

1856-007

Chancery Causes, Edward R. Johnson
Isle of Wight County admr

vs William W. Wright, trustee + Robert L. Eley's

other SURNAMES: Hall, Persons,
Flynn, Whitehead, Powell

Edw. R. Munson

vs. $\frac{3}{3}$ Ch. paper.

St. M. Wright & Co.

March rules 1835 Bill &
filed, Dec. 24. 1835 decrees
made in chf.

April rules 1835. Set for
hearing on bill motion.

May 1835. Decree - O. R. D. p. 40.

Oct. 1835. Cons. for report

Apr. 10. 1836 rept. made.

May 17. 1836 final decree.

.66
3.78
1.14
.72
6.30

To the Hon. Richard H. Baker judge of the Circuit Court
of Dale of Wright County, in Chancery sitting hereby complaining
sheweth unto your Honor, your Orator Edward R. Johnson
that being indebted to one Robert L. Eley in his lifetime
on the 18th of August 1842, he executed a deed of trust of that
date wherein he conveyed (to secure the debt of \$730, to Eley) to
the William W. Wright the trustee - a tract of land, a negro
Nathan, and the personal property therein specified, as will
more fully appear by reference to an Office copy of the said
deed of trust, herewith filed marked "A" and prayed to be
taken as a part of this Bill. The land and negro were sold by ano-
ther trustee under a previous deed. Your Orator further states & charges
that in the fall of that year (1842). the trustee bought, under said
deed, sold at Public Auction, all the personal ^{property,} (except the negro
Nathan) - including some 70. or 80 barrels of Corn, quite a large
number of fine hogs, cows & sheep &c: the proceeds of which,
together with funds which he had received from other sources,
(and which he was entitled to receive), amounted to con-
siderably more than was sufficient, as he verily believes, to discharge
the said trust debt, and the costs attending the sale &c:

Since that time Robert L. Eley has died, and Thomas Hall has
qualified as his Administrator as the annexed Order marked "B"
will shew, and to whom your Orator believes that he has had
to pay the said debt, or at least a part thereof, notwithstanding
as aforesaid his property for that purpose had been previously disposed
of.

Your Orator further states and charges, that from the time of said
sale to the present, he has repeatedly called upon the said
Wright the trustee, for an account of his sales & disbursements,
and the payment of the surplus to him if any, but he has
constantly refused, alleging that he was not compelled to make
any report, or account thereof, so that your is totally ignorant

of the manner in which his trustee has performed his duties.

The only reason that all of his property was sold at ruinous prices, and he charges for more than enough to pay the ^{said} debt, and thereby thinks that his subsequent accumulations have been seized under an execution in favour of Ely's Representative, to pay in part the same. That he has no vouchers, and no means of protecting himself against the payment of the said debt again, for the said Wright, has refused & failed to give him, or produce before him the slightest memorandum of his transactions aforesaid. all of which is contrary to Equity and good ~~sense~~ conscience and in violation of his duties as trustee.

Your orator will remark that he was not aware until very recently, that he could compel the trustee to render an account of his sale & the manner of his disbursing the proceeds - having been told by the trustee (who is esteemed an intelligent and business man, and he himself being an ignorant one, that he was not compelled so to do.

Your orator prays that the said Hon. Wright the trustee and Thomas Hale advisor of Robt. Ely, be made parties defendant to this Bill and be compelled to answer the same. That the said trustee, Wright, render an account & a full statement of his transactions in reference to the sale aforesaid, and the disbursement of the proceeds: and also account for all sums of money he may received from any other source, and from whom he received the same - state how much was paid to him of any by one or more persons? & that he may be made to produce the said bond for the said debt mentioned in the trust deed; and if there be a surplus, that the same be paid to your orator with interest, and that your honor will all relief which may be met and fit in the premises; and grant the bond ~~supra~~

N. H. Hilditch

Ed. R. Johnson

Bell

Wagstaff Hall

March 22, 1855. Filed

To the Hon: R. N. Baker, Judge of the Circuit Court
of Isle of Wight County -

The Answer of William W. Wright, to a Bill
in Chancery filed in the said Court by Edward R.
Johnson against him -

This Respondent, for answer to so much of the
said Bill as is material for him to answer says -

That the said Johnson did on the 18th of August 1842
execute to this Respondent as trustee for Ro. L. Eley, a Deed
of Trust to secure a debt of \$720, and conveyed a tract of
Land of 303 acres more or less, an old negro named Nathan
some chattel Estate as set forth in said Deed (a copy of
which ^{Deed} is filed with the plaintiffs Bill) -

That on 3rd Jan'y 1843 (having been so directed
by Ro. L. Eley the creditor) he proceeded to sell the property
named in said Deed (except the Land which had been
sold under a prior lien and from which sale this Res-
pondent never received any amount whatever) and
did sell to the amount of \$321.32, when Ro. L. Eley
the creditor, ~~having become dissatisfied with the sale~~
at the solicitation of said Edw. R. Johnson, stopped
the sale, in order to give Johnson further time to pay said
debt, he promising to make other arrangements immediately
- which he failed to do, when another sale was ordered
by said Eley which took place on the 9th of February 1843
& amounted to \$76.57, which with former sale made
\$397.89 (the said accounts of sales are filed herewith
marked (A. & B.)) - That a considerable portion of the
said property thus conveyed was never produced by
the said Johnson - That this Respondent paid to Ro.
L. Eley the creditor the sum of \$393. & only deducted
for his trouble &c. \$4.89, when he was entitled to \$16.89.
- That the property was sold on a credit to benefit Johnson
tho. the Deed authorized a sale for cash, & Ro. L. Eley, the
creditor took in payment the various small bonds
of the purchasers to the same end - (see Recd. on Deed

filed herewith marked (C.) - This Respondent denies having purchased all the property thus sold, or indeed any considerable amount as the accounts of sales, filed herewith will show - That he bid on various articles to prevent a sacrifice & some articles fell on his hands, which he actually did not want -

That the proceeds of said sales, did not pay Mr. Ro. L. Ely's debt by a large amount & he supports Mr. Thos. Stale his admr. brought suit against Johnson for the balance - of this he cannot speak positively, the records will show -

This Respondent denies having been repeatedly called on for an account of sales and of disbursements, and has always been ready to show how he had executed the trust - It is true that recently, since the 1st of January 1853, said Johnson asked him something about the matter, when he informed him that the papers were filed away & that he had returned no account of sales to the Clerk's Office as under the Law then it was not required - That Johnson never asked him for any statement, if so he could have had it - That Johnson knew that there was no need of showing him any statement, as he Johnson was aware that the whole matter was settled & moreover knew that this Respondent had since then had to pay large sums of money as security for him, which Johnson now owes him - To wit. O. R. Flynn \$23.91. on the 5th August 1843 - To W. B. Whitehead \$8.70. in 1843 - To Elizabeth Powell \$87.44, Oct. 6th 1845 - & to same \$92.47 on 25th July 1845. (see Exhibits No. 1-2, 3 & 4) -

This Respondent further says that at the sales, they made as above the children of Edward R. Johnson

bought considerable portions of the property ~~and~~ at very reduced prices, and that persons did not make them pay high prices, tho. the sales were well attended,

That if Johnson really thought, as he charges, that he was sued by Ro. L. Ely's admr. for the same debt his property was sold to pay, it is strange he never called on this Respondent at the time or since for a statement & never had him as a witness to show it -

This Respondent denies saying to Johnson that he was not bound to render an account of sales, but simply told him he had not done so as at one stated & was not aware it was then required by Law.

This Respondent refers to his papers herewith filed & to persons who were at said sale, to show his fair & liberal dealing with the said Johnson, which he now requires by a suit - This Respondent is ready & willing to render an account at any time & shall not claim all commissions & other legal charges, which he did not expect Johnson to pay, as he is considered insolvent, & he may to have an account taken of what Johnson owes him & that a decree may be granted this Respondent for whatever Johnson may owe him -

and having answered or may now to be dismissed &c.

Wm. W. Wright

Notary Public for the State of N. H.

This day Wm. W. Wright came before me & made oath that the facts set forth in said answers are true - Given under my hand this 23rd day of April 1855.

J. W. C. Ripley

Killip, d.,

Edw. R. Johnson

 } answer of
m. } Deft.

Wm W. Wright

The Commonwealth of Virginia,

Return
To the Sheriff of ~~Isle of Wight~~ County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *William W. Wright.*

to appear at the Clerk's Office, of our ~~Circuit~~ Court for Isle of Wight county, on the first
Monday in *March* next, to answer *a bill in Chancery*
to be filed against him by Edward B. Johnson

of ~~a plea of~~

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *24th*
day of *February*, 185*5*, in the *79* year of the Commonwealth.

N. P. Young, Jr.

Edw. R. Johnson
n. { Sum. P.

Wm. W. Wright

To March 2nd, 1800.

Gov. Ct.

Whitful & Jy.

Wm. W. Wright

Specified and a true copy of the within
Summons delivered to William W. Wright.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *William W. Wright,*
and Thomas Hall admors. of Robert A. Eley decd.

to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first
Monday in *March* next, to answer *a bill in chancery to*
be filed against them by Edward B. Thurston
~~of a plea of~~

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *24th*
day of *February*, 185*5*, in the *79* year of the Commonwealth.

N. P. Young cc.

Edw^d B. Johnson

3 Sent in
3 Cky.

Wm H. Wright and
Others.

To Messrs
135. Cir. Ct.

Collectors p.p.

Sum of \$100.00
sent
J. Hall

Edward R Johnson, In Ac with W^m W Wright his Trustee

<u>1843</u>		To Commissions on \$397.89. -	19 89	
April	21	" This amount paid Robert L Eley the creditor secured by deed of Trust	393 00	\$412 89

<u>1843</u>				
Jan	3	By amount of sale of Trust property made this day as per Ac of Sales marked (A) filed with Trustee's Answer	321 32	

Feb	9	" do as per ac of Sales marked B, filed with same -	76 57	
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Sept	4	" Balance due Trustee as per debit	15 00	\$412 89
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<u>1843</u>				
Sept	4	To Balance due Trustee as per contra	15 00	

<u>1856</u>				
May	16	" Interest on do to date -	11 43	\$26 43

Edward R Johnson In Account with William W Wright

<u>1843</u>				
June	5 th	To this amount paid by W ^m Wright as security for Edward R Johnson.	32 61	

<u>1845</u>				
Feb	25	" do paid by do for do -	179 91	212 52

<u>1856</u>				
May	16	" Interest on \$32.61 to date	25 32	

"	"	" do on \$179.91. from Feb, 25 th 1845 to date	121 17	146 49
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\$359 01

Commissioners Office
Smithfield April 10th 1835

To the Circuit Court
of Isle of Wight County;

Pursuant to a decree of the Circuit Court of Isle of Wight County, rendered on the 18th day of May 1835, in a suit in chancery depending in said court between Edward R Johnson Plaintiff & W^m W Wright & Thomas Hall administrators of Robert L Eley deceased Defendants, the undersigned, one of the commissioners of said court, to whom was referred for settlement by said decree, an account of the transactions of William W Wright as trustee under the deed of trust referred to in the proceedings dated 18th day of August 1842, by Edward R Johnson for the benefit of Robert L Eley & an account of the claims & debts due by said Edward R Johnson to the said W^m W Wright, reports to the court, that on the 15th day of March 1835, he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said accounts, before him at his said office, on the 29th day of March 1835, which were returned to your commissioner duly executed. That the parties aforesaid appeared by their counsel before the commissioner in obedience to the said notices & he thereupon examined the vouchers, stated & settled the foregoing account of the transactions of the said W^m W Wright as trustee under the deed aforesaid & on the 15th day of May 1835, finds a balance of \$26.43 due from said Edward R Johnson to the said trustee W^m W Wright, of which amount, \$15.00 is principal & \$11.43 is interest. The only claims or debts presented by the said W^m W Wright as due him by the said Edward R Johnson, being those filed with the said Defendants answer, originating in security debts paid by said Wright as security for said Johnson on Fathoming & other Bonds on which there was no judgment more than five years before the institution of this suit & being in no manner connected with the said transactions, but incidental between the parties of the nature of open account debts they were on being objected to by the Plaintiffs counsel as barred by the statute of limitations rejected by your commissioner; to which the said W^m W Wright by his counsel excepted, & at the request of the same a special statement of said debts were made as contained in the foregoing account, shewing the sum of \$359.01 due from said Edward R Johnson to the said W^m W Wright, of which amount, \$212.52, is principal

and \$146.49, is interest. The commissioner further reports to the court that after the completion of said account, he retained the same in his office ten days for the examination of the parties. The Exceptions, Decree & notices aforesaid are herewith returned. Given under my hand as commissioner aforesaid the day & year first aforesaid

C. B. Hayden.

Time employed by the commissioner in writing notices, examining vouchers, in stating settling & reporting the foregoing account, 4 1/2 hours - Comms Fee \$3.38 charged to W^m W Wright

Johnson
as } In Chancery
Wright & Co.

Commissioner Hayden's Report -
Apr. 10th. 1856 filed.

xx
Ed. R. Johnson

~~of~~
Bright & Hall

~~Merch~~

To be entered

R. H. Baker

May Co. '55.

Edward R. Johnson

vs. Wright &c.

The defendant Wm. W. Wright, this day by leave of the Court filed his answer to the bill of the plaintiff, & the plaintiff filed his replication to said answer, and ~~the cause came on to be heard on the bill of the~~, and the said bill having been taken for confessed at the rules as to Thomas Hall admr. of Ro. L. Eley, ^{on whom proof has been duly served} the still failing to answer, ~~the decree nisi entered at the rules as to him~~ ^{the bill of the plaintiff is taken for confessed - to that effect is confirmed,} and this cause coming on to be heard on the said Bill, Exhibit and answer of the defendant Wright & replication thereof were argued by counsel. On consideration whereof the Court doth adjudge, order & decree that a Comr. of this Court take the following accounts -

1 - an account of the transactions of Wm. W. Wright as trustee under the deed of trust referred to in the proceeding dated the 18th of ~~May~~ ^{August 1842} 1842, by Edward R. Johnson for the benefit of ~~the~~ ^{the} ~~Commissioners~~ Ro. L. Eley

2. an account of the claims & debts due by said Edward R. Johnson to the said Wm. W. Wright.

~~I~~ and make report to Court with any matters specially stated deemed pertinent by himself, or that may be required by any one to be so stated

At a Circuit Court Continued And. held for the County of
Isle of Wight. On the 18th day of May 1855.

Edward R Johnson

against

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3
3

Plff.

William W. Wright and Thomas Hall administrator of
Robert L Eley decd.

Defrs.

The defendant William W. Wright- this day by leave of the court
filed his answer to the bill of the plaintiff- and the plaintiff
filed his replication to said answer, And the said bill having been
taken for confessed at the rules. as to Thomas Hall admr. of
Robert L Eley on whom process has been duly served- the still
failing to answer, the bill of the plaintiff- is taken for confessed
as to that defendant. And this cause coming on to be heard
on the said Bill, and exhibits and answer of the defendant
Wright. and replication thereto- 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.
First, An account of the transactions of William W. Wright- as
trustee under the deed of trust referred to in the proceedings- dated
18th day of August 1842- by Edward R. Johnson for the benefit
of Robert L. Eley. . Second, An account of the Claims and debts
due by said Edward R. Johnson. to the said Wm W. Wright, (and
make report to Court- with any matters specially stated- deemed
pertinent by himself- or that may be required by any one
to be so stated.

A Copy
Teste

N. P. Young ex

Edward R. Johnson

vs. ¹
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^x
Johnson

or.

Wright

1856 -

May 24 Decree

To be entered

R. W. Baker

Johnson v. Wright.

This cause came on this day to be again heard on the papers formerly read on the report of Commissioner Hayden made pursuant to the decree of 18th May 1855, & on the exception filed to said Report by the Defendant Wright, and ~~the~~ was argued by counsel; On consideration whereof the Court, doth overrule said exceptions,



and doth adjudge, order and decree That Edward R. Johnson the plaintiff in the case pay to William W. Wright the Defendant the sum of \$26.43, with legal interest on \$15.00 part thereof from the 4th day of September 1843, till paid, and



and that the said Wright recover of the said Edward R. Johnson, the costs of defending this suit.

This Indenture made this 18th: day of August 1842. between Edward R. Johnson of the County of Isle of Wight and State of Virginia, of the first part, Wm^m Wright of the same County and State of the second part, And Robert L. Eley of the same County and State of the third part, Whereas the said Edward R. Johnson is Justly indebted to the said Ro. L. Eley in the sum of Seven hundred and thirty dollars—as by bond bearing date 18th: day of August 1842. And on demand the 15th: day of Dec^r 1842. which debt with the legal interest thereon, the said Edward R. Johnson is willing and desirous to secure. Now this Indenture witnesseth; that for and in consideration of the premises—and also for the further sum of one dollar to the said Edward R. Johnson in hand paid by Wm^m Wright at and before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, the said Edward R. Johnson hath given—granted, bargained, sold, aliened, enfeoffed—released and confirmed—and by these presents doth give grant bargain—sell—aliened—enfeoffed release (and convey to the said Wm^m Wright his heirs and assigns forever, a certain tract of land containing three hundred and three acres be the same more or less, And bounded on the North by James M. Holland, On the East by Mahlon Johnson, On the South by Allen Wedgeth—and on West by John Vaughan &c. together with the following personal and Chattle property, (to wits) One Negro man named Nathan, One Sorrel mare, One bay horse, fifteen head of Cattle, fifteen head of Sheep, thirty five head of Hogs, with all the increas of the stock of Cattle Sheep Hogs, four Beds & furniture, One Clock, One Desk, one book Case, and all the household and Kitchen furniture, One handy still, Apple Mill and press, One Cart and Wheels, One bridle & Saddle and all the farming utensils—and all the present growing Crop of Corn—peas & potatoes &c. And all the property of whatsoever kind or description I am possessed of, To have and to hold the said tract of land together with all of the said personal & Chattle property unto the said Wm^m Wright his heirs & assigns forever,

upon trust- nevertheless, that the said Wm W. Wright or Exec. admor. or assigns- shall as soon as he conveniently can after the 15th day of December next or any default in the payment of the sum of Seven hundred and twenty dollars with interest- or after the said Ro. L. Eley his heirs- Exec. admor. or assigns shall request- and having advertised the time & place of the sale of the said tract of Land- and the personal & Chattle property by three several advertisements- to be posted at the most public places in the aforesaid County- and also by one other advertisement to be up at the door of the Court house of said County on some Court day previous to the day of Sale; Then proceed to sell the same to the highest bidder- for ready money- and out of the monies arising from such sale, first pay all necessary expenses attending the sale, and then pay to the said Robert L. Eley- the debt aforesaid with legal interest thereon, and the balance if any he shall pay- to the said Edward R. Johnson his heirs or assigns on demand. In witness whereof the said parties have hereunto set their hands the day and year as first above written.

Signed Sealed & delivered

in presence of

John Warden

Jethro W. Rhodes

Eley ^{his} _{mark} & Heirs

Edward R. Johnson

Wm W. Wright

Robert L. Eley

Seal

Seal

Seal

In the Clerk's office of Isle of Wight County Court Sept: 8th 1842
 This Indenture was acknowledged by Edward R. Johnson,
 Wm W. Wright and Robert L. Eley- the parties thereto, to be their
 act and deed- And admitted to record.

Teste

A. P. Young &

A. Copy

Teste.

J. C. Latimer DC

Edward R. Johnson

To. $\frac{1}{3}$ Due of trust

Wm W. Wright. (trustee
for R. L. Cley.

A. Cofey

Johnson

nr.

Wright.

7 Exhibits
files with Defts;
answers

An ap. of Sales of the property of Edward R. Johnson
Sold by Wm W. Wright trustee for Robert L. Ely Jan'y 3rd 1893

1 Negro man Nathan	"	James M. Council	\$195.00
1 Bay horse	"	Martha Phillips	1.00
1 white pie cow + calf	"	Marian Johnson	6.50
1 Bole cow + yearling	"	James M. Council	6.25
1 Blk + pie cow	"	Mrs. Johnson	6.25
1 Cow + calf at st lam	"	Robert L. Ely	6.56
1 Blk + white (cow + yearling)	"	James M. Council	6.50
1 DK. Red cow + calf	"	do do	6.95
1 Red white face heifer	"	Hardy Carr. - pr.	4.05
1 Small yearling	"	Wm W. Wright	1.25
1 Brenda heifer	"	do do	3.40
1 Red yearling steer	"	do do	3.50
6 4 Bbls Hds	"	James M. Council	1.00
Balances casks in room	"	do do	.13
2 Bbls + vinegar	"	do do	1.13
1 do full vinegar	"	do do	1.10
1 do do	"	Wm & V. Cutland pr	1.12
1 do do	"	Jas M. Council	1.00
1 lot peas	"	Wm W. Wright	3.00
9 Eider Bbls	"	James M. Council	1.63
1 lot Pea hulls	"	Wm W. Wright	.45
2 Empty Stands	"	do do	.45
1 double giga	"	do do	3.00
1 pr Iron frames	"	do do	2.06
2 Raw hides	"	Robert L. Ely	2.26
1 Swinging tree	"	Wm & V. Cutland pr	.22
1 Apple mill 12 properties	"	Wm W. Wright	1.00
1 cart + wheels	"	Wm & V. Cutland pr	5.35
1 Stile	"	Allen Handbitch pr	21.50
5 1st choice sheep c 133	"	James M. Hollan pr	6.65
5 2nd " do " 100	"	Jepe Council c pr	5.00
4 3rd " do " 62 1/2	"	James M. Council	2.50
Not 1 Bee Stand	"	Abam W. Lam an pr	.95
2 1 do do	"	James M. Hollan pr	1.25
			\$304.50

Amt Brought forward - - - - -		\$ 307.90
No 3 1 Stand Back - - - - -	To Stephen D Butler pd	60.50
" 4 1 do do - - - - -	" Allen Hedgcock Do	1.00
" 5 1 do do - - - - -	" Miller Butler pr	1.45
" 1 Cow and 5 shoats	" Mills & Lawrence pd	3.35
4 Shoats & pigs	" Robert Butler	3.50
1 Cow & 8 pigs	" Matilda Johnson R	3.35
1 Plough - - - - -	" Augustus Cutland R	62
1 axe - - - - -	" Nathan Turner R	1.00
1 do - - - - -	" Mrs W Carr pr R	15
		321.82
	deduct $\frac{1}{2}$ Bbl vinegar	50
		321.32

51

An ac of Sale of the Property of Edward R. Johnson
 sold under deed of trust by Wm W. Wright Trustee for Ed Johnson
 July 9th 1843

2 dishes —
 1 glass tumbler —
 1 Basket & 1 Camp —
 1 Breakfast —
 1/2 Day Windsor Chair (pr) 15
 1 Clock —
 1 chest —
 1 Walnut Table —
 1 Desk —
 1 Desk & Press —
 1 Pin chest —
 Bed Tick & quilt —
 1 Bed Tick —
 1 Bed & Stead —
 1 Bed & furniture —
 1 gigg seat —
 1 Bridle and saddle —
 1 pr Brass Carriage wheels —
 1 fringe par —
 1 Pot & hooks —
 1 loom & gear —
 2 legs & meal stand —
 60 lb Bacon per lb — 4.1.68 —
 1 Mark 2000 —
 1 lot of timber —
 2 Barrels — 3.27 pr Barrel
 2 do — 3.32
 Lops stack for foot — 9 1/2 — 15 1/2
 500 lb Black fodder for huns — 91
 Remainder 1.30 lb — 91-

Edward R. Johnson	10	08
Wm W. Wright	10	03
Albert Johnson		06
Mariah Johnson	x 4	25
Mildred Johnson	+	90
Do — do —	+	50
Do — do —	+	80
Mariah Johnson	x 5	50
Mildred Johnson	x 2	60
Mariah Johnson	6	25
Do — do —	+	00
Dr M. Council	4	55
Mariah Johnson	+	31
Dr M. Council	1	80
do do	4	00
W. W. Wright		10
Dr M. Council	6	50
E. Johnson		11
Dr M. Council		18
Albert Johnson	+	50
Dr M. Council	3	25
Albert Johnson	+	04
Dr M. Council	2	70
John Vaughn	8	06
W. W. Wright		06
Wm W. Wright	6	54
Wm W. Wright	6	64
Albert Johnson	+	64
Lepe Council	+	1 40
Dr M. Council	4	55
do	1	75
		74.35

1 lot of Bricks

1 brick table

~~Potato Planting for Bus-~~

~~2 tubs Potato Planting by the lot~~

1/3 of a lot of Potato potts-

2 tubs

~~for bus-~~

Mr. Putnam

Mahlon Johnson

+ \$ 1.05

10

Mr. W. Wright

1 00

Sur. McLaune

07

2 22

74 35

76 57

3 21 32

397 89

of sales of the prop.
city of E. C. Johnson

1843

(B.)

Augt 4th 1845 Recd from Wm W. Wright Robert
 L. Cley Recd in the following words viz
 April 21st 1843 Recd from Wm W. Wright three
 Hundred and ninety three dollars in bonds &
 in full for the amt of the ap of sale of
 Edward R. Johnsons property sold the 3rd day of
 Jan'y and the 9th day of Feby 1843 under
 a deed of trust as trustee for me
 (signed) Robert L. Cley
 in part of the within named bond and this deed
 of trust
 Wm. T. Beaton Thos Hall
 Secy.

Johnson
 To } T. Deed
 Wright for Cley
 1842. Sept. 5th actd & RR
 Recorded book 34
 page 487

(c)

This Indenture made this 18th day of Augt. 1842 between Edward R. Johnson of the County of Isle of Wight and State of Virginia of the first part, Mr. W. Wright of the said County and State of the second part and Robert L. Clay of the same County and State of the third part. Whereas the said Edward R. Johnson is justly indebted to the said R. L. Clay in the sum of seven hundred & twenty Dollars as by bond bearing date 18th. day of Augt 1842 and on demand 15th Decr. 1842 which debt with legal interest thereon the said Edward R. Johnson is willing and desirous to secure Now this Indenture witnesseth that for and in consideration of the premises and also for the further consideration of one Dollar to the said Edward R. Johnson with and paid by Mr. W. Wright at and before the enrolling and delivery of these presents the receipt whereof is hereby acknowledged the said Edward R. Johnson hath given, granted, bargained, sold, aliened, enfeoffed, released and confirmed (and by these presents doth give, grant, bargain, sell, alien, enfeoff, release and confirm to the said Mr. W. Wright his heirs and assigns forever a certain tract of land containing three hundred ~~and~~ and three acres be the same more or less and bounded on the North by James K. Williams on the east by Mahlon Johnson on the South by Allen Baggett and on the west by Ind. Vaughan &c together with the following personal and chattle property to wit, one negro man named Tatham, one bond man, one bay horse, fifteen head of cattle, fifteen head of sheep, thirty five head of hogs, with all the increase of the stock of cattle, sheep and hogs, four beds, one saw, one clock, one desk, one book case all the household and kitchen furniture, one brandy still, apple mill and press, one cart and wheels, one bridle and saddle and all the farming utensils and all the ^{present} growing crop of corn peas and potatoes &c. and all the property of whatever kind or description I am possessed of To Have and to hold the said tract of land together with all the said personal and chattle property unto the said Mr. W. Wright his heirs and assigns forever upon trust. Nevertheless that the said Mr. W. Wright or his heirs

Executors. Admors or assigns shall as soon as he conveniently can after the 15th day of December next or any default in the payment of the sum of seven hundred & twenty Dollars with interest, or after the said Robert L. Eley his heirs, Executors or Admors or assigns shall request and having advertised the time and place of the sale of the said tract of Land and other personal and chattel property by three several advertisements to be posted up at the most publick places ~~places~~ in the aforesaid county and also by one other advertisement to be posted up at the door of the Court house of said County on some Court day previous to the day of sale; then proceed to sell the same to the highest bidder for ready money and out of the money arising from such sale, first pay all necessary expenses attending the sale and then pay to the said Robert L. Eley the debt aforesaid with legal Interest thereon, and the balance if any he shall pay to the said Edward R. Johnson, ^{his heirs or assigns} on demand. In Witness whereof the said parties to these presents have hereunto set their hands the day and year as first above written

Signed sealed and
delivered in presence of
John Darden
Jethro Stables
Ealey ^{his} Wines
mark

Edward R. Johnson

Seal

Wm W. Wright Seal

Robt L. Eley Seal

In the Clerks Office of Isle of Wight County Sept. 5th 1842. This
Indenture was acknowledged by Edward R. Johnson, Wm W. Wright, and
Robt L. Eley the parties thereto to be their act and deed and admitted to
record

Clk

N. D. Young Clerk

23.68
47 36

FORTHCOMING BOND.

Know all men by these presents, That we Edward M. Johnson
& William W. Wright
are held and firmly bound unto Owen M. Flynn

in the just and full sum of forty seven dollars thirty
six cents

to be paid to the said Owen M. Flynn
his certain Attorney, his Heirs, Executors,
Administrators or Assigns; to which payment well and truly to be made, we bind ourselves, our
Heirs, Executors and Administrators, jointly and severally, firmly by these presents. Sealed with
our Seals, and dated this 3^d day of April in the year of our
Lord one thousand eight hundred and forty three

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the aforesaid Owen
M. Flynn

has sued out of the Clerk's Office Court of Salt Lake County a Writ
of Capias ad Satisfaciendum against the body of the aforesaid Edward M. Johnson
for the sum of twenty three
dollars twenty six cents

including Costs, and Commissions, which Writ hath been
duly executed by A. C. Whithead & for Sheriff Drew Giff.
of the said County, on Edward M. Johnson
and the said Edward M. Johnson
being desirous of exonerating his body has tendered
Property, to wit: Two oxen & three calves

And being also desirous of keeping said Property in his possession until the day of sale, has
tendered the aforesaid Will. W. Wright
as security for the forthcoming and delivery of the said Property to the said
on the first Monday day of June

1843 Sheriff at Salt Lake County
NOW if the said Edward M. Johnson & Wm. W. Wright
or either of them, do and shall well and truly deliver unto the said Sheriff or either
of his deputies the property aforesaid, on the day aforesaid, and at the
place aforesaid, then and there to be sold according to law, then this obligation to be void, or else
remain in full force and virtue.

Signed and delivered }
in presence of }

A. C. Whithead &

Edward M. Johnson

Wm. W. Wright



Recd. twenty three dollars &
ninety one cent in full of
the within bond of William
Wright
June 5th 1843.

J. J. Whitcomb
for Recy: done in 1843

23.69
23

23.91

100

7.68
15.36

FORTHCOMING BOND.

Know all men by these presents, That we Edward R Johnson
and William W Wright

are held and firmly bound unto William B Whitehead

in the just and full sum of fifteen dollars and thirty six cents

to be paid to the said William B Whitehead
his certain Attorney, his Heirs, Executors,
Administrators or Assigns; to which payment well and truly to be made, we bind ourselves, our
Heirs, Executors and Administrators, jointly and severally, firmly by these presents. Sealed with
our Seals, and dated this 6 day of April in the year of our
Lord one thousand eight hundred and three

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the aforesaid William
B Whitehead

has sued out of the clerk's office Court of Jackson County, a Writ
of Capias ad Satisfaciendum against the body of the aforesaid Edward R Johnson
for the sum of fifteen dollars
seven dollars and sixty eight cents

including Costs, and Commissions; which Writ hath been
duly executed by E. Whitehead & for Benj. Drew sup of Jackson County
of the said County, on Edward R Johnson
and the said Edward R Johnson
being desirous of exonerating his body has tendered
Property, to wit: two oxen

And being also desirous of keeping said Property in his possession until the day of sale, has
tendered the aforesaid William W Wright
Benj. Drew sup as security for the forthcoming and delivery of the said Property to the said
on the first Monday of June next
at the Court house of Jackson County
NOW if the said Edward R Johnson and William W Wright
or either of them, do and shall well and truly deliver unto the said Benj. Drew sup or either
of his deputies the property aforesaid, on the day aforesaid, and at the
place aforesaid, then and there to be sold according to law. then this obligation to be void, or else
remain in full force and virtue.

Signed and delivered }
in presence of }

E. R. Whitehead, Jr.

Edward R Johnson

Wm W Wright



B 8.70 Paid Whitehead

202

~~264~~
264, 59 Dec 1st Dec 1846

July 25th 1845 Recd from Wm W. Wright one of
the Secretaries to a note made payable to me
and executed by Edward R Johnson principal
and Elepha L. Cley & Wm W. Wright Secretaries the
sum of ninety two dollars and forty seven cents
together with a note executed by said Wm W. Wright
for eighty seven dollars and forty four cents dated
10th. July 1844 in full satisfaction for the said note
vs said Edward R Johnson &c

Joseph H Gray

Elizabeth ^{her p} x Powell
mark

note dated 7th Feb 1842 one
day after date, for 156.10/100

20.24

87 ⁴⁴/₁₀₀ Dollars

I demand & bind myself and heirs
to pay to Elizabeth Powell Guardian for Mary
Jane Powell or order the sum of eighty seven
Dollars and forty four cents it being for one half
of his securityship in a bond against Edward R. Johnson.
Witness my hand and seal this 10th. day of Feby.

1844

Teste
Geo. A. Watkins

~~Wm. A. Watkins~~

95.76

Wm. D. Sample
note 57 44

Augt 26th. 1845 pay the within
to Joseph H Gray & Elizabeth Perce

203

Commissioner's Office
Smithfield March 15th 1834 -

To Edward R Johnson -
William W Wright, &
Thomas Hall Admrs of
Robert L Eley, dec'd -

You are hereby notified that I
have fixed upon the 29th of the present month, if fair, if
not on the next fair day thereafter, (Sunday excepted
to take & settle at my office the account of the transactions
of William W Wright as trustee under the deed of trust
referred to in the proceedings of the suit hereinafter
named) dated the 18th day of August 1842, by Edward
R Johnson for the benefit of Robert L Eley, & the account
of the claims & debts due by said Edward R Johnson
to the said W^m W Wright, required to be taken by the
decree of the Circuit Court, rendered on the
18th day of May, 1833, in a suit in chancery depend-
ing in said Court, between the aforesaid Edward R
Johnson as Plaintiff & the said W^m W Wright & Thomas
Hall Admrs of Robt L Eley as Defendants; at which
time & place you are required to attend.

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

C. B. Hayden

Johnson }
as
Wright }
et als }

Commissioner's Notice
to

T. Hall School R. L. Eley

I acknowledge service
of the within notice -
J. Hall

Johnson
to
Wright et al }
}

Commissaries Notice
to
Edmund R Johnson

I acknowledge service of the
within notice.
D. Bartholomew
att. for plaintiff

Commissioner's Office
Smithfield March 15th 1856

To Edward R Johnson;

You are hereby notified
that I have fixed upon the 29th day of the present
month, if fair, if not on the next fair day thereafter,
(Sunday excepted) to take & settle at my office, the
account of the transactions of W^m W Wright as trust-
tee under the deed of trust referred to in the pro-
ceedings (of the suit hereinafter named) dated the
18th day of August 1842 by Edward R Johnson for
the benefit of Robert L Eley, & the account of the claims
& debts due by said Edward R Johnson to the said
W^m W Wright, required to be taken by the decree
of the Isle of Wight Circuit Court, rendered on
the 18th day of May 1855, in a suit in Chancery
defending in said court, between the aforesaid
Edward R Johnson as Plaintiff, & the said W^m W
Wright and Thomas Hall as Admts of Robert L
Eley as defendants; at which time & place you
are required to attend.

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

C. B. Hayden.

1856 Mar. 21. Service of the within
notice is hereby acknowledged.

John R. Kilby
Atty for W. W. Wright

John can
as
Wright &
also

Commissions Notice
to
W. W. Wright

Commissioner's Office
Smithfield March 15th 1856

To William W Waight:

You are hereby notified that I have fixed upon the 29th of the present month, if fair, if not on the next fair day thereafter (Sunday excepted) to take & settle at my office, the account of the transactions of W^m W Waight as trustee under the deed of trust referred to in the proceedings, (of the suit hereinafter named) dated the 18th day of August 1842, by Edward R Johnson for the benefit of Robert L Eley, & the account of the claims & debts due by said Edward R Johnson to the said W^m W Waight, required to be taken by the decree of the said Wight Circuit Court, rendered on the 18th day of May 1835, in a suit in Chancery depending in said court, between the aforesaid Edward R Johnson as Plaintiff & the said W^m W Waight & Thomas Hall as Admts of Robert L Eley as Defendants; at which time & place you are required to attend.

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

C. B. Hayden

C. B. Hayden Esq.

I herein return the notice
in Johnson v. Wright duly acknowledged

You will find in the papers all
the necessary materials to make up
the acct. So far as Wright is
concerned - If they need any
explanation, I will give it
at a pl. Co. Ct.

Very Resp^y

John R. Stilley
21 mar. 1856
Suffolk