

1925-019 Chancery Causes', Taylor A. Pierce Vs Ada May Pierce

465

Isle of Wight County

other SURNAMES: Powell,
Wyatt, Parker

2

Taylor A. Pierce, Complainant

vs.

Ida May Pierce, Defendant

Bill.

C. Fairfield Whitley p.q.

8-5-25 Filed

E. H. WILLIAMS.
ATTORNEY AT-LAW.
SMITHFIELD, VIRGINIA

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon

Ada May Pierce

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the *1st* Monday in *August*, 192*5*,
to answer a bill in chancery, exhibited against *her*
in our said Court by

Taylor a. Pierce-

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this *29*
day of *July*, 192*5*, and in the *150th* year of the
Commonwealth.

R. A. Edwards Clerk.

2
Taylor a. Pierce

vs.

CHANCERY NO.....

Ada May Pierce

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

....., 19.....
Returned, entered and filed.

Teste:

.....Clerk

To 1st Aug. Rules

10-25
C. F. Whitney p. q.

executed the within ^{out} this the 30 day of
July 19-21 by signing a true
copy of the same on Ada May Pierce
in the County of Isle of Wight
H. H. Chapman
Sheriff of Isle of Wight Co.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

Taylor A. Pierce, ... Complainant

vs) In Chancery,

Ada May Pierce, ... Defendant.

-----oOo-----

To the Honorable B.D. White, Judge of the said Court:

Your complainant, Taylor A. Pierce, respectfully represents that he was married to the said Ada May Pierce, nee Powell, on the 25th day of December, 1921, in the County of Isle of Wight, Virginia, a certificate of which marriage being herewith filed, marked "Exhibit A" and prayed to be read and made a part of this bill.

That your complainant and defendant cohabited as man and wife in Isle of Wight County, Virginia, from the date of said marriage until the month of January, 1923, when your complainant and defendant separated and have not cohabited as man and wife since said separation. Your complainant alleges that during the time he cohabited as man and wife with the said defendant she was cruel to him that it was impossible for him to advise her or talk with her as to her conduct towards other men without having her to abuse and curse him and even to strike him in the face with her fist. During said cohabitation your complainant further alleges that a certain man whose name is _____ often visited his home while he was away for immoral purposes and on one occasion he visited his home while the washerwoman was there washing and he and the said defendant went in the barn together and remained for quite awhile which information he did not discover until after the separation, that just before the separation while your complainant and the said defendant were sleeping together and while she was asleep she put her arm around his neck and called him by the name of this man who had been visiting her and said "you are so sweet," this remark being too much for your complainant to tolerate so he left the said defendant

and they have not cohabited as man and wife since said separation.

Shortly after said separation the said defendant moved to the City of Hopewell, Virginia, where she cohabited with some man as his wife whose name is unknown to your complainant. A few months ago, this man whose name is unknown to your complainant and who was residing with the said defendant got into a difficulty with some other man in said City of Hopewell about the said defendant and one of these men was killed by the other and the murderer was convicted and is now confined in the State's Prison for a term of eighteen years, and the said defendant was put in jail until her father went for her and after bringing her to his home in Isle of Wight County, Virginia, the said defendant gave birth to an illegitimate child at her father's home during the month of May or June, 1925.

That your complainant and defendant last cohabited as man and wife in the County of Isle of Wight, Virginia, where the said defendant now resides and has been a bona fide resident all of her life, including a period of more than one year, next preceding the institution of this suit.

In consideration whereof, and for as much as your complainant is remediless save in and by the aid of a court of equity where such matters are cognizable; your complainant prays that the said Ada May Pierce may be made a party defendant to this bill, and be required to answer the same; that an answer under oath is hereby expressly waived; and that a divorce a vinculo matrimonii be decreed him on the grounds of cruelty, desertion and adultery. That your complainant may have all such further, other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

And your complainant will ever pray, etc.

James A. Pierce
By Counsel.

C. Fairfax White, Jr.

✓
Taylor A. Pierce,

VS. IN CHANCERY.

Ada Mae Pierce.

DEPOSITIONS.

C. F. WHITLEY
ATTORNEY AT LAW
PHOEBUS, VA.

HAMPTON ROADS PAPER CO., NORFOLK

MARRIAGE LICENSE

Virginia Isle of Wight 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,

Taylor Athlon Pierce and Ada May Powell

Given under my hand, as Clerk of Circuit Court of Isle of Wight County (or City) this 25th day of December, 1921

R. A. Edwards, Clerk.

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 Isle of Wight

Date of Marriage December 25th, 1921 Place of Marriage Isle of Wight County

FULL NAMES OF PARTIES

Taylor Athlon Pierce and Ada May Powell

Age of Husband 31 years; Condition (single, widowed or divorced) single

Age of Wife 17 years; Condition (single, widowed or divorced) single

Race (White or Colored) white

(PRESENT)

Husband's Place of Birth Isle of Wight Co. Mailing Address Battery Park, Va.

Wife's Place of Birth Isle of Wight Co. Mailing Address Smithfield, Va.

Names of Husband Jennie R. Pierce and Eva A. Pierce

Parents Wife Thomas Powell and Nellie Powell

Occupation of Husband Farmer

Given under my hand this 25th day of December, 1921

R. A. Edwards, Clerk.

Certificate of Time and Place of Marriage

I, Porter Hardy, a minister of the Methodist Church, or religious order of that name, do certify that on the 25th day of Dec, 1921,

at Benns Church, 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 Halifax, State of Virginia.

Given under my hand this 26th day of Dec, 1921

Porter Hardy

(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).

Ba

County (~~or City~~) Ide of Wright

Taylor A. Pierce
Husband

and {

Marriage License

Glad May Powell
Wife

Date of Issue Dec 23, 1921

Marriage Register No. 3 Page 530

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

Taylor A. Pierce,.....Complainant.

Vs. In Chancery.

Ada May Pierce,.....Defendant.

To the Clerk of said Court:

Please issue summons in chancery against the above
defendant in favor of said plaintiff returnable to the first
August rules, being the first Monday in August, 1925.

C. Fairfield Whitley p. q.
Per: G.

1
Taylor a. Pierce
vs. Chauncy
Ada May Pierce

Filed July - 29th 1885

Dep. 750

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

-----oOo-----

Taylor A. Pierce,.....Complainant.

VS. IN CHANCERY.

Ada May Pierce,.....Defendant.

This cause, in which the defendant has been served in person with process, came on this day to be heard upon the bill and exhibits; ~~and the~~ ^{and the} defendant failing to appear, to demur, plead or answer, and on the depositions of witnesses taken, after due notice having been served in person upon the said defendant, and was argued by Counsel:

And it appearing from the depositions filed in this cause that the complainant and defendant were married in the County of Isle of Wight, Virginia; that the said complainant and defendant last co-habited as man and wife in the County of Isle of Wight, Virginia; ~~that~~ the said defendant has been and is a bona fide resident of and domiciled in the said County of Isle of Wight, Virginia, for more than one year next preceeding the institution of this suit, and that the defendant ~~has~~ willfully deserted and abandoned the said complainant and has committed adultery, as charged in said complainant's bill.

On consideration whereof, the Court being of the opinion that the said defendant ~~has~~ ~~so~~ willfully deserted and abandoned the said complainant and has been guilty of the crime of adultery as aforesaid, doth adjudge, order and decree that the marriage heretofore had and solemnized between the said complainant and defendant shall be, and the same is hereby dissolved, and that the said complainant Taylor A. Pierce be forever divorced a vinculo matrimonii from the said defendant Ada May Pierce; and that each of the said parties hereto shall on and after this date hold any property which either of them may now or hereafter have free from any marital right, claim or interest of the other. But neither party shall be permitted to marry again for six months from the date of this decree, nor shall such bonds of matrimony be deemed to be dissolved as to any subsequent marriage to this decree until

the expiration of the said six months.

Nothing else remaining to be done in this cause hence
it is ordered that the same be dismissed from the docket
of this Court.

5

Taylor A. Pierce.

VS. IN CHANCERY.

Ada May Pierce.

1945- DEGREE.

Sept 29.

Enter this

P.W.

(copy)

Book 8
pg 290

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

Taylor A. Pierce, ...Complainant.

VS. IN CHANCERY.

Ada Mae Pierce, ...Defendant.

The following depositions of Dr. Rae Parker, J. R. Pierce, Eva A. Pierce, and G. W. Wyatt, taken before me, E. H. Williams, a Commissioner in Chancery, in and for the County of Isle of Wight, Virginia, on the 1st, day of September, 1935, at the office of C. Fairfield Whitley, Attorney-at-Law, in the town of Smithfield, Virginia, pursuant to the notice hereto attached, to be read in the behalf of the Complainant.

PRESENT C. FAIRFIELD WHITLEY,
COUNSEL FOR COMPLAINANT.

Eva A. Pierce, being first duly sworn deposes and says?

Q- Please state your age, residence and occupation?

A- I am 63, live near Battery Park and I am a housekeeper.

Q- How long have you known Taylor A. Pierce and his wife
Ada May Pierce?

A- I have known him all of his life, he is my son, and
I have known Ada all of her life.

Q- Where have they resided all of their lives?

A- Here in Isle of Wight County, with the exception of
the time she was in Hopewell and Taylor went away to
work at different times, but this was his home.

Q- When were they married?

A- They were married in December, 1921.

Q- Where did they reside as husband and wife?

A- On the Farmers Union farm near Battery Park.

Q- Where did they reside at the time they separated?

A- At the same place.

Q- When did they separate?

A- In January 1923, I don't know the exact day.

Q- Why did they separate?

A- She was so cruel to him he couldn't live with her.

Q- What did she do so cruel to him.

A- She would slap him any time she pleased and would kick
him on the shins. I mean that she just had a mean dis-
position and nothing he did could please her.

Q- Why did she cut his buggy up with an axe?

A- She thought Taylor would let us use it is the reason.

Q- Has it been used since she cut it up?

A- No.

Q- Was Taylor a good and affectionate husband or was he
disagreeable to her?

A- He was the best son I have and I have four. He did
everything he could to please her and he loved her.
It grieved him to death to know they couldn't get along.

Q- Did you ever see her with any other man than Taylor?

A- No, I never went around much, but I do know that Edd
Clark was mighty intimate with Taylor after he was

married and he never cared much for Taylor before Taylor was married. I think Taylor would have lived with her longer until he could have found out more about her and Edd being such good friends, but she fought him so bad, and had such a bad disposition.

Q- When did Ada May Pierce return from Hopewell to Isle of Wight County.

A- I don't know but it was some months before she had the child.

Q- What child have you reference to?

A- The last child.

Q- Whose child was this?

A- I don't know the man and I doubt if she known whose it is.

Q- When did she have this child?

A- This last summer 1925.

Q- Did she and Taylor live together after they separated in January, 1923?

A- No. He has never seen her since then.

Q- Will they ever live together again as husband and wife?

A- Never.

Q- Why?

A- Because she is not what she ought to be.

Further this deponent saith not.

Eva A. Pierce

G.W.Wyatt, being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 81, live about a mile of Battery Park and my son takes care of me, and he has the use of my property.

Q- How long have you known Taylor Pierce and his wife Ada May?

A- I have known Taylor since he was a small boy and I didn't know his wife until he married her.

Q- When did they separate?

A- I don't know but it was two or three years ago or more.

Q- Did Taylor support his wife while they were living as man and wife, and was he kind to her or was he cruel?

A- Yes he supported her; Taylor was a hard working boy, and he was good to her.

Q- How do you know he was kind to her and supported her?

A- I lived about a mile from them and I saw him most every day, but I didn't see her so much, and I know how they lived.

Q- Was she a kind wife to Taylor?

A- No, I don't think so, I know she was not.

Q- Why do you know she was not kind to him?

A- I saw them together several times, most any time, and she was always cross to him. I saw her once throw a brick at Taylor and would have hit him if he hadn't got out of the way.

Q- Why did she throw a brick at him?

A- He told her to stop cutting up his buggy.

Q- Why did she cut up his buggy?

A- I don't know, when I got there she had cut the shaves off and was then breaking the spokes out with a peanut pble.

Q- Was this a good buggy?

A- Yes.

Q- Where did they last cohabit as man and wife?

A- On the Union farm at Battery Park.

Q- Have they lived together as man and wife since they separated?

A- No, he hasn't seen her since they aeparated.

Q- Do you think they will ever live as man and wife again?

A- No, because she is just a mean woman.

Further this deponant saith not.

his
G. W. Wyatt
mark

Dr, Rae Parker of lawful age being first duly sworn deposes and says:

Q- What is your profession doctor and where do you reside?

A- I am a practicing physician and reside in Smithfield.

Q- Did you ever attend Ada May Pierce during the summer of 1925,
and for what did you treat her?

A- Yes I attended her on May 3rd, 1925, and she gave birth to
a child.

Q- Who did she say was the father of this child?

A- She did not say.

Q- Why didn't she say?

A- She said she would not tell me, but she told her people.

Further this deponent saith not/

Rae Parker M.D.

Mr. J.R.Pierce being first duly sworn deposes and says:

Q- Please state your age, residence and occupation?

A- I am 67 years old, and live near Battery Park and I farm.

Q- How long have you known Taylor A.Pierce?

A- Ever since he was born.

Q- When did he and his wife Ada May Pierce separate?

A- They separated on the first day of January, 1923.

Q- Where did they live at the time they separated?

A- They lived on the farm owned by the Farmers Union.

Q- Where is this, in this county?

A- Near Battery Park, in Isle of Wight County.

Q- Have they resided as husband and wife since that time.

A- No.

Q- Why did they separate?

A- She was so mean to him.

A- On one occasion she got mad with Taylor and he had a brand new buggy and she got in it with an axe and cut it all to pieces. She knocked the wheels off and cut it up all over and the buggy is in my yard now, it is not worth fixing.

On another occasion I was going to Suffolk with them in an automobile and she fought him like a dog right in the car in the road.

Q- Did Taylor Pierce make her a good husband and support her?

A- Yes, she came to town and bought anything she wanted, and he must have been good to her for not beating her after she treated him like she did.

Q- Where did Ada May Pierce go after they separated?

A- She went to Hopewell.

Q- What happened to her at Hopewell?

A- I have been told that she got in some trouble with a man there and one man killed another over her, as to this, I don't know it to be true, this is what I heard.

Q- How long has Ada May Pierce been a resident of Isle of Wight County?

A- She has been here all of her life with the exception of the time she was in Hopewell.

Q- When did she return from Hopewell to Isle of Wight County?

A- I don't know exactly, but it was several months before that

#2.

child was born.

Q- What child are you referring to?

A- That was the last child.

Q- When did she give birth to this child?

A- Sometime this summer.

Q- Do you mean to say that it was in the summer of 1925?

A- Yes.

Q- Was this Taylor's child?

A- I don't see how it could be when they separated in January, 1923, and this child was born in the summer of 1925, and they had not seen each other during this time.

Q- Has she any children by Taylor A. Pierce?

A- She did have one but it died.

Q- What man did you ever see hanging around Taylor's home when they were living together as husband and wife?

A- Edd Clark.

Q- Do you think they will ever live together again as husband and wife?

A- No.

Q- Why?

A- After she has done as she has he don't want to have anything more to do with her.

Further this deponent saith not.

J R Pierce

State of Virginia,
County of Isle of Wight, to-wit:

I, E. H. Williams, a Commissioner in Chancery, in and for the County and State aforesaid, do hereby certify that the foregoing depositions, were duly taken, reduced to writing, and signed before me in my County aforesaid, at the time and place mentioned in the notice hereto attached.

Given under my hand this 1st day of September, 1925.

E H Williams
Commissioner in Chancery.

TO ADA MAY PIERCE:

TAKE NOTICE, that on the 1st., day of September, 1925, at the office of C. Fairfield Whitley, Attorney-at-Law, Smithfield, Virginia, between the hours of 10 A. M. and 4 P.M., of that day, I shall proceed to take the depositions of Taylor A. Pierce and others, to be read as evidence in his behalf in a certain suit pending in the Circuit Court for the County of Isle of Wight, Virginia, wherein Taylor A. Pierce is complainant and you are the defendant. And if from any cause the taking of said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from time to time at the same place and between the same hours, until the same shall be completed.

Given under my hand this 30th, day of July, 1925.

Taylor A. Pierce

By C. Fairfield Whitley

His Atty
Per: G

Taylor A. Pierce,

vs.

Ada May Pierce.

Notice to take depositions.

executed the within Notice on the 30 day of
July 1925 in presence of a true
copy of the same Ada May Pierce
in the County of Los Angeles
H. H. [Signature]
Sheriff of Los Angeles