

1903-012
Nansemond Co (Suffolk) Chancery Causes: Mary T. Pearce vs George B. Pearce

Bunting, Pierce

To A. P. Gomer, Clerk of the Circuit Court of Nansemond County,
Virginia.

Mary T. Pearce,

Complainant.

Against. In Chancery.

George B. Pearce,

Defendant.

Issue summons in Chancery to First Monday Rules in March, 1903.

Pay \$1.50

J. E. Everitt

Capt. Gann

Assure these papers
and have them at my office
by the hour of 4—

I will be out of town
but Pruett will have de-
pendent to accept same.

Very truly

J. E. Owen

To A. P. Gomer, Clerk of the Circuit Court of Nansemond County, Virginia.

Mary T. Pearce,

Complainant.

Against. In Chancery.

Geo. B. Pearce,

Defendant.

Issue summons in chancery to first Monday Rules in March, 1903.

Pay \$1.50

S. E. Gomer, J. C.

Mary T Pierce
vs
Geo. B Pierce

Final Decree
April 17th

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Geo. B. Pearce

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held
for the said Court, on the *First* Monday in *March 1903*, to answer

a Bill in Chancery, exhibited against *him*
in the said Court by *Mary S. Pierce*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *23rd* day of
February, 190*3*, in the 12*7*th year of the Commonwealth.

A copy—Teste:

A. P. Gomer, CLERK.

Teste:

A. P. Gomer, CLERK.

I hereby accept service of the within process, Feb.
28, 1903, & hereby waive any further notice herein.

Witness -

John A. Levy
William E. Cooper.

G. B. Pearce

Sum h. &
Indemnity before me.
John A. Levy
Notary Public

S. E. Everett p. q.

A copy for
Geo. B. Pierce

vs.

In Chancery.

1903

March

Rules.

First

Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 237

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A copy—Teste:

CLERK.

Teste:

A. P. Gomer

CLERK.

L. E. Everett p. q.

Mary P. Pierce

vs.

In Chancery.

Geo. B. Pierce

1903

March Rules.

First Monday.

Nansemond Circuit Court.

Process Book No. *2*

Page *237*

To Geo. B. Pearce: Take notice that I shall on the 8th day of April, 1903, at the office of S. E. Evesett, in the town of Suffolk, Virginia, between the hours of 9 A. M. and 6 P. M. proceed to take the depositions of D. N. Pearce and others, to be read as evidence in my behalf in a certain suit in equity depending in the Circuit Court of Nansemond County, wherein I am plaintiff and you are defendant; and if from any cause the said depositions be not commenced on that day, or, if commenced, be not concluded, then the taking of the same will be adjourned and continued from day to day, at the same place and between the same hours, until the same shall be completed.

Feb 23 1903

Mary H. Pearce
Mary H. Pearce

I hereby accept service of the within process.
Jul. 28 1903. & hereby waive any further notice
herein.

Witness

Chas B Pearce

Robert A. Loring
William E. Cooper

Subscribed Before Me
Robert A. Loring
Notary Public

The depositions of Capt. D. N. Pearce, ~~Mrs. Robert Bunting~~
and Mr. G. Robert Bunting taken before me, J. P. Lee, a Notary Public
for the County of Nansemond, State of Virginia, at the office of S. E.
Everett in the Town of Suffolk, Nansemond County, Virginia, on the 8th
day of April, 1903, between the hours of 10 A. M. and 5 P. M., to be
read in behalf of the plaintiff Mary T. Pearce as evidence in a certain
suit depending in the Circuit Court of Nansemond County, wherein Mary
T. Pearce is plaintiff and George B. Pearce is defendant.

Present S. E. Everett, counsel for
plaintiff.

Present _____, counsel for
defendant.

Capt. D. N. Pearce being duly sworn deposes and says as follows:

First question by S. E. Everett, Counsel for plaintiff.

Q. What is your name, age, residence and occupation, and do you know the parties to this suit?

A. Capt. D. N. Pearce, fifty-five, Keyport, New Jersey, and Capt. of Capt. W. O. Cramer's J. B. Holden, and I know the parties to this suit. George B. Pearce is my brother and the husband of Mary T. Pearce.

Q. Do you know Capt. whether or not they live together to-day.

A. They do not live together.

Q. How long have they been living apart?

A. About six years last October. I feel sure that it was the latter part of 1896. I lost my daughter in 1896 and my brother George came down to the funeral. At that time his wife Mary T. Pearce had been staying with me about eight months. That was the first time he had seen her in about eight months.

Q. Was Mrs. Mary T. Pearce a true, good and faithful wife to George B. Pearce?

A. I believe she was.

Q. Were you in a position to know?

A. Well I lived within two hundred yards of them. She was at my house every day.

Q. You say that they have been separated about five or six years. Why did they separate?

A. He seem to neglect coming home, and the longer he stayed away the less he cared to come home.

Q. What business was he in?

A. He was mate of a four mast vessel.

Q. Do you know why he did leave his wife?

A. He stayed away from her until he seemed to have no affection for her and he has told me that he has stayed from her so long that he did not care any more for her than for any one else and he never intended to live with her again.

Q. Do you know whether he provided for her support during the six years that you have spoken of here or since?

A. Not one dollar. Before 1896 he was negligent towards her and he had numbers of bills around town for his family expenses that he had neglected to pay. In 1896 she moved to my house because she had no support after she had sold out from time to time what little furniture she had for her support. She came to my house and my wife and myself took care of her until her sister Mrs. Bunting came.

Q. Did Mrs. Pearce want her husband to come back to her and do you know whether or not there were any steps taken to reconcile him or to bring him back to his wife?

A. Yes. She and I had written him letters. I know this. My wife wrote him, I also wrote him, and Mrs. Pearce wrote to him to see if we could not get him to come back to her and he never took any notice of my wife's letter nor of mine, but he did write his wife a letter, which I saw, stating that he would never return.

Q. Did he leave her with^{out} sufficient cause?

A. As far as I know he did. The cause of separation was due to his long separation from her on long voyages on his boat.

Q. How did you happen to be a witness in this case or to know of this suit?

A. I arrived here about the 1st of December. When I arrived here I dropped her a postal telling her that I was here. I received a letter from her and Mrs. Bunting, her sister, to come down that they wished to see me. Mr. Bunting came up for me but I could not go down with him on account of the vessel being asore^R, but they came to see me. Mrs. Pearce told me she was going to get a divorce and asked me if I would state what I knew about the matter against my brother. I told her that I would on my return here in April. I wrote my brother about this and told him that there would be some expense about getting him notice and that it would be well for him to accept it without any publication of the matter and he did accept the notice. He wrote me that he had accepted the notice and sent it to Mr. S. E. Everett, Mrs. Pearce's attorney. I want to state this in this case that, of course, I would prefer not having anything to say in the matter but I felt^{ed} somewhat duty bound to state what I know about it. I regret that my brother has acted as he

has and I have done all that I could to get him to act as he ought, but I failed and after I could not get him to do as he ought I then took his wife. She had no support. I took her to my house and have been helping her since that time. Her sister Mrs. Robert Bunting and her husband have also helped to take care of her. I think it is the best for my family and all of us connected with her as long as he will not live with her for her to get her divorce. That is why I agreed to testify in this case. I knew however, they could compel me to do it if I did refuse so after considering the matter I was satisfied that she was entitled to be separated from him by law and that I would state what I knew about the matter as I did know more than any one else except my wife. And I knew more than she did as I had talked to him about it more than she had.

Q. Is there anything else that you know about this case?

A. No, I have told that he left her without any support. That she was a faithful wife to him, and that she had been anxious for him to come back to her and I had insisted on it and also my wife he refused to come and they are now living apart and there is no hope of getting him to live with her but I have had a recent letter dated between Feb. 15, and April 1st, in which he says stubbornly that he does not intend to live with her again.

And further this deponent saith not.

Capt D W Pearce

George Robert Bunting being duly sworn deposes and says as follows:

First question asked by S. E. Everett.

Q. What is your name, age, residence and occupation, and do you know the parties to this suit?

A. George Robert Bunting, fifty-three, Nansemond County, farmer, and I know the parties to this suit. The plaintiff is a sister of my wife and I know the defendant. Neither are connected with me except as I have stated.

Q. Do you know whether or not they live together to-day?

A. I know that they do not live together to-day.

Q. Do you know how long they have been separated?

A. Sometime in 1896, I think about September or October in 1896, my wife went to Keyport, N. J. after her. She had written her that her husband had left her and that she had no support except that of Capt. D. N. Pearce and his wife and that she wanted to come to them and my wife went up there and brought her home.

Q. Why did you send your wife after her, could she not have come alone?

A. Why certainly, but I think our idea was that if she went up there possibly she might see George Pearce and her sister and see if she could not get them to continue to live as husband and wife, but she failed to do this and Mrs. Pearce came home with her.

Q. Has she been living with you ever since 1896?

A. She has. Capt. D. N. Pearce and his wife took care of her until my wife went after her and then she has been with us since then.

Q. Has Capt. George Pearce been to your house or in your presence or in the presence of Mrs. Pearce since she has been at your house?

A. He has not.

Q. Do you know why they separated?

A. I know no more than what has been told me. I know that he was a mate of a vessel and stayed from home a greater part of his time and that he left his wife without support and she had no support and had to sell her furniture off to get a support. He, as I understand, grew more indifferent every day until at last he did not come home at all. I know that

Mrs. Pearce was anxious to live with him and that all was done by both families to get him back to her but they failed.

Q. Is there anything more that you wish to state in this case?

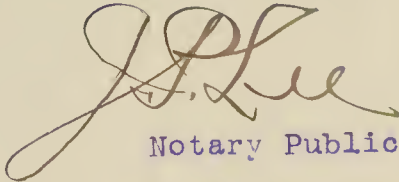
A. I wish to say that I know everything that my wife knows about this and she is unable to attend and I think it unnecessary for her to testify when she knows no more about it than I do myself. I know before she went to Keyport that she and I both received letters from Mrs. Pearce telling us that her husband had left her and she had no way of supporting herself except what Capt. D. N. Pearce did for her, and I concluded it best for my wife to go up there and see what the condition of affairs was and she did go and after finding it as she did she brought her sister home with her. I know that Mrs. Pearce is willing to live with her husband if he would come to her and she has been and was a true wife to him and that they have been separated five or six years and I know that he has no intention of returning. He has not seen her for five or six years. He has deserted her with no intention of living with her again. I think best for the families on both sides that she be apart from him, or she is apart from him but I think it would be best that she have a divorce and I believe she is entitled to a separation by law if any person on earth is.

And further this deponent saith not.

George Robert Bunting

State of Virginia, Nansemond county, To-wit:

I, J. P. Lee, a Notary Public for the county and state aforesaid, do hereby certify that the foregoing depositions of Capt D. N. Pearce and George Robert Bunting, were duly taken before me at the place and time mentioned in the caption of these depositions, and sworn and subscribed to at the said time and place. In witness whereof I have hereto set my hand on this 8th. day of April, 1903, in the county and state aforesaid.


Notary Public.

Mary T. Pearce.....Complainant.

Against. In Chancery.

George B. Pearce,.....Defendant.

This day this cause which has regularly matured at rules came on to be heard upon the bill and depositions of Capt. D. N. Pearce and G. Robert Bunting, and the defendant on whom process has been duly served still failing to appear and plead, answer or demur, and was argued by counsel.

On consideration whereof, the Court, being of the opinion from the evidence furnished in the cause that the defendant, George B. Pearce, *for three years prior to the institution of this suit* wilfully deserted the said Mary T. Pearce as charged in the bill, doth order, adjudge and decree that the said plaintiff, Mary T. Pearce, be *the bond of matrimony with* divorced from the said defendant, George B. Pearce, and that the marriage hereto solemnized between them be totally and entirely dissolved and that all the right, title and interest of the said defendant in the estate of the said plaintiff shall henceforth cease and determine, and the Court doth further order, adjudge and decree that the said George B. Pearce pay unto the plaintiff, Mary T. Pearce, ~~his~~ costs expended in the prosecution of this suit. And nothing further remaining to be done, it is ordered that this cause be stricken from the docket.

Mary T. Pearce,

vs.

George B. Pearce.

Enter 17 day of April, 1903.

Robert R. Hunt

Entered in Chancery Order Book

No. 3, page 508.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court
of Nansemond County, Virginia.

Mary T. Pearce,

Complainant.

Against

George B. Pearce,

Defendant.

Complaining, sheweth unto your honor your oratrix, Mary T. Pearce wife of George B. Pearce the following case: That she has been a resident of this State over one year and has resided in this County for the last four years and the said George B. Pearce is not a resident of this State, that in the year 1882 your oratrix was married to George B. Pearce in Nansemond County and since that time up to November in the year 1896 as far as the said George B. Pearce would permit your oratrix has been to him a constant, faithful and dutiful wife, discharging all her duties and obligations as a wife to the best of her ability.

Your oratrix's husband, the said George B. Pearce, on the other hand has been negligent, cold and indifferent as a husband and often was abusive to your oratrix, and in November 1896 the said George B. Pearce wilfully deserted and abandoned your oratrix without just cause and has never since returned. The said George B. Pearce left your oratrix without support and she was compelled to return from Rhode Island to this County and live with her brother in law, Robert Bunting. Your oratrix has been anxious for him to return but he has stubbornly refused to do so.

In tender consideration whereof and for as much as your oratrix is remediless in the premises save in a court of equity, she prays that the said George B. Pearce may be made a defendant to this bill and required to answer the same upon oath; that your oratrix may be divorced from the said George B. Pearce a vinculo matrimonii, and that all such other farther and general relief may be afforded your oratrix as the nature of her case may require or to equity shall seem meet.

And your oratrix will ever pray, etc.
Gounsel.

T. E. Evers.

Mary T. Pearce.

State of Virginia,

To-wit:

County of Nansemond.

I, S. E. Everett, a Notary Public for the County and State aforesaid do certify that Mary T. Pearce, the complainant in the above bill has this day appeared before me in my said County and State and made oath that all the facts stated in the above bill are true.

Given under my hand this 2nd day of March, 1903.

S. E. Everett

Notary Public.

S. E. Everett N.Y.

Mary L. Pearce
Against Bill.
Geo B Pearce

Mary T Pierce
vs In Chancery
George B Pierce

1903 Feby 23rd Process issued returnable to
March Rules First Monday.

" March 2. Process returned executed on
defendant. Bail filed and
decree nisi vs said defendant.

" " 16th Decree nisi Confirmed and
cause set for hearing.

Chaucer Notes

S E Everett 199.

Mary S. Pierce
Q. S. In Chancery
Geo. B. Pierce

1903

April 17th
Final Decree

Costs
Clerk 357
Tax 150
a/cy 1500
\$20.07