

George W. Burress, - - - - -Complainant,

vs.

Sallie Burress, - - - - -Defendant.

TO THE HONORABLE FULTON KEGLEY, JUDGE OF THE CIRCUIT COURT  
OF TAZEWELL COUNTY;-

Your complainant, George W. Burress, respectfully represents: -

(1) That on the        day of        186\_\_, your complainant, George W. Burress, was lawfully married in Tazewell County, Virginia, to the defendant, Sallie Burress, whose maiden name was Sallie Noel, as will appear from a certificate of marriage herewith filed, marked "Exhibit A" and made a part of this bill;

(2) That continuously from the date of said marriage until the        day of August, 1906, your complainant and the said Sallie Burress lived together as husband and wife, in Tazewell County, Virginia, with the exception of about two (2) years, in 1890 - 91, or about that time, they temporarily resided outside of Tazewell County; and

(3) That the said Sallie Burress has wilfully deserted and abandoned your husband for a period of more than three (3) years: That is to say, on the \_\_\_ day of August, 1906, the said Sallie Burress did, voluntarily, wilfully, and without any justification whatever, leave his home in Tazewell County, Virginia; that immediately before leaving and at the time she left she stated to the neighbors and people congregated at the station of the Norfolk and Western Railway Company, at

Tip Top, Virginia, that she was going to leave him forever, and that she would never return to him; and that your complainant has never heard from her since that time, but has recently been informed that she now lives in Forksville, Mecklenburg County, Virginia; and

(4) That your complainant was always a true and loving and devoted husband, and provided well for his wife and family out of his daily earnings, which he earned by the sweat of his brow; and that the desertion of his said wife was unlooked for, as well as uncalled for; and

(5) That your complainant has resided, and has been domiciled in Tazewell County, Virginia, ever since the aforesaid marriage, with the exception of about two (2) years, hereinbefore mentioned, and for more than one year next preceeding the commencement of this suit, and is now domiciled and resides in Tazewell County, Virginia; and

(6) That two children were born as a result of the said marriage, to-wit, Rachel, who is now more than forty years old, and is married to one John Radford, and Mattie, who is also about Forty years old, and is married to one Estill Painter; and

(7) That your complainant last cohabitated with the said Sallie Burrese in Tazewell County, Virginia.

In consideration whereof, and for as much as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Sallie Burress 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 him; that is, a divorce ~~of~~ a vinculo matrimonii; and 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.

GEORGE W BURRESS,

Complainant.

Henson & Bowen, p. q.

George W. Burress -----Complainant

Vs.        |        Decree.

Sallie Burress -----Defendant.

This cause came on this day to be heard upon the complainant's bill, and the exhibits filed therewith; upon process returned duly executed on the defendant Sallie Burress; and upon the depositions of witnesses taken before a Commissioner in Chancery, and filed on behalf of the complainant, and was argued by counsel.


On consideration whereof, and it appearing to the court, independently of the admissions of either party, in the pleadings or other wise, that the said parties were lawfully married on the \_\_\_\_ day of \_\_\_\_\_, 186\_\_\_\_; that the said complainant and defendant, have resided, and have been domiciled in this <sup>county</sup> ~~state~~, ever since the aforesaid marriage, and for more than one year, next preceeding the commencement of this suit; that the said Sallie Burress deserted her husband, George W. Burress, on the \_\_\_\_ day of August, 1906, in Tazewell County, without just cause; that the said complainant and defendant last cohabited in the County of Tazewell, and have not cohabited since the date of said desertion, and that the said George W. Burress, has resided in Tazewell County, for more than one year, next preceeding the commencement of this suit; The court doth adjudge, order and decree, that the said George W. Burress, and Sallie Burress be divorced, from the bonds of matrimony, which was created by the aforesaid marriage, and that the said marriage be , and the same is, desolved, and annulled, and this cause is ordered to be left from the docket.

The depositions of Ida Burress and others, taken before me, J. H. Stuart, a Commissioner in Chancery of the Circuit Court of Tazewell County, Virginia, on the 12th day of May, 1910, at the law office of Henson & Bowen, in the town of Tazewell, Tazewell County, Virginia, pursuant to the notice hereto annexed, to be read as evidence in behalf of the complainant in a certain suit in chancery now depending in the Circuit Court of Tazewell County, Virginia, wherein George W. Burres is the Complainant and Sallie Burress is the Defendant.

PRESENT: T. C. Bowen, of counsel for the complaint and the complainant in person.

No witnesses appearing, on motion of counsel for the complainant the further taking of these depositions are continued at the same place, between the same hours, until May 17th, 1910.

Given under my hand this 12th day of May, 1910.

  
\_\_\_\_\_  
Commissioner in Chancery.

Depositions in the above styled cause resumed at the same place and between the same hours, pursuant to order of adjournment and continuance entered herein on May 12th, 1910.

PRESENT. The same parties as were present on May 12, 1910.

Ida Witness. a witness of lawful age being first duly sworn, deposes as follows:

Q1. By counsel for complainant.

What is your age and residence?

A. Age is 28, and reside at North Tazewell in Tazewell County, Va.

Q2. What relation are you to the complainant and defendant, and how long have you known them.

A. I am a Niece of the complainant and have known both of them all my life.

Q3. It is charged in the complainant's bill that the defendant, Sallie Burress abandoned her husband, the complainant in August, 1906. Please state what you may know if any thing about this matter.

A. In August, 1906, I was at the home of complainant and defendant on Mud Fork, in Tazewell, Va., and the defendant, Sallie Burress announced that she intended to leave the complainant, George W. Burress, and declared that she would never live with him again. And thereupon packed up every thing in the house except six bed quilts and one bed, and left their home and went for a few days to her grad-daughter's, Fannie Brooks, who lived a few miles away, where she remained for a few days, when she took the things that she had packed up and went to Newport News, Va., where she had a daughter, Mattie Painter living. At least, when she left she said that was where she was going, and I have never seen her from that time to the present, and my information is that she is still with her said daughter, who now lives in Mecklenburg County, Va.

Q4. Where has the complainant been since his wife left him in August, 1906?

A. He continued to live at their home on Mud Fork for about 18 months after his wife left him, and since that time he has lived in Tazewell County with his nephews and neices, staying some at my home.

Q5. Prior to the time of the abandonment of the complainant by his wife, as stated by you, how far did you live from them and how ~~often~~ often, if at all, were you at their home?

A. I lived about three miles from them, and would visit them at their home three or four times a year, and would stay for a week at a time, and some times as long as three or four weeks.

How did the complainant provide for his wife while they lived together, and what was his treatment of her?

A. He provided for her well, as well as any man in his financial circumstances could have provided for his wife and family and his treatment of her was that of a kind and considerate husband. In fact I was never at the home of any one where the husband was more considerate of the welfare of his wife and family.

Q7. How did the defendant Sallie Burress treat her husband, the complainant?

A. She was cross and ill toward him, and was a bad tempered and disagreeable woman; and when her husband would come in she would almost always be cross and ill toward him.

Q8. Where did the complainant and defendant last live together as husband and wife, and where has the complainant lived since that time?

A. They lived last together as man and wife on Mud Fork, in Tazewell County, Va., and the complainant has continued to live from that time until now in Tazewell County.

Q9. Have the complainant and the defendant ever lived together since the defendant abandoned her husband in August, 1906, as above stated?

A. No-Sir.

And further this deponent sayeth not.

witness  
J. H. Stuart

Ida X Burress  
mark

witness 1 day - 507/10 by Compt.

George W. Froe, Jr., another witness of lawful age, being first duly sworn, deposes as follows:

Q1. Please state your age, residence and occupation?

A. I am Forty years ole; residence on Mud Fork, in Tazewell County, Virginia, and am a farmer.

Q2. How long have you known the complainant and the defendant and within what distance diddyou live to them, when they lived together as man and wife on Mud Fork?

A. I have known both of them for about 20 years, During this time I lived close to them and within the last five or six years that they lived together as man and wife, I lived within one-fourth of a mile to them.

Q3. It is charged in the complainant's bill that the defendant, Sallie Burress abandoned and deserted her husband, without just cause, in the month of August, 1906. Please state what you know about this?

A. About August, 1906, the defendant, Sallie Burress packed up a lot of the house hold goods and her personal effects, and left her husband's home on Mud Fork, in Tazewell County, Virginia, and went herself and took these effects with her to Mack Brooks, who lived about one fourth or one half mile from her husband's home, and she, the defendant stayed at said Brooks and perhaps at other places in the neighborhood for a week or ten days. At the end of that time the defendant, Sallie Burress employed me to haul the things that she had packed up to Tip Top Station, which I did and they were marked and shipped to some point in either eastern Virginia or North Carolina; and the defendant herself took the train and went East, stating that she was going to live with her daughter, Mrs. Mattie Painter,



and that she, the defendant was leaving for good and never expected to live with the complainant again.

Q4. Have the complainant and the defendant ever lived together since the time you mention that she left and went East?

A. No Sir.

Q5. Where has the complainant lived since that time?

A. He remained at their former home for about one year or more, and since then has been living around with his relatives in different parts of this county.

Q6. Did the defendant Sallie Burress ever return to her home after she left it in August, 1906?

A. No Sir:

Q7. Has she since that time been in this county or lived with her husband, George W. Burress?

A. I do not know of my personal knowledge that she has ever been in the county since, but I have heard that she was here at the Court-House on one occasion. I will state, however, that I know she and the complainant have never lived together since the time that she left him in August, 1906.

Q8. How did the complainant, Geo. W. Burress provide for his family. I mean did he provide well for them or otherwise.

A. The complainant was always a hard working and industrious man, and provided well for his family, supplying them with all the necessaries of life, and having things as comfortable as any man you would find in his stage in life and financial ability.

Q9. Where did the complainant and defendant last live together as man and wife, and where has the complainant continued to live since the separation?

A. They last lived together on Mud Fork, in Tazewell County, Va, and Mr. Burress has made this county his home ever since.

Q10. What reason, if any, did the defendant give for leaving her home?

A. She said that she was tired living with her husband, and was going to make her home with her daughter, who had fixed up a room for her and she was going to make that her home.

And further this deponent sayeth not.

Geo. W. Froe, Jr.

Witness: 1 day & 2 miles,  
\$0.66 paid by Comt.

Virginia, Tazewell County, to-wit:

I, J. H. Stuart, a Commissioner in Chancery for the Circuit Court of Tazewell County, Virginia, do hereby certify that the foregoing depositions of Ida Burress and George W. Froe, Jr. were taken, subscribed and sworn to before me at the times and place set forth in the caption thereto, and in the orders of adjournment and continuance and resumption of said depositions, and for the purposes set forth in the said caption.

Given under my hand this May 17th, 1910.

J. H. Stuart  
Commissioner in Chancery for Tazewell Circuit Court.

Commissioner's fee  
\$3.00 paid by complainant.

Executed in Mecklenburg County by delivering a true copy of  
within Spa in Chy. to Mrs Sallie Bures this the 15th, day of  
April 1910.

W. B. Bures  
Mecklenburg Co. N.C.

Geo. W. Bures  
no. 3 Surmo. in Chy.

Sallie Bures  
Henson v. Downie, p. 9.  
2nd. Mar. Rules, 1910  
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The Commonwealth of Virginia, *Mecklenburg*  
To the Sheriff of ~~Tazewell~~ County, Greeting:

WE COMMAND YOU to summon Sallie Burress,

to appear at rules to be held in the Clerk's Office of our Circuit Court of Tazewell County on  
the third Monday in April, 1910, to answer a bill in Chancery exhibited against  
her in our said court by George W. Burress.

And have then there this writ. Witness, S. M. GRAHAM, Clerk of our said court, at the  
Court House, the 8th day of April, 19 10, in the 13 4 year of the Commonwealth.

*S. M. Graham* Clerk.