

1915-007

Nansemond Co (Suffolk)

Chancery Causes: Lucius Parker vs Clara Parker

Turner, Saunders, Seavey, Ballard, Humphrey

VIRGINIA: In the Clerk's Office of
the Circuit Court for Nausemond
County, in Vacation, on the 19th
day of November, 1914.

Lucius Parker.....Complainant
vs.

Clara Parker Defendant

The object of this suit is for the
complainant to obtain from the de-
fendant a divorce à **vinculo matri-**
monii, on the ground of desertion,
and affidavit having been made that
the said defendant is not a resident
of the State of Virginia, she is here-
by required to appear within fifteen
days after due publication of this
order and do what may be neces-
sary to protect her interest.

GEO. E. BUNTING, Clerk.

Everett & Hutton, p. q.

Nov. 20-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., DEC 14 1914 190---

I hereby certify that the order of which the annexed is a
copy has been published in *THE SUFFOLK HERALD* in the
manner prescribed by law---once a week for four successive weeks.
beginning Nov 20 - 1914 and ending
Dec 11 - 1914

Chgs. 4 20

WJ Kendrick
Editor Herald

TO GEORGE E. BUNTING, ESQ., CLERK OF THE CIRCUIT COURT OF
NANSEMOND COUNTY.

Lucius Parker.....Complainant.

vs.

Clara Parker.....Defendant.

Lucius Parker, complainant in the above-styled suit, pending in the Circuit Court of Nansemond County, and filed for the purpose of obtaining from the said defendant a divorce a vinculo matrimonii on the ground of desertion for a period of more than three years, hereby makes application to the said court for an order of publication against the said defendant, affidavit that said defendant is not a resident of this state having been duly filed, and the complainant further specifically states that the last known address or place of abode of the said defendant is New York, N. Y.

Everett Hutton p.q.

Lucius Parker

vs.

Clara Parker

APPLICATION FOR ORDER OF PUB*
LICATION.

Lucius Parker.....Complainant.

vs.

Clara Parker.....Defendant.

STATE OF VIRGINIA,

County of Nansemond, to-wit:

This day Lucius Parker, the above named complainant, personally appeared before me, S. E. Everett, a notary public in and for the county and state aforesaid, and made oath before me that Clara Parker, the above named defendant, is not a resident of the State of Virginia, and that her last unknown address or place of abode is New York, N. Y.

S. E. Everett N.P.

Lucius Parker

vs.

Clara Parker.

AFFIDAVIT OF NON-RESIDENCE.

VIRGINIA: In the Clerk's Office of the Circuit Court for Hansemond County, in Vacation, on the 19th. day of November, 1914.

Lucius Parker.....Complainant.

vs.

Clara Parker.....Defendant.

The object of this suit is for the complainant to obtain from the defendant a divorce a vinculo matrimonii, on the ground of desertion, and affidavit having been made that the said defendant is not a resident of the State of Virginia, she is hereby required to appear within fifteen days after due publication of this order and do what may be necessary to protect her interest.

Lucius Parker

vs.

Clara Parker.

ORDER OF PUBLICATION.



This is to certify that I have on this 18th, day of November 1914,
mailed a copy of the ord'd of pub. to Clara Parker, New York City,
that being her last known address

L. E. Bunting, Clerk.

VIRGINIA:

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

Lucius Parker Pltff.)
vs.) In Chancery
Glenn Parker Df't.

I hereby certify that on the 19th day of November 1914
I posted a copy of the order of publication entered herein, at the front door of the Courthouse
of the County of Nansemond; that being on or before the next succeeding rule day after said
order was entered.

Given under my hand this 19th day of November, 1914

H. B. Brooker, Clerk,

By _____, Deputy Clerk.

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTH'S ATTORNEY
ALEX H. BAKER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA..

Rule Notes:

Lucius Parker

vs

Clara Parker

Nov. 18, 1914 Affidavit of non-resident filed.

Order of Publication; copy to last known address.

Dec, Rules 120 & 121, Rule filed

Dec Rules 120 & 121, set for hearing on order of publication.

TO GEORGE W. BENTLEY, ESQ., CLERK OF THE CIRCUIT COURT FOR
HARRISON COUNTY, VIRGINIA.

Lucius Parker.....Complainant.

vs. In Chancery.

Olivia Parker.....Defendant.

Issue summons to second (third Sunday) rules in September, 1914.

Errett Hudson p.q.

Check \$7.30

Lucius Parker

vs. In Chancery.

Clara Parker

RECORDED.

Wesley Saunders, being duly sworn, deposeth as follows:

Q. State your name, age, residence and occupation.

A. My name is Wesley Saunders. I am 36 years of age. I live at Whaleyville, Virginia, and work at Jackson's saw mill.

Q. Do you know Lucius Parker?

A. Yes, I've been knowing him ever since he was ten years old.

Q. Do you know his wife?

A. I have never seen her but once.

Q. When was that?

A. I saw her in 1908.

Q. Do you know anything about his marriage or the reasons why they separated?

A. I do not.

Q. When did Lucius come to Nansemond County from Portsmouth?

A. In 1911.

Q. Do you remember the month of that year in which he came?

A. It was the last of July.

Q. Have you been living close to Lucius ever since that date?

A. I have

Q. Has his wife been in the neighborhood since that date?

A. No. She has not.

Q. Can you state of your own knowledge whether Lucius and his wife have lived together since that date?

A. I can say that they have not.

Q. If she had come to the neighborhood, would you have known it?

A. I would.

Q. Have you been seeing Lucius practically every day since July, 1911?

A. I have.

Q. You are satisfied, are you, that Lucius and his wife have not been together since July 1911?

A. I ~~am~~ ^{am}.

And further this deponent says not.

Wesley Saunders

This testimony was taken before me on February 4th, 1915, at my office in Suffolk, Va.
Bradford Kilby, Comm. in Chancery,

Definition of
Wesley's Sanctification.

The depositions of H. W. Savage and others, taken before me, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, at my office in Suffolk, Virginia, on the 4th. day of January, 1915, to be read as evidence in behalf of Lucius Parker, in a certain suit in equity, depending in said court, wherein Clara Parker is defendant and Lucius Parker is plaintiff.

Present: S. E. Everett and John K. Hutton, Attorneys for the plaintiff.

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H. W. Savage, being duly sworn deposeth as follows:

Q. State your name, age, occupation and residence.

A. My name is H. W. Savage. I live in Nansemond County near Whaleyville. I am 64 years old and am a farmer.

Q. Do you know Lucius Parker, complainant in this suit?

A. Yes, I know him well.

Q. How long have you known him?

A. He was born and raised with in a mile of my place.

Q. What do you know of him as regards his morals, behaviour, and industry?

A. He is one of the best darkies I ever knew in my life. He has lived for two years on my farm and is a splendid worker.

Q. Do you know anything about the defendant in this case?

A. No. I do not.

Q. Do you know how long he lived here after his return from Norfolk County?

A. I know he has lived on my farm for two years and I think he was in the neighborhood sometime before he came to work for me. His father lived at the station.

And further this deponent saith not.

H. W. Savage

Lucius Parker, being duly sworn, deposeth as follows:

Q. State you name, age and occupation and residence.

A. My name is Lucius Parker. They call me Lucille a good deal. I live in Nansemond County. I am 25 years old.

Q. When and where were you married?

A. In South-Portsmouth, Norfolk County, on 26th. day of August, 1908.

Q. Where did you live after you were married?

A. South-Portsmouth. I lived at a place called Brighton in Norfolk County.

Q. How long did you live there?

A. A little over 3 years.

Q. What was your wife's maiden name?

A. Clara Turner

Q. How long have you lived in this county?

A . Since the last of July, 1911. I have been living here since that time

Q. You have filed a bill in this case in which you allege that your wife deserted you. State when she left you etc?

A. Some time in 1911.

Q. Was that before you came to this county?

A. Yes.

Q. What else have you to say about this?

A. Well, I rented a house and put her in it, but she would not stay and went back to her people.

Q. Have you any children?

A. Yes, One child and she is with my wife.

Q. Can you state why she would not live with you?

A. Yes. She ran after other men and gradually drifted away from me. One night between one and two o'clock, she got out of bed and met a man in the woodhouse. I followed when I missed her and saw him just getting off of her. She always staid out very late at nights and many nights she staid out all night long. She would come home in company with other men and women all of them drunk. And soon she left me and went to her people.

Q. After she left you, did you make any effort to get her to return?

A. I did. I went to her more than once and asked her to come back, but she never returned and then pretty soon I left and came to this county.

And further this deponent saith not.

*Whaley Ballard, being duly sworn,
deposes as follows:*

Lucille Parker

Q. State your name, age, residence and occupation.

A. Whaley Ballard, live in Brighton, Norfolk County, Va., am 28 years old and work in the woodfactory there.

Q. Do you know Lucius Parker?

A. Yes. I have known him all my life and his wife ever since the exposition.

Q. Are they living together now?

A. No sir.

Q. How long have they been apart?

A. Something over three years.

Q. Do you know exactly the date of separation?

A. I do not.

Q. State whether or not it was in the year 1911?

A. It was in that year.

Q. Are you confident of that?

A. I am and I am satisfied it has been over three years.

Q. State what you know about the separation?

A. She and he were keeping house in Brighton. She became dissatisfied and left him.

Q. Did you ever hear him beg herto come and live with her?

A. I have. I was present when he tried to get her to live with him and she said she would never live with him again.

Q. What do you know about her conduct?

A. She staid out late at nights, got drunk with both men and women.

Q. Have you seen this with your own eyes?

A. I have lots of times.

Q. Did she have any special man?

A. Yes.

Q. Who was he?

A. He was George Knight.

Q. Is she still living that kind of life?

A. I do not know?

Q. Why dont you know?

A. She has moved away from Brighton.

Q. Then you dont see her as much now as then?

A. I do not.

Q. Do you remember when Lucius left to come to this county.

A. Yes.

Q. Was that after he had tried to get her to live with him?

A. It was.

And further this deponent saith not.

W. Haley Ballard

Ned Turner, having been duly sworn, deposeth as follows:

Q. State your name, age and residence and occupation.

A. I am 55 years old. my name is Ned Turner. I live in ^{Mansemond}
County near Whaleyville.

Q. Do you know Lucius Parker.

A. I have known him ever since he was a child.

Q. Where does he live now?

A. He lives with me near Whaleyville and works at the mill. He used
to live with Mr. Savage

Q. Do you know when he moved into this county from Norfolk County?

A. Yes, three years ago last August.

Q. Was it the first or last of August?

A. It was about the middle of August, about fodder-pulling time.

Q. Have you known Lucius for as long as twenty years?

A. Yes, I have.

Q. What do you know of his reputation for truth and veracity and
good behaviour?

A. I never knew a better boy and the people all speak well of him. I
never heard anything against him in my life in any respect.

And further this deponent saith not.

Ned Turner
Witness

Witness

H. W. Savage

Ambrose Humphrey, being duly sworn, deposeth as follows:

Q. State your name, age, residence and occupation.

A. Ambrose Humphrey. I am 38 years old. I live near Whaleyville within a mile and a half of the station.

Q. How long have you lived there?

A . For more than six years.

Q. Do you know Lucius Parker?

A. Yes.

Q. How long have you known him?

A . For more than three years.

Q. Do you remember when Lucius came to this county from Norfolk County?

A. Yes. I live right near his father. His father and myself were working together when Lucius came home.

Q. How long has it been since Lucius came home?

A. He came home in latter part of July, 1911. I remember very well that he helped me pull fodder during the first of August of that year.

Q. What is Lucius Parker's reputation for truth and good behaviour?

A. He bears a good reputation.

And further this deponent says not.

Ambrose Humphrey

Virginia,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond, Virginia, do hereby certify that the foregoing depositions of H. W. Savage, Lucius Parker, Whaley Ballard, Ned Turner and Ambrose Humphry were duly taken, sworn to and subscribed before me at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this 4th day of January, 1915.

Bradford Kilby
Commissioner in Chancery.

Filed with day 7
January 1915
G. E. Bunting,
Chk.

Lucius Parker.....Complainant.

vs.

Clara Parker.....Defendant.

This cause, in which the complainant appears to have proceeded
in the mode prescribed by law against the non-resident defendant, Clara
Parker, came on this day to be heard on the bill, depositions and ex-
hibits taken on the 4th. day of January, 1915, before Bradford Kilby,
a Commissioner in Chancery, and filed on behalf of the complainant as
of said date, and was argued by counsel.

On consideration whereof, the court being of opinion, from the
evidence furnished in this cause, that the defendant has abandoned the
complainant for a period of more than three years, doth adjudge, order
and decree that the marriage heretofore had and solemnized between the
defendant, Clara Parker, (formerly Clara Turner), and the complainant,
Lucius Parker, shall be, and the same is, hereby dissolved.

Commenced by this suit, and

Lucius Parker

vs. Decree

Clara Parker

Enter the *6th* day of *February*,
1915.

Jas. M. Moore

Entered in Chancery Order Book,
Number *4*, Page *692*.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT
COURT FOR NANSEMOND COUNTY, VIRGINIA.

Lucius Parker.....Complainant.
vs.
Clara Parker.....Defendant.

Humbly complaining, your complainant, Lucius Parker,
respectfully represents the following facts:

That on the 26th. day of August, 1908, your complainant was
lawfully married in the *County of Nanfalk*, Virginia, to Clara Parker,
as will appear from a certificate of marriage herewith filed, marked
"Exhibit A" and made a part of this bill; that your complainant has
been a resident of this State for more than a year just previous to
bringing this suit and has resided in said county for three years
just past; that some time during the month of August, 1911, the said
Clara Parker, without just cause deserted and abandoned your com-
plainant; that the said Clara Parker and your complainant have never
since that time lived together, a period of more than three years
having elapsed since date of desertion aforesaid.

Your complainant further alleges that from the date of the
marriage aforesaid he discharged all his duties and obligations as
the husband of said defendant to the best of his ability, while, on
the other hand, the said defendant has been untrue as a wife in every
respect. Your complainant alleges that said defendant during the
marital period aforesaid committed adultery several times; that,
one night, about two o'clock, the said defendant arose from her bed
in answer to a signal given from the outside and met a man in the
woodhouse and there had carnal connection with him; that she would
often come home during the early hours of the morning drunk and in
company with men in the same condition.

Your complainant alleges that the conduct of his wife became so
indecent as to be almost unbearable before the desertion herein alleged
took place.

In tender consideration whereof, and forasmuch as your com-

plainant is remediless save in a court of equity where matters of this kind are alone and properly cognizable, he prays that the said Clara Parker may be made party defendant to this bill and required to answer the same upon oath; that your complainant may be divorced from the said Clara Parker a vinculo matrimonii, and that all other, further and general relief may be afforded your complainant as the nature of his case may require or to equity shall seem meet. And your complainant will ever pray, etc.

Everett Hutton,
Counsel.

Lucius Parker
Complainant.

STATE OF VIRGINIA,

County of Nansemond, to-wit:

This day Lucius Parker, complainant in the above bill, personally appeared before me, *H. J. Overman*, a notary public in and for the county and state aforesaid, and made oath that the statements made in the foregoing bill are true.

Given under my hand this 21st day of September, 1914.

My term of office expires on the 14th day of August, 1915-

H. J. Overman n.p.

Everett & Huntington
to Mr. Channing
Lucius Parker
13
Elara Parker

Dec. 7, 1814; Paid
H. E. Smith
Whisk.

Everett & Hutton, p. 7.

Jucius Parker
or 1/2 to Chauncy
Clara Parker

Final Record entered
Feb 6 - 1913 -

Costs

Writ Tax 150

But 608

Shyf. (Sgt. y Dols.) 100

~~Cost~~ 1500

2358