1895 – 12 Southampton County Chancery Johnson, John T. &c Johnson, Mary et als

Johnson, Richard E
Johnson, Wm H.
Johnson, Sarah F.
Whitfield, Mary E +
Whitfield, Geo. T. Ex Sarah F.
Gaither, Willie R +
Gaither, Nancy V.

To be divided if possible,
if not to be sold and
proceeds divided among
those entitled -

1

Received of J C Parker, Special Deputy in suit Johnson vs Johnson et als, Four - 00/100 Dollars. Sheriffs fees in said suit up to May 5th 1892

J. H. Williamson

Sheriff

Received of J. C. Parker Special
Comm'r in suit of Johnson
vs. Johnson, et als. Twenty-
five Dollars attorneys fees.

J. C. Parker

Received of J. C. Parker Special Comm. in the suit of Johnson vs. Johnson et als. Eight & 41/100 Dollars Clerks fees in said suit up to May 5th 1892

B. F. McLemore C.C.

Johnson

os } Bill.

Johnson et als

To the Hon C.W. Hill. Judge of the Circuit Court of Southampton County. Va.

Your complainant. John T. Johnson. complaining showeth unto the court that your complainants father. William Johnson. was in his lifetime seized & possessed of certain real estate. lying in the county of Southampton. consisting of a farm on which he resided. containing 200 acres. & bounded by the lands of John A. Whitfield. G. H. Whitfield. Edwin Bradshaw. John A. Handley. Jack Jaynes Estate. & others; also a sawmill & grist mill. run by water power. known as the Vick Mill. with about two acres of land. the mill pond & premises. adjoining the farms of W. T. Davis. J.W. Johnson. Mary A. nee E. Bradshaw. Albert Raiford. L.C. Cobb & others. Being so seized & possessed of said real estate. on the 12th day of August 1890. the said Wm Johnson departed this life intestate leaving his widow Mary Johnson. & your Orator. & Richard E. Johnson. Wm K. Johnson

Sarah F. Johnson, & Mary E. Whitfield. his children, & Willie R. Gaines & Nancy S. Gaines grandchildren, the children of his daughter Martha A. Gaines, now deceased, which grandchildren are infants. That the above constitute the heirs at law of said Wm. Johnson.

Your complainant further states that he does not believe said real estate is susceptible of division in kind among those entitled thereto, & if it be not, then your complainant desires that the same be sold & the proceeds be allotted to the adult & infant parties according to their respective rights. That dower be allotted said widow Mary Johnson: that your orator believes it would be to the interest of all parties to sell said land for division.

In tender consideration whereof, & for as much as your complainant is remediless save in a court of equity, your complainant prays that the said Mary Johnson, Richard E. Johnson, Wm. H. Johnson, Sarah F. Johnson, Mary E. Whitfield &

Geo T. Whitfield his husband, Willie R. Gaitness, & Nancy V. Gaitness be made parties defendant to this bill required to answer the same on oath: that a proper guardian ad litem be assigned the infant defendants to defend their interest in this suit. who shall also answer this bill: that proper process issue: that dower be allotted said Nancy Johnson in said real estate, & that the suit be divided among those entitled thereto: & in case same cannot be divided in kind, that the same be sold & the proceeds divided among those entitled thereto; that all proper orders & decrees may be made & proper enquiries directed & that all such other & general relief may be afforded your complainant as his case may require, or to equity may seem meet. And your complainant will ever pray, &c.

J. C. Parker. S.C.

J. T. Johnson

Southampton Circuit Court. May Term 1892

Johnson
vs
Johnson et als

3rd Decree

This day this cause came on to be heard upon the papers formerly read & upon the report of Special Comr. J. C. Parker & upon the report of the Comrs to assign dower: to which report no exceptions have been filed, & was argued by Counsel. On consideration whereof the Court doth confirm the report of Comrs. on dower & said report of J. C. Parker as to the sale of the mill property & the small 30 acre tract of land, the sale of which is therein reported, but doth set aside the sale of the farm. And the Court doth further adjudge, order and decree that said Comr. after paying all expenses of this suit including a fee of $25.00 to J. C. Parker, Atty, shall pay the balance to the heirs of Wm Johnson as follows: to Jno. F. Johnson, one sixth: to Richard E Johnson, one sixth: to Wm. H Johnson one sixth: to Sarah F. Johnson, one sixth: to M. E. Whitfield one sixth: to the guardian of Willie R. Gaultress one twelfth: & to the guardian of Mary V. Gaultress one twelfth. And the Court doth further adjudge order and decree that said J. C. Parker. Special Comr. shall after thir-

ty days advertisement of the time, place, & terms of sale, proceed to sell at public auction, to the highest bidder, the tract of land of which Wm. Johnson died seised. in the bill & proceedings mentioned & called No. 1. in the report of Special Comr. free from dower, it appearing that the widow of deceased is dead; upon the following termes. to wit; one third cash & balance in one & two years. Title reserved; bonds with approved security for deferred payments, with privilege to purchaser, to pay all cash as soon as sale confirmed. And said Comr. shall report to this Court at next term.

A Copy. Test: B. F. McLemore CC

Clerk $8.41
Sheff 4.00
Lawyer 16.50
$28.91

Johnson
Ex parte
Johnson

Cost:
Clerk $8.41
Sheff 4.00
Lawyer 16.50
28.91

May 11th 1892

We the following heirs of Wm Johnson deceased. hereby acknowledge receipt of the full amount due us. to wit. Forty-five & 5-5/100 Dollars per share. out of this. the final distribution of funds in the suit of Johnson vs. Johnson, the same being paid by J C Parker Special Comr. in said suit.

J. T. Johnson
N. H. Johnson
Sarah E. Johnson
Mary C. Whitfield
B. E. Johnson
L T Whitfield Gdn
for Willie R. & Nannie S.
Gaitness

SALE OF

Valuable Farm Lands !

Pursuant to a decree of the Circuit Court of Southampton County, in the chancery suit therein pending, styled Johnson vs. Johnson et als., entered at the May term 1892, thereof, I shall, on the

19th Day of September, 1892,

(that being Courtday), in front of the Courthouse at Courtland, Va., offer for sale to the highest bidder at public auction, that farm of which the late Wm. Johnson, died, seized and possessed, and on which he resided at his death,

in Berlin and Ivor District,

and adjoining the lands of John W. Whitfield, G. T. Whitfield, Edwin Bradshaw, John A. Hundley and others. Inspection of the property is invited. All saw-mill timber on the farm has been sold to the Surry Lumber Company, reference being made to the deed to them on record.

TERMS OF SALE:

1-3 cash; balance in one and two years from day of sale, with legal interest. Title reserved until property is fully paid for, but with privilege to purchaser to pay all cash and take deed as soon as the sale is confirmed by Court. Bond and security to be given for defered payments. Possession given ~~December 1st, 1892~~ January 1st 1893

J. C. PARKER, Special Com.

FRANKLIN, VA., August 18th, 1892.

Jos. T. Rawls & Co. W. Johnson became the purchasers for the sum of $1460.00 Each

To the Hon.C.W.Hill,Judge of the Circuit Court of Southampton County.

The undersigned,a special commissioner of this court,appointed in the chancery suit therein pending styled Johnson vs.Johnson,et ald.,respectfully reports that in accordance with a decree of said court entered in said cause at the May term 1892 thereof, a copy of which is herewith filed,he paid out the amount in his hands as directed,as shown by the following statement,to wit:-

Balance on hand for distribution,		$310.74
To paid J.C.Parker Attorney,	25.00	
" " clerk's fees,	8.41	
" " Sheriff's fees,	4.00	
" " John T.Johnson 1/6 balance,	45.55	
" " Richard E. " " "	45.55	
" " Wm.H. " " "	45.55	
" " Sarah F. " " "	45.55	
" " M.E.Whitfield " "	45.55	
" " G.T.Whitfield Gdn.of W.R.Galtress	22.79	
" " " " " N.V.Galtress	22.79	
	310.74	310.74

The receipts of the parties to whom said amounts are paid are herewith filed and prayed to be inspected in support of this statement.

And your commissioner would further report that in accordance with the directions of said decree he on the 18'th day of August 1892,advertised the tract of land directed tobe sold by said decree,for sale on the 19'th day of September 1892,and upon the terms set forth in said decree,to wit one third cash and the balance in one and two years, as is more fully shown by a copy of said advertisment herewith filed.That on the said 19'th day of September,at the place set forth in said advertisment,the said land was offered for sale upon said terms at public auction,and was thereupon sold to John T.,Richard E.,and Wm.H.Johnson,jointly ,they being the highest bidders at said sale,for the sum of Fourteen hundred and sixty dollars($1460.),which your commissioner considers a very good price for said land(it having been appraised at only $1000.)and would reccommend that the said sale be confirmed.Your commissioner reports however that the said purchasers have not in any part complied with the terms of the said sale,but from what your commissioner knows of the condition of things with the purchasers they will comply before the first day of January 1893,if allowed an opportunity to so comply.Your Commissioner would then reccommend that further time be allowed the said purchasers in which to comply with the terms of sale.

Respectfully submitted,

J.C.Parker

Special Comr.

Johnson

vs. }

Johnson et als.

Report of Special
Comr filed at Boo.
June 1892.

J. C. PARKER,
ATTORNEY-AT-LAW,
Main St., Franklin, Va.

John T. Johnson. Pltff.

against

Richard E. Johnson - Mary Johnson -
Wm. H. Johnson - Mary E. Whitfield.
Geo. P. Whitfield - Sarah T. Johnson -
adults. and Willie R. Gallresp +
Nancy V. Gallresp, infants. by
J. L. McLemore, Guardian ad litem. Dfts.

1890. Oct. 10. Proc ish? to 1st Oct: Rules

" 1st Oct: Rules: Proc ret? Executed. Bill filed.
J. L. McLemore. appt: G'dn ad litem.
answer of G'dn ad litem filed.
Gen. rep: decree nisi.

" 2 " " Bill taken for confessed as to
adults. and cause set for
hearing.

In Lobcan dec'y -

166

Johnson

vs

Stat: Rules.

Johnson et: als:

1 Oct.

Johnson

Johnson et als:

1890. 2 Oct. Rules

6 in: 6t:

J. C. Parker Esq.

Executed Oct. 14th 1890 by delivering a copy of this Rule to each of the within named parties

A. H. Cobb Deputy

for J. W. Williams

Shff.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Richard E. Johnson, Mary Johnson, Wm. H. Johnson, Mary E. Whitfield, Geo. D. Whitfield, Sarah F. Johnson, adults, and Willie R. Galtress & Nancy V. Galtress, infants, by J. L. McLemore Gdn ad litem.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 3 Monday in October 1890 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by John F. Johnson

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 10 day of Oct, 1890, in the 115th year of the Commonwealth.

B. F. McLemore C. C.

To the Hon. G. W. Hill, Judge of the Circuit Court of Southampton County, Va.

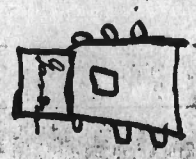
We the commissioners E Bradshaw, J.W. Morris, J.W. Whitfield, and A. F. Gardner appointed by the court for the purpose of allotting dower to the widow of Wm Johnson dec'd, met on the 23d day of Nov. 1891. And we beg leave to report that after due consideration, we fix the cash value of the Saw & Grist Mills at one thousand dollars, and the home tract on which said widow resides at one thousand dollars cash value, and the thirty acres at a fair cash value of thirty dollars, making a total of two thousand and thirty dollars. And we further report that after considering the timber on the land being sold, that the line across the farm known as the Big Ditch found on the plat which we have drawn of the land, and set aside as dower to be a fair cash value of one third of the estate of Wm Johnson dec'd. The accompaning plat we think to be a correct one of the home farm. Respectfully submitted

E. Bradshaw
J.W. Morris
J.W. Whitfield
A. F. Gardner
Commissioners

East –

Mrs Eliza Joyce

Fish Pond



Joshua T. Handley

South

Widows Down

Thurmans big Ditch

Joshua Whitfield

North Line

West

North

Fence

E. Bradshaw

Woods

G. T. Whitfield

West –

Southampton Circuit Court: Nov Term 1891

Johnson

v.

Johnson et. als:

This day this Cause came on to be heard on the papers formerly read. and upon the report of the Commissioners, J. H. Morris. E. Bradshaw. A. F. Gardner & J. H. Whitfield. to which report no exceptions have been filed, and was argued by Counsel. Upon consideration whereof the Court doth adjudge, order and decree that J. H. Morris. E. Bradshaw, A. F. Gardner & J. H. Whitfield & Wiley T. Joyner, any three of them may act, who are hereby appointed for that purpose as Special Commissioners, proceed to allot dower in kind, to Mary Johnson, the widow of William Johnson, dec'd., in all the lands of which the said William Johnson died seized and possessed, alloting the said dower entirely out of the home tract, on which she resides, but basing into consideration the value of the other tracts. And the Court doth further adjudge, order and decree that J. C. Parker, who is hereby appointed a Special Commissioner for that purpose, proceed at once, as soon as the Commissioners above appointed have set aside this dower as aforesaid. to sell the rest of the land that the said Johnson died

seized and possessed of, at public auction for one third Cash and the balance in one and two years, with title reserved until purchase money fully paid. and he shall advertise the said sale for at least thirty days in a news paper published in this County. and at three or more public places, before masting said sale. And he shall make report to this Court at the next term thereof. But before entering upon the discharge of his duties, he shall enter into a bond before the Clerk in the sum of $2000.— with security to deemed sufficient by the Clerk. Conditioned for the faithful performance of his duties as such Commissioner. And the Special Commissioner above appointed, shall employ a Surveyor to make a Plat of the home farm. Shewing the Whole farm & the dower set aside. which Plat they shall return with their report.

Test. B. F. McLemore Clk.

Johnson
vs
Divorce
Johnson et als:

Johnson

vs.

Johnson, et als

Report of
Special Commissioner

1892. Apl 20 Filed

J. C. PARKER,
ATTORNEY-AT-LAW,
Main St., Franklin, Va.

To the HonC.W.Hill,Judge of the Circuit Court of Southampton County,Va.

The undersigned,your special commissioner,appointed in the chancery suit pending in said court,styled Johnson Vs. Johnson et.als.,bydecree entered November term 1891 thereof,a copyof which decree is herewith filed,to sell certain land in the bill and proceedings mentioned,respectfully reports to your Honor that after giving bond as required by said decree,he advertised the said land for sale upon the terms set forth in sa d decree, and in accordance with said advertisement,he offered the said land for sale on the 21'st day of December 1891,as shown by a copy of said advertisement herewith filed.That at said sale, tract No.1,mentioned in the advertisement,was ~~sold~~ bid off by Wm.Johnson at the price of $300.;that tract No.2.was bid off by J.W.Johnson and John Wellons at the price of $1000.;and that trac No.3.was bid off by B.F.Hancock for the price of $46.;said parties being the highest bidders in the respective cases.Your commissioner states that the term if sale have been complied with as to tracts No.2.& No.3,,$348.66 in cash having been paid on same,and bonds given for the defered payments which are herewith filed. That of this amount your commissioner has paid out as follows;

Cash received,		348.66
To paid writ tax,	1.50	
'' '' for advertising,	1.50	
'' '' auctioneer,	5.00	
'' commissions on $1046.	29.92	37.92
Balance in hand		$310.74

Your commisioner states that he considers the sale of these two parcels of the said land as excellent,but does not think the price paid for the first tract is adequate.He would therfore reccommend that the sale of the two tracts be confirmed,and that tha sa le of the first tract be set aside and the same resold, particularly as the widow,to whose dower the same was offered subject,has died since the sale.

Respectfully submitted.

J.C.Parker
Special Commissioner.

Franklin,Va.April 23'rd,1892.

R. E. L. Watkins. | D. Wickliff Griffin. | James H. Bell.

FRANKLIN, VIRGINIA, Jan 1 1897

Mr. J. L. Parker Special Comr

To THE BLACKWATER COURIER, Dr.

Job Work Neatly and Quickly Executed at Small Profits.

Jan 1	To posters in Johnson case		1 00

Paid
Watkins Griffin & Bell

Received of J. C. Parker, Special Comm'r
in suit of Johnson as Johnson
et als. Five hundred dollars for
crying property involved in said
suit. Dec 21st 1891.

Franklin, Va. L. A. Gay

~~Dec~~ 30th 1891.

Southampton Circuit Court Nov Term 1891.

Johnson
vs
Johnson et als

1st Decree

This day this cause came on to be heard upon the bill taken for confessed as to the adult defendants, the answer of J. L. McLemore Gdn ad Litem for the infant defendant and was argued by Counsel.

In consideration whereof the Court doth adjudge order & decree that John W Whitfield, Wm Morris Edwin Bradshaw Amos D Gardner & Wiley P Jay or any three of whom may serve, be & they are hereby appointed Special Commissioners for that purpose, go upon & examine the lands of which Wm Johnson died seized in Southampton County & report to this Court whether the same is divisible in kind among those entitled thereto or not, and if the same be divisible in kind they shall set aside the dower of Mary Johnson the Widow of the deceased Wm Johnson in said land & divide the remainder of said lands among those entitled thereto & report said division to this Court. But if the same be not divisible they shall

report whether the said widow will be willing to take a certain sum in commutation of her dower in said land, & if so the amount of same. The shall report as to whether any one of those interested will take the whole & pay the rest a fair price. And they shall report, together with any other matter by them deemed pertinent or that they may be thereunto requested, at the next term of this Court.

A Copy

Teste B. F. McLemore C. C.

Johnson
vs
Deane
Johnson et als

Copy

Johnson

vs.

Johnson. et als.

Report of Commissioners

1871 Sept 29 Filed

J. C. PARKER,
ATTORNEY-AT-LAW,
Main St., Franklin, Va.

To the Hon.C.W.Hill,Judge of the Circuit Court of the county of Southampton,Va.

The undersigned,commissioners appointed by your Honor at the November term of the said court,1890,by decree entered in the chancery cause therein pending styled Johnson vs. Johnson and others,a copy of which decree is hereto attached,to emamine the land of which the late William Johnson died seised and possessed,and report whether the same was divisible in kind among those entitled thereto or not,and if not whether the widow of the said Johnson would take so much in commutation of her dower or not,respectfully report to your Honor that on the 16'th day of September,1891,we met upon said land in pursuance of said decree,and proceeded to examine the said land. We report that the land lies in such shape that we deem it impossible to divide it in kind among those entitled thereto and give them justice. We further report that the widow of the said deceased William Johnson is not willing to take any amount in commutation of her dower,but isdesirous of having the same set apart in kind.We therefore reccommend that the widow's dower be set aside by meets and bounds,and all the rest of the land of William Johnson deceased be sold and divided among those entitled thereto,including the reversioary interest they will have in the part set aside in kind for the widow.

Respectfully submitted,

J W. Morris
E Bradshaw
F. H. Gardner
J. W. Whitfield
Commissioners.

September 21'st,1891.

Johnson
vs } Answer &
} Gdn ad Litem
Johnson et als

The answer of J. L. McLemore guardian ad litem to the infant defendants. Willie R. Gaitress & Nancy V. Gaitress to a bill in equity exhibited against them & others in the Circuit Court of Southampton County Va. by John G. Johnson

The guardian ad litem answers says that he knows nothing of the truth or falsity of the statements in the bill contained. but prays the protection of the Court for the infant defendants.

And now having fully answered. the Defendants pray hence to be dismissed with their costs in this behalf expended.

Jas. L. McLemore
Gdn ad litem.

Received of J. C. Parker. Special Cause. Five Dollars and Fifty Cents for selling the Farm of Wm. Johnson in suit of Johnson vs. Johnson et als.

L. A. Gay

R. E. L. Watkins. D. Wickliff Griffin. James H. Bell.

FRANKLIN, VIRGINIA, Jan' 1897

Mr. J. B. Parker

To THE BLACKWATER COURIER, Dr.

Job Work Neatly and Quickly Executed at Small Profits.

	1891				
Nov	—	To posters	1	00	
"	"	" 1m envelopes	1	75	
"	"	Letters for church	1	00	4 2 50
					2 5 —
					1,7 5

Watkins Griffin & Bell.

Received of J. C. Parker Special Comm. in the suit of Johnson vs. Johnson et. als. The sum of One Hundred & Ninety-nine & 44/100 Dollars. Each, this sum being the amount due to each of us out of the second payment on mill property, 2nd & 3rd payments on small 90 acre tract, & 1st payment on Town tract. Of land sold in said suit as shown by the papers in said suit.

Given under our hands this 4th day of January 1893.

J. T. J. J T Johnson
R. E. J. R E Johnson
W. H. J. Wm H Johnson
S. F. J. S F Johnson.
M. E. W. M E Whitfield
Geo. T. W. Exr. G T Whitfield Exr
for W. R. & N. V. Collins. for {W R and N V} Gallowell

Johnson

vs.

Johnson. et als

Report of Special

Comm.

Filed April 1893

1 R + 1 Decree

2 + Cards

To the Hon. C.W. Hill. Judge of the Circuit Court of Clinton Co.

The undersigned, your special Comm. in the suit of Johnson vs. Johnson et als. respectfully report to the Court that since the last term of the Court Jno. T., Wm H. & Richard E. Johnson have complied with the terms of the sale reported by your Comm. as made to them. by the payment to your Comm. of the sum of $486.66 giving their bonds as required by the terms of the sale, which bonds are herewith filed. Your Comm. further reports that he has collected $32.50 from B.F. Hancock for balance due by him on land bought & a deed given for said land. He has also collected $36.33 from J.W. Johnson & John Williams amount due on the second land due by them. Your Comm. has paid out the amounts coming into his hands as shown by the following statement, to-wit-

Amt rec'd of Hancock 32.50
" " " Johnson & Williams 36.33
" " " Jno. T. W.H. & R.E. Johnson 486.66
Amt carried forward ---- 872.49

Amt brt forward		$872.49
Pd. Commissions	29.20	
" Auctioneer	8.70	
" For advertising	1.00	
" Jno. T. Johnson	139.46	
" Richd E. Johnson	139.46	
" W.H. Johnson	139.46	
" S.T. Johnson	139.46	
" M.E. Whitfield	139.47	
" W.R. Collins' Estate	69.74	
" N.V. Collins "	69.74	
	$872.49	$872.49

And your Comm. herewith files his receipts for the above amounts paid out & contains in support of this bill.

Respectfully submitted.

J.C. Parker

Special Comm.

Franklin, Va., February 17th 18 4.

$150.61

Received of J.C.Parker, Special Commissioner in the suit of Johnson VS. Johnson et als., the sum of one hundred and fifty & 61/100 Dollars, this sum being the amount due me out of the third and last payment on the mill property, and the second payment on the farm tract sold in said suit, as shown by the papers therein. Mary E. Whitfield

Franklin, Va., February 17th 1894.

$150.61

Received of J.C. Parker, Special Commissioner in the suit of Johnson VS. Johnson et als., the sum of one hundred and fifty & 61/100 Dollars, this sum being the amount due me out of the third and last payment on the mill property, and the second payment on the farm tract sold in said suit, as shown by the papers therein.

G J Whitfield Jr
for W R & N J Gallwell

Franklin, Va., February 17th 1894.

$150.61

Received of J.C. Parker, Special Commissioner in the suit of Johnson VS. Johnson et als., the sum of one hundred and fifty & 61/100 Dollars, this sum being the amount due me out of the third and last payment on the mill property, and the second payment on the farm tract sold in said suit, as shown by the papers therein.

Sarah P. Johnson

Franklin, Va. February 17th 1864.

$150.00

Received of J.C.Parker, Special Commissioner in the suit of Johnson VS. Johnson, et.als., the sum of one hundred and fifty & 60/100 Dollars, this sum being the amount due me out of the third and last payment on the mill property, and the second payment on the farm tract sold in said suit, as shown by the papers therein.

William H Johnson

Franklin, Va. February 17th 1894.

$150.60

Received of J.C.Parker, Special Commissioner in the suit of Johnson VS. Johnson, et.als., the sum of one hundred and fifty & 60/100 Dollars, this sum being the amount due me out of the third and last payment on the mill property, and the second payment on the farm tract sold in said suit, as shown by the papers therein.

R E Johnson

Franklin, Va. February 17th 1894.

$150.60

Received of J.C.Parker, Special Commissioner in the suit of Johnson VS. Johnson, et.als., the sum of one hundred and fifty & 60/100 Dollars, this sum being the amount due me out of the third and last payment on the mill property, and the second payment on the farm tract sold in said suit, as shown by the papers therein.

J. J. Johnson

Johnson Johnson

vs. }

Johnson et al

Report of Comm.

Filed April 20th 1891

an account of the transactions of J. C. Porter Special Comm. in the suit of Johnson as. Johnson, et als. since last report.

1894						
Jany	22	By rec'd of	John Williams			187.50
Feby	9	" "	" J. W. Johnson			188.11
"	17	" "	" J. T. R. E. & W. H. Johnson			528.02
"	"	To paid	J. T. Johnson	✓	150.60	
		" "	R. E. Johnson	✓	150.60	
		" "	W. H. Johnson	✓	150.60	
		" "	Sarah F. Johnson	✓	150.61	
		" "	Mrs. M. E. Whitfield	✓	150.61	
		" "	Edw of W. R. Galtress & N. V. Galtress	✓	150.61	
					$903.63	$903.63

To the Hon. C. W. Hall, Judge of the Circuit Court of Southampton County.

The undersigned, special Comm. in the suit of Johnson vs. Johnson, et als. begs leave to report that since the last decree in said cause he has collected the balance due by John Williams & J. W. Johnson on the land purchased in said suit by them, but has given no deed therefor, and has also collected the second payment due on land by Jno. T. R. E. & W. H. Johnson, the two amounts aggregating $903.63, which amount your Comm. has paid out to those entitled as shown by the above account supported by vouchers filed herewith.

Respectfully submitted.

J. C. Porter

Special Comm.

Johnson,
VS.
Johnson, et als.

Final degree.

Sept. Term, 1895.

To be entered.

Sept. 25, 1895.

Robert R. Reuling

Page 34

Johnson,

VS.

Johnson,et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of J.C.Parker,Special Comr., filed September 13, 1895, to which report no exeception̄s have been filed,and was argued by counsel.

Upon consideration whereof the court doth confirm said report,and it appearing that there is nothing further to be done in this cause,it is ordered that the same be dismissed from the docket,with leave to any party in interest to have the same reinstated within the next twelve months.

Johnson,

VS. DECREE.

Johnson, et als.

May Term 1864.

To be entered.

C M C.

Entered 651

JOHNSON,

VS. DECREE.

JOHNSON,et als.

This day this cause came on to be heard upon the papers formerly read and upon the report of Special Comr.J.C.Parker, filed ten days before term,to which report no exceptions have been filed,and was argued by counsel.

Upon consideration thereof the Court doth confirm said report,and doth adjudge,order and decree that J.C.Parker,who is hereby appointed a special Comr.for that purpose,make,execute and deliver to John Wellons and J.W.Johnson a good and sufficient deed,with special warranty,for the land sold to them in the bill and proceedings described,they having fully paid for the said land as shown by the said report of J.C.Parker,Special Comr. And the court doth further adjudge,order and decree that the said Special Comr. withdraw from the papers in this cause the bond of J.T.Johnson and others for the last payment on the land they purchased from said Comr.in this suit, when the same shall become due and collect the same and distrib-ute the amount so collected among those entitled thereto and ascertained by former decree ; and the said J.C.Parker,who is hereby appointed a Special Comr.for that purpose,shall,as soon as said last payment is made,make a good and sufficient deed, with special warranty,for the said land,to the said J.T.Johnson ,R.E.Johnson and W.H.Johnson,and execute and deliver the same to them.

State Court in Chancery sitting
Johnson & al vs Johnson & als

Filing 3 reports 45¢ 4 decrees 288 = 3.33
" 1 report 15 1 decree 72 2 at cents 40 = 1.27
filing papers away 25 = .25
4.85

Teste T. M. Howard C.C.

Mch 1895

Form No. 309.

Parker J. C.

to { COMMISSIONER'S BOND.

Commonwealth.

1891. Dec 21. Filed.

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we J. C. Parker and John Pretlow Jr are held and firmly bound unto the Commonwealth of Virginia, in the sum of Two thousand Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 21 day of December one thousand eight hundred and ninety one.

The condition of the above Obligation is such, That if the above bound J. C. Parker shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 6th day of November, 1891, in the suit therein depending under the name and style of Johnson & Johnson et. als.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

J. C. Parker SEAL.

John Pretlow Jr. SEAL.

by A B. Urquhart Jr. his atty in fact SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day surety on the above bond, made oath before me, Clerk of the Circuit Court of the County of Southampton, that estate after the payment of all just debts, and those for which bound as securit for others, and expect to have to pay worth the sum of dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this day of 18.

Teste: Clerk.

Know all men by These presents
that I. John Pittman Jr. hereby
make constitute & appoint A.
B. Urquhart my true & lawful
attorney in fact. for me & in
my name. to execute. jointly
with J. C. Parker. a bond in the
penalty of Two Thousand Dollars
($2000.). payable to the Common-
wealth of Virginia. & conditioned for
the faithful discharge by the
said J. C. Parker of his duties as
Special Commissioner in the
Chancery suit of Johnson vs Johnson
&others. now pending in the Circuit
Court of Southampton County: and
if said duties be faithfully performed
said bond to be null & void. And
I waive my homestead as to said
bond. & promise to discharge any
obligation arising under it
in ~~Southampton~~ money & not in campaign.

Witness my hand & seal this
21st day of December 1891.

John Pittman Jr. Seal

Virginia. Southampton County. to wit:
I. ~~[illegible]~~ R Edwards. a notary Public

in & for the county & state aforesaid. Hereby certify that John Pullen Jr. whose name is signed to the writing above bearing date the 21st day of December 1891. Has acknowledged said writing before me in my county. & has also made oath before me that his estate. after the payment of all his just debts. & there he is entirely possessed to have & pay. is worth the sum of Two Thousand Dollars.

Given under my hand this 21st day of December. 1891

L R Edwards N P

Power of Attorney

J. B. Lippincott Company,
Booksellers and Stationers,
Philadelphia, Pa.

Received of J. C. Parker. Comr; in the
suit of Johnson vs. Johnson, it ols.
the sum of Ninety-two & 50/100 Dollars
each, this sum being the amount
due each of us out of the 3rd & Last
payment on the farm sold in said
suit by said Comr, to Jno. T. Johnson
W. H. Johnson & R. E. Johnson, as
shown by the papers in said cause,
Given under our hands this 21st
Day of March 1895.

Sarah E. Johnson.
G. T. Whitfield Guardn
for W. R. & N. V. Gaitness
Mary E. Whitfield
R. E. Johnson
W. H. Johnson
J. T. Johnson.

Received of J. C. Parker, Special Comr,
Forty & 85/100 Dollars clerk's fees. (including
final report & decree, etc.) in chancery
suit of Johnson vs. Johnson Et. al.
this 13th Day of Sept. 1895.

L. A. Gay C.C.

Johnson
vs
Johnson. et als
Final report of
Special Comm.

Filed Sept. 18th 1895

L. A. Gayle.

Johnson,

VS.

Johnson,et als.

To the Circuit Court of Southampton County,

The undersigned,your special Commissioner,begs to report that since last report in this cause he has,in accord with instruction of last decree,made a deed to John Wellons and J.W.Johnson for the land bought by them,that he has collected the last payment due by J.T.Johnson,R.E.Johnson and W.H.Johnson on the land bought by them and has given them a deed for the said land,and has paid out the money collected as directed by the decree as shown by the following statement.

Amount collected,		$558.66
To paid Clerk's fees,	4.85	
" " John T.Johnson,	92.31	
" " R.E.Johnson,	92.30	
" " W.H.Johnson,	92.30	
" " Sarah F.Johnson,	92.30	
" " Mary E.Whitfield,	92.30	
" " G.T.Whitfield,Gdn.	92.30	
	$558.66	$558.66

Vouchers to support this statement are herewith filed.

Respectfully submitted,

J.C.Parker

Special Comr.

Johnson
vs. } 2nd " Decree
Johnson. et als

Nov Term 1891
To be entered
C M D

Entered

Johnson,

Vs.)

Johnson,et ald.

This day this cause came on to be heard on the papers formerly read and upon thereport of the commissioners J. W. Morris, E. Bradshaw, A. F. Endurs & J. W. Whitfield to which report no exceptions have been filed,and was argued by counsel.

Upon consideration whereof the court doth adjudge,order and decree that J. W. Morris, E. Bradshaw, A. F. Endurs & J.W. Whitfield, Wiley T. Joyner any three of whom may act,who are hereby appointed for that purpose as special commissioners.proceed to allot dower in kind to Fanny Johnson,the widow of William Johnson deceased,in all the lands of which the said William Johnson died seised and possessed,alloting the said dower entirely out of the home tract on which she resides,but taking into consideration the value of theother tracts. And the court doth further adjudge order,and decree that J. C. Parker who is hereby appointed a special commissioner for that purpose,proceed at once,as soon asthe commissioners above appointed have set aside the dower as aforesaid,to sell the rest of the land that the said Johnson died seised and possessed of, at public auction,for one third cash,and the balance in one and two years,with title reserved until purchase money fully paid. And he shall advertise the said sale for at least thirty days in a newspaper published in this county,and at three or more public places,before making said sale. And he shall make report to this court at the next term thereof. But before entering upon the discharge of his duties he shall enter into a bond before the clerk forth e sum of $2000.00 with security deemed sufficient by the clerk,conditioned for the faithful performances of his duties as such commissioner. And the Special Commissioners above appointed shall employ a surveyor to make a plat of the home farm showing the whole farm & the dower set aside, & which plat they shall return with their report.

Johnson
as
Johnson & als } 1st Decree

This day this cause came on to be heard upon the bill taken for confessed as to the adult defendants, the answer of J. L. McLemore Esq ad litem for the infant defendant, was argued by counsel.

On consideration whereof, the Court doth adjudge, order, & decree that John W. Whitfield, Wm Morris, Edwin Bradford alias H. Gordon, & Wiley T. Jaynes, any three of whom may serve, be, & they are hereby appointed Special Commissioners for that purpose, go upon & examine the lands of which Wm Johnson died ~~seized~~ possessed in Lauderdale County, & report to this Court whether the same is divisible in kind among those entitled thereto or not. And if the same be divisible in kind they shall set aside

the dower of Mary Johnson the widow of the deceased Wm Johnson in said land, & divide the remainder of said lands among those entitled thereto & report said division to this court. But if the same be not divisible, they shall report whether the said widow will be willing to take a certain sum in commutation of her dower in said land, & if so the amount thereof. They shall report as to whether any one of those interested will take the whole & pay the rest a fair price.

And they shall report, together with any other matters they deem pertinent or that may be demanded by the next term of this court.

Johnson
vs
Johnson
Petition to divide

154

Now Sept 6th 1820
Ordered
Com
Nov 6, 1820
Ent

& upon the report of this
Comm'r & assigns dower

Johnson
vs.
Johnson et als } 3rd Decree

This day this cause came on to be
heard upon the papers formerly read,
& upon the report of Special Comm'r
J C Porkes & to which report no
exceptions have been filed, & was
argued by counsel.

Upon consideration whereof the
Court doth confirm the report of Comm'r
J C Porkes & said report
as to the sale of the mill property
& the small piece or parcel of land the
sale of which is therein reported, but
doth set aside the sale of the
farm, and the Court doth further
adjudge, orders & decree that said
Comm'r, after paying all the expenses
of this suit, including a fee of $25.00
to J C Porkes, Atty, shall pay the balance
to the heirs of Wm Johnson as follows: to
Jno. T. Johnson, one sixth: to Richard E.
Johnson, one sixth: to Wm H. Johnson
one sixth: to Sarah F. Johnson one sixth:
to Mary E. Whitfield one sixth: to the
guardian of Willie R. Gaither, one twelfth
: & to the guardian of Nancy V. Gaither
one twelfth. And the Court doth fur-
ther adjudge, order, & decree that said

J C Parks, Special Comr, shall, after
thirty days advertisement of the time,
place & terms of sale, proceed to sell
at public auction to the highest bid-
der, the tract of land of which Ann
Johnson died seized, in the bill &
proceedings mentioned & called No. 1. in
the report of Special Comr, free from
dower, it appearing that the widow of
deceased is dead, upon the following
terms, to wit: one third cash & bal-
ance in one & two years, title reserved,
bonds with approved security for deferred
payments, with privilege to purchaser
to pay all cash as soon as sale con-
firmed, and said Comr shall
report to this court at next term.

Entered

May Term 1892
To be entered
C M D
May 11 1892

Johnson
vs. } Sale
Johnson et als

Johnson
vs. } 4th Decree
Johnson. et als

Nov. Term 1892
To be entered.

C M B

Entered

Johnson,
vs.
Johnson, et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Special Comr. J.C.Parker, to which report no exceptions have been filed, and was argued by counsel.

Upon consideration whereof the court doth confirm said report and sale and doth further adjudge order and decree that said commissioner allow the parties who purchased said land sixty days further time in which to comply with the terms of said sale, and if they do so comply he shall distribute the cash payment among those entitled thereto in the same proportion as the other funds distributed in this suit were distributed as shown by the said report of said Comr. But if the said purchasers do not comply with the terms of said sale he shall again offer for sale the said land upon the same terms as set forth in the last decree. And the court doth further adjudge, order, and decree that the said Commissioner with-draw from the papers in this cause the bond of J.W.Johnson and John Wellons which will be due on the 21'st day of Dec. 1892, and collect the same, and distribute the same among those entitled thereto along with the cash payment collected from the said purchasers, or if none be collected, then distribute it alone. And said Commissioner shall report to the next term of this court what he has done.

Johnson
vs
Johnson. et als

May Term 1893

To be released

CMA

Entered

Johnson

vs.

Johnson. et als.

This day this cause came on to be heard upon the papers formerly read & upon the report of Special Comr. J.C. Porter. to which report no exceptions have been filed, & was argued by counsel.

Upon consideration whereof the court doth confirm said report. & doth therefore adjudge & decree that J.C. Porter Special Comr. withdraw from the papers in this cause. the bonds of J.O. Johnson & John Wilson. & of Jno. T. W.H. & R. E. Johnson as duly came due & collect the same & pay unto the said thus collected & entitled as directed by former decrees.