

1925-016
Nansemond Co (Suffolk) Chancery Causes: Rebecca Gordon Leak vs William Leak

Scott, Bowser, Bailey, Peoples, Wiggins

Suffolk, Va.,

Sept 30th

192

5

M S. E. Everett, Att'y.

Virginia, in the Clerk's Office of the Circuit Court of Nansemond County, in vacation, on the 21st day of August, 1925.

Rebecca Gordon Leek, Complainant

vs.

ORDER OF PUBLICATION

William Leek,

Defendant

NEWS COMPANY

INCORPORATED

The object of this suit is for the complainant to obtain from the defendant a divorce A. VINCULO MATRIMONII, on the grounds of desertion, an affidavit having been made that diligence has been used by said complainant to ascertain in what County or Corporation the above-named defendant is, without effect, and that it is the belief of the complainant that the said defendant is not a resident of the State of Virginia, he is hereby required to appear within 15 days after due publication of this order and do what may be necessary to protect his interest.

G. E. BUNTING,

Clerk.

S. E. Everette, P. &
A true copy:

Teste:

G. E. Bunting, Clerk.

Aug. 24, Aug. 31, Sept. 7-14.

4 insertions of 1/4" @ 50¢ 8.00

that the above advertisement
News on the following dates:

Sept. 7th, 14th.

C. L. Snowden
Publisher.



Sept 30th 1925

Att'y.

SUFFOLK NEWS COMPANY

INCORPORATED

4 insertions of 1/4" @ 50¢ 8⁰⁰

This is to certify that the above advertisement
ran in the Suffolk News on the following dates:

August 24th, 31st, Sept. 7th, 14th.

C. L. Snowdon
Publisher.

✓

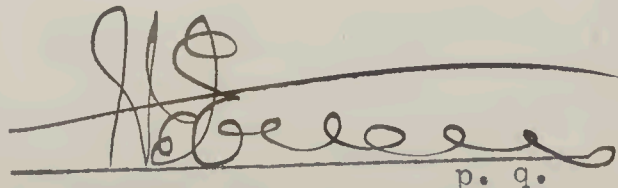
TO THE HONORABLE GEO. E. BUNTING, CLERK OF THE
CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Rebecca Gordon Leek.....Complainant

vs. MEMORANDUM

William Leek^a.....Defendant

Please issue summons returnable to First Monday
(first rules) in September, 1925.



p. q.

Rebecca Gordon Leek.....Complainant

vs. AFFIDAVIT

William Leek^a.....Defendant

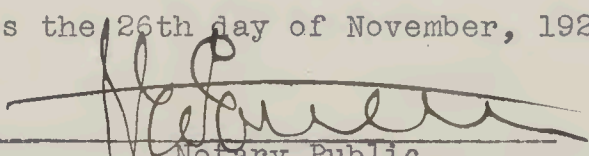
STATE OF VIRGINIA,

COUNTY OF NANSEMOND, To-wit:

This day Rebecca Gordon Leek^a, the above-named complainant, personally appeared before me, S. E. Everett, a Notary Public in and for the County and State aforesaid, in my County aforesaid, and made oath that diligence has been used by the said complainant to ascertain in what County or corporation the above-named defendant, William Leek^a, is, without effect, and that it is the belief of the complainant that the said defendant is not a resident of the State of Virginia, and the address of the said defendant is not known.

Given under my hand this 8th day of August, 1925.

My commission expires the 26th day of November, 1927.



Notary Public.

Fils Aug. 31, 1925~
A. B. Anthony
Cousin

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Rebecca Gordon Reake Pltff.

vs.

William Reake Df't

In *Chancery*

I hereby certify that on the *21st* day of *August* 19*25*

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered, *copy to Suffolk News, no last known address being given; therefore no copy mailed to deft.*

Given under my hand this *21st* day of *August*, 19*25*

W. W. [Signature], Clerk,

By, Deputy Clerk.

Rebecca Gordon Leak.....Complainant

vs.

William Leak.....Defendant

I, W. E. Johnston, Editor and Publisher
of the Suffolk News, a newspaper printed in the City of Suffolk,
County of Nansemond and State of Virginia, do hereby certify
that the foregoing order of publication was duly published in
the said newspaper for four (4) successive weeks from and after
the 24th day of August, 1925.

W. E. Johnston
Editor and Publisher of The Suffolk News.

MEMORANDUM FOR USE OF JUDGE AND COUNSEL

Rebecca Gordon Leak.....Complainant

vs.

William Leak.....Defendant

Memorandum filed August 21st, 1925;

Affidavit, non-resident, filed August 21st, 1925;

Certificate of Clerk as to posting Order of Publication on
door of the Court House, filed August 21st, 1925;

Bill, filed First Rules, First Monday, September 7th, 1925;

The Suffolk News Certificate of Publication;

Depositions and Exhibit Marriage Certificate, filed Oct. 10, 1925;

Decree.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon William Leek

to appear at the Clerk's office of the Circuit Court of the County of Nansemond
at the rules to be held for the said Court on the First Monday in September 19 25,
to answer a bill in chancery, exhibited against him in our said Court by
Rebecca Gordan Leek

And have then there this writ. Witness C. E. Bunting, Clerk of our said
Court, at the court-house, the 21st day of August, 19 25, and in the
150th year of the Commonwealth.

C. E. Bunting, Clerk

No. 300.

vs.

SUBPOENA IN CHANCERY

p. q.

To Rules,

..... Circuit Court.

Not found in my
County of Nantucket
Aug 21. 1925
E. B. Rawls Sheriff

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, Greeting:

WE COMMAND YOU, That you summon William Leek

to appear at the Clerk's office of the Circuit Court of the County of Nansemond
at the rules to be held for the said Court on the First Monday in September 19 25,
to answer a bill in chancery, exhibited against him in our said Court by
Rebecca Gordon Leek

And have then there this writ. Witness G.E. Bunting, Clerk of our said
Court, at the court-house, the 21st day of August, 19 25, and in the
150th year of the Commonwealth.

G.E. Bunting, Clerk
A true Copy: G.E. Bunting, Clerk

Copy

No. 300.

vs.

}

SUBPOENA IN CHANCERY

p. q.

To *Rules,*

..... *Circuit Court.*

MARRIAGE LICENSE

Virginia Nansemond 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,

Will Leak

and

Rebecca Gordon Scott

Given under my hand, as Clerk of the Circuit Court of Nansemond County (or City) this 16th day of May, 1921

G.E. Bunting,

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 Nansemond

Date of Marriage May 16, 1921 Place of Marriage Suffolk, Va.

Will Leak

FULL NAMES OF PARTIES

and

Rebecca Gordon

Age of Husband 35 years; Condition (single, widowed or divorced) single

Age of Wife 36 years; Condition (single, widowed or divorced) "

Race (White or Colored) Colored

(PRESENT)

Husband's Place of Birth Willimington N.C. Mailing Address Nansemond County

Wife's Place of Birth Nansemond County Mailing Address " "

Names of Husband Rich Leak and Maggie his wife

Parents Wife Stephen Scott and Disie his wife

Occupation of Husband Railroad man

Given under my hand this 16th day of May, 1921

G.E. Bunting

Clerk.

Certificate of Time and Place of Marriage

I, I.W. Johnson, a minister of the Christian

Church, or religious order of that name, do certify that on the 16th day of May, 1921,

at Suffolk, 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 Nansemond, State of Virginia.

Given under my hand this 16th day of May, 1921

I.W. Johnson

(Person who performs ceremony sign here.)

Free 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).

County (or City)

.....
Husband
and { **Marriage License**

.....
Wife

Date of Issue

Marriage Register No.....Page.....

Rebecca Gordon Leak.....Complainant

vs. DEPOSITIONS

William Leak.....Defendant

The depositions of Lem Bowser and others, taken before me, Odelle R. Baines, a Notary Public for the City of Suffolk, in the State of Virginia, pursuant to notice hereto annexed, at the office of S. E. Everett, in Suffolk, Virginia, on the 8th day of October, 1925, between the hours of ten A. M. and twelve Noon, to be read as evidence on behalf of Rebecca Gordon Leak, in a certain suit in equity, depending in the Circuit Court of Nansemond County, in the State of Virginia, wherein Rebecca Gordon Leak is Plaintiff and William Leak is Defendant.

Present: S. E. Everett, Attorney for Complainant.

Lem Bowser, being duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation.

A. Lem Bowser, live at Driver.

Q. How old are you.

A. 31.

Q. What is your occupation.

A. In the merchant business, store near Driver.

Q. Do you know Rebecca Gordon.

A. Yes, sir.

Q. How long have you been knowing her.

A. About five years.

Q. Haven't you been knowing her people there all your life.

A. Yes, sir, but on account of her being just a child I did not know her before five years ago.

Q. Do you know when Rebecca Gordon and William Leak were married, and when was it, if you know.

A. When was it. Yes, O Yes, I know. It was some time in 1921 but I don't remember the date.

Q. Are they now separated.

A. Yes, sir.

Q. How long did they live together after they were married.

A. I reckon about three months.

Q. Were they living near Driver, Nansemond County, when they separated.

A. Yes, sir.

Q. This has been her home all the time since that time.

A. Yes, sir, her home is near Drivers.

Q. Where has her husband been since they separated.

A. He stayed around Drivers about six months and then went away, I don't know where he went.

Q. When he was around Driver you don't mean he lived with her then.

A. No, sir, didn't live ^{with} her at all, just stayed around there near Drivers.

Q. Did he leave her home where they lived together.

A. Yes, sir.

Q. Then he left her.

A. Yes, sir.

Q. Do you know what caused him to leave her.

A. I have heard him say he was going to kill her or leave her one. He was a rough fellow, anyway, a drinking man, carried a gun around and I know he was jealous of her. I asked him if he ever saw anything wrong about his wife and he told me, "No." When I found out everything about it, he meant he did not want to work and help take care of her. He has been away ever since he left and I don't know where he is now, don't know where he went first.

Q. What is her reputation in the community.

A. She has an all right reputation, as good as anybody around there. Uncle Joe Gordon and Aunt Cherry Gordon, who raised Rebecca, were some of the best folks in that community. All the white folks knew them. They raised Rebecca and all their children right.

Q. Rebecca is the grand-child, not the child, isn't she.

A. Yes, sir, Uncle Joe's grand-daughter.

Q. How far were you living from Rebecca Gordon Leak and William Leak at the time he left her.

A. I was living two miles from them but worked for Bailey right next door to her house and saw her and her husband every day.

Q. Did he make any statement to you before he left.

A. Yes, sir, he did. He stated to me that he was going to leave her and was never coming back, said he was tired of living with her and was not going to stay with her any longer, that's what he said and that is what he did.

Q. Where does Rebecca Gordon now live and how long has she lived there.

A. She lives near Drivers and has been living there ever since I have known her.

Q. Where did Rebecca Gordon Leak and William Leak live together as husband and wife.

A. Near Drivers, same place.

Q. What kind of a wife did she make him.

A. She was a hard-working woman and took care of him while they lived together.

Q. Did she ever give him any cause to mistreat her or to leave her.

A. I saw her every day and I never saw anything wrong with her. She was faithful to him in every way a wife should be, took care of him even and I know she did not give him any cause to leave her or treat her bad.

And further this deponent saith not.

Lem. Bawson

J. C. Bailey, being duly sworn, deposes as follows:

Q. Please state your name, age, residence and occupation.

A. J. C. Bailey, age 52, live near Drivers, Nansemond County, merchant and farmer.

Q. How long have you known Rebecca Gordon Leak and William Leak.

A. I have known Rebecca Gordon twenty-seven years and Will Leak, haven't been knowing him except from the time he^x married her until he left her. They did not stay

together only three or four months.

Q. Were you present at the marriage.

A. No, sir, they were married in Suffolk, but I know when they were married and remember the day. They were married in May, 1921.

Q. How far were you living from them at the time they married, while they were husband and wife and at the time they separated.

A. 150 yards. My house was next door to theirs. At the time they married they went to live at her house near Drivers and lived there until he~~x~~ left, from May to August, 1921, within 150 yards of my house.

Q. About how often did you see them.

A. Every day while they were there.

Q. Are they living together as husband and wife now.

A. No, sir, they have not lived together as husband and wife since August, 1921.

Q. Which one left the other.

A. He left her.

Q. State the circumstances of their separation.

A. Well, he was a trifling man, toted a gun all the time, drank a lot and was fussy, quarreled with her, I mean and she was a quiet woman, just about supported him and took care of him while they were living together. He would cuss and abuse her. He just got tired of her. He told me about a week, maybe two weeks, before he left that he was going to leave her and was never going back to her, said he was

tired of her and was going off somewhere. Then he left her home where they had been living together and lived around there from place to place for about six months. After that he left around there and I haven't seen him or heard of him since he left Drivers.

Q. Did she give him any cause to leave her.

A. No, sir, she did not, don't see what it could have been. She was a quiet, hard-working woman and faithful to him. They just weren't suited, he was so trifling, could not be satisfied long in one place, just wanted to be going around all the time.

Q. Where does Rebecca Gordon Leak now live.

A. Near Drivers, Nansemond County and she has lived there ever since I have known her or known anything about her.

Q. What is her general reputation and character in that community.

A. Good standing, good standing, her family before her had good standing there, best people in the community.

And further this deponent saith not.

W C Bailey

Willie Peoples, being duly sworn, deposes as follows:

Q. Give your name, age, residence and occupation.

A. Age 52, Willie Peoples, live near Driver, Nansemond County. I'm a carpenter.

Q. How long have you known Rebecca Gordon Leak and William Leak.

A. I have known Rebecca about 25 years and I knew Will Leak about 12 months before he married her, about 5½ years.

Q. How far did you live from them at the time they were living together and at the time they separated.

A. About one mile.

Q. About how often did you see them.

A. On an average of two or three times a week. I knew them well and saw them right often.

Q. Are they living together now, if not, which one left the other and when.

A. No, air, they don't live together now. Let me see, they were married in a May sometime, May, 1921, and lived with each other until the next following August. They warn't very happy together. He was over-bearing and no-count, abused her for nothing especially when he had been drinking, did not treat her with any respect at all. She did not have any peace with him and then he left her.

Q. Where did he go when he left her, and her house.

A. He stayed around Drivers for a short while, living around at different places and then he left these parts for good and I haven't seen or heard of him since and I don't know nobody who has heard of him or seen him since that time.

Q. Did she try to get along with him.

A. I know she tried to get him to be quiet and he would not listen to her. He told her several times he was going to leave her and was not going to stay with her any longer. I know he did not have any reason to mistreat her. She really supported him while they lived together. They lived in her house.

Q. Where were they living together and where did they separate.

A. Near Drivers, Nansemond County.

Q. Have they lived together at all since he left her in August, 1921.

A. No, sir, they have not.

Q. What is the general reputation of Rebecca Gordon Leak in the community near Driver.

A. She is a hard worker and bears a good reputation.

Q. Where does she reside now.

A. She is living near Drivers there and has ever since I have known her, that's about 25 years.

And further this deponent saith not.

Willie Peoples

F. S. Wiggins, being duly sworn, deposes as follows:

Q. State your name, age, residence and occupation,

A. F. S. Wiggins, will be 55 this coming March, live near Drivers in Nansemond County, and farm.

Q. Did you know Rebecca Gordon Leak and her husband.

A. I have known Rebecca Gordon since 1919.

Q. You have not been living around Drivers long.

A. I came from Pittsburgh, Pennsylvania in 1918. My parents lived there but I left when I was small and did not come down there until 1918.

Q. Do you know Will Leak.

A. Yes, sir, I did.

Q. How long have you known him.

A. I knew him about a year before he was married.

Q. Was Driver his home.

A. No, sir, he was a Georgia man. He was working down there in the log woods when I first knew him.

Q. Do you know when they were married.

A. They were married in 1921 and he left her the same year.

Q. Do you know anything about their marriage relations, whether they were pleasant or unpleasant.

A. He was very disagreeable to her but I don't know of anything he ever did except what I have heard her say.

Q. Do you know when they separated.

A. Sometime in August, the first of August, or along in August not long after they were married. He told me he was going to quit and go back to Georgia where he came from.

Q. Did he make any remarks about his wife.

A. No, sir, just told me he was going to his old home.

Q. What kind of man was William Leak.

A. Well, he had a violent temper, was rough when he had been drinking and carried a gun all the time, I know that.

And further this deponent saith not.

G. J. Wiggins

STATE OF VIRGINIA,
CITY OF SUFFOLK, To-wit:

I, Odelle R. Baines, a Notary Public, for the City of Suffolk, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken before me, at the place and time therein mentioned, pursuant to the annexed notice.

In witness whereof I have hereunto set my hand at Suffolk, aforesaid, this 10th day of October, 1925.

My commission expires the 17th day of April,
1926.

Odelle R. Baines
Notary Public.

In the Circuit Court
of Henrico County
Virginia:

Rebecca Gordon Leak

vs. Depositions

William Leak.

Filed Oct. 10, 1925-

H. E. Dwyer,
Clerk

Rebecca Gordon Leak.....Complainant

vs. DECREE

William Leak.....Defendant

This cause, in which the Complainant appears to have proceeded in the mode prescribed by law against the non-resident *defendant*, William Leak, came on this day to be heard on the bill of complainant, exhibit and depositions of witnesses, taken ^{*as required by law.*} ~~after due and legal notice to the said defendant as required by law~~, and the said defendant, who appears to have been proceeded against in the manner prescribed by law, failing to plead, answer or demur, and was argued by counsel.

On consideration whereof, it appearing to the Court from the depositions legally taken in this cause and filed on the 10th day of October, 1925, that the said defendant, William Leak, in August, 1921, without cause, deserted the said complainant and does not intend to return to the said complainant, and that the said complainant is a resident of the County of Nansemond, Virginia, and has been domiciled in the State of Virginia for more than twelve months next preceeding the commencement of this suit, and that the said complainant and defendant last cohabited in the County of Nansemond, State of Virginia, the Court doth ADJUDGE, ORDER and DECREE that the said complainant be, and she hereby is granted a divorce from the bonds of matrimony, from the said defendant, William Leak, which said bonds were created by the aforesaid marriage, and that the said marriage be, and the same hereby is, dissolved and annulled.

And there remaining nothing further to be done in this cause, it is ordered that the same be stricken from the docket.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA

Rebecca Gordon Leak

vs. DECREE

William Leak

Enter Nov. 4, 1925.

Jas. S. Moore

#5, pg. 569.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY:

Rebecca Gordon Leak.....Complainant

vs.

William Leak.....Defendant

Your complainant, Rebecca Gordon Leak, respectfully represents that on the 16th day of May, 1921, your said complainant, Rebecca Gordon Leak, was lawfully married in the City of Suffolk, Virginia, to William Leak, as will appear from a certificate of marriage herewith filed, marked "Exhibit A" and made a part of this bill; and

That continuously from the date of the said marriage until August, 1921, your complainant and the said William Leak lived together as husband and wife, in Nansemond County, near Driver, Virginia; and

That the said William Leak wilfully deserted and abandoned your complainant for a period of more than three years; that is to say, in the said August, 1921, the said William Leak did voluntarily, wilfully and without any justification whatever leave his home and told your complainant that he would never return; and that since that date of such desertion he has never returned to your said complainant; and

That your complainant has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than one year next preceeding the commencement of this suit, and is domiciled and now resides in this State; and

That your complainant last cohabited with the said William Leak in Nansemond County, Virginia;

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity,

your complainant prays that the said William Leak may 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 her; and that all such further and general relief may be had by your said complainant in the premises as the nature of her case may require, or to equity shall seem meet.

Halverson
Counsel

Rebecca Gordon Leak
Complainant

STATE OF VIRGINIA,

CITY OF SUFFOLK, To-wit:

Rebecca Gordon Leak, the complainant named in the foregoing bill, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information she believes them to be true.

Rebecca Gordon Leak
Complainant

Taken, sworn to and subscribed before me, S. E. Everett, a notary public of and for the County and State aforesaid, in my County aforesaid, this 5th day of September, 1925.

My commission expires the 26th day of November, 1927.

Halverson
Notary Public.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA

REBECCA GORDON LEAK

VS. Bill

WILLIAM LEAK

Filed Sept. 7, 1928

*W. B. Gordon
Leak*

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY, AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTHS' ATT'Y.
E. B. RAWLES, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA.

Rule Notes

Rebecca Gordan Leake

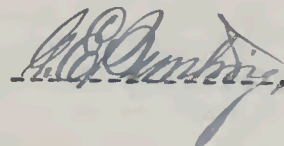
v In Chancery

William Leake

August 21, 1925, Affidavit of non-residence filed, order of publ'n vs William
leake, copy to Suffolk News.

September Rules, 1st Monday, 1925, bill filed

September Rules, 3rd Monday, 1925, set for hearing on order of publication.

-----Clerk.