

1926-013 Chancery Causes'. Seaboard Air Line Railway vs D. I. Johnson & Jethro
Isle of Wight County Holland

354

S. A. L. Ry. Co.
 2 1/2 Cx No 354
 J. S. Johnson rec

Copy of Dry Bond

6-10-1909

No.

Know all Men by These Presents: That we James Seaboard Air Line Rail-
way principal ,

and James H. Corbitt,
suret y ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of one hundred dol-
lars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each
of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right,
claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said
office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said Seaboard Air Line Railway principal ,
and the said James H. Corbitt suret y ,

have hereunto set their hands and affixed their seals this, the 30th. day of September, 1920, day of
A. D. 19 .

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound Seaboard Air Line Railway
shall pay all such costs as may be awarded against the complainant hereinafter men-
tioned, and all such damages as shall be incurred in case the said injunction be
dissolved, which has been granted to Seaboard Air Line Railway, upon its bill in
chancery this day filed in the Circuit Court of the County of Isle of Wight, en-
joining and restraining J. I. Johnson from enforcing the lien of a judgment ob-
tained by him, against said Seaboard Air Line Railway, before Jas. A. Johnson,
a justice of the peace for Isle of Wight County, Virginia, on the 18th. day of
June, 1920, for \$8.75 with interest thereon from the 13th. day of June, 1920
till paid and \$1.50 costs, and Jethro Holland, a constable of said Isle of Wight
County, from making sale of the office table, office chair, iron safe and copying
press, belonging to said Seaboard Air Line Railway, levied on by him, located in
the passenger station of said complainant at Carville, Virginia, and from fur-
ther interfering therewith, during the life of said injunction order,

~~shall faithfully discharge the duties of his office or trust as such~~

, then the above obligation to be void, or else to remain in full force and virtue.

A. D. 19 .

----- Seaboard Air Line Railway ----- [SEAL]
----- By James H. Corbitt Attorney ----- [SEAL]
----- James H. Corbitt ----- [SEAL]
----- Witnesses ----- [SEAL]

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 30th.
day of September, 1920, 19 , this bond was duly executed and acknowledged by the obligors to the same
and ordered to be recorded.

E. Johnson ----- Clerk.

A copy. J. I. Johnson. sec

EXHIBIT A

STATE OF VIRGINIA --- ISLE OF WIGHT COUNTY, To-Wit:

To Jethro Holland, Constable of said County:

YOU ARE HEREBY COMMANDED TO SUMMON S. A. L. Railway Company, if to be found in your County, to appear at Carrsville, Va., in said County, on the 18th day of June, 1920, at 3 P. M. before me or such other Justice of said County as may then be there to try this warrant, to answer the claim of J. I. Johnson to damages, to-wit: for the sum of Eight and 75/100 Dollars, due for the injury done to property, for this, that the said Railway Co., on the 6th day of April, 1920, in said County, did unlawfully kill Seven Ducks, of the value of Eight and 75/100 Dollars, the property of the said J. I. Johnson, and then and there make return of this warrant.

Given under my hand this 4th day of June, 1920.

Jas. A. Johnson

J.P. (SEAL)

A copy Testee

Jas. A. Johnson, J.P.

EXHIBIT A

EXHIBIT B

J. I. Johnson	)	Plaintiff
vs.	)	In debt.
S. A. L. Railway Co.	)	Defendant.

Carrsville, Va., June 18th, 1920.

Judgment: That the Plaintiff recover of the Defendant, Eight dollars - 75/100 dollars, with interest thereon from the 18th day of June, 1920, till paid, which J. I. Johnson has recovered before me on a warrant in debt; also the \$1.50 dollars which has been adjudged to the said Plaintiff for costs in prosecuting this warrant.

Given under my hand this 18th day
of June, 1920.

Jas. A. Johnson (SEAL)

Costs Taxed

Justice 1.50

Constable .50

EXHIBIT B

EXHIBIT C.

NOTICE:

By virtue of a Judgment and Execution in my hands in favor of J. I. Johnson vs. S. A. L. Railway Co., and levy made by me, I will sell at Public Auction, Friday Oct. 1st, 1920, at 3 P. M. the following property, To-Wit:

One Office Table,	One Office Chair,
One Iron Safe,	One Copying Press, or so much of

it as it will take to satisfy said Execution and costs.

Jethro Holland,
Constable.

Sept. 20th, 1920.

EXHIBIT C.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Seaboard Air Line Railway Complainant.

v.

J. I. Johnson and Jethro Holland,
a Constable of Isle of Wight County Defendants.

TO THE CLERK OF THE SAID COURT:

Please issue summons in Chancery in the above matter
returnable to first October 1920 Rules.

James H. Carlitt p.q.

3
VIRGINIA:

IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY.

Seaboard Air Line Railway

v.

J. I. Johnson and Jethro
Holland, a Constable of
Isle of Wight County.

MEMORANDUM.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Seaboard Air Line Railway Company

v.

J. I. Johnson and Jethro Holland, a
Constable of Isle of Wight County.

DECREE.

This cause came on this day to be heard on the bill taken for confessed as to the defendants, J. I. Johnson and Jethro Holland, a Constable of Isle of Wight County, on whom process has been duly served, they still failing to appear and plead, answer or demur to the said bill.

On consideration whereof, the Court doth adjudge, order and decree that the injunction formerly granted in this cause enjoining and restraining the defendant, J. I. Johnson, from further proceeding against the property of the complainant, Seaboard Air Line Railway Company, with the execution issued upon his judgment obtained against S. A. L. Railway Co. before Jas. A. Johnson, a Justice of the Peace for Isle of Wight County, Virginia, on the 18th day of June, 1920, for Eight and 75/100 Dollars (\$8.75), with interest thereon from the 18th day of June, 1920, till paid, and \$1.50 costs, and from proceeding to enforce the said judgment in any manner against the property of the complainant, Seaboard Air Line Railway Company, and enjoining and restraining Jethro Holland, a Constable of the County of Isle of Wight, from making sale of the one office table, one office chair, one iron safe and one copying press belonging to the complainant, Seaboard Air Line Railway Company, levied on by him, located in the passenger station of the complainant at Carrsville, Virginia, and from

further interfering therewith, be made perpetual. And it is further ordered that the defendants do pay to the complainant its costs by it about its suit in this behalf expended.

354 (Box 67)
VIRGINIA:

IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY.

Seaboard Air Line Railway
Company,

v.

J. I. Johnson and Jethro
Holland, a Constable of Isle
of Wight County.

DECREE

1926
Sept 7
Entered
1926

Book 8
Page 343

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, IN
VACATION ON THE 29th DAY OF SEPTEMBER, 1920.

Seaboard Air Line Railway Complainant.

v.

IN CHANCERY.

J. I. Johnson and Jethro Holland,
a Constable of Isle of Wight County Defendants.

An injunction is granted in accordance with the prayer of the complainant's bill this day filed, restraining the defendant, J. I. Johnson, from further proceeding against the property of the complainant, Seaboard Air Line Railway, with the execution issued upon his judgment obtained against S. A. L. Railway Co. before Jas. A. Johnson, a justice of the peace for Isle of Wight County, Virginia, on the 18th day of June, 1920, for Eight and 75/100 Dollars (\$8.75), with interest thereon from the 18th day of June, 1920, and One and 50/100 Dollars (\$1.50) costs, and from proceeding to enforce the said judgment in any manner against the property of the complainant, Seaboard Air Line Railway; and Jethro Holland, a Constable of the County of Isle of Wight, is enjoined and restrained from making sale of the one office table, one office chair, one iron safe and one copying press belonging to the complainant, Seaboard Air Line Railway, levied on by him, located in the passenger station of the complainant at Carrsville, Virginia, and from further interfering therewith, and he is directed forthwith to restore the property so levied upon to the custody and possession of the said Seaboard Air Line Railway, and he is further enjoined and restrained from further levying the said

execution now in his hands, and all other executions that may be issued on the said judgment, upon the property of the complainant, Seaboard Air Line Railway.

This injunction shall be effective for a period of Sixty days from this date, unless previously dissolved.

But before the complainant shall have the benefit of this order, it, or some one for it, shall enter into a bond in the penalty of \$100 to pay all such costs as may be awarded against the Seaboard Air Line Railway, and all damages that may be incurred by the defendants by the reason of the suing out of this injunction, in case the said injunction shall be dissolved.

All of which is certified to the Clerk of this Court to be entered in the Chancery Order Book.

James S. W. Moore
Judge Circuit Court
Stafford County, Virginia

2
VIRGINIA:

IN THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY.

Seaboard Air Line Railway

v.

J. I. Johnson and Jethro
Holland; a Constable of
Isle of Wight County.

INJUNCTION ORDER.

Enter Sept. 29. 1920.
Jas. S. McInnis.

603 Spruce 70

COMMONWEALTH OF VIRGINIA,
TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT:

We command you that you summon J. I. Johnson, and Jethro Holland, a constable of Isle of Wight County, to appear at the office of the Clerk of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor on the first Monday in October, 1920, to answer a bill in chancery filed against them by Seaboard Air Line Railway, and have then and there this writ.

Witness, A. S. Johnson, Clerk of said court, at the Courthouse, this 30th. day of September, 1920.

Teste, *A. S. Johnson*, Clerk.

James H. Corbitt, p.q.

Copy of injunction order.

VIRGINIA: IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, IN VACATION ON THE 29TH. DAY OF SEPTEMBER, 1920.

Seaboard Air Line Railway

v.

J. I. Johnson and Jethro Holland,
a constable of Isle of Wight County.

An injunction is granted in accordance with the prayer of the complainant's bill this day filed, restraining the defendant, J. I. Johnson, from further proceeding against the property of the complainant, Seaboard Air Line Railway, with the execution issued upon his judgment obtained against S.A.L. Railway Co., before Jas. A. Johnson, a Justice of the Peace for Isle of Wight County, Virginia, on the 18th. day of June, 1920, for eight and 75/100 dollars (\$8.75) with interest thereon from the 18th. day of June, 1920, and one and 50/100 dollars (\$1.50) costs, and from proceeding to enforce the said judgment in any manner against the property of the complainant, Seaboard Air Line Railway; and Jethro Holland, a constable of the County of Isle of Wight, is enjoined and restrained from making sale of the one office table, one office chair, one iron safe and one copying press, belonging to the complainant, Seaboard Air Line Railway, levied on by him, located in the passenger station of the complainant, at Carrsville, Virginia, and from further interfering therewith, and he is directed, forthwith, to restore the property so levied upon to the custody and possession of the said Seaboard Air Line Railway, and he is further enjoined and restrained from further levying the said execution now in his hands, and all other executions that may be issued on the said judgment, upon the property of the complainant, Seaboard Air Line Railway.

This injunction shall be effective for a period of sixty days from this date, unless previously dissolved.

But before the complainant shall have the benefit of this order, it, or some one for it, shall enter into a bond in the penalty of \$100.00 to pay all such costs as may be awarded against the Seaboard Air Line Railway, and all damages that may be incurred by the defendants by reason of the suing out of this injunction, in case this injunction shall be dissolved.

All of which is certified to the Clerk of this Court to be entered in the Chancery Order Book.

Jas. L. McLemore,
Judge Circuit Court Nansemond
County, Virginia.

A copy, Teste, *A. S. Johnson* Clerk.

Virginia: Clerk's Office of the Circuit Court of the County of
Isle of Wight September 30th. 1920.

I, A. S. Johnson, Clerk of the Circuit Court of the
County of Isle of Wight, in the State of Virginia, do hereby
certify that the bond above mentioned has been executed.

Given under my hand this 30th. day of September, 1920.



Clerk.

4
Shelburne Vm. Lm. Co
in
Shelburne
See of Shelburne street
Shelburne Tynes
Served returned Sept
30 - 1920
Jul. Johnson. Car

Not finding Jethro Holland at his usual place of abode
 I executed the within summon this the 30th day of September 1920 in the
 County of Isle Of Wight by serving a true copy of the same on Mrs Jethro
 Holland for the said Jethro Holland at her residence in said County and
 I explained to her the purport of same, ^{she being a member of the family & over the age of 16 years} and I further executed the same by
 serving a true copy of the same on Joseph I. Johnson in person in said
 County.
R. Augustus Edwards
 Sheriff Isle Of Wight County.

Not finding Jethro Holland at his usual place of abode I executed the with-
 in injunction order this the 30th day of September 1920 in the County of
 Isle Of Wight by serving a true copy of the same upon Mrs Jethro Holland
 at her residence in said County, for the said Jethro Holland and explained
 to her the purport of same, she being a member of the family of the said
 Jethro Holland and over the age of sixteen years, and I further executed
 the same by serving upon Joseph I. Johnson a true copy of the same in per-
 son in the County of Isle Of Wight on the above named date.
R. Augustus Edwards
 Sheriff Isle Of Wight Co.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY, VIRGINIA:

Your complainant, Seaboard Air Line Railway, a public service corporation, complaining, sheweth unto the Court that J. I. Johnson recovered a judgment at law against S. A. L. Railway Co. before Jas. A. Johnson, a justice of the peace for Isle of Wight County, Virginia, on the 18th day of June, 1920, for Eight and 75/100 Dollars (\$8.75), with interest thereon from the 18th day of June, 1920, until paid, and One and 50/100 Dollars (\$1.50) for his costs on a warrant dated June 4, 1920, and issued on behalf of the said J. I. Johnson by the said Jas. A. Johnson, Justice of the Peace, against the said S. A. L. Railway Co., copies of the warrant and the judgment being hercunto annexed, as parts of this bill, and marked Exhibit "A" and Exhibit "B", respectively; that an execution has been issued on the said judgment and is now in the hands of Jethro Holland, a constable of the County of Isle of Wight County, who has levied the same upon the following property located in the passenger station of your complainant at Carrsville, Virginia:

One office table.

One office chair,

One iron safe and

One copying press,

and the said constable has advertised the said property for sale at public auction Friday, October 1, 1920, at 3 o'clock P. M., as shown by copy of the advertisement hereunto annexed, as a part of this bill, marked Exhibit "C", and will make sale of the said property unless enjoined and restrained from so doing; that the said judgment against S. A. L. Railway Co. is not a judgment against your complainant, Seaboard Air Line Railway,

who made no appearance at the hearing of the warrant, and that the attempt to subject your complainant's property, that is the one office table, one office chair, one iron safe and one copying press levied on, or any other property belonging to it, to the payment of the said judgment is unjust and without due process of law.

FORASMUCH, THEREFORE, as your complainant is remediless, save in a Court of Equity, it prays that the said J. I. Johnson and the said Jethro Holland, Constable, may be made parties defendant to this bill and required to answer the same in their own proper persons, but not on oath, the oath being hereby waived; that J. I. Johnson, his agents, attorneys at law, and all others, be enjoined and restrained from further proceeding against the property of your complainant with the execution issued upon his judgment against S. A. L. Railway Co., and from proceeding to enforce the said judgment in any manner against the property of your complainant; that especially the said Jethro Holland, a constable of the County of Isle of Wight, be enjoined and restrained from making sale of the said office table, office chair, iron safe and copying press levied on, or either of them, and from further interfering therewith, and from further levying the said execution now in his hands, and all other executions that may be issued on the said judgment, upon your complainant's property; that proper process issue, and all proper orders be made; that the said judgment and all executions issued thereupon be decreed to be in nowise liens upon the property of your complainant, and that all such other further and general relief may be afforded your complainant as in the premises may be just and right. And your complainant will ever pray, etc.

James H. Corlitt, p. g.

SEABOARD AIR LINE RAILWAY,

BY *James H. Corlitt*
its Counsel

STATE OF VIRGINIA,

CITY OF SUFFOLK, To-Wit:

I, M. Anderson Maxey, a Notary Public for the City of Suffolk, State of Virginia, hereby certify that James H. Corbitt, Counsel for Seaboard Air Line Railway, personally appeared before me, in my City aforesaid, and made oath that the allegations contained in the foregoing bill are true.

Given under my hand this 29th day of September, 1920.

My commission expires on the 23rd day of August, 1923.

M. Anderson Maxey
Notary Public.

2

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

Seaboard Air Line Railway

v.

J. I. Johnson and Jethro
Holland, a Constable of
Isle of Wight County.

BILL.

1st Oct Rules 1920

*Bills filed. Process returned
Specified. Decees nisi*

7th Oct Rules 1920

*Defendants not appearing
Cauter set down for
hearing*

Law Offices of
JAMES H. CORBITT
SUFFOLK, VIRGINIA

THE LINDEN PRINTING COMPANY, HARTFORD, CONN