1874 - 29 Southampton County Chancery Johnson, William (infant) vs Bowden, James T.

Estate settlement

Gay, Josiah (Guardian)

Kello, Samuel (admin)

Bowden, Mary

Johnson
v
Borden

Papers

1874 Febry Removed from
Docket.

Johnson

v

Bill

Bowden

1690 words.

To the Honorable Richard A Baker Judge of the Circuit Court of Law & Chancery for the County of Southampton in chancery sitting, humbly complaining sheweth to the court your complainant William Johnson infant orphan of Jesse A Johnson dec'd, who sues by Josiah P Gay his present guardian as next friend, that on the 15th day of July 1860 Mary C Johnson widow of the said Jesse A Johnson & mother of your complainant qualified in the County court of the county aforesaid as guardian of your complainant as will appear from a certified copy of said qualification marked Exhibit A, herewith filed & prayed to be taken as a part of this bill - that on the 25th day of Oct 1860 the said Mary C Johnson guardian as aforesaid intermarried with one James T Bowden as will appear from the certificate of said marriage marked Exhibit B, herewith filed & prayed to be taken as a part of this bill - that by virtue of said marriage the said James T Bowden became guardian of your complainant & acted as such receiving as such guardian the property of your complainant - that the said Mary C Johnson returned her acts of her guardianship transactions shewing a balance of $878.44 due your complainant on Dec 31, 1862 which balance is the accumulation of interest on the balance of $825.80

Exhibit C

due your complainant from said guardian on dec 31, 1861, copies of which guardian a/cs. Marked C are herewith filed & prayed to be taken as a part of this bill. That the property of your complainant consisted as part of said estate no rents for which are credited in the foregoing a/cs for the years 1861, 1862, & 1863, for which years the said real estate was occupied by this said guardian James T Bowden & credit for the same should be made in said a/cs. That on the day of May 1863, the said Mary C Bowden late Johnson departed this life, & at the Nov. term 1864 of the county court of the county aforesaid her estate was committed for administration to Saml. Kello the Sheriff of said county. That your complainant is informed & charges that said James T Bowden guardian as aforesaid is liable to your complainant for the balance shewn to be due him by said a/c & for the rents for the years aforesaid. That your complainant is without remedy at law & can only be relieved by the aid of this Honorable court of Chancery where matters of this sort are cognizable, to this end your complainant prays that the said James T Bowden & the said Samuel Kello administrator of the

said Mary C Bowden may be made
parties defendant to this bill & be required
to answer the same, that the said ags
may be corrected in the foregoing omissions
of rents & that the said James T Bowden
may be required to disclose such further
receipts as may have come to his hands on
behalf of your complainant subsequent
to the termination of said ag - that the
amount due your complainant may be
ascertained & payment of the same de-
creed against the said James T Bowden
& that such other & further relief may be
granted your complainant as to the
court may seem meet & as may suit
the equity of the case & your complain-
ant will ever pray -

Hayden Js

Johnson

v } Ex.s with bill.

Bowden

13

This certifies I celebrated the rites of matrimony between James T. Borden and Mary C Johnson of Southampton Co. Va. on Thursday Evening, October the 25th 1860.

Sam'l H Holmes Minister of the Baptist Church

Southampton County Clk's Office.
April 1867.

A Copy
Teste L.R. Edwards Clk

Southampton County Court November 19 1866
Ordered that Samuel Hall Sheriff of this County take into his hands the estate of Mary C. Borden dec'd to be administered according to law.

A Copy
Teste L.R. Edwards Clk.

Johnson &c

vs

Bowden.

Answer of I. T. Bowden

1847. May Term

The answer of James T. Bowden to a Bill of Complaint exhibited against him in the Circuit Court of Southampton County by William Johnson infant orphan of Jesse H Johnson decd who sues by Josiah P Gay his Guardian and next friend.

And the said Respondent saving and reserving to himself the benefit and advantage of all proper exception to the said Bill of Complaint for answer thereto or unto such parts thereof as he is advised it is material for him to answer answers and says. It is true that on the 16th day of July 1860 the said Mary C Johnson widow of the said Jesse H. Johnson and mother of the Complainant qualified in the County Court of Southampton as Guardian of the Complainant. It is true that on the 25th day of October 1860 the said Mary C Johnson Guardian as aforesaid intermarried with this Respondent. But he denies that by virtue of the said marriage he became the Guardian of the Complainant. That he ever acted as his Guardian or received as such Guardian or in any other capacity the property of the Complainant. On the contrary the Guardianship accounts filed by the Complainant himself and relied upon as exhibits show conclusively that this Respondent did not act as Complainants Guardian but that the said Mary C Johnson continued to act as such after her marriage with this Respondent and

That the Guardianship accounts were regularly
Settled by her in her own name up to the end of
the year in which she died to wit the year 1863
This Respondents insists that upon no principle
of equity or justice can he be held responsible
for the said Guardianship transactions that
he had nothing whatever to do with them
and did not receive or control in any way
the property of the Complainant. He insists
that he cannot be held responsible for any
debt due from the said Mary E Johnson at
the time of her intermarriage with him unless
it was recovered during the coverture or
property belonging to her came into his hands to be ad-
ministered after the termination of the cov
" That no such property has come into his hands neither at the
entire. This Respondent admits that during the
years 1861. 1862 and 1863 he occupied real estate
owned in part by the Complainant and [redacted]ing
willing to pay reasonable and proper rent
~~for the same~~. but in entering into a settlement
for the same he will claim to be allowed
board for the said Complainant during the
time specified. This Respondent had made no
charge against the Complainant for boar
ding him during those years but thinks
it would be fair and just to be allowed
board if he is to be charged with rent. This Re
spondent further answering says that no money
belonging to the said Complainant has come into
his hands either before or since the termination
of the said Guardianship accounts. And now having
fully answered the said Bill he prays to be hence
dismissed with his costs in this behalf expended.

State of Virginia Southampton County to wit:

This day
James T. Bowden whose name is signed to the foregoing
answer personally appeared before me a Justice of
the Peace in and for the County aforesaid and made
oath that the statements contained therein are true
Given under my hand this 3rd day of May 1867
W. C. Griffin J.P.

Johnson by
H
Bowden

Dec'd.
Feb. Term 1844

To be entered

Geo. W. Brown

Johnson by &c

vs

Bowden

In Chy.

This day this cause came on to be again heard upon the papers formerly read and upon the report of John Goode & Record showing the payment of one hundred and eight dollars and sixty two cents as heretofore directed to which report two exceptions have been filed and not argued by Counsel. Upon Consideration whereof the Court doth adjudge order and decree that said report be confirmed. And it appearing that nothing further remains to be done in this cause, it is ordered to be removed from the docket.

Johnson Co. A

vs

Boardman.

Report of Clerk
touching Receivers

1870 Nov 9th

To the Circuit Court of Southampton County

The undersigned Receiver appointed under the decree of May term 1868 in the suit of William Johnson by &c vs James T Bowden begs leave to report that in obedience to said decree he has proceeded to collect the bonds which came into his hands as rapidly as possible. That he collected the bond of Lewis W Dale amounting to $30.97 without suit and instituted suit and obtained judgment upon all the other bonds, to wit the bond of Jesse Hodges and S. James Wilson, the bond of William A. Stephenson and James W Beale, the bond of James Johnson and Lewis Johnson and the bond of Levi W Stephenson and John P. Boykin. That having obtained the said judgments he sued out executions upon the same as soon as he was allowed to do so under the "Stay Law" and has made the following collections to wit: the bond of Levi W. Stephenson and John P Boykin amounting principal interest and costs to $71.84. the bond of Lewis Johnson and James Johnson amounting principal interest and costs to $101.72 and a portion of the bond of W. A Stephenson & J. W Beal amounting to $60. He has been unable to collect any portion of the debt due from Jesse Hodges and S. James Wilson but it has been bound

in a Creditors suit now pending in the Circuit Court of [illegible] against S. Lewis Wilson and a pro rata share will probably be paid hereafter. Your Receiver has paid to William Johnson the sum of $71.25 the receipt for which is herewith filed and after paying the costs of the said suits amounting to $29.10 and deducting a commission of 5 per cent and $20 attorneys fees in said four suits there remains in his hands the sum of $130.96 subject to the order of the Court in said suit.

Recapitulation

Amount collected from	J. W. Duke			$30.97
do	do	do	Levi W. Stephenson	71.84
do	do	do	W. H. Stephenson	60.00
do	do	do	Lewis Johnson	101.72
				$264.53

Amt paid to William Johnson	$71.25	
Commissions on $264.53	13.22	
Attorneys fees in four suits	20.00	
Costs of suits	29.10	
	133.57	133 57
Balance on hand		$130.96

Nov 7th 1870

Respectfully submitted

John Goode Jr

Receiver

Executed by delivering a true copy of the within to Thos J Blackmore who is fifteen years of age and a member of Jas A Gay family on this 5th March 1868

Ed Eley Shff

Johnson by &c

vs

Comes ret'd

Borden &c

COMMISSIONER'S OFFICE.

Jerusalem, Feby 10 1868

To William Johnson infant Orphan of Jesse H Johnson dec'd

Who sues by Josiah Gay his present Guardian as next friend

Pltff

Against

James T Borden and Samuel Kello administrator of Mary C. Borden

Deft

You are hereby notified that I have fixed upon the 18 day of March next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit: That a Commissioner of this Court take the following accounts 1st An account of the transactions of Mary C Borden as Guardian of the plaintiff. taking the account returned by her to Southampton County Court as correct. subject to be surcharged & falsified. 2nd An account of the transactions of said Mary C. Borden & James T Borden whilst acting as guardian of the plaintiff & make report of any matter deemed pertinent by himself or that may be required by any party to be so stated

required to be taken by a decree of Southampton Circuit Court, rendered on the day of November Term 1867, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry L. Howard Commissioner.

To the Sheriff of Southampton County to execute.

Johnson by &c

T } Com. Notice

Bowden &c

Executed on James T. Bowden [redacted] 1868. by delivering a copy to his wife, at his house, in his absence, and on Sam Kells March 11th 1868 by delivering him a copy

N. G. Holmes Deputy

for S. Kells Shff

Isaiah P. Hay is not a resident of said county

E. L. Story Deputy

for S. Kells Shff

COMMISSIONER'S OFFICE.

Jerusalem, Feby 1 1868

To William Johnson Infant orphan of Jesse H Johnson decd who sues by Josiah Gay his present Guardian as next friend

Pltff

Against

James F Borden and Samuel Kello administrator of Mary C Borden

Defts

You are hereby notified that I have fixed upon the 18 day of March next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit: That a Commissioner of this Court take the following account. 1st An account of the transactions of Mary C Borden as Guardian of the Plaintiff taking the account returned by her to Southampton County Court as correct subject to be surcharged and falsified. 2nd An account of the transactions of said Mary C and Jas F Borden whilst acting as Guardian of the Plaintiff and make report of any matters deemed pertinent by himself or that may be required by any party to be so stated

required to be taken by a decree of Southampton Circuit Court, rendered on the day of November Term 1867, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Howard Commissioner.

To the Sheriff of Southampton County to execute.

Copy of Receipts

of Bondsmen

and

Bonds returned

"A"

$579.33

With interest from date. we promise to pay Mary C Johnson Guardian for William & Pettaway Johnson orphans of Jesse Johnson dec'd the sum of five Hundred & Nineteen dollars & thirty three cents for value Rec'd Witness our hands and seals this 22nd day of August 1860.

Test
Jos P. Gay

March 21. 1862. Rec'd 150 dollars in part of the within bond

Rec'd Jany the 22nd 1863 the full amt of the within Note

Jas T Borden for
Mary C Borden Guard
for Wm & Frederick P. Johnson

A Copy
Henry S. Howard Capt.

"B"

April the 4th. 1863

Rec'd from W. A. Watkins adm'r of Wiley Watkins dec'd the sum of Nine Hundred and fifty three dollars & 12/100 due by Note, said Note is in the hands of Josiah P. Gay for collection or renewal and is made payable to said Gay, afterwards endorsed to Polly Johnson late Borden as Guardian for the orphans children of Jesse Johnson dec'd

James T Borden
Mary C Borden

A Copy
Henry S. Howard Capt.

William Johnson, a minor

In account with Mary C. Johnson, his Guardian

			Dr		Cr	
1860						
Augt	22	By Amount recd. of Jesse A Johnson's Admr. your part of Estate due this day			837	29
"	"	To Commissions on Same	41	86		
Dec	31	By rent of land your part			15	00
		" interest on $795.43 from 22nd Sept 1860 to this day			16	96
		To Commissions on $31.96	1	39		
		" balance due Ward	825	80		
			869	25	869	25
Dec	31	By balance due Ward brought down			825	80
1861		" interest on last years balance			49	34
		To Commissions on $49.34 @ 5%	2	50		
		" paid Commissioners fee	1	25		
		" " R.R. Pope board	11	04		
		" " Clerks tickets	1	38		
		" " Taxes	8	42		
		" " for tuition	4	92		
		" " R M. Doles molbill	10	00		
		" " J W Duck tuition	16	30		
		" Balance due ward	819	23		
			875	14	875	14
Dec	31	By Balance due the ward			819	23
1862		" interest on last years balance			49	15
		To Commissions on $49.15 at 5% cent	2	50		
		" paid Taxes	5	06		
		" Balance due ward	860	82		
			$868	38	868	38
Dec	31	By balance due the Ward			860	82
1863		" interest on last years balance			51	64
		To Commissions on $51.64	2	58		
		" paid Taxes	13	44		
		Amount Carried over	$16	02	912	46

1863		Amounts brought forward		16	02	912	46
		To paid Clerks tickets retained		3	00		
		" Commns fee for this & Copy retained		15	00		
		" Balance due ward		878	44		
				912	46	912	46
Dec	31	By bal due ward brot down				878	44
		" rent of land for year 1861. (omitted)				15	00
1864		To Horse. saddle bridle blanket & suit of clothes furnished ward to go in the army	33	150	00		
Dec	31	By interest on $893.44. one year				53	60
		To commissions on $53.60.		2	68		
"	"	By rent of land this year				15	00
		To commiss: on $30.00		1	50		
"		" balance due ward		807	86		
				962	04	962	14
1865	"	By balance due ward brot down				807	86
Dec	31	" interest on $807.86. one year				48	47
		To Commissions on $48.47. 5 p.c		2	42		
		By rent of land this year				15	00
		To Commiss on same			75		
"		" balance due ward		868	16		
				871	33	871	33
1866	"	By bal. due ward brot down				868	16
Dec	31	" interest on $868.16 One year				52	08
		" rent of land this year				15	00
		To Commiss: on $67.08		3	35		
		" balance due ward		931	89		
				935	24	935	24
1867	"	By balance due ward brt down				931	89
Dec	31	" interest on $931.89. One Year				55	91
		" Rent of land this year				15	00
		To Commiss on $70.91. 5 p c		3	54		
		" balance due		999	26		
				1002	80	1002	80
"		By balance due ward brot down				999	26

with interest thereon from the 31 Decr 1867. till paid

Respectfully Submitted
Henry S. Howard
Commis:

The commissioner States specially. that it is in evidence before him that in the settlement between Josiah P. Gay adm of Jesse H. Johnson. decd and Mary E Johnson (late Borden) Guardian of William and Petteway Johnson. orphans of the said Jesse H. Johnson. decd the said adm. Josiah P. Gay paid off the said Mary E Johnson (late Borden) almost wholly in bonds executed to him as adm aforesaid. She receiving a very small amount in money. a part of which said bonds. James T Borden. who intermarried with the said Mary E Johnson has now in his possession, uncollected as will be seen by reference to said bonds to wit

One bond executed by Jesse Hadger & S. Jinnis Wilson to Josiah P Gay adm of Jesse H Johnson. dated 28th Sept 1859 for	215	00
Int. on same to 31 Dec 1867.	106	52
		321 52
One bond executed by I.M. Duck to Jos P Gay adm of Jesse H Johnson dec'd dated 22nd Dec 1857 for	20	75
Int. on same to 31st Dec 1867	12	48
		33 23
And the said James T Borden has also in his possession 3 bonds executed to Mary E Johnson Guardian for William & Petteway Johnson orphans of Jesse H Johnson dec'd being bonds executed to her in renewal of bonds paid her by the said Jos P Gay adm		354 75

of Jesse H Johnson dec'd to wit

			354 75

One bond executed by Wm H Stephenson & James C H Beale to Mary C Johnson guardian for William & Petteway Johnson orphans of Jesse H Johnson dec'd. dated 22 August 1860 for

	102	78
Int. onsum to 22nd Augt 1861	6	16
amt due	108	94
Int on same to 22nd Augt 1862	6	53
amt due	115	47
Int on same to 22nd Augt 1863	6	92
amt due	122	39
Int. on sam to 22 Augt 1864	7	34
	129	73
Int. on same to 22 Augt 1865	7	78
	137	51
Int on same to 22 Augt 1866.	8	25
amt due	145	76
Int. on same to 22 Augt 1867	8	74
Amt due	154	50
Int on same to 31 Dec 1867	3	32
		157 82

One bond executed by James Johnson & Lewis Johnson to Mary C Johnson guard for Wm & Petteway Johnson orphans of J H Johnson dec'd. dated 22nd Augt 1860 for

	56	86
Int. on sam to 22nd Augt 1861.	3	41
Amt due	60	27
Int. to 22 Augt 1862.	3	61
	63	88
Int to 22 Augt 1863	3	83
	67	71
Int. to 22 Augt 1864	4	06
amt due	71	77
Int to 22 Augt 1865	4	30
	76	07
Int. to 22 Augt 1866	4	56
Amt due	80	63
		512 57

Amt brt over	80	63	512 57
Int to 22 Augt 1867	4	83	
	85	46	
Int. on sam to 31 Dec 1867	1	83	
			87 29

One bond executed by Sim H Stephenson & John P. Boykin to Mary C Johnson guard. of Wm & Petteway Johnson orphans of J H. John son dec'd dated 22 Augt 1860 for

	40	93
Int. on same to 22 Augt 1861.	2	45
Amt due	43	38
Int. on same to 22 Augt 1862.	2	60
Amt due	45	98
Int to 22 Augt 1863	2	75
	48	73
Int. to 22 Augt 1864	2	92
" "	51	65
Int. to 22 Augt 1865	3	09
" "	54	74
Int. to 22 Augt 1866	3	28
" "	58	02
Int. to 22 Augt 1867	3	48
" "	61	50
Int. to 31 Dec 1867	1	32
		62 82
		$ 662 68

These last three bonds were renewed by the Guardian in order to enable her to draw compound interest on the same. In view of these facts the Commissioner states that he thinks that the guardian ought to be allowed a credit for half of said sum of $662.68 & amounting to $331.34 in the settlement of her or his Guardianship transactions of Wm Johnson & the other half being the property of Petteway Johnson, this being the same property, effects or investments received by the said Mary C Johnson Guard. as aforesaid

she or her husband James T. Borden never having changed the kind or nature of the same only having renewed the three last bonds as aforesaid. The commissioner further states that the defendant James T Borden personally appeared before the commissioner and stated to him that his wife Mary C Johnson. William & Petteway Johnson were the only heirs and distributees of Jesse H Johnson dec'd and therefore are entitled to the whole of his Estate and that his wife Mary C Johnson in her own right and as guardian of William & Petteway Johnson was paid off almost wholly by the adm. Josiah P. Gay in bonds on which bonds he and his wife collected in the year 1862 March 21st $150.00 of Ishmael Johnson in Confederate money and January 22 1863 $39.59 the balance of his bond in Confederate money and April 4th 1863 $53.12 also in Confederate money as will be seen by copies of his receipts to them herewith returned marked "A" & "B". These were the only moneys received by his wife or himself except for his wife's individual bond executed by her to the said admr. for purchases at her former husband Jesse H. Johnson's Sale and that he has the whole of the said Confederate money in his hands at this time. All the money that he or his wife received was in Confederate money and of Ishmael Johnson and M. N. Watkins and their credit was based on Negro property and the County in which they resided at that time being in the hands of the enemy the obligors Johnson & Watkins sold their negroes to prevent their escape to the enemy and they are now insolvent. was the reason that he received the money of in Confederate currency, believing that he was doing the best for himself and the wards, he being entitled to a part of the same in right of his wife.

Respectfully Submitted
Henry S. Haswell, Com'r

Commissioners Office
Jerusalem Apl 29. 1868

In the circuit court of Southampton County
Pursuant to a decree of the circuit court of Southampton County rendered at the November Term 1867 in a suit in Chancery depending in the said court between William Johnson infant orphan of Jesse H Johnson dec'd who sues by Josiah P. Gay his guardian & next friend — Plff
and James T. Borden and Samuel Wells adm'r of Mary Borden Deft
the undersigned one of the commissioners of said court to whom was referred for settlement by said decree the following accounts, That a commissioner of this court take the following accounts. 1st an account of the transactions of Mary C Borden as guardian of the plaintiff taking the account returned by her to Southampton County court as correct subject to be surcharged & falsified 2nd an account of the transactions of said Mary C and James T. Borden whilst acting as Guardian of the plaintiff, and make report of any matter deemed pertinent by himself or that may be required by any party to be so stated. reports to the court that on the 1 day of Feby 1868. he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 28 day of March 1868 which were returned to your commissioner duly executed That the parties aforesaid appeared before your commissioner in obedience to said notices and he then upon stated and settled the foregoing account. The commissioner states that in making up the foregoing account. he did not charge the guardian with rent for the land for the ward. for the years of 1862 & 63

for the reason that the land was occupied by Confederate troops during those years as camping ground which rendered it worthless for farming purposes. the said James T Bondurant stating that he was unable after advertising the same for rent to procure a ~~tenant~~ for the same, The Commissioner further reports to the Court that after the completion of said accounts he retained them in his said office ten days for the examination of the parties during which time no exceptions being filed thereto the said accounts with the copy of the decree & notices are herewith returned.

Given under my hand as Commissioner aforesaid the day & year first aforesaid

Comis fee $25.00 }
Stff " 1.50 }

Henry L. Howard Commis.

1868 May 11th

A Johnson Esqr
Pet.
vs
Ex parte
Comrs Report

Johnson Co

vs

Boundary

Decree.

To be entered.

R. H. Baker

1868 Aug.

Johnson by &c. vs. Jr. Chancery
Bowden &c. This day this cause
came on to be again heard upon the papers for
merly read and the report of Commissioner Hor
and made in pursuance of the decree pronoun
ced at the November Term 1867 to which
report there are no exceptions and was ar
gued by Counsel. Upon Consideration
whereof the Court doth confirm the said
report and doth adjudge, order and decree
that the said Defendant James T Bowden
have over and deliver to John Goode jr
who is hereby appointed a Receiver for that pur
pose the bonds amounting to six hundred and
sixty two dollars and sixty eight cents enumerated
in the special Taking of Commissioner
Horner as having been received by the said
Mary C Bowden late Guardian &c of William
and Pattenay Johnson from Josiah P Gay
one of Jesse H. Johnson Sec or taken in
renewal of others which had been so received
to wit the bond of Jesse Hodges and S Lanier
Wilson to Josiah P Gay &c amounting with the
to 31st of December 1867 to the sum of $ 321.52.
the bond of J. W Duck to the same amounting
with interest to the 31st of December 1867 to $ 33.23,
the bond of William H Stephenson and James W
Beale to Mary C Johnson Guardian for William
and Pattenay Johnson amounting with interest to the
31st of December 1867 to $ 157.82, the bond of James
Johnson and Lewis Johnson to the same amount
ing with interest to the 31st of December 1867 to $ 83.75

and the bond of Levi W Stephenson & John P Bayliss to the same amounting with interest to the 31st of December 1869 to the sum of $62.82 —
That the said Receiver proceed to collect the said bonds as rapidly as possible and pay one half of the amount collected to the Plaintiff and hold the residue thereof subject to the further order of the Court. And the Court doth further adjudge, order and decree that the said Defendant James T Boardman be authorized and allowed to pay off and discharge the balance of the indebtedness to the said Plaintiff as ascertained by the said Commissioners Report with the Confederate money received from the said Edmund Johnson and the said M H Walthall agent of Wiley Walters on the payments of their bonds — And the said Receiver is required to report his proceedings hereunder to the Court

Johnson &

vs.

Borden &c.

1869

Nov. 6th Decree

To be entered

R. H. Baker

Johnson p'ff

v.

Borden &c.

This cause came on this day to be heard on the Bill taken for confessed as to Samel Kello Sheff. & Com'r. of Mary C. Borden dec'd. on whom proces had been duly served & they still failing to appear and answer, on the answer of James T. Borden, with general replication to said Answer & exhibits filed with the said Bill was argued by Counsel. On Consideration whereof the Court, not now deciding any question arising in the cause doth adjudge order and decree that a Com'r. of this Court take the following accounts — 1st an account of the transactions of Mary C. Borden late Johnson, as guardian of the plaintiff, taking the accounts returned by her to Southampton County Court as correct, subject to be surcharged and falsified, 2d an account of the transactions of said Mary C. & James T. Borden whilst acting as guardian of the plaintiff, and make Report of any matters deemed pertinent by himself or that may be required by any party to be so stated.

Johnson by &c

ñ ʒ Co. dicit

Borden &c

Southampton County Circuit Court, November Term 1867.

William Johnson Infant Orphan of Jesse H. Johnson dec'd.
who sues by Josiah Gay, his present Guardian, Plff:
as Next friend
against
James T. Bowden and Samuel Wills administrators
of Mary C. Bowden. Defts.

} Inchancery.

This Cause came on this day to be heard on the Bill taken for Confessed, and at the Rules as to Samuel Wills, Sheriff and Committee of Mary C. Bowden dec'd. on whom process had been duly Served and they Still failing to appear and answer, and on the answer of James T. Bowden, with general replication to Said answer and on Exhibits filed with the Said Bill and was argued by Counsel. On Consideration whereof the Court, not now deciding any question arising in this Cause, doth adjudge, Order and Decree, that a Commissioner of this Court, take the following accounts. 1st. An account of the Transactions of Mary C. Bowden as Guardian of the Plaintiff, taking the accounts returned by [redacted] to Southampton County Court, as correct, Subject to be Surcharged and falsified. 2d. An account of the transactions of Said Mary C. and James T. Bowden whilst acting as Guardian of the Plaintiff, and Make report of any Matters deemed pertinent by himself, or that may be required by any party to be so Stated.

A Copy

Teste L R Edwards Clk

Johnson Lyon
vs
Bowden.

Report of John Godwin
Referee.

May Term 1871.

To the Hon Geo Bloss Judge of the Circuit Court of Southampton.

The undersigned Receiver appointed under the decree of May term 1868 in the suit of William Johnson &c vs James T. Borden &c respectfully reports that in obedience to the decree he rendered in said cause at the November term 1870, he has paid to Bettamay Johnson the sum of seventy one dollars and twenty five cents ($71.25) and to Josiah P. Gay the sum of fifty dollars. The receipts of the parties are herewith filed.

Respectfully
John Gould. R
Receiver.

Johnson

M

Bowden

Report of Referees

May Term 1893

Johnson Hyde

v

Bowden

The undersigned Receiver appointed under the decree of May Term 1868 in the above entitled cause begs leave to report that on the 6th of May 1873 he collected from W. W. Briggs Sheriff of Southampton the sum of $116.63 balance due upon the execution in his hands vs James W. Beale which sum is to be equally distributed between William and Bellamy Johnson

Amount collected as above		$116.63
Deduct Commissions at 5 per ct	$5.83	
Clerks Exhibit Southampton	1.60	
" " Isle of Wight	58	
	8.01	8.01
Balance for distribution		$108.62

Respectfully.

John Goode Jr

Receiver.

Johnson
Lay &c
vs
Johnson
Peppiatt
&
Bondenhot -

Rondthaler
Aug Term 1871
To be entered

Geo: Blow

Johnson
vs
Gayse
&
Johnson per friend
vs
Borden et al

There causes
this day came on to be heard together,
the former on the papers formerly
read, & on the Report of Commissioner
Howard under the decree herein of
May Term 1868, & the Answer of the
Defendant Smith P Gay, several replica-
tions thereto severally filed & the latter on
& on the Report of Jno Goodlett Receiver under the decree in
the papers formerly read, & was argued
said cause of May Term 1870 -
by Counsel, on consideration whereof
containing the Report of said Receiver
the court doth order & that the first
to which no exceptions were filed -
of these causes be dismissed & that the
Defendant Smith P Gay recover from the
Plaintiff his costs in said suit & that
Jno Goodlett the Receiver in the last
cause out of any funds that may
come to his hands belonging to said
Wm Johnson pay the said Smith P
Gay his costs aforesaid & that for all
other purposes the last cause be
continued -

Johnson

M

Bowden

May Term 1873.

Decree.

Geo. Bason.

Johnson

vs

Bowden

In Chy.

This day this cause came on to be again heard upon the papers formerly read and upon the report of John Goode Jr Receiver to which report no exceptions have been taken and was argued by Counsel. On Consideration whereof the Court doth confirm the said report and doth adjudge order and decree that the said John Goode Jr. Receiver as aforesaid do distribute the sum of $108.62 appearing from said report to be in his hands equally between William Johnson and Bettaway Johnson. That he take from the parties proper vouchers for said payments and make report to Court.

Johnson
v
Bandeen

Order of Nov Term 1871
To be entered —
Geo. F Bliss.

Johnson per Gay pfiend

vs

Bowden & als. —

This cause in which it is suggested that since the last decree herein, the Complainant William Johnson has attained 21 years of age, came on this day to be again heard on the papers formerly read, & it is ordered that this suit be [redacted] in the name of said Complainant

Johannes Jacobus
Bandes
Roosendaal
Novembre 1870
Le Secrétaire
Geo. Bloot Jr.

Johnson pro pmit

vs

Bowden Exor

This cause this day came on to be again heard on the papers formerly read & on the Report of Jno Sowden Receiver under the decree herein of May Term 1848 & was argued by Counsel, on consideration whereof the court confirms said report to which no exceptions were filed doth adjudge order & decree that said Jno Sowden Receiver as aforesaid out of the funds in his hands by said Report to be in his hands pay to Pettaway Johnson a sum equal to that paid Wm Johnson & that out of the balance of said funds he pay to Saml P Gay $50.00 and said Gay as attorney for in this cause & that he proceed to collect the ~~balance~~ other Bonds mentioned in said Report & retain the proceeds & the balance of the funds in his hands until the further order of this Court, & the court doth further adjudge order & decree that the Defendant Jno J. Bowden pay the said Saml P Gay the costs of this suit -

~~Ex 85 84~~

Johnson by &c

vs. Stat. Rules

Bowden &c

1870 Nov.

Clk		$ 10 13
Shff	Rolls	2 00
	Eley	50
Com	Worrall	25 00
		16 00
Law Y		$ 62 63

In Southampton Circuit Court.

William Johnson ~~an~~ infant orphan of Jesse H Johnson dec'd. who sues by Josiah Gray his present Guardian, as next friend

against

James T Borden & Samuel Kello adm'rs. of Mary C Borden

1866 Nov. 22 Summons issued

1867 Jany. Rules Summons rtn'd. Executed

" April " Bill filed & Decree Nisi &c. Defts

" May " Bill taken for confessed & cause set for hearing 1st

" " 7 Answer of Defs. & Rep. & Cert.

" Nov " Decree for account &c.

1868. May 1. Report.

" " 7. Decree &c.

1870 Nov. Decree

1871 May Decree

" Nov. Def. having age of 21 ordered that suit be carried on in his name

1873 May Rep't. & Decree

1874 Febry 26 Report & decree removed from docket

William Johnson a minor

In Account with Mary C Johnson his Guardian

		Dr		Cr	
1860					
Aug 22	By amt rec'd of Jesse H Johnson's admr. your part of Estate due this day			837	29
" "	To Commissions on Same	41	86		
Dec 31	By rent of land your part			15	00
" "	" Interest on $795.43 from 22d of Sept. 1860 to this day			16	96
" "	To Commissions on $31.96	1	59		
" "	" balance due Ward	825	80		
		869	25	869	25
" "	By balance due Ward brought down			825	80

with interest on $795.43 from this day & on $30.37 from 31st Jany 1861

Respectfully Submitted

Henry L Howard Comr.

Comm's fees $1.25
Charged to Guardian

Commissioners Office
Jerusalem April 17 1861.

To the County Court of Southampton County.

Your Commissioner reports to Court that Mary C Johnson the guardian of William Johnson has exhibited before him a Statement of all moneys received by the said guardian or with which he had become chargeable or had disbursed during the period embraced in the foregoing account together with the vouchers in support of the disbursements. That he finds a balance of $825.80 to be due by the said Guardian to the said Ward on the 31st day of December 1860, with interest on $795.43 from that day and on $30.37 from 31st day of January 1861. That the said account is supported by satisfactory vouchers, and that the said Guardian has given such bond as the law requires, the penalty whereof and the securities thereto are sufficient in the opinion of the Commissioner. That the said Guardian was embraced in the list of fiduciaries posted up at the front door of the Courthouse of Southampton County, on the first day of March Court last, and now on this day (ten days having elapsed since the same was thus posted up) the foregoing account is made out and

and completed. Given under my hand as Commissioner aforesaid the day and year first aforesaid

Henry S. Howard Commissioner

Southampton County In the Clerks Office the 17th day of April 1861.
This account of Mary C Johnsons guardianship of William Johnson was returned and filed for exceptions And at a Court held for the said County on the 20th day of May 1861. the said account having lain one month and upwards in the Clerks Office and there being no exception thereto. was examined, confirmed and ordered to be recorded.

Teste

L R. Edwards Clk

A Copy

Teste L R. Edwards Clk

Johnson

vs } Exrs with bill

Bowden

60

William Johnson a Minor,

In account with Mary C. Johnson, his Guardian.

			$	cts	$	cts
1860						
Dec	31	By balance due the ward by the last report			825	80
1861		" interest on last years balance			49	54
		To Commissions on $ 49.54 cts at 5 per cent	2	50		
		" paid Commissioners fee	1	25		
		" paid A. R. Pope board	11	04		
		" paid Clerk's ticket	1	38		
		" paid taxes	8	42		
		" paid for tuition	4	92		
		" paid R. M. Doles Med bill	10	00		
		" paid J. W. Dueck tuition	16	50		
		" Balance	819	23		
			875	84	875	84
Dec	31	By balance due the ward			819	23
1862		" interest on last years balance			49	15
		To Commissions on $ 49.15 cts at 5 per Cent	2	50		
		" paid Taxes	5	00		
		" Balance	860	88		
			868	38	868	38
Dec	31	By balance due the ward			860	88
1863		" interest on last years balance			51	64
		Amount carried over			912	46
		Amount brought over			912	46
		To Commissions on $ 51.64 cts at 5 per Cent	2	58		
		" paid taxes	13	44		
		" Clerks Ticket retained	8	00		
		" Commissioners fee for this & Copy retained	15	00		
		" Balance	878	44		
			912	46	912	46
Dec	31	By balance due the ward with interest			878	44
		from this day. Respectfully Submitted by				
		Wm B. Shands, Commissioner				

Southampton County, In the Clerks Office the 19th day of April 1864.
This accomt of Mary C. Johnsons Guardianship of William Johnson, was this day returned and filed for exceptions, and at a Court held for the Said County on the 20th day of June 1864. the Said accomt having lain one Month & upwards in the Clerks Office and there being no exception thereto, was examined, Confirmed and ordered to be recorded.

Teste

L. R. Edwards, clk

A Copy

Teste L. R. Edwards clk

A

At a Court held for the County of Southampton July 16. 1860.
The Court doth assign Mary C Johnson guardian of William & Pettway Johnson orphans of Isaac H Johnson dec'd. Whereupon She together with Josiah P Gay & Wm E. Gay her securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of three thousand dollars conditioned according to law.

A Copy

Teste L. R. Edwards clk

Executors of John Goodlett deceased
vs in the Circuit of Johnson by a
Bond in penalty one thousand and
seventy four Dollars, the amount
directed to be paid to me by
the Circuit Court of Southampton Town
at the November Term 1870
March 9. 1871

J. F. Thomas

Received of John Gooden a Recruit in the suit of Johnson vs Borden County one dollar and twenty five cents on account of my interest in the bonds which he was directed to collect May 2nd 1870.

William E. Johnson

Received of John Gowen & Receiver in the suit of "Johnson by &c vs Gowen" now pending in the Circuit Court of Southampton fifty four dollars and thirty one cents the amount directed to be paid to me by the decree pronounced in the said suit at the May Term 1873.

Wm E. Johnson

$54.31/100 Rec'd July 18 78745 Jno Gordon Jr.
his check for Fifty four 31/100 and that is receipt
in full of Amount Collect for me, as Guardian
&c.

Geo. F. Johnson
By William E. Johnson

Johnson by &
M
Mondeau

Report of
Riviere
Feb 26. 1874

To the Hon Geo Rose Judge of the Circuit Court of Southampton.

The undersigned Receiver in the suit of William Johnson &c vs James T. Bowden begs leave to report that in obedience to the decree pronounced in said suit at the May Term 1873 he has paid to William Johnson and Nelson Johnson as equal distributees the sum of $108.62. Vouchers for which payments are herewith filed

Respectfully &c
John Goode
Receiver

Feb 26. 1874.

Johnson

v. } Sum. Cty

Bowden &c

1867 January Rules

Executed Nov. 30th
1866 by delivering a copy
to each.

E. L. Story Deft
for S. Hillsboro Sheff

Printed at the office of Old Dominion, No. 18 Roanoke Avenue, Norfolk.

THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF SOUTHAMPTON COUNTY--GREETING.

WE COMMAND YOU to summon James T Bowden & Samuel Kello Sheriff of the County of Southampton & as such administrator committee of the estate of Mary C Bowden formerly the wife of said James T. Bowden

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 first Monday in January next to answer a bill in Chancery exhibited against them in our said Court by Wm E Johnson infant of Jesse H Johnson by Josiah B Gay his guardian next friend

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse this 22 day of November 1866, in the 91 year of the Commonwealth.

L R Edwards Jr Clk

Rec'd Jany 6 – 1868 of Josiah D. Gay whereas
my former guardian & Bond &c. Jas. T Bowden
Acct $781 [redacted] dated 7th Jany 1867
one &c. &c. Jno. F. Webster & E.E. Valentine
for $426 dated 1st Jany 1868
$102.11 paid

William E. Thorson

cost- one
award 3

John Goode jr receiver

1869 To Clerk Southampton Cir. Ct. Dr.

Nov. Taking filing affidavit of Young Exon. v. Stephenson 80. Dr. v. Beale 80= 1.60

White Clk

John Goode jr. Receiver for Wm. & Bellamy Johnson, Dr.

1870 To N. D. Young Clk. of Isle of Wight County Court

July. Exon: & noting vs. James Johnson .58

N. D. Young clk

Received of John Goode Jr. Ex-
ecutor in the suit of Stanson Ex
vs Bowden fifty dollars - amount
decreed to be paid to the
creditor decree of Southampton Circuit Court -
of Southampton pronounced in
said suit at the September
term 1870.
Norfolk C. 1871

Josiah P. Gray

17 C
Sept. 1871
Dec. 1871
52.17