1929-009
Nansemond Co (Suffolk) Chancery Causes: Malisel Walker vs Clinton Walker

Powell, Reid, Perry

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

Malisel Walker, Complainant.

vs. MEMORANDUM.

Clinton Walker, Defendant.

To

The Clerk of the above mentioned Court:

Please issure summons, in the above style cause, returnable to the first October Rules.

The defendant's address is Magnolia, Nansemond County, Virginia.

John H. Fulcher
Attorney for Malisel Walker.

Given under my hand this 30th day of September, 1929.

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VIRGINIA:

IN THE CIRCUIT COURT OF NANSE-
MOND COUNTY.

Malisel Walker, Complainant.

vs.

Clinton Walker, Defendant.

MEMORANDUM.

The Artcraft Corporation
Printers and Publishers
Suffolk, Va.

Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Shiriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon Clinton Walker

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the 1st Monday in October, 1929, to answer a bill in chancery, exhibited against him in our said Court by Malisel Walker

And have then there this writ. Witness Paul J. Powell, Clerk of our said Court, at the court-house, the 30th day of September, 1929, and in the 154th year of the Commonwealth.

Paul J. Powell, Clerk.

By Alivera Whitehurst, D.C.

No. 300

Malissa Walker

vs. } SUBPOENA IN CHANCERY

Clinton Walker

J. H. Faulkner ..... p. q.

To Fifth October ..... Rules,

Nause County ..... Circuit Court.

100 ft. Sheriff

Person, Oct 7 1929

Executed on the ____ day of ____
19____, within the County of Nansemond State of Virginia, by delivering a true copy of the within summons notice, in writing, to ____ in person.

____
Sheriff of Nansemond County

By ____
Deputy Sheriff of Nansemond County

Executed on the 7 day of Oct
1929, within the County of Nansemond State of Virginia, by delivering a true copy of the within summons notice, in writing, to
Clinton Walker in person.
E B Rawles
Sheriff of Nansemond County

By ____
Deputy Sheriff of Nansemond County

To Clenton Walker:

Whose address is Magnolia, Nansemond Couty, Virginia.

Take notice that on the 18th, day of October, 1929, at the Office of J.H.Fulcher, at 333 E. Washington street, in the City of Suffolk, Virginia, between the hours of 10 A.M and 5 P.M. of that day, I shall proceed to take the depositions of Malisel Walker and others before W.H.Crocker a notary Public, to be read as evidence in behalf of Malisel Walker, in a certain suit in Chancery, now depending in the Circuit Court of Nansemond County, and in the state of Virginia, wherein she the said Malisel Walker, is plaintiff and you are the defendant; and if for any reason or cause the taking of the said depositions be not commenced, or if commenced be not concluded, on that day the taking thereof will be adjourned from day to day and from time to time at the same place until the same shall be completed.

Given under my hands this 30th day of September, 1929.

John H. Fulcher
Attorney for Malisel Walker.

VIRGINIA:

IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Malisel Walker,
Complainant.

vs.

Clinton Walker,
Defendant.

NOTICE OF TAKING DEPOSITIONS.

Executed on the 7 day of Oct
1929, within the County of Nansemond, State of Virginia, by delivering a true copy of the within notice, in writing, to
Clinton Walker in person.
E B Rawls
Sheriff of Nansemond County

By
Deputy Sheriff of Nansemond County

"Exhibit A."

MARRIAGE LICENSE

Virginia Nansemond County *to-wit:*

To Any Person Licensed to Celebrate Marriages:

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

Clinton Walker *and* Malisel Powell

Given under my hand, as Clerk of the Circuit *Court of* Nansemond *County (or City) this* 5th *day of* April ,1913

G.E.Bunting, *Clerk.*

By S.J.Parker 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* Nansemond Co.

Date of Marriage April 6 1913 Place of Marriage Nansemond Co. Va.

FULL NAMES OF PARTIES

Clinton Walker *and* Malisel Powell

Age of Husband 33 years; Condition (single, widowed or divorced) single

Age of Wife 24 years; Condition (single, widowed or divorced) single

Race (White or Colored) Colored

Husband's Place of Birth Nansemond Co. Va. ~~Mailing Address~~ Nansemond Co. Va.

Wife's Place of Birth Nansemond Co. Va. ~~Mailing Address~~ Nansemond Co. Va.

Names of Parents: Husband Albert Walker and Amanda his wife

Wife Ben Powell and Adaline his wife

Occupation of Husband Farmer

Given under my hand this 5th day of April, 1913

G.E.Bunting, *Clerk.*

By, S.J.Parker D.C.

Certificate of Time and Place of Marriage

I, F.M.Jones, a minister of the Gospel Church, or religious order of that name, do certify that on the 6th day of April, 1913, at Portsmouth, 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 , State of Virginia.

Given under my hand this 21 day of April, 1913

a true copy; Paul F. Powell Clerk

By [illegible] D.C.

F.M.Jones

(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).

"Exhibit A"

Copy

County (or City) Nansemond

Clinton Walker
Husband

and { **Marriage License**

Malisel Powell
Wife

Date of Issue April 5 1913

Marriage Register No. 3 *Page* 32

VIRGINIA:
IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND;

Malisel Walker, Complainant.

vs. DEPOSITIONS.

Clinton Walker, Defendant.

The depositions of Malisel Walker and others taken before Estelle Pierce, a notary Public, in and for the City of Suffolk in the State of Virginia, whose commission expires on the 27th, day of December, 1929, pursuant to notice served on the defendant, that the taking of the depositions of Malisel Walker, and others, at the Office of J.H.Fulcher, number 333 E. Washington Street, Suffolk, Virginia, on the 18th, day of October, 1929, to be read as evidence on behalf of the complainant in the above entitled cause now depending in the Circuit Court of the County of Nansemond, in the State of Virginia.

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PRESENT:
John H. Fulcher,
Counsel for the complainant.

None appearing for the defendant.

Malisel Walker, complainant in the case of Walker vs. Walker, first being duly sworn testifies as follows:

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

A. My name is malisel Walker, I am 40 years old, I live at Magnolia, Namsemond County, Virginia, I work for the Farmer's Manufactoring Company, making fruit baskets.

Q. Are you the complainant in this case?

A. I am.

Q. How long had you been living in Nansemond County and the State of Virginia, before the commencing of this suit?

A. I have been living here all of my life.

Q. Are you married or single?

A. I am married?

Q. I am handing you a piece of paper please state if you know what it is?

A. It is a copy of my marriage certificate.

Q. When and where did you get married?

A. I got married on April the 6th, 1913, in the City of Portsmouth.

Q. Are you and your Husband living together now?

A. No sir we are not living together and we have not lived together for about 14 years.

Q. Why you and your husband are not living together?

A. Well I will tell you the truth I lived with Clinton my husband as long as I could and he was so mean to me until I just had to leave or I would have died from the way he was treating me.

Q. You said that your husband was so mean to you what did he do to you?

A. He would lock up all of the food in the house and lock me up in the house and would make me stay in all day without food or water, he would tell me if I should go out he would kill me.

Q. Were you afraid of your husband?

A. Yes sir I was relly afraid of him that is why I stayed in the house when he told me to, because he would get drunk and I was really scared of him when he was drunk.

Testimony of Malisel Walker, continued.

Q. How often did your husband get drunk?

A. Well we lived together before everything was so dry and I think he stayed about drunk all the time.

Q. What affect did his treatment have on you if any?

A. Well you know if somebody was to make one stay in all day without food or water and not allow you to do other thing that you have to do daily why it is bound to make anyone sick, so I was very often sick.

Q. Have you and your husband any children?

A. Yes-sir, we have one that is sixteen years old, that was during the time he was so mean to me, that was when that child was coming along.

Q. Who has the child?

A. I have the child, and I have been working for her all the time and her father has not given he one cent as far as I know since we have been a part.

Q. Did your husband ever fight you?

A. No he never fought me, but it was not on account of his goodness, because I did everything he told me to, and that is the only thing that saved me from the beating.

Q. What is your husband name and where does he live?

A. His name is Clinton Walker and he lives at Magnolia, Nansemond County.

Q. When have you last lived or cohabited with your husband?

A. On or about April 25th, 1915.

Q. Have you ever tryed to make up with him so that you all might go back live together as husband and wife?

A. Yessir, I have plenty of time and he told me that he did not tell me to go away and he was not going to tell me to come back, and I could stay away, so I have just deceided that we were just not for each other.

Further the deponant sayeth not:

Malisel Walker.

Matilda Reid, a witness for the complainant, in the case of Malisel Walker vs. Clinton Walker, first being duly sworn testifies: as follows:

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

A. My name is Matilda Reid, I am twenty six years old, I live at Magnolia, Nansemond County, I am a fruit basket maker.

Q. Do you know Malisel and Clinton Walker, the parties to this suit?

A. I do.

Q. How long have you been knowing them?

A. I have been knowing Malisel all of my life and I have been only Knowing Clinton since he has been married to Malisel.

Q. Do you know when they got married;

A. I do not know the exact date but I remember when it all happened.

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

A. No they are not living together now and they have not lived together for about fifteen years.

Q. Why they are not living together, do you know?

A. As far as I know why they are not living together as husband and wife, because Clinton was so mean to Malisel?

Q. Did you ever visit them while they were living together?

A. Yessir, I use to go there very often.

Q. What kind of husband did Clinton make?

A. He use to drink heavy and he would lock up the food also lock up Malisel in the house, because I have carried her food at times?

Q. Did (Why) he lock up the food and his wife?

A. I do not know unless it was meanness and too he would get drunk.

Q. Did he ever fight her that you know of ?

A. I have never seen him hit her, but I have seen pick up things as if he was going to hit her and tell her he was going to kill her or some thing like that.

Q. What kind of wife was Malisel?

A. Alright as far as I could see.

Further the deponent sayeth not:

Matilda Reid.

Jeremiah Perry, a witness for the complainant in the case of Malisel Walker vs. Clinton, first being duly sworn testifies as follows:

Q. What is your name, where do you live and what is your occupation?

A. My name is Jeremiah Perry, I live at Magnolia, Nansemond County, I am a farmer.

Q. Do you know Clinton Walker and Malisel Walker, the parties to this suit?

A. I do.

Q. What relation are they to each other and how long have you known them?

A. They are husband and wife to each other and I have been knowing them for the last sixteen or seventeen years.

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

A. No they are not living together now.

Q. How long have they been apart do you know?

A. They have been apart for about fifteen years.

Q. Why they are not living together?

A. Well I will tell you all I know about it Clinton was very tight.

Q. What do you mean by Clinton was tight?

A. Well I would say mean, he would get drunk at times and would cut up a lot then.

Q. Did you ever visit them when they were living together, I mean Clinton and Malisel Walker?

A. Yes, I went there anytime, that is where they keep house?

Q. Where did they live when they were together?

A. They lived there at Magnolia, not far from us.

Q. Did you ever go there, that is to their house when he had the food locked up and the house locked up with Malisel in the house?

A. Yessir, I have been to his house at those times.

Q. Did that make Malisel sick, that you know of?

A. Well I know she got mighty thin and she was sick but I do not know what for.

Further the deponant sayeth not.

Jeremiah + his mark Perry.

Wit. Edwin Pierce

STATE OF VIRGINIA:

CITY OF SUFFOLK, to wit:-

I, Estelle Pierce, a Notary Public, in and for the City of Suffolk, and State of Virginia, whose commission expires on the 17th, day of December, 1929, do certify that the foregoing depositions of Malisel Walker, Matilda Reid and Jeremiah Perry were duly taken, sworn and subscribed to before me, at the time and place and for the purpose in the caption mentioned.

Given under my hand this 18th, day of October, 1929.

Estelle Pierce

Notary Public.

My Commission Expires Dec., 17th. 1929

VIRGINIA:
IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND.

Malisel Walker, Complainant,

vs.

Clinton Walker, Defendant.

DEPOSITIONS.

John H. Fulcher
Attorney at Law
Suffolk, Virginia.

HAMPTON ROADS PAPER CO., NORFOLK

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND;

Malisel Walker, Complainant.

vs. DECREE.

Clinton Walker, Defendant.

This cause in which the defendant has been duly preceeded against, in the mode prescribed by law for resident defendants, and he failing to appear and plead, answer or demur, came on this day to be heard upon the complainant's bill and upon the depositions of witnesses taken before a notary public and the same being filed herewith and was argued by counsel.

ON CONSIDERATION WHEREOF, it appearing to the court independently of the admissions of either party in the pleadings or otherwise, that the said parties were lawfully married on the 6th day of April, 1913, that in the month of April, 1915, that the ~~said defendant did wilfully and without justification, abandon and desert the complainant~~ conduct of the defendant justifying the complainant in leaving his home, and amounting to desertion on his part, which desertion has been continuous since the date of his leaving, and for a period of more than three years prior to the institution of this suit; that the complainant resides and has been domiciled in the County of Nansemond, in the State of Virginia, for a period of more than one year next before the bringing of this suit; that the parties last cohabited together, in Magnolia, Nansemond County, in the State of Virginia.

The Court doth order, adjudge and decree that the complainant Malisel Walker, be divorced a VINCULO MATRIMONII from the defendant, Clinton Walker, and the bond of matrimony created by the aforesaid marriage be and they are hereby dissolved and annulled.

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

VIRGINIA:
IN THE CIRCUIT COURT OF THE
COUNTY OF NANSEMOND.

Malisel Walker, Complainant.

vs.

James Walker, Defendant.

DECREE.

Enter this 24 day of October, 1920.

Jas L. McLemore
Judge.

Chancery Order Book
No. 6 Page 289

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

Malisel Walker, Complainant.

vs. BILL.

Clinton Walker, Defendant.

To the Honorable Circuit Court of Nansemond County:

Your complainant, Malisel Walker, respectfully represents:

(1) That on the 6th, day of April, 1913, your complainant whose maiden name was Malisel Powell, was lawfully married in the City of Portsmouth, in the State of Virginia, by a minister of the Gospel by the name of Rev. F.M.Jones,to Clinton Walker as will appear from a certificate of marriage herewith filed, marked " Exhibit A", and prayed to be made a part of this bill; and,

(2) That continuously from the date of said marriage until on or about the 25th, day of April, 1915, your complainant and the said Clinton Walker, lived together at Magnolia, Nansemond County, Virginia; and,

(3) That the said Clinton Walker, did on or about the 25th day of ~~April~~, April, 1915, wilfully desert and abandom your complainant, that is to say that on or about the aforesaid day of April, 1915, and at divers other times prior thereto, the said Clinton Walker, did become intoxicated, locked up all of the food in the house, where we were living as man and wife, and swore each time if your complainant would unlock the same food that he would kill your complainant; and,

(4) That the defendant, Clinton Walker, did on or about the 25th, day of April, 1915, and at divers other times compel your complainant to remain in his home all day and would tell your complainant if your complainant should come out of the house at anytime and he should find it out that he would kill you complainant, and your complainant hobaring a reasonable apprehension of great bodily harm, did as she was commanded to do by the defendant as aforesaid, all of the aforesaid became detrimental to your complainant both physically and mentally so much so until on or about the 25th, day

of April, 1915, your complainant left the home of Clinton Walker, the defendant, and went to the home of her parents for her safety and health; and,

(5) That after your complainant had sufficiently recovered her health, your complainant met the defendant Clinton Walker, and told him that she your complainant wanted to come back home and live with him, if he would treat your complainant better than he had, and the defendant replyed by saying that he did not want her, that is your complainant anymore and that he did not tell her to leave and he did not want her to come to his home again for anything.

(6) That your complainant has resided and has been domiciled in the state every since the aforesaid marriage, and for more than one year next preceding the commencement of this suit, and is domiciled and now resides in this State; and,

(7) That your complainant last cohabited with the said Clinton Walker, at Magnolia, in the County of Nansemond:

IN CONSIDERATION whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Clinton Walker, may be made a party defendant to this bill, and required,,but not on oath, to answer the same, the oath being hereby waived; that proper process may be issued; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed her; and that your complainant may have all such further, and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Mabirel Walker
Complainant.

John H. Fulcher
Counsel.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

Malise! Walker, Complainant

vs.

Clinton Walker, Defendant.

BILL OF COMPLAINT.

Filed Oct. 7- 1939
Paul J. Powell, Clerk
By Elnora Whitehurst, D.C.

John H. Fulcher
Attorney at Law,
Suffolk, Virginia.

HAMPTON ROADS PAPER CO., NORFOLK