1875 - 26 Southampton County - Chancery Vick, Jesse B. vs Johnson, Richard I.

"In title outstanding"
Lewis

~~118~~ 117

Vick

vs Bill of Exhibits

Johnson

1873 April Rules

Received by Clerk Circuit Court Aug. 13th 1873.

J. H. Winn p.q.

687
357
1044
36
36
40
1156 Clk
50 Sh
1000 Com
2600
4806
50
4856

To the Honorable Jos: W. Urquhart, Judge of the County Court of Southampton.

In Chancery.

Humbly complaining sheweth unto your Honor, your complainant Jesse B. Vick as follows:- That at the March Term 1873 of the County Court of Southampton, Saml Kello obtained a judgment against Richard T. Johnson as principal and your complainant as surety for

as will more fully appear from a copy of the said judgment herewith filed, marked (A) and prayed to be Exhibit (A) taken as part of this bill.. That upon said judgment an execution of fi fa: was issued and your complainant has been compelled to pay the whole amount of the said Execution, amounting to one hundred & seventy four 11/100 dollars, as will be seen from the receipt of the Sheriff of Southampton, hereunto Exhibit (B) filed marked (B) and prayed to be taken as part of this bill. That the said R. T. Johnson is seized of a tract of land in Southampton County, the rents & profits of which will not pay the above mentioned demand in five years. That your complainant is advised that he has the right to be substituted to all the rights

which Saml. Kello had as against the said R. T. Johnson. In consideration of which, and as a Court of Equity is the only tribunal whereby your Complainant can obtain adequate Relief, that full justice may be done to all parties, your Complainant prays that Richard T. Johnson may be made a party defendant to this bill and compelled to answer the allegations thereof; that your complainant may be substituted to all the right he is entitled to as against the said R. T. Johnson, so that the lien which the said Saml. Kello has obtained may be enforced for the benefit of your Complainant, that your Honor will order an account of all outstanding liens unsatisfied against the said R. T. Johnson, and all other accounts that may be necessary, and that of the rents & profits of the Real Estate of which the said R. T. Johnson is seized will not pay the demand of your complainant in five years, then that the same may be sold & the proceeds properly distributed, and that your Honor will grant such other further General Relief in the premises as Equity may dictate & the nature of this Cause may require, and as in duty bound, your Complainant will ever pray &c. May it please the Court &c.

D. W. Prince Sol

Wechsel. Ges.
to § Rechts
d. Bruch

(1)

Rec'd April 1st 1893 of Dep'd Vick
one Hundred & Seventy four & 11/100 dollars
in full of an Execution against Richard
T Johnson & said D. D Vick in favor of Saml.
Kelley

W W Briggs Shff

Vick

v. } Sum. Chy

Johnson

1873. April Rules

Executed

W. W. Driggs Sh'ff

# The Commonwealth of Virginia

## To the Sheriff of Southampton County--Greeting:

**WE COMMAND YOU** to summon Richard T Johnson

if he be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton county, at the Rules to be holden for the said Court on the first Monday in April instant to answer a bill in Chancery exhibited against him in our said Court by Jesse B. Vick

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 1st day of April A. D. 1873, in the 97 year of the Commonwealth.

L. R. Edwards Clk

Sun Job Print, Suffolk, Va.

Vick
+ } Report of
Johnson Com'n

oct 19. 1874

In obedience to a decree of the Circuit Court of Southampton County in the Chancery Suit of Vick against Johnson, I after advertising the Land in the proceedings mentioned according to the direction of said decree, for year 1835 Rented the Same to the highest bidder in the Town of Jerusalem on the 3rd. Monday in October 1834; and R. H. Johnson became the Renter for the Sum of fifty dollars, and the said Johnson Complied with the Terms of Renting.

Respectfully Submitted
W W Briggs Comr

Oct 19th 1834

3 (1400
466.67

Vicks

vs Report of Comrs of Sale

Johnson

1875 February 19th

In Obedience to a decree of the Circuit Court of Southampton County, rendered at October Term 1894 in the Chancery Suit of Jesse B Vick against R. F. Johnson, I advertised the Tract of Land in the Proceedings mentioned, according to the directions of said decree, and sold the same to the highest bidder at Public Auction in the Town of Jerusalem on the 21st day of December 1894, (that being Court day) and at the Sale so made George W Pond became the Purchaser by bidding therefor the Sum of Four Hundred & Ten dollars, which Sum is More than three fourths the Appised Value of said Land, the Appised Value being Five Hundred & Seventy dollars; The said George W Pond Paid in Cash Seventy dollars, and for the balance of the Purchase Money Executed three bonds with Security for $113.33 each, Payable one, Two, & three, years after date, Carrying interest from date, which bonds are herewith returned; out of the Cash Payment of Seventy dollars, I paid Costs of Suit and Sale as follows," Clerk of the Court $10.44, Sheriff 50 cents, Commissioner Tyler $10.00, J. D. Bruce Attorney $26.00 Auctioneer $3.00 My Commissions $13.20 Making Total $63.14 - leaving a balance in My hands of $2.86; Your Commissioner will state Specially that the said George W Pond on the 4th day of January 1895, Paid the Sum of Ninety dollars on one bond Executed for the Purchase Money, which Amount is in his hands Subject to the order of the Court; Your Commissioner will further State, that R. F. Johnson the Owner of the Tract of Land above described, Sold by your Commissioner on the day above Stated, is still in Possession of said Land, although Possession has been frequently demanded by your Commissioner, as also the said Purchaser George W Pond: Your Commissioner is informed by

the said George W Pond, that he is a poor man with a wife and several small children, and lived the year 1834 on a Rented Farm, that in consequence of purchasing the Tract of land sold him by your Commissioner, he did not Rent a Farm for the year 1835 - believing he would get possession of said Tract of land by the 1st day of January 1835 by which time your Commissioner Stated publicly at the sale the Purchaser would get Possession.

Respectfully Submitted

W. W. Mossop -

Comr -

To Jud Cir - Ct -
Southampton.

Vicks
in { Repub
Johnson

May 6. 1875

In Obedience to a Decree of the Circuit Court of Southampton County rendered at February Term 1875, in the Chancery Suit of Vick against Johnson, The said R. T. Johnson has paid the Plaintiffs debt in full - and also all cost of this Suit - I have paid to the Purchaser Geo W Pond all Monies paid to Me for said Purchase - all of which receipts are herewith filed with this Report.

Respectfully Submitted
W W Driggs Comr

April 15th 1875

I would state Specially that under my advice, the bonds of Geo W Pond that were filed in the papers of this cause, for the purchase of R. T. Johnsons real Estate, have been cancelled & destroyed.

May 6. 1875.

S R Prince
Atty -.

Jesse B. Vickers

vs

Richd T. Johnson

Petition of Defendant

Jesse B. Vicke
vs
Richard T. Johnson

Humbly shweth your Petitioner Richard T. Johnson the defendant in this suit and respectfully represents —
That it is true as stated & set forth in the pleadings in this suit that he is indebted to Jesse B Vicke the plaintiff in the amount & sum to be due by Commissioner Tyler's Report —
that since that time at the County Court of Southampton County for December 1874 the whole of the real estate of the said defendant was sold at auction as reported by Commissioners Briggs and George Dand became the purchasers
But Your Petitioner respectfully represents and shows and explains why it is that he now asks & prays the Court to refuse to confirm the sale as made & reported by Commissioner Briggs — that this Petitioner is an old and infirm man — that he owns no horse, is wholly illiterate, decrepid and unable to walk so long a journey as the distance from his home to the Court-house without much pain & inconvenience, but notwithstanding this he would have tried to have been present and ~~succeeded~~ at the sale but for a promise made to Genl by his brother William Johnson who is a man of Considerable property & credit & not embarrassed by debt, that

he would attend to the sale of this Petitioners place and secure the same for him & his family ~~& Petitioner to~~

Your Petitioner relying implicitly on this promise & arrangement with his said brother did not attend December County Court, never doubting for one moment that his brother would do as he had promised - Otherwise your Petitioner would have made some arrangement to get to the said Court if he had been under the necessity of traveling there - and this he feels it would have been his duty to do, as he has a large family consisting of a wife who is now old (& upwards of sixty years of age) & four daughters, and this little home is their all.

As to any objection which may be made by the said Pond, the said purchaser, to these views, for the reason that your Petitioner failed to pay promptly the rents, this Petitioner says that a sale was determined on by himself & his said brother as better than an annual renting, his said brother having promised to aid him & secure this home as before stated, which he failed to do. But finally this Petitioner states & shows that he has fully paid to the said Vickers the whole of his said debt together with all interest & costs as shown to be due by Commissioner Tyler's Report & bill effect by said Vickers Receipt herewith filed & marked A) & if there should be any thing more due on the said debt or on any other debt which is an incumbrance on the said real estate this Petitioner is now ready to pay the same. ~~And~~ This plain & truthful statements of the facts ~~of~~ Petitioner humbly hopes & may will induce your honor to refuse to confer on the said sale; but make any other order which may please your honor; seeing specially & your Petitioner will under any circumstances, submit to your honor's orders.

Kindred & Lebrell pd.

Virginia
Southampton County } Sct.

This day personally appeared before me Geo. A. Lebrell a Commissioner in Chancery for the Circuit Court of said County, the within named Richard T. Johnson and made oath that the statements made in the foregoing Petition and Exhibits are correct and has therefore signed the same -

his
Richard T. Johnson
mark

Sworn to before me this 26th day of February A.D. 1877.

"Vick's Receipt
to Johnson
"

(A)

Received February 11.th 1875 of Richard T. Johnson Two Hundred & fifty two 72/100 Dollars. ($252.72) amount due me on Judgments vs said Johnson, as per Comr J.R. Tyler's report, with costs & interest included to Feby 26.th 1875.

Jesse B. Vick

In Obedience to a decree of the County Court of Southampton rendered at June Term 1873, in the Chancery Suit of Jesse D Vick against R G Johnson, I advertised according to the directions of said decree the Tract of Land belonging to R G Johnson containing 160 acres, and Rented the same to the highest bidder at Public Auction in the Town of Jerusalem on the 15th day of December 1873, for the year 1874; and Wm H Johnson became the Renter by bidding therefor the Sum of Forty dollars who executed his bond for the same, which bond is herewith returned with this Report. Your Commissioner will State Specially, that the Sum of forty dollars per year, will not pay the Plaintiffs debt in five years - his debt up to the 1st of January 1874 amounts to $262.63 it would therefore take the Sum $52.50 per year to pay the principal of the debt - to say Nothing of the interest which will accumulate thereon.

Respectfully Submitted

W W Briggs Comr

Rec'd Nov 13th 1874 of the Clerk of the Circuit Court of Southampton County a bond executed by Wm Johnson for $40.00 as filed in this case

W W Briggs Com'r

Vic'k
vs
E Rogers
Johnson

1874 Feby 24

Vicks

vs

Statement

Johnson (A)

1875 Feby 13

Vick
v 3 Statement (A).
Johnson

In this cause, your Honor will observe from the receipt of the Shff- that the amount paid by Jesse B. Vick, the plaintiff in this suit, as surety for R. T. Johnson is One hundred seventy four 11/100 dollars on Apl 1. 1873-. This amount together with the judgment in favor of Jesse B. Vick, amounting to $41.57. June 1. 1873 and the costs of this suit, your Complainant is entitled to recover from said Johnson-. The amounts are as follows-

| | |
|---|---|
| To pd Shff-. | $174.11- |
| " Judgt due J.B.Vick | 41.57- |
| " pd Costs this suit- | 48.56 |
| Total amt due J.B.Vick, June 1. 1873. | $264.24 |

The receipt of the Sheriff is filed with this Statement. marked (1)-.

Respectfully

J.B.Vick
by L.B.Bruce
Atty.

To Jnd Cir-Ct.
Southampton.

Vicke
zu
Johnson
3 Deeres—

Southampton County Court, May Term 1878.

Jesse B. Vick Jeff

against In Chancery

Richard T. Johnson Defs

This day this Cause came on to be heard on the bill of the Complainant which has been taken for Confessed as to the Defendant R T Johnson Exhibits filed and was argued by Counsel; On Consideration whereof the Court doth adjudge, Order and decree, that a Commissioner of this Court take the following accounts, Viz; An account of and the outstanding Uncancelled liens either by Judgment or otherwise against R. T. Johnson distinguishing their priorities; in taking which said accounts the Commissioner is directed to report the amount of the Judgments that was rendered against R.T. Johnson and Jesse B. Vick, and when said Judgments was rendered. An account of the absolute and annual value of the real Estate of which R T Johnson is seized. Which said accounts the Commissioner is to audit and report to Court, together with any other Matters specially stated, deemed pertinent by himself, or which may be required to be so stated, by any of the parties interested.

A Copy Test James R Tyler, D.C.

Vicks

vi 3 Commissioners
3 Keepers
3 Inspectors

June 11th 1873

An account showing the judgment liens against R. T. Johnson, with their priority.

Attorneys Chandr.

| | | | | |
|---|---|---|---|---|
| Saml. Kello. | | | | |
| Judgment vs R. T. Johnson & B. Vick. | 105 | | | |
| Int. from Apl 27th 1859 to June 1. 1873. | 66 | 07 | | |
| | $171 | 07 | | |
| Credit Jany 1. 1872 for | 30 | 00 | | |
| | $141 | 07 | | |
| Costs | 8 | 00 | | |
| Docketed March 31. 1873. | 149 | 07 | $149 | 07 |
| Jesse B. Vick. | | | | |
| Judgment before Justice. | 25 | 00 | | |
| Int. from Mar 14. 1868 to June 1. 1873. | 7 | 82 | | |
| Costs. | 8 | 75 | | |
| Judgt docketed May 11. 1873. | | | $41 | 57 |
| | | | $190 | 64 |

Respectfully submitted

J. K. Kyle
Commrs

An account showing the Absolute & annual value of the real estate of which R. T. Johnson is seized.

| | Absolute. | Annual |
|---|---|---|
| Tract of land containing 160 acres | $520 00 | $52 00 |

Commrs fee $10.00
Clerks fee

Respectfully Submitted.

J. M. Tyler.
Commrs.

Vick
v 3 Exr
Johnson

Southampton County Court, March 18th 1873.

Samuel Kello Plff: } In Debt

against

Richard F. Johnson and W.D. Vick Defts.

The judgments obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendants One hundred and five dollars, the debt in the declaration mentioned, with legal interest thereon from the 27th day of April 1859 till paid and his cost by him about his suit in this behalf expended.

The judgment is to be credited for $30 00 paid Janry 1st 1872.

Plffs Costs $ 8.00

A Copy

Teste. L.K. Edwards Clk

Southampton Circuit Court February Term 1875.

Jesse B. Vick — Plaintiff
against
Richard D. Johnson — Defendant
} In Chancery

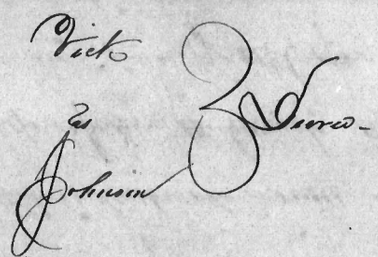
This day this Cause came on to be again heard on the papers formerly read, the Report of Commissioner Briggs filed D'cb 19th 1875 reporting sale of real Estate of Richard D. Johnson and Statement "A" filed D'cb 15th 1875, on consideration whereof the Court doth adjudge order and decree, that unless Richard D. Johnson or some one for him, shall within thirty days after the adjournment of this Court, pay to the plaintiff Jesse B. Vick the amount of his demands with interest to February 11th 1875 and also ~~the~~ all costs and expenses of this suit, and the interest on the Cash payments required of the purchaser from the date of the payment to March 1st 1875, that the sale reported by Commissioner Briggs be confirmed. And the Court doth further decree that W. W. Briggs refund to Geo: W. Pond whatever monies he may have received from him and make report to Court in order to a final decree.

A Copy —
Teste, S. R. Edwards C.C.

| | | | |
|---|---|---|---|
| Pffs Costs | Clk | $ 19.01 | |
| | Sheff. | .50 | |
| | Comm T. | 10.00 | |
| | Attoy | 26.00 | |
| | Costs of Sale | 20.20 | $ 75.71 |
| Dfts Costs | Clk | $ 0.50 | |
| | Law | 15.00 | $ 15.50 |

Teste
S R Edwards Clk

Clerks Copy Stevens Johnson



Southampton County Court June Term 1873.

Jesse B. Vick — Pltff
against
Richard J. Johnson — Defft
} Subchancery

This day this Cause came on to be further heard on the papers formerly read and the Report of Commissioner Tyler, filed June 11th 1873, to which no Exceptions have been filed and was argued by Counsel: On Consideration whereof and it appearing to the Court that the rents and profits of the real Estate whereof R.J. Johnson is Seized will Satisfy the liens against him in five years, the Court Confirming said Report, doth adjudge, Order and decree, that Wm H. Briggs Sheriff of Southampton, take possession of the real Estate whereof R.J. Johnson is Seized and Expose the same to rent for the year 1874, that in renting the same he give Notice of twenty days of time and place of renting take Bond with good Security therefor due in 12 Months from day of renting, and that he reserve the right of distress. And the said Briggs will make report to Court of how he shall have Executed this Order.

Copy

| | | | |
|---|---|---|---|
| Clk | $6.87 | paid J.B. Vick | Test. |
| Shff | 50 | | James R. Tyler, J.C. |
| Com'r | 10.00 | paid J.B. Vick | |
| Law P | 16.00 | $33.37 | |

a 420/40

Vick
against
Johnson

To Amt of J. B Vick Debt + Int + Costs June 1st 33 $264.24
By amt paid J B Vick 252.32
Balance Vick $11.52

To Cash paid by Geo Pond Jany 1st 1835 .30
" 2 months Interest to March 1st 1835 .30
12.22
To plaintiffs — costs 35.71
" Deficit $15.50 $87.93

$5.30
30 30
5.01
2 86
$7.51

| | |
|---|---|
| I B Vick's dett. &c | 253.57 |
| Paid by Schrock | 252.32 |
| Bal due Vick | 4.85 |
| Costs of Suit | 35.91 |
| Int on cash paymt. | 30 |
| | $81.26 |

G W Power Must be paid $70.30

$75.71

amount of Judgment due
D.B. Vick, on Kella debt. 105.00
Int: from april 27th. 1859. to Mar. 26. 100.27
$205.27
Amount paid Daily 1. 1872. 30.00
$175.27
Costs. 8
March. 26th 1875. amount due on D. Kella. debt. 183.27
Amount of Judgment before Justice.
March. 31. 1872. $25.00
Int. from Mar. 14. 1868 to Mar. 26. 75 10.50
3550
875
Costs. 44.25
Total amo due D.B. Vick $227.52
Amount of Costs pr Statement
left with D.B. Vick by W.W. Briggs 75.71
Int. on Ponds payment. .70
Total amo Judgt Costs &c. $303.93
Amo pd D.B. Vick Feby 11th 75. 252.72
Balance due D.B. Vick $51.21

| | |
|---|---|
| You must pay - | 75.71 |
| " " " | .70 |
| | $76.41 |
| Pd. Com'r Tyler. | 10.00 |
| " Bigg Com'rs | 66.41 |
| " Law & Tax | 17.00 |
| " Clk's Costs, to Feby ct, | 49.41 |
| " Shff " " " " | 26.00 |
| | 23.41 |
| | 12.06 |
| | 11.35 |
| | .50 |
| | 10.85 |

Southampton Circuit Court, October Term 1874.

Jesse B. Vick Pltff
against
Richard T. Johnson Deft
In Chancery

This day this Cause came on to be further heard on the papers formerly read and the Reports of Commissioner Briggs filed respectively Feby 24th 1874, and Oct. 19th 1874, and was argued by Counsel; On Consideration whereof the Court doth Confirm the Report of Feby 24th 1874, No Exceptions having been filed to same, and it appearing to the Court that the rents & profits of the real Estate in the proceedings Mentioned will not Satisfy the Complainant's demand in five years, the Court doth hereby refuse to Confirm the Report of Oct. 19th 1874, and doth adjudge, Order and decree, that W. W. Briggs Sheriff of Southampton County, be and he is hereby appointed a Commissioner for the purpose; that he expose to public Sale the real Estate in the proceedings Mentioned, after twenty days public notice of time & place and terms of Sale, upon the following terms, to wit, Enough Cash to pay Costs and expenses of Suit and Sale, including an Attorneys fee of ten dollars to J. B. Prince, the balance on a Credit of one, two and three years, equal annual installments, the purchaser to give Bond with approved Security carrying interest from day of Sale, and the title to be retained for the deferred payments. And the said Commissioner will make report to Court of his proceedings under this Order; And it appearing to the Court that the Bond of

Wm. T. Johnson for Forty dollars filed with the report of Comm. Briggs of date Feby 24th 1871, will be due before the next Term of this Court, the Court doth further decree, that W. W. Briggs receive the said Bond from the Clerk of this Court, after receipting for the Same, Collect it when due, and after paying the Costs of this Suit, pay the balance if any, to the Dem Creditors of R. T. Johnson, according to their priorities, and Make report to Court.

A Copy

Clk's Costs $3.57 paid pd. 13, Vick Teste James R Tyler, D.C

Dam — 10
3337
46.94
47.04

Vick
vs
Johnson

Bond. Embrace

Rec March 1st 1835 of W W Briggs
Ninety dollars amount paid Davis
Briggs on purchase Money of Rd
Johnson Land
Witness
Jas. E. Sibell.

George W his X Pond
mark

Vicks
vs
Johnson

3 Decree.

This day this cause came on to be further heard on the papers formerly read the reports of Commissr Briggs filed respectively Feby 24 1874. & Oct 19. 1874 and was argued by Counsel. On consideration whereof the Court doth confirm the report of Feby 24. 1874; no exceptions being filed to same and it appearing to the Court that the rents and profits of the real Estate in the proceedings mentioned will not satisfy the complainants demand in five years, the Court doth hereby refuse to confirm the report of Oct 19. 1874, and doth adjudge order & decree that Colo Briggs, Shff of Southampton County, be & he is hereby appointed appointed a Commissioner for the purpose; that he expose to public sale the real Estate in the proceedings mentioned, after 20 days public notice of time, place & terms of sale - upon the following terms to wit - Enough Cash to pay costs & Expenses of suit & sale, including an attorney fee of ten dollars to D.B. Priest; the balance on a credit of one two & three years, Equal annual installments, the purchaser to give bond & with approved security, carrying interest from day of sale, and the title to be retained for

the deferred payments. And the said Comr. will make report to Court of his proceeding under this order. And it appearing to the Court that the bond of Wm. Johnson for forty dollars, filed with the report of Commr. Briggs, of date July 24. 1874, will be due before the next term of this Court, the Court doth further decree that Commr. Briggs receive the said bond from the clerk of this Court, after receipting for the same, collect it when due, and after paying the costs of this suit, pay the balance, if any to the lien creditors of R. T. Johnson according to their priorities, and make report to Court.

112

Webb
vs
Pierce

Johnson
Oct. Term 1874.
To be Entered

Gen. Index.

Vicke,
vs 3 Deeds
Johnson

Feby Term 1873
To be Entered.
Geo. Bliss

Vicks 3
vs 3 decree -.
Johnson

This day this cause came on to be again heard on the papers formerly read, the report of Comr Rigg's filed Feby 19. 1875, reporting sale of real Estate of Rich'd Johnson to Coleman et al and petition of Thos Johnson filed Feby 13. 1875. On consideration whereof the Court doth adjudge order & decree that unless R. J. Johnson or some one for him shall within thirty days after the adjournment of this Court, pay to the Plaintiff J.B. Vick the amount of his demand with interest to Feby 11. 1875, and also all Costs & Expenses of this suit and the interest on the Cash payment reported of the purchase from the date of the payment to March 1. 1875, that the sale reported by Comr Rigg be confirmed -. And the Court doth further decree that Comr Rigg refund to Lewis W. Ford whatever monies he may have received from him & make report to Court in order to a final decree.

Vick
vs
Johnson

June Term 1893.

To be entered
J. W. Wrightsman
Judge

Vick

vs

Johnson.

This day this cause came on to be further heard on the proceedings formerly read and the report of Commissioner Tyler filed June 11. 1873. to which no exceptions have been filed and was argued by Counsel- On Consideration whereof, and it appearing to the Court that the rents & profits of the Real Estate whereof R. T. Johnson is seized will satisfy the liens against him in five years, the Court (containing said report) doth adjudge order & decree that W. P. Briggs, Sheriff of Southampton take possession of the Real Estate whereof R. T. Johnson is seized & expose the same to rent for the year 1874, that in renting the same out, he give notice of 20 days of time & place of renting, take bond with good security therefor, due in 12 months from day of renting, and that he reserve the right of distress- And the said Briggs make report to Court of how he shall have executed this order-

Vick
vs. } Decree
Johnson.

May Term 1873

To be entered
J. W. Mynhardt Judge

Vick

vs Decree.

Johnson

This day this cause came on to be heard on the bill of the complainant, which has been taken for confessed as to the defendant R. T. Johnson, Exhibits filed, and was argued by counsel. On consideration whereof, the Court doth adjudge order and decree that a Commission of this Court take the following accounts. viz- An account of all the outstanding unsatisfied liens, either by judgment or otherwise, against R. T. Johnson, distinguishing their priorities; in taking which said account, the Commissioner is directed to report the amount of the judgment that was rendered against R. T. Johnson and Jesse B. Vick, and when said judgment was rendered. An account of the absolute & annual value of the real estate of which R. T. Johnson is seized; which said accounts the Commissioner will audit & report to Court together with any other matters specially stated deemed pertinent by himself or which may be required to be so stated by any of the parties interested.

Vick
vs 33 Decree.
Johnson

May Term 1875.

To be Entered.

Hendrick

Vick
vs
Z Deene-.

Johnson

This day this cause came on to be again heard on the papers formerly read, and the report of Comr. Briggs filed during the term and upon argument by Counsel-. On consideration whereof, the court doth confirm the said report, no exceptions being filed thereto; and the court doth further order that the bond of Geo W Lowry filed in the papers of this cause be cancelled- and nothing further appearing necessary to be done in this cause, it is ordered to be removed from the docket-.