1895-08 Southampton County Chancery- Johnsm, J.W. (committee) vs Turner, Margaret et al

sues for partition of real estate, if not this route then sell same

of Turner, Margaret

Johnsm, Hugh C. (infant)
Parker, W. H.
G. A. L.

Turners Committee
on 3 Report
116
Johnstown

1889. Dec 7th.
Filed.

Turner's committee
vs 3 Report of Comr L.B. Turner.
J.W. Turner et al
In this cause I submit the following
further report.
By amt in my hands as per
last report $238.00
To paid Court Costs. $29.86
" " Auctioneer. 10.00
" " posters. 1.50 41.36
$196.64
This amount I have paid over to J.W.
Johnson, who is guardian of his son,
and committee of Miss Margaret Turner. His
son is entitled to 3/4 and Miss Margaret
Turner and file his receipt herewith.
Respectfully submitted

To Judge Cir Ct.
Decbr 7. 1889

L.B. Turner

Received Decbr 7. 1889 of I. B. Lewis Comr
in suit Turner Committee vs Johnson &c
One hundred & forty seven $147.00 dollars
Same being 3/4 part in his hands
from sale of land, which belongs to
my Son, for whom I am guardian,
and forty nine $49.00 dollars. Same
being one fourth part in his hands
from sale of land, which belongs to
Estate Margaret Turner.

Jeptha W. Johnson.
Gdn" of Hugh C. Johnson.
& Com" of Margaret Turner. Dec"

Turner's Committee
v
Cook
Johnson

Statement of Costs in suit
of Turner's Committee v Johnson

Clerk	$7.86
Sheff	1.00
Lawyer	16.50
Comr B. & M.	5.00
	$29.86

Turner's Committee

vs. } Decree

Johnson &c

Southampton Circuit Court

May Term 1890.

Turner's Committee

vs. } Decree

Johnson & others

This day this cause came on to be again heard on the papers formerly read, and the report of Comr J. B. Prince filed Dec 7. 1889 reporting disbursement of amt in his hands supported by proper vouchers and was argued by Counsel. On Consideration whereof, and no Exceptions being filed to said report, the same is hereby confirmed. And it appearing to the Court that the bond of S. H. Davis for $262.50 filed in the papers of this Cause will be due before the next term of this Court, it is ordered that J. B. Prince Comr withdraw the same by receipting to the Clerk of this Court therefor, collect it when it becomes due and make a deed with Special warranty to the purchaser when the said bond is fully paid and said Prince will report his proceedings to Court.

A Copy. Teste: B. F. McLemore C. C.

Jurors Committee
vs 3 Decree
Johnson &c
111

1890 May Term

To be entered

CPDH

Entered

Turner Commr &c
vs
Deeree.
Johnson & others

This day this cause came on to be again heard on the papers formerly read, and the report of Comr. I B Prince filed Dec 7. 1889 reporting disbursement of amt in his hands supported by proper vouchers and was argued by Counsel. On consideration whereof, and no exceptions being filed to said report, the same is hereby confirmed. And it appearing to the Court that the bond of S. W. Davis, for $262.50 filed in the papers of this cause will be due before the next term of this Court, it is ordered that I B Prince Comr withdraw the same by receipting to the Clerk of this Court therefor, collect it when it becomes due and make a deed with special warranty to the purchaser when the said bond is paid - and said Prince will report his proceedings to Court.

Statement of money collected by D.B. Prince Comr. in Chancery suit Jemeri Com vs Johnson: from S. W. Davis in lieu of bond for payment of land.

1890

Amt principal of bond		262.50
Int for one year.		15.68
		$278 18
Walter for	$10.00	
Amt for Clerk	1.00	11.00
		$267.18

Received Nov 17, 1890 of D.B. Prince Comr. Two Hundred & 33/100 dollars Same being 3/4 part in his bond which belongs to my ten brethren I am Eight and Sixty Six & 79/100 dollars Same being one fourth part which belongs to Est Margaret Jemerson for whom I am Committee.

Jeptha W. Johnson.
Guardian &
Committee

Turner's Committee
vs 3 Final Report
Johnson &c.

Receipt inside

1890 Nov 19

Turner Commissioner

vs Final Report of Comm. L.B. Pierce.

Johnson &c

In this cause your Comr. submits the following report He has collected the bond of Sec. Davis for $262.50 with the interest and paid the same to Jeptha H. Johnson as Son & Committee. I return his receipt for the same with this report. I have executed to Sec. Davis a deed with special warranty for the land, and there is nothing further to be done in this suit.

Respectfully submitted

Nov 19. 1890

L.B. Pierce
Comr.

To Judge Cir: Ct.
Southampton Co.

Turner Commissioner
v 3 Decree
Johnson v. 105

1891 May Term

To be entered.
CMA

Ent page 458

Turner Commissioner

vs

Decree.

Johnson &c.

This day this cause came on to be again heard on the papers formerly read, the report of Comr. J. B. Price filed Nov 19. 1890, reporting collection of bond of S. W. Davis for $262.50 with the interest thereon and proper disbursement of same, supported by sufficient vouchers, 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 necessary to be done in this suit, the same is ordered to be removed from the docket.

Turner Committee
on Report
Johnson &c

Lunen Commissioner
vs Report of Comm. L.B. Lunn
Johnson et al

In this cause your Comm. to whom
report that he sold the tract of
land mentioned in the proceedings
Aug 19. 1889 and at the sale S.W.
Dani became the purchaser by
bidding therefor $525.
There were only 58 acres in the tract
as will appear from plat herewith
returned.

By amt paid in Cash		$262.50
To Comm.	19.50	
" Clerk	5.00	24.50
		$238.00

There will be some other costs to pay.
The purchaser gave his bond for $262.
to be due in 12 mos from date.
which I herewith return. The sale
was a good one and I recommend
its confirmation. Respt. submitted

Aug 29. 1889
W. Jas Circt.

L.B. Lunn
Comr

Turner Commissioner
vs Report of Comm. L. B. Lewis
Johnson others

In this cause your Comm. named report that he sold the tract of land mentioned in the proceedings Aug 19. 1889 and at the sale S. W. Davis became the purchaser by bidding therefor $525.

There were only 58 acres in the tract as nice appears from plat herewith returned.

By amt paid in cash $262.50
To Comm. 19.50
" Deed 5.00 24.50
$238.00

There will be some other costs to pay.

The purchaser gave his bond for $262. to be due in 12 mos from date. which I herewith return. The sale was a good one and I recommend its confirmation.

Respectfully
L. B. Lewis
Comr

Nov 29. 1889
In Judge Circ.

Turner Margaret
L. Committee &c.

($5.00)

Margaret L. Turner, Committee &c.

1889 In account with Wm. H. Parker, Dr.

May 10 fee for drawing and filing
Answer &c., of insane & infant
defendant brought by you vs
Margaret L. Turner and
Hugh le. Johnson, May Term
Cir: Ct. $ 5 00

Rec'd payment.

Wm. H. Parker, Sol'r ad litem,

Turner Committee
v 3 Decree
Johnson

Nov 29. 1889
Decree Turner
To be entered.
C. M. Hill

Turner Commissioner
vs } Decree
Johnson et

This day this cause came on to be again heard on the papers formerly read, the report of Comr. I B Lamar reporting sale of land to S.W. Davis, to which there is no exception and was agreed by Counsel. On consideration whereof, the Court doth confirm said sale - and doth decree that after paying the costs yet unpaid, the said Comr. pay the balance in his hands to the parties entitled.

Turner Committee
vs
Decree.
Johnson &c.

This day this cause came on to be further heard on the papers formerly read, the report of Comr McKenna filed Nov 30. 1888, to which there is no exception and now argued by Counsel. On consideration whereof, the Court doth confirm the said report, and doth further adjudge order and decree that D. B. Prince, who is hereby appointed a special Commissioner for the purpose after 20 days public advertisement of the land in the proceedings mentioned, sell the same upon by public auction at the Courthouse of Southampton County, at some County Court day, upon the following terms viz: one half cash. the balance upon a credit of twelve months, the purchaser to give bond with such security as said Commissioner may require. Carrying interest from date and the title to be retained for the further order of Court. But the said Commissioner will not proceed to act under this order until he shall have received a

bond before the Clerk of this Court in the penalty of $1000- which bond is to be approved by said Clerk, conditioned to perform his duties under this and any further decree in this cause- And the said Commissioner is to report to this Court his advertisement and return with his report a certificate from the Clerk of this Court that he has executed the bond required by this decree.

Decree Commissioner to Sell Decree

Nov 2nd 1887

To be entered

Nov 6. 1887

337

Turner's Committee

Report

Johnson & Co

1888. Nov. 30. filed

Commissioner's Office.

Courtland, Va. Nov 30. 1888.

To the Circuit Court of Southampton County.

Pursuant to decree of the Circuit Court of the County aforesaid, entered at the November Term 1888, in the Chancery cause of Turner's Committee &c Johnson &c. a copy of which decree is herewith filed. and which said decree requires one of the Commissioners of the Circuit Court of Southampton Co. to enquire and report: "Whether the land in the proceedings mentioned is susceptible of partition among the parties entitled or not: Whether any party interested will take the whole subject matter, and pay to the others a fair price therefor - or whether it would be to the interest of the parties to sell a part and divide the rest. or whether the interest of all parties would be more promoted by a sale of the whole tract."

Upon the depositions of Witnesses, duly taken, subscribed and sworn to, and herewith filed. Your Commissioner is of opinion that the tract of land herein referred to, cannot be divided in kind, without injury to the interested parties. because it lies in such shape

and contains so few acres, that the party receiving the House would get little, if any, land. the land is or would be worthless without buildings. and, vice versa, the House is worthless without land. the Commissioner, therefore, recommends a sale of the entire subject matter and division of the proceeds. believing that the interest of all parties concerned would be promoted thereby.
The whole tract of land contains 109 acres. the actual value of which is believed to be $600.00.

Respectfully Submitted
B. F. McLemore
Com'r in Chancery

Commissioner's fee
$5.00 ch Plaintiff

The depositions of B.W. Bradshaw and others taken before me, Wm. H. Parker, a Commissioner in Chancery of the Circuit Court of Southampton County, pursuant to a decretal order of the said Court entered at the November Term 1888 thereof in the Chancery suit therein depending in which B.W. Johnson Committee of M.L. Turner, is plaintiff and Hugh Johnson, an infant, by W.H. Parker, p.f.d. as below, is defendant, and which said depositions serve as basis of report of said Commissioner herewith filed.

The witness B.W. Bradshaw being duly sworn, deposes as follows:

Q. What is your age, where do you reside and do you know the parties to this suit.

Ans. 28 years old, live in Southampton on the farm adjoining the land in the proceedings mentioned & know the parties to this suit.

Q. Are you well acquainted with the lands in the proceedings mentioned.

A. I am.

Q. Can it be divided in kind between the parties entitled thereto without injury to the interests of said parties; - if not

Why not?

A. I don't think it can be, because it lies in such shape and contains so few acres that the party receiving the portion with the house on it would necessarily get but little, if indeed, any land, and the house alone would be of no value without the land, in the section of the county so far remote from Railroad —

Q. Do you think the interests of the parties would be promoted by a sale of the land & a proper division of the proceeds among the parties entitled thereto?

A. I do —

Q. What is your opinion is the absolute value of the said Real Estate?

A. About $500 — or $600 ——

And further this deponent saith not —

B W Bradshaw

The witness James Edwards being duly sworn deposes as follows —

Q. What is your age, where do you live & do you know the parties to this suit.

A. 63 years old, live in Dutchtown and know the parties to this suit.

Q. Have you heard the above deposition

of B. W. Bradshaw, and do you corroborate the same—

A. I have heard it & I do corobrate it.

And further this deponent saith not.

his
Dan. E. X Edwards
mark

The witness A. J. Joyner being duly sworn deposes as follows—

Q. What is your age, where do you reside & do you know the parties to this suit

A. 33 years old, live in Pinethandle, & know the parties to this suit.

2. Have you heard the above depositions and do you corobarate the same.

A. I have heard them & I corobarate them—

And further this deponent saith not.

A J Joyner

Witness fees
A. J. Joyner. 50 cts
Dan. E. Edwards 50 cts
B. W. Bradshaw 50 cts

I, Wm H. Parker, a Commissioner in Chancery of the Circuit Court for the County of Southampton, in the State of Virginia, do hereby certify that the foregoing depositions of D. W. Bradshaw, Jas: E. Edwards and A. J. Joyner were duly taken, sworn to and subscribed before me pursuant to a decretal order of the said Court entered at the November Term thereof 1888, in the Chancery therein depending in which J. H. Johnson, Committee of Margaret L. Turner, is plaintiff, and Hugh Johnson, an infant, by Wm H. Parker, Guardian ad litem, is defendant.

In witness whereof I have hereto set my hand this day of Nov: 1888.

Wm H. Parker,
Comm'r in Chy.

Southampton Circuit Court: Nov: Term 1888.

Turner Committee

vs Decree

Johnson &c.

This day this cause came on to be heard on the complainants bill the answer of the infant and insane defts: by H. H. Parker their guardian ad litem with general replication thereto the exhibits filed and was argued by counsel On consideration whereof the Court doth adjudge order and decree that one of the commissioners of this Court enquire and report whether the land in the proceedings mentioned susceptible of partition among the parties entitled or not- whether any party interested will take the whole subject-matter and pay to the others a fair price therefor or whether it would be to the interests of the parties to sell a part and divide the rest, or whether the interests of all parties

would be enjoined by a sale of the whole tract - all of which inquiries the Comr will report together with the evidences upon which he bases his opinions. The Comr will also report the absolute value of the said land.

Actg. Secty. Interior: B. F. McLemore Clg.

133

Turner Committee
vs 3 Decree
Johnson et al

Nov Term 1888

To be entered.

C M Stee

Jan 9. 1888

Turner Committee

vs Decree.

Johnson &c.

This day this cause came on to be heard on the Complainants bill the answer of the infant and insane defdt by W.H. Parker, their guardian ad litem, with general replication thereto, the exhibits filed and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court enquire and report, whether the land in the proceedings mentioned is susceptible of partition among the parties entitled or not. Whether any party interested will take the whole subject matter, and pay to the others a fair price therefor. or whether it will be to the interests of the parties to sell & part, and divide the rest. or whether the interests of all parties will be more promoted by a sale of the whole tract. all of which enquiries the Comr will report, together with the evidence upon which he bases his opinions. The Comr will also report the absolute value of the said land.

D 137
Turner Comitis
P 333 Stat: Ruby
D
Turner et al:
1 Act. Ruby

J. H. Johnson, Committee of
Margarett L. Bunner. Pltff
against
Margarett L. Bunner,
an insane person, &
Hugh. C. Johnson, an infant,
by W. H. Parker, their Gdn ad litem Defts

In Chancy

1888. Sept: 24. Sum: to 1st Oct: Rules
" 1st Oct: Rules: Process rel? Ext^d bill & Et: fies.
W. H. Parker apptd Gdn ad litem.
Answer of Gdn ad litem filed.
Gen^l replication. Decree nisi.
" 2" " " Cause set for hearing.

Johnson Committee

vs.

Turner

Turner + al.

1887. 1 Oct. Rules Lib. Pl.

Executed Sept. 29th 1888
by delivering a copy of
this Summons to each of the
within named parties
A. F. Cobb Deputy
for J. H. Williams Sheriff.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Margaret L. Turner an insane person, and Hugh b. Johnson, an infant of tender years. by W. H. Parker their gdn ad. litem.

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 Jeptha W. Johnson Committee of Margaretk L. Turner.

And this writ shall in no wise omit; and have then there this writ.

Witness, ~~J. B. PRINCE~~ B. F. McLemore, Clerk of our said Court, this 24 day of September 1888., in the 113 year of the Commonwealth.

Teste. B. F. McLemore C. C.

Form No. 309.

Turner's Committee

v.

Johnson & als -

Prince. Conv. 126

to { COMMISSIONER'S BOND.

Commonwealth.

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we J. B. Prince and Thos. E. Sebrell are held and firmly bound unto the Commonwealth of Virginia, in the sum of one thousand Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 22nd day of July one thousand eight hundred and Eighty nine.

The condition of the above Obligation is such, That if the above bound J. B. Prince shall faithfully perform the duties of his office or trust, as a Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 7th day of November, 1889, in the suit therein depending under the name and style of "Turner's Committee v. Johnson & others" to sell the land of which John Turner died seized and possessed and perform all other duties required by the said decree according to law -

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

J. B. Prince SEAL.

Thos. E. Sebrell SEAL.

SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day ____ surety on the above bond, made oath before me ____, Clerk of the Circuit Court of the County of Southampton, that ____ estate after the payment of all ____ just debts, and those for which ____ bound as securit ____ for others, and expect to have to pay ____ worth the sum of ____ dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this ____ day of ____ 18____.

Teste: ____ Clerk.

The answer of Wm. T. Parker, Guardian ad litem to the infant defendant, Hough le. Johnson, and to the insane defendant, Margaret L. Turner, and the answer of the said infant defendant, Hough le. Johnson, and the answer of the said insane defendant, Margaret L. Turner, by the said Wm. T. Parker, their Guardian ad litem, to a bill in equity exhibited against the said Hough le. Johnson and Margaret L. Turner in the Circuit Court of Southampton County by I. W. Johnson, Committee of Margaret L. Turner.

For answer to the said bill the said Guardian ad litem answers and says that, of his own knowledge, he knows nothing of the facts stated in the bill; and, therefore, is unable to say whether the Real Estate therein mentioned is susceptible of division between the parties thereto entitled or not: and the said infant and insane defendants, by their said Guardian ad litem, answer and say that, being without sufficient understanding, they know nothing of the matters mentioned in the bill, and commit the protection of their interests to the Court. And now having answered, they pray &c.

(over)

Wm H. Parker, Jr'n ad litem to
Hugh Le. Johnson and Margaret L.
Turner, and the said Hugh Le. Johnson,
and infant defendant, and the said Mar-
garet L. Turner, an insane defendant,
by the said Wm H. Parker, their Guardian
ad litem.

Turner's Committee
to
Johnson brothers -

Will of

Jno. Turner

Exhibit "A"

Aleopy

Fee 60 ct

In the name of God Amen.

I John Turner of the County of Southampton and State of Virginia being of sound mind and memory (thanks be unto Almighty God for the same) do ordain this instrument of writing to be my last will and Testament, hereby disposing of my property both real and personal as follows:-

Item 1. I desire after all of my just debts shall have been paid, I desire that Hugh B Johnson the eldest son of my nephew D.W. Johnson shall have all the balance of my estate after all of my just debts shall have been paid, to be his and his heirs forever.

Item 2 I desire that my nephew D.W. Johnson to be my sole Executor of my Estate after my decease to dispose of my property as above mentioned

Witness my hand and Seal this 28th day of February 1888. in the presence of the following witnesses-

Zachariah Doyle. } John x Turner (Seal)
Jas. M. Bradshaw }

Southampton County Court March Term 1888

A writing purporting to be the last will and testament of John Turner deceased

was produced in Court and proved by the oaths of Zachariah Doyle and James M. Bradshaw the subscribing witnesses thereto and ordered to be recorded as the true last will and testament of the said Jno Turner dec^{d}. And on motion of Jeptha W. Johnson the Executor therein named who made oath according to law, and together with Zachariah Doyle as his security who justified on oath as to his sufficiency, entered into and acknowledged a bond in the penalty of One hundred dollars conditioned as the law directs, which bond is ordered to be recorded, a certificate is granted the said Jeptha W Johnson for obtaining ~~letters of administration~~ a probate of the said will in due form. And on the further motion of said Executor. Z. Doyle, J.J. Harris and A. J. Joyner are hereby appointed appraisers who being first duly ~~qualified~~ sworn will appraise the estate of the said decedent and return the same under their hand as the law directs

Teste D. F. McLemore C.C.

A Copy

Teste Jas. L. McLemore D.C.

Turner's Committee &
vs. Bill & Exhibits.
Johnson et als.

Price & Sibley,
N.C.

To Hon A.W. Hill, Judge of the
Circuit Court of Southampton -

In Chancery.

Humbly complaining sheweth
unto your Honor your complain-
ant, F.W. Johnson, committee of
Margaret L. Sumner, that the said
Margaret L. Sumner and one Drs.
Sumner, late of said County of South-
ampton, were during the life-time
of the latter jointly seized & possessed of
a certain tract of land lying in
said County, containing acres,
more or less and adjoining the lands of

and others - the said Margaret L. Sumner
owning and undivided 1/4 interest
in the said lands, and the said
Drs. Sumner owning an undivided
3/4 interest in the same - And being
so thereof seized & possessed, the
said Drs. Sumner departed this life
on or about the 9th of March 1888,
leaving a last will & testament
whereby he devised all his interest
in the said lands to Hugh A. Johnson,
an infant of tender years, as will
more fully appear from a copy said

Last will & testament herewith filed as an exhibit, marked "A" & prayed to be read as a part of this bill.

And your Complainant further states that the said Real Estate is, as he believes, susceptible of partition between the parties entitled thereto; but, if it be not, then your Complainant desires the same to be sold & the proceeds divided between the parties in proportion to their respective interests therein. In tender consideration whereof, and inasmuch as your Complainant is remediless in the premises save in a Court of Equity where such matters are properly cognizable, to the end therefore that justice may be done, your Complainant prays that the said Margaret L. Turner and Hugh C. Johnson be made parties defendant to this bill & required to answer the same; that a proper guardian ad litem be appointed to defend the rights of the insane defendant and the infant defendant

in this suit; that the said Real estate be divided between the parties entitled thereto, and in case the said Real Estate be indivisible that the same be exposed to sale, and the proceeds arising therefrom be distributed between the parties entitled thereto; that proper process issue and that all such other relief may be given as the nature of this case may require & to Equity shall seem meet.

And your Complainant will ever pray.

May it please the Court &c—

Price & Sibrell,

P.Q.