1897 - 29 Southampton County - Chancery Vaughan, M. J. & Co. vs Johnson, Dempsey's Est.

Britt
Coppedge
Story

"To sell property to satisfy debts"

Johnson, Willie, Admr.
Johnson, Willie
Johnson, A. J. ale
Johnson, Mitchell
Johnson, Jesse
Johnson, James
Johnson, Rosa
Johnson, W. A
Britt, Mary +
Britt, James Sr. Indict
Coppedge, James
Story, O. D.
Story, James B. Trustee

Vaughan &c
vs { Bill &c
Johnson's Admr &c

1875. 21. August. Filed
L. A. Gay C.C.

JAMES L. McLEMORE,
Attorney-at-Law,
COURTLAND, VIRGINIA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

To

The Honorable Robert R Prentis, Judge of the Circuit Court for Southampton County.

Your complainant F. H. Vaughan late merchant trading & doing business as W. J. Vaughan & Co. who sues for the benefit of C. C. Vaughan Jr. his trustee. complaining, showeth unto the Court that he has docketed in the Clerks office of the County Court of Southampton County two judgments against A. J. Johnson aggregating $107.61 together with interest and costs no part of which judgments have been paid. all of which will appear by abstracts of the said two judgments filed herewith marked "A" & "B" as a part of this bill.

Your complainant further showeth that some time during the year 1894. Dempsey Johnson departed this life intestate, having considerable real & personal property in the district of Newsom, in said County. that the two tracts of land contain in the aggregate 354 acres, one of which is known as the home place of said decedent containing 154 acres & bounded by the lands of S. H. Bishop J. A. Bishop & Est. of Davis Vick. the other tract contains 200 acres & was a part of the original Davis Vick tract; that at the term of the County Court 189, Willie Johnson qualified as administrator of the estate of the said decedent and has proceeded to administer the same. that the said decedent Dempsey Johnson, left as his distributees & heirs at law the following children, viz:- Willie Johnson A. J. Johnson, who is sometimes called Ethibod Johnson, Jesse Johnson, James Johnson, Rosa J. Johnson, M. A. Johnson & Mary Britt nee Johnson; that the said A. J. Johnson. by virtue of the Statute law in such case made & provided became seized & possessed

of a 1/7 interest in the property aforesaid, of which his father died seized & possessed. subject to the debts due by the said Decedent.

Your orator is advised that by virtue of the lien of his judgments and the executions issued thereon, he has a lien on both the real & personal property, the share of said A.J. Johnson. and that he has a right to have the said decedents property sold, his debts paid, & the said A.J. Johnsons interest ascertained and the same applied to the payment of his debts; Your complainant would state that there are other judgments against the said A.J. Johnson. subsequent to your orators; and that there is also a Deed of Trust upon the real estate aforesaid executed Jany 24. 1891. by the decedent to secure a debt due to James Cogdale for $100. and to S. D. Story of $500. but your complainant believes that after a proper accounting of the personal property by the administrator and due & legal application of the funds. that the real estate will sell for a sum largely in excess of the debts due by the decedent and that your orators judgments can be satisfied out of the share of said A.J. Johnson. which he is advised is his legal right in the premises.

To the end therefore that justice may be done & for as much as your orator is without remedy save in a court of equity he prays that Willie Johnson administrator of Dempsey Johnson dec'd. and the same Willie Johnson in his own right, A.J. Johnson who is sometimes called Ichibod Johnson, Jesse Johnson, James Johnson, Rosa J. Johnson, M.A. Johnson, Mary Britt & James Britt her husband, James Cogsdale, S.D. Story

and Jennie B. Story Trustee be made parties defendants to this bill required to answer the allegations contained therein, but answers under oath are hereby expressly waived, that the administrator of said deceased may be caused to settle his accounts, that an account of the debts be taken; that the estate of said Dempsey Johnson be settled and the debts against the same paid & if necessary the real estate be sold for that purpose, that the interest of said A.G. Johnson be ascertained and the same subjected to the payment of the lein debts outstanding against the same. that all such orders and decrees may be entered, accounts taken injuries directed and all such general special relief may be granted your orator as the nature of his case may require or to equity may seem meet. And notice is hereby given that the Court will be asked to allow out of the proper fund under the control of the Court, reasonable fees to plaintiffs Counsel conducting this cause. And your Orator will ever pray &c.

Prince McLemore p.q.

In the Circuit Court for Southampton County.
Sept. Term 1895.
Vaughan for pc.
vs. } Decree
Johnson's Administrator et als.

This Cause which has regularly matured at rules Came on this day to be heard upon the bill filed, and exhibits therewith. order of publication returned executed upon the non resident defendants. bill taken for confessed as to all the defendants, and was argued by Counsel. On Consideration whereof the Court doth adjudge, order and decree that this Cause be referred to one of the Commissioners of this Court who will ascertain and report to Court the following:
1st. An account of the liens debts against the sd A.J. Johnson or Ichibod Johnson by which name he is also known, together with their priorities.
2nd. An account of the transactions of Willie-Johnson Adm. of Dempsey Johnson dec'd. and what will be the value of A.J. Johnsons' distributive share of the same.
3rd. An account of the real estate of which the said Dempsey Johnson dec'd. died seized with the value of the same also the liens against the said estate, and the interest of the said A.J. Johnson therein as one of the Children of the deceased

4th. Whether or not the rents and profits arising from the said land will in five years pay the lien debts reported against the said A. J. Johnson, together with any other matter specially stated deemed pertinant by the Commissioner or required to be stated by any interested party.

And the Court doth further adjudge order and decree that the said Willie Johnson Admr. as aforesaid, do not pay to the said A. J. Johnson any portion of his distributive share of his fathers estate, until directed to do so by this Court.

A Copy.

Teste: L. A. Gay D.C.

Vaughan for Pl.
vs.
Johnson Admr. et als.
Decree

Entered
Page 36

Commissioner's Office,

~~Southampton~~, Va., Feb 10. 1896

To James Johnson

You are hereby notified that I have fixed upon the 28 *day of* February *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st - An account of the liens debts against A. J. Johnson - or Archibald Johnson - as he is sometimes called - with their priorities -

2d An account of the transactions of Willie Johnson, Admr of Dempsey Johnson, decd - - - And what will be the distributive shares of A. J. Johnson.

3d An account of the real Estate of which Dempsey Johnson died seized and the value thereof - Also the liens against said land & the interest of A. J. Johnson.

4th - Whether or not the rents and profits arising from said land will, in five years - pay the liens against said A. J. Johnson.

required to be taken by a decree of Southampton Circuit Court, rendered at the September *term, 1895, 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 said Court, the day and year first aforesaid.

B. F. McLemore

Commissioner.

To the Sheriff of ~~Southampton~~ Isle of Wight *County to execute.*

Received for delivery to the within
named James Johnson a true copy
of the within Summons this 26th
day of Sept
1896

R. A. Ewing Sheriff

Vaughan, for Pl.
vs
Mavis
Summons Return. Et. al:
1896. Feb. 28.

Commissioner's Office,

~~Circuit~~ Jerusalem, Va., Feb 10. 1896.

To Jesse Johnson

You are hereby notified that I have fixed upon the 28th *day of* February *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st. An account of the liens debts against A. J. Johnson, or Ichibod Johnson, as he is sometimes called. with their priorities.

2d. An account of the transactions of Willie Johnson, Admr of Dempsey Johnson, decd. And what will be the distributive share of A. J. Johnson.

3d. An account of the real Estate whereof Dempsey Johnson died seized. and the value of the same. also the liens against said land & the interest of the said A. J. Johnson.

4th. Whether or not the rents and profits arising from said land will, in five years. pay the liens against said A. J. Johnson,

required to be taken by a decree of Southampton Circuit Court, rendered at the September *term, 1895, 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 said Court, the day and year first aforesaid.

B. F. McLemore

Commissioner.

To the Sheriff of ~~Southampton~~ Nansemond *County to execute.*

Executed This 27 day of
Feb 1894 by delivering a True
Copy of the Within Process to
Jessy Johnson in person
Geo Bates
Geo Shain Sheriff

Vaughan, Lon & Jr.
vs
Mathews
Johnson mis Adams et al:
1896. Feb 28.

Vaughan, For Pr

Notice

Johnson's Adm'r et als:

1896. Feb 28.

Executed by delivering
Wesley Johnson to him
each of the within
named parties defendant
& Capt Wm Britt &
James Britt & to one
not residents of my State
Feb. 24th 96 J.M. Williams
Sheff

Jesse Johnson & Jim Johnson
Colm not residents of my Co
8/1 J.M. Williams
Sheff

Commissioner's Office,

Cugel and Jerusalem, Va., Feb 10 1886

To Willie Johnson, Admr of Dempsey Johnson, decd. & the said William Johnson, in his own right. A. J. Johnson. sometimes called Ichibod Johnson, Jesse Johnson, James Johnson, Rosa Johnson, M. A. Johnson, Mary Britt & James Britt, her husband, Jas Longsdale, P. D. Story & Juniens B. Story, Infts.

You are hereby notified that I have fixed upon the 28 *day of* February *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st. An account of the lien debts against A. J. Johnson or Ichibod Johnson, by which name he is sometimes known with their priorities.

2nd. An account of the transactions of Willie Johnson, Admr of Dempsey Johnson, decd. and what will be the distributive share of A. J. Johnson.

3rd. ~~What will be the~~ An account of the real Estate of which Dempsey Johnson died seized and the values of the same. also the liens against said Estate & the interest of the said A. J. Johnson therein.

4th. Whether or not the rents and profits arising from said land will, in five years, pay the liens against the said A. J. Johnson.

required to be taken by a decree of Southampton Circuit Court, rendered at the September *term, 1885, 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 said Court, the day and year first aforesaid.

D. F. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

An Account of the liens debts against R. J. Johnson or Schibed Johnson. by which names he sometimes known. arranged according to their priorities. Reported in obedience to a decree of the Circuit Court of Southampton County - entered at the September Term 1895: in the Chancery Cause of "Vaughan for &c. & Johnson's Adm'r & als".

1	1st	Judgment in favor M. J. Vaughan & Co.	95 86	
		Int: from Jany 1/93 to Mch 1/96	18 21	
		Costs	1.00	115 07
	1"	Judgment in favor M. J. Vaughan & Co	12 05	
		Int: from Jany 1/93 to Mch 1/96.	2 28	
		Costs	1.00	15 33
2	2"	Judgment in favor Baer & Co.	~~63 14~~	
		Int: from July 16/94. to Mch 1/96.	~~2 84~~	
		Costs	~~4 50~~	~~69 48~~
	2"	Judgment in favor E. Whitfield & Co	24 66	
		Int: from Augt. 6/95 to Mch 6/96.	98	
		Costs	1.50	27 14
	2"	Judgment in favor M. L. Beale	89 55	
		Int: from Jany 1/89 to Mch 1/96	98	
		Costs	2 90	93 43
3	3d	Judgment in favor Dr J. F. Bryant	53 00	
		Int: from Jany 1/93. to Mch 1/96:	10 07	
		Costs	1.50	64 57
4"		Judgment in favor Willis Johnson.		
		Adm'r of Dempsey Johnson, dec'd.	275 00	
		Int: from Jany 19/94 to Mch 19/96	35 75	
		Costs	3 47	314 22
		Judgment in favor Rosa B. Johnson	90 00	
		Int: from Apl 15/95 to Mch 15/96	4 95	
		Costs	3.47	98 42
				$795.68

-over-

To amt brot forward			795.68
5 — Judgment in favor of the Courtland Mercantile Co	16.01		
Int: from Augt 6/95 to Mch 1/96	58		
Costs -	1.50	18.09	
Total.			$813.77

Respectfully Submitted.
B. G. McLennan
Com'r in Chancery

The Estate of Dempsey Johnson, dec'd.
In acct with Willie Johnson his Adm'r.

1895				
Feb 14	By Amt: Sales Chattle property			$456 43
" "	" " " " "			23 59
" "	To paid for posting off P/Mtg &c.	$ 14 30		
" "	" " Tax on Administration Bond	1 00		
" "	" " Mrs S. M. Stephenson. bond & Int:	46 34		
" "	" " R. L. Story. Clerk at Sale	7 50		
" "	" " Southampton Democrat. printing Notices of Sale &c.	75		
" 21	" " Eley Howell & Co. for Coffin for decedent.	25 00		
	" " J. L. Gillette. Crier, at Sale	5 00		
Apl 15	" " J. T. Blow. Appraiser	1 00		
" 16	" " Rosa B. Johnson	5 00		
" 18	" " Taxes for the year 1894	16 17		
" "	" " T. A. Bishop. Appraiser	1 00		
July 15	" " W. W. Moore. Acct.	1 00		
" "	" " M. L. Beale "	75		
Augt 17	" " W. J. Sebrell, Atty. fee	5 00		
Sept 2	" " Clerk Cir: Ct: fee bill	3 47		
" "	" " " " " Tax on Sale	1 00		
Nov 29	" " Taxes for 1895	15 28		
Dec 16	" " Dr W. B. Barham, Med: bill	90 00		
" "	" " R. D. Moore, Crier, for selling Land	50		
" 31	By Sales of 5 acres land. known as the Gwaltney Johnson tract.			80 00
	" " 1817 lbs P. Mtg @ $1.5			28 16
	" Rent of Farm for 1895			100 00
1896.				
Feb 14	" Willie Johnson's Note - for $196.15 + Int:			207 91
	" Amt retained to pay Clerk County Court fee bill	7 45		
	" Commissions on $896.09 @ 5%	44 80		
		291 31		896 09

1896.						
Feb. 14	"	Amounts brot forward		291.31	896	09
" "	"	Paid J. T. Blair for use of hearse		9.00		
" "	"	Amo: retained to pay Comr for this acct.		2.50		
	" "	" " for recording same		1.25		
		Balance		592.03		
			$	896 09	$ 896	09
1896.						
Feb 14	By bal: due Estate this day				$ 592	03

with interest thereon from this day till paid.

Respectfully Submitted.

B. F. McLemore,

Comr in Chancery.

An Account showing the distributive share of A. J. Johnson in the real and personal Estate of Dempsey Johnson, dec'd.

To balance in the hands of Willie Johnson, Admr of Dempsey Johnson, dec'd.			
from sale of personal Estate.	$	592.	03
" balance from sale of real Estate, sold under Trust Deed.		744.	75
" Amount to be distributed	$	1336.	78
To A. J. Johnson's share, 1/7 of $1336.78.	$	190.	98

Respectfully Submitted.
W. F. McLemore,
Comr in Chancery

Vaughan & Co. for Pltf
" } Report.
Johnson's Admr & als:
1896. March 7. filed

Rec'd for J Rd. $31.04
" 21.96

Commissioner's Office.
Courtland, Va.
Feby 28th 1896.

To Hon R. R. Prentis, Judge of the Circuit Court of Southampton County:-

Pursuant to a decree of said Court, entered at the September 1895 in the Chancery Cause of "Vaughan & Co. for Use &c v Johnson's Adm'r & als". The undersigned Commissioner, on the 10th day of Feb 1896, issued Notice against the several parties to the suit, requiring them to appear at his Office in Courtland, on the 28th day of Feb. 1896. at which time and place he would proceed to take the accounts and make the report required by the aforesaid decree. That said Notice has been executed upon all parties, except Mary Britt and James Britt, her husband - who reside in North Carolina. Whereupon the Commissioner proceeded, on the said 28th day of Feby 1896. to take and state the following accounts - Viz:

1st - An account of the lien debts against A. J. Johnson, or Ichabod Johnson, (by which name he is sometimes known) with their priorities -, And herewith reports Judgments against said Johnson, Amounting to $813.77, inclusive of interest, which have been arranged according to priority.

2nd - An account of the transactions of Willie Johnson, Admr of Dempsey, dec'd. Showing a balance in the hands of said Administrator due to the Estate of said decedent, of $592.03. with interest thereon from the 14th day of February 1896, till paid.

3rd - The Commissioner being required to take an

Account of the fee simple and annual value of the real Estate which of Dempsey Johnson died seized; submits the following:- That Dempsey Johnson, at the time of his death, was seized of 38½ acres of real Estate - valued at $1600.00, that said land was, at the time of the death of decedent, under a trust deed in favor of J.L. Cogsdale and J.D. Story, to secure certain debts due them parties. and was on the 21st day of Oct: 1895. sold at Public Auction by J.B. Story, Trustee, for $2375.00. And that after paying expenses of sale and the debts secured, a surplus of $744.75 remained in hands of the Trustee (as shown by Trustee Account. ~~of record~~ filed in the Clerks Office of Southampton County Court) to be divided among the heirs of Dempsey Johnson, dec'd.

4th- Dempsey Johnson departed this life leaving seven children as his heirs at Law. viz: Willie Johnson, A.J. Johnson (sometimes called Schitod Johnson), Jesse Johnson. James Johnson. Rosa Johnson. M.A. Johnson and Mary Britt - (nee Johnson).

The distributive share of A.J. Johnson, in the real and personal Estate of his father. Dempsey Johnson, dec'd. will be 1/7 part of $1336.78. or $190.98.

No liens have been reported to the Commissioner against the Estate of Dempsey Johnson. dec'd.

The several Accounts herein referred to, and the Notices of the time and place of taking the same, are herewith filed.

Respectfully Submitted,
B. F. McLemore
Comr in Chancy.

Comrs fee $5.00
to Plaintiff

Virginia:

In the Clerks Office of the Circuit Court for Southampton County. In Vacation August 13th. 1895.

T. H. Vaughan who sues for the benefit of the Vaughans his Trustee. Plaintiffs

Vs

Willis Johnson Adm. of Dempsey Johnson, decd. & the same Willis Johnson in his own right, A. J. Johnson, who is sometimes called Ichibod Johnson, Jesse Johnson, James Johnson, Rosa Johnson, M. A. Johnson, Mary Britt & James Britt her husband, James Coggsdale, P. D. Story, & Jennie B. Story Trustee, Defendants

In Chancery.

The object of this suit is to settle the estate of Dempsey Johnson decd, and to subject the interest of A. J. Johnson (who is sometimes called Ichibod Johnson) therein, both real & personal to the payment of the liens debts against him as their priorities may appear.

And affidavit having been made that Mary Britt & James Britt, two of the defendants to this suit are non residents of this State.

The said Mary Britt & James Britt are required at the Clerks office of the Circuit Court of this County to appear within fifteen days after due publication hereof and do what is necessary

to preach this in Circuit, and that a copy of this order be forthwith published once a week for four successive Weeks in the Black Walnut Courier, a newspaper published in the Town of Franklin, in the County of Southampton, State of Virginia, and be posted at the front door of the Court-house of said County, on the first day of the next County Court of said County, after the date of this order.

Teste: L. R. Gay C.C.

Pretlow & McLemore p.q.

Vaughan &c. vs Order of publication Johnson &c. adv.

1895. Aug. 13th filed L. A. Gay C.C.

Virginia

In the Clerk's office of the Circuit Court.

In Vacation Aug. 17. 1895.

F. H. Vaughan Admr. &c.

vs.

Willis Johnson. Admr &c.

In Chancery.

The object of this suit is to settle the estate of Dempsey Johnson dec'd. and to subject the interest of A. J. Johnson (who is sometimes called Ichabod Johnson) therein, both real & personal to the payment of the lien debts against him as their priorities may appear.

Vaughan for pl.

vs } Affidavit by atty

Johnson

1895. 13. Aug. filed

Virginia:

In the Clerks office of the Circuit Court for the County of Southampton to wit:

This is to certify that Jas. L. McLemore, Counsel for the plaintiffs, personally appeared before me & made oath that Mary Britt & James Britt, are not residents of the State of Virginia, to the best of his knowledge & belief,

Given under my hand this 13th day of Aug. 1895

L. A. Gay

Form No. 309.

Vaughan for &c.
Vs
Johnson's Adm'r. et als.

Jas. L. McLemore

to { COMMISSIONER'S BOND.

Commonwealth.

1896. 9th April Filed
L. A. Gay C.C.

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

Know all Men by these Presents, That we James L. McLemore B. F. McLemore

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Four Hundred 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 9th day of April one thousand eight hundred and Ninety Six.

The condition of the above Obligation is such, That if the above bound James L. McLemore shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 24th day of March, 1896, in the suit therein depending under the name and style of Vaughan for &c. vs. Johnson's Adm'r. & als.

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

Signed, sealed and acknowledged in the presence of

Jas L McLemore SEAL.

B. F. McLemore SEAL.

SEAL.

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

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

Given under my hand this 9th day of April 1896.

Teste: L. A. Gay Clerk.

Vaughan, by &c.

VS. Petition.

Johnson et als.

1896. 3rd March filed

L. A. Gay b.b.

In the Circuit Court of Southampton County, Virginia.

Vaughan for &c,

Versus.

Johnson's Admr. et als.

Your petitioner, Junious B. Story, respectfully represents that he sold on October the 21st. 1895, as trustee, all of the land of which Dempsey Johnson died seized, save a small tract of about 5 acres, which land he sold pursuant to a deed of trust thereon, executed to secure debts due to Jas. L. Coggsdale and P. D. Story; that the said property sold for more than enough to pay the said debts, and he now has in his hands, or rather had after paying the said deed of trust creditors of said decedent, Dempsey Johnson, about $744.75 which sum, with the exception of the share of A. J. Johnson, he has paid to the heirs, and children of said decedent, according to their respective rights, that A. J. Johnson's share is now in his hands, and is subject to the order of this Court.

Your petitioner is aware of the nature of the Chancery suit above referred to and therefore is unwilling to pay out the funds in his hands belonging to the said A. J. Johnson, until the same is directed by this Court, wherefore he prays that he may be directed to pay the said sum of $106.39 as to the Court may seem right, and in such manner as to relieve your petitioner of all further liability in the premises, And he will ever pray &c.

(Sign'd) J. B. Story

Vaughan for pc.

Vs } Sum. In chy

Johnson Et als.

1895. 2. August Rules,

Lis, Lat

Executed Aug. 16th
1895 by delivering
a copy of this
Subpoena to each of
the parties defendant
named within except
Jesse & James Johnson
& Mary & Jane Britt
who are not residents
of my County.

R. D. Brown Deputy
for D. W. Winn Shff
16

Primm & McLemore p. q.

(8)

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON... William Johnson Admr. of Dempsey Johnson dec'd, & the same Willie Johnson in his own right, A. J. Johnson who is sometimes called Jehibod Johnson, Jesse Johnson, James Johnson, Rosa Johnson, M. A. Johnson, Mary Bell & Jas. Britt her husband, Jas. Boggedah, T. D. Story & James D. Story Trustee.

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 3rd, Monday in August 1895 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by F. N. Vaughan late Merchant trading & doing business as M. J. Vaughan & Co, who sues for the benefit of C. B. Vaughan Jr. his Trustee.

And this shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. A. Gay, Clerk of our said Court, at the Courthouse, this 13th day of August, 1895., in the 120th year of the Commonwealth.

TESTE: L. A. Gay, C. C.

Executed on 17th day of Aug. 1895
by delivering a copy of the within
to Jamie Johnson in person.

Joe A. Johnson Deputy
R. A. Edwards Sheriff

Vaughan for pl.
vs
Sam. Lucky
Johnson et als.

1895. Z. Augustus Rees.
Lic. Col.

Prince & McKinnon P.-S.

THE COMMONWEALTH OF VIRGINIA, Isle of Wight

TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Willis J. Johnson Admr. of D. Company J. Johnson dec'd, & the same Willis Johnson in his own right, A. J. Johnson, who is sometimes called Ichibod Johnson, Jesse Johnson, James Johnson, Rosa Johnson, M. A. Johnson, Mary Britt & James Britt her husband, James Coggeshall, P. D. Story & Jennius B. Story Trustee. 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 2nd Monday in August 1895 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by F. H. Vaughan late Merchant trading & doing business as M. J. Vaughan & Co, who sues for the benefit of C. C. Vaughan Jr. his Trustee

And this them you shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. R. Gay, Clerk of our said Court, at the Courthouse, this 13th day of August, 1895., in the 119th year of the Commonwealth.

TESTE: L. R. Gay, C. C.

Vaughan for rc.

Vs } Summ. In chy.

Johnson et als

1895. 1. Sept. Issued,

Lein. Deb.

Executed This 24th
day of Nov 1895
by delivering a true
Copy of the within
Process to Jessey
Johnson Wm Person
& W Baker
Sheriff

Primer & McLemore p. q.

THE COMMONWEALTH OF VIRGINIA, *Nansemond*

TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY, GREETING:

as at another time we have commanded you

~~WE COMMAND YOU~~ TO SUMMON *William Johnson Admr. of D. Company Johnson dec'd. & the same William Johnson in his own right, A.J. Johnson who is sometimes called Ichibod Johnson, Jesse Johnson James Johnson, Rosa Johnson, M.A. Johnson, Mary Britt & James Britt her husband, James Doggedale, P.D. Story & Jimmins B. Story Trustee,*

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 *1st* Monday in *Sept* *1895* ~~next~~, to answer a Bill in Chancery exhibited against *them* in our said Court by *F. H. Vaughan late* *merchant trading & doing business as M.T. Vaughan & Co, who sues for the benefit of C.B. Vaughan Jr. his Trustee*

And this *1st* *day* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ *L. A. Gay*, Clerk of our said Court, at the Courthouse, this *1st* day of *August*, 1895., in the *120th* year of the Commonwealth.

TESTE: *L. A. Gay*, C. C.

Franklin, Va., _____ 189

M Vaughan for use
vs
Johnson Admr et. als.

To "The Blackwater Courier," Dr.,

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Lock-Box No. 42. FRANKLIN, VA. Office: Main St.

—{ THE COURIER is the cheapest and best advertising medium in the State of Virginia. }—

Franklin, Va.,.....189...

I R. I. Leary, Editor of the Blackwater Courier, hereby Certify that this order of publication intitled F. H. Vaughan, Who Sues for the benefit of his Trustee, C. C. Vaughan vs. Johnson Adm. etc has appeard for four successive issues in the Blackwater Courier beginning on Aug 17 1895 Ending Sept. 4 1895

R. I. Leary Pub

Virginia In the Clerk's Office of the Circuit Court for Southampton County, In Vacation

AUGUST 13th, 1895

F. H. Vaughan, who sues for the benefit of C. C. Vaughan, Jr., his Trustee,

PLAINTIFF, vs.

Willie Johnson, Adm'r, of Dempsey Johnson, deceased, and the same Willie Johnson in his own right, A. J. Johnson, who is sometimes called Ichibod Johnson, Jessie Johnson, James Johnson, Ross Johnson, M. A. Johnson, Mary Britt and James Britt her husband, James Coggsdale, P. D. Story, and Junius B. Story Trustee; Defendants.

IN CHANCERY.

The object of this suit is to settle the estate of Dempsey Johnson deceased, and to subject the interest of A. J. Johnson (who is sometimes called Ichibod Johnson) therein, both real and personal to the payment of the lien debts against him as their priorities may appear.

And affidavit having been made that Mary Britt and James Britt, two of the defendants to this suit, are non-residents of this State the said Mary Britt and James Britt are required to appear at the Clerk's office of the Circuit Court of this County within fifteen days after due publication hereof and do what is necessary to protect their interest, and that a Copy of this order be forthwith published once a week for four successive weeks in the BLACKWATER COURIER, a newspaper published in the town of Franklin, in the County of Southampton, State of Virginia, and be posted at the front door of the Court-house of said County, on the first day of the next County Court of said County, after the date of this order.

A Copy,
Teste: L. A. GAY, C. C.
Prince and McLemore, p. q.

I, L. A. Gay clerk of the Circuit Court of Southampton do Certify that I posted the foregoing order at the Court-house door on Aug. Co. Court day 1895. Test: L. A. Gay C.C.

Vaughan for &c.

Vs. } Statement of Costs

Johnson's Admr. et als

Vaughan for pl.
vs. } Statement of Costs.
Johnson's Admr et als.

Summ. 25. 11 copies 1.43. another Summ. 25. Copy 13 = 2.06

another Summ. 25. Copy 13. receipt for the 3 Summ. 39 = 77

atty. 10. Docket. 18. Rule 50. alias Summ. 25. rec'd. 18 Copy 10 = 1.81

Entering return 35. Fil. bill 15. Dº. 24. 15. Copy 24.50 = 1.05

Rule 50. oath as to non-residence 15. fil. affidavit 15 = .80

Copy or. pub. 20. Dº. 5 post 20. + Rule 50. fil. certificate 15 = 1.05

fil. J.B. Story's petition 15. fil. Comr's report 25. + = .40

2 dozens $1.44. + Com Cost 40. = 1.84

Commissioners bond $1.40 + = 1.40

future Costs - 1 dozen 72 = fil. Comr's report. 25. fil. away Papers 25 = 1.22

75.
36.
10.
10.
20.
1.01
.65

Paid L. A. Gay Comr Ct $18.90

Paid W. Williams Sheriff 7.00

Paid J.L.W. Law Ct. 16.50

Comr J.F. McLemore's fee 5.00

pd by JLW Sheff. of Nansemond 50

" " " Sheriff Wright 50

$41.40

Ord. pub. 5.00

future Cost 2.50

$48.90

Vaughan for &c.

Vs } Statement of Rules

Johnson's Admr. &tals.

F. N. Vaughan late merchant trading & doing business as M. T. Vaughan & Co, who sues for the benefit of C. C. Vaughan Jr. his Trustee, Plaintiffs
vs } In Chancery
Willie Johnson Admr. of Dempsey Johnson dec'd, & the same Willie Johnson in his own right, A. J. Johnson, who is sometimes called Ichibod Johnson, Jesse Johnson, James Johnson, Rosa Johnson, M. A. Johnson, Mary Brill & James Brill her husband, James Boggsdale, T. D. Story & Jemima B. Story Trustee, Defts

1895. 13th August. Process Iss'd. to 2nd Aug. Rules.
Order Pub. Iss'd. affidavit filed.

1895. 2nd Aug. Rules. Process returned executed on Willie Johnson Admr. of Dempsey Johnson dec'd. & same Willie Johnson in his own right, A. J. Johnson who is sometimes called Ichibod Johnson, James Johnson, Rosa Johnson, M. A. Johnson, Jas. Boggsdale, T. D. Story, & J. B. Story Trustee. Bill & Exhibits filed, Decree nisi vs Defts, upon whom notice ordered. Alias Iss'd. on Jesse Johnson. to 1st Sept. Rules.

1895. 1. Sept. Rules. Alias on Jesse Johnson returned executed.

1895. 2nd Sept. Rules. Order publication Completed, Bill taken for Confessed and Cause set for hearing

Ex. "A"

Vaughan M. T. Co.

vs. } Extract of Judgment.

Johnson A. J.

---------- *p. q.*

Justice
~~Circuit~~ *Court,*

April 19th ~~Term~~, 1893

No. 1891

COMMONWEALTH OF VIRGINIA, Justice

In Southampton ~~Circuit~~ Court, April 19th ~~Term~~, 1893.

M. T. Vaughan & Co. Plaintiff

Against

A. J. Johnson Defendant

In Case

Judgment for the Plaintiff ~~s~~ against the Defendant for

Ninety five 86/100 DOLLARS,

~~Homestead waived, with legal interest thereon from day of~~ 189

With interest from the 1st day of January 1893

till paid, and costs $ 1.00

A Extract—Teste: D. F. McLemore C. C.

Ex. "B"

Vaughan M.J. & Co.

vs. } Extract of Judgment.

Johnson A.J.

---------- *p. q.*

Justice
~~Circuit~~ *Court,*

April 19th, ~~Term~~, 1893

No. 1897

COMMONWEALTH OF VIRGINIA, Justice

In Southampton ~~Circuit~~ Court, April 19th ~~Term~~, 1893.

M. T. Vaughan & Co. ..... Plaintiff

Against

A. J. Johnson ..... Defendant

In ~~Case~~

Judgment for the Plaintiffs against the Defendant for

Interest ~~_____~~ 01/100 DOLLARS,

~~Homestead waived, with legal interest thereon from day of 189~~

with interest from the 1st day of Jany. 1893

till paid, and costs $1.00

A Extract—Teste: B. F. McLemore C. C.

An Account distributing balance in the hands of Wm Johnson. Administrator of Dempsey Johnson, dec'd Among the heirs of said decedent.

1896				
Apl 18	By Amount in hands of the Administrator.			$1335.78
	To Cost retained to pay Costs of Chancery			
	To amt retained to pay for recording this Acct		1.25	
	Balance			
1896.				
Apl 18	By balance to be distributed			1335.53
	To Willie Johnson 1/7 part.		190.79	
	" A. J. Johnson 1/7 "		190.79	
	" Jeff Johnson 1/7 "		190.79	
	" James Johnson 1/7 "		190.79	
	" Rosa Johnson 1/7 "		190.79	
	" M. A. Johnson 1/7 "		190.79	
	" Mary Britt - nee Johnson 1/7 part.		190.79	
		$	1335.53	$1335.53

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

Rec'd 1896. of Wm Johnson, Adm'r of Dempsey Johnson, dec'd., our distributive share of the Estate of said decedent. as shown by above Account.

The Commissioner states specially. that the above balance of $1335.53 is composed of $592.03 proceeds from sale of chattel Estate. and $744.75 from sale of real Estate under Trust Deed. executed by J. B. Story, Trustee; That said sum of $744.75 has been paid by said Trustee to the Heirs of Dempsey Johnson, dec'd. and that no part of said

sum of $744.75. has come in the hands of the Adm administrator. And that the actual Amount in the hands of the Administrator to be distributed is $592.38 or $84.40 per Capita.

Respectfully Submitted.

B. F. McLemore.

Comr in Chancery

Received this 16 day of May 1896 Eighty four dollars and fourty 40/100 $84.40 in full for his part of the Estate of Dempsey Johnson of Willie Johnson administrator

James E. Johnson

Rec'd May 23. 1896 of Willie Johnson, Admr of Dempsey Johnson, dec'd, Eighty one & 4/100 dollars, in full of amounts due us as the heirs at law of the said Dempsey Johnson, dec'd.

Mary E Pratt

Rose B Johnson

Medicc. Ann J Johnson

Jas. F. McLemore atty

for M. T. Vaughan & Co.

Jesse D. Johnson by

Price & McLemore atty.

(Receipt for $50. and cash $31.40)

To The Hon. Robert R. Prentis, Judge of the Circuit Court.

Vaughan & Co.

Vs. Report of Special Commissioner J.L.McLemore.

Johnson's Admr. et als.

Your Commissioner appoin ed at the March Term 1896, to collect the share of A.J.Johnson in the estate of his father, begs to state that he c llected and disbursed the share as follows:

Amount received from William Johnson Admr.	$ 81.04
Amount received from J.B.Story, Trustee,	106.39
	$187.43

Paid as follows:

Cost of the suit.	$ 48.90
Commissions on receipts,	9.37
To Prince & McLemore attys for C.C.Vaughan Jr., Trustee for M.T.Vaughan & Co. on Judgments, as per report of Commr. filed March 7, 1896.	129.16
	187.43

Vouchers returned.

May 23/1896

Respectfully Submitted,

J.L.McLemore

Special Commissioner.

Rec'd of J. L. McLemore Special Comm'r in the above mentioned cause the sum of One Hundred & Twenty Nine 16/100 Dollars ($129.16) same being balance in his hands on account collections A.J. Johnson

May 23. 1896. Prince & McLemore
Atys for C.C. Vaughan Jr.
Trustee M.T.V. & Co.

Vaughan Trustee, for &c.

Vs Report of Speal. Commr.

Johnson's Admrs. et ala

Filed Jan. 30. 1896

To The Hon. Robert R. Prentis, Judge of the Circuit Court.

Vaughan & Co.

Va. Report of Special Commissioner J.L.Holcombe.

Johnson's Admr. et als.

Your Commissioner appointed by the March Term 1896, to collect the share of A.J.Johnson in the estate of W.T.Vaughan &c. on Judgment, filed Jan. 7, 1896, to state the account, &c. reports as follows:

Paid as follows:

Cost for suit.	$ 48.50
Commissions on receipts.	3.37
" " Advances for Holcombe	81.04
Amount received from J.B.Story, Trustee.	106.39
	$187.45

Vouchers returned.

Respectfully Submitted,

Special Commissioner.

$187.45

And the Court doth further adjudge order and decree that the said Willie Johnson admr. as aforesaid, do not pay to the said A.J. Johnson any portion of his distributive share of his fathers estate, until directed to do so by this Court.

Vaughan for pltf etc.

Vs. Decree.

Johnson's Admr. et als.

1895 Sept. 23rd.

To be entered.

Robt C. Ellis

Entered page 56

Vaughan for &c.

Vs. Decree.

Johnson's Administrator et als.

This cause which has regularly matured at rules came on this day to be heard upon the bill filed, and exhibits therewith order of publication returned executed upon the non resident defendants, bill taken for confessed as to all the defendants, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court who will ascertain and report to Court the following:

Ist, An account of the lien debts against the said A.J.Johnson or Ichibod Johnson, by which name he is also known, together with their priorities.

2nd. An account of the transactions of Willie Johnson Admr. of Dempsey Johnson decd, and what will be the value of A.J.Johnsons' distributive shard of the same.

3rd. An account of the real estate of which the said Dempsey Johnsoa decd. died seized with the value of the same also the liens against the said estate, and the interest of the said A.J.Johnson therein as one of the children of the decedent.

4th. Whether or not the rents and profits arising from the said land will in five years pay the lien debts reported against the said A.J. Johnson, together with any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any interested party.

(mr)

Vaughan for &c.

vs.

Johnson's Exrs. &c.

Decree.

This day this cause came on to be heard upon the papers formerly read the report of Commissioner R.C.Vaughan bearing date the 3rd.day of March 1890. to which report exceptions have been taken, the exceptions of the defendants to the said report and the exceptions of the plaintiff to the said report, and was argued by Counsel on consideration whereupon it is adjudged ordered and decreed that the said report be and the same is hereby confirmed and that the plaintiff do recover of the defendants the sum of $180.00 with interest thereon from the 1st.day of March 1889. until paid and his costs by him about his suit in this behalf expended to be taxed by the Clerk of this Court and that the defendants do pay the same to the plaintiff or his Solicitor within thirty days from the date hereof, and in default thereof

Vaughan for &c.

Vs. Decree.

Johnson's Admr. et als.

This day this cause came on to be heard upon the papers formerly read, the report of Commissioner B.F.McLemore filed March 7th. 1896. to which there are no exceptions taken, the petition of J.B. Story, filed March 3rd. 1896, and was argued by Counsel- On consideration whereof, and it appearing from the said report and petition, that there is in the hands of the Administrator of Dempsey Johnson decd. the sum of $192.03 of which A.J.Johnson is entitled to 1/7 and that S.B.Story has in hand for the said A.J.Johnson the sum of $106.39, subject to the order of this court, making a total of $190.98, due him, all of which has been, and is subject to the liens of judgments and executions, the Court doth adjudge, order and decree, that J.L.McLemore, who is hereby appointed a special commissioner, for the purpose, do proceed to collect the said sum of $190.98 due to the said A.J.Johnson, and after paying the cost of this suit, ~~including a fee of $ to plaintiff's counsel,~~ pay the said sum, or the balance in his hands to the judgment creditors as their rights and priorities are ascertained in the report of the said B.F.McLemore, Commissioner, and he will report to Court.

But before he shall proceed to act hereunder he shall enter into bond before the Clerk of the Circuit Court in the penalty of $800. conditioned as the law directs, and for the faithful discharge of this and any future decree that may be entered herednder

Vaughan, Trustee for &c.

Vs. Decree.

Johnson's Admr et als.

March 25, 1897.

Entd.

Entered Page 137

Vaughan C.C.Jr., Trustee for &c.

Vs.

Johnson's Admr. et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of special commissioner, J.L.McLemore, filed June 30 th. 1896, reporting collection and disbursements, in accordance with a preceding decree entered in this cause, supported by proper vouchers, and to which report no exceptions have been taken, and was argued by Counsel. On consideration whereof the Court doth approve and confirm the said report, and nothing further remaining to be done in this cause it is ordered to be removed from the docket.