

1893-009

Chancery Causes:

Eudorah A. Faircloth widow of Hartwell J. Johnson v. d.
vs Nathan H. Johnson & Hartwell M. Johnson

other surnames: Bowden,
Bryant, Bradshaw

Know All Men by These Presents:

THAT WE, *Endora A. Paucloek sometimes called Endora A. Johnson and James E. Johnson*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Six Hundred* DOLLARS, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *24th* day of *August*, in the year one thousand eight hundred and eighty- and in the *114th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound *Endora A. Paucloek who by decree of the circuit court of Isle of Wight county at April term 1889 in the suit of Paucloek et als against Johnson et als, was appointed a commissioner to sell the land in the bill and proceedings mentioned of which Hartwell J. Johnson did seize and possessed*

shall faithfully discharge ^{*his*} ~~the~~ duties of said office or trust, then the above obligation to be void, or else to remain in full force and virtue. We hereby ^{*each our*} waive the Homestead Exemption as to this obligation, and we also waive any right, claim or privilege to discharge any liability arising under said bond, or by virtue of said office or trust, in any ~~currency, funds, county claims, or offsets other than legal tender currency of the United States.~~ *coupons detached from bonds issued by the state of Virginia*

Endora A. Paucloek
J. E. Johnson

SEAL
SEAL
SEAL
SEAL
SEAL

circuit
IN ISLE OF WIGHT COUNTY, COURT, *clerk's office Aug. 24th 1889*

This bond was executed and acknowledged in ^{*before me*} open Court by the obligor to the same, and ~~ordered to be recorded.~~ *admitted to record the surety there to*

having verified as to his sufficiency
Teste N. P. Garring clk
Copy Teste N. P. Garring clk
for N. P. Garring clk

CLERK.

Johnson et al,

vs. } Comrs,
Bond

Johnson et al

Aug 24th 1889

ex parte & admitted to land

copy.

Commissioner's Office.

Isle of Wight Courthouse, Nov. 29th 1888.

To Eudora A. Faircloth, who was Johnson,
Annie E. Johnson, George G. Johnson; Fannie
C. Borden and Walter Borden her husband
Plaintiffs,

And to John M. Taylor guardian ad litem of
Nathan St. Johnson and Harriell W.
Johnson, infants.

Defendants:

You are Hereby Notified that I have fixed upon the 12th day of December
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at
my office, aforesaid, the following ^{accounts} accounts: 1st - whether the widow
Faircloth, sometimes called Johnson, claims to
take dower in kind as already assigned to her,
or money in lieu thereof. 2^d - Whether the land
can be partitioned or not. 3^d - Whether there
are any liens on any of the shares therein
or not, and if so their amount, priority &
equity. 4th - Whether a sale of the land will
be advantageous or not to the infant def-
endants.

Required to be taken by decree of Isle of Wight Circuit Court, rendered on the 22nd day
of October, 1888, 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 Commissioner of the said Court, the day and year first

aforesaid.

A. P. Young
Commissioner

Faircloth et als.
vs. $\frac{3}{3}$ Dr. Chap.
Johnson et al.

Cornwall, N. H.,
Dec. 8th

No 17th Dec. 1888.
Hollard by

Exhibited by deliver-
ing to the within
Hannah Endora
Faircloth Geo G.
Johnson Walter
Burdon L C Brooker
Herman E. Johnson
+ Geo W Taylor et
a copy of the within
Notice Dec. 8th
1888. Ro. A. Edwards
Stff.

Read, Life & Pains. 14.
Aug. 1888
Cott

To The Clerk circuit Court of Isle of Wight
County:

Eudora A. Faircloth, sometimes called

Eudora A. Johnson widow of Horwill
J. Johnson, Annie E. Johnson, George H.
Johnson, Lovinia C. Bowden formerly
Johnson and J. Walter Bowden her hus-
band vs. Nathan H. Johnson and
Horwill M. Johnson, both of whom
are infants under twenty years.

Summon in Chancery to Rules 3rd
Monday in August 1888

W. S. Hall and
H. G.

Spencer, late
Johnson et al

21

Johnson et al

Memo. for Sent.

To A. D. Gay
Clerk in Ct.

Faircloth &c.

vs.

Johnson et. al.

This cause came on this day to be again heard on the papers formerly read and on the report of Special Commissioner Faircloth filed herein on the 27th day of ~~April~~ ^{March} 1893 and was argued by counsel, on consideration whereof the Court doth adjudge, order and decree that said report of Commissioner Faircloth to which no exceptions have been filed be and the same is hereby ratified and confirmed and it appearing to the Court that there is nothing further to be done in this cause it is ordered that the same and all the proceedings had herein be made final and binding and that the said be stricken from the docket.

Hair cloth &c.

28-

Johnson et. al.

De cree

To be entered

1893

CMH

April —

Entered #29

Return to W. S. HOLLAND,
WINDSOR STATION, Isle of Wight County, Va.,
If not delivered within 10 days.



Mr. A. P. Young
Clerk Courts

Isle of Wight

per

*of
Lancaster
Mr. Young
Johnston*

This cause came on this day to be again heard on the papers formerly read in vacation by consent of parties and was argued by counsel on consideration whereof the court doth adjudge, order and decree, that the special commissioner Eudora A. Faircloth, sometimes called Johnson, who is hereby appointed a special commissioner for that purpose, do make, execute and deliver to Annie E. Bradshaw who was Johnson, who was the purchaser of the lands in the bill and proceedings mentioned a good and sufficient deed with special warrenty for said land by the payment by her of all the purchase money and after paying the unpaid costs in this suit, pay the balance equally to the five childred of Hartwell J. Johnson, or to the guardian of the one who is under the age of twenty-one years and that said special commissioner report to court, filing therewith her vouchers.

Hair cloth &c

ms

Johnson et. al.

Copy the case

Hainthath sometimes called Johnson

rs.

Johnson et. al.

This cause came on this day to be again heard on the papers for merely in vacation by consent of parties and was argued by counsel on consideration whereof the court doth ^{the special comm.} a degree order and decree that Endera &

Hainthath sometimes called Johnson who is hereby appointed a Special Commissioner for that purpose do make, execute and deliver to Annie E. Bradshaw who was Johnson the purchaser of the land in the bill and proceedings mentioned a good and sufficient deed with special warranty for said land upon the payment by her of all the purchase money and after paying the unpaid lists in this suit and pay the balance equally to the five children of Hartwell J. Johnson ~~or~~ ^{to} the guardian of the one who is under twenty one years old and that said special commissioner report to court filing therewith her vouchers

L. M. Hall

May 26, 1892

Faircloth & c

rs

Johnson & c

In vacation

Clerk civ. court of Isle
of Wight County
will ~~for~~ enter this
decree

To be entered
CMT

May 26 1892

Rec'd. Return 28. May
1892

J. D. Young ~~clerk~~

we consent to this decree
and agree to its being
entered in vacation.

Annie E. Bradshaw
who was Johnson

Eudora A. Johnson

L. C. Bowdler

Geo. H. Johnson

W. Herbert Johnson

Faircloth et al, vs,

vs. {

Johnson et al, vs,

This cause came on this day to be again heard on the papers formerly read and on the report of Special Commissioner Endorah A. Faircloth, ^{with bonds and vouchers} this day filed to which there is no exception and was argued by counsel whereupon the court doth adjudge, order and decree that said sale as reported be and the same is ratified and confirmed, and that said report be and the same is hereby ratified and confirmed, it appearing to the court that the bonds and vouchers set out in said report are therewith filed and in proper form.

Haircloth et, al.,

vs {

Johnson et, al.,

Deere

To be entered.

CMH

Oct 22, 1889

Entered 9



in two equal instalments one and two
years after date taking from the
pinchons a bond and good personal
security and retaining title till the
further order of court, but before
the said special commission shall
enter upon her duties hereunder she
shall execute a bond before the
clerk of this court with surety by
said clerk deemed sufficient in the
penalty of \$600⁰⁰ payable to the Com. Gen.
of Virginia and conditioned for
the faithful performance of her duties
under this and all subsequent decrees
herein and that said special commission
report to court.

Faircloth &c. et al
vs { In chancery
Jethum et al

April Term 1889

Rough decree

To be entered
C. W. Hall

Entered #15

Faircloth & S. et, al.

vs

Johnson et, al.

This cause come on this day to be heard on the bill of complaint taken for confessed as to the ~~adult~~ defendants and the answer of Jno. M. Taylor guardian ad-litem for the infant defendants and was argued by counsel on consideration whereof the Court doth ~~order~~, adjudge, order and decree that one of the Commissioners of this Court take and report the following enquiries and accounts

(1) Enquire and report whether the widow Faircloth sometimes Colled Johnson elect to take dower in kind as already assigned to her or money in lieu thereof?

2 Whether the Land is ~~divisible~~ ~~the land~~ Can be partitioned in kind or not

3 Whether there are any liens on any of the Shores herein or not and if so, Their amt. priority and dignity

(4) Whether a sale of the land

Faulkner & Co. 1809
25 3 In chng
Johnson et al

De cur

To be entered
Oct. 21st 1888.
C. H. Hill

For my self & wife

Entered 20
11

will be above taken or not to the
in favor of the State.

Johnson et. al.

vs $\frac{1}{2}$ In Chancery
Johnson et. al.

This cause come on this day to be heard in vacation in the city of Norfolk on motion of the plaintiffs and upon notice to the guardian ad litem of the infant defendants, upon the bill of complaint and the infant answer by their said guardian ad litem, and was argued by counsel, in consideration whereof the court doth adjudge order and decree that one of the Commissioners of this court make, ~~and~~ take ~~that~~ report the following enquiries and accounts:

1st Whether the lands in the bill mentioned can be partitioned in kind?

2nd Whether one or more of the parties will take the lands and pay to the other parties a reasonable price for their respective interests:

3rd Whether there are any liens on said land created in the lifetime of Hartwell J. Johnson deceased or since his death: and if so, their amount, priority and dignity.

4th
4th The annual or rental value of said land and its fee simple value.

Faircloth, late
Johnson et. al.

vs $\frac{1}{2}$
Johnson et al

In vacation Sept. 7th
1888 —————

Rough Decree

To be entered

To the clerk circuit
court of Isle of Wight
County. —————

To the Hon. C.W. Hill Judge &c

The undersigned game special Commissioner respectfully reports that pursuant to a decree herein dated May 26th 1892 she has collected the bonds filed with a former report in this Cause amounting to \$350. and has paid to the ^{heirs} at law of Hertwell J. Johnson \$68.55 each making \$842.75 and to W.S. Hall and five others for drawing deed to purchaser and has retained the balance of \$2.25 to pay costs of this suit from time of last payment in Oct. 1889 till the end. Out of this balance of \$2.25 she has already paid 75 cents and she is sure that the estimate is below the real fact. She herewith files her vouchers and required by said decree.

She further reports that she has executed and delivered to Annie S. Broadbent a good and sufficient deed for the lands in the bill and proceedings mentioned pursuant to said decree and has delivered her bonds to her cancelled. Your Spe. Com. says all the money in hands has been distributed and she is informed there is nothing further to be done in this suit and she says that the same may be dismissed
Very Respectfully
Endera A. Handolph re by atty

Faircloth &c

p 5.

Johnson

: Report of final
distribution &c
by Spe. Comm.
Faircloth

~~1892~~

1893

Suit of E. A. Faircloth vs. Johnson et al.

N. S. Holland com =

To the Clk. of Dist. of N. S. Cir. Ct.

Cont. Apl. + Octo. 90. + Apl 91.

.75-

Apr 27 92

N. P. Young Clk -

Paid: J. B. Owens, Deft. Fees

⁴
Faircloth E.A.

SS -

Johnson Vald

~~H. J. Holland, Com.~~

~~Johnson~~

Cur

75 -
L

To The Hon. C. W. Hill judge of the
circuit Court of Isle of Wight County No.

Your Commissioner appointed
by an order of this Court a copy of
which is herewith filed as a part of
this report beg leave to report that
after first advertising pursuant to
said decree she sold said land in
said decree mentioned at Isle of
Wight C.H. on Monday Oct, 7th 1889,
it being Court day, and Annie
E. Johnson being the highest bidder
at the price and sum of three hundred
and ninety six dollars it was struck
down to her, and pursuant to said decree
she has executed her two bonds for
\$155⁰³ each with Geo. W. Turner as
surety, ^{which bonds are heretofore paid.} and has paid the balance of
Eighty four & 94/100 (85.94) dollars in
cash to the proper parties in full of
costs of suit as taxed and expenses of
sale as will appear by the vouchers
herewith returned. Your Commissioner
sees the sale is a good one, and she
recommends it for confirmation.

Respectfully

Eudorah A. Faircloth
Solicitor General
Spec. Comm. by
W. S. Haines her ally.

Hamilton & Co. June -

25 }

Johnson & Co. as,

Report of Spe. Comm.
to sell land.

6855-
342.75

Rec'd. May 26th 1892 of Mrs Endera
A. Johnson spe. cour. in the suit
of Johnson sometimes called Haircloth
vs Johnson et als the sum each
of sixty eight (68) dollars
and fifty-five (55) cents, it being
the amount due each of us as the
heirs at law of Hartwell J. Johnson
dec'd. arising from proceeds of sale
of land herein sold by said spe.
Cour.

Witness
W.S. Hallen

" "
" "

Annie E. Bradshaw
who was Johnson
L B Bradshaw
M Herbert Johnson
Endors A Johnson gd m
for Hartwell M Johnson

George Johnson

This settlement was made in our presence
and with our consent

^{his}
J.W. Bowden the
^{not}
husband of above named
L. B. Bowden
J B Bradshaw

Rec'd. of Mrs Haircloth spe. Cour. five dollars
for drawing and acknowledging deed from
herself as spe. Cour. to Annie E. Bradshaw
June 4th 1892 W.S. Hallen

In the circuit court of Isle of Wight
county. April term 1889.

Francis et al

Pltfs

^{vs.}
Johnson et al

Defrs

This cause came on this day to be again heard on the papers formerly read, and on the report of commissioner Young filed herein, December 13th 1888, to which no exceptions have been filed, and was argued by counsel, on consideration whereof the court doth adjudge order and decree, that said report of commissioner Young be and the same is hereby confirmed, and that Endora A. Francloek sometimes called Endora A. Johnson, who is hereby appointed a special commissioner for that purpose, proceed, after having advertised for at least thirty days, by printer hand bills, posted at sundry places in the county of Isle of Wight, to sell the lands in the bill and proceedings mentioned, subject to dower of the widow of Hattwell Johnson decd., already assigned her by an order of the county court, of Isle of Wight county, on the following term to wit, for cash, a sum sufficient to pay cost of suit and sale, including a fee of \$30 (including tax fee) to W. J. Holland

counsel in this cause, and the rest in two equal instalments, one and two years after date, taking from the purchaser, a bond and good personal security, and retaining title till the further order of court; but before the said special commissioner shall enter upon the duties hereunder, she shall execute a bond before the clerk of this court, with security by him deemed sufficient, in the penalty of \$600⁰⁰ payable to the commonwealth of Virginia, and conditioned for the faithful performance of her duties under this and all subsequent decrees, and that said special commissioner report to court.

A copy.

Teste,

N. P. Young clk

Atto. fee & tax prescribed 10.00 paid W. S. Hallen

Atto. fee all^d by Court 30.00 .. W. S. Hallen

Clerks fees 6.54 " N. P. Young

Shff. " 3.00 R. A. Edwards

Counsel, Young 8.00 Pd. N. P. Young

J. H. Brey acct costs: .50

A. W. Jenkins

Costs - \$65.04

Law. 16.90

Writ (R. A. Edwards) 2.50 Rep. A. Edwards

Bills 1.50

\$85.94

310.00

396.00

395.00

85.94

2 310.06

155.03

Recd. of Comm. Hancock thirty dollars in full of my fee.

Hancock et al.

W. S. Hallen

Johnson et al.

Copy De. of App. 1889

NOTICE !

By virtue of a decree in the circuit court of Isle of Wight county, entered at the April term, 1889, thereof, in the cause of Faircloth &c vs. Johnson *et. als.*, I shall offer for sale at auction, at Isle of Wight C. H., on Monday, October the 7th, 1889, (it being court day) at 1 o'clock P. M., the following farm, subject to the widow's dower therein, already assigned to her by metes and bounds; all that tract, containing by an old survey, 100 acres more or less, lying and being in Isle of Wight county, on Blackwater river, and bounded as follows: "commencing at Batten's line on Blackwater, thence down the river to the mouth of Burk's swamp, thence up the swamp to the Mills Eley line, thence bounded on the east by the lands known as the Mills Eley land, and on the north by the lands known as the Batten land," of which Hartwell Johnson died, seized and possessed; it being the tract of land purchased by said Hartwell Johnson from John T. Bowden and wife, by deed dated October 22d, 1866, and duly recorded in the clerk's office of the county court of Isle of Wight county, in deed book No. 41, p. 19.

TERMS—Cash, to pay the costs of suit and sale; the rest in one and two years, purchaser to give bond and security. Title retained till further order of court.

This is a good farm. Enough cleared for a one-horse crop and rest set in timber. Those desiring to purchase are requested to examine the premises before day of sale.

W. S. Holland,
Attorney.

Endorah
ENDOROH A. FAIRCLOTH,
Sometimes called Endorah A. Johnson.
Special Commissioner.

CLERK'S OFFICE, CIRCUIT COURT OF ISLE OF WIGHT COUNTY, }
the 24th day of August, 1889. }

I, N. P. Young, clerk of the said circuit court, certify that Endorah A. Faircloth, commissioner under the decree mentioned in the foregoing notice, has given the bond required by said decree.
Given under my hand this day and year aforesaid.

N. P. YOUNG, CLERK.

NOTICE!

By virtue of a decree in the circuit court of Isle of Wight county, entered at the April term, 1889, thereof, in the cause of Faircloth &c. *vs.* Johnson *et. als.*, I shall offer for sale at auction, at Isle of Wight C. H., on Monday, October the 7th, 1889, (it being court day) at 1 o'clock P. M., the following farm, subject to the widow's dower therein, already assigned to her by metes and bounds: all that tract, containing by an old survey, 100 acres more or less, lying and being in Isle of Wight county, on Blackwater river, and bounded as follows: "commencing at Batten's line on Blackwater, thence down the river to the mouth of Burk's swamp, thence up the swamp to the Mills Eley line, thence bounded on the east by the lands known as the Mills Eley land, and on the north by the lands known as the Batten land," of which Hartwell Johnson died, seized and possessed; it being the tract of land purchased by said Hartwell Johnson from John T. Bowden and wife, by deed dated October 22d, 1866, and duly recorded in the clerk's office of the county court of Isle of Wight county, in deed book No. 41, p. 19.

TERMS—Cash, to pay the costs of suit and sale; the rest in one and two years, purchaser to give bond and security. Title retained till further order of court.

This is a good farm. Enough cleared for a one-horse crop and rest set in timber. Those desiring to purchase are requested to examine the premises before day of sale.

W. S. Holland,
Attorney.

Endorah
ENDOROH A. FAIRCLOTH,
Sometimes called Endorah A. Johnson.
Special Commissioner.

CLERK'S OFFICE, CIRCUIT COURT OF ISLE OF WIGHT COUNTY, }
the 24th day of August, 1889. }

I, N. P. Young, clerk of the said circuit court, certify that Endorah A. Faircloth, commissioner under the decree mentioned in the foregoing notice, has given the bond required by said decree.

Given under my hand this day and year aforesaid.

N. P. YOUNG, CLERK.

Faircloth & Johnson & Co.

Bills to Sept. 1889.

Att. for prescribed 16.50

Chk. " " " 6.54

Att. for att. by Cont 30.00

Chff. fees 3.00

Cont. Young 8.00

Jas. N. Bryant & Co. .50

A. M. Jenkins " .50

Total \$65.04

Bill of Cents

Commissioners Office, Isle of Wight County,
December 12th 1888.

To the Circuit Court of said County.

Pursuant to a decree of the said Circuit Court, rendered at the October term thereof in the year 1888, in a suit in Chancery then in depending wherein Eudora A. Faircloth, sometimes called Eudora S. Johnson, Ann E. Johnson, George F. Johnson, Lavinia C. Boroden and Walter Boroden her husband are complainants and Nathan S. Johnson and Hartwell M. Johnson, infants, and John M. Taylor guardian ad litem of said infants are defendants, directing a commissioner of the said Circuit Court to make the following enquiries and accounts, and report the same to the court To wit: 1st whether the said Eudora A. Faircloth sometimes called Johnson, elects to take dower in kind as already assigned to her in the land in the bill mentioned, or money in lieu thereof. 2nd. Whether land can be partitioned or not. 3rd. Whether there are any liens on any of the shares therein or not, and ~~an~~ account of the same with their priority & dignity. 4th. Whether a sale of the land will be advantageous or not to the infant defendants. Your commissioner reports to the court that, on the 29th day of November last, he issued notices to the parties, plaintiffs and defendants, that he had fixed upon the 12th day of Decr. 1888, as the time, and his office opened

1 as the place for making the required account
2 required by the said decree, and required
3 the parties to attend. That said notices were
4 duly served by sheriff & returned to your
5 commissioners. That most of the parties ap-
6 peared and asked that evidence be
7 taken touching said equities. That your
8 commissioners thereupon, took the evidence of
9 John R. Bryant & S. M. Jenkins, which is in the
10 filed, and from said evidence, and statement
11 of the plaintiff Eudora A. Faircloth as to her
12 election, Your commissioners reports that the
13 said Eudora A. Faircloth, who was the widow
14 of Hartwell J. Johnson decd: elects to take
15 and retain her dower in kind as already
16 assigned to her in the land in the proceedings
17 mentioned. That your commis. is of opinion
18 and so reports, that said land cannot be
19 partitioned without manifest injury
20 to the parties interested as owners thereof.
21 That there is no lien on any share in
22 the said land. And that a sale of the
23 land will be advantageous to the
24 infant defendants, as it is constantly
25 depreciating in value.

26 Given under my hand as a commissioner
27 of the said Court, the day and year first aforesaid
28 A. P. Young com.

29 Com. fee	\$8.00
30 Shff. "	3.00
31 J. R. Bryant with.	.50
32 S. M. Jenkins "	.50
	<u>\$12.00</u>

Faircloth et als.

3rd Dec^r

Johnson et als.

Report of Commr,
Young under cover
of Acts. 1888.

Filed Dec. 13th
1888.

1 In the circuit court of Isle of Wight county
2 October term 1888

3
4 E. A. Faircloth et als

Pltfs

vs.

5
6 Nathan H. Johnson et als

Defts

7
8 This cause came on this day to be
9 heard on the bill of complaint, and the
10 answer of Mrs. M. Taylor guardian
11 ad litem for the infant defendants and
12 was argued by counsel. On consideration
13 whereof the court doth adjudge order and
14 decree that one of the commissioners of
15 this court take and report the following enquires
16 and accounts

- (1) 17 Enquire and report whether the widow
18 Faircloth sometimes called Johnson elects
19 to take dower in kind as already assigned
20 to her or money in lieu thereof
(2) 21 Whether the land can be partitioned
22 in kind or not.
(3) 23 Whether there are any liens on any of
24 the shares herein or not, and if so, their
25 amount, priority and dignity
(4) 26 Whether a sale of the land will be
27 advantageous or not to the infant
28 defendants

29 A copy.

30 Teste,

31 H. P. Young CLK
32

E. H. Faircloth et al

vs.

Nathan H. Johnson et al

Recd Oct term 1888

Expy. 1888.

Notices of 29th,
Nov. 1888 to Dec.
12th 1888.

Hollander

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0
3
12

John Bryant being duly sworn, deposes and says that he is 45 years of age; that he is well acquainted with the land whereof Harriell J. Johnson did seized and possessed; That he does not believe the said land is susceptible of being divided into four shares without injury to the parties interested in said land, especially the infants of said Harriell J. Johnson. That said land consists of about 100 acres, more or less, lying on the black water in a narrow neck and there is no way to divide it except to cut it into narrow slips which would render the land of each party almost worthless. That the buildings are worth as much as any one share would be & the party who would get the buildings could get no land, or but a very small portion which would be of little value situated as it is ^{that the land is constantly depreciating in value} and that he is decidedly of the opinion that it would be best for the parties, for the land to be sold and the money arising therefrom divided amongst the parties entitled thereto,
John N. ^{his} Bryant
mark

Alex. M. Jenkins being duly sworn, deposes and says that he is 50 years of age, that he has heard the above evidence of John N. Bryant, and as he is well acquainted with land therein referred to, and fully concurs with him in his said evidence
(Signed Alex. M. Jenkins)

The foregoing evidence was taken sworn to before me by John N. Bryant & Alex. M. Jenkins this 12th day of Dec. 1888.
A. P. Young, com. in
shaming of
Isle of Wight Co. Court

Faircloth atch.

or. 3²⁴ M²² Chy.

Johnson atch.

Evidence filed
with Crim. Group
Sept. of 12. Dec
1888.

Recd. of Endorah A. Faircloth & Co. Spe.
Comm. fifty cents it being amt of witness
fee taxed
Oct. 12th 1889.

A. J. Jenkins

Recd. Oct. 12th 1889 of Endorah A. Johnson
sometimes called Faircloth & Co. Spe. Comm.
fifty cents, it being amt. of witness
fee taxed
Oct. 12th 1889.

Witness

A. J. Jenkins

John A. Jenkins
made it

COURTS:

ISLE OF WIGHT, NANSEMOND,
AND SOUTHAMPTON.

OFFICE OF

W. S. HOLLAND,

Attorney at Law and Notary Public,

Windsor Station, Va. Aug 14th 1888

Mr. A. P. Gany
Dear Sir,

I thank you for the suggestion in
the case of John &c. vs Johnson. Please change
mens. & bill &c. to make the same correct
in this regard. Suppose you interline so as to
make it read Endorsed at H. air cloth some times
called Endorsed at A. Johnson.

I asked Mrs. Johnson in my office here
when she came to get this writ brought parties
nearly about her name. If the divorce is
simply from "Bed & board" of course the name
is not changed.

By completing the papers you will confer
a favor and after it is done please return
the papers.

Yours truly
W. S. Holland

1 deed from Jno T. Bowden & wife to Hart-
2 well Johnson dated 22 Oct 1866 and recd
3 ed in D.B. No. 41 p 19
4

5 by actual survey 100 acres lying
6 on Blackwater in the County of Isle of
7 Wight and bounded as follows, commencing
8 at Bottoms line on B. water, thence down
9 the river to the mouth of Birles Swamp,
10 thence up the swamp to the Mills Eley
11 line, then bounded on the East by the land
12 known as the Mills Eley land & on the
13 North by the land known as the Bottom land
14 thence to the Blackwater river &
15



16
17
18 { Description of land for notices }
19
20
21
22
23

10
11 Style of suit

12 W.S. Hall and 4 c. vs J.H. Adams, ^{R.K. Chapman} W.J. Adams
13 Spe. Comm. in ^{the suit of} Gibbs vs Gibbs, vs J. Adams
14 ~~Adams~~, Mary Jones and Geo. T. Adams. -
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Suit brought to I Monday Aug, Rules 89

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *Nathan S. Johnson*
and Hartwell W. Johnson, both of whom
are infants under twenty one years of age.

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~~ ^{third} Monday in *August 1888*, to answer *the Bill in*

chancery of Endora A. Faircloth, sometimes
called Endora A. Johnson, co-defendant of Hartwell J.
Johnson dec'd; Annie E. Johnson, George G. Johnson;
Lucina C. Bowden, formerly Johnson, and J. Walter Bowden her husband
of a plea of *rescued* for \$ *1000* Damage \$ *1000* And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the *14th* day of
August, 188*8*, in the *11th* year of the Commonwealth

N. P. Young CLK.

Faircloth E. A.
sometimes called
Eadora A. Johnson
et al.

2 Secus.
vs. 2 in Clap.

Nathan A. Johnson
et al. vs. Johnson
et al.

To B. Monday in
August, 1888.

W. S. Holladay

The joint and several answer of Nathan H. Johnson and Hartwell M. Johnson infants under the age of twenty-one years by Jno. M. Taylor their guardian ad litem assigned to defend them in this suit, to a bill of complaint exhibited against them in the cir. court of Isle of Wight County by Endorah A. Hancock sometimes called Johnson and others:

These respondents reserving to themselves the benefit of all just exceptions to said bill, for answer thereto or to so much as it is material they should answer, answering saith -

That they are infants of tender years and by reason of their infancy, are incapable of understanding or of taking care of their interest and rights in this suit. They, therefore, ~~pray~~ ^{say} their guardian ad litem commend themselves, their interests and rights to the Court, and pray that no disadvantageous order be entered in this suit.

And having fully answered, these respondents pray to be hence dismissed with their costs in this behalf expended and they will ever pray &c.

John M. Taylor ad litem for
W. S. Hall and h. d.

N. H. & H. M. Johnson

(over)

Virginia:

County of Isle of Wighe, to wit:

I, W.S. Hall and a Staty Public
in and for said County - and shole do certify that
Jno. M. Taylor gentian ad titum for A. H. & A. M.
Johnson infants &c. whose name is signed to the
foregoing answer come before me in my said County
and made oath in due form of law that the
statements therein contained are true to the best
of his knowledge and belief. Given under my
hand this 9th day of Oct. 1888

W.S. Hall and
staty Public

Hanck & c. se-og

vs { In chery

Johnson & c.

- In of ant's answers -

To The Hon. C. W. Hill judge of the circuit
Court of Isle of Wight County, Virginia:

Eudora A. Faircloth, sometimes called

Your complainant, Eudora A. Johnson
son the late widow of Horwill J. Johnson,
Annie E. Johnson, George E. Johnson and
Lavinia C. Johnson (now Bowden) and J. Walter
Bowden her husband humbly complaining
represent:

That said Horwill J. Johnson depar-
ed this life in the year 1878 intestate
seized and possessed in fee of a certain tract
piece or parcel of land lying and being
in the County of Isle of Wight in the State
of Virginia said to contain one hundred
acres more or less, bounded on one
side by black water river and by the
"Mills Eley" and "Batten" tracts of land
and by Burt's Swamp, leaving your
Eudora A. Faircloth sometimes called
Complainant, Eudora A. Johnson his
widow and the following children as
his only heirs at law, to wit, Annie
E. Johnson, George E. Johnson, Lavinia
C. Johnson now Bowden the wife of J. Walter
Bowden, Nathan H. Johnson and Hor-
will M. Johnson, the last two being
infants under the age of twenty one
years.

Eudora A. Faircloth sometimes called

Your complainant, Eudora A. Johnson
says she is entitled to her dower in and

to said land by reason of her marriage with
said Horwill J. Johnson, and your ^{said} Complain-
ants ^{the} said George; Annie; and Louisa, say
that they are entitled to an undivided
one fifth interest each in and to said land
subject to their mother's dower therein as
aforesaid; and being so possessed and entitled
as aforesaid your Complainants say they
are entitled to partition of said land.

The said widow prefers her dower in money
in accordance with the statute in such
cases made and provided for the reason
that one third of said tract of land if
layed off by metes and bounds would be
almost worth less on account of the charac-
ter and ^{nature} of the said land.

Your Complainants do not believe
that said land can be partitioned in kind
for the reason that the tract, consisting largely
of low lands uncultivated and not arable, is
too small for one share to be worth anything.

And for as much as your
Complainants are without remedy in the prem-
ises save in this Hon. Court where such
matters are alone and properly cognizable
they pray that Nathan H. Johnson and
Horwill M. Johnson, both being infants
under the age of twenty one years, be
made parties defendants to this bill, that

a proper guardian ad litem be appointed to them to defend their interests in this proceeding, that said land be partitioned in kind if it can be done without injury to the interests of the parties, that said dower be likewise assigned, but if said land is not capable of partition in kind as your complainants believe it is ^{not}, then they pray that the land be sold and the proceeds of sale be divided amongst and between the parties according to law, allowing to said widow money in lieu of dower as provided by law; that all orders be made, enquiries directed, accounts taken, all commissions be appointed, and all such other steps be taken as may be necessary to afford your complainants full and complete relief ^{and that reasonable costs be allowed} in the premises. And your complainants pray for all such other, further and general relief as may be agreeable in equity. Let a subpoena go. And your complainants will ever pray &c.

W. S. Hallan & T. J.

Page 10th W. S. Hall and Co.
Johnson, et. al., vs. Callie

vs $\frac{1}{2}$ In chury

Johnson et. al.

Bill of Complaint

Rules held on 3rd
Monday in Aug.
1888. Bill vs filed
gov. and return applied
to infra depts, his and
filed & genl. report.

"Rules 1. Monday in
Sept. set for hearing.
"

Oct. term 1888

Decree for Enquiry & report

Apr. 1889 - Dec. for sale.

Oct term 1889, de. confirming
report

April 1893 Final