

1851-001

Chancery Causes: Madison Lester v W v S v S Rebeckah Johnson v Martha Johnson, by v c

Isle of Wight County

other SURNames: Carr,  
Young, Fowler

the Court house of this County at some public place near the prison, see to the highest bid on a credit of 6 months (each to pay so much as will pay the costs of this suit & that much for cash, the land in the Bill mentioned to be 109 acres by estimation, that was the property of John Can, it was conveyed to him by Maria Can & to David Can by John Can and wife by deed in the office of the Clerk of the County of Westchester.

the duty is required to the wife after to show cause if any they can shew that she is in a year of the they shall be come

2 year of age and the law is to make up the men to a fence

from 1 to 1000 of the several things of the

John Can  
Maria Can  
David Can  
Nathan Can  
Elizabeth Can

and was at one time the maiden property of Molly Can who was married the said land, her name Blackwater river and again she had the other that the law make a case to the purchase without warranty of title, that he pay the expenses of this suit out of the cash part, the balance to be paid with 1000 security in such way as to enable the law to divide as follows - that is to say one fourth to Elizabeth Foulke, 1/4 to her husband's wife in her right, 1/4 to be equally divided between Maria Can, Jonathan Can, Nathan Johnson & Elizabeth his wife in her right and a penny Can, the other 1/4 to be equally divided between the wife of Nathaniel Johnson and her children born infants - the house for the infants who have no guardian to be filed with the report of the

they are entitled to the 1/4 to which their  
mother dearian was entitled and  
the complainants charge that the same  
is worth much less than \$3000 or  
share and can't be divided better  
than in kind without great loss &  
they desire to sell the same but that  
can't be done unless ordered  
order of this Court - they pray  
that the said Patrick and John  
and Maatha Johnson infants  
be made defendants to this bill  
by some fit person to defend them  
in this suit - that no will, the pre-  
-is, conveyance, made or made  
to sell the said land and divide  
the proceeds accord' to the rights  
of the parties, and as in duty bound  
they will pray. Affirmed by

In the County Court of Isle of Wight, Va.  
Chj. sitting - The case of Patrick  
and Maatha Johnson infants by Nathl. Young  
Chj. vs. Patrick and Maatha Johnson  
to the bill of complaint in the  
said Court exhibited by Masion  
Dexter and others other  
against them &

The defendants say to be  
say that they are infants of tender  
years and are incapable of protecting  
their rights which they submit to the  
care of the Court &

Witness, Nathl. Young Chj.  
as witness

Masion Dexter & Polly his wife, Elizabeth Ford,  
Bancie Lane, Jonathan Lane, Nathan Lane  
and Elizabeth his wife are  
an infant say by James Carlin and the said  
as Patrick and Maatha Johnson  
infants - Or mat. of the court Nathl. Young  
Chj. of this Ct. is appointed to  
to defend the infants in this case with  
the consent of parties & the report of the court  
this cause came on this day to be heard  
on the bill, the answer of the infants  
with the exhibits filed in implication of the  
and was agreed by the court, &  
- after reading of the Court & the jury and  
and some of the said to be heard & heard  
of the court of the law and place  
said to be at least 30 days at the court

To the County Court of Deerp. Wright in  
Ch. sitting - hereby complaining, shew  
to the Court your complaint, shew  
that on the 21<sup>st</sup> day of June 1841, <sup>his wife</sup>  
Elizabeth Fowler who was Elizabeth Can when  
first single, David Can, Jonathan Can, Nathan  
Johnson and his wife and Elizabeth his wife  
~~that~~ spencer Can an infant son of  
Eben Can his next friends. That one  
John Can of the County of Deerp. Wright  
separates this life having made and pub-  
-lished his last will and testament which  
is recorded in the County Court of Deerp.  
Wright an office copy of which is hereto  
annexed marked A & that this Ben  
sheweth he ~~gave~~ <sup>gave</sup> to his wife Molly Can  
the house that came by her from Benjamin  
Barnes, death ~~down~~ <sup>down</sup> the residuary  
claim of the said will, the testator being  
the said house to be equally divided  
between his children their names to  
wit; Elizabeth Fowler, Amey Can, Maria  
Johnson, Polly Can ~~the wife of John Can~~  
~~the wife of John Can~~ that the house  
intended and alluded to in the will  
consists of 109 acs or black water &  
which fell to said Molly Can from her  
relation Barnes and which became  
afterwards the estate of the testator - That  
the said ~~the~~ Molly Can is dead. Amey  
Can is dead and he heir at law to the  
said house, are the said David Can,  
Jonathan Can, Elizabeth Johnson the wife  
of Nathan Johnson and one spencer Can  
a child of Mary Can & grand son  
of Amey Can aforesaid. their four are  
entitled to the share of Amey Can -  
Mariam Johnson is dead and her  
heir at law are Rebekah and Deantha  
Johnson both infants of ten or more &

Memorandum - a. alkis -

Recd. my fee in this suit  
of the Commissioners  
M. Young Co.

Lester v. C. C.  
vs. 3 spots  
Johnson & Co.

June 7<sup>th</sup> H. I. conf. &  
final dec.

In the County Court of Isle of Wight May 5<sup>th</sup> 1841.

Madison Sester & Polly his wife, Elizabeth Fowler, David Carr, Jonathan Carr, Nathan Johnson and Elizabeth his wife, and Spencer Carr an infant, being by Eyras Carr his next friend. Plaintiffs  
against

Richard and Martha Johnson infants - Defs.

On motion of the P'tp: N. Goring Clerk of this Court is appointed guardian to defend the infants in this cause; and by consent of parties & the assent of the Court this cause came on this day to be heard on the Bill, the answer of the infants Defs, the exhibits filed & the replication thereto, and was argued by Counsel; on consideration whereof the Court doth adjudge, order and decree that Jacob H. Duck and David Carr or either of them, after advertising the time and place of sale for at least <sup>20</sup> ~~10~~ days at the door of the Court house of this County & at some public place near the premises, sell to the highest bidder on a credit of 6 months, or until for as much as will pay the costs of this suit, and that money in cash, the land in the Bill mentioned, cont: 109 acres by estimation that was the property of John Carr, it was conveyed to him by David Carr & David Carr by John Carr

In obedience to the annexed decree of the county court of Isle of Wight bearing date May court 1841 and to the undersigners directed after having fixed the time & place of sale and sell at publick Auction at the fork of the Road at Barsheba Doughtstres after giving at least twenty days notice thereof the land named in said decree one hundred and nine acres more or less on a credit of six months except so much as to defray the expences which was cash, which Lemuel Robertson became the purchaser for the sum of two hundred dollars and after executing the commissions and costs of suit left a balance to be divided between the complainants and depts of one hundred and seventy five dollars for which your said commissioners took one bond payable to Elizabeth Fowler for forty three dollars and seventy five cents being one equal fourth part of the net proceeds of sale, one bond payable to Maccerson Lester in right of his wife Polly who was Polly Carr and <sup>one of the</sup> heir of John Carr and of forty three dollars seventy five cents and your commissioners took four bonds payable one to David Carr one to Jonathan Carr one to Nathen Johnson and one to Spencer Carr of ten dollars ninety three <sup>each</sup>  $\frac{3}{4}$  cents being one equal fourth part of the net proceeds and the other fourth part your commissioners took two bonds payable to the infant defendants one to Rebecca Johnson and one to Martha Johnson of twenty one dollars eighty seven  $\frac{1}{2}$  cents each being the other fourth part and the two infant depts have no guardian and your commissioners have returned the two bonds with this report and the receipt of all the complainants for their bonds also which is submitted to the court given under our hands this 5<sup>th</sup> day of June 1841.

Jacob M. Duck

David Carr

June 3<sup>rd</sup> 1841 Recd. of Jacob M. Duck Commissioner appointed by the court of Isle of Wight bearing date May court 1841 in the annexed decree to sell the land of John Carr sent. dec. (No wd) Elizabeth Fowler and of forty three dollars and seventy five cents being here equal proportion of of the net proceeds of sale, Maccerson Lester in right of his wife Polly Lester another bond of the same amount and to David Carr, Jonathan Carr, Nathen Johnson and ~~Spencer Carr~~ <sup>William M. Webb</sup> ~~Spencer Carr~~ who is the guard. of Spencer Carr a bond each of the amount of ten dollars ninety three  $\frac{3}{4}$  cents which the last four named are in bills to one equal fourth part of the net proceeds of sale witness our hands this 3<sup>rd</sup> day of June 1841

Witness  
Jacob M. Duck

Elizabeth <sup>larger</sup> Fowler  
mark

Martha M. Duck as to Emma Carr.

Madison Lester  
Nathen <sup>his</sup> Johnson  
mark  
David Carr

dean for Jonathan Carr

W. M. Webb J. Carr  
Eum x Carr guard.  
of Spencer Carr

It was at one time the <sup>maiden</sup> property of Molly Can who was Garder  
the said land lie near Black water river and adjoins Hollands  
lottery; that the Court make a deed to the purchaser without  
warranty of title, that he pay the expenses of this deed &  
of the sale out of the Cork, part and for the balance take bond  
with good security in such way as to enable the Court to divide  
& follow, that is to say, one fourth to Elizabeth Fowler,  $\frac{1}{4}$  to  
Madison Lester his wife in her right,  $\frac{1}{4}$  to be equally divided  
between David Can, Jonathan Can, Nathan Johnson &  
Elizabeth his wife in her right & Spencer Can & the other  $\frac{1}{4}$  to  
be equally divided between the infants heirs: Rebecca Johnson  
and Martha Johnson. the bond for the infants who have  
no guardians to be filed with the report & duty is assigned to  
the infants heirs: to stand cause if any thing come against this order  
in a year after they shall become 21 years of age & the Court is to  
make report in order to a final decree.

Lester Val.

in 3d Dec

John W. D.

For sale of land



to their care and I must care all  
the lands that ever left me by my  
father who care —

can't

can't

send from ~~John~~ John Can to Molly  
Can to David Can - and from  
David Can to John Can -  
Medd Wright offic -

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Elizabeth Foster a widow;

Amy Can ~~and~~ ~~from~~ her will  
about 1838 - she has David Can (age  
Jonathan Can<sup>74</sup>) Elizabeth wife of  
Nathan Johnson, and Spencer Can  
an infant ~~and~~ ~~can~~ ~~is~~ ~~the~~  
child of Mary who was  
wife of Peter Can - 4 whole shares.

Marianne Johnson is dead & her  
children are Rebecca and Martha when  
infants -  
(is Nathan entitled to life, etc?)

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~~Polly Can is now Polly Lester~~

see how much land in the deed

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as to what is the land that  
John Can and wife got in a  
division of Boyja Bardsley's  
land -

division of Bardsley, land  
about 1830 to 1834 -

We certify that we wish the Court  
of Probate to decree a sale of  
the land devised in the residuary  
clause of the will of John Carr  
senior, and to direct the money  
to be divided between Elizabeth  
Fowler one share, Madison Johnson  
children one share, Madison Lester  
and wife Polly one share and  
the other share to Amey Carr  
heir — Given under our  
hands and seals this day of  
April 1841 —

Jests

Uriah <sup>his</sup> Gardner  
mark

Nathan <sup>his</sup> Johnson  
mark  
Elizabeth <sup>her</sup> Johnson  
mark  
Jonathan <sup>his</sup> Carr  
mark  
David Carr  
Elizabeth <sup>her</sup> Fowler  
mark  
Madison Lester  
Mary Lester

Dr. Sit.

April the 18<sup>th</sup> 1841 This will certify that I am  
willing that the court of Isle of Wight may grant  
evidence for the sale of a tract of Land belonging  
to the heirs of John Carr Deceased,

Nathaniel Johnson  
<sup>his</sup>  
mark

Elizabeth <sup>her</sup> Fowler  
mark

Rebecca Johnson  
owner

February 5<sup>th</sup> 1842

M<sup>r</sup> Nathaniel P. Gosnell

Dear Sir you will deliver the  
bond filed in your office N. Lemuel Robertson filed there  
by commissioners of the amount of ~~being~~ by one dollar & 4<sup>th</sup>  
cents to Lucob B. Dush and this order shall be a receipt for  
the same &c.

Witness

Alfred R. Butler

Rebecca <sup>Kier</sup> Johnson  
March

Rebecca Johnson  
To N. P. Young  
Dist. for Vote

Apr 21. 87





Mr C. P. Young Sir you will please send me  
that bond that is due Martha Johnson  
and this shall be good against me for the  
same June 2<sup>th</sup> 1851

M. Johnson

Recd. of R. P. Young Clerk of this Court  
the bond of Samuel Robertson due to Matthew  
Johnson filed in the <sup>case of</sup> suit of Johnson vs.  
Pr. order made at June term 1857

Archd. Fowler