

1884-35

Southampton County - Chancery

Thomas, D. S.
et al

vs

Johnson, James S.
et al

"To sell property and"
divide proceeds

(Johnson, Maggie D.
Johnson, Annie E.
Johnson, James B.)

Vol. 73
Thomas H.

3rd

3

Paper

Johnson H.

Thomas Sothers

vs $\frac{3}{3}$

Johnson Sothers

Piece & Exhibits

1878. October Rules

J. B. Pinner v. g.

To the Hon Geo: Blow, Judge of the Circuit
Court of Southampton. In Chancery,
Humbly Complaining sheweth unto
your Honor, your Complainants, P.S.
Thomas, Albert Grizzard & Rebecca J.
his wife, who was formerly Thomas,
that during the year 18. John A.
Thomas died intestate, leaving your
Complainants, M.P.S. Thomas, Rebecca J.
Thomas, who has intermarried with
Albert W. Grizzard, Mary L. Thomas, who
intermarried with Geo. W. Bland and
Amanda J. Thomas, who intermarried
with James H. Johnson, his heirs at
law & distributees. That the said Jno: A.
Thomas was at the time of his death
seized & possessed of a small tract of
land containing 91 acres. That the
same is very poor and much out of
order. That Geo. W. Bland, the husband
of Mary L. Bland, has died intestate -
That Amanda J. Johnson, wife of James
H. Johnson, has died leaving her hus-
band & three children, Maggie D. Nannia
E. & James B. Johnson. all infants. That
Mary L. Bland has sold her interest in
the said land to P.S. Thomas, as will
appear from a copy of her deed filed as
a part of this bill, Exhibit (A). That your

Complainant P. S. Thomas, being fully
satisfied that the said 91 acres of land
could not be divided in kind among
the parties thereto entitled, has made a
conditional sale thereof to one Benj
Jones for \$335. payable in one, two,
three & four years from Jan'y 1. 1878 -
Equal amounts. bonds bearing
interest from Jan'y 1. 1878: the said sale
to be subject to the approval of this
Court. That from the depositions of parties
who know all about this land, and
which are herewith furnished, your
Complainants entertain the hope that
this sale, which is regarded as a
splendid one, may be confirmed.
That none of the parties interested are
willing to take the land & pay to the
others what their interests are reason-
ably worth. In consideration where-
of & inasmuch as your Complainants
are without remedy, except in a Court
of Equity, where matters of this kind
are properly to be heard, your Complain-
ants pray that James H. Johnson,
Maggie D. Nannie E. & James B. Johnson
the last three infants, may be made
parties defendants to this bill & compelled

to answer the allegations thereof. That
some fit & proper person may be assigned
you ad litem to the infants.

That your Honor will confirm the sale
of the real estate as reported & grant
such other further, general & special
relief as to Equity may seem meet &
the nature of this case may require
And as in duty bound, your Complai-
ants will ever pray &c. May it please
the Court &c. -

J. B. Pinner p.p.

The joint & several answer of 'Maggie D.
Nannie E. & James B. Johnson, infants,
by L. R. Edwards, their you ad litem, to a bill
of complaint exhibited against them & J. H.
Johnson, in the Circuit Court of Southamp-
ton by P. S. Thomas & others.

These defendants, saving receiving &c.
for answer to said bill say. That they
are infants & know nothing of the
facts alleged in the said bill. And being
such, they pray hence to be dismissed
&c. -

L. R. Edwards

you ad litem

J. B. Pinner p.p. - 4
31

Present to Sept 23rd 1878 by delivering
 Jacob Johnson a copy of the said
 Johnson's day
 for 1878 1879 off

Thomas & Co

to } Sum. Chy

Johnson & Co

1878 October Rule

1705
 960
 10500
 1505
 3/161000
 153666 2/3
 967
 795
 4835
 6769
 967
 169250

The Commonwealth of Virginia:

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

We command you to summon James H. Johnson Maggie
D. James B. & Annie Johnson three last infants

if they be found within your bailiwick 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

October next to answer a bill in Chancery exhibited
against them in our said Court by P. I. Thomas Albert
Gauzard Rebecca his wife formerly Thomas

and have then and there this writ. Witness, **LITTLETON R.**
EDWARDS, Clerk of our said Court at the Court House, this
14th day of September 1878 in the 103 year
of the Commonwealth.

L. R. Edwards cc

Oct: 4. 1878. I acknowledge legal service of
this notice.

Sign here, J. H. Johnson

Thomas Storken
vs
J. H. Johnson
Storken

To James H. Johnson, Maggie D. Kammie
Es. & James B. Johnson - last 3 infants.

Take notice that we shall on the
26th day of October at the store house of
P. S. Thomas, at Drury, in Southampton
County - between the hours of 6. am & 6 pm
of that day - proceed to take the depositions
of Joseph W. Leland and others to be read
as evidence in our behalf in a certain
Suit in Equity depending in the Circuit
Court of Southampton, wherein you are
defendants and we are plaintiffs:-
And if from any cause, the taking
of the said depositions be not commenced
on that day, or if commenced, be not con-
cluded on that day, the taking of the
same will be adjourned and continued
from day to day or from time to time,
at the same place and between the same
hours until the same shall be completed.

Oct 1. 1848.

Respectfully yours.

P. S. Thomas

To Sheriff of Southampton }
to execute. }
J. W. Buzzard

Thomas Sotheis
vs 3 Depositions
Johnson Sotheis

Handed in by J. W. Seabell Com
Chancery 30 October 1878
J.R.E

The depositions of Joseph W. Glane and others taken before me Jno: N. Sebrall, a Commissioner in Chancery for the Circuit Court of Southampton, pursuant to notice hereto annexed, at the store house of P. S. Thomas, at Oceanville. in Southampton County on the 26th day of October 1878, between the hours of 6. am & 6 pm. to be read as evidence on behalf of P. S. Thomas & others in a certain suit in Equity depending in the Circuit Court of Southampton wherein P. S. Thomas & others are plaintiffs and James H. Johnson & others are defendants.

Joseph W. Glane being duly sworn deposes & says as follows.

What is your age and do you know the parties to this suit? Answer. I am 52 years old & know the parties to this suit.

Are you well acquainted with the land sold by P. S. Thomas to Ben Jones. and do you consider the price obtained for the said land a fair one? I know the land in question well. and have no hesitation in saying that I consider the price \$335. an excellent one. I should recommend a confirmation of the sale. And further this deponent

Said not.

* Mr. J. J. J. J.

Johnson, being duly sworn,
deposes and says as follows -

What is your age and do you know
the parties to this suit? I am 53 years
old and know the parties to this
suit.

Are you well acquainted with the land
sold Ben Jones by P. S. Thomas, and
do you consider the price obtained
worth \$335 on four years credit -
a good one? I know the land well
and think the price agreed upon
a fair one. I should not hesitate
to recommend a confirmation
of the sale.

And further this deponent said
not.

Johnson, D. J. J.

State of Virginia - Southampton Co. Court.

I, J. W. N. Sebrall, a Commissioner
in Chancery for the Circuit Court of South-
ampton, do hereby certify that the propos-
ing depositions were duly taken, sworn
to and subscribed before me at the time
& place mentioned therein.

Given under my hand this 26th day of

October 1878.

J. U. Sebrall
Commissioner in Charge,

Comr's fee \$5.00
ch'g to P&H

Know all Men by these Presents, That we P. J. Thomas
J. B. Prince

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five Hundred Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our Homestead Exemption as to this obligation.

Sealed with our seals, and dated this 15th day of February
A. D. 1879

The condition of the above obligation is such, that if the above bound P. J. Thomas was on the 8th day of November 1878 by a decree of the Circuit Court of Southampton County in a suit in Chancery therein pending in which Thomas Kothers is Plaintiff and Johnson Kothers Defendants appointed Commissioner for certain purposes in said decree mentioned now if the said P. J. Thomas

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in }
presence of the Court.

P. J. Thomas [SEAL.]

J. B. Prince [SEAL.]

[SEAL.]

[SEAL.]

Southampton Circuit Court: Feb: 15th 1879
This Bond was acknowledged by P.
S. Thomas and J.B. Prince the surety
thereto justified on oath as to his
sufficiency, the said bond is
admitted to record

L.A. Edwards clk

Thomas & J.
} Corro Bond
}
Johnson & Co

Recorded
Page 65

cho. 69 62

Thomas Jr

to Stat. Rules

Johnson Jr

In Southampton Circuit Court

P. L. Thomas, Albert Gizzard & Rebecca J his wife who was formerly Thomas
Plaintiffs

against
James H Johnson, Maggie D, Annie E, & James B Johnson, the
last three infants Defendants.

1878 Sept. 14th Summons issued

" Oct. 10th " returned executed by Deft. James H Johnson

Bill filed. S R Edwards assigned Geo ad litem to infant
Deft^s. Answer of infants Geo. Rep. D. Nisi to Defendant
Jas H Johnson

" Nov. " Bill taken for confessed to Deft. Jas. H Johnson & Cause
set for hearing 14th

1882 May Report. Rept. confirm'd & decree for Deed

Thomas Sothers
vs. 3 Decree.
Johnson Sothers

This day this Cause came on to be heard on the bill of the Complainant, taken for confessed as to the aduel of J. H. Johnson, the answer of the infant defots by L. R. Edwards & their gon ad litem, with general replication thereto, & the depositions of Joseph W.eland Sothers - and was argued by Counsel. On consideration whereof, the Court, being of opinion, from evidence filed in the papers, that the sale reported by P. S. Thomas is a fair & proper one, doth advise order & decree that the same be confirmed sheld firm and binding between the parties. That the said P. S. Thomas be & he is hereby appointed a special Commissioner to collect the bond of Ben Jones, the purchaser of the real Estate - that he receive from the Clerk of this Court the four bond of Ben Jones for \$83. ⁷⁵ Each - dated Jan'y 1. 1878 - and due in one, two, three & four years collect the same as they become due & pay to the parties entitled their respective shares, take their receipts & file with his report. But the said Thomas will not proceed to execute this decree

until he shall entered into bond in
the penalty of five hundred dollars
with security to be approved by the
Clerk of this Court, Conditioned to faith-
fully execute this and any further
decree in this cause.. And the
said Court will report his proceedings
to Court.

Thomas & others
vs E. Decree
Johnson & others

Nov: Term 1878

To be entered.

Geo: B. Low

Received July 15. 1879 of the Clerk
of the Circuit Court of Washington,
the four bonds of Ben Jones - as decided
in the within decrees of J. W. Thomas.

May the 1st 1882

Your Commissioner respectfully reports that he
has collected bonds as directed by decree and
paid over amount received to the parties entitled
thereto as per appended Statement. viz:-

4 Bonds of \$83.75 each	\$ 335.00
Paid Shff. Commissioner Sebrill, Attorney & and Clerk ~~~~~	28.42
Commissioner	15.70
Paid R. J. A. W. Gizzard	72.72
" J. A. Johnson for himself for himself & as Guardian of his infant children	~~72.72~~
Commissioner received for himself	145.44
	\$ 335.00

Respectfully Submitted

J. S. Thomas

Commissioner.

To
Hon Judge Circuit Court of
Southampton County

40m.
Jas. A. Johnson
Receipt

James B. Johnson

Recd. Feby. 26th 1881 of C. S. Newman
Com. p. m. in Suit of Thomas & others
vs. Johnson and others Seventy two ⁷² dollars
with interest thereon from Jan'y 1st 1878
to date it being in full for one fourth of proceeds
of land sold by Decree of Court in said Suit.
J. B. Johnson for himself
and as Guardian of Maggie
H. Mann - Et James B. Johnson

A. H. R. J. Griggs
Roll

16

Received, August 8th 1879, of P. S. Thomas
Specie Commissioner, by a decree of the Cir-
cuit Court of Southampton County - rendered
at the November term 1878: seventy two 72/100
dollars, as also the sum of six 6/100 dollars
interest it being amount in full & share to
which we are entitled from proceeds of sale
of real estate sold by said P. S. Thomas to

Benjamin J. H. Higginson.
Witness: Rebecca & Grizzard.

Recd May 17. 1880 of P. S. Thomas,
Sixteen $\$$ for dollars in full fee
in Chancery suit to sell land
of which John A. Thomas died
seized -

J. W. Rennie

Received Jan 3rd 1879. of P. S. Thomas
Five dollars (\$5.00) fee for taking dep-
ositions in Chancery suit of Thomas
v. others vs Johnson & c.

J. W. Schell
Clerk on Duty

Southampton Circuit Court: Nov. Term: 1878

P. J. Thomas, Albert Grizzard & Rebecca J.
his wife who was formerly Thomas —
Plaintiffs

against

Jas. N. Johnson, Maggie D. Nannie E. & Jas. B.
Johnson the last three infants — Defendants.

This day this cause came on to be
heard on the ~~plea~~ of the complainants
taken for confessed as to the adult
defdt. J. N. Johnson, the answer of the
infants defdt by S. R. Edwards their
gdn ad litem, with general replica-
tion thereto & the depositions of Joseph
W. Bland & others — and was argued
by Counsel — On consideration whereof
the Court, being of opinion from Evi-
dence filed in the papers, that the
sale reported by P. J. Thomas is a fair
& proper one, do the aforesaid order
& decree that the same be confirmed
& held firm & binding between the
parties. That the said P. J. Thomas
be & he is hereby appointed a special
Commissioner to collect the bonds
of Ben Jones, the purchaser of the
real estate — That he receive from
the clerk of this Court the four bonds
of Ben Jones, for \$83²⁵ each — dated Jan: 1
1878 — and due in one, two, three & four
years — Collect the same as they become
due & pay to the parties entitled thereto

respective shares - take their receipts & file
 with his report - But the said Thomas will
 not proceed to execute this decree - un-
 til he shall entered into bond in the pen-
 alty of five hundred dollars with secu-
 rity to be approved by the Clerk of this Court
 Conditioned to faithfully execute this
 and any further decree in this cause
 And the said Court will report
 his proceedings to Court -

A leapy:

Teste:

Clk's Costs	\$ 6.22	L. R. Edwards Clerk
Shiff	50	
Com. Sebell	5.00	
Law 1 st	16.50	
	<u>\$ 28.22</u>	
	16.75	
	<u>44.97</u>	

Thomas dothers
 vs
 Decree
 Johnson dothers

copy

335
 44.97
 290.03
 22.51

Thomas Torrey
in 3 Leaves
Johnston Torrey

May Term 1882

To be entered,

Geo. Blow,

Thomas v. Jones

vs 3 Decree

Johnson v.

This day this cause came on to be further heard on the papers formerly read the report of Comr. P. S. Thomas filed during the term, reporting collection of the four bonds of Ben Jones for \$83.75 and distribution of the same, to which there is no exception, and was agreed by Counsel. On consideration whereof the Court doth confirm said report and doth decree that the said Comr. execute to the said Ben Jones a deed with special warranty for the land in the proceedings mentioned and make report to Court, in order to a final decree.

Southampton Circuit Court May
Term 1884

Thomas Bothers.

vs } Decree
Johnson &c

This cause came on this day to be heard on the papers formerly read, and was argued by counsel. On consideration whereof, and it appearing that J. S. Thomas, Commissioner, has not complied with the terms of a decree entered at the May Term 1882 of this Court, requiring him to execute to Ben Jones a deed with special warranty for the land in the proceedings mentioned and report to Court in order to his proceedings under said decree to Court the Court doth adjudge order and decree that the said J. S. Thomas, Commissioner do appear at the next of this Court and shew cause if any he can why he has not complied with the terms of the said decree. And it is further ordered by the Court that W. H. Briggs Sheriff, execute a copy of this order upon the said Thomas twenty days at least before the next Term of this Court.

Executed October 29th 1884 by delivering
a copy of the within order to P. S. Thomas
P. Caron
for W. W. Briggs shiff

Thomas Val:
W. W. Briggs
Johnston

~~Johnston~~

29

A copy of the within order to P. S. Thomas

Thomas J. J. J.
in 3 Depot
Johann

1884. Nov. 5.
Filed. L.B.P.
C.C.

Thomas & others

vs } Report of Commr Thomas.
Thomas

In this Cause your Commr begs
leave to submit the following report.
He has executed to Ben Jones a deed
with special warranty for the land
in the proceedings mentioned.
There is nothing further to be done
in this cause, and it should be
removed from the docket.

Respectfully Submitted
J. L. Thomas

Nov: 5: 1884

To the Judge of the }
Superior Ct. of Sampson Co. } Commissioner

Thomas Jochum
vs } Dece
Johnson &c.,

Nov^r Term 1884

To be entered.

Geo Bland

Entered

page 82

Thomas Sothers

vs

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Deere

Johnson & Co.,

This day this cause came on to be further heard on the papers formerly read and the report of N. S. Thomas, Commissioner, filed Nov. 5th 1884, to which report there is no exception, and was argued by Counsel. On consideration whereof, the Court doth confirm the said report, and nothing further appearing to be done in this cause, it is ordered that the same be removed from the docket.

Thomas others of
vs } Decree
Johnson, &c.

May Term 1884.
To be entered.

Geo. B. Low,



✓

Thomas v. others

vs } \ Decree,

Johnson, &c.,

This cause came on this day to be further heard on the papers formerly read, and was argued by Counsel.

On consideration whereof, and it appearing that P. S. Thomas, Commissioner, has not complied with the terms of a decree entered at the May term 1882 of this Court, requiring him to execute to Ben Jones a deed, with special warranty, for the land in the proceedings mentioned, and report his proceedings under said decree to Court, the Court doth adjudge, order and decree that the said P. S. Thomas, Commissioner, do appear at the next term of this Court and shew cause, if any he can, why he has not complied with the terms of the said decree. And it is further ordered by the Court that W. W. Briggs, Sheriff, execute a copy of this order upon the said Thomas twenty days at least before the next term of this Court.