

1933-088 Chancery Causes: A. S. Johnson, Comt of Zenas Jones VS Zenas Jones' heirs

426

Isle of Wight County

other surnames: Davis, White, West,
Ballard, Watkins, Thomas, Williams,
Goodrich, Ross, Jones, Bailey, Wise,
Day, Epps, Grandison, Webb,
Cornick

VIRGINIA *clerk's office of the*

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT. *3/21/24*

A. S. Johnson, Committee and Administrator
of Zenas James, deceased.-----Complainant)

vs.

The heirs of Zenas James, deceased, who are
unknown and

Henry Davis, Amanda White, John D. Ballard,

George Ballard, Andrew Ballard, Neal Ballard,

Lucy B. Watkins, Nicholas Ballard, Mary

Thomas, Mrs. Henry Ballard, Fenton Thomas,

Frances-Joyner Williams, Georgia T. White,

Nannie T. Goodrich, Lucy T. Ross, James West,

Borland West, Nannie W. Jones, Mary W. Wil-

liams, Lou. Davis, Sarah W. Bailey, Julia W.

Jones, Elias Wise, Octavia J. Day, Theodore

Epps, Bert Lee Wise. The last two named par-

ties being infants under the age of fourteen

years, all of the heirs of said Zenas James,

deceased. -----Respondents)

An Order:

It appearing to the Court that Theodore Epps and Bert

Lee Wise, two of the respondents herein named are infants un-

der the age of fourteen years, on motion of W. W. Foreman,

~~the Court doth appoint~~ V. C. Hodges, a discreet and competent

is assigned

attorney at law, as Guardian ad litem to the said infants.

Wm. H. A. Edwards.
clerk

4
A. S. Johnson, Adm'ts
et

vs. E-

Heirs of Zenas Jones

dec.

Assignment of Guardian
ad litem.

3/21/24.

AN ORDER

A. S. Johnson, Committee
and Administrator of Zenas
James, deceased.
vs.
Henry Davis, Amanda White,
John D. Ballard et als.
(Respondents)

W. W. Foreman, D. Q.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.
APRIL 26TH 1933.

Johnson Administrative

vs: # 426

James Heirs

It appearing, pursuant to a decree entered herein on the 6th day of March, 1933, that the parties, or their Counsel, have been notified by the Clerk of this Court of the terms of said decree, and no good cause having been shown, it is ordered that this cause be removed from the docket, with leave to restate the same as provided in Section 6172 of the Code as Amended.

Johnson, Adm.

vs } 426

James Heir

March TERM 1933 Filed

CLK

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Johnson adm'r

vs: # 426

James' heirs

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Johnson admin

vs # 426

James Heirs

C.O. 13 #9

Page 82.

Population of Smithfield, 1,300

Population of County, 18,900

PUBLISHED EVERY FRIDAY

THE SMITHFIELD TIMES,

Only Paper Published in Isle of Wight County

W. F. BENNETT, Editor and Publisher

Smithfield, Virginia, Feb. 18, 1924

I, W. F. Bennett, editor of the Smithfield Times, do hereby certify that the order of which the attached is a copy, was published in The Smithfield Times four times, beginning Jan. 4, 1924, and ending Jan. 25, 1924.

W. F. Bennett
Editor Smithfield Times

Virginia: In The Clerk's Office
Of The Circuit Court Of The
County Of Isle Of Wight:
Dec. 29, 1923.

A. S. Johnson, Committee
of Zenas James, and A. S.
Johnson, Administrator of
Zenas James, deceased,
v) Chancery. No.....
The heirs of Zenas James,
deceased, who are un-
known.

The object of this suit is to
have proper distribution of the
estate of Zenas James, deces-
ed. And an affidavit having
been made and filed, which as-
serts that the heirs of Zenas
James, deceased, are unknown
to the complainant, it is ordered
that the heirs of the said Zenas
James, deceased, do appear here
within ten days from the due
publication hereof, and do what
may be necessary to defend
their interests in this suit.

A copy,

Teste R. A. EDWARDS, Clerk.

AS. Johnson - Admstr
James Jones Est -

N. G. No. 426

James Jones, Lewis.

Prunus arbutifolia sp.
Filiol.

7 sp. 4th 1423.

R. A. Edwards.

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT. Dec. 29-1923.

A. S. Johnson, Committee of
Zenas James, and A. S. John-
son, Administrator of Zenas
James, deceased,

v) Chancery. No. _____

The heirs of Zenas James,
deceased, who are unknown.

The object of this suit is to have proper distribu-
tion of the estate of Zenas James, deceased. And an affidavit
in viti been made and filed, which asserts that the heirs of
Zenas James, deceased, are unknown to the complainant, it is
ordered that the heirs of the said Zenas James, deceased, do
appear here within ten days from the due publication hereof,
and do what may be necessary to defend their interests in
this suit.

A copy.

Teste, R. A. Edmunds Clerk.

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT. December 29th, 1923.

A. S. Johnson, Committee of
Zenas James, and A. S. Johnson,
Administrator of Zenas
James, deceased,

v) Chancery. No. 426

The heirs of Zenas James,
deceased, who are unknown.

The object of this suit is to have proper distribution of the estate of Zenas James, deceased. And an affidavit having been made and filed, which asserts that the heirs of Zenas James, deceased, are unknown to the complainant, it is ordered that the heirs of the said Zenas James, deceased, do appear here within ten days from the due publication hereof, and do what may be necessary to defend their interests in this suit.

A copy,

Teste, R. A. Edwards Clerk.

Clerks Office of the Circuit Court of the County of Isle Of Wight
December 29th, 1923.

The foregoing order was this day entered in this office, a copy of same posted at the Court House door of said County, and a copy of same mailed to the Smithfield Times, a newspaper having general circulation in said County, for publication as required by law.

Given under my hand this the 29th day of December
1923.

R. A. Edwards Clerk.

VIRGINIA: CIRCUIT COURT OF
ISLE OF WIGHT COUNTY, VA.

A. S. Johnson, Adr. Zenas
James, deceased, etc.

v) Chancery. 426

Zenas James' heirs.

Copy Order Publication.

Filed Dec. 29th, 1923.

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT, C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Dec. 29-1923.

A. S. Johnson, Committee of
Zenas James, and A. S. Johnson,
administraror of Zenas James,
deceased,

v) Chancery. No. 426

The heirs of Zenas James,
deceased, who are unknown.

This day personally appeared before me, R. A. Edwards, a Commissioner in Chancery of the Circuit Court for the County of Isle of Wight, State of Virginia, A. S. Johnson, complainant in this suit, and made oath that the heirs of Zenas James, deceased, are unknown.

Given under my hand this 28th. day of December,
1923.

R. A. Edwards
Commissioner in Chancery.

VIRGINIA: CIRCUIT COURT
OF ISLE OF WIGHT COUNTY.

A. S. Johnson, Adr. of
Zenas James, decd, etc.

v) Chancery. No. 426

Zenas James' heirs.

Affidavit for Order Pub'n.

Filed Dec. 29 - 26, 1923.

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT, C. H., VA.

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

A. S. Johnson, Committee and
Administrator of Zenas James,
deceased. -----Complainant

Vs.

The Heirs of Zenas James, deceased,
who are unknown, and
William James, Louise Grandison,
Benjamin James, Quinton James,
Alberta Webb, Christina Cornick,
Robert James, Lottie James,

-----Defendants

ANSWER

To the Honorable Judge of said Court:

The joint and several answer of William James, Louise Grandison, Benjamin James, Quinton James, Alberta Webb, Christina Cornick, Robert James, Lottie James, all of the heirs of Zenas James, deceased, to a bill of complaint filed against them in the Circuit Court of the County of Isle of Wight by A. S. Johnson, Committee and Administrator of Zenas James, deceased, Complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complainant, for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say:

(1) That the allegations contained in the said bill, with respect to the residence, insanity and death of the said Zenas James, and the qualification of the said Complainant as Committee and Administrator, respectively, of the person and estate of said decedent are substantially true. It is also true that said Complainant, (as Committee of said decedent) held certain bonds belonging to said Zenas James, Deceased, and that eventually said Complainant collected \$1562.40 as the amount due on said bonds, and that this amount, plus \$90.00 collected on the 28th day of May as alleged in Complainants bill, constitutes, so far as your respondents know, all of the estate of the said Zenas James, deceased.

(2) Respondents further answering, say that it is not true that the said Zenas James died possessed of no personal estate as alleged in the bill, but that he died possessed of certain bonds as above stated, and a certain chose in action against one Anslem Hall, arising out of the sale of a certain automobile, which, when reduced to possession, as it subsequently was, mounted to Ninety (\$90.00) Dollars.

And having fully answered, respondents pray to be hence dismissed with their reasonable costs in this behalf expended.

Wm James et al
Respondents, by Counsel

Wm J. Hosier
Attorney for Respondents

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

A.S. Johnson, Committee and
Administrator of Zenas James,
deceased.-----Complainant.

Vs.

The Heirs of Zenas James, de-
ceased, who are unknown, and
William James, Louise Grandi-
son, Benjamin James, Quinton
James, Alberta Webb, Christina
Cornick, Robert James, Lottie
James, -----Defendants.

ANSWER

May 8-1924.

Filed:

R. A. Edwards, Jr.

Clerk

WILLIAM J. HOSIER
COUNSELLOR AT LAW
431 WILLIAMS STREET
NORFOLK, VIRGINIA

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

A. S. Johnson, Committee and Administrator of (
Zenas James, deceased.-----Complainant))
(
vs.)
(
The heirs of Zenas James, deceased, who are)
unknown, and)
Henry Davis, Amanda White, John D. Ballard,)
George Ballard, Andrew Ballard, Neal. Ballard, (
Lucy B. Watkins, Nicholas Ballard, Mary)
Thomas, Mrs. Henry Ballard, Fenton Thomas, (
Frances Joyner-Williams, Georgia T. White,)
Nannie T. Goodrich, Lucy T. Ross, James West, (
Borland West, Nannie W. Jones, Mary W. Wil-)
liams, Lou. Davis, Sarah W. Bailey, Julia W. (
Jones, Elias Wise, Octavia J. Day, Theodore)
Epps, Bert Lee Wise, The last two named part- (
ies being infants under the age of fourteen)
years, all of the heirs of said Zenas James, (
deceased,-----Respondents))

ANSWER

TO THE HONORABLE B..D. WHITE, JUDGE.

The joint and separate answer of Theodore Epps and Bert Lee Wise, infants under the age of fourteen years, by V. C. Hodges, a discreet and competent Attorney at Law, their Guardian ad litem, assigned to defend them in this suit, exhibited against them in the Circuit Court of the County of Isle of Wight, by A. S. Johnson, Committee and Administrator of the estate of Zenas James, deceased, Complainant.

For answer to the said bill of complaint, the said infant respondents by their Guardian ad litem answer and say; that being of tender years they do not know what their interest is in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interest therein to the care of the Court. And the said Guardian ad litem of the said infants for answer to the said bill answers and says; that he knows nothing as to the truth or falsity of the statements contained in the said bill of complaint, and therefore prays full protection for the said infant defendants.

And now, having fully answered the complainants bill of complaint, these defendants pray to be hence dismissed with

their reasonable cost by them in this behalf expended.

Theodore Epps,

Bert Lee Wise

Infants under the age of fourteen years.

By; V. C. Hodges.

Guardian ad litem for said infants.

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

 A. S. JOHNSON, COMMITTEE AND ADMINISTRATOR (
 OF ZENAS JAMES, DECEASED. -----COMPLAINANT)
 vs. (
 THE HEIRS OF ZENAS JAMES, DECEASED, WHO ARE)
 UNKNOWN, AND (
 HENRY DAVIS, AMANDA WHITE, JOHN D. BALLARD,)
 GEORGE BALLARD, ANDREW BALLARD, NEAL. BALLARD, (
 LUCY B. WATKINS, NICHOLAS BALLARD, MARY)
 THOMAS, MRS. HENRY BALLARD, FENTON THOMAS, (
 FRANCES JOYNER-WILLIAMS, GEORGIA T. WHITE,) ANSWER
 NANNIE T. GOODRICH, LUCY T. ROSS, JAMES WEST, (
 BORLAND WEST, NANNIE W. JONES, MARY W. WIL-)
 LIAMS, LOU. DAVIS, SARAH W. BAILEY, JULIA W. (
 JONES, ELIAS WISE, OCTAVIA J. DAY, THEODORE)
 EPPS, BERT LEE WISE. The last two named par- (
 ties being infants under the age of fourteen)
 years, all of the heirs of said ZENAS JAMES, (
 DECEASED.-----DEFENDANTS)
 ***** (

TO THE HONORABLE B. D. WHITE, JUDGE.

The joint and separate answer of Henry Davis, Amanda White, John D. Ballard, George Ballard, Andrew Ballard, Neal. Ballard, Lucy B. Watkins, Nicholas Ballard, Mary Thomas, Mrs. Henry Ballard, (widow of Henry Ballard, deceased), Fenton Thomas, Frances Joyner-Williams, Georgia T. White, Nannie T. Goodrich Lucy T. Ross, James West, Borland West, Nannie W. Jones, Mary W. Williams, Lou. Davis, Sarah W. Bailey, Julia W. Jones, Elias Wise, Octavia J. Day, Theodore Epps, and Bert Lee Wise, all of the heirs of Zenas James, deceased, to a bill of complaint filed against them in the Circuit Court of the County of Isle of Wight by A. S. Johnson, Committee and Administrator of Zenas James, deceased, Complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say:

(1) That the allegations contained in the said bill, with respect to the residence, insanity and death of the said Zenas James, and the qualification of the said Complainant as Committee and Administrator, respectively, of the person and estate of said decedent, are substantially true. It is also true that said Complainant, (as Committee of said decedent) held certain bonds be-

longing to said Zenas James, Deceased, and that eventually said Complainant collected \$1562.40 as the amount due on said bonds, and that this amount, plus the \$90.00 collected on the 28th day of May as alleged in Complainants bill, constitutes, so far as your respondents know, all of the estate of the said Zenas James, deceased.

(2) Respondents further answering, say, that they are not informed as to whether said Complainant has endeavored from time to time to ascertain to whom said funds belong, as he hath in his bill alleged, but that they, your respondents, each and all of them, relying upon the integrity, training and skill of said Complainant as an discreet attorney at law, accepted without question his suggestion that he be permitted to qualify as Administrator of said estate, beleiving that he would honestly and truly administer same and that he would promptly appraise and inventory said estate and that he would file said inventory and appraisement and that he would exhibit before the Commissioner of Accounts of the Court that conferred his authority upon him a statement of all receipts and disbursements at the proper time as is required by statute for such case made and provided. That said Complainant has not filed such inventory and appraisement nor exhibited such statement of receipts and disbursements before said Commissioner of Accounts, and that such failure to so do is gross negligence, on the part of said Complainant, of such magnitude as to disentitle him of any and all commissions or fees that he might otherwise receive had he performed his duties as Committee and Administrator of the said Zenas James, deceased, in accordance with the requirements aforesaid.

(3) Respondents further answering, say that it is not true that the said Zenas James died possessed of no personal estate as alleged in the bill, but that he died possessed of certain bonds as above stated, and a certain chose in action against one Anslem Hall, arising out of the sale of a certain automobile, which, when reduced to possession, as it subsequently was, amounted to

Ninety (\$90.00) Dollars.

And having fully answered, respondents pray to be hence
dismissed with their reasonable costs in this behalf expended.

Kensy Davis, Amanda White et als.
RESPONDENTS, By Counsel.

L. W. Foreman,
Attorney for Respondents.

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

A. S. Johnson, Committee and
Administrator of Zenas James,
deceased.-----Complainant.

vs ; In Chancery. 420

Henry Davis, Amanda White,
John D. Ballard, et als and
Theodore Epps and Bert Lee
Wise, The last two named par-
ties being infants under the

age of fourteen years, all of
the heirs of said Zenas James
deceased.-----Respondents.

ANSWER

HODGES AND FOREMAN,

ATTORNEYS AT LAW,

ATTUCKS BUILDING,

NORFOLK, VIRGINIA.

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

3/31 1924
Filed
Teste, R. H. Edwards Clerk

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

A. S. Johnson, Committee and administrator
of Zenas James, deceased.

v) Chancery.

The heirs of Zenas James, deceased, who are
unknown.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT.

Your complainant respectfully represents:

That on the 3rd. day of April, 1918, he qualified as
committee of Zenas James, deceased, who had been adjudged an in-
sane person by a Commission of Lunacy, in the County of Isle of
Wight, Virginia, the said Zenas James being then a resident of
the said county. That he received nothing as such committee.
That the said Zenas James, while and inmate of the Eastern State
Hospital, at Petersburg, died sometime about the first of the
year 1919, and that your complainant qualified as administrator
of his estate on the 3rd. of February, 1919.

That the said Zenas James died siezed of no personal
estate, but that your complainant, before his qualification as
committee, held some bonds belonging to said Zenas James, as
his agent or attorney, and that on the 19th. day of May, 1919,
he collected the amount due on said bonds, it being the sum of
\$1562.40. That on the 28th. day of May, 1919, he collected the
sum of \$90.00, due the said estate. That these two amounts con-
stitute all of the estate of the said Zenas James, deceased, so
far as your complainant has any knowledge.

That your complainant has endeavored, from time to time,
to ascertain to whom the said funds belong, and has finally learned

of parties who claim to be heirs of the said Zenas James, but who have not presented sufficient proof to your complainant to enable him to disburse the funds in his hands without taking undue risk.

Inasmuch as your complainant is without remedy in the premises, save by the aid of a court of equity, where matters of this kind are along and properly cognizable, he prays that an order of publication may be issued, directed against the heirs of the said Zenas James, deceased, who are unknown to your complainant, who, if any be found, shall answer this bill, though not under oath, answer under oath being hereby waived. That it be ascertained what estate the said Zenas James died seized and possessed of, whether in the hands of your complainant or elsewhere. that all proper accounts may be directed to be taken, stated, and reported to the court, together with all proper inquiries; that all proper orders and decrees may be made and entered; and that your complainant may have all such further, other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

And your complainant will ever pray, etc.

Complainant.

Johnson & Stephens, p.q.

Virginia: In the Circuit Court
of the County of Isle of Wight.

A. S. Johnson, adm'r.,

V). Chancery No. 426

Heirs at law of Zenas James,
dec'd., who are unknown.

Bill of Complaint.

3/3/24.

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT, C. H., VA.