

1919-010
Nansemond Co (Suffolk) Chancery Causes: Clora Perkins Johnson vs David Johnson

Perkins, Diggs

VIRGINIA—

In the Circuit Court of the County
of Nansemond, on the 20th Day
of February, 1919.

CLARA PERKINS JOHNSON

----- Complainant

Vs. IN CHANCERY

DAVID JOHNSON ----- Defendant

The object of this suit is for the complainant to obtain from the defendant a divorce a vinculo matri-monii, on the grounds of desertion; an affidavit having been made that the defendant is not a resident of the State of Virginia, he is hereby re-quired to appear within fifteen (15) days after due publication hereof, and do what may be necessary to protect his interest.

G. E. BUNTING,

Clerk.

HUGH L. HOLLAND, p. q.
Feb. 21 March 14.

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA., --- March 24th --- 1919 ---

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 weeks.

beginning --- February 21st., 1919 --- and ending

--- March 14th., 1919 ---



Editor Herald

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

February 20th, 1919.

Mr. C. E. Bunting, Clerk,
City.

Dear Mr. Bunting:-

IN RE: CLARA PERKINS JOHNSON VS.
DAVID JOHNSON:

I herewith enclose you memorandum in the above-styled chancery suit for divorce, petition for order of publication, affidavit of non-residence, order of publication in two copies, and my check for \$7.50 to cover the deposit and writ tax.

I will thank you to forward a copy of the order of publication to the Suffolk Herald for publication therein once a week for four successive weeks, requesting the Suffolk Herald at the same time to send me a printed copy of the order of publication with editor's certificate of publication attached thereto as soon as it has been published four times. You will also please direct the Suffolk Herald to send me their bill for this publication which I will pay them direct.

I will also thank you to post a copy of the order of publication and also to mail a copy to the defendant's last known post-office address.

Yours very truly,

HLH:B Enc.

Hugh L. Holland

IN THE CIRCUIT COURT OF THE COUNTY OF HANSEMOND, VIRGINIA:

CLARA PERKINS JOHNSON.....COMPLAINANT.

VS. AFFIDAVIT.

DAVID JOHNSON.....DEFENDANT.

STATE OF VIRGINIA,

CITY OF SUFFOLK.....TO-WIT:-

This day personally appeared before
me, V. E. Beale, a Notary Public, in and for the city
aforesaid, in the State of Virginia, Clara Perkins John-
son, the above-named complainant, and made oath before
me that David Johnson, the above-named defendant is not
a resident of this state.

Given under my hand this 19th day of
February, 1919.

V. E. Beale

NOTARY PUBLIC.

MY COMMISSION EXPIRES ON THE 14TH DAY OF JANUARY, 1922.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND,
STATE OF VIRGINIA:

CLARA PERKINS JOHNSON.....COMPLAINANT.
VS. APPLICATION OR PETITION FOR ORDER OF PUBLICATION.
DAVID JOHNSON.....DEFENDANT.

TO THE HONORABLE CIRCUIT COURT OF THE COUNTY OF NANSEMOND:

Your petitioner, Clara Perkins Johnson, represents that David Johnson, is not a resident of this state as shown by her affidavit herewith filed. Your petitioner further represents that the last known place of abode and post-office address of the said defendant is Suffolk, Virginia; that she seeks a divorce a vinculo matrimonii on the ground of desertion. Your petitioner further prays that she be granted an order of publication against the above-named David Johnson.

Respectfully submitted.

Clara Perkins Johnson

BY Hugh G. Holland,
HER ATTORNEY.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HANSEMOND,
ON THE _____ DAY OF FEBRUARY, 1919.

CLARA PERKINS JOHNSON.....COMPLAINANT.

VS. IN CHANCERY.

DAVID JOHNSON.....DEFENDANT.

The object of this suit is for the complainant to obtain from the defendant a divorce a vinculo matrimonii, on the grounds of desertion; an affidavit having been made that the defendant is not a resident of the State of Virginia, he is hereby required to appear within fifteen (15) days after due publication hereof, and to do what may be necessary to protect his interest.

CLARA PERKINS JOHNSON.....COMPLAINANT.

VS. MEMORANDUM.

DAVID JOHNSON.....DEFENDANT.

TO GEORGE E. BUNTING, CLERK OF SAID COURT:

Please summon defendant for complainant to First
March (1919) Rules, in Chancery.



 p. q.

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,

David Johnson
and Clara Perkins

Given under my hand, as Clerk of the Court Court
of Nansemond County this 29th day of July 1895 404

A.P.Gomer, D.C. *Clerk*

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 16, 1910.

Time of Marriage, <u>1895 July 29th</u>	Place of Husband's Birth, <u>Nansemond County, Va.</u>
Place of Marriage, <u>Suffolk, Va.</u>	Place of Wife's Birth, <u>Southampton Co. Va.</u>
Full Names of Parties Married, <u>David Johnson and Clara Perkins</u>	Place of Husband's Residence, <u>Nansemond County</u>
Race (white or colored), <u>Colored</u>	Place of Wife's Residence, <u>Nansemond County</u>
Age of Husband, <u>22 Years</u>	Names of Husband's Parents, <u>Granville Johnson and Caroline his wife</u>
Age of Wife, <u>21 Years</u>	Names of Wife's Parents, <u>Sam Perkins and Martha his wife</u>
Condition of Husband, <u>Single</u> Widowed or single or divorced	Occupation of Husband, <u>Laborer</u>
Condition of Wife, <u>Single</u> Widowed or single or divorced	

Given under my hand this 29th day of July 1895 404

A.P.Gomer, *D. Clerk.*

Certificate of Time and Place of Marriage

I, G.A.Knight, a _____ of the _____
Church, or religious order of that name, do certify that on the 29th _____ day of
July, 1895 _____ at Suffolk in the Court, under authority of the
above License, I united in Marriage the persons named and described therein.

Given under my hand this 29th day of July 1895 404

A Copy:

Teste: G.A.Knight, Clerk

The Minister or other person celebrating 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 2229 of the Code of Virginia, as amended, by Act approved February 16th, 1910, Acts 1910, chapter 28, pages 36 and 37.)

David Johnson

With: Certificate of Marriage.

Clara Perkins.

1895

July 29,

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The depositions of Clara Perkins Johnson, Willis Johnson, and Jack Diggs, taken before me, John K. Hutton, a Commissioner in Chancery, for the County of Nansemond, State of Virginia, on the 5th day of April, 1919, between the hours of 10 A. M. and 5 P. M., order of publication having been published according to law, to be read as evidence on behalf of the plaintiff in a certain suit in equity pending in the Circuit Court of Nansemond County, wherein Clara Perkins Johnson is the complainant and David Johnson is defendant.

PRESENT:

Hugh L. Holland, counsel for plaintiff.

The defendant did not appear either in person or by counsel.

Clara Perkins Johnson being duly sworn deposes as follows:

- Q. Please state your name, age, residence and occupation.
- A. My name is Clara Perkins Johnson, I am 40 years old, I lives near Suffolk, in Nansemond County, Virginia, and I does factory work (laborer).
- Q. Please state whether you and your husband, David Johnson are living together.
- A. No, sir, we are not.
- Q. Which one left the other and when.
- A. He left me, he left sometime in September, 1902, which was 16 years ago last gone September.
- Q. State the circumstances of his leaving.
- A. Well, he just took and left, he took up and went away on Sunday morning, about six o'clock, and the woman he was going wid went away the next morning, and he told me that he ware going 'way and won't coming back to live wid me any more, and I tried to get him to change his ways and to stay at home and he have hisself, but he would ^{not} do it, and he just up and took and went 'way, and he aint never been back.
- Q. What, if anything was your all's conversation before he left.
- A. Well, it has been so long that I don't remember exactly what words passed between us, but I know that he had made up his mind to leave, and he would not listen to me about staying at home, he just wanted to get away from me anyhow, he were going wid a woman named Annie Perkins at that time, and she left the next day after he left. I has not heard from him for ten years and I don't know whether he is living or dead.
- Q. Have you and your husband lived together as husband and wife

since he left you in September, 1902.

A. No, sir, we has not.

Q. Were there ever any children by your marriage with David Johnson.

A. No, sir.

Q. Where do you live now.

A. Near Suffolk, in Nansemond County, Virginia, and have been living here ever since I was married.

Q. Where were you and your husband living at the time he left you.

A. Near Suffolk, in Nansemond County, Virginia, in what is called "Philadelphia Suburbs".

Q. How long have you lived in Virginia.

A. I have lived in Virginia about twenty-five years.

And further this deponent saith not.

^{her}
Clara Perkins Johnson
mark

Witness: John K. Hutton

Willis Johnson being duly sworn deposes as follows:

Q. Please state your name, age, residence, and occupation.

A. My name is Willis Johnson, I am in my 53rd year, I live near Suffolk, in Nansemond County, I am a laborer.

Q. Please state whether you know Clara Perkins Johnson and David Johnson, and if so, how long have you known each of them.

A. Yes, sir, I knows them well, I been knowing them ever since they was married, ever since 1902, but I have not seen him for a long time now, but she's been 'round here ever since she and him was married, I been knowing them something like close onto 25 years.

Q. About how far did you live from them when they were living together, near Suffolk, in Nansemond County, Virginia.

A. The Railroad divided us, they lived on one side of the Railroad and I lived on the other side, we was close neighbors.

Q. Please state how well you were acquainted with them.

A. Well, I was well acquainted with them, they was just like home folks to me, I knowed them real well, they would come to see us and we went and visited with them every so often.

Q. Please state whether they are living together now.

A. They are not.

Q. How long have they been separated.

A. Since September, 1902.

Q. Which one left the other.

A. David Johnson left his wife Clara Perkins Johnson in September, 1902.

Q. Please state the circumstances of his leaving and whether he had any cause to leave.

A. Well, shortly before he left, something like a few days he

and

told me that he was going to leave, /that he was going 'way for good, and he went too, no, sir, he did not have any cause at all to leave his wife, no cause at all, not that I knows on, he had just natchally set his mind on going, and he told me that he won't never coming back.

Q. From the distance you lived and the times you saw them would you have known of any cause that ~~he~~ gave him to leave her.

A. I do'nt know of any cause that she give him to leave.

Q. Where does David Johnson live now.

A. I don't know.

Q. Where does Clara Perkins Johnson live now.

A. Near Suffolk, in Nansemond County, Virginia, in "Philadelphia Suburbs".

Q. Where were Clara Perkins Johnson and her husband, David Johnson living when they last cohabited or last lived together as man and wife.

A. Near Suffolk, Virginia, in Nansemond County.

Willa's Johnson

And further this deponent saith not.

Jack Diggs being duly sworn deposes as follows:

Q. Please state your name, age, residence and occupation.

A. My name is Jack Diggs, I am 50 years old, I lives over here in Saratoga Place, Suffolk, Virginia, my work is laborer.

Q. Please state whether you know Clara Perkins Johnson and David Johnson, her husband, and if so, how long have you known each of them.

A. Yes, I know them, I know them well, I have not seen him for a good while though, I been knowing them about 24 years.

Q. About how far did you live from them when they were living together, near Suffolk, Virginia.

A. I lived right close to them, I guess it was about 150 yards from their house to where I lived.

Q. Please state how well you were acquainted with them.

A. Well, I been knowing them for a long time, they was just the same as my own home folks, I seen them real often, living right there close to them.

Q. Please state whether they are living together now.

A. No, sir, they are not.

Q. How long have they been separated.

A. Since September, 1902, which is 16 year last September.

Q. Which one left the other.

A. David Johnson left his wife, Clara Perkins Johnson on one Sunday morning in September, 1902.

Q. Please state the circumstances of his leaving and whether he had any cuase to leave.

A. Well, I saw him on Saturday before he left on Sunday and he told me then that he was going 'way and that he wasn't ever coming back any more, he said that his mind was made up to go, and that he was going from here, he did not have any cause to

leave his wife not as I know of.

Q. Where does Clara Perkins Johnson live now.

A. She lives near Suffolk, Virginia, in Nansemond County.

Q. Where does David Johnson live now.

A. I don't know, I have not seen him but once since he left and that was in Norfolk about 11 years ago.

Q. Where were Clara Perkins Johnson and her husband, David Johnson living when they last cohabited or last lived together as man and wife.

A. They was living near Suffolk, Virginia, in Nansemond County.

And further this deponent saith not.

Jack Loughe

STATE OF VIRGINIA, COUNTY OF NANSEMOND-----TO-WIT:

I, John K. Hutton, a Commissioner in Chancery for the County of Nansemond, State of Virginia, do certify that the foregoing depositions of Clara Perkins Johnson, Willis Johnson, and Jack Diggs, were duly taken, sworn to and subscribed before me at the office of Hugh L. Holland, in the City of Suffolk, State of Virginia, on the 5th day of April, 1919, between the hours of 10 A. M. and 5 P. M. to be read as evidence on behalf of the plaintiff in a certain suit in equity depending in the said Court wherein Clara Perkins Johnson is complainant and David Johnson is defendant.

Given under my hand this 5th day of April, 1919.

John K. Hutton
COMMISSIONER IN CHANCERY FOR THE
COUNTY OF NANSEMOND, STATE OF VIRGINIA.

CLARA PERKINS JOHNSON....

COMPLAINANT.

VS. DEPOSITIONS.

DAVID JOHNSON.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

CLARA PERKINS JOHNSON.....COMPLAINANT.

VS.....DECREE.....

DAVID JOHNSON.....DEFENDANT.

This cause came on this day to be heard on the Bill of Complaint and the depositions of witnesses taken after due and legal notice to the defendant, as required by law, and the defendant, who appears to have been proceeded against in the manner prescribed by law, failing to plead, answer, or demur and was argued by counsel.

On consideration whereof it appearing to the Court from the evidence taken and submitted in this cause that the said defendant, David Johnson, since his marriage with the plaintiff, has deserted her for a period of more than three years, that the plaintiff is a resident of the County of Nansemond, and has been domiciled in the State of Virginia, for more than twelve months next preceding the commencement of this suit, and that the plaintiff and defendant last cohabited in the County of Nansemond, Virginia, the Court doth adjudge, order, and decree that the said plaintiff be, and she is hereby granted a divorce a vinculo matrimonii, from the said defendant, and that the marriage heretofore solemnized be, and the same is, hereby annulled and set aside, and it appearing that nothing further remains to be done in this cause, it is ordered to be stricken from the docket.

CLARA PERKINS JOHNSON
VS. DECREE.

DAVID JOHNSON.

"DIVORCE".

Enter May 12 1919.

for L. McShore

*Chancery Clerk Book No. 51
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HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

CLARA PERKINS JOHNSON.....COMPLAINANT.

VS. BILL.....

DAVID JOHNSON.....DEFENDANT.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND
COUNTY:

Your complainant, Clara Perkins Johnson, respectfully represents:

(1) That on the 29th day of July,
1895, your complainant, whose maiden name was
Clara Perkins, was lawfully married at Suffolk,
, in the County of Nansemond, in the State of Virginia,
to David Johnson, as will appear from a certificate of
marriage herewith filed, marked "EXHIBIT- A", and made a
part of this bill; and,

(2) That continuously from the date of said
marriage until the _____ day of September, 1902,
your complainant and the said David Johnson lived to-
gether as husband and wife in "Philadelphia Suburbs",
near Suffolk, Virginia, in the County of Nansemond; and,

(3) That the said David Johnson has wilfully
deserted and abandoned your complainant for a period of
more than three years: that is to say, on the _____
day of September, 1902, the said David Johnson did vol-

untarily, wilfully and without any justification whatever, leave his home; that immediately before leaving he stated to your complainant that he was going to leave her forever and that he would never return to her; and that your complainant has never heard from him since that day, nor does she now know where he is or whether he be dead or alive; and,

(4) That your complainant has resided and has been domiciled in this state ever 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,

(5) That the defendant, David Johnson is not a resident of the State of Virginia, and that your complainant is domiciled and resides in the County of Nansemond, State of Virginia; and,

(6) That your complainant last cohabited with the said David Johnson in "Philadelphia Suburbs", near Suffolk, in Nansemond County, Virginia:

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 David Johnson 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

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general relief in the premises as the nature of her
case may require, or to equity shall seem meet.

Clara Perkins Johnson
by counsel

COMPLAINANT.

Hugh G. Holland,

COUNSEL.

CLARA PERKINS JOHNSON

.....COMPLAINANT.

VS. BILL.....

DAVID JOHNSON

.....DEFENDANT.

Filed -

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA