

1898-008 Chancery Causes: John M. Leonard vs Mary E. Leonard

Isle of Wight County

other SURNAMES: Phelon,
HARRISON

Leonard
VS. In Chancery
Leonard.

Complainants Bill.

Boykin and Lett, p. q.

*Off^{ce} filed Aug 20th 1898. order of
publication*

*1st Sep rules 1898. Bill filed
Ch. No. 1*

2^d Sep rules 1898 cont^d

*1st Oct rules. 1898 Bill taken for
confession on ordi publication*

Oct. 24/98 Final

To the Honorable R. R. Prentis, Judge of the Circuit Court of Law and Chancery for the County of Isle of Wight, in Chancery Sitting.

Humbly complaining sheweth to the Court your Complainant John M. Leonard; that on the 19th day of March, 1883, he was married to one Mary E. Phelon at West Field, Massachusetts, a certified copy of the certificate of their marriage is herewith filed marked "A", and prayed to be read as a part of this bill;

That your Complainant and his wife continued to reside at West Field, Massachusetts, until the 1st of November, 1891;

That early in November, 1891, your Complainant after consulting with the said Defendant, and believing that it would materially advance their joint fortunes, and be for their equal and joint advantage, with the consent and approbation of the said Defendant, came to Blackstone, Virginia, and established himself in business at that place;

That it was the understanding and agreement between your Complainant and the said Defendant, prior to his leaving West Field, Massachusetts, that the said Defendant should come to Blackstone Virginia, so soon as your complainant should establish himself in business at that place;

That shortly after reaching Virginia your complainant provided a suitable home for the said Defendant and wrote to her requesting her to come to and live with him;

That she failing so to do, your Complainant returned to West Field, Massachusetts, in January, 1892, for a few days and requested and insisted that the said Defendant should return with him to Virginia, but she evaded the same by promises to come to Virginia at an early date;

That relying upon such promise your Complainant returned to Virginia and continued to reside at Blackstone until early in February, 1895;

That after the return of your Complainant from Massachusetts he repeatedly and urgently requested the Defendant to come to and live with him at Blackstone, Virginia, at the home he had provided for her, but the said Defendant failed and refused so to do, and eventually ceased to answer his letters;

That some time in June, 1894, the said Defendant, without communicating to your Complainant her intention, came to Blackstone, Virginia, and remained with him two weeks, and then, contrary to his wish and desire and against his request, returned to West Field, Massachusetts;

That your complainant after her return to Massachusetts, as aforesaid, again urged her by letter to come to Virginia and live with him, but she continued to fail and neglect so to do until February, 1895;

That in February, 1895, the said Defendant, without notice of her intention so to do, came to Blackstone, Virginia;

That your Complainant in the Month of ^{May}~~March~~, 1895, removed to Battery Park in the County of Isle of Wight, in the state of Virginia, he and one S. P. Harrison having rented a large brick plant at that place, and there engaged in the manufacture of Brick

That the said Defendant accompanied your Complainant to the County of Isle of Wight, where he had provided for her a comfortable home, suitable to his and her station in life, and there maintained her in decency and comfort according to the best of his means and ability until June, 13th, 1895; upon which last mentioned date the said Defendant returned to West Field, Massachusetts, upon the plea, and for the alleged purpose, of looking after her property in Massachusetts, and with the avowed and express purpose of returning at an early date, and in fact bought a return ticket limited to thirty days;

That since leaving Virginia on the 13th day of June, 1895, the said Defendant although often requested and urged so to do by

your Complainant, has failed and refused to return to and live with your Complainant, although he has and maintains a good and comfortable home suitable to the station in life of your Complainant and the said Defendant, and although he has often requested that she return to and live with him; and your complainant in fact ^{willfully} says, that the said Defendant ^{willfully} abandoned and deserted him on the 13th day of ^{June} February, 1895, and still doth ^{willfully} abandon and desert him and fails and refuses to live with him at the home he has provided for her at Battery Park, Isle of Wight County, Virginia;

That your Complainant since his marriage with the said Defendant has ever been a kind, considerate and attentive husband, and has always provided for and maintained his said wife to the full extent of his means and ability and according to his and her station in life;

That your Complainant last lived and cohabited with the said Defendant in Isle of Wight County, Virginia;

That he has resided in said County and state continuously for more than one year next preceeding the institution of this suit, to-wit, ^{in the said State} from the month of November, 1891, ^{and in the said County from May 1891} to the filing of this bill, and that the said Defendant is a non resident of Virginia, to-wit, a resident of the State of Massachusetts.

In tender consideration whereof and for as much as your Complainant is without remedy at law, and can only be relieved by the aid of this Honorable Court of Chancery, where matters of this kind are alone and properly cognizable and relieveable, to the end that justice may be done in the premises your Complainant prays that the said Mary E. Leonard may be made a party Defendant to this bill and be required to answer the same, an answer under oath being hereby expressly waived.

That a divorce a vinculo matrimonii be granted your said Complainant from the said Defendant; that proper process may issue, as provided by law against non resident defendants; and that such

other, further, and general relief may be granted as the nature of the case may require or to equity shall seem meet.

And your complainant will ever pray, etc.

John M Leonard

Boykin & Lee. p. 9.

County of Isle of Wight, To-wit:--

I, R. E. Boykin, a Commissioner in Chancery for the Circuit Court for the County of Isle of Wight in the State of Virginia, do certify, that John M. Leonard, whose names is signed to the foregoing bill, personally appeared before me in my said County and made oath that the statements therein contained are true.

Given under my hand this ^{1st} day of September, 1898.

R. E. Boykin

COMMISSIONER IN CHANCERY

John M. Leonard

vs }
Mary E. Leonard

Affidavit Aug 26/98

I, John M. Leonard do solemnly affirm that Mary E. Leonard, my wife, who is a defendant in the Chancery suit this day instituted in the Circuit Court of the County of Isle of Wight by me against her, is a nonresident of the State of Virginia, and is a resident of of the State of Massachusetts.

Given under my hand this 26th day of August 1898.

John M. Leonard

Isle of Wight County, to wit.

I, R. E. Boykin a Commissioner in Chancery for the Circuit Court for the County aforesaid, in the State of Virginia, do certify that John M. Leonard, whose name is signed to the foregoing affidavit personally appeared before me in my said County and made oath that the statements therein contained are true. Given under my hand this 26th day of August 1898.

R. E. Boykin

Comm in Chcy.

Leonard }
12. } In chancery
Leonard }

Depositions of
John M. Leonard
+
S. P. Harrison.

Recorded under seal
and filed Oct. 15th / 1898

N. J. Young & Co.

The deposition of John M. Leonard and
S. P. Harrison taken before me J.
Wassley Thomas, a Notary Public
of the County of Isle of Wight, State of
Virginia pursuant to an order of
publication heretofore issued and
executed in this cause at the
office of Boykin and Litt, in the
town of Smithfield in the County
of Isle of Wight in the State of
Virginia on the 15th day of Octo-
ber 1898 to be read as evidence
on behalf of J. M. Leonard in a
certain suit in Chancery de-
pending in the Circuit Court
in the County of Isle of Wight
wherein the said John M. Leonard
is Plaintiff and Mary E. Leon-
ard is defendant.

Present, R. E. Boykin of Counsel for
Plaintiff

Jno. M. Leonard, a witness of lawful
age, being duly sworn, deposes
and says as follows, in answer
to the following questions.

2 /

State your name, age, residence

Ans occupation? ^{Battery Park}
Jno. M. Leonard, 57 years, Isle of
Wight County, Va, brick-maker.

Q 2 State whether or not you are one
of the lessees of the brick-plant
formerly owned by the Newport
News Brick Works?

Ans I am.

Q 3 State whether or not you are mar-
ried to one Mary Phelon, and if so
when ~~was~~ when and by whom
married?

Ans I was married to Mary Phelon,
Westfield, Mass., March 19, 1883,
by Rev. L. H. Blake.

Q. 4 Where did you reside with
your wife immediately after
your marriage, and how long
did you continue to reside there?

Ans In Westfield, Mass., till Nov. 1891.

Q 5. Where did you then go and for what purpose?

-Ans. I went to Blackstone, Va. Holloway, County, to engage in the milling business.

Q 6 In what business were you engaged at Westfield, Mass?

Ans In the milling business.

Q 7 Why did you go to Blackstone?

Ans. Because I thought there was a better opening for business.

Q 8 Did you consult your said wife before moving to Blackstone?

Ans I did.

Q 9 Was your removal to Blackstone with-her consent and approbation? or was it against her wishes?

Ans It was with-her full consent and approbation.

Q 10 What understanding was there, if any, as to your wife, joining you thereafter at Blackstone, or was she to permanently reside at Westfield or elsewhere?

Ans. Understanding was she was to join me ^{there} after I got established in business.

Q 11 Did you establish your self in business at Blackstone immediately upon arriving at that place, if so what business?

Ans I did establish my self in the Milling business immediately after arriving there.

Q 12 State whether or not, after establishing yourself in business you provided a suitable home for your said wife and whether or not either you wrote requesting her to come to Blackstone and live with you?

Ans. I did.

Q 13 Did she come?

Ans. No.

Q. 14 When, after your removal to Blackstone, did you first visit Westfield?

Ans. In January 1892.

Q. 15 State whether or not during your said visit to Westfield you made any request of your said wife to come to Blackstone and live with you? if so what was her answer to said request?

Ans. I did request her to come to Blackstone and live ^{with} me and she refused to come at ^{that} time and promised that she would later on.

Q. 16 How long did you remain in Westfield during this visit?

Ans. Remained about two weeks.

Q. 17 And then returned to your business at Blackstone?

Ans I did, and continued until May 1895.

L. 18 After your return to Blackstone, state whether or not you ^{again by letter} request your wife to come to Blackstone ~~by~~ and live with you?

Ans I did.

L. 19 Did you more than once, or frequently write to her making this request?

Ans. Frequently.

L. 20 What reply, if any, did she make to such request?

Ans. At first she was not ready to come, and finally decided not to come.

L. 21 Did she continue to answer your letters, making a similar request, or did she eventually cease to answer your letters?

Ans. She eventually ceased to answer them.

Q. 22 Did she come to Blackstone, if so when? did she notify you of her intention?

Ans. She came to Blackstone in June 1894, without any previous notice.

Q. 23 How long did she remain with you?

Ans. Two weeks.

Q. 24 Why did she return, and was it with your consent, or contrary to your wish and desire?

Ans. She left she said to arrange some business matters at West field, promising to return.

Q. 25 After her return to Mass. as aforesaid, state whether or not, you again urged her by letter or otherwise to come to Virginia and live with you?

Ans. I did, by letter frequently re-

quest her to come to Virginia & live with me.

Q. 26 What reply did she make to said letter?

Ans That she would come within a few days or as soon as she had arranged her affairs

~~Q. 26~~

Q. 27 Did she come to Blackstone, if so, when?

Ans She came in February 1895

Q. 28 When did you remove from Blackstone to Battery Park, Isle of Wight County, Va.?

Ans. In May 1895

Q. 29 State whether or not your wife remained in Virginia, lived with you until your removal to Battery Park, and if she went to live with you at Battery Park?

Ans. She did.

L. 30 Is she now living with you?

Ans. She is not.

L. 31 When did she leave?

Ans. June 13, 1895.

L. 32 What was her alleged purpose in leaving, and what, if anything did she say about returning?

Ans. She left to attend to some business in Westfield to return in a few days; she bought a 30 day return ticket.

L. 33 State whether or not you provided a comfortable home for your wife both at Blackstone and at Battery Park?

Ans. I did.

L. 34 What house did you provide for her at Battery Park?

Ans. The house formerly occupied by Mr. Kimpton the former Manager of the Newport News Brick Works.

Q. 35 How many rooms are there in said house?

Ans. Nine.

Q. 36 Of whom did your family consist while at Battery Park?

Ans. My wife and self and Cook.

Q. 37 Was the said house or a portion occupied by yourself and wife decently ^{and Comfortably} furnished; and, during her residence with you at Battery Park, did you decently and Comfortably maintain and support her according to your station in life?

Ans. It was decently and Comfortably furnished; and I did decently and Comfortably maintain her according to ~~my~~ station in life.

Q. 38 State whether or not, after your wife left on the 13th day of June 1895 you wrote to her requesting her to return and live with you, and if so what reply did she make to such letters?

Ans. I did write requesting her return; at first she wrote that she would; sometime in July positively refused.

Q. 39 State whether or not you have made other and frequent efforts to induce her to come to Virginia and live with you, and if so, with what results?

Ans. I have, but she still decides to reside at Westfield; and, she refuses to come to Virginia.

Q. 40 State whether or not since your marriage, your said wife you have been a kind and considerate husband?

Ans. I have.

Q. 41 Since your said marriage have you provided for and maintained your said wife to the full extent ~~and~~ of your means and ability and according to your and her station in life?

Ans. I have.

Q. 42 Has your wife property in Westfield and about its value?

Ans. She has, probably of the value of fifteen thousand dollars.

Q. 43 What is about the value of your property, real and personal?

Ans. In the neighborhood of one thousand dollars.

Q. 44 Where did you last live and cohabit with your said wife?

Ans. Battery Park, Isle of Wight Co., Va.

Q. 45 State whether or not you ^{have} continuously resided in the State of Virginia from Nov. 1891 up to the

present time?

Ans. I have.

Q. 46 State whether or not you have used every effort and inducement to induce and persuade your said wife to come to Virginia and live with you?

Ans. I have.

Q. 47 Where does your wife now reside and when did she reside when this suit was instituted?

Ans. Westfield, Mass.

Q. 48 Is the brick plant of which you are one of the owners a large one and does the manufacture of brick require constant and incessant attention?

Ans. It is a large plant, and the manufacture of brick requires constant and incessant attention.

Q. Have you and your wife any children?

Ans.

Ans.

L. 4

And further this deponent ~~says~~
not.

John M Leonard

S. P. Harrison being duly sworn,
~~deposes~~ and answers the follow-
ing questions.

L. 1

State your name, age, resi-
dence and occupation? and
whether or not you are a partner
of the said John M. Leonard?

Ans.

Ans.

S. P. Harrison, age, 52, Battery
Park, Isle of Wight Co., Virginia;
brick-maker. I am one of the busi-
nesses of the Newport News Brick
works and a partner of John M.
Leonard.

L. 2

State whether or not you are
acquainted with parties plain-
iff and defendant to this suit?
and state how long you have
known the defendant?

Ans

I am; and have known the de-
fendant since 1877, prior to her

marriage to the plaintiff.

Q. 3 When did you formerly live?

Ans. Westfield, Mass.

Q. 4 Did you ever live in Blackstone?

Ans. I have.

Q. 5 Who went to Blackstone to live first you or Mr. Leonard?

Ans. I went there before he did.

Q. 6 Under what circumstances did the said John M. Leonard go to Blackstone to live; and, state whether you know if he went with the consent and concurrence of his wife?

Ans. He went there to lease a mill, under the impression that he could better his condition. It was with the consent and approbation of his wife.

Q. 7 State whether or not the said John M. Leonard and the defendant in this cause lived together at Westfield, Mass as man and wife, and were so regarded?

Ans They did and were so regarded.

Q. 8 Did you have any conversation with Mrs Leonard with regard to the removal of Mr. Leonard to Virginia?

Ans. I did.

Q. 9 What were her views with regard to his or her coming to Virginia?

Ans. She seemed pleased to make the change.

Q. 10 What understanding, if any, was there about it as to where she should reside after Mr Leonard came to Virginia?

Ans. She was to come to Blackstone as soon as he was located.

Q. 11 After Mr Leonard located himself

at Blackstone, do you know whether or not he requested her to come to Blackstone and live with him?

Ans. I know that he made arrangements for her to come to live with him.

Q. 12 Were the arrangements you alluded to decent and comfortable and such as were suited to his and her station in life?

Ans. They were to board at the best hotel in ^{the} town; and the accommodations were decent and comfortable and suitable to his and her station in life.

Q. 13 Did Mrs. Leonard come to Blackstone, if so when, and how long did she stay?

Ans. She came, here I think in June 1894, and remained about two weeks, and went ~~to~~ away.

Q. 14 Did she again come to Blackstone, if so when?

Ans. Yes, in February 1895.

Q. 15 How long did she then stay with Mr. Leonard?

Ans. She staid with him until he removed to Battery Park in May 1895, she accompanied him to Battery Park and remained there until June 1895.

Q. 16 State whether or not during the period aforesaid when Mrs. Leonard lived with her said husband whether he provided a decent and suitable home for her?

Ans. He did.

Q. 17 What kind of home did he provide for her at Battery Park

Ans. A good, decent and comfortable home.

Q. 18 How did he provide for her at
Batterey Park, decently and Comfort-
ably or otherwise?

Ans. Decently and Comfortably.

Q. 19 When did she leave Batterey Park?

Ans. She left there in June 1845

Q. 20 Was it at his request, that she
left or at her own instance?

Ans. At her own instance and with-
the understanding ^{with Mr. Leonard} that she would
return in thirty-days, buying a
30-days return ticket but she told me perhaps
^{Mr. Leonard thinks I will return because I have a return ticket but}
I shall never return to this place

Q. 21 Since Mrs. Leonard left, as you
have stated, do you know whether
or not Mr. Leonard has attempted
to induce her to return?

Ans. As I know that he has frequently
written to her and he told me that
he urged her to return and live
with him

Q. 22 Has she lived with him since June 1848?

Ans. No, she has not.

Q. 23 State whether or not, within your knowledge Mr. Leonard has been a kind and considerate husband or otherwise?

Ans. From what I have seen of him, yes
kind.

Q. 24 Does the business in which Mr. Leonard is engaged require constant attention; and, will it permit him to leave the same for any considerable period of time?

Ans. It does require his constant attention and will not permit ^{his} leaving for any ~~considerable~~ period of time.

Q. 25

Ans.

When does Mrs. Leonard visit him?
Westfield, Mass.

Q. 25

And further this deponent says the not.

J. P. Morrison

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

J. J. Murdrey Thoms.
a Notary Public in the County a-

for said in the State of Virginia,
do hereby certify that the foregoing
depositions of John M. Leonard
and S. P. Hamman, were duly taken
sworn to and subscribed to be-
fore me at time and place
and for the purposes mentioned.
Given under my hand this the
15th day of October 1898.

J. Mervley Thomas,
Notary Public

Time employed two hours.

fee \$1.50

Paid by

John M. Leonard

J. Mervley Thomas.

Leonard
N / Duchey
Leonard

affidavit of exe-
cution of order
of publication.

Virginia:

IN THE CLERK'S OFFICE OF THE
Circuit Court of the County of Isle of
Wight, on the 26th day of August, 1898,
John M. Leonard, ...Plaintiff.
against

Mary E. Leonard, ...Defendant.

The object of this suit is to secure a divorce, a vinculo matrimonii, from the said Mary E. Leonard, on the ground of desertion and abandonment. And an affidavit having been made and filed that the defendant, Mary E. Leonard, is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and to do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the *Virginian-Pilot*, a newspaper published in the city of Norfolk, Va., and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the County Court.

A copy—Teste: N. F. YOUNG, Clerk.
BOYKIN & LETT, p. q. au tu4w

I, *W. C. Elam* ^{*Virginian*} Editor of the ~~Daily~~ *Pilot*, a newspaper published in the City of Norfolk, State of Virginia, do certify that the advertisement hereto annexed, of

John M. Leonard, Plaintiff

against

Mary E. Leonard, Defendant

has been published *once* week for *four* successive weeks in said newspaper, commencing on the *30th* day of *August* 1898, and ending on the *20th* day of *September* 1898.

Given under my hand this *twelfth* day of *October* 1898

W. C. Elam,
EDITOR ~~DAILY PILOT~~
Editor Virginian & Pilot

Folio

1898

From

Aug 30 To

The certificate does not require oath before notary.

Received Payment,

VIRGINIAN AND PILOT PUBLISHING CO.

Oct 17/98 Per W. S. Wilkinson

NORFOLK, VA.,

Oct. 12th - 1898

Mr R E Boykin

To Virginian and Pilot Publishing Company, Dr.

Advertising Order of Publication

Leonard V. S. Leonard

35 cts per line 4 weeks

~~\$~~ 6 75

Leonard.

Va. In Gaandery.

Leonard.

Touch Decree, Oct 31st 1838.

To be entered.

Robert C. Dennis

Entered -

John M. Leonard.

vs. In the Circuit Court of the County of Isle of Wight.

Mary E. Leonard. *appears to have proceeded in the in which the complainant appears to have proceeded in the mode presented by law against the defendant, and she still on the complainant's bill*

This cause came on this day to be heard, with exhibit fi-

led, and the examination of witnesses, and was argued by coun-

sel. On consideration whereof it appearing to the court from

the evidence in this cause that the defendant Mary E. Leonard

has abandoned the plaintiff for the period of three years, the

court doth adjudge, order and decree that the marriage contra-

ct has and solemnized between the defendant Mary E. Leonard,

and the plaintiff John M. Leonard, shall be and the same is,

thereby dissolved; and that the said John M. Leonard be forever

divorced from the said Mary E. Leonard. And the court doth fur-

ther adjudge order and decree that the said Mary E. Leonard do

pay unto the said John M. Leonard his costs expended in the

prosecution of this suit.

And nothing further remaining to be done herein it is ordered

that this suit be stricken from the docket.

giving the appear and plead, answer or demur,

Section 24, Chap. 145, Public Statutes, as amended by Chap. 300, Acts of 1892.

SECTION 24. Every justice of the peace, minister, and clerk or keeper of the records of a meeting wherein marriages among Friends or Quakers are solemnized shall make and keep a record of each marriage solemnized before him, or in such meeting, and of all facts relating to the marriage which are required to be recorded by section one of chapter thirty-two of the Public Statutes. He shall also, between the first and tenth days of the month following each marriage solemnized by him, return each certificate issued under the provisions of sections sixteen and seventeen of this chapter, to the clerk or registrar who issued the same; and if the marriage was solemnized in a city or town other than the place or places in which the parties to the marriage resided, return a copy of the certificate, or of either certificate in case two were issued, to the clerk or registrar of the city or town in which the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the place and date of marriage, and shall be attested by the signature of the person who solemnized the same, with his official station and residence added thereto. All certificates or copies so returned shall be recorded by the clerk or registrar receiving the same, and every person neglecting to make the record and returns required by this section shall forfeit for each neglect not less than twenty nor more than one hundred dollars.

H. S. Water.
Providence, R.I.

Commonwealth of Massachusetts.

CERTIFICATE OF MARRIAGE.

No.

1. Full Name of **GROOM**, *John M. Leonard*
 2. Color,*
 3. His place of Residence, . *Westfield*
 4. Age, ... *41*
 5. Occupation, ... *merchant*
 6. Number of the Marriage, . *1st*
 7. His place of Birth, . . . *Ware Mass*
 8. Father's Name, ... *Alvin*
 9. Mother's Name, ... *Ruth*
 (Maiden Name.)
 10. Full Name of **BRIDE**, *Mary E. Philon*
 (Maiden Name, if a Widow),
 11. Color,*
 12. Her place of Residence, . *Westfield*
 13. Age, ... *40*
 14. Occupation, ... *at home*
 15. Number of the Marriage . *1st*
 16. Her place of Birth, . . . *Granville Mass*
 17. Father's Name, ... *John*
 18. Mother's Name, ... *Elmina*
 (Maiden Name.)

The intentions of Marriage by the parties above named were duly entered by me in Records of the.....of..... according to law, this.....day of..... A.D. 189 .

.....Town Clerk.

The parties above named were joined at.....*Westfield*
 by me, this.....*19*.....day of.....*March*
 A.D. 18*83*.



st, †

Lyman H. Blake
Clergyman Westfield Mass

(A.) African. (M.) Mulatto. (I.) Indian. If of other Races, specify what and Residence.

Be very particular to fill all Blanks. See reverse of this page.

If copies are made all dates and signatures should be included.

Recorded Page 60 Book of Marriages
Town of Westfield
Chas. A. Oakes Town Clerk