

1886-009 Chancery Causes John F. Ramsey vs James Etta Johnson & America. L. Johnson

Dale of Wight County

other surnames. Roberts,
Hood, Boykin, Delk,
Gwaltney

Commissioner's Office.

Isle of Wight Co. N. C., Nov. 26th 1884

To John F. Ramsey

and to James E. Johnson and Lucretia S. Johnson Plaintiffs,

Defendants:

You are hereby notified that I have fixed upon the 9th day of January 1885 to make ^{enquiries} ~~enquiries~~ at my office aforesaid, the following accounts, to-wit: Whether the real estate in the Bill mentioned can be conveniently divided in kind between the several parties entitled thereto and to share therein. 2nd. If the same cannot be conveniently divided in kind, whether any party will take the entire subject or property and pay therefor to the other parties such sums of money as their interests therein may entitle them to, and the value of such interests. 3rd. If the same cannot be conveniently divided in kind, and if neither party will take the entire property and pay the other parties for their share, whether the interests of those entitled to the said property or its proceeds, will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, rendered on the 22^d day of October 1884, in a suit in Chancery depending in the 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 a Commissioner in Chancery of said Court, the day and year first aforesaid.

A. S. Young Commissioner.

Ramsey Ind.

as. 3 Cove. P.
Notes

Johnson J. C. et al

10th Jan. 1885.

✓ Box Receipt

Received for delivery
to the cotton brand
for 5000 lbs. of cotton
each a ton
of the cotton Notes
Dec. 27, 1884.

R. C. Can

Jan. 13. and 20.

Jan. 13 - Cham.

" 20 - " "

Aug. 13 - 6 "

118

2

20

5000

518.00

Mrs. F. Ramsey

to. 3 Comm.
3 notes

J. E. Johnson &

A. S. Johnson.

To the 9th Jan. 1880.

P. E. Perkins pay.

December 10th 1884

Executed on amers.

Johnson

to trade

Shuff

Ramsey
7 } on day
Johnson

This cause came on this day to be again heard and on motion of the plaintiff and the consent of the defendants it is ordered that this suit be dismissed and stricken from the docket at the plaintiffs costs.

Rausby
2 } Incha
Johnson 1

Room taken
April 1886
To be entered

Geo. T. Snow. J.

Entered
3-

In the Circuit Court of St. Louis, Mo.
County, the 21st day of Oct: 1884.

Ramsey John S.

Plff.

vs. 3 In chancery

Johnson, as Co. and Amos S. Johnson Defts.

This cause came on this day to be heard on the Bill taken for confessed as to the defendants, upon whom process has been duly served, they still failing to appear, plea answer and answer, and was argued by counsel; On consideration whereof the Court doth adjudge order and decree that the papers in the Cause, be referred to a Commissioner of this Court, who is directed to enquire into and report to Court, 1st Whether the real estate in the Bill mentioned can be conveniently divided in kind between the several parties entitled to share therein 2nd. If the same cannot be conveniently divided in kind, whether any party will take the entire property, and pay therefor to the other parties such sums of money as their interests therein may entitle them to, and the value of such interests.

3rd And if the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares whether the interests of those who are entitled to the said property or its proceeds, will be promoted by a sale of the entire property or by an allotment of part and sale of the residue, which several enquiries the said Commissioner shall make and report to Court, with any matters specially stated, deemed pertinent by himself or required by the parties to be so stated.

a copy.

Teste, *A. D. Granger*

Ramsey Geo. F.
vs. ^{James} In chey.
Johnson Jas. C. et al.

//
Copy Decree
Octo: term 1884

For copy. & Rept.

Nov. 26th. 1884
Notice is given to 9 Jan. 85.

Jan. 9th 1885. Off. E.
Johnson off. & agrees that
it will be best to sell the
land out front - He not
having counsel & the ptty. His
counsel being absent & no
counsel advised - can send
to the 20th inst.

For and St. J. St.
Postage - 62

Ramsey

1 } In the Civ et of the Co of Suffolk
Common

This cause came on this day to be heard on the bill taken for confessed as to the defendants upon whom process has been duly served, they still failing to appear, plead answer and demur, and was argued by counsel on consideration whereof, the court doth adjudge order and decree, that the Masters in this cause, be referred to a Commissioner of this court, who is directed to enquire into and report to Court

1st Whether the said estate in the said millions, can be conveniently divided in kind, between the several parties entitled to share therein.

2^d If the same can not be conveniently divided in kind, whether any party will take the entire property, and pay out for the other parties, such sums of money as their interest therein may entitle them to, and the value of such interest.

3^d And if the same can not be

conveniently divided in pairs, and
 if no party will take the entire
 property and pay the debts for
 their shares, then the interests
 of those who are entitled to the said
 property or its proceeds, will be
 promoted by a sale of the entire
 property or by an allotment of
 part and sale of the residue,
 which several inquiries the said
 court shall make and report to
 court, with any matters specially
 stated, deemed pertinent by himself
 or required by the parties who
 so stated.

Ramsey
 of } on the
 10th day

Court House
 Oct Term 1884
 John L. Leland
 Secy. of Court.

Eastern No 33

Commissioners Office, Isle of Wight
Court house, January 20th. 1885.

In the Circuit Court of said County
John F. Ramsey Plaintiff.

vs. In Chancery
James E. Johnson and
America S. Johnson Defendants.
To the Judge of the said Circuit
Court.

Pursuant to a decree rendered in the above cause at the Octo. term, 1884, directing a commissioner of the Court to make the following enquiries and make report to Court, to wit. Whether the real estate in the Bill mentioned can be conveniently divided in kind between the several parties entitled thereto and to share therein. 2nd. If the same cannot be conveniently divided in kind, whether any party will take the entire subject and pay therefor to the other parties such sums of money as their interests therein may entitle them to, and the value of such interests. 3rd. If the same cannot be conveniently divided

in kind, and if neither party will take the entire property and pay the other parties for their shares, whether the interests of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire, or by an allotment of part and sale of the remainder. Your commissioner reports to the court that, on the 26th. day of November last, he issued notices to the parties that he had appointed the 9th. day of Jan'y. 1885, to make at his office the inquiry and report aforesaid. That said notices were duly executed and returned to your commissioner. That on the day so fixed upon no one appeared except deft. Jas. E. Johnson, and the court continued until this day, when the plff. & deft. J. E. Johnson appeared; whereupon, your commissioner took the depositions of witnesses, which are herewith filed, from which, your commissioner ascertains and so reports that the land in the Bill mentioned can not be conveniently divided in kind without injury to the interest of the parties interested. That no party will take the entire and pay and leave the other parties without their

interests entitle them to, and that
interest of the parties will be promoted
by a sale of the entire subject.

Your commissioner reports the value of
the whole subject to be . . . \$500.00
Of which Jno. T. Lamm,
the plaintiff, is entitled
to $\frac{2}{5}$ = \$300.00
James E. Johnson a debt. $\frac{1}{5}$ 100.00
America S. Johnson $\frac{1}{5}$ 100.00
\$500.00 \$500.00

Given under my hand as a com-
missioner of the said court, the day and
year first above said.

H. D. Young com.

Time employed 20 hours
Comm. fee \$15.00
Pd. Shff. York & Putze .62 - Pd. by com.-
Shff. Softlight fee 1.00
\$16.62

Ramsey J. F.

to. ³/₄ In clu.

Johnson et al.

Report of Com. Ram
under decree of
Cts. Term 1884.

Filed 30. Jan. 1885

opinion the interest of those entitled to said property, or its proceeds will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue?

Ans.

I am well acquainted with said land, having frequently perused it. I do not think that it could be divided in kind without injury to the parties interested. The land lies in such a position that to divide it some of the shares would necessarily contain a large portion of swamp land of very little value, and I am of the opinion that it would more promote the interest of the parties for the land to be sold and the money divided. And I think the entire subject is worth \$500.00
And further this document with out.

J. G. B. Sear

W. D. P. Gwaltney being duly sworn deposes and says -

Quest.

How old are you, what is your occupation and where do you reside.

Ans.

I am 44 years of age - I am a farmer and reside in Isle of Wight County near my common crop.

Quest. Were you present when the foregoing questions were asked of T. G. B. Dalk, witness who was provided you, did you understand them, and if so please answer them?

Ans. I was present and heard and understood the said questions asked of Mr. Dalk, and I fully concur with him in the answers he has given to said questions.

And further this deponent saith not.
W. O. P. Gwatney

The Defendant James E. Johnson, being duly sworn, deposes and says.

Quest. How old are you, what is your occupation & where do you live? Are you acquainted with the land in the bill now pending mentioned owned jointly by W. J. T. Ramsey & himself & brother America? If so, say whether you think it can be divided in kind without injury to the parties, and whether you think their interest would be promoted by a sale thereof & the money divided amongst the parties interested.

Ans. I am 52 years old, live in DeWitt County near Guin, am a farmer, am well acquainted with the land in question. I do not think the land can be divided in kind without injury to the parties, and think it would best to be sold.

Ques. Are you willing to take the land at the vol-
untion put on it by witnesses Dick Snelling?

Ans. I am, if I can ^{wait} three years to get it in.
And further depnt. with not.

James Etta Johnson

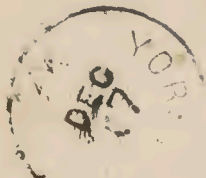
The foregoing depositions were taken
and sworn to & subscribed by the depo-
nents on the and year mentioned
in the caption.

Given under my hand as a commis-
sioner in charge of circuit court of
said this 20th day of Jan. 1885.

J. P. Young Com.

Ramsey
vs. M. M. Cheney-
Johnson et al.

Depositions
filed with com.
report on 20th
Jan. 1885.



N. P. Young Esq^r
Clerk of Isle of Wight
County Court-
Va

York County Va

Dec^r 15th 1884

N. B. Young Esq^r;

Dear Sir;

In reply to your Summons
dated Nov^r 26th, I am
willing to sell my interest
in the land for \$250 ⁰⁰/₁₀₀
or let it be sold at Public
Auction if no one will
give me that price.

Yours Respectfully
Amiricus Johnson

P. O. Yorktown

C/o M. B. Smith



Wm. S. - run by
Wm. S. - run by
Wm. S. - run by

Frederick

Jan 18/80

My dear Sir,

Dear Sir,

I hope you
will not blame me,
that I give such notice
as the 15th on the 10th
the last notice given
me as in January &
February, I am sorry
I am sorry and
I am sorry some £100
40000.00 is the value
in cash. And now
employ me to in-
vest the sum before
the end of the month.
I am on Thursday next
returning Friday night

in consequence of a very
cold country by me
and although so well
I must return Monday
and will not consider
the expense until prob-
ably Tuesday, the day
is now uncertain and for
that reason I can attend
one thing of the other
as, now at this time
I believe Mr Ramsey
will be present with
his witnesses and as
no one seems inclined
to stand up properly as
a defendant (though I
wish you would ask
Ramsey if he assents to
also) you will only
have to report the fact
that it is or is not

in a state of division, and
I would not fail to
attend if the jury
matter was not so
uncertain.

I hope your family
were recovered.

Minors the boy are
doing well.

Truly yrs
R. E. Weyburn

The Commonwealth of Virginia,

Lancaster City
TO THE SHERIFF OF ~~ISLE OF WIGHT~~ COUNTY, GREETING

WE COMMAND YOU TO SUMMON

James Otta Johnson *cd*
and America S. Johnson *cd*

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in *September* next to answer *the Bill*

in chancery of John F. Ramsey

of a plea of ~~_____~~ for \$ ~~_____~~ Damages \$ ~~_____~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the *28th*

day of *August* 188*5*, in the *108th* year of the Commonwealth.

N. P. Young *cd*

Rauscy J. P.

Success in Life.

Johnson Jam. E.
and America S.

50 Sept. Vols. 1888.
Joffe & Co. cir. of
R. E. Borkin & Co.

Nat found in my
bailiwick.

Mr. R. Harrell
Shff.

On 3
 Paid 3

 6

50
 44. Shant 2 line

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING

again
WE COMMAND YOU TO SUMMON *James Etta Johnson*
and America S. Johnson

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the
said Court, on the first Monday in *November* next to answer *The Bill*
in chancery of John T. Ramsey

of a plea of _____ for \$ _____ Damages \$ _____ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the *30th*

day of *October* 188 *3*, in the *188th* year of the Commonwealth.

N. P. Young clerk

On this 30th day of October 1883, before
me J. D. Goring clerk of Isle of Wight Circuit
court, appeared C. H. Wilson & made oath
that he delivered a copy of this return to Amos
S. Johnson in person. Chas. H. Wilson

Subscribed & sworn to before me by
C. H. Wilson the day & year aforesaid.
J. D. Goring clk.

Ramsey, Geo. F.

at
W. Va.
to
am. bill

Jan. 21st Johnson
& Amos S. Johnson

to
Nov. 1883.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING

WE COMMAND YOU TO SUMMON

James Etta Johnson
and *America S. Johnson*

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in

September next to answer *the Bill*
in chancery of John T. Ramsey

of a plea of

for \$

Damages &

And have then there this writ.

-Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the

day of *August* 188 *3*, in the *108th* year of the Commonwealth.

N. P. Young clk.

Geo. A. Rausen

W. 3 June
in Chy.

James E. Johnson
et al.

To Sept. Rb. 1883.

R. E. P. or Rm. pg.

Executed by deliver-
ing to the within
Name James E. Johnson and ~~James E. Johnson~~
~~Johnson~~ each a
true copy of the within
summons Sept 17 1883

A. B. Edwards Shy

To the Hon Geo Blount Judge of the
Circuit Court of Law and Chan-
cery for the County of Dec of Miss,
in Chancery sitting.

Humbly, complaining
sheweth to the Court your complain-
ant John I Ramsey.

That some time in the
year 18 Goodman Johnson departed
this life intestate at his residence in
the County of Dec of Miss, leaving
him ^{his widow} ~~the following children~~ ~~the following children~~
~~to wit~~, Patsy Johnson who after-
wards intermarried with one Robt.
Roberts, who has since departed
this life. ^{and the following children, sometimes called Fanny Johnson}
~~Valentine Johnson~~ ^{sometimes called John the largest Johnson}
~~her Johnson~~ ^{James the Johnson}
~~and America Johnson~~ ^{the Johnson who intermarried with one Ornduff}
as law.

That the said Goodman Johnson
in his life time and at the time
of his death was seized and
possessed of a tract of land in
the County aforesaid, containing
by estimation 100 acres be the same
more or less, and bounded as
follows, "Commencing at a white
oak on Carrs and Jones line, thence
along said line to aypress in the

* The said Beddie Wood Kemmell his wife by their
and bearing date on the day of 1857, say
conveyed all of their interest in said land being in
the said said Cook

Exhibit
A & B

deep branch on Jeremiah Deeks line
thence along the run of said branch
to the main run of Mill Creek, thence
down the main run of said Mill
Creek to Richard Bakers line, thence
along said line to the beginning.

That the said Peter Roberts,
formerly Johnson, Nathaniel
Johnson, and ^{formerly called John H. Johnson} ~~Johnson~~
by their said bearing date Aug 3rd
1857 and duly recorded in the
Clerks office of the County Court
of the County of Del. of Mich. conveyed
all of their interest in said tract
of land to one Joel Cook, and the
said Joel Cook by his said bearing
date on the 24th day of August 1853
conveyed the said undivided inter-
est in said land to Brown, and
complainant, & official copies of said
deeds marked respectively A & B are
herewith filed and prayer will
taken as a part of this bill.

Your complainant is informed
and so charges, that he is entitled
to have partition made of the said
tract of land if the same be capable
of partition and that in the event
that partition can not be had of

said land without loss or injury
to the parties, as your complain-
ant is informed is the case, the
said land should be sold and the
proceeds distributed amongst the
parties entitled according to their
respective rights.

In Under's consideration thereof
and so much as your complain-
ant is without remedy at law and
can only be relieved by the aid
of this Hon Court of Chancery
wherein matters of this sort are
alone and properly cognizable, to
the end that justice may be done
by the premises, your complainant
prays that the said lands may be
sold and the proceeds thereof
made parties defendant to this
bill and be required to answer
same, that proper process may issue,
that partition be had of said real
estate and your complainant portion
thereof allotted him and in the sum
that said real estate may not be
divided in kind, that the same may
be supposed to be and the proceeds
of such sale be divided amongst the
parties entitled thereto as their

Remedy

In May

Johnson et al

Complainants Bill.

Sept. Rk. 1883. Bill 1-
filed & de. nisi - on J. 8.
Johnson, & al. vs. A. Johnson

Acto. Rk. Bill taken for
conf. on J. 8. Johnson.

~~Sept. 1883~~

Nov. Rk. al. 2nd on
a. S. Johnson & al. nisi
= Dec. Rk. Bill taken
for conf. on 5 a. d.
Johnson & al. (for him).

Acto. Rk. taken & de
Dismissed. at P. 10. 11. 12.

W. H. Johnson

respective interests may entitle them,
and that each other's interests and
general relief may be granted in the
premises as the nature of the case may
require or to which I shall deem it
meet, and your compliance and
ever pray

Respectfully,
W. H. Johnson