1857.-001 Chancery Causes. Margaret Johnson et al vs Dshmael Johnson

Isle of Wight County

other SURNAMES: Gay, Powell, Watkins

To the Worshipful County Court of Isle of Wight in Chancery sitting, humbly complaining Sheweth to the court, your complainants, Margaret Johnson Patrick H Johnson, Jesse H Johnson & Polly his wife late Johnson, Diana Johnson, Jno J Watkins & Sally his wife late Johnson & Martha Johnson an infant suing by Josiah P Gay as her next friend, that on or about the day of 185 Johnson an infant child of Everett & Anna Johnson, departed this life in the county aforesaid aged years - That the said infant was at the time of his death entitled as the heir at law of his deceased father the said Everett Johnson subject to the right of dower therein of the said Anna Johnson the mother of the said infant ~~in fee simple~~ & widow of the said Everett, in fee simple to three tracts of real estate lying in said county; to wit one tract of about Ten acres being the same purchased by said Everett Johnson of Josiah P Gay & wife, adjacent to the lands of Hartwell F Powell & those of Martha & Ely dec'd & adjoining the second tract of about Seventy Eight & three quarter acres, adjacent to the lands of Harrison Cubitt & Josiah P Gay - & a third tract of about Forty acres adjacent to the latter, being the land conveyed to the said Everett Johnson by Hartwell F Powell by a deed bearing July 26th 1837 & duly recorded in the clerks office of the County Court of Isle of Wight on the 4th of August 1837, That the said infant having derived the said land by descent from his said father, & dying during his infancy, it descended on his death to his heirs at law on the paternal side, to wit to his maternal grandmother Margaret Johnson, to Patrick H Johnson, a brother of the

said Everett- Polly Johnson, wife of Jesse H Johnson
Sally Watkins late Johnson, wife of Jas J Watkins,
Diana Johnson & Martha Johnson, the latter an
infant sisters of the said Everett Johnson, your
complainants as aforesaid & Ishmael Johnson
a brother of said Everett- who are entitled in
coparcenary to the said land subject to the right
of dower therein of the said Anna Johnson
widow of the said Everett who has had land
down allotted her therein - that owing to the
small quantity of said land & the number
of the parties entitled thereto partition of the
same cannot conveniently be made among them
that the interest of all parties would be promoted
by a sale of the entire subject & the division of the
proceeds among the parties according to their
respective shares - that the respective shares
are worth less than three hundred dollars -
that the parties owing to the infancy of the said
Martha cannot effect a sale without the inter-
vention of this worshipful court of equity where
matters of this sort are cognizable - to this end your
complainants pray that the said Ishmael
Johnson may be made a party defendant to
this bill & be required to answer the same, &
that by a decree of this worshipful court the
said land may be sold & the proceeds of the
same be divided among the parties according
to their respective rights & that such further
& other relief may be granted as consists with
equity & the nature of the case your complain-
ants will ever pray &

Hayden p.s. —

Johnson &c.
vs } In Chancery
Johnson &c.

Complainants Bill
Filed Oct Term 1833 –

Octo. 3d 1833 Bill &c
filed & injy. decree.

Dec. 5th 1833 final
decree

To the Worshipful County Court in Chancery sitting
The Answer of Ishmael Johnson to the Bill of
Complaints in said Court exhibited by Margaret
Johnson & others against him. This defendant
now & at all times hereafter saving & reserving unto
himself all benefit & advantage of exception which
can or may be had or taken to the many errors & other
imperfections in the said complainants bill of com-
plaints contained for answer thereunto, or unto so
much thereof as this defendant is advised is ma-
terial or necessary for him to make answer unto,
this defendant answering says. That he cannot
deny the allegations in the said bill contained
that he does not think that the said land
can be conveniently divided among the parties
entitled to the same & that the interest of all
would be promoted by a sale of the whole
land & a division of the proceeds among the
parties according to their respective rights &
that he has no objection to a decree to that effect.
& having answered prays to be hence dismissed
with his costs most unreasonably expended in
this behalf—

Signed Ishmael Johnson

Johnson vs Johnson } In Chancery

Defendants Answer
Filed Oct Term 1833

In obedience to the annexed order bearing date Octr 3rd. 1853 I did on the 24th. day of Novr 1853 after Giving twenty days notice as directed in said decree Expose to public auction on the premises the land named in said decree subject to the Widows dower therein Hartwell F. Powell became the purchaser

At the Sum of		$150.
Sheriffs fee —	10	
Clerks do —	5	
Comrs —	7.50	$22.50
Dividend in 7 Equal parts		$127.50

Making to each him —

$18.	21 3/7
18.	21 3/7
18.	21 3/7
18.	21 3/7
18.	21 3/7
18.	21 3/7
18.	21 3/7
$127.50	

And from the said Powell I took 7 Bonds with Tracy Niblett as his security each Bond amt. of $18. 21 3/7 dy - one payable to Margant Johnson one to Patrick H. Johnson one to Ishmael Johnson one to Jesse H Johnson and Polly his wife one to Jno. L. Watkins and Sally his wife one to Beamish Johnson, & one to Martha Johnson all to carry Int. six months after date

And in further execution of said Decree paid over said Bonds to the respective parties taking their receipts as directed in said decree except Martha Johnson who is an infant, which Bond I here with return - All of which is respectfully submitted to the Court

Josiah P. Gay Spl. Comr

Dec 7th 1833 - Rec'd of David P Gay - Ten Dollars
fee for Citation in the within cause -

I B Hayden

Rec'd

Johnson
&c— &c
Johnson

In Chancery —

On motion of the Plaintiffs by consent of parties this cause this day came on to be heard on the Bill, Answers & general Replication thereto & was argued by counsel — in consideration whereof the court doth adjudge order & decree that Josiah P Gay who is hereby appointed Special commissioner for that purpose do proceed to sell at public auction to the highest bidder &c on the premises

on a credit of six months except so much for cash as will pay the expenses of this suit & of said sale, after having given twenty days notice of the time & place of sale by advertisement at the court house door of the county of Isle of Wight on some court day previous to the day of sale & at other public places in said County the real estate in the proceedings mentioned whereof Everett Johnson died seized in the County of Isle of Wight containing by estimation 128 3/4 acres lying adjacent to the lands of Hartwell & Powel, Josiah P Gay Harrison Corbett & others, being the same purchased by the said Everett Johnson of Josiah P Gay & wife & Hartwell & Powell — subject to the dower right therein of Anna Johnson widow of the said Everett — The said commissioner for the credit pation of the said sale shall receive bonds in equal amount payable respectively to Margaret Johnson, Patrick H Johnson, Thomas Johnson Esqr H Johnson & Polly, his wife, for J Watkins & Sally his wife, Diana Johnson & Martha Johnson, & deliver the same to the

respective parties taking them receipts therefor
except that of the infant complainant Martha
Johnson which the said commissioner shall de-
liver to her legal guardian if any & take his receipt
therefor & if no legal guardian return the same to
court with his report of
court with his proceedings under this decree
for further action herein -

But the effect of this decree is to be suspend-
ed until the said commissioner shall execute
in the clerk's office of this court bond with good
security payable to the commonwealth of Virginia
in a penalty of $ 500 ——— conditioned for
the faithful performance of this decree -

Johnson &c
Pltf -
vs
Johnson &c
Defts

Rec'd Decree
October 1833

To be entered

Lyons Jun. DC

At a Court held for the County of Isle of Wight on Monday
the 23rd day of October 1865.

Margaret Johnson, Patrick H. Johnson, Edmund Johnson, Sr.
Polly his wife, Edmund Johnson, Diana Johnson, John C. Watkins & Sally, his
wife Sale Johnson, & Martha Johnson the infant suing by Josiah
P. Gay as her next friend ..... Pltffs

against

Edmund Johnson ..... Deft.

On motion of the plaintiffs and by consent of parties this cause
this day came on to be heard on the Bill, Answer & general
replication thereto, & was argued by Counsel, on consideration
whereof the Court doth adjudge, order and decree that Josiah P.
Gay who is hereby appointed Special Commissioner for that purpose,
do proceed to sell at public auction to the highest bidder on the premises
on a credit of six months except Commah for cash as will pay the
expences of this suit and of said sale after having given twenty
days Notice of the time & place of sale by advertisement at the
Court house door of the County of Isle of Wight On some court
day previous to the day of sale, and at other public places in County
the real estate in the proceedings mentioned, whereof Everitt
Johnson died seized in the County of Isle of Wight, Containing
by estimation 128¾ acres lying adjacent to the Lands of Hartwell
F. Powell, Josiah P. Gay, Harrison Cobbs & others being the
same purchased by the said Everitt Johnson of Josiah P. Gay
and wife & Hartwell F. Powell, subject to the dower right therein
of Anna Johnson widow of the said Everitt Johnson, The
said Commissioner for the credit portion of the said Sale shall
Seven bonds in equal amounts payable respectively
to Margaret Johnson, Patrick H. Johnson, Edmund Johnson,
Sr. Edmund Johnson & Polly his wife, John C. Watkins & Sally his wife
Johnson & Martha Johnson & deliver ~~Johnson~~ the same
to the respective parties, taking their receipts therefor, except
that of the Complainant Martha Johnson, which the said
Commissioner shall deliver to her legal Guardian, return the

Report to Court with the report of proceedings made in this cause for further action therein. But the effect of this decree to be suspended until the said Commissioner shall execute in the clerks office of this Court, bond with good security payable to the Commonwealth of Virginia, in a penalty of $300, conditioned for the faithful performance of this decree.

Atts. fee $10.00
Clk " 5.00
Cost, $15.00

Johnson & A.S.
By: Woodfin
Johnson

Johnson
vs
Johnson

This cause this day again came on to be heard on the papers formerly read & the report of Josiah P Gay commissioner of sale made pursuant to a decree herein of Oct-3-1833, returned this day, to which report no exception ~~was~~ is filed & was argued by counsel, on consideration whereof, the court doth confirm said report & said report adjudge ordered decree that Josiah P Gay execute & deliver to Hartwell F Powell a good & sufficient deed with special warranty for the land in the proceedings mentioned whereof Everitt Johnson died seized in the county of Isle of Wight, subject to the riders dower therein, ~~(dower not assigned)~~ ~~(Mary Ann Johnson & Hartwell F Powell)~~ containing by estimation 128 3/4 acres more or less, lying adjacent to the lands of Hartwell F Powell, Josiah P Gay, Harrison Corbitt & others & the court doth further adjudge order & decree that the Clerk of this court deliver to the legal guardian of the infant Martha Johnson, the bond of said infant to her guardian, as to the said infant as to the purchase of Hartwell F Powell & James Corbett for $18.21½ payable to said infant six months from the 24th day of Nov 1833 returned by said commissioner with

his said Deputy taking the receipt thereof of the said Executors, as the said Husband as the said Martha Johnston on attaining twenty one years of age, ~~as~~ which soever of the same the said bond may be delivered —

Johnson
vs
Johnson

Ch. Chancy

Complt. came
Jan. Term 1833

Copy

We the undersigned have filed of Jacob P. Gay
as Special commissioner appointed by the County
Court of Sheboygan Oct. 2nd 1853 for the pur-
pose of selling the land which I made convey-
ance agreed with & sold, One thousand and
Eight hundred dollars and twenty cents, by which
sum the amount of the note proceeds of sale of said
Land given under our hands this 21st day
of Nov. 1853

Jeff. H. Johnson
Thomas Johnson
Margaret her X Johnson mark
Diedrich Johnson
John L. Watkins

Jos. P. Gay Agent for
Patrick H. Johnson

Mr Nathaniel P. Young, will please deliver to Josh
-mael Johnson the Bond of Stonewall F. Powell
due me for my proportion of the sale of the land
of Everett Johnson dec'd. which was returned to your
office by Josiah P. Gay Commissioner: and this
order shall be a good receipt against me for
the same

Yours &c Marshall Johnson

August 3rd 1857

Rec'd Aug't 3d 1857 & the bond
agreed to in the above order of
N. P. Young Clk. Cir. Ct.
Joshuael Johnson