

1919-011 Chancery cases: William Johnson vs Relia Johnson

299

Isle of Wight County

other SURnames: Kello,
Keller, Hall

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WILLIAM JOHNSON,

vs) B I L L:

DELIA JOHNSON.

1st. May Rules, 1919.
Bill filed: Process returned
executed. Decree nisi

2nd. May Rules, 1919:
Defendant not appearing, etc
cause set down for hearing.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

equity, he prays that the said defendant, Delia Johnson, may be made a party defendant to this bill and required to answer the same; that proper process may be issued; that a divorce from the bonds of matrimony may be decreed to the said plaintiff, and that all such other, further and general relief may be granted to your plaintiff as the nature of his case may require, or to equity shall seem meet.

And your complainant will ever pray.

William Johnson
By counsel.

E. Williams
p.q.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VA.

-----cOo-----

William Johnson,.....Plaintiff,

VS{ In Chancery.
}

Delia Johnson,.....Defendant.

-----cOo-----

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

Your complainant, William Johnson, respectfully represents that in the year 1899 he was married to the said defendant, in the County of Isle of Wight, Virginia, as will appear by copy of marriage license herewith filed marked "Exhibit A" and made a part of this bill; and,

That your complainant was a constant, dutiful and faithful husband of the said defendant; and,

THAT, the said defendant has willfully deserted and abandoned your complainant for a period of more than three (3) years; that is to say, that the said defendant, in the month of April, 1906, without any justification, deserted and abandoned your complainant and has never returned; and,

THAT, your complainant has resided in the County of Isle of Wight all his life and he last co-habited with the said defendant in said county.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your complainant is remediless save in a court of

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William Johnson

N^o 1 Co No 299

Delia Johnson

Spa

Executed this 3 day of May
1917 in the City of Portsmouth, Va.,
delivering a copy of the within summon
to Delia Johnson

_____ in person,
Reedman City Serg't.

by Joseph D. Smith Deputy Serg't.

Not finding _____
at _____ place of abode I executed
this _____ day of _____ 1917 in the
City of Portsmouth, Va., by delivering a
copy of the within _____ to
_____ whom I found
there, a member of _____ family and over
the age of sixteen years explaining to
_____ its purport.
_____ City Serg't.
by _____ Deputy Serg't.

Copy

COMMONWEALTH OF VIRGINIA,

TO THE SERGEANT OF THE CITY OF PORTSMOUTH, GREETINGS:

We command you that you summon Delia Johnson, to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the rules to be holden thereof, on the first Monday in May, 1919, to answer a bill in Chancery, filed against her by William Johnson, and have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court,
at the Courthouse of the said County, on this 21st. day
of April, 1919.

Teste,

A. S. Johnson Clerk.

E. H. Williams, p.g.

⁴
Wm Johnson
B. Du Chaney
Delia Johnson
Deposited

ERNEST H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Executed this 20 day of May
1919 in the City of Portsmouth, Va.,
delivering a copy of the within Notice
to Delia Johnson.

..... in person.

J. E. Glover City Serg't.

by J. H. Talbot Deputy Serg't.

Sgt. F. A. P.

TO LILIA JOHNSON:

Take notice, that I shall, on the 23rd. day of May, 1919, at the office of E.H.Williams, in the Town of Smithfield, Virginia between the hours of 9 A.M. and 6 P.M. , on that day, proceed to take the depositions of L.L.Villines et als., to be read in my behalf, in a certain suit now pending in the Circuit Court of the County of Isle of Wight, Virginia, wherein you are defendant and I am plaintiff, and if from any cause the taking of the said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Given under my hand this 19th. day of May, 1919.

William Johnson
BY COUNSEL.

E.H.WILLIAMS, P.Q.

Q. Do you know why they do not live together?

A. She left him. And she went away from around here.

Q. Has she ever been back since she left?

A. No Sir.

And further this deponent saith not.

R H Hall

I, G.F.Whitley, a Commissioner in Chancery of the Circuit Court of 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 place and times herein mentioned, pursuant to the annexed notice.

Given under my hand this 30th. day of May, 1919.

G. F. Whitley

COMMISSIONER IN CHANCERY.

A. That was about seven years ago in Seabright, N.J.

Q. How long has Wm. Johnson lived in Isle of Wight County?

A. Ever since I have been knowing. About 25 years.

Q. Did the parties to this suit last live together in this County.

A. Yes Sir.

Q. How did Uncle William treat his wife?

A. He treated her good, Sir, so far as I knew.

And further this deponent saith not.

Sandy Keller

R.H.Hall, being duly sworn, deposes as follows:

Q. What is your name, age, residence and occupation?

A. R.H.Hall, 65, Isle of Wight County, Farmer.

Q. Do you own your land and how many team do you keep?

A. I ~~own~~ my farm and keep five team on it.

Q. Do you know Wm. and Delia Johnson and how long have you known them?

A. I have been knowing them forty years.

Q. Were they evr married, if so, when?

A. Yes Sir. They were married but to be exact with the date I can't say when.

Q. Tell me as near as you can?

A. They were married when I went there courting in the family. I married Wm. sister. That was somewhere about 38 years ago.

Q. How long has Wm. Johnson lived in Isle of Wight County?

A. All his life.

Q. Does William and his wife now live together and if not how long has it been since they lived together?

A. They do not live together. And it has been about eleven years since they did live together.

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

WM. JOHNSON _____ PLAINTIFF.

V. IN CHANCERY.

DELIA JOHNSON _____ DEFENDANT.

Depositions of Sandy Keller and R.H.Hall, witnesses, taken before me, G.F.Whitley, a Commissioner in Chancery of the Circuit Court of the County aforesaid, in the State of Virginia, on the 30th., day of May, 1919, the taking of the said depositions having been adjourned from the 23rd. day of May, 1919, in pursuance of the annexed notice, at the office of E.H.Williams, in the Town of Smithfield, Virginia, between the hours of 9 A.M. and 6 P.M., to be read in evidence in a suit now pending in the said Court in which WM. Johnson is plaintiff and Delia Johnson is defendant.

Sandy Kello, being duly sworn, deposes as follows:

Q. What is your name, age, residence and occupation?

A. Sandy Kello, 33, Isle of Wight County, Farmer.

Q. Do you know Wm. and Delia Johnson and how long have you known them?

A. Yes Sir. I know them and have known them about twenty-five years.

Q. State when they were married?

A. I don't know when they were married because they were married before I was born.

Q. Do they now live together as man and wife?

A. No Sir.

Q. When did they stop living together?

A. Well about ten or eleven years ago.

Q. Do you know why she does not live with him now?

A. All I know is that I saw her when she was up North and she told me that she thought it best for them to separate and that she did not intend to go back to him any more. That's what she told me.

Q. When was it you had this conversation with her?

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WILLIAM JOHNSON,

VS) D E C R E E:

DELIA JOHNSON.

1919
Jame W.
Enters this
B.D.W.

C. o. B. # 1.

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ERNEST H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

_____ TERM, 1919.

-----oOo-----

WILLIAM JOHNSON,.....Plaintiff,

VS { In chancery.

DELIA JOHNSON,.....Defendant.

-----oOo-----

This cause came on this day to be heard on the complainant's bill, the depositions of witnesses, the defendant, on whom process has been duly served, and she still failing to appear, plead, answer or demur, and was argued by counsel.

On consideration whereof, the Court being of the opinion, from the evidence in this cause, that the defendant has willfully deserted and abandoned said complainant for a period of ^{More Than} three years, ^{before the institution of this suit} doth adjudge, order and decree that the marriage heretofore had and solemnized between the said plaintiff and said defendant shall be, and the same is hereby dissolved, and that the said plaintiff be forever divorced from the said defendant.

Nothing further remaining to be done in this cause, it is ordered that this suit be stricken from the docket.

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William Johnson

vs. Cy No 299

Nels Johnson

Memorandum

Filed 4/21/1919

TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT
COUNTY, VIRGINIA:

WILLIAM JOHNSON,.....Plaintiff,

vs { In Chancery.

DELIA JOHNSON,.....Defendant.

Issue summons in chancery to 10th May ~~April~~

Rules, 1919, in the above case.

E. H. Williams

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