

1859-018

Chancery Causes. Dawsey Deeds & ut + James Johnson 'oadme vs Emily R. Johnson, Dawsey
Isle of Wight County

C. Deeds + Benjamin F. Deeds, by & c.

Dec. 1st 1838

Bill

Almon & Sons. ^{49th} St. N.Y.

Nov. 1st. 1838 Bill &
filed & inty. decreed

Dec. 6. 1838 Am.
decreed.

Feb. 7. 1839 6 P.
made & Corrd.

Sept. 5th 1839 final
decreed.

in this Hon. Court when matters of this sort are brought on.
They pray that the said Emily N. Johnson, Laura C. Lewis
& Mary F. Lewis, may be made parties defendant to this
Bill & be compelled to answer to same. That this
Court will grant a decree for the division of said negroes
or a sale of the whole, or in part as aforesaid, and grant
all other & necessary relief which to the Court may seem
right, and the interests of the said parties may require.

D. Hilditch & Co

Lewis & Lewis

It

Johnson & Lewis

} Infants & Guardian

The joint and separate an-
swers of Emily N. Johnson, Laura C. Lewis &
Mary F. Lewis, by A. D. Young their Guardian &
Solemn, to a Bill filed against them by Lewis &
Lewis & Lewis: Rem -

These respondents having & accepting in answer
to so much of said Bill as they are advised
it is material for them to answer, say, that they believe
they are entitled as is set forth in said Bill, but as they are
infants under 21 years of age, they beg leave to submit their
interests to the protection of this Hon. Court & pray answer.

A. D. Young
gdn. ad litem

(2)

To the worshipful justices of the County Court of Isle of Wight.

In shew Sittinge.

The Bill of Dawsey Dews in his own right, in right of his wife Frances and as admirer of James Johnson ad.; and Frances Dews the wife of said Dawsey Dews, represents unto your worship, that one James Johnson, the son of one James B. Johnson, departed this life recently, to wit: 1838, intestate, was married & Methodist, and under 21 years of age. That your orator Dawsey Dews qualified as his admirer, as will appear by the "oath" of his qualification herewith filed marked A, and prayed to be filed as a part of this Bill - That he took possession of his estate, including the negroes, hereafter mentioned, belonging to the said James Johnson and held the same subject to division or distribution, the same not being needed to pay debts of his intestate. The said negroes are named as follows: Edmund, John, Everett, & Parker, worth in the aggregate about \$3700. - The Res, and Distributors of the said James Johnson ad.: are his mother, the said Frances Dews, Emily N. Johnson a sister of the whole blood and two half brothers, viz. Dawsey C. & Bryan F. Dews - the last three being minors under the age of twenty one years. Between whom the said negroes will be divided as follows - One third part, will go to Frances Dews: one third part, to Emily N. Johnson, and the other third part to be equally divided between Dawsey C. & Bryan F. Dews - and your orator prays that the hon. Court will decree such a division thereof, as aforesaid in kind, if practicable, if not that the same sold, or one ^{or} more of the said negroes be sold, to effect a division as may seem best.

In tender consideration whereof, as far as much as your orator are without adequate remedy, law in this

~~Amended Bill~~

Devs. & Cops

ff. Amended Bill

Johnson & Co —————

Dear Sirs

W. Infants and

Johnson. 023

The Joint & separate Answer of Emily R. Johnson, Laura
C. Jones & Mary F. Jones, by N. P. Young their sol. ad. litem ex.
to a Bill filed against them by Laura Jones & wife. W. M. M.

Then respondent, by N. P. Young their sol. ad. litem. saying &
excepting as for answer to so much of said Bill, as they are ad
vised it is material for them to answer, say, that they are infants
under 21 years of age, and beg leave to submit their interests in the proceeding
mentioned to the protection of this hon. Court. & having answered -

Dues & Wife

m. $\frac{3}{4}$ Compt. rept.

Johnson &

Feb. 7. 1889
filed for exception

Rept - of Compt

Emile Johnson is to pay to Dorsey Dees
in right of his wife Frances, the sum
of 200 dollars, and the said Dorsey Dees
in right of his wife Frances, is to receive
375 dollars out of the sales of the negroes
sold making his portion 575 dollars or
^{2/3 of one half of the valuation of said negroes}
And the balance of 575 dollars in the
hands of said Commissioners is allotted
to Dorsey, C. Dees and Benj. F. Dees
Equally Between the two, being 2/3 of
one half of the valuation of the negroes
mentioned in said Decree.

The whole amount of valuation and
sale of slaves mentioned in the said
Decree being \$450 Dollars.

Emile Johnson receives 2300 dollars in
value ^{in negroes} Dorsey Dees in right of his wife
Frances receives in money 575 dollars, and
Dorsey, C. Dees and Benj. F. Dees, each
receives 287.50/100 dollars each as their
portion - all of which is most
Respectfully Submitted by your
Commissioners.

Dorsey Dees
A. D. Consett
Josiah Staggings
B. J. Gray

In pursuance of a Decree
of the County Court of Solenoight County
on the 6th day of December 1858

We the undersigned Commissioners named
in said Decree to divide the Negroes,
mentioned in said Decree, whereof the
Late James Johnson died possessed,
Between the Heirs of said decedent as
named in said Decree, have discharged
that duty, and Report as follows.

After a valuation of said Negroes,
It was found Impracticable to make
a division in accordance with said
Decree without making a sale of one
of said Negroes, Consequently, Commissioner
Dorsey Devo, named in said Decree made
Sale of one of the Negroes (John) for the Sum
of 950 Dollars for the purpose of effect-
=ing the object desired to wit.

To Emily Johnson who as named in
said Decree to be entitled to $\frac{1}{2}$ of said
Negroes and $\frac{1}{6}$ ths of the other half,
we allotted Edmund valued at \$700 dollars,
Javier valued at 1000 dollars, and
Parker valued at 800 dollars, making
2500 dollars - 200 dollars more than
she was entitled to receive, and the

Sens & super
to St. Lucia

Whimsey

Nov. 1858

to the content

Geo. W. Carroll

End

as his own right as in right of his wife as an adm. of James Johnson and
Samuel Bens & Frances, his wife }
68

Emily Johnson. Samuel C. Bens & Benjamin F. Bens, Gt. P. Young
then Gt. Ad. Litem

On motion of N. D. Young is appointed guardian ad
litem to defend the infant defendants

This cause came on this day to be heard, on the
Bill, annex of the infant defendants, by the Gt. Ad. Litem
appointed, and was argued by counsel.

On consideration whereof the court took advice, order
and decree that, Albert Abbott, B. J. J. Gray, Alex^r
Calcott & J. H. Stollings, any three of whom may
act, who are hereby appointed commissioners for said
purpose, examine the heirs or the heirs mentioned
whereof James Johnson died & heirs -
namely, Edmund, of the John, Everitt & Parker, - and
if practicable, divide the same in kind, into six equal
parts: two sixth they will assign & allot to Emily Johnson:
2/6th to Samuel Bens & Frances, his wife: & the other two
sixths (2/6th) equally between the said Samuel C. Bens &
Benjamin F. Bens.

But if in their opinion, the same cannot be divided
kind, and the said division can be made, by a sale of
one or more, that then the said Samuel Bens is hereby empower
ed to sell one or more as aforesaid, to effect said division -

But this decree is to be suspended, as to the sale ^{as to the} ~~of the~~
the said Samuel Bens, until he enter into bond with
sufficient security, before the clerk of this court, in the
penalty of \$4000.00. And should for the faithful discharge
of his duties. - But if the said commissioners should deem
that a sale of all could be to the advantage & interest of
all parties they will report such fact to court
as then seems for such purpose -

Leigh
H.
Johnson

To be entered

A. Chapman

Lucy Johnson

ff.

Johnson was.

This cause came on again to be heard, on the paper formerly read, and the amended bill, answer thereto
replication & was argued by counsel. On consideration
whereof the Court doth as judge, order and decree,
That Albert Moody, Jeremiah J. Gray, Alexander D
Calcutt & Jos. Stalling, any three of them may
act, who are hereby appointed Commissioners,
for each purpose, after having given solemn notice to
the parties interested, will examine the negroes in the
bill mentioned viz Edmund, John, Everett & Parker whereof
the late James Johnson died seised; and the same
divide into two equal parts: one of which part, or more
less will assign & allot to Emily Johnson: and the other
half, or moiety, they will if practicable divide, into six
equal parts: 2^{ds} they will allot to Emily Johnson,
2^{ds} to Samuel Deas & Francis, his wife being her share thereof,
& the other 2^{ds} will divide equally between Samuel C. Deas
jr & Benjamin F. Deas. But if the said last moiety
cannot be divided in kind, and and will require
a sale of the same, or any one of the said negroes, to effect
said division, then for each purpose, the said Samuel
C. Deas jr; who is appointed a Commissioner for each
purpose, is authorized to sell any one of said negroes
or all ~~of~~ of the said last mentioned moiety, if necessary
to effect said division. But this decree is to be suspended,
as to the said Samuel C. Deas jr; until he enter
into bond before the Clerk of this Court, in Clerk office, in
the penalty of \$1000 - with sufficient security, payable
to the Com. of Va conditioned for a faithful discharge
of his duties as Commissioner -

of his duties as Commissioner

Wm. Lloyd Garrison

Wm. Lloyd Garrison D.C.

Personally appeared before me B. J. Gray, J. D. Callahan
and Joseph A. Stallings, and made oath to divide
the negroes mentioned in the within decree
to the best of their judgment. Given under my
hand this 28th day of December 1858.

Wm. Lloyd Garrison

Johnston
Wm. Lloyd Garrison
Garrison

At a County Court held for Isle of Wight County on
the 6th day of December 1858. —

Dansey Deas & Frances his wife in his own right of
his wife & as adm^r of James Johnson decd. Plffs

Against $\frac{1}{2}$ In Chancery.

Emily Johnson, Dansey C. Deas & Benjamin F. Deas
by A. P. Young their Guardian ad litem, Defts.

This Cause came on again to be heard, On the papers
formerly read, And the Amended Bill, Answers thereto,
Replikations & was argued by Counsel; On Consideration
whereof, the Court doth adjudge, order and decree, that
Albert Moody, Barnah J. Gray, Alexander D. Calhoun
and Joseph A. Stallings — Any three of whom may act, who
are hereby appointed Commissioners for such purpose, after
having given reasonable notice to the parties entitled, will
examine the Negroes in the Bill mentioned — Viz: Edmund,
John, Everett & Parker, whereof the late James Johnson
died possessed; And the same divide into two equal parts:
One of which parts — or Moieties — will assign & allot to Emily
Johnson; And the other half, or moiety, they will — if practi-
cable — divide into six equal parts: $\frac{1}{6}$ th — they will allot to
Emily Johnson, $\frac{1}{6}$ th — to Dansey Deas & Frances his wife — being
her share thereof; And the other $\frac{1}{6}$ th — will divide equally
between Dansey C. Deas Jr. & Benjamin F. Deas. But if
the said last moiety cannot be divided in kind, and will
require a sale of the same, or any one of the said Negroes,
to effect said division, then for such purpose, the said Dansey
C. Deas Jr. who is hereby appointed a Commissioner for such
purpose, is authorized to sell any one of said Negroes
or all — of the said last mentioned Moieties, if necessary to
effect said Division. But this decree is to be suspended
as to the said Dansey C. Deas Jr. until he enter into bond
before the Clerk of this Court, in the Clerk's office — in the penalty
of \$4000. With sufficient security, payable to the Common-
wealth of Virginia, Conditioned for a faithful discharge

Sunny day & air

It

Johnson & O'Keefe

General Store

To be entered

Wm. Casey

Entered

Secy & wife was

H.

Secy & wife

Thurs. 10. 11. 12.

This cause came on again to be heard, on the
papers formerly read, and the report of Commissioners Samuel Bees, A. &
Ballcote, Jos. A. Stalling & B. J. Gray, made in pursuance of a decree entered
therein as of the 5 Dec: 1858, to which no exceptions have been filed: & was agreed
by Counsel: On consideration whereof the Court doth confirm said report,
and doth adjudge, order and decree, that the proceedings herein had be
made pursuant to.

Board of Dansey Dours.
Comm^r. of Sale

Johnson

vs.

Johnson

Know all Men by these Presents, That we Dawsey Dews
Charles H. Darden

are held and firmly bound unto the Commonwealth of Virginia in the sum of Four
Thousand Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this 8th day of December
in the year of our Lord, one thousand eight hundred and fifty eight

The Condition of the above Obligation is such, That whereas, by a Deeree of
the Circuit Court of Isle of Wight County, pronounced on the 6th day of December 1858
in a cause depending in the said Court, in which Dawsey Dews & Frances
his wife & others are

Plaintiff, and
and Emily Johnson, Dancy C. Dews & Benjamin H. Dews
& D are Defendant, the

above bound Dawsey Dews was appointed a special
Commissioner to sell one or more of the Slaves mentioned in said
decree, if found necessary by the report of Commissioners
appointed to make division of said Slaves mentioned
in the Decree aforesaid.

Now, if the above bound shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of

J. B. Latimer

Dawsey Dews

C. H. Darden

