

1922-007 Chancery Causes: Lucy Johnson vs Edward Johnson

377

Isle of Wight County

Other surnames: Wise,
White, Ballard, Thomas

Lucy Johnson

VS) IN CHANCERY

Edward Johnson

4000 BILL

2nd Jan. Rules, Process returned
 Et. upon R.E. Barrett, M. A. Barrett,
 N. J. Rhodes, Sec. Auden Lms J. J. C.
 J. M. Jenkins, & R. L. R. L. L.

Bill filed, decree nisi, as to
 above defendant.

Applicant for O. C. as to N. S.
 & James Nelson filed. Order
 with copy mailed. Copy posted
 C. H. door.

1st Feb. Rules. Defaults in the Supl.
 R.E. Barrett & Co. for judgment R. A.
 Rhodes, not appearing. Bill taken
 for contempt - and Cause set for
 hearing as to them 2nd Feb. Rules
 Order of Public Officer executed as to
 N. S. & James Nelson - and Cause set
 down for hearing as to them

GEORGE F. WHITLEY
 ATTORNEY AT-LAW
 SMITHFIELD, VA.
 Cause maintained & set to Court daily

ceeding the institution of this suit.

In tender consideration whereof, and for as much as your complainant is remediless in the premises, save in a Court of equity, she prays that the said Edward Johnson may be made a party defendant to this bill; and be required to answer the same, answer under oath being hereby waived; that your complainant may be granted a divorce a vinculo matrimonii, and that your complainant may have all such other, further and general relief as the nature of her case may require or to equity may seem meet.

And your complainant will ever pray etc.

Lucy Johnson
By Counsel

Geo. F. Whitley, p.g.

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

Lucy Johnson

Plaintiff

vs.

IN CHANCERY

Edward Johnson

Defendant

TO THE HONORABLE B. D. WHITE, JUDGE OF THE SAID COURT:

Your complainant, Lucy Johnson, respectfully sheweth to the Court that on the 18th day of January, 1899, in the County of Isle of Wight, Virginia, your complainant was lawfully married to the said Edward Johnson, as will appear from a certified copy of the marriage license herewith filed, marked "Exhibit A", and made a part of this bill.

Your complainant here states that she has lived in the said County of Isle of Wight, all of her life; that she has been domiciled in this State for more than one year preceeding the commencement of this suit; and that she and the said defendant, Edward Johnson, last co-habited as man and wife in the said County of Isle of Wight.

Your complainant here states that she has always been a constant, faithful and dutiful wife to the said defendant, but notwithstanding this fact, the said defendant, after having lived with your said complainant for about five (5) years, wilfully deserted and abandoned your said complainant without any cause whatsoever.

Your complainant states that it has been about seventeen (17) years since the said defendant wilfully deserted and abandoned your complainant; that the said defendant, Edward Johnson, has not returned to live with the said complainant at any time since the said desertion and abandonment; that he has not contributed in any manner to the maintenance and support of your said complainant during said period of desertion and abandonment, and that your said complainant and the said defendant have not co-habited as man and wife for three (3) years next pre-

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon Edward Johnson., (col)

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
-----3rd-----Monday in-----December-----, 1921-----, to answer a bill
in chancery exhibited against-----him-----in our said Court by

----- LUCY JOHNSON -----

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 2nd day of December-----, 1921-----, and in
the-----145-----year of the Commonwealth.

R. A. Edwards Clerk.

Lucy Johnson

V~~XXXX~~ Chancery No.

Edward Johnson.

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit
Court of the County of Isle of Wight:

.....192.....

Returned, entered and filed.

Teste:

.....Clerk

George F. Whitey, P.D.

To 2nd December Rules.

after diligent search, I
failed to find Edward
Johnson in this, Isle of
Wight County,
H. H. Chapman
Sheriff.

COMMONWEALTH OF VIRGINIA:

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3rd Monday in December, 1921, to answer a bill
in chancery exhibited against him in our said Court by

----- LUCY JOHNSON -----

And have then and there this writ.

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house, this 2nd day of December, 1921, and in
the 145 year of the Commonwealth.

R. A. Edwards Clerk.

Johnson
vs Cy & Co.
Johnson

affidavit of non
resident of defdt.

Filed Dec. 15-1921.

STATE OF VIRGINIA,

County of Isle of Wight, to-wit :-

This day Lucy Johnson appeared in person before me, Segar J. Cofer, a Notary Public, for the County of Isle of Wight, whose commission as such expires the 29th day of April, 1925, and made oath that she has lately instituted a suit in equity against Edward Johnson in the Circuit Court for the County of Isle of Wight, and that due diligence has been made by her, the plaintiff in said suit, to ascertain in what County or Corporation the said Edward Johnson is, without effect. And that the last known post office address of the said Edward Johnson was Smithfield, Virginia.

Given under my hand this 5th day of December, 1921.

Segar J. Cofer

Notary Public

Lady Johnson

Vs)

Edward Johnson

DEPOSITIONS

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, to-wit:-

I, Segar J. Cofer, a Notary Public for the County of Isle of Wight, State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing and signed by the witnesses, respectively, before me at the time and place therein mentioned.

In witness whereof I hereunto set my hand this 16th day of February, 1922.

Segar J. Cofer
Notary Public

Neal Ballard being duly sworn deposes and says as follows:

- Q. Please state your name, age, occupation and residence.
- A. Neal Ballard, 46, farmer, Isle of Wight County.
- Q. How long have you known Lucy Johnson and Edward Johnson?
- A. I knew Edward Johnson about one or two years before he and Lucy were married, and have been knowing Lucy all of her life.
- Q. Have you been living near Lucy all of her life?
- A. Yes sir, I have lived in the neighborhood where she lived ever since I knew her.
- Q. Has she lived in this County all of her life?
- A. Yes sir,.
- Q. The bill filed in this suit states that Lucy married Edward Johnson on the 18th day of January, 1899, in this County, and that they lived together in this County as man and wife for about five years after which Edward wilfully deserted and abandoned Lucy and has never been back to live with her. Do you know whether or not these statements are true?
- A. Yes sir, I have been living right there in the neighborhood all of the time and they did live together for four or five years and Edward went away and I haven't seen him or heard from him since.
- Q. Has Lucy been living there all the time?
- A. Yes sir, she has been living right there, in this County, all the time.
- Q. Hasn't Edward been back to live with her at any time during the past three years?
- A. No sir, he hasn't been back. to live with her since he left.
- Q. How long has it been since Edward left?
- A. I can't exactly remember, but I am satisfied it was some sixteen or eighteen years ago.

And further this deponent saith not.

Witness: Segar J. Coffey

^{Ind}
Neal Ballard
mak

James White being duly sworn deposes and says as follows:

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

A. James White, 48, farmer, Isle of Wight County.

Q. Do you know Lucy Johnson and Edward Johnson? If so, how long have you known them.

A. I have known Lucy Johnson all of her life, and I knew Edward about five years before they got married.

Q. Where were you living at the time they were married?

A. I was living over there at Mrs. C. F. Day's farm, about a mile and a half from Smithfield.

Q. After they were married did they live in the County of Isle of Wight

A. Yes sir, they didn't live more than half a mile from me all the time they lived together, after they were married.

Q. Are they living together now?

A. No sir. they lived together some four or five years and Edward pulled up and left, and I haven't seen or heard from him since.

Q. Where has Lucy been living?

A. She has been living right there in the neighborhood all of the time.

Q. Have Lucy and Edward lived together as man and wife in the past three years?

A. No sir, they have not. I have been living up there in that neighborhood all the time and he has never been back there.

Q. How long has he been gone?

A. He has been gone about sixteen or seventeen years, or it might have been eighteen.

Q. Then if I understand you, Lucy has been living in this County all of her life, and Edward Johnson left her some seventeen or eighteen years ago, and has never been back to live with her, is that correct?

A. Yes sir. I have been living there all the time.

And further this deponent saith not.

Witness: Segar J. Cofer

hii
James White
mark

A. Yes sir.

Q. Lucy Johnson has been living in this County all of her life hasn't she?

A. Yes sir, she has been living in this County all of her life, right up there in that neighborhood.

Q. Has Edward Johnson been back to live with Lucy Johnson at any time during the past three years?

A. No sir, he hasn't been back to live with her at all since he first left her.

Q. How long has it been since he first left her?

A. Sixteen or seventeen years, I think. Lucy has been living right there all of the time, and if Edward had come back I certainly would have seen him.

Q. Has been Edward Johnson been taking care of her since he left?

A. No sir, she has been working and taking care of herself.

And further this deponent saith not.

John H. Mills

John H. Wise being duly sworn deposes and says as follows:

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

A. John H. Wise, 52, farmer, Isle of Wight County.

Q. Do you know Lucy Johnson and Edward Johnson? If so, how long have you known them?

A. I have known Lucy Johnson all of her life. I hadn't known Edward Johnson very long before he and Lucy were married, they have been some twenty or twenty five years.

Q. Where were they married?

A. They were married at our church- Livy Neck, in this County about two miles from Smithfield.

Q. Where did they live after they were married?

A. The first year they lived with me in this County, about two miles from Smithfield.

Q. Where did they go then?

A. They moved over to Johnnie Joyner's place, about half a mile from my place.

Q. How long did they live there?

A. They lived there about four years, then Edward left her.

Q. Where did Edward go?

A. I couldn't tell you, Mr. Whitley, where he went. He went away and I haven't seen him since nor heard from him.

Q. What did Lucy do when Edward left her?

A. She stayed there at John Joyner's place for a while then she moved with her folks.

Q. Where did her folks live?

A. They lived on a peice of land adjoining John Joyner's place.

Q. Where has Lucy been living for the past year?

A. She has been living right at the same place her folks owned at the time she went there. She has been living there for the last three years.

Q. That place is in the County of Isle of Wight isn't it?

LUCY JOHNSON

PLAINTIFF

VS.

IN CHANCERY

EDWARD JOHNSON

DEFENDANT

Depositions of John H. Wise, James White and Neal Ballard, witnesses, taken before me, Segar J. Cofer, a Notary Public in and for the County of Isle of Wight, State of Virginia, on the 16th day of February, 1922, in the Town of Smithfield, State of Virginia, to be read in evidence in a suit in which Lucy Johnson is plaintiff and Edward Johnson is defendant, pending in the Circuit Court for the County of Isle of Wight, in the State of Virginia.

Johnson
no {cy to —
Johnson

Copy of order
of Publication.

Filed Dec. 15-1921.

VIRGINIA: IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE
OF WIGHT. DECEMBER 15th, 1921.

Lucy Johnson.....

Plaintiff.

Vs. Cy.

Edward Johnson.....

Defendant.

The object of the above styled suit now pending in the
Circuit Court of the County of Isle Of Wight, is for the plaintiff to ob-
tain from the defendant a divorce A Vinculo Matrimonii, upon the grounds of
desertion.

And an affidavit having been filed as required by law
showing that the said plaintiff has used due diligence to ascertain in
what County or Corporation, the said defendant, Edward Johnson, is, without
effect, and that the last known Post Office address of the said defendant
was Smithfield, Virginia, it is ordered that the said defendant William
Howard Hill, do appear here at the above office within fifteen days after
due publication of this order to do what is necessary to protect his in-
terest.

Teste. R. A. Edwards Clerk.

George F. Whitley, p. q.

The foregoing order was this day entered, a copy posted at the
front door of the Court House, a copy mailed to the last ^{known} address
of the defendant, at Smithfield, Va., and a copy sent to the Smithfield
Times for publication.

Given under my hand this 15th day of, December 1921.

R. A. Edwards Clerk.

LEGAL NOTICE

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, DECEMBER 15th, 1921.

Lucy Johnson..... Plaintiff
Vs. Cy.

Edward Johnson..... Defendant

The object of the above styled suit now pending in the Circuit Court of the County of Isle of Wight, is for the plaintiff to obtain from the defendant a divorce A Vinculo-Matrimonii upon the grounds of desertion. And an affidavit having been filed as required by law showing that the said plaintiff has used due diligence to ascertain in what County or Corporation the said defendant, Edward Johnson, is, without effect, and that the last known Post Office address of the said defendant was Smithfield, Virginia, it is ordered that the said defendant, Edward Johnson, do appear here at the above office within fifteen days after due publication of this order to do what is necessary to protect his interest.

Teste. R. A. Edwards, Clerk.
George F. Whitley, p. q.

OFFICE OF Smithfield Times

I hereby certify that the order, of which the annexed is a copy, has been published in Smithfield Times, in the manner prescribed by law, once a week for four successive weeks, beginning January 6, 1922 and ending January 27, 1922.

W. F. Bennett
Editor of Smithfield Times

This is to be made out & returned here after a publication
of attached order

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9
Lucy Johnson

Vs)

Edward Johnson

DECREE

1972
Mar. 6.
Entered this
B.D.W.

Book 8
Page 102

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

Lucy Johnson

Plaintiff

vs.

IN CHANCERY

Edward Johnson

Defendant

This cause, in which the defendant, Edward Johnson, has been proceeded against ^{in the manner provided by as to Defendant whose place} ~~according to law, an order of publication has~~ ~~been duly issued and legally published~~, came on this day to be heard on the bill of complaint and the exhibits filed therewith, and upon the depositions, which have been duly and legally taken therein.

And it appearing to the Court:

1st. That the said Lucy Johnson and Edward Johnson were married on the 18th day of January, 1899, in the County of Isle of Wight, State of Virginia.

2nd. That the said Lucy Johnson and Edward Johnson last co-habited as man and wife in the said County of Isle of Wight.

3rd. That the said Lucy Johnson has been a resident of the State of Virginia, for more than one year next preceeding the institution of this suit.

4th. That the said Edward Johnson did, more than three years prior to the institution of this suit, wilfully desert and abandon the said Lucy Johnson, and that the said Edward Johnson and Lucy Johnson have not at any time during the said three years next preceeding the institution of this suit, co-habited as man and wife;

On consideration whereof the Court doth adjudge, order and decree that the marriage heretofore had and solemnized between the defendant, Edward Johnson, and the plaintiff, Lucy Johnson, shall be, and the same is hereby, dissolved, and that the said plaintiff, Lucy Johnson be, and she is hereby, divorced from her husband, Edward Johnson.

And the said parties hereto shall not re-marry until after the lapse of six months from the date of the entry hereof.

if notice is taken of the bill of complaint in which the defendant is named as Defendant in the County of Isle of Wight, State of Virginia, and the same is duly and legally taken therein.

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11/12/22 397

Dep 6 50

12/2/21

Primer used

✓ Sent 12/2/21

12/2/21

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

TO THE CLERK OF THE SAID COURT:

Lucy Johnson

Plaintiff

vs.

Edward Johnson

Defendant

Issue summons in Chancery to 2nd December rules, 1921.

Lucy Johnson
By Counsel

Geo. A. Whiteley p. q

7
County (or City).....

Edward Johnson.

Husband

and { Marriage License

Lucy Thomas.

Wife

Date of Issue.....

Marriage Register No. 1-- Page 82

Filed Jan. 9th, 1922.

Teste R. H. Edmunds Clk.



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,

Edward Johnson, and Lucy Thomas.

Given under my hand, as Clerk of The County Court of Isle Of Wight County (City) this 18th day of January 1899.

N. F. Young, Clerk.

By J. R. Latimer D. C.

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 County Court for the County (or City) of Isle Of Wight.

Date of Marriage January 18th, 1899 Place of Marriage Isle Of Wight Co.

FULL NAMES OF PARTIES.

Edward Johnson and Lucy Thomas.

Age of Husband 23 years; Condition (single, widowed or divorced) Single.

Age of Wife 21 years; Condition (single, widowed or divorced) Single.

Race (White or Colored) Col.

Husband's Place of Birth Pennsylvania. Full Mailing Address Pennsylvania.

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

Names of Husband Jessie Johnson and Lizzie Johnson.

Parents Wife Robert Thomas. and Victoria Thomas.

Occupation of Husband Laborer.

Given under my hand this 18th day of January 1899.

N. F. Young, Clerk.

By J. R. Latimer D. C.

Certificate of Time and Place of Marriage

I, T. H. Poole, a Minister of the

Church, or religious order of that name, do certify that on the 18th day of January 1899,

at Isle Of Wight Co., Virginia, under authority of the above License, I joined together in the Holy State of Matrimony the persons named and described therein.

the rites of marriage in the County of City of Virginia, State of Virginia.

Given under my hand this 18th day of January 1899.

T. H. Poole.

(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 23, pages 36 and 37).

Certificate of Person Performing Marriage Ceremony

To be detached and delivered to the parties married.

I, a of the

Church, or religious order of that name, do certify that on the day of 19,

at, Virginia, under authority of a license issued by,

Clerk of Court of County (or City), State of Virginia, dated the

day of 19, I joined together in the Holy State of Matrimony

, husband, and, his wife.

Given under my hand this day of 19.

(Person who performs ceremony sign here.)

Clerk.

Testee

A True Copy.