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Petition for Writ of Habeas Corpus for Nannie Mallory

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24 NOV 1917

In The Supreme Court of Appeals of Virginia.

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To The Honorable, The Judges of the Supreme Court of Appeals of Virginia:-

Your humble petitioner, Geo. W. Mallory, a citizen of the City of Richmond, Virginia, most respectfully showeth unto your Honorable Court, the following case:-

That he was married in the county of Hanover, Va. twenty three years ago this coming Christmas to Miss Willie Hall of Hanover Co., Va. That your petitioner and his wife have always resided in the State of Virginia, and have for the past three years been living in Richmond, and are respected citizens of said state, but are poor, and not overplussly blessed with worldly riches, and ever since his said marriage he has been a very hard-working, sober and industrious man.

That of said marriage twelve children were born to himself and wife, one of whom, Nannie, now fourteen years of age, being particularly the subject of this petition to Your Honorable Court.

That in the month of September 1916, at a time when your petitioner was absent from his home in Hanover County, Va. at work for the support of his wife and children; in the night time two police officers of the city of Richmond, without warrants charging any crimes, treason, felonies, or any misdemeanors, unlawfully, wickedly and maliciously invaded the sacred confines of his home, and abducted and kidnapped your petitioner's wife, and nine of his children who were then and there in his home, one of whom was Nannie Mallory, who is the object of this petition.

That the said Nannie Mallory, her mother, brothers and sisters were carried by said police officers to the Detention Home in the City of Richmond.

That after the said kidnapping and abduction, as aforesaid, a trivial charge was preferred against your petitioner's wife, and

Irene Mallory, one of said children by said police officers. The nature of said charge preferred against Irene Mallory together with two lifelong friends of the petitioner's family; viz. W. G. Bowles, and L. H. Bowles, as the Records of the Police Court of this City show under date of September 23, 1916, "On Warrant did unlawfully be disorderly on Premises, #3825 4th Street, Fulton," (the home of your petitioner.) Fine Five Dollars (\$5.00) and One Dollar and sixty cents (\$1.60) costs.

Your petitioner and his wife state that this charge was groundless, and without any foundation in truth and fact; that one of the Bowles defendant desired to pay the fine and costs, but he was not allowed to do so, neither were they incarcerated for the failure to pay said fine.

That your petitioner is informed that neither his daughter Irene, or either of the Bowles defendants had counsel, or had been disorderly; that the warrant was sworn out on this charge a short time subsequent to the invasion of his home by the police officers, and a short time after the invasion of his home one of the police officers made an indecent proposal to Irene Mallory, a comely young daughter about nineteen years of age, and said officer informed Irene, and Willie Mallory, petitioner's wife and daughter, that if they would comply with his demands the further prosecution of said arrest would be immediately stopped. The said offer was promptly spurned with results as before set out in this petition.

Your petitioner begs further indulgence of this Honorable Court to have the privilege of showing; that, shortly after September 23, 1916, in the City of Richmond, your petitioner's five children who are the subjects of a former petition now pending in the Honorable ~~the~~ Court, were falsely, wickedly and maliciously charged by the same police officers, before the Juvenile Court of Said City, with being exposed to vicious and immoral influences, and were turned over by said Court, without any notice whatever to your petitioner,

to the Childrens' Home Society.

That the same police officers falsely, wickedly, and maliciously charged your petitioner's wife with conducting a disorderly house, or some other equally libelous charge, and had her committed to the City jail of Richmond.

That from September 23rd, 1916, until October 14th, 1916, your petitioner's two daughters, Nannie and Jessie Mallory, were illegally and unlawfully detained in the Detention Home in Said City without warrant, or any other lawful cause, where a so-called Commission of Feeble Mindedness was held and conducted over said Jessie Mallory and Nannie Mallory and Willie Mallory, his wife. And on the 14th Day of October, 1916, Willie Mallory, the mother of twelve children, and a grandmother of ^{three} ~~two~~ children, and her two daughters, Jessie Mallory, and Nannie Mallory, were committed by Said Commission to the Virginia Colony for the Feeble-Minded at Madison Heights, Virginia, contrary to the statutes of Virginia in such cases made and provided.

Your petitioner further states that he believes that all charges preferred by the two police officers are false and malicious, and that he can prove they were not true.

That he knows that his wife and children are not feeble minded, and never have been feeble minded; ^{according to definition of Statute of Va. in reference to Feeble Mindedness} that Nannie Mallory has never been charged with, or convicted of any crimes, or misdemeanors; neither is she physically or mentally unwell, insane, or feeble-minded.

That the petitioner's subject of this petition, Nannie Mallory, aged fourteen, is now illegally restrained of her liberty by Dr. A. S. Priddy, Superintendent of the Virginia Colony for the Feeble Minded at Madison Heights, Virginia, by a void, null, and illegal commitment; all of which your petitioner is ready to verify.

Your petitioner further states that Nannie Mallory has been deprived of her liberty without due process of law, and contrary to

the Bill of Rights of Virginia; ~~in~~ the Constitution of Virginia, and the Federal Constitution.

That said Nannie Mallory is sane, and not feeble minded, and is now in ^{an} the actual state of involuntary servitude, being now, and ever has been, since her incarceration, a nurse, or servant in said Feeble Minded Colony without compensation-- contrary to the provisions of the Constitution of the United States of America.

That your petitioner has done all he could do to have his daughter restored to him, and her person unfettered from the illegal imprisonment, and confinement, without resort to Your Honorable Court, but without results, as will more fully, and at large appear from letters marked "Exhibit "A," "B," "C," and "D", signed by A. S. Priddy and G. E. Caskie, attorney, and R. W. Ivey and Smith and Smith, attorneys, respectively, which are made a part of this petition, and filed herewith for that purpose, and for no other purpose.

Wherefore your petitioner most respectfully prays that a Writ of Habeas Corpus Ad Subjiciendum may be forthwith awarded by this Honorable Court directed to A. S. Priddy, Superintendent of the Virginia Colony for the Feeble Minded at Madison Heights, Virginia, requiring him to produce the body of Nannie Mallory before the Bar of this Honorable Court as soon as may be together with the cause of her detention and deprivation of her liberty.

That the cause of her detention may be inquired into; that said Nannie Mallory may be discharged of said imprisonment, and restored to her liberty.

And in Duty bound, your petitioner will ever pray, etc.

Geo W Mallory
Nannie Mallory

R. W. Ivey
Smith & Smith
Atty. for petitioner

State Of Virginia,) ; To Wit:
City of Richmond)

This Day personally appeared before me Phil. B. Shield, a Commissioner in Chancery for the Chancery Court of the City of Richmond, G. W. Mallory, and Willie Mallory, his wife, whose signatures are attached to the above petition, and who, after being duly sworn, made oath that the statements therein made of their own personal knowledge are true, and those statements therein contained made from information derived from others, they believe are true.

Given under my Hand this 24 Day of November
Nineteen and Seventeen.

*Phil B. Shield, Commissioner
in Chancery of the Chancery
Court of the City of Richmond*

*Petition filed
24 Nov 1917*



VIRGINIA STATE EPILEPTIC COLONY

MADISON HEIGHTS VIRGINIA,
(NEAR LYNCHBURG)

September 4, 1917.

A. S. PRIDDY, M. D.,
SUPERINTENDENT

Mr. G. W. Mallory,
Richmond, Va.

Exhibit "A"

My dear Sir:-

Replying to your letter of the 2nd will say that you did not hear from me about Nammie Mallory because I have not received any inquiry from you, and besides when she was placed in this institution you lost control of her. She is getting along very well.

Very truly,

A. S. Priddy
Superintendent



VIRGINIA STATE EPILEPTIC COLONY

MADISON HEIGHTS, VIRGINIA
(NEAR LYNCHBURG)

November 13, 1917.

A. S. PRIDDY, M. D.,
SUPERINTENDENT

George Mallory,
Richmond, Va.

Exhibit "B"

I have your letter of the 5th of Nov. which is insulting and threatening in its tone and I want to say to you that if you dare write me another such communication I will have you arrested and brought here too. I have the full record of you and your family from the State Board of Charities and Corrections and the Juvenile Court of Richmond. Your wife and Jessie were both operated on because they asked me to do so and it was done for diseases they had. Now, don't you dare write me another such letter or I will have you arrested in a few hours.

Very respectfully,

A. S. Priddy
Superintendent

CASKIE & CASKIE
ATTORNEYS AT LAW
LYNCHBURG, VA.

Nov 21st 1917.

R. W. Gray Esq
Atty at Law
818 E. Broad Street
Richmond Va.

Exhibit "C"

Dear Sir -

Yours of 19th rec^d, I am very much obliged to you for the copy of the Declaration in the case of Mallory vs Briddy -

As Dr Briddy does not reside in Richmond and the process was not served there, I do not understand how that Court can obtain jurisdiction, and in order not to be too late in raising the point I filed a plea in abatement. I do not desire to engage in any needless controversy however and if you will let me know upon what you rely to give the Court jurisdiction I will be very much obliged, and if ~~you~~ I can see that it has such jurisdiction I shall be glad to withdraw the plea -

As I am not familiar with the rules of the Richmond Circuit Court I would be very much obliged if you will notify me when the case will be called -

As to Miss Marnie Mallory I find that she is at the Epileptic Colony under a regular commitment - and Dr Briddy has no power or authority to discharge her - until and unless she is relieved of the trouble which brought her there - and he can so certify - I talked with him this morning and he tells me that her condition has not materially improved, that he does not believe that she should be discharged and could not conscientiously so certify - He also tells me that she has a physical disease which requires an operation, and that no operation on her is now or has ever been contemplated. So there is no need for any apprehension on that score -

As my stenographer is sick I will thank you to show this letter to Messrs Smith & Smith and thus save me the trouble of writing them -

Respectfully
J. Caskie.

R. W. IVEY
LAWYER

818 E. BROAD STREET
PHONE RANDOLPH 3881-W
RICHMOND, VA.

OFFICES: MANHATTAN HOTEL
POYTHRESS AVENUE
HOPEWELL, VA.

Nov. 19th 17.

Mess. Caskie and Caskie
Attorneys at Law.
Lynchburg Va.
Gentlemen:-

Exhibit "D"

Complying with your request, we are herewith inclosing you copy of declaration in the case of Mallory Vs. Priddy.

We desire now of your client the return home of Miss. Nannie Mallory who is now illegally detained in the Virginia Colony for the feeble minded at Madison Heights Va., and is, we are reliably informed detained there for the purpose of an illegal operation which will be performed on her in the near future. Our aim is to prevent this contemplated assault on her, if it can be done without resort to the Courts, and we are appealing to your good judgement and high sence of Honor in this particular matter.

Further, we need Miss. Mallory here as a witness in another case and we must have her in this city at her home in order to take her deposition in the case which as you doubtless are aware, is depending in our Supreme Court of Appeals. If you gentlemen can have her sent to us at an extremely early date, it will save us the trouble and the Supreme Court the trouble of awarding us another writ of Habeas Corpus.

We thank you in adavance for an immediate reply.

Yours very truly.

*R. W. Ivey
Smith & Smith*

Counsel for Mrs. Wille Mallory and George W. M

Mallory and family.

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