1834-005 Chancery Causes: Sarah Johnson, widow of Laban Johnson vs Eliza Johnson et al, by Isle of Wight County

v c

other SURNames: Cook

Johnson

vs

Bill & answer

Johnson & als. Ex.rs

November Tm. 1831 Bill and answer filed & Interlt. decree

Augt. 8th 1832 Depn. rejst. rule & cont.d

June 2d 1834 com.s rejst. cons.d & final decree ent.d

your worship is advised there is no objection to said rule as the proceeds of said sale in the proceeds would be much less than three hundred dollars But now so it is, may it please your worships by reason of the infancy of the said Eliza, Joel, Robert, Andrew and Elijah ~~the~~ the said rule cannot be made except it be by & through a court of equity; which time to the injury & oppression of your orator in the premises, In tender consideration whereof, and forasmuch as your orator is without remedy at law, and can be relieved only in a court of equity where matters of this kind are enquirable and justice duly administered: To the end therefore that the said infant defendants by a proper guardian ad litem to be assigned them by the court may answer the premises as fully ~~& particularly~~ as if they were separately & distinctly interrogated thereto, and that by a decree of this court the said tract of land may be sold by commissioners to be appointed for that purpose, and the proceeds of sale divided amongst the parties entitled thereto, according to their respective right & equity according to the principles of justice & equity. And may it please your worships to grant all further process &c

Hollingsworth

Lucas Johnson Complt.
vs.
Eliza Johnson, Joel Johnson, Robert Johnson, Andrew Johnson & Elijah Johnson infants under the age of twenty one years by their guardian ad litem } In Chancy.

By consent of parties and with the assent of the court this cause coming this day docketted & came on to be heard, on bill and answer filed and issue joined by consent whereupon after mature deliberation the court doth adjudge order & decree that Joel Cook & Elijah Cook be appointed commissioners to sell at public auction on a credit of four months ~~from sale~~ (except so much as may be necessary to pay ~~the~~ expenses of ~~the~~ sale which is to be cash) upon giving bond with good security ~~for~~ the purchasers ~~of~~ fifteen days notice thereof, the tract of land mentioned in the plaintiff's bill of which Lebanon Johnson died seized & possessed, that they take a bond with good security from the purchasers for one fifth part of the net proceeds of said sale payable to the plaintiff Lucas Johnson, that they divide the balance after adjusting the said fifth part, into five equal parts and take a bond with good security for each of three parts payable to each of the infant defendants, to be subject to the control of their legal guardians; that they convey to the purchasers by deed without warranty & report their proceedings to this court in order to a final decree &c

To the justices of the county court of Rockingham in Chancery sitting;

Humbly complaining sheweth unto your worships, your oratrix Lucat Johnson that she is the widow of Laban Johnson late of your county who died intestate in the day of August eighteen hundred & twenty five: the said Laban at the time of his death left issue children to wit Eliza Johnson, Joel Johnson, Robert Johnson, Andrew Johnson & Elijah Johnson, and was possessed of a tract of land containing one hundred & forty seven acres lying in said county of Rockingham and the the remaining fifty seven thereof, in the county of Rockbridge your oratrix has never had any dower assigned to her in said land to which she is justly entitled, but has lived on and managed the same for the purpose of supporting & educating her children, the said Eliza, Joel, Robert Andrew & Elijah, by the said intestate Laban. your oratrix is about to remove from the commonwealth of Virginia with her said children and believes that the interest of the parties concerned will be best promoted by a sale of said tract of land, and a division of the proceeds amongst the said children of the said intestate, after first receiving and paying to your oratrix such an portion thereof as your worships shall think just & equitable, in lieu of her dower

Infants
annex

The joint answer of Eliza Johnson, Joel Johnson, Robert Johnson, Andrew Johnson, and Elijah Johnson infants under the age of twenty one years by Elijah Cook their guardian ad litem to the bill exhibited against them in the county court of Wayne by Israel Johnson

These respondents by their said guardian for answer to said bill, answer & say that they are infant under the age of twenty one years & as to right in the lands & slaves that Father Reuben Johnson died possessed, as mentioned in the plaintiff's bill, beg to place them & leave under the protection of this court, & having thus answered pray leave to be dismissed Elijah Cook

Johnson
vs. } Report
Johnson &c

Augt. 8th 1832
Rule & Count.

In obedience to a decree of the county court of Montgomery County at the undersigned commissioners proceeded to advertise and sell the tract of land described in said decree according to the directions thereof and the highest bidder made over two hundred dollars, which the commissioners thinking entirely below the value of said land in the same, for the benefit of the parties, and have since effected a sale thereof to William Mclemore for the sum of three hundred & twenty dollars, from which they have deducted twelve dollars & fifty cts the expenses of this decree leaving the sum of three hundred & seven dollars & fifty cts, one fifth part whereof to wit sixty one dollars & fifty cents they have paid to Sarah Johnson the plaintiff in lieu of her dower, and the balance of two hundred and forty six dollars they they have divided into five equal parts of forty nine dollars and twenty cents each, and have paid the same to the said Sarah Johnson as the legal guardian of the infant defendants Eliza Johnson, Joe Johnson, Robert Johnson, Reuben Johnson, & Elijah Johnson. They have also enclosed a deed to said McClemore as directed in said decree, all which is respectfully submitted &c

Joel Cook

Elijah Cook

Johnson

vs

Deere

Johnson Vers &c

In Isle of Wight County Court November Term 1831

Sarah Johnson . . . . . Complainant

against

In Chancery

Eliza Johnson, Joel Johnson, Robert Johnson, Anolem Johnson, Elijah Johnson, infants under the age of twenty one years by Elijah Cook their Guardian ad litem . . . Defendants

By consent of parties and with the assent of the court this cause was this day docketed and came on to be heard, on bill answer filed and was argued by counsel, whereupon after mature deliberation the court doth adjudge, order and decree that Joel Cook & Elijah Cook be appointed commissioners to sell at public auction on a credit of four months (except so much as may be necessary to pay all expenses of this decree and sale which is to be cash, after giving fifteen days notice thereof, the tract of land mentioned in the plaintiffs bill of which Isaac Johnson died seized and possessed, that they take a bond with good security from the purchaser for one fifth part of the net proceeds of sale payable to the plaintiff Sarah Johnson, that they divide the balance after deducting the said fifth part into five equal parts and take a bond with good security for each of these parts, payable to each of the infant defendants, to be subject to the controul of their legal guardians, that they convey to the purchaser by deed without warranty and report their proceedings to the court in order to a final decree &c.

Abolby Test Nath. Young C.C.

Clerks fee $7.50
all &c 10.00
$12.50