

1913-005

Chancery Causes: E

B. Johnson vs Laura J. Knight's heirs & al

109

Isle of Wight County

Petition of Belle H. Knight

other surnames: Smith,
Morgan, Luke, Holland, Rhoads

2

Johnson, E. B.
versus
Knight's Heirs et als.

Bill of Complaint.

2nd Sept rules 1911
Process returned ex-
cluded. Recd. filed. H.
Miss

3rd Sept rules 1911
Set down for hearing

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VA.

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.

COMMONWEALTH OF VIRGINIA.

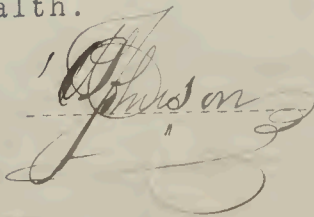
TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon Belle Knight, Thomas Knight, Elizabeth Knight, Ethel Knight, Lois Rhodes, Jesse Knight, R. Walter Rhodes, Mary C. Smith, Myrtle A. ^{Morgan}~~Vaughan~~, Viola R. J. Luke, Eleana C. A. Holland, the first five being infants under the age of twenty one years,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the 3rd. Monday in September, 1911, to answer a bill in chancery exhibited against them in our said Court by E. B. Johnson

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 16th. day of September, 1911, and in the 136th. year of the Commonwealth.



..... Clerk.

E. B. Johnson

Plaintiff

versus

Knight's Heirs et als.

Defendants.

In the Circuit Court of the County of Isle of Wight :

The answer, under oath, of Belle Knight, Thomas Knight, Ethel Knight Elizabeth Knight and Jesse Knight infants under the age of twenty-one, but over the age of fourteen, to a bill of complaint exhibited against them and others by E. B. Johnson, in the Circuit Court of the County of Isle of Wight.

For answer to the said bill these defendants say that Belle Knight is 21 years of age; Thomas Knight is 20 years of age; Elizabeth Knight 16 years of age ^{and}; Ethel Knight is 14 years of age, ^{their} and Jesse Knight is 12 years of age; that they, by reason of their tender years, know but little of the allegations of the said bill; so far as they do know they believe the same to be true, and they see no reason why the prayer of the bill should not be granted, and accordingly they concur therein, but they rely upon the court to protect their interests. And now, having fully answered, they pray to be hence dismissed, with their costs.

And they will ever pray, etc.,

Belle H. Knight.
Thomas Knight
Elizabeth Knight
Ethel L. Knight
Jesse Knight

State of Virginia,

County of Hanover to-wit:

Sworn to before me in my County aforesaid by Belle H. Knight, Thomas Knight, Elizabeth Knight, Ethel L. Knight and Jesse Knight
this 9th day of November, 1911.

H. E. MacBlenney
Notary Public
My Commission expires March 23rd 1912.

51

Johnson

15

Knights Heirs et al.

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Answer to Infant Defendants

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

E. B. Johnson

Plaintiff.

versus In Chancery

Knight's Heirs et als.

Defendants.

The joint and separate answer of Jesse Knight, R. Walte Rhodes, Mary C. Smith, Myrtle A. Morgan, Viola R. J. Luke and Eleana C. A. Holland to a bill in equity exhibited against them and others in the Circuit Court of the County of Isle of Wight, by Edgar B. Johnson.

These respondents saving and reserving etc., for answer to the said bill say that they believe the statements therein made are true. These respondents do not object to the sale of the land as prayed for in the said bill; they concur in the prayer of the said bill.

And now having fully answered, they pray to be hence dismissed with their costs, etc.

Jesse Knight

R. Walte Rhodes

Mary C. Smith

Myrtle A. Morgan

Viola R. J. Luke

Eleana C. A. Holland

Walter Deane their attorney

4.

Johnson, E. B.

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Knight's Steel et al.

Answer of Adult Defendants

Filed Oct 3.
Nov 1911

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

The answer of Belle Knight, Thomas Knight, Elizabeth Knight, Ethel Knight and Lois Rhodes infants under the age of twenty-one years, by J. U. Burges, a discreet and competent attorney-at-law, their guardian ad litem assigned to defend them in this suit, and the answer of the said J. U. Burges, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Edgar B. Johnson, in the Circuit Court of Isle of Wight County, Virginia.

For answer to the said bill the said infant defendants by their said guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now having fully answered these defendants pray to be hence dismissed with their costs, etc.

J. U. Burges
Guardian ad litem.

Belle Knight
Thomas Knight
Elizabeth Knight
Ethel Knight
Lois Rhodes

J. U. Burges
Guardian ad litem of said infants,

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Johnson, E. B.

v.

Knight's Heirs et als.

Answer of Guardian ad litem.

Filed Oct 3/1911

Handwritten notes on the right side of the page, including "Filed Oct 3/1911" and other illegible text.

E. B. Johnson

Complainant

versus

Knight's Heirs et als.

Defendants.

To the Honorable B. D. White,

Judge of the Circuit Court of Isle of Wight County,

Virginia:

Your petitioner, respectfully sheweth to your Honor that she, Belle H. Knight, who was made an infant defendant to the above named suit, became twenty-one years of age on the 2nd day of March, 1910. That she asks the Court that she be made an adult defendant to said suit.

She hereby accepts due legal and sufficient service on all papers served. That she believes the statements in the bill are true. She does not object to the sale of the land as prayed for in said bill. She concurs in the prayer of the said bill.

And now having fully answered, she prays to be hence dismissed with her cost etc.

Belle H. Knight

State of Virginia.

County of Nansemond, to-wit:

Sworn to before me in my County aforesaid by Belle H. Knight this 13th day of November, 1911.

J. C. West
Notary Public.

My term of office expires July 19, 1915.

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Johnson

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Myrtle Hill stables

Petition of Belle Knight

E. B. Johnson

Plaintiff

versus

Knight's Heirs et als.

Defendants,

To the Honorable Judge B. D. White of the Circuit Court
of Isle of Wight County, Virginia:

Humbly complaining, your complainant sheweth unto your
Honor that Sylvester Johnson was in his life-time seized and
possessed of certain real estate lying in the County of Isle of
Wight and bounded and described as follows:

"situate in Windsor Magisterial District, Isle of Wight
County, Virginia, containing seventy-two acres, more or less and
adjoins the lands of Edgar B. Johnson, Thomas A. Norfleet,
Hedgepeth, Thomas A. Persons, Mrs. J. Frank Eley and others."

And being so seized and possessed, the said Sylvester
Johnson on or about the ____ day of _____ 19____, died
intestate, leaving your orator and Mary C. Smith, was Johnson;
Myrtle A. Morgan, was Johnson; Viola R. J. Luke, was Johnson;
Eleana C. A. Holland, was Johnson; Laura J. Knight, was Johnson;
and Eudora P. Rhodes was Johnson; his only children and heirs
at law.

And your orator further states that he has purchased the
interest of Mary C. Smith, Myrtle A. Morgan, Viola R. J. Luke
and Eleana C. A. Holland in the said real estate for the sum of
one hundred and twenty-five dollars to each of them. A copy of
their deed dated the 20th day of December, 1910 is herewith filed
as "Exhibit A" and prayed to be read as a part of this bill.

And your orator further states that Laura J. Knight since
the death of her late father, Sylvester Johnson has departed this
life leaving a husband, Jesse Knight and the following children:
Belle Knight, Thomas Knight, Elizabeth Knight and Ethel Knight.
all of whom are under the age of twenty-one years.

Again your orator further states that Eudora P. Rhodes
since the death of her late father, Sylvester Johnson, has departed

this life leaving a husband, R. Walter Rhodes and a daughter, Lois Rhodes, who is under the age of twenty-one years.

And your orator further states that the said real estate is, as he believes susceptible of partition among the parties entitled thereto; but if it cannot be so divided, then your orator desires that the same may be sold and the proceeds divided among the parties according to their respective rights; the share of the infants to be held as directed by the statute in such case made and provided. Should the property not be divisible in kind, complainant believes, and here states, that the interest of those who are entitled to the real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and sale of the residue.

Your complainant is willing to purchase the interest of the heirs of Laura J. Knight and Eudora P. Rhodes at the price of two hundred and fifty dollars or one hundred and twenty-five dollars per share to be distributed as your Honor may direct.

Should any of the said infants depart this life their brothers and sisters would be their heirs or distributees; and after them the sisters of the orator and your orator hereinbefore named, to-wit: Edgar B. Johnson, Mary C. Smith, Myrtle A. Morgan, Viola R. J. Luke, and Eleana C. A. Holland.

Forasmuch, therefore, as your orator is remediless in the premises save by the aid of a court of equity, he prays that the said, Belle Knight, Thomas Knight, Elizabeth Knight, Ethel Knight, Jesse Knight, Lois Rhodes, R. Walter Rhodes, Mary C. Smith, Myrtle A. Morgan, Viola R. J. Luke and Eleana C. A. Holland may be made parties defendants to this bill and required, but not on their oath, to answer the same, the oath being hereby waived, the said adults in their own proper person, and the infants by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall also answer this bill; that proper process issue; that the said real estate be divided between

the parties entitled thereto, or else that it be sold and the proceeds divided, in case it be indivisible in kind; that all proper orders and decrees may be made, accounts taken and enquiries directed, that a proper allowance of counsel fees may be made in this suit, and that all such other, further and general relief as in the premises may be just and right may be granted.

And your complainant will ever pray, etc.

Ed. Johnson
Counsel

John J. Deane
p. q.

Johnson, E.B.

vs

Knight & Sons et als

Report of Commissioners
for Partition.

Filed Dec 15/1911

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VA.

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT NOVEMBER
16TH. 1911.

Edgar B. Johnson

vs) rChancery

Belle Knight et als.

On motion of the adult defendants, Jesse Knight, R. Walter Rhodes, Mary C. Smith, Myrtle A. Morgan, Viola R. J. Luke and Eleana C. A. Holland, by counsel, leave is granted them to file their joint and separate answers to the Bill of Complaint filed in this cause, and the said answer is accordingly filed; and on motion of Belle H. Knight, by counsel, leave is granted to file her petition to the said bill of complaint; and on motion of the plaintiff, by counsel, the Court doth appoint J. U. Burges (an attorney practising in this Court) as guardian ad litem to the infant defendants, Thomas Knight, Elizabeth Knight, Ethel Knight, all over fourteen years of age, and Lois Rhodes, who is under fourteen years of age, and on like motion leave is granted the said guardian ad litem to file the answer of the said infant defendants, and his own answer to said bill, and the same is accordingly filed, and on like motion leave is granted the infant ^{defendants}, over fourteen years of age, to file their joint and separate answers to said Bill, and the same is accordingly filed, and on motion of the complainant this cause is placed upon the docket, and thereupon, this cause, came on this day to be heard upon the Bill of Complaint and upon the said motions and upon the joint and separate answers of the adult defendants, the petition of Belle Knight and upon the answer of the said infant defendants by their guardian ad litem, and upon the answer of the said guardian ad litem, and upon the joint and separate answers of the infant defendants who are over the age of fourteen years, all said answers being this day filed by leave of court, and upon the general replications to said answers.

On consideration whereof the Court doth appoint J. T. Dunston, W. H. Eley and J. J. Rhodes, Commissioners, who are hereby,

limited

after first being duly sworn, to proceed, at ten o'clock A.M. on Wednesday, November 29th, ¹⁹¹¹₁, if that be fair, or the first fair day thereafter, to lay off and divide among the parties hereto the real estate of which Sylvester Johnson died seized and possessed, which is described as follows:

All that certain tract of land situate in Windsor Magisterial District, Isle of Wight County, Virginia, containing seventy two (72) acres, more or less, and adjoining the lands of Edgar B. Johnson, Thomas A. Norfleet _____ Hedgepeth, Thomas A. Persons, Mrs. J. Frank Eley and others, in seven (7) equal parts having regard to quality, quantity and value, and assign five (5) of the seven (7) parts to Edgar B. Johnson, one of the said parts to Lois Rhodes and the remaining one seventh (1/7) part to the heirs at law of Laura J. Knight.

But if the said commissioners should find that partition cannot be conveniently made of the said real estate among the aforesaid parties, then they shall so report together with their reasons therefor upon what their opinion and report is based, and also report whether the interest of those entitled to the real estate or its proceeds, will be promoted by a sale of the entire real estate or allotment of part and sale of the residue, and whether any party will take the entire subject and pay to the other parties such sums of money as their respective interest will entitle them, and further report what in their opinion is a fee simple and annual values of the real estate in the Bill and proceedings mentioned, and in either case they are required to report their proceedings under this order to the Court, together with their reasons therefor.

By consent of all parties entered of record in open court, it is ordered that this cause be submitted to the Judge of this Court for such decision, decree, judgment or order therein in vacation as may be made in term.

A copy,

Teste, *Johnson* Clerk.

Edgar B. Johnson.

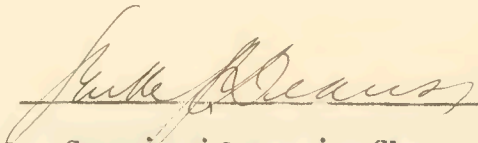
vs.

Oath of Commissioners.

Knight's Heirs et als.

I, Parke P. Deans, a Commisssioner in Chancery in and for the Circuit Court of the County aforesaid and State of Virginia, do certify that T. J. Dunston, W. H. Eley and J. J. Rhodes, after having had read to them the decree entered on November the 16th , 1911, a copy of which is hereto annexed: have this day made oath that they will perform the duties therein named and will truly certify the same.

Given under my hand this 29th day of November, 1911.



Commissioner in Chancery.

Edgar B. Johnson.

vs.

Knight's Heirs et als.

To the Honorable B. D. White, Judge of the Circuit
Court of Isle of Wight County.

The undersigned Commissioners appointed by the decree of said Court, entered on the 16th day of November, 1911, in the suit therein depending between Edgar B. Johnson, plaintiff, and Knight's Heirs et als., defendants, to make partition of the land on which Sylvester Johnson died seized and possessed, among the heirs named in the decree hereinbefore mentioned, wish to report as follows: After having been duly sworn we proceeded to view the land for the purpose of laying off and dividing same but we found that partition could not be conveniently made among the parties, as it would diminish the value of the place to divide it into small lots and then we could not conveniently divide the land in equal value, or quantity or quality, and that we believe that the interest of all parties entitled to the real estate or its proceeds will be promoted by a sale of the entire real estate, and that we believe that the fee simple value of the real estate is \$850⁰⁰/₁₀₀ and the annual value to be \$50⁰⁰/₁₀₀.

We have an offer of one hundred and twenty-five & \$125.00) dollars from Edgar B. Johnson for each one-seventh share of the real estate and we believe that this is a good price for same and recommend to your Honor that a deed be made to him at that price.

Given under our hands this 29th day of November, 1911.

J. L. Blumstein
W. H. Eley
J. J. Rhodes

February 2nd, 1913.

Received from

Parke P. Deans, Special Commissioner,
In Johnson vs Knight Heirs et als

----- Thirteen & 33/100 ----- *Dollars*

Clerk's fees and writ tax

\$13.33

at Johnson Clk

February 2, 1913.

Received from Parke P. Deans, Special Commissioner
In Johnson vs. Knight heirs et al
Fifteen & 00/100 ----- Dollars

Tax attorney's fee

\$ 15.00

Paul Deans

February 2, 1913.

Received from Parke P. Deans, Special Commissioner,
In Johnson vs Knight heirs et al
Twenty-Five & 00/100 ----- Dollars

Fee allowed

\$ 25.00

Parke P. Deans

February 2, 1913.

Received from

Parke P. Deans, Special Commissioner,

In Johnson vs Knight heirs et als

Five & 50/100 -----

Dollars

For preparing deed.



5.50

Parke P. Deans

February 2, 1913

Received from Parke P. Deans, Special Commissioner
in Johnson vs Knight heirs et als.
----- Seven & 50/100 ----- Dollars

Fee as Special Commissioner.

\$7.50

Parke P. Deans

Suffolk, Virginia,

April 16, 1913.

\$133.75

R E C E I V E D from Parke P. Deans, Special
Commissioner in E. B. Johnsons against Knight heirs and others,
One-Hundred and Thirty-Three dollars and seventy-five cents in
full payment of the distribution of the share Laura J. Knight to
be used for the education and support of her heirs at law in
accordance with a decree in the Circuit Court of Isle of Wight
County December 15th, 1911.

Jessie Knight

Norfolk County, Virginia.

April 16, 1913.

\$133.75

R E C E I V E D from Parke P. Deans, Special
Commissioner in E. B. Johnson against Kinght heirs and others
One-hundred and thirty-three dollars and seventy-five cents in
full payment of the distribution of the share Eudora P. Rhodes
to be used for the education and support of her heir at law in
accordance with a decree in the Circuit Court of Isle of Wight
County December 15th, 1911.

R. W. Rhodes

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E. B. Johnson

v.

Knight et als

Report of Special Commissioner

1913
June 2
Filed. B. D. W.

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VA.

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.

In the Circuit Court of the County of Isle of Wight, Virginia.

Edgar B. Johnson,

vs.

Knight's Heirs et als.

This cause came on this day to be again heard on the papers formerly read, and upon the report of T. J. Dunston, W. H. Eley and J. J. Rhodes, Commissioners, ^{(dated November 24th 1911, and by leave of the Court and with the exhibits filed therewith, which report is this day filed, and} ~~of Partition, and~~ to which no exception has been taken, and was argued by counsel.

On consideration whereof, and it appearing to the ~~Judge~~ ^{both the counsel retaining the land of which report for the same} of this Court from said report, that the property mentioned and described herein, and in the bill and proceedings, cannot be conveniently partitioned among the parties entitled to the same, and it further appearing that Edgar B. Johnson now owns five-sevenths interest in the said real estate and he has offered two hundred and fifty(\$250.00) dollars for the remaining two-sevenths and that the interest of the parties therein will be promoted and having recommended the acceptance of the price, the Judge of this Court doth approve and confirm the said report and doth adjudge, order and decree that Parke P. Deans, who is hereby appointed Special Commissioner for the purpose, shall upon the payment to him by the said Edgar B. Johnson of the sum of two hundred and fifty(\$250.00) dollars, convey to the said Edgar B. Johnson, by good and sufficient deed with covenant of special warranty, the two-sevenths interest in the land in the bill and proceedings mentioned as follows:

All that certain tract of land situate in Windsor Magisterial District, Isle of Wight County, Virginia, containing seventy-two acres, more or less, and adjoining the lands of Edgar B. Johnson, Thomas A. Norfleet, Hedgipeth, Thomas A. Persons, Mrs. J. Frank Eley and others.

And the said Parke P. Deans, Special Commissioner, is directed to report his proceedings hereunder to Court. But the said Commissioner ~~will have no power~~ ^{shall not proceed} to execute this decree until he shall enter into a bond, ^{before the Clerk of this Court (bonded sufficient)} ~~with sufficient surety,~~ in the Clerk's Office of this County, payable to the Commonwealth of Virginia, in the penalty of \$400⁰⁰, conditioned for the faithful discharge of his duties under this or any future decrees herein.

The Special Commissioner is directed to pay ^{out of said funds} ~~out~~ the costs of this suit, ^{two sevenths of} ~~including a fee of \$75.00 to be paid by the~~ ^{And the including a fee of \$75.00 to be paid by the} ~~dollars to Parke~~

P. Deans counsel, and the residue of the funds to be equally divided into two parts, and distributed as follows: the one half to R. Walter Rhodes father of Lois Rhodes to be used for her education; the other one-half to be paid to Jesse Knight, the father of the heirs at law of Laura J. Knight for their education and support, the said parties being all the parties interested in the said two-sevenths of the said land or entitled to its proceeds.

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Edgar B. Johnson

vs.

Knight's Heirs et als.

Decree

To be entered.

1911

Dec. 15.

Enter this.

B. L. W.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Edgar B. Johnson,
Complainant,

vs.

In Chancery.

Belle Knight, Thomas Knight,
Elizabeth Knight, Ethel Knight,
Jesse Knight, Lois Rhodes,
R. Walter Rhodes, Mary C. Smith,
Myrtle A. Morgan, Viola R. J. Luke
and Eleana C. A. Holland,
Defendants.

On motion of the adult defendants, Jesse Knight, R. Walter Rhodes, Mary C. Smith, Myrtle A. Morgan, Viola R. J. Luke and Eleana C. A. Holland, by Counsel, leave is granted them to file their joint and separate answers to the Bill of Complaint filed in this cause, and the said answer is accordingly filed; and on motion of Belle H. Knight, by Counsel, leave is granted to file her petition to the said Bill of Complaint; and on motion of the plaintiff by Counsel, the Court doth appoint J. U. Burges (an attorney practicing in this Court), as guardian ad litem to the infant defendants, Thomas Knight, Elizabeth Knight, Ethel Knight all over fourteen years of age, and Lois Rhodes, who is under fourteen years of age, and on like motion, leave is granted the said guardian ad litem to file the answer of said infant defendants and his own answer to said Bill, *and* the same is accordingly filed, and on like motion leave is granted the infant defendants, over fourteen years of age, to file their joint and separate answers to said Bill, and the same is accordingly filed, and ~~thereupon~~, on motion of the Complainant this cause is placed upon the docket, and thereupon, this cause, came on this day to be heard, upon the Bill of Complaint and upon the said motions and upon the joint and separate answer of the adult defendants, the petition of Belle Knight and upon the answer of the said infant defendants by their guardian ad litem

litem, and upon the answer of said guardian ad litem, and upon the joint and separate answer of the said infant defendants who are over fourteen years of age, all said answers being this day filed by leave of Court, and upon the general replications ^{to} of said answers.

On consideration whereof the Court doth appoint T. J. Dunston, W. H. Eley and J. J. Rhodes, Commissioners, who are hereby ^{directed} after first being duly sworn, to proceed, ^{*} to lay off and divide among the parties hereto the real estate of which Sylvester Johnson died seized and possessed, which is described as follows:-

ALL that certain tract of land situate in Windsor Magisterial District, Isle of Wight County, Virginia, containing Seventy-two (72) Acres, more or less, and adjoining the lands of Edgar B. Johnson, Thomas A. Norfleet, _____ Hedgpeth, Thomas A. Persons, Mrs. J. Frank Eley and others, in Seven (7) equal parts having regard to quality, quantity and value, and assign Five (5) of the Seven (7) parts to Edgar B. Johnson, one of said parts to Lois Rhodes and the remaining One-seventh (1/7) part to the heirs at law of Laura J. Knight.

But if the said Commissioners should find that partition cannot be conveniently made of the said real estate among the aforesaid parties, then they shall so report together with their reasons therefor upon what their opinion and report is based, and also report whether the interest of those who are entitled to the real estate or its proceeds, will be prompted by a sale of the entire real estate or allotment of part and sale of the residue, and whether any party will take the entire subject and pay to the other parties such sum of money as their respective interest will entitle them, and further report what in their opinion is a fee simple

at ten o'clock, A. M. on Wednesday, November 24th, if that be fair, or the first fair day thereafter.

and annual values of the real estate in the Bill and proceedings mentioned, and in either case they are required to report their proceedings under this order to the Court, *together with their reasons therefor.*
By consent of all parties entered of record in open Court, it is ordered that this cause be submitted to the Judge of this Court for such decision, decree, judgment or order therein in vacation as may be made in term.

2.

Johnson

.VS

King's Heir et al

Decree.

1911

Nov. 16.

Enter this.

J. D. W.

C. O. B. #7 Vol 86

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY VIRGINIA.

E. B. Johnson, Complainant

v.

Knight et als Defendants.

To the Judge of the said Court.

The undersigned, Special Commissioner, in the cause of E. B. Johnson complainant and Bell Knight and others defendants, would report that since the decree of December 15th, 1911, appointing me Special Commissioner upon the payment of \$250.00 and cost by E. B. Johnson to convey the property in the bill and proceedings mentioned, state that on February 1st, 1912, I executed bond as required by the aforementioned decree and also on the 2nd day of February 1913, E. B. Johnson paid to him \$333.83 and as Special Commissioner I conveyed the aforementioned property to E. B. Johnson. On account of the delay of E. B. Johnson to pay \$250.00 I collected \$17.50 interest on same which I divided into two parts and distributed as I did the principal. The distribution of the funds is as follows:

Cash from E. B. Johnson -----	\$333.83
Check to A. S. Johnson for Clerk's fees and writ tax	\$13.33
" " P. P. Deans Tax attorney's fee -----	15.00
" " P. P. Deans fee allowed -----	25.00
" " P. P. Deans for preparing deed -----	5.50
" " P. P. Deans fees as Special Commissioner --	7.50
" " R. Walter Rhodes for Eudora P. Rhodes -----	133.75
" " Jesse Knight for Bell Knight, Thomas Knight, Elizabeth Knight and Ethel Knight -----	133.75
	<u>\$333.83 333.83</u>

There is nothing futher to be done in this cause and I asks that same be removed from the docket.

Respectfully submitted,

John P. Deans
Special Commissioner

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E. B. Johnson

v

Knight et als.

Decree

*1913
June 3
Entered this.
P.D.W.*

Ord 7 p 187

PARKE P. DEANS
ATTORNEY AT LAW
WINDSOR, VA.

SUFFOLK PRINTING AND STATIONERY CO., SUFFOLK, VA.

Know all Men by these Presents: That we Parke P. Deans, principal, and E. B. Johnson, surety, are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Four Hundred Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said Parke P. Deans, principal, and the said E. B. Johnson, surety, have hereunto set their hands and affixed their seals this, the first day of February, A. D. 1912.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that, if the above bound Parke P. Deans, who was appointed a Special Commissioner in the suit in chancery in the Circuit Court of the County of Isle of Wight now pending, in which Edgar B. Johnson is the complainant, and Knight's et als. are the defendants, by a decree entered therein on the 15th. day of December, 1911, shall faithfully and according to law, discharge and perform all of the duties imposed upon him by said decree and any future decree entered in the said cause, then the above obligation to be void, or else to remain in full force and virtue.

Parke P. Deans, (SEAL)

E. B. Johnson, (SEAL)

By C. E. Wilson
his attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the first day of February 1912, this bond was duly executed and acknowledged by the obligors to the same and ordered to recorded.

A. S. Johnson, Clerk.

A Copy,

Teste, *A. S. Johnson* Clerk.

E. B. Johnson

vs) Chancery

Knight, et als.

Copy of bond of Special
Commissioner.

Filed Feb. 1st. 1912.

T H I S D E E D, Made this 20th day of December, 1910,
between Mary C. Smith who was Johnson and E. R. Smith her hus-
band, Myrtle A. Morgan who was Johnson and W. F. Morgan her hus-
band, Viola R. J. Luke who was Johnson and A. H. Luke her hus-
band, and Eleana C. A. Holland, who was Johnson and H. W. Holland
her husband, parties of the first part, and Edgar B. Johnson
party of the second part,-

W I T N E S S E T H :

That in consideration of the sum of one hundred and twenty-five
dollars ~~cash~~ ~~paid~~ ~~to~~ the said party of the second part
unto each of the grantors in this deed, the receipt whereof is
hereby acknowledged, the said parties of the first part do grant
unto the said party of the second part with G E N E R A L
W A R R A N T Y, all their interest, title and rights in that
certain tract of land situate in Windsor Magisterial District
Isle of Wight County, Virginia containing seventy-two acres,
more or less and adjoins the lands of Edgar B. Johnson, Thomas
A. Norfleet, Hedgepeth, Thomas A. Persona, Mrs. J. Frank
Eley and others. It being all the real estate belonging to the
late Silvester Johnson, deceased of which his heirs at law have
an interest. This deed conveys such interest as the grantors
may have in all the realestate of the said Silvester Johnson.

The said parties of the first part covenant that they
have the right to convey the said land to the grantee; that they
have done no act to encumber the said land; that the grantee
shall have quiet possession of the said land, free from all encum-
brances, and that they, the said parties of the first part, will
execute such further assurances of the said land as may be requi-
site.

Witness the following signatures and seals:

_____ (SEAL)

_____ (SEAL)

IN THE CIRCUIT COURT OF ISLE OF WIGHT VIRGINIA.

E. B. Johnson)	Complainant
)	
v.)	In Chancery.
)	
Knight et als.)	Defendants

This cause came on this day to be again heard upon the papers formerly read and upon the report of Parke P. Deans, Special Commissioner, this day filed, to which no exception has been taken, and it appearing to the Court from the said report that the Special Commissioner has received from E. B. Johnson the sum of \$333.83, ^{and interest} of the purchase price of the property sold under the proceedings of this suit and the Court cost in said proceedings and has distributed the same as follows:

Check to A. S. Johnson for Clerk's fees and writ tax --	\$13.33
" " Parke P. Deans Tax attorney's fee -----	15.00
" " Parke P. Deans fee allowed -----	25.00
" " Parke P. deans for preparing deed -----	5.50
" " Parke P. Deans fees as Special Commissioner --	7.50
" " R. Walter Rhodes for Eudora P. Rhodes -----	133.75
" " Jesse Knight for Bell Knight, Thomas Knight, Elizabeth Knight and Ethel Knight -----	133.75
	<u>\$333.83</u>

Vouchers for said disbursements being filed with said
On consideration whereof the Court doth confirm said ^{and} report, ~~It appearing that~~ ^{nothing} further remains to be done in ^{re} this cause, it is ordered that the same be removed from the docket. *Just.*