

1897-010 Chancery Causes: R. A. Bayless vs Nicholas Johnson

Isle of Wight County

other surnames: Porter, Baird,
King, Holland, Hall

R. A. Bayless

against }

Nicholas Johnson

To First April Rules, 1896

1st April. Res., 1896.
Bill & bts. filed. Sust.
excepted & de: nisi:

2nd April. Rules. Bill
taken for confg. & set
for hearing.

April term 1896
De. for acts

Oct term 1896
We confg. apt. to sett. re.

April Term 1897

Final

has been fully paid and all costs including as well the costs of this suit, that in case it shall be ascertained by the report of the special commissioner or otherwise that said land will not rent for enough in five years to pay the said debt and costs as aforesaid then that said land be sold and out of the proceeds of sale pay off said judgment and costs, that all such other and farther general relief may be afforded your complainant as the nature of his case may require or as to equity and good conscience may seem meet. Let a subpoena go. &c.

W.S. Holland p.q.

R.A. Byrle
by W.S. Holland his
attorney.

In the Circuit Court of Isle of Wight County, to wit:

First April Rules 1896.

To the Hon. Robert R. Prentiss judge of the Circuit Court of Isle of Wight county:

R. A. Bayless most respectfully represents to the court that he has obtained a judgment against Nicholas Johnson in a justice court of the county of Isle of Wight for _____ with interest from _____ till _____ paid and \$ _____ costs which has been duly docketed in the clerk's office of the county court of said Isle of Wight county as will more fully appear by an abstract from the records marked "A" and prayed to be taken and read as a part of this bill of complaint. Your complainant avers that the Homestead exemption is waived as to said debt on which said judgment has been recovered, and he avers that it cannot be recovered out of any personal property of the said Nicholas Johnson for the reason that he owns no personal property not exempt from levy under the provisions of the Poor Debtors, s law. Your complainant avers that said Nicholas Johnson owns and is possessed of a considerable tract of land in the said county of Isle of Wight which will rent for more than enough in five years to pay the said debt and interests and the costs of the same and the costs of this suit.

Your complainant says that he has a lien on all the said land by reason of the docketing the said judgment and he is informed that he has a right to have the same enforced.

For as much as your complainant is remediless save in the court of equity where such matters are alone and properly cognizable he prays that Nicholas Johnson be made a party to this suit and that he be required to answer this bill of complaint, but an answer on oath is hereby expressly waived, that said land be rented out till the said debt on which said judgment has been recovered

Bayley B. v.

v.s.

Summons in ~~an~~ action

to

ans. Bill

Johnson Nichols

W. S. Holland p. q.

To the April Rules,

1890 Court.

Enacted
1896
No A. Edwards
Suff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU TO SUMMON

Nicholas Johnson

to appear at the Clerk's office of our *Circuit* Court of the County of Isle of Wight,

at the Courthouse thereof, at the rules to be holden for said Court on the *first* Monday in

April 1896, ~~was~~ to answer *the Bill in chancery*
of R. A. Bayliss

~~A plea of~~

~~Damage~~

~~Dollars~~. And have then there this writ.

WITNESS, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the *1st* day of

April

189*6*, and in the *120* year of the Commonwealth.

N. P. Young Clerk

Bayless R. A.

vs.

Johnson Nicholas

Report of Court, in
Chy. Young, under
docket of April 1896

nd Filed June 5th 1896.

And returned to your commissioners, and on the day so fixed upon, your commissioner made, from evidence before him, the foregoing account of the liens on the said and of its principal and annual value, marked, respectively, "A" and "B".

Account "A" shows that there are liens on said land to the amount of \$170.00 and designates in the margin thereof the priority of each lien.

Account "B" shows that the principal value of said land is \$550.00, and the annual value thereof is \$35.00.

Your commissioner is of opinion, and so reports, that the rents from said land will pay off the said liens in five years.

Your commissioner, respectfully refers to abstracts of the judgments mentioned in account "A" as evidence, and that all said judgments are docketed in the judgment docket of the of Wright County.

Given under my hand as a commissioner of the said Circuit Court, in charge the day and year first aforesaid.

A. P. Young, Com. in Ch.

Comms. fee . . .	5.25
Shiff: " . . .	1.00
Clk. Co. Ct. fee	<u>1.15</u>
Certs. before court	<u>\$7.40</u>

An account of the annual and fee simple value
of the land in the Bill mentioned.

An tract of $119\frac{1}{2}$ acres adjoining
the old T. M. Dashiell tract near
five forks - valued in fee simple at \$550 00
Annual value of same \$35 00

Commissioner office Isle of Wight County,
June 4th 1890.

To the Circuit Court of Isle of Wight County,

Proceeded to a decree of the said Court
rendered at the April term 1890, in the
preceding cause of R. A. Bayless against
Nicholas Johnson, directing one of the com-
missioners of the said Court to take, state and
report to the Court at the next term, 1st, whether
there are any liens on the land in the Bill
and proceedings mentioned? 2^d, Whether the
land will rent for enough in five years
to pay off the said liens? 3^d, The annual
and fee simple value of the said land, and
4th Any matters deemed pertinent by the
commissioners or any party in interest.

Your Commissioner reports to the Court
that, on the 11th day of May last, he
issued notice to the plaintiff and the
defendant that he had filed upon
the 4th day of June 1890, to take and make
the said inquiry, account and report
at his office, and requesting them to
attend; that said notice were duly served

In the Circuit Court of Isle of Wight County.

R. A. Bayless

Plff.

vs.
Nicholas Johnson

In Chancery.

Def.

An account of liens on the land in the
Bill and proceedings mentioned.

1st.

A judgment in favor of John
Porter rendered by H. J. Darden
justice, on 21st of March 1882, and
docketed 1st day of Octo. 1886, for
Interest thereon from 21. Mar. 1882
to 20. Octo. 1890

20 00

17 42

Costs of judgt. & docketing &c

2 03

3975

2nd.

A judgment in Favor of E. C. Baird
rendered by J. E. Nelson, justice, on
18th of April 1894, and docketed the
2nd day of July 1894, for
Interest thereon from 18. April 1894.
to 26th of Octo. 1895

21 65

Costs of judgmt. & docketing &c

3 24

2 13

24 05

3rd.

A judgment in favor of John King
rendered by J. S. Ely, justice, on the
5th day of June 1895, and docketed the
5th day of Augt. 1895, for
Interest from 3rd day of Octo. 1895 to do.

21 89

1 39

Costs of judgmt. & docketing &c

1 80

24 99

4th.

A judgment of A. J. Darden J. for plaintiff,
R. A. Bayless - rendered 21. Jan. 1896, for
Interest thereon from 1st of Jan. 1895, to do.

45 00

8 00

Costs of judgt. & docketing &c

1 35

8445

Total Liens proved

\$57620

R.A.Bayless

vs.

Nicholas Johnson

Reprt of collection and dis-
bursements by Spe. Comr.

Wm.S.Holland.

Bayless

Vs.

Johnson

The undersigned your Special Commissioner begs to report that pursuant to a decree herein of October 26th 1896, a copy of which is herewith filed, he gave bond before the clerk of this court as required by said decree but before advertizing the sale Nicholas Johnson approached your Commissioner with a proposition to pay and on the 16th day of January 1897 he paid, and your commissioner has paid A.B.P. Holland assignee of R.A. Bayless, John King and John Porter in full as will appear by their receipts herewith filed and has paid all costs of suit. Your commissioner did not collect for nor pay to Dr. T. Edwin Baird the lien debt reported in his favor for the reason that Nicholas Johnson paid him or arranged with him and said Baird gave said Johnson a request in writing directed to the clerk of the county court of Isle of Wight county requesting him to mark the said judgment in his favor satisfied which said request was mailed to the clerk by your commissioner. Having thus paid all the debts and costs of suit, your commissioner recommends that the suit be stricken from the docket.

Respectfully Submitted,

Wm S. Holland, Special Commissioner.

We the undersigned have read the above report and ratify the statements therein contained so far as they relate to our claims respectively.

January 16th 1897.

John King
T. Edwin Baird

R.A.Bayless

vs

Nicholas Johnson

October 26th 1896.

D E C R E E .

To be entered.

Robert H. Smith

Entered

R.A.Bayless

vs.

Nicholas Johnson

This cause came on this day to be again heard on the papers formerly read and on the report of N.P.Young filed herein on the 5th day of June 1896 to which no exception has 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 it appearing from the statement of the annual value and total amount of liens in said report contained that the rents and profits of the said lands would not satisfy the said liens in five years, the court doth further adjudge, order and decree that Wm.S.Holland who is hereby appointed a special commissioner for that purpose, after first having advertised the time, place and terms of sale by printed hand bills for twenty days proceed to sell the lands in the bill and report mentioned at Isle of Wight Court-House on some court day at public auction for cash, one third, and the residue in two equal instalments ^{with interest} payable one and two years from date of sale, purchaser to give bond with good security for deferred payments, title retained till the further order of the court, but the purchaser may at his own election pay all in cash, but before said special commissioner shall begin to execute this decree he shall enter into a bond in the penalty of \$1000. — before the clerk of this court payable and conditioned according to law and with surety by the said clerk deemed sufficient. And that the said special commissioner report to court.

at public auction for cash one third and the residue in two equal installments with interest payable one and two years from date of sale, purchaser to give bond with good security for deferred payments till the further order of the Court, but the purchaser may at his own election pay all in cash but before said special commissioner shall begin to execute this decree he shall enter a bond in the penalty of \$1000. before the Clerk of this Court payable and conditioned according to law and with surety by the said clerk deemed sufficient. And that the said special commissioner report to Court.

A copy

Teste N. J. Young, clk

Bill of Cost

atto fee & Tax 10.50

comr &

N. J. Young atty

9.87

Paid N. J. Young exp

N. J. Young do

1.51

Paid N. J. Young

Shiff do

1.50

Paid Ro. A. Edwards Shiff

R. A. Bayless

Richard Johnson

Decm of vol. 20th 1896

Copy

In the Circuit Court of Isle of Wight
County- October 26th 1896-

Bayless R. R.

vs.

Nicholas Johnson

This cause came on this day to be
again heard on the papers formerly
read and on the report of H. P.
Young filed herein on the 5th day
of June 1896 to which no exception
has 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 con-
firmed. And it appearing from
the statement of the annual
value and total amount of liens
in said report contained that the
rents and profits of the said land would
not satisfy the said liens in five years
the Court doth further adjudge order and
decree that Mr. S. Holland who is hereby
appointed a special commissioner
for that purpose, after first having
advertised the time place and terms
of sale by printed hand bills for twenty
days proceed to sell the lands in the
bill and report mentioned at Isle of
Wight Court House on some Court day

Buy left

to

Jethrus an. Nicholas

April 27th 1897

De an

So be intend

Robert R. Denton.

Entered #15

R. A. Bylers

vs

Nicholas Johnson

This cause came on this day to be ~~agreed~~ heard on the bill taken for confessed, the defendant having been duly summoned and still failing to appear, heard answer or demur and was argued by counsel.

On consideration whereof the court doth adjudge order and decree that one of the commissioners of this court take, state and report to the next term of the court:

- (1) Whether there are any liens on the lands in the bill and proceedings mentioned, and if so, state them with their priorities?
- (2) Whether the land will rent for enough in five years to pay off the said liens?
- (3) The annual and fee simple value of the ~~said land~~ said land.
- (4) Any matter deemed pertinent by said commissioner or any party in interest.

R.A.Bayless

vs

Nicholas Johnson

March 26th 1897.

D E C R E E .

To be entered.

Robert G. Huntis

*(6)
Entered*

R.A.Bayless

vs

Nicholas Johnson.

This cause came on this day to be again heard on the papers formerly read, and on the report of collections and disbursements of Special Commissioner Wm.S.Holland this day filed by leave of court, and was argued by counsel:-

On consideration whereof the court doth adjudge, order and decree that said report be, and the same is, hereby ratified and confirmed, it appearing to the court from vouchers filed with the report that all the costs of suit and the debts reported by Commissioner Young have been paid, and noting further appearing to be done in this cause it is ordered that the same be stricken from the docket.

Porter Jno.

vs.

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EXTRACT
JUDGMENT.

Johnson N.

p. q.

Reckard

before J. J. Darden a
Virginia: In the Justice Court of the County of Shenandoah
the 21. day of March 1892.

John Porter

Plaintiff

Against

Nicola Johnson

Defendant

Judgment in favor of the plaintiff against the defendant for the sum of twenty
dollars and cents,
with interest thereon, to be computed after the rate of six per centum per annum, from the 21. day
of March, 1892,

till payment, and the costs. Plaintiff's costs \$2.50.

An extract—Teste.

H. D. Loring Clerk.
Plaintiff's Attorney.

He are file. This

Bayless R. A.

vs.

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EXTRACT

JUDGMENT.

Johnson, Nicholas

Exhibit "A"

filed with bill

p. 9.

See note on which
this judgment
was rendered &
which is on file,
concerning the home-
stead exemption.

To the

A. P. Young,

Before Justice *L. J. Darden*
Virginia: *Indue* Court of the County of *Isle of Wight*
the *21st* Day of *January* 18*90*.

R. A. Bayless

Plaintiff

Against

Nicholas Johnson

Defendant

Judgment in favor of the plaintiff against the defendant for the sum of *Twenty*
five dollars and _____ cents,
with interest thereon, to be computed after the rate of six per centum per annum, from the *11th*
of *January*, 18*90*,

till payment, and the costs. Plaintiff's costs \$*1.35*.

An extract—Teste.

A. O. Spencer Clerk.

Plaintiff's Attorney.

A. E. Baird

vs.

}

EXTRACT
JUDGMENT.

Johnson N.

p. q.

Rockwell

Justice's Court of J. E. Melner Justice
Virginia: In the Court of the County of Isle of Wight
the 18. day of April 1894.

A. E. Baird

Plaintiff

Against

Nicholas Johnson

Defendant

Judgment in favor of the plaintiff against the defendant for the sum of twenty one
dollars and 00 cents,
with interest thereon, to be computed after the rate of six per centum per annum, from the 18th
day of April 1894

till payment, and the costs. Plaintiff's costs \$2.13

An extract—Teste.

A. P. Perry Clerk.

Plaintiff's Attorney.

Mr. King

vs.

}

EXTRACT
JUDGMENT.

Johnson et al.

p. 9.

Docketed

Justice, Court of J. P. Eley a Justice
Virginia: In the Court of the County of Isle of Wight

the 5th day of June 1895.

John King

Plaintiff

Against

Nicholas Johnson

Defendant

Judgment in favor of the plaintiff against the defendant for the sum of Twenty One
89 dollars and 30 cents,
with interest thereon, to be computed after the rate of six per centum per annum, from the 30 day
of Octo, 1895,

till payment, and the costs. Plaintiff's costs \$1.39.

An extract—Teste.

J. O. Young Clerk.

Plaintiff's Attorney.

State Tennessee } Personally appeared
 Washington County } before me R.A.
 Bayless and made oath in due form
 of Law that he has a right to
 sell the Vote & no one has any interest
 in it. I saw his sign obligator
 G.E. Leake J.P.

Bayless to
 A.B.P. Holland

Witnessed.

Rec'd. Jan'y 16th 1897 of 1895.
 there and the said Court
 fifty dollars because in full
 due me for fees received as
 for agreement. A.B.P. Holland.

In consideration of forty five
(45) dollars paid to me by
the Check of Wm S. Holland
I hereby sell, assign and turn
over to A.B.P. Holland one debt
due to me from Nicholas
Johnson evidenced
by a note or bond on
which a judgment has
been duly obtained and
docketed in the clerk's
office of the County Court of
Isle of Wight County and
to enforce the lien of which
judgment a chancery suit
has been instituted in the
circuit court of said County
and is now pending therein
Said A.B.P. Holland to pay all
fees and costs not paid by
the defendant Johnson
and I am to pay nothing.
The principal of this note is
for about seventy-five (75) dollars
with interest from December
1st 1895.

Witness my hand and seal
this 21st day of August 1896

H. A. Baker

$$\begin{array}{r} 2.00 \\ 5.00 \\ \hline 7.00 \\ 5.25 \\ \hline \end{array}$$

Bayless

vs.

Johnson Nicholas

For acts.

Apr of Dec
 entered April 27th
 1894.

Notes, info. 11, May to
 4. June 1896.
 Corred,

In the Circuit Court of Dist of West
Conn April 27th 1896.

R. A. Bayless

vs

Nicholas Johnson

This Cause came on this day
to be again heard on the bill taken for
Confessed, The defendant- having been duly
summoned, and still failing to appear
plead answer or demur, and was argued by
Counsel. On consideration whereof the
Court doth adjudge order and decree that
one of the Commissioners of this Court- take,
state and report- to the next term of the
Court-^{1st} Whether there are any liens on the land
in the bill and proceedings mentioned and
if so state them with their priorities:
2nd Whether the land will rent for enough
in five years to pay off the said liens:
3rd The annual and fee simple value of
the said land, 4th Any matter deemed
pertinent by said Commissioners or any
party in interest.

A copy Teste N. P. Young clk

by A. J. Young Deputy

119 1/2 = \$550.00

FORM No. 400.

Bayless

vs.

COMMISSIONER'S NOTICE.

Johnson Nicholas

Do 4th of June 1896.

Expected by delivery
being a copy of
the notice to Nicholas
Johnson & Co
W.D. Halland atty.
for Bayless. May 29,
1896

W.D. Halland
Att

Commissioner's Office,

2 copies
Sle of Wight Courthouse May 11th 1895

To R. A. Bayless Plff; and to Nicholas Johnson
Defnt.

You are hereby notified that I have fixed upon the 4th day of June 1895 next,

if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the account of

following: 1st Whether there are any liens on the land in the bill of proceedings mentioned, and if so state them with their priorities? 2nd - Whether the land will rent for enough in five years to pay off the said liens. 3rd - The annual and for simple value of said land. 4th - Any matters deemed pertinent by the Comr. in fully incident required to be taken by a decree of the Circuit Court of the County of Sle of Wight rendered on the 2nd day of April 1895, in a suit in chancery depending in said Court between the parties above mentioned, plffs; and defnts.

at which time and place you are required to attend.

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

J. C. Forecey Comr. in Chy
of said Court