co & I know both the
parties ~~named~~ to this suit.

22

Have you heard the bill in this case read, & are you aware of its allegations?

Ans.

I have & I do

32

Is the defendant Lydia E. Wells now living with her husband?

Ans.

No sir.

42

Where is she living?

Ans.

With her father, Thos. W. Savage, in Nauset Co.

52

How long did she live with him after they were married?

Ans.

Not quite a year. I am a neighbor of the family & live about 9 miles from them & visit them often.

62

Has she to your knowledge lived with her husband in the last 11 or 12 years?

Ans.

She has not & I have seen her frequently within the time & have heard her say repeatedly that she never lived with him.

79

What was his treatment to her
while they lived together?

Ans.

He provided her with a com-
fortable home & did the best
he could for her. He is
a sober & industrious man &
treated her well. I know this
& have heard her say so repeat-
edly herself.

82

From your knowledge of all the
facts in this case, do you
say that she has willfully aban-
doned & deserted her husband?

Ans.

She has. And further this de-
ponent says not.

James H. Duke

1
Mary, Elizabeth Burns, being duly sworn, deposes & saith as follows.

12

What is your name, age, residence, occupation & do you know the parties to this suit?

Ans.

Mary Elizabeth Burns, Age 60, res. Waverly Co, occupation, housekeeper, I know the parties to this suit, the defendant Gordon E. Walls, being my niece.

22

Is the said defendant now living with her husband.

Ans.

No, she is now living with her father in Waverly Co.

32

How long was it after their marriage after she left him?

Ans.

About Twelve months, I lived near them & am familiar with these facts.

42

Have they lived together in the last four years.

Ans.

They have not & I would here swear it has been the case.

I have frequently seen her within
that time & have heard her say
repeatedly that she would never
live with him again.

52

What was his treatment of her when
they lived together?

Ans.

He treated her kindly & I have
heard her say within the last
two months that he was kind
& good to her. And further this
defendant saith not.

Mary Elizabeth ^{her} + ^{husb} _{man}

Martin Wallis Esq. being duly sworn-
deposes & saith as follows.

12

What is your age, name, age
residence & occupation & do you
know the parties to this suit.

Ans.

Martin Wallis Esq., Age 52, residence
Suffolk, N.Y., occupation merchant,
& I know the parties to this suit.

22

Is the defendant now living with
her husband?

Ans.

She is not, she is living with her
father in Haverhill Co.,

32

How long did she live with him after their marriage?

Ans.

About Twelve months.

42

Can you say whether he has tried to persuade her to return & live with him since she deserted him.

Ans.

On one occasion at his request I went with him to see her at her father's residence in Lawrence Co. his object being to bring about a reconciliation & to persuade her to come back to him. Her father Thos. Savage came out & forbade her husband from going on the premises. He called his daughter, the defendant & she had a short conversation with him in the presence of myself & her father. She said to her husband I do not want to see you, I do not intend to live with you any more. Her husband & myself then left. And further this defendant will not.

Martin Wells Jr

State of Virginia :-

County of Nausumund :- Court :-

J. J. Walter Hoser, a Notary Public
for the County and State aforesaid.
do certify that the foregoing
depositions were duly taken
sworn to, and subscribed
before me at the time &
place mentioned therein.
Given under my hand
this 30 day of March 1894.

Notary Fee. J. Walter Hoser N.D.
\$2.00

To Lydia E. Walls,

TAKE NOTICE that I shall, on the 30th day of March 1894,
at the office of Rawls & Briggs in the
Town of Suffolk, Virginia

between the hours of 9 A. M. and 6 P. M., on that day, proceed to take the depositions
of Martin Walls Jr and others, to be read in evidence in my
behalf, in a certain suit in equity
depending in the Circuit Court for the County
of Nansemond wherein you are defendant
and I am plaintiff;
and if, from any cause, the taking of the said depositions be not commenced on that day, or, if
commenced, be not concluded on that day, the taking of the same will be adjourned and continued
from day to day, or from time to time, at the same place and between the same hours, until the
same shall be completed.

Respectfully yours,

William J. Walls
By Rawls & Briggs
his counsel.

Entered the day of March 1834
by ~~Thomas~~ a true copy of the
Thomas Savage

Rawles & Briggs / 29
Wm J Walls
W J In Chancery
Lydia E Walls

Definitions.

W J Barker
March

The entire due to the day of March 1834
by true a true copy of the true with
Thomas Savage the month of July 1834
W J Barker the day of March 1834
the day of March 1834

William J. Walls
vs
Lydia E. Walls } In chancery.

This cause came on this day to be heard on the Bill and exhibits filed and the depositions of Martin Walls and others taken after due notice, and was argued by counsel;

On consideration whereof, the court being of the opinion that the defendant Lydia E. Walls, had wilfully abandoned and deserted her husband William J. Walls for a period of more than four years previous to the commencement of this suit, doth order and judge and decree that the marriage heretofore entered into between the said William J. Walls and Lydia E. Walls (formerly Lydia E. Savage) be, and the same is wholly dissolved and the said plaintiff and defendant forever and absolutely dismissed from each other. And nothing further remaining to be done in this cause it is ordered that the same be stricken from

Walls to Walls,

Final Record.

To be entered.

April 11 1884.

CHJ

the ductile.

Entered in Chancery
Order Book
No. 2. Page 548.

To the Hon C. W. Hill Judge of the
Circuit Court of Nausemund County:-

Humbly Complaining sheweth unto
the Court your orator William J.
Walls aged 26 years, that on
the 27 day of December 1888 he
was married to Lydia E. Savage a
resident of said County, in the said
County, and that she is now a
resident of the County of Nausemund.
That at the time of the said marriage
the said Lydia E. Savage was 19 years
of age. That a copy of said marriage
license is herewith filed marked Ex "A"
and prayed to be taken as a part of
this bill. That by the said marriage
there was one child - a little girl -
now aged $4\frac{1}{2}$ years.

That your orator is a railroad engineer
by occupation and has since the
said marriage been getting a good
salary; and that since the said
marriage your orator was and has been
at all times a good, courteous and
faithful husband, leading a sober,
quiet and industrious life, saving
his earnings and providing for
his wife to the very best of his

ability. That about one year of
the said marriage his wife with-
out any just sufficient or legal
cause or any provocation whatever
on his part, wilfully abandoned
and deserted him, left his
home in Suffolk Va; left his
bed and board and returned to
her father's in Naurumund County.
That she wilfully abandoned him
and deserted him with the inten-
tion of forever leaving him and
with the intent not to return to
him again. That he has always
been at a loss to know the cause
of her strange conduct in this
respect; that he has written to her
repeatedly entreating her to return
to him and that she has treated
all his letters with silent contempt,
refusing to respond to them or to
notice them at all. That he
has called at her father's house
to see her and reason with her,
but she refused to see him or
to speak to him, and that he
was forbidden to enter her said
father's house and could not

cause to leave the premises, though
he went there in the most friendly
and peaceable manner. That it
was in the year 1888 when
his said wife left and deserted
him and that she has now been
away from him upwards of five years
and refuses positively to live with
him again without giving any
reason for so doing. That she
has wilfully abandoned and
deserted him with the intention
to remain away from him forever,
that said abandonment has lasted
more than ~~three~~^{five} years - that there
was no cause for the same: that
she refuses to let him see his own
child.

In tender consideration whereof
and inasmuch as your orator is
remediless in the premises save by
the aid of a court of equity where
matters of this kind are alone and
properly cognizable, your orator
prays that the said Lydia E. Walls
(formerly Savage) may be made a
party defendant to this bill and
regard to answer the same:
that proper process may issue

that the marriage heretofore entered
into between your sister and his
said wife may be wholly dissol-
ved, and that your sister may
be forever and entirely divorced
from his said wife, the said
Lydia E. Walls, formerly named Lydia
E. Savage; and for such other
further and general relief as
the case requires or to equity may
seem meet and your sister
will ever pray &c.

William J. Walls
By Counsel.

Virginia:-

Nauvumund County Court:-

I certify that W. J. Walls the Complainant
in the above bill has this day appeared before
me in my court and made oath that the
statements contained in the above bill
are true. Given under my hand
this 15th day of March 1884,
R. H. Roob, Notary Public
for Nauvumund County, Virginia.

Rowles & Briggs

Wm J. Walls

Lydia E. Walls.

Bill.

Chancery Notes
Walls vs Walls.

- 1894 March 15. Process issued returnable to
March Rules first Monday.
" 19 Process returned executed on deft.
Bail filed and decree nisi
vs defendant.

MARRIAGE LICENSE

Virginia, Nausmond 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,

William J Walls
and Lydia E Savage

Given under my hand, as Clerk of the County Court of Nausmond County this 26th day of December 1888
Peter B Prentiss Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA

Acts Passed 15th March 1861 and February 27th 1866

Time of Marriage, 1888 December 27th
Place of Marriage, Nausmond Co Va
Full Names of Parties Married, William J Walls

Place of Husband's Birth, Northumberland Pa
Place of Wife's Birth, Nausmond Co Va
Place of Husband's Residence, Nausmond Co Va
Place of Wife's Residence, Nausmond Co Va

Color, White
Age of Husband, 21 Yrs
Age of Wife, 19 Yrs
Condition of Husband (widowed or single), Single
Condition of Wife (widowed or single), Single

Names of Husband's Parents, Martin Walls and
Lizzie his wife
Names of Wife's Parents, Thomas E Savage and
Christian his wife
Occupation of Husband, Locomotive Engineer

Given under my hand this 26th day of December 1888
Peter B Prentiss Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 27th day of Dec 1888
at Nausmond Co Va I united in Marriage the
above-named and described parties, under authority of the annexed License.
H H Butler

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A Copy Test, R R Smyth Clerk
By A L Corney, C

173
William H. Walls
with } Certificate
of
Marriage
Lydia E. Savage

1888
Decr 27th

P 128.

Exhibit