

1901-012 Chancery Cause: P. D. Gwaltney, Junior & Company vs M. S. Johnson, widow of
State of Wight County A. W. Johnson et al

other surnames: Gwaltney,
Jones, Vinson, Barden,

Fertilizers,
Land Plaster,
Agricultural
Implements.

P. D. Gwaltney, Jr. & Co.,

Gwaltneys
Cure
Fine Hams.

GENERAL MERCHANDISE.

Smithfield, Va., Sep. 28th, 1900.

Mr. N. F. Young, Clerk.

Isle of Wight, Va.

Dear Sir:-

Please find enclosed herewith, Bill of Complaint vs M.L.

Johnson et. als. which we send you by direction of Mr. W.S.Holland.

Yours truly,

P.D. Gwaltney Jr. & Co.,

Per. *[Signature]*

P.D.Gwaltney Jr. & CO.

vs

M.L.Johnson, A.W.Johnson, L.M.Vinson, C.W.Vinson, A.P.Jones, C.M.
Jones, C.H.Hart trustee, Lucy A. Darden guardian, W.J.D. Johnson
and Maywood C. Johnson.

On motion of the complainant it ordered that this cause be
stricken from the docket, *without prejudice to any of*
his rights. ~~with leave to the said complainant to~~
~~reinstate the same at the expiration of the Homestead of the widow~~
~~and minor children of A.W. Johnson deceased.~~

P.D.Gwaltney Jr. & CO

VS

Johnson et als.
#####

D E C R E E

To be entered.

April 22nd. 1901.

Robert H. Davis

The Commonwealth of Virginia,

Elizabeth L. L.

To the Sheriff of the County of ~~Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon

*M. L. Johnson widow of
A. H. Johnson deceased, A. H. Johnson, C. M. Union
& C. W. Union her husband, A. P. Jones, C. M. Jones
C. H. Fair, trustee Lucy A. Sinden guardian
W. J. H. Johnson & Maywood C. Johnson the
last two being infants under 21 years
of age.*

to appear at the Clerk's office of the *Circuit* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *First* Monday in *October* 190*1*,
to answer a bill in chancery, exhibited against *them* in our said court ~~for~~
by P. H. Gwallney Jr trading as P. H. Gwallney Jr & co.

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *24th* day of *September* 190*1*, and in the 12*th*
year of the Commonwealth.

N. F. Young Jr. cc.

A. P. Jones

P. G. W. 27. Sept.

Alv. Johnson not-
being found at his
usual place of abode
& excused this 27th
day of Sept-1900. by
delivering a true copy
of the within summons
to P. G. Whitley, he being
a member of his family
and over the age of 16 years

R. K. Curtis
Sheriff

P. D. Gwaltney

vs.

}

SUBPOENA
IN
CHANCERY.

Johnson et al.

Wm. J. Holland

p. q

To First October

Rules,

Primer

Court.

B 3119

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon M. L. Johnson widower of
A. W. Johnson deceased A. W. Johnson L. M. Vinson
and C. W. Vinson her husband A. P. Jones C. M. Jones
C. N. Nait trustee, Lucy A. Larden guardian, W. J. D.
Johnson and Maywood C. Johnson, the last two being
infants under 21 years of age

to appear at the Clerk's office of the County Court of the County of Isle of Wight
at the rules to be held for the said Court, on the Tuesday Monday in October 1900,
to answer a bill in chancery, exhibited against them in our said court for
by P. D. Gwalling Jr. trading as P. D. Gwalling & Co.

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the 24th day of September 1900, and in the 120
year of the Commonwealth.

N. F. Young

Executed on the within named Mr. L. John-
son. A.P. Jones & Co Jones & ~~Chapman~~ ~~Trout~~
each a true copy of the within Summons
Sept 25th 1900.

Not knowing the within named ~~Chapman~~ ~~Trout~~
at his usual place of abode I delivered
a copy to his wife, Fannie Hart
C. Chapman Jr Deputy

P. D. Gwathmey, Jr

SUBPOENA
IN
CHANCERY.

vs.

Johnson et al

Wm. S. Holland p. 1

To First October Rules,

Court.

B 3119

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon M. L. Johnson widower of
A. W. Johnson deceased, A. W. Johnson L. M. Vinson
and C. W. Vinson her husband, A. P. Jones, C. M. Jones,
C. N. Nait trustee, Lucy A. Larden guardian, H. J. D.
Johnson and Maywood C. Johnson, the last two being
infants under 21 years of age

to appear at the Clerk's office of the County Court of the County of Isle of Wight
at the rules to be held for the said Court, on the first Monday in October 1900,
to answer a bill in chancery, exhibited against them in our said court for
by P. D. Gwallney Jr. trading as P. D. Gwallney Jr. & Co.

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the 24th day of September 1900, and in the 12th
year of the Commonwealth.

N. F. Young

The Commonwealth of Virginia,

Summons
To the Sheriff of the County of ~~Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon

M. L. Johnson widow of
A. W. Johnson deceased, A. W. Johnson L. M. Vinson
and C. W. Vinson her husband, A. P. Jones, C. M. Jones
C. A. Hart Master Luey A. Dardin guardian, W. J.
D. Johnson and Maywood C. Johnson the last two
being infants under 21 years of age.

to appear at the Clerk's office of the *Circuit* Court of the County of *Isle of Wight* -
at the rules to be held for the said Court, on the *first* Monday in *October* 190*0*,
to answer a bill in chancery, exhibited against *them* in our said court for

P. D. Gwaltney Jr. trading as P. D. Gwaltney Jr & Co.

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *24th* day of *September* 190*0*, and in the 125
year of the Commonwealth.

C. A. Dardin

Executed this the 26th day of Sept: 1900, by delivering a true copy of the within process to Mrs Lucy A. Darden in person

Fees paid

J. P. Derry Deputy
For Asst. Baker Sheriff.
Nancemond County, Va.

C. W. Harding & Co.

VS.

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SUBPOENA
IN
CHANCERY.

Johnson et al

Wm J. Holland

p. 9

To wit: Catherine

Rules,

Ducett

Court.

B3119

In the birant Court for the County of Isle of Wight,
to wit:

THE ANSWER OF W. D. J. Johnson and Maywood C.
Johnson

infant under the age of twenty-one years, by R. S. Thomas
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
themselves and others in the birant Court for the County of
Isle of Wight, by P. D. Gwatney Jr. & Co and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infant of tender
years, and by reason of such disability are incapable of understanding, or of taking care of their
rights and interests, they therefore commend the same to the protection of the court, and prays that
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs,
in this behalf expended; and they will ever pray, &c.

R. S. Thomas Guardian *ad litem*.

p. d.

OF

ss.

This day, _____, whose name is signed to
the foregoing answer, personally appeared before me, _____
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this _____ day of _____ 189 _____

P.D. Kwalling Jr. & Co.

adv. } ANSWER
OF
INFANT DEFENDANT.

M. L. Johnson & et al.

Filed Sept. 26th 1900

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA

FIRST OCTOBER RULES 1900.

To the Hon. Robert R. Prentiss, Judge of the Circuit Court of Isle of Wight county:

Your complainant, P.D. Gwaltney Jr., trading as P.D. Gwaltney Jr. & Co., respectfully represents:

That he has two judgments against A.P. & C.M. Jones for ninety one (91) dollars and fifty four (54) cents with interest thereon from February 21st 1900 and one (1) dollar and forty (40) cents cost; and ninety one (91) dollars and fifty four (54) cents with interest thereon from February 10th 1900 and one (1) dollar and forty (40) cents cost which have been duly docketed in the Clerk's Office of the County Court of Isle of Wight county, all which will appear by reference to two abstracts herewith filed as exhibits marked " A " and " B " respectively, and asked to be read as a part of this bill. The said judgments was secured upon notes waiving the Homestead Exemption.

Your complainant says that C.M. Jones, the wife of A.P. Jones, owns a fifth($1/5$) interest in a certain farm containing .118... acres, more or less, which adjoins the lands of the estate of Mr. or Mrs. Geo. W. Parker, Maj. Dick and others, situate in the county of Isle of Wight and the state of Virginia, it being the tract of land whereof her father, A.W. Johnson, died seized and possessed.

Your complainant says that said judgments are a lien on said tract of land, that he is entitled to have said interest or undivided share of the said C.M. Jones subjected to the payment of his debt, and that under section 2562 of the Code of 1887 as amended by an Act of assembly, see Acts 1897-8 page 488, he is entitled to have a partition in kind or partition by sale of the whole and division of the proceeds of the said tract of land, and, therefore, your complainant has sought to have convened

~~tion~~ before this court ~~of~~ all the parties in interest.

Your complainant says that some years ago said A.W.Johnson died intestate leaving a widow, M.L.Johnson and five children as follows: A.W.Johnson, L.M.Johnson now the wife of C.W.Vinson, C.M.Jones who was Johnson, W.J.D.Johnson and Maywood C.Johnson, the last ~~last~~ two of whom are infants under the age of 21 years. That prior to his death, the said husband and father A.W.Johnson, conveyed the said tract of land to C.H. Hart, trustee, to secure to Lucy A.Darden guardian the payment of the sum of two hundred (200) dollars. Your complainant says that said tract of land could not be partitioned in kind among the parties entitled, that if the undivided interest therein of the said C.M.Jones and her husband should be sold to satisfy the liens of the said judgments, the purchaser of that interest in order to get the benefit of his purchase would have to institute a suit for the purpose of having the tract of land sold, that said interest in said tract of land will not rent for enough in five years to pay off said judgments.

For as much as your complainant is without remedy save in this court, where such matters are alone and properly cognizable, he prays that said M.L.Johnson, widow of A.W.Johnson deceased, A.W.Johnson, L.M.Vinson, C.W.Vinson, A.P.Jones, C.M.Jones, C.H.Hart trustee, Lucy A.Darden guardian W.J.D.Johnson and Maywood C.Johnson, the last two being infants under 21 years of age, be made parties defendants to this bill and required to answer the same, but an answer under oath is hereby expressly waived, that said tract of land be sold and the proceeds of sale thereof distributed to those entitled thereto, that the share in said proceeds of sale of the said C.M.Jones and A.P.Jones her husband be paid to your complainant in satisfaction of his judgments, that if the court for any reason be of the opinion that partition cannot be had in this proceeding, then he prays that the undivided interest of the said C.M.Jones, wife of A.P. Jones be sold, and the proceeds of sale paid to your complainant. Notice is hereby given that the court will be ask to allow a reasonable fee to

counsel for complainant. Your complainant prays for all such other,
further and general relief as the nature of his case may require or as
to equity and good conscience may seem meet.

And he will ever pray & etc.

Wm S. Hallen

P. D. H. Hallen *P. D. Gwaltney*

Virginia:

In the *Justice M. F. Jordan* County Court of the County of Isle of Wight, *Feb'y 26th* Term, 190*0*.

P. D. Gwaltney, Jr.

Plaintiff

versus

A. P. Jones and C. M. Jones

Defendant

Judgment in favor of the Plaintiff against the Defendant for the sum

of *Ninety one \$34.10 Dollars*

With interest thereon at the rate of six per centum per annum, from

Feb'y 21st 1900 until payment. *\$140*

~~Subject to the following credits:~~

A FIERI FACIAS issued from the Clerk's office of said Court on the _____ day of _____ 190____
returnable to the _____ thereafter, directed to the _____
of the County of Isle of Wight, who hath made return thereon in the words and figures following, to wit:

This Judgment was duly docketed in the Clerk's office of the

County Court of the County of Isle of Wight on the *First*

day of *March* 190*0*.

Judgment Docket No. *3* Page *12*

Teste:

A. J. Young

Clerk.

A. J. Young Clerk.

P. Q.

P. W. Gwaltney & Co.

VS.

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ABSTRACT
OF JUDGMENT.

A. P. Jones & C. M. Jones

B 3416

Filed by W. S. XV, 380

Virginia:

In the *Justice M. F. Brown* County Court of the County of Isle of Wight, *Feb'y 24th* Term, 190*0*.

P. W. Givalliney & Co.

Plaintiff

versus

A. P. Jones & C. M. Jones

Defendant

Judgment in favor of the Plaintiff against the Defendant for the sum

of *Ninety one & 54/100 Dollars*

With interest thereon at the rate of six per centum per annum, from

Feb'y 15th 1900

until payment.

\$ 140

Subject to the following credits:

A FIERI FACIAS issued from the Clerk's office of said Court on the _____ day of _____ 190____
returnable to the _____ thereafter, directed to the _____
of the County of Isle of Wight, who hath made return thereon in the words and figures following, to wit:

This Judgment was duly docketed in the Clerk's office of the

County Court of the County of Isle of Wight on the *26th*

day of *February* 190*0*.

Judgment Docket No. *2* Page *61*

Teste:

A. J. Young

Clerk.

A. J. Young

Clerk.

p. q.

P. D. Gwaltney, Jr.

vs.

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ABSTRACT
OF JUDGMENT.

A. Jones & C. M. Jones

B 34116

See file by W. S. H. 1892

W.S. Held by

P.D. Swallowey Jos & Co
vs } In Chancery.
M.L. Johnson et. al.

Bill of Complaint

1st October rules 1900
Bill filed, R. L. Thomas
appointed gen. ad litem.
Linn; eqt as to all the
adult de fts eqcht L. M.
Linson & C. H. Linson, and de.
vice as to them.

2d October rules 1900
Bill taken for confessed
as to all de fts, eqcht L. M.
Linson & C. H. Linson, and
vaunt ed for hearing as to
the de.

April term 1901
Final