

1871-1876 SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOHNSON VS. COUNCIL'S ADMR

3/1871

other SURNAMES : Owen, Brantley

589

Johnson

Bill Johnson
is dead

Pick adm. Council

1868 Dec. Dec. as filed
H

To the worshipful County Court of Southampton
in Chancery sitting

Humly complaining your orator
Elizabeth M. Johnson states unto your
honors that in the year 1861 Wm. E. Cornice
of Southampton departed this life leaving
considerable estate real and personal and
having first duly made his last will and
testament which was duly admitted to probate
in the county court of Southampton a copy
of which is herewith filed marked A and
prayed to be taken as a part of this bill
That B. F. Story the executor therein
named qualified as such and in the
year 1862 he divided the estate was
committed to the hands of George W. Vick
sheriff of Southampton as administrator
de bonis non with the will annexed, that
in the year 1863 the said G. W. Vick settled
his account showing a balance due the
estate 30th of March 1863 of \$268.83 cts
That Wm. E. Cornice by his said will directed
his executor to apply the whole profits of
his estate to the support of his mother
who is now an invalid and if the income
should prove to be insufficient, then to
appropriate as much out of the principal
of the said estate as shall be necessary
for that purpose, your orator states
that further that education might be left
of the estate was given to his two half
sisters Mary and Catherine Owen
Your orator further shunts that Wm. E.

Council's estate was very small consisting of the small balance in the hands of J. W. Vick and $2\frac{1}{2}$ acres of land and that the whole of the money has been long since expended for her support that she is now very destitute and that a sale of this small piece of land is necessary for her support but J. W. Vick entertaining some doubts of his authority to sell under the will she asks a decree of the court directing him so to do and apply the proceeds to her support.

On such consideration whereof and inasmuch as your orator is without objection in a court of equity where such matters are judiciously cognizable she therefore prays that J. W. Vick may be made a party defendant to this bill and compel him as full and perfect answer make to the obligations therein contained as if he had been thereunto more fully and specially interrogated that the court would direct the sale of the said $2\frac{1}{2}$ acres of land and apply the money to the support of your orator and grant such other and good relief that the premises considered equity may dictate and the nature of the case may require and as in duty bound your orator will ever pray be
Chancas

The answer of J. W. Vick to a bill in the county court of Southampton in chancery by Elizabeth M. Lincoln vs him.

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says that the facts set forth by the plaintiffs bill are true, that he has expended all the personal estate of J. W. Council for her support and thinks a sale of the small piece of land remaining necessary for that purpose as she is very destitute and asks the decree of the court for that purpose and having fully answered prays there to be dismissed with his costs etc.

Chancas for
Vick

Johnson
to 3 Dec
Rich

1868 Dec

Johnson

vs J. Deem
Vick

By consent of parties this day
this cause came on to be heard on the
bill answer and general replication exhibit
~~filed and was argued by counsel on the~~
consideration whereof the court doth adjudge
order and decree that J. W. Vick after
having given reasonable notice of the time
and place of sale proceed to sell the
piece of land whereof Wm E. Conneris did
sign and purposed containing 21 1/2 acres
at public auction to the highest bidder
either for cash or on such reasonable
credit as to him shall seem best and
after paying the costs of this suit and
expenses of sale apply the residue of
the purchase money to the support of
Elizabeth W. Johnson and report to this
court in order to a further decree

Johnson

vs 3 Decm

Council ex

To be entered

J. W. Myerhart Judge

March Term 1871

Johnson
vs By Deem
Council in

This day this cause came on again to be heard on the papers formerly read and the report of the commissioners J. W. Vick to which no exceptions have been filed and was argued by counsel on consideration whereof the court doth assigne order and decree that the said report be confirmed and it appearing to the court that there is nothing further to be done in this cause the court doth further order that this cause be removed from the docket

Johnson

to } Rep.

Councils Ex

1871 Mar 14

In Obedience to a Decree of the
County Court of Southampton County
in the Suit of Johnson against
Council, I sold the Land in the
proceedings mentioned and Jordan
D. Preston was the Purchaser who
has paid all the Purchase Money,
and I have executed to him a
Deed with Special Warranty.

Geo W Vick Comy

Nov 14th 1871

Memorandum

for

E. Johnson

Mr E Council died leaving a tract of
land containing $2\frac{1}{2}$ acres he left it
by will to Elizabeth M Johnson for life
and at her death to his two half sisters
Mary & Brown Mannin to Willis Hollam
(Isle of Wight) Catherine & Brown Mannin
to Coris Brantley (Southampton)

Memorandum

for

E. M. Johnson

I appoint B. F. Story ^{the} director, the whole
profits of his estate to be applied to the
support of his mother and if the income
be insufficient then to apportion as
much as he shall deem necessary for
that purpose at his death what
survives to be divided between the two
half sisters Mary & Catherine some will
found in 1861. Story dead

G. W. Vick Shopp settles estate and \$268.83
on Dec. 30th 1863

Memorandum
for
C. Johnson

He directs all the income and profits from the
estate to be paid semi-annually to W. Johnson
for his support during his life.

Should that be insufficient then directs his
executor to appropriate out of the principal as
much of the said estate as he shall deem
necessary for that purpose also directs him
to be allowed