1887-014
Nansemond Co. (Suffolk) Chancery Causes: William S. Chapman vs Abram P. Johnson et al

Ashburn, Butler, Prentis

Costs

Clerk	$18.00
Atto: Fees	16.50
Sheriff: Mileage	3.00
" Writ	2.0
Coroner in City	10.00
	$46.70

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Abram P. Johnson, and Junius G and James F. Johnson, and Peter B. Prentis, Trustee,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in March *next, to answer a Bill in Chancery, exhibited against them in the said Court by* Wm. S. Chapman,

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 17th *day of* February *1879, in the* 103rd *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk.*

All Available Text Successfully Captured

Kilby. p.q

Wm. S. Chapman

Vs

Sum.s in Chy.

Abram P. Johnson Kal-

To March Rules, 1879

Executed a copy of the within subpoena to
Johnson Juniors & Johnson and
Peter B Bentley

J. H. Hughham Sh'ff

Pro: B. No. 7. page 127
Cir: Co:

At a Circuit Court continued and held for Nansemond County, the 16th day of October, 1879.

Wm. S. Chapman . . . . . Complainant

Against } In Chancery

Abram P. Johnson, and Junius G. and James F. Johnson, and Peter B. Prentis, Trustee . . . . . Defendants.

This Cause came on this day to be again heard on the papers formerly read thereon, and was argued by Counsel:

On Consideration whereof, it is ordered by the Court, that the Defendants file, and Leave is hereby given them to file their answer in this Cause, within Ninety days from the date of this order.

And this Cause is continued &c.

A Copy:

Teste:

Peter B. Prentis. Clerk.

Xmd

Wm. S. Chapman

Dr. } Ship order

Octo: Term, 1879.

Abram P. Johnson Lib

Know All Men by These Presents, That we, Wilbur J. Kilby and L. Clay Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Three hundred (300) ~~~~~ 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 ~~~~ day of ~~~~ in the year one thousand eight hundred and eighty ~~~~, and in the ~~~~ year of the Commonwealth.~~ The obligors herein hereby waive all benefit of the homestead exemption as to the obligation of this bond, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter claims or offsets other than legal tender currency of the United States. Sealed with our Seals, and dated this 28th day of October, in the year One thousand eight hundred and eighty-six, and in the 111th Year of the Commonwealth

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound Wilbur J. Kilby, ~~~~

who ~~has this day qualified before~~ was, by a decree of the Circuit Court of Nansemond County, pronounced on the 11th day of October, 1886, in the Chancery Cause of Richard S. Boykin, Administrator of Wm. S. Chapman, deceased, Complainant against Abram P. Johnson & others, Defendants, appointed a Commissioner to make Sale of certain Real Estate, in said Cause described, shall faithfully discharge his duties as such Commissioner under said decree and all other decrees he may be required to execute in said Cause, ~~~~

~~shall faithfully discharge the duties of his said trust,~~ then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of the Court.

Wilbur J. Kilby SEAL

L. Clay Kilby SEAL

SEAL

SEAL

SEAL

Wilbur J. Kilby, Comm'th

To

E Bond

Commonwealth

1886
Octo: 28th: Executed & filed

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

13 March 18 85

To Richard S. Boykin Administrator of
William S. Chapman deceased

Plaintiffs,

and Abram P. Johnson,
Junius S. Johnson
James S. Johnson
Peter B. Prentis, Trustee,

Defendants.

You are hereby notified that I have fixed upon the 26 *day of* March (1885)
next, to take and settle, at my office, the following accounts, to-wit:

1. A further account of any judgment or other liens upon the real estate of which Abram P. Johnson is seised and possessed, according to their priorities, showing the amounts thereof due and unpaid and to whom due and payable.-
2. A further account of the real estate of which said Abram P. Johnson may be seised and possessed, subject to said liens, showing its fee simple and annual value, together with any matter specially stated deemed pertinent by himself or which any of the parties may require to be specially stated.-

required to be taken by the decree of Nansemond Circuit *Court, rendered on the*
10, *day of* October 1883 *in a suit in Chancery depending in*
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 in Chancery of the said Court, the day and year
first aforesaid.

Robt. B. Prentis
Commissioner in Chancery.

Chapman's Admr.

vs. Comm'rs Notice

Abram P. Johnson &c.

Executed as
Abram P. Johnson, near Windsor
Johnson, Gay Man Co. Miss

26 March 1886

Executed by delivering True copies of the within Notice to Abram P. Johnson & Johnson & Pitts & Johnson, this 19 day of March 1886. —

S B Thompson Sheriff
A. L. Hughston D.S.

To the Circuit Court of Hanse-
mond County:-

In pursuance of the decree
of said Court pronounced on the
8th. day of June 1887 in the suit
in Chancery in said Court de-
pending between Wm. S. Chapman's
Administrator, Complainant, and
Abram P. Johnson and others, De-
fendants, the undersigned re-
spectfully reports to Court.

That after he had received
of the Clerk of said Court and
given him a receipt, to be filed
with the papers in said suit, for,
the two Bonds, mentioned in said
decree, the undersigned collected
the money for said Bonds and
disbursed the same, together with
the sum of fifty dollars already
in his hands, in the manner
specified in said decree, to
Alex. H. Ashburn and Richard S.
Boykin Administrator of the estate
of William S. Chapman deceased,-
all unpaid costs of said suit
and the expenses of the sale men-
tioned in said decree having
been been paid first in full,

as will fully appear by the following statement and the vouchers hereto attached, to wit;

1887						
June 13	By Cash in the hands of the undersigned as per Report of sale of land filed in said suit on the 4th. day of January 1887.=			$	50	00
"	Principal sum of the two Bonds of J. Gayle Johnson and Elijah W. Johnson, being the Bonds referred to above, each for $100.=				200	00
"	Interest on said Bonds from 13th Dec. 1886 to 13 June 1887. — 6 m.				6	00
To	5 per cent Commissions on $250. retained by the undersigned.	$	12 50			
"	paid Peter B. Prentis, Clerk's fees, per rect.		15 00			
"	" J. L. Fulgham, Shff. of Nansemond County his fees, per rect.		5 00			
"	" Sheriff of Isle of Wight County, his fees, per rect.		20			
"	" C. H. Causey, Comr. his fee "		10 00			
"	" Geo. T. Parker, Crier at sale "		5 00			
"	" J. E. Booker for printing notices of sale and publishing same in the "Suffolk Herald," per rect.		9 00			
"	" W. J. Kilby, Atty. for Plff. "		16 50			
"	Amount to balance		182 80			
			256 00		256	00

By Amount brought on			$ 182	80
To paid Alex. H. Ashburn in full of the two judgments in his favor against said Abram P. Johnson, mentioned in said decree, as follows, to wit: $93.92 and interest on $69.85 from 1 Aug. 1879 to 13 June 1887, 7 y. 10 m. 12 ds. = $ 32.98 =	126	90		
" " Richard S. Boykin, Administrator of the Estate of Wm. S. Chapman deceased on account of the judgment for the sum of $78.40 mentioned in said decree in favor of said Wm. S. Chapman against said Abram P. Johnson.	55	90		
	182	80	182	80

A deed has been made by the undersigned to said J. Gayle Johnson and Elijah W. Johnson jointly with special warranty in the usual form conveying to them the land purchased by them under proceedings in said suit, as directed by said decree.

Respectfully submitted this 13th. day of June 1887.

Wilbur J. Kilby
Special Comr.

(over)

1887 June 13th. Received of Wilbur J. Kilby Special Comr. the respective sums of money charged in the above Report as paid to us respectively and set opposite our names as follows:

Peter B. Prentis. Clerk	$15.04
Wilbur J. Kilby. Comr.	$12.50
J. E. Booker Edr & Prop'r Suffolk Herald	9.00
Wilbur J. Kilby. Atty. for Plff.	16.50
L. Fuqua Sheff	5.00
C. H. Causey Comr	10.00
Wilbur J. Kilby for Sheff. of Isle of Wight Co.	.20
Leo D. Parker, Crier	5.00
Wilbur J. Kilby. Atty. for Alex. H. Ashburn	$126.90
Wilbur J. Kilby. Atty. for Richard S. Boykin Admr. of Wm. S. Chapman	$55.90

At a Special Term of the Circuit Court continued and held for the County of Nansemond, on Wednesday the 8th day of June, 1887.

Chapman's Admr. Complainant

vs.

Johnson & al. Defendants

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed the 4th day of January 1887 (the same being a Report of the sale of the land of the defendant, Abram T. Johnson in pursuance of the decree entered herein on the 11th day of October 1886). and was argued by counsel.

On consideration whereof the court doth approve and confirm said sale and Report to which no exception has been taken and doth adjudge, order and decree that the said Commissioner receive of the Clerk of this Court the two bonds of J. Gayle Johnson and Elijah W. Johnson filed with said Report each for the sum of one hundred dollars bearing interest from the 13th day of December 1886 and proceed to collect the money at the Maturity of the Bonds or receive

the money sooner if the obligors should desire to pay the money before the Maturity of the bonds, and the said Clerk is directed to deliver said bonds to said Commissioner and take of him a receipt for them and file the receipt with the papers in this cause.

And the said Commissioner is directed to pay first all unpaid costs of this suit and expenses of said sale out of said money and then to pay to Alex H Dohbern or his Attorney the sum of Ninety three and 97/100 dollars with interest on the sum of sixty nine and 83/100 dollars, the principal part thereof, from the first day of August 1879 till paid in full satisfaction of the judgments in his favor against said Abram P. Johnson mentioned in the Report of Commissioner C. N. Causey filed in this cause on the 16th day of August 1879, and pay the balance to Richard S. Boykin, Administrator of the estate of William S. Chapman deceased or his Attorney on account of the judgment for the sum of seventy eight and 40/100 dollars in favor of said William S.

Chapman against said Abram P. Johnson also mentioned in said Report of Commissioner C. W. Causey; and make report to Court of his transactions and file with the Report proper vouchers for such sums of money as he may disburse by virtue of this decree,

And the Court doth further adjudge, order and decree that said Special Commissioner, Wilbur J. Kilby make to said J. Gayle Johnson and Elijah N. Johnson jointly, after the payment of said bonds in full a deed with Special Warranty in the usual form conveying to them the said land purchased by them under proceedings in this suit as specified in said Report of Special Commissioner Wilbur J. Kilby

A Copy
Teste:
Peter B. Prentiss. Clerk

Chapman's Admr.

vs. } In Chy.

Johnson &al

Report of Collections
and disbursements

1887. Septr: 1st filed
Clk

To the Circuit Court of Nansemond County, Va.

In pursuance of the decree of said Court pronounced on the 11th. day of October 1886 in the suit in Chancery in said Court depending between Wm. S. Chapman's Administrator, Complainant, and Abram P. Johnson and others, Defendants, the undersigned respectfully reports to Court.

That by authority of said decree he sold by public auction, before the Courthouse door of said County, on County Court day, Monday, the 13th. day of December 1886, the land in said decree mentioned and described, namely, all that certain parcel of land of which said Abram P. Johnson was seised and possessed and upon which he then resided, situated in said County, about three miles from the village of Windsor, Va. containing twenty-five (25) acres, more or less, and bounded by the lands of Robert J. Holland,

Richard F. Eley, John W. Stephenson Calvin Roberts and Texanna Camp, together with all and singular the appurtenances belonging to the same;

That before proceeding to sell said land, the undersigned gave notice of the time, place and terms of the sale by printed notices for more than thirty days prior to the day of sale and by publication of the notice once a week for three successive weeks in the "Suffolk Herald", a newspaper printed in the Town of Suffolk in said County and executed before the Clerk of said Court in his office, a bond in the penalty of three hundred (300) dollars and obtained of said clerk a certificate of the due execution of said Bond and appended a copy of the certificate to said notice, as required by said decree;

That said certificate and a copy of said notice and said decree are hereto attached;

That said land was sold

subject to the contingent right of dower therein of Margaret, the wife of said Abram P. Johnson and on the terms and conditions specified in said decree, to J. Gayle Johnson and Elijah W. Johnson jointly, they being the highest bidders, for the sum of two hundred and fifty (250) dollars;

That in compliance with said terms and conditions, the said J. Gayle Johnson and Elijah W. Johnson paid part of said sum of $250. namely, the sum of fifty (50) dollars in cash and executed their two bonds for the balance as required by said decree, — which said bonds are hereto attached.

That the title to said land was retained until the further order of Court.

Respectfully submitted this 4th. day of January 1887.

Wilbur J. Kilby
Special Comr.

(over)

By authority of the decree of the Circuit Court of Nansemond County pronounced on the 8th. day of June 1887 in the suit in Chancery in said Court depending between Wm. S. Chapman's Admr. Complainant and Abram P. Johnson and others, Defendants, I have, this 11th. day of June 1887, received of the clerk of said Court, for the purposes specified in said decree, the two Bonds of J. Gayle Johnson and Elijah W. Johnson, mentioned in this Report.

Given under my hand this 11th. day of June 1887.

Wilbur J. Kilby
Special Comr.

A SMALL FARM NEAR WINDSOR, VA., FOR SALE AT AUCTION.

By authority of the decree of the Circuit Court of Nansemond county, Va., prononnced the 11th day of October, 1886, in the suit in chancery in said court depending between William S. Chapman's administrator, plaintiff, and Abram P. Johnson and others, defendants, I shall sell by public auction, to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, DECEMBER 13, 1886,

all that certain parcel of land of which said Ahram P. Johnson is seised and possessed and upon which he now resides, situated in said county, about three miles from the village of Windsor, Va., containing twenty-five acres, more or less, and bounded by the lands of Robert J. Holland, Richard F. Eley, John W. Stephenson, Calvin Roberts and Texanna Camp.

The land will be sold subject to the contingent right of dower therein of the wife of said Ahram P. Johnson. That is to say she will he entitled to dower therein if she should survive her husband, hut the purchaser will be entitled to possession from the day of sale.

TERMS OF SALE.—Enough of the purchase money to meet the costs of suit and expenses of sale will he required in eash and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute separate bonds in evidence of the deferred payments, with good personal security.

The title to the land will he retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

GEORGE T. PARKER, Crier.

I, PETER B. PRENTIS, Clerk of the Circuit Court of Nansemond county, Va., do hereby certify that the hond required of Wilbur J. Kilby, Special Commissioner appointed by said Court by its decree on the 11th day of October, 1886, in the suit in chancery pending in said court between William S. Chapman's administrator, plaintiff, and Abram P. Johnson and others, defendants, to sell the land of said Ahram P. Johnson, has been executed with security deemed sufficient by me.

Given under my hand this 28th day of October, 1886.

no19-4t PETER B. PRENTIS, Clerk.

Suffolk, Va., 188

Mr. Wilson J. Kilby Sole Com

To Suffolk Herald, Dr.

Fine Job Work a Specialty.

TERMS:
Transient Advertisements and Subscriptions, Payable in Advance.
Annual Advertisers are Required to Settle Quarterly.
Job Work, Cash on Delivery.

188			
Nov 19	To Pubg Notice of Sale Abram P Johnson's Land 5½ inches 4 weeks	5	7.50
	100 Hand Bills Notice of Sale		1.50
			9.00

All Available Text Successfully Captured

A SMALL FARM

Near the Village of Windsor, Va.

FOR SALE AT AUCTION!

By authority of the decree of the Circuit Court of Nansemond county, Va., pronounced the 11th day of October, 1886, in the suit in chancery in said court depending between William S. Chapman's administrator, plaintiff, and Abram P. Johnson and others, defendants, I shall sell by public auction, to the highest bidder, before the Courthouse door of said county, on County court day,

Monday, December 13, 1886,

all that certain parcel of land of which said Abram P. Johnson is seised and possessed and upon which he now resides, situated in said county, about three miles from the village of Windsor, Va., containing 25 acres, more or less, and bounded by the lands of Robert J. Holland, Richard F. Eley, John W. Stephenson, Calvin Roberts and Texanna Camp.

The land will be sold subject to the contingent right of dower therein of the wife of said Abram P. Johnson. That is to say she will be entitled to dower therein if she should survive her husband, but the purchaser will be entitled to possession from the day of sale.

Terms of Sale:

Enough of the purchase money to meet the costs of suit and expenses of sale will be required in cash and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute separate bonds in evidence of the deferred payments, with good personal security.

The title to the land will be retained until the further order of Court.

WILBUR J. KILBY,
SPECIAL COMMISSIONER.

GEORGE T. PARKER, Crier.

OCTOBER 28, 1886.

I, PETER B. PRENTIS, Clerk of the Circuit Court of Nansemond county, Va., do hereby certify that the bond required of Wilbur J. Kilby, Special Commissioner appointed by said Court by its decree on the 11th day of October, 1886, in the suit in chancery pending in said court between William S. Chapman's administrator, plaintiff, and Abram P. Johnson and others, defendants, to sell the land of said Abram P. Johnson, has been executed with security deemed sufficient by me.

Given under my hand this 28th day of October, 1886.

PETER B. PRENTIS, CLERK.

I. Peter B. Prentis, Clerk of the Circuit Court of Nansemond County Va. do hereby certify that the Bond required of Wilbur J. Kilby, Special Commissioner appointed by said Court by its decree on the 11th. day of October A.D. 1886 in the suit in Chancery pending in said Court between Wm. S. Chapman's Administrator, Plaintiff and Abram P. Johnson and others, Defendants to sell the land of said Abram P. Johnson, has been executed with security deemed sufficient by me.

Given under my hand this 28th. day of October 1886

Peter B. Prentis. Clerk

At a Circuit Court held for Nansemond County, the 11th: day of October 1886.

Richard S. Bly Kirby, administrator of Wm: S. Chapman, deceased . . . . Complainant

Against } In Chancery

Abram P. Johnson and Junius G and James F. Johnson, and Peter B. Prentis, Trustee . . Defendants

This Cause came on this day to be again heard on the papers formerly read, and on the Report of Commissioner Chas: H. Causey, filed the 16th: day of August 1879, being a Report, in pursuance of the decree entered herein on the 11th: day of April, A.D. 1879, and on the examinations of witnesses, filed with said Report, and was argued by Counsel. On Consideration whereof, the Court doth confirm the said Report to which no exception has been filed, and being of Opinion that the Deed of Trust executed the first day of January, 1877, by Abram P. Johnson to Peter B. Prentis, Trustee, for the benefit of his sons, Junius G and James F. Johnson, and recorded the 10th: day of January, 1877, in the Clerk's Office of the County Court of Nansemond County, was made to delay, hinder and defraud the creditors of said Abram P. Johnson of that to which they were and are lawfully entitled, and was voluntary without consideration deemed valuable in Law; the Court doth decide that the said Deed of Trust is void as to said Creditors, and doth adjudge, order and decree, that it be cancelled and annulled. And it appearing from said Report, that the rents and profits of the land of said Abram P. Johnson mentioned and described in said Deed, will not be sufficient for the satisfaction of the liens thereon in five years, and that a Sale of said land is necessary for the satisfaction of said liens, the Court doth further adjudge, order and decree, that Wilbur J. Kirby, who

is hereby appointed a Special Commissioner for that purpose, do proceed to sell the said ~~the said~~ land by public auction, before the Court House door of said County, on some County Court day, subject to the contingent right of dower therein of said Abram P. Johnson's wife, and on the terms of payment by the purchaser of enough of the purchase-money in cash, to meet the costs of this cause and the expenses of the sale, and the residue in equal sums, at the end of six and twelve months, respectively, with interest from the day of the sale: the purchaser to execute to said Commissioner separate bonds, in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court. But before proceeding to make said Sale, the said Commissioner Wilbur J. Kelly, will advertise the time, place and terms thereof, by printed notices for at least twenty days prior to the day of Sale, and by publication of the notice once a week for three successive weeks, in a Newspaper printed in the Town of Suffolk, and will execute before the Clerk of this Court, in his Office, a bond, in the penalty of $300, with good personal security, payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this Cause, and will obtain from the said Clerk, a certificate that the said bond ~~shall~~ has been executed as required by law, and append a copy thereof to the advertisement or notice of said Sale.

And the said Commissioner will make Report to Court of his proceedings under this decree.

A Copy: Teste: Peter B. Prentis. Clerk.

Costs

Clerk	$15.00
Atto. Pltf	16.50
Sheff. Nansd	5.00
" Pltf	20
Commr. ch (C.H.C)	10.00
	$46.70

Chapman's Admr.

vs. } In Chy.

Johnson & al.

Report of Sale
of Land.

Confirmed 8 June
1887

1887. Jany: 4th: Filed
CM:

At a Circuit Court continued and held for Nansemond County, the 11th: day of April, 1879.

Wm. S. Chapman . . . . . Complainant.

against } Chancery

Abram P. Johnson, and Junius G and James F. Johnson, and Peter B. Prentis, Trustee . . . . . Defendants.

This Cause came on this day to be heard on the Bill of the Complainant, Wm. S. Chapman, taken for confessed, as to the defendants, Abram P. Johnson, Junius G and James F. Johnson, on whom process had been duly executed: they still failing to appear, demur, plead and answer, and on the Exhibits filed with said Bill, and was argued by Counsel:

On Consideration whereof, the Court doth adjudge, order and decree that a Commissioner of this Court, proceed to take and settle, at his Office, an Account of the judgment lien of the Complainant, Wm. S. Chapman, and of all other liens on the Real Estate of the defendant, Abram P. Johnson, according to their respective priorities, and, an Account of the Real Estate aforesaid, shewing its fee-simple and annual values, and that said Commissioner proceed to inquire into and ascertain and report to Court the facts and circumstances in connection with the execution of the Deed of Trust, executed on the 1st: day of January, 1877, by Abram P. Johnson to Peter B. Prentis, Trustee, for the benefit of Junius G and James F. Johnson, and recorded on the 10th: day of January, 1877, in the Clerk's Office of the County Court of Nansemond County, together with such testimony as may be had, touching the validity of said deed, and going to shew, whether said Deed is based upon con-

sideration deemed valuable in law, or was executed with intent to delay, hinder and defraud the Creditors of said Abram P. Johnson of and from that to which they may be lawfully entitled.

A Copy:

Teste,

Peter B. Prentis. Clerk C

Wm. S. Chapman
vs
Abram P. Johnson Exd.

Writs of A. Fi. attachment
W. R. Hunter
13 Feby, 1879

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

10th July 1879

To Dr. W. S. Chapman,

and Abram P., Junius G., and James F. Johnson Plaintiffs.

Defendants.

You are hereby notified that I have fixed upon the 13th day of August next, to take and settle, at my office, the following accounts, to-wit:

1. An Account of the judgment lien of said W. S. Chapman and of all other liens on the real estate of said Abram P. Johnson, according to their respective priorities.

2. An Account of the real estate of said Abram P. Johnson shewing its fee-simple and annual values.

3. An Account of the facts and circumstances in connection with the execution of the deed of trust executed on the first day of January 1877 by said Abram P. Johnson to Peter B. Prentis Trustee and recorded on the tenth day of January 1877 together with such testimony as may be had touching the validity of said deed, and whether it is based on consideration deemed valuable in law &c.

required to be taken by the decree of Nansemond County Circuit Court, rendered on the 11th day of April 1879 in a suit in Chancery depending in 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 in Chancery of the said Court, the day and year first aforesaid.

C. H. Causey
Commissioner

1879 July 12th. Service of the within notice is hereby acknowledged by me.

Wm S. Chapman
Plaintiff By Wilbur J. Kilby Atty.

1879 augst 1st I have this day executed the within notice and delivered a copy thereof each to Abram. P. Jennis & and James F. Johnson the within named parties.

1879 Aug. 1st. J L Leighorn Sh Off

Wm. S. Chapman
vs. } In Chy.
Johnson et al.

Canal notice

Canal 25 acres
Value 125.00
125.
E. H. Conway
Antioch C. H. Cal.
82 W. 12, 12 Lat 58'

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Isle of Wight COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON A. N. Ashburn

undersigned, one of the Commissioners in chancery for the Circuit

to appear before the ~~Judge~~ ~~Court~~ of Nansemond County, at the ~~Court~~ Clerk's ~~House~~ Office of said County, on the 13th day of August next, to testify and the truth to say on behalf of Dr. Wm. D. Chapman

in a certain matter of controversy in our said Court, depending and undetermined between said Dr. Wm. D. Chapman

Plaintiff

and

Abram P. Johnson & others

Defendants.

And this the witness shall in no wise omit, under the penalty of $100 ~~each~~: and have then and there this Summons.

Witness, ~~PETER B. PRENTIS, Clerk~~ L. L. Causey, Commissioner of ~~the~~ said Court, at his Office, this 12th day of July 1879, in the 104th year of the Commonwealth.

L. A. Causey, Commissioner ~~Clerk~~.

Not-finding the
within named
A. H. Ashleem
at his usual place
of abode I Executed
the within by delivering
a Copy of the within
Summons to Mrs. Sarah
E. Ashleem the
wife of Said A. H.
Ashleem over the
age of 16 years
& explaining the same
to her. July 25th
1879. P. S. Edwards
Sheff

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON W. R. Butler

undersigned, a commissioner in Chancery for the Circuit ~~Court~~ Clerk's *to appear before the ~~Judge~~ ——— Court of Nansemond County, at the ~~Court~~ Office ~~House~~ of said County, on the* 13th *day of* August *next, to testify and the truth to say on behalf of* Dr. W. S. Chapman

Circuit
in a certain matter of controversy in our said Court, depending and undetermined between

said W. S. Chapman ——— *Plaintiff*
and
Abram P. Johnson and others *Defendants.*

And this the witness shall in no wise omit, under the penalty of $100 ~~each~~: and have then and there this Summons.

Witness, ~~PETER B. PRENTIS, Clerk~~ C. H. Causey a commissioner in Chancery for the Circuit Court *of our said County, at his Office, this* 12th *day of* July *1879. in the* 103rd *year of the Commonwealth.*

C. H. Causey Commissioner

W. S. Chapman

vs Summons for witness

Abram P. Johnson et al

Return to Count C. H.

Causey

Created Nov 4 deliver to U.S. Butler

August 11th 76

J. L. Johnson Atty

To the Circuit Court of Nansemond County Virginia,

Pursuant to a decree of said Court pronounced at the April Term thereof in the year 1879, in a certain cause in Chancery therein depending between Wm S. Chapman - - - Plaintiff.

and

Abram P., Jinius G. and James F. Johnson - - - - Defendants,

a copy of said decree being hereto annexed, the undersigned, one of your Commissioners in Chancery of said Court, after having first given the notice required by law to all the parties to the said Cause, a copy of which notice is likewise annexed, proceeded on the 13th day of August, 1879, at the place appointed in said notice, to take, state and settle the several accounts required by said decree to be reported for the further information of the Court, and having completed the proceedings as fully as possible at this time, respectfully submits the following as the result of his efforts.

1st: Accounts of Liens and their priorities.

1 A. H. Ashburn

Docketed March 1877 vs Judgment - 10th Jany. 1877. by W. R. Butler J. P. $30 75

Abram P. Johnson Caused on $30 75

	Brought on	$ 30	75
	Int from 1 Jan. 1875 to 1 Aug: 1879 4 years 7 months	8	44
	Costs of Judgment & docketing same	1	30
		$40	49
2	A. H. Ashburn		
	vs } Judgmt: 10th Jany 1877 by W. R. Butler J.P. for	36	50
	Abram P. Johnson		
	Int: from 14th June 1872 to Aug 1-1879. 7 years one month and 17 days	15	63
	Costs of Judgment & docketing same	1	30
	Total Amt. of Ashburn's Liens.	$93	92
	which by the record are prior to all others.		
3	Wm S. Chapman		
	vs } Judgmt. Apl. 20th 1877: J. of W. Com: Ct: for	78	40
	Abram P. Johnson.		
	Int. from 29 Dec. 1874 to 1 Aug 1879, 4 years 7 months and two days	21	57
	Costs of Judgment	7	40
	Amount of Chapman Lien	$107	37
	which is a second lien.		
	Amount of Ashburn's Liens brot: down	93	92
	Sum total of all liens	$201	29

Account No. 2

An account of the real estate of said Abram P. Johnson. Showing its fee-simple and annual

values.

The real Estate of said Abram P. Johnson consists of a parcel of land situated in Chuchatuch District, Jasper and County aforesaid is and contains twenty five (25) acres more or less and is bounded by the lands of Wm. H. Gay, Calvin Roberts and others and the fee-simple value of the same is estimated to be . . . $150 00

The Annual value of the aforesaid tract of land is estimated at . . $25- 00

Account No. 3.

An Account of the facts and circumstances in connection with the execution of the deed of trust executed on the first day of January 1877 by said Abram P. Johnson to Peter B. Rentis Trustee and recorded on the 11th day of January 1877, together with such testimony as he had touching the validity of said deed and whether it be based on consideration deemed valuable in law or was executed with intent to delay hinder and defraud the creditors of said Abram P. Johnson of and from that to which they may be lawfully entitled.

In this connection your Commissioner reports that he proceeded to the examination

of witnesses to ascertain said facts and circumstances and that he had before him three witnesses, to wit: Alexander H. Ashburn, one of the parties holding liens against the said Johnson, William R. Butler the Justice who rendered the same, and Peter B. Prentis the trustee in the deed of trust herein referred to, whose depositions are herewith filed as taken, upon which depositions your commissioner bases the opinion that said deed of trust was made without consideration deemed valuable in law, and with intent to delay and hinder the creditors of said Abram P. Johnson of and from that to which they may be lawfully entitled; but your Commissioner deems it only just to state that Abram P. Johnson whose land is sought to be subjected to the satisfaction of the above judgment liens, was not present in person or by counsel during the taking of the subjoined depositions, though being in the office when your Commissioner was about to commence he is put down as being present. [redacted].

Respectfully submitted

C. H. Causey Comm'r

Aug 14th 1879

Charges -

Comm'r $10.00

Shff. of Isaud. Co. $1.70

Wits. A. H. Ashburn 58c

" W. R. Butler 82c

" P. B. Prentis 50c

Shff. of Isle of W. Co. 20c

The depositions of Alexander N. Ashburn and others taken before me. G. N. Causey, a Commissioner in Chancery for the Circuit Court for said County, pursuant to notice hereto annexed, at the Clerk's Office of the County, in Suffolk on the 13th: day of August 1879 between the hours of 6 A. M. and 6 P. M. to be read as evidence on behalf of Wm. S. Chapman & a. in a certain suit in equity depending in the Circuit Court for the County of Nansemond wherein said Chapman is plaintiff and Abram P., Junius E. and James H. Johnson are defendants.

Present Walter J. Kirby, Atty for Plffs. and
Abram P. Johnson one of the Defts.

Alexander N. Ashburn being duly sworn on the Holy Evangelists of almighty God, deposes and says as follows

1st. Q. What is your name, your age, where do you reside and do you know the parties to this suit-

Ans. Alexander N. Ashburn. I am 57 years of age reside at Windsor, Isle of Wight County Va. and I know all the parties to this suit.

2nd Q. Are you a judgment creditor of Abram P. Johnson one of the defendants?

Ans I am - one judgment being for $30,75; with interest from the 1st: of January 1875; till paid and $1.00 costs. Docketed April 11th: 1877 in the Clerk's Office of Nansemond County Court and

one other judgment for $36.50, with interest from the 14th: of June, 1872, till paid and $1.10 Costs and also docketed, in said Clerks Office, also on the 11th: of April, 1877. No part of which judgments have been ever paid by said Abram P. Johnson nor any one for him.

3rd. 2 State all the facts and circumstances in connection with any proposition which said Abram P. Johnson may have made to you to execute a Deed of Trust on his real estate to secure the above judgment claims to you and if so the time when he made said proposition, and on what land he proposed to give the deed of Trust, and any facts or circumstances in connection with the execution on the 1st: of January, 1877 of a Deed of Trust, by said Johnson to Peter B. Prentis Trustee for his two sons and recorded the 10th: January, 1877, and referred to in the papers in this cause.

Ans. In the latter part of 1876, only a few days prior to the execution of the deed of Trust of the 1st of January 1877, and recorded on the 11th: of said month above referred to, having heard that Dr. Chapman, the plaintiff in this suit - intended to sue said Abram P. Johnson, on a claim due him by the latter, I went to see said Johnson for the purpose of securing my claims above referred to, upon which I did not then have judgment. He not be-

to see him
ing at home. I requested him prefer to call at my
home the and he came the next morning and
he agreed to give me a Deed of Trust to secure
my claim and requested me to write the
Deed, which I did, and the land conveyed
in said Deed is the only land he owned, or at
least is the same land mentioned in the Deed
of the 1st of January 1877 to P. B. Prentiss Trustee
Having to leave home that next morning I delivered
ed him the Deed to take to B. L. Roberts a No-
tary Public and acknowledge the same before him
which he voluntary promised to do. I not-
having time to go with him.
On my return I discovered that he the said
Johnson had not seen him, the said Notary
with him pursuant to me and had not ex-
cuted the Deed.. He seemed very solicitous
to secure me, and I had no reason to think
that he intended to deceive me in relation to the
execution of the Trust — About a week af-
terwards I again saw Johnson and he said
he failed to execute the Deed for the reason
that he could not find the Notary. but Mr.
Roberts told me that he saw nothing of Johnson
on that day and that he knew nothing of his
having called at his home or place of busines
to see him. and he Johnson, again prom-
ised me that he would execute the said Deed
and this was before the 10th of January 1877

and he said nothing about having made a Deed of Trust to his son at that time. Still relying upon him to make the Deed I left the matter with him until I learned that he had made a deed of Trust to secure his son and had left me outside and this I learned from the party who wrote the said Deed of Trust. and I at once proceeded to obtain the judgments above referred to. and on that day I heard that the said Johnson had executed another Deed of Trust in which I was not mentioned and I think that "Exhibit E" in this cause is the deed referred to.

And further this deponent saith not

A. A. Ashburn

William R. Butler being duly sworn &c deposes as follows-

1st Q. What is your name, your age, and where do you reside. and do you know the parties to this suit-

Ans. William R. Butler, age 58 years, reside in Hanover County and I know all the parties to this suit-

2nd Q. State all the facts and circumstances in connection with any Deed of Trust which said Abram P. Johnson may have called upon you to write for him, the time when the land to be conveyed and for whose benefit- and the facts

of the conversation which took place at that time.

Ans. About three weeks before the date of the judgment referred to in favor of A. H. Ashburn, the 10th of January 1877 in the month of December 1876, Abram P Johnson came to my home and said the plaintiff he owed some money to Dr. Chapman and others which he was then unable to pay, and he heard that he Chapman was about to push him, and he asked me to write him

X a Deed of Gift - to one of his sons, and said he did not desire to do it - to avoid the payment of his just debts, but to keep his creditors from pushing him at that time. I told him the Deed of Gift would not avail him as he could not give his property away while in debt. He then asked me how he could keep his creditors off. I told him he could do it - by Deed of Trust - if he made the trust before judgment was obtained against him — He then asked me to write a Deed of Trust to two of his sons, securing a sum to them covering the entire value of his property. I told him I would write it - and would bring it - to Western Branch Church, in this County on the next Sunday, and he was to meet me there and get it - or send one of his sons for it — I did write it - and had it - at the Church, but before I gave it - to him I saw Mr A. H. Ashburn who

asked me when I would see F. A. Butler (Constable)
I told him I ~~would~~ saw him nearly every day.
He gave me two claims (I think they were both
bonds) and asked me to give them to him (Butler) and
obtain judgment immediately on them.
I told him I then had a deed of Trust in my
pocket for Wm Johnson covering all his prop-
erty and he asked me to let him see it—
I did so and he took the deed and I think he
asked me if I had any objection to his re-
taining the deed till Butler served his warrant—
I told him no. I then saw Johnson and I
put him off by telling him I would have
the deed there on the next Sunday — I saw
the Constable on the next day and instructed
him to serve the warrant forthwith and
obtain judgment— He did so and sum-
moned him to appear at Buckhorn on a certain
day for trial and asked me to meet him there
to try the cases. I met there at 10 o'clock A. M
according to appointment and Johnson failed
to appear. I asked the Constable if he served
a legal notice on Johnson and left him a
copy of the warrants ~~in his~~ he replied
that he had done so and I then rendered
the judgments— 10th January 1877—
~~I saw the Constable the day the Saturday after~~
~~I gave the judgments and he~~
Mr Johnson never called for the deed to

at church for him
Lent again, which I had on the Sunday after
the judgment was rendered. When Johnson
asked me to write the deed of Lent to his sons
he said nothing about his being attached in
debted to ~~his sons~~ them and the impression
on my mind was that he did not owe
them anything. but his principal object was
to prevent his creditors from pressing their claim
at that time

And further the deponent saith not—

W. R. Butler

State of Virginia,
County of Rockingham to wit:

I, C. A. Heiskell, a Commissioner in Chancery
for the Circuit Court for the County aforesaid, do
hereby certify that the foregoing deposition was duly
taken, sworn to and subscribed before me at the
time and place mentioned therein.

Given under my hand this 13th day of Au-
gust, 1879.

C. A. Heiskell
Comm'r in Chy &c

Peter B. Pentz being duly sworn on the Holy Evan-
gelists of almighty God, deposes and says as follows

1st Q. What is your name, your age, where do you
reside, and do you know the parties to

this suit ?

Ans. Peter B. Prentis, I am 59 years of age, reside in Nansemond County Va. and know all the parties to this suit.

2nd. Q. State all you know about the preparation and execution of the Deed of Trust above referred to, dated the 1st: of January 1877 from ~~said~~ Abram P. Johnson to yourself as Trustee to secure certain sums alleged to be due his two sons, and recorded on the 10th: of January 1877.

Ans: I think on the 10th: of January 1877, said Johnson called at the Clerks Office and requested me to write the Deed, which I did on that day, and the same was duly admitted to record, on the same day. Mr. Johnson was alone to the best of my recollection and I have no knowledge of the debts said to be due from said Johnson to his two sons or either of them. I am certain his sons were not present that day. Johnson told me that he owed his sons some money and desired to secure them.

And further this deponent saith not.

(Sign'd) Peter B. Prentis

State of Virginia,
County of Nansemond, to wit:

I, C. N. Causey a Commissioner in Chancery for the Circuit Court

for the County aforesaid, do hereby certify that the foregoing depositions were duly taken, sworn to and subscribed before me, at the time and place mentioned therein,

Given under my hand this 13th day of August 1879

C. H. Causey
Comr. In Chy.

Comr fee $10 00

Wm S. Chapman

+ 28 } In chcy

Abram P. Johnson et al

Comr's Report of

Debt &c

Confirmed 11th.

Acts. 1886

1879. Aug: 16th. clk.

At a County Court for the County of Isle of Wight held at the Court-House on the 4th. day of May, 1885.

On the motion of Richard S. Boykin, who made oath, and together with Samuel B. Kello and John C. Griffin his securities, who justified as to their sufficiency, entered into and acknowledged a bond in the penalty of Ten Thousand dollars, with condition according to law, certificate of administration is granted him on the estate of William S. Chapman deceased. And it is ordered that said bond be recorded.

A Copy.

Teste, J. S. Young clk.

Chapman

vs } In Chy.

Johnson & al

Paper X

Chapman's Admr.

vs.

Johnson & al.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed the 4th. day of January 1887. (the same being a Report of the sale of the land of the defendant, Abram P. Johnson in pursuance of the decree entered herein on the 11th. day of October 1886), and was argued by counsel.

On consideration whereof the Court doth approve and confirm said sale and Report to which no exception has been taken, and doth adjudge, order and decree that the said Commissioner receive of the Clerk of this Court, the two bonds of J. Gayle Johnson and Elijah W. Johnson filed with said Report each for the sum of one hundred dollars bearing interest from the 13th. day of December 1886 and proceed to collect the money at the maturity of the Bonds, or receive the money sooner

if the obligors should desire to pay the money before the maturity of the bonds. and the said Clerk is directed to deliver said bonds to said Commissioner and take of him a receipt for them and file the receipt with the papers in this cause.

And the said Commissioner is directed to pay first all unpaid costs of this suit and expenses of said sale out of said money and then to pay to Alex. H. Ashburn. or his attorney, the sum of Ninety three and 92/100 dollars with interest on the sum of sixty-nine and 85/100 dollars. the principal part thereof. from the first day of August 1879 till paid in full satisfaction of the judgments in his favor against said Abram P. Johnson mentioned in the Report of Commissioner. C. H. Causey filed in this cause on the 16th. day of August 1879. and pay the balance to Richard S. Boykin ~~his attorney~~ Administrator of the estate of William S. Chapman deceased or his attorney on account of the judgment for the sum of seventy eight and 40/100 dollars in favor of

said William S. Chapman against said Abram P. Johnson also mentioned in said Report of Commissioner, C. H. Causey, and make report to Court of his transactions and file with the Report proper vouchers for such sums of money as he may disburse by virtue of this decree.

And the Court doth further adjudge, order and decree that said Special Commissioner, Wilbur J. Kilby make to said J. Gayle Johnson and Elijah W Johnson jointly a deed with special warranty in the usual form conveying to them the said land purchased by them under proceedings in this suit as specified in said Report of Special Commissioner, Wilbur J. Kilby, after the payment of said bonds in full.

Chapman's Admr.

vs. } In Chy.

Johnson & al.

In the Circuit Court
of Nansemond County
June 8th. 1887

Decree
To be entered.
C M Dick

Enters OB No 2 p 145

Chapman

vs.

Johnson & al

This Cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner. Chas. H. Causey, filed ~~in this Cause~~ the 16th. day of August 1879 being a Report in pursuance of the decree entered herein on the 11th. day of April A.D 1879 and on the examinations of witnesses filed with said Report, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and being of opinion that the deed of trust executed the first day of January 1877 by Abram P. Johnson to Peter B. Prentis Trustee for the benefit of his sons, Junius G. and James A. Johnson and recorded the 10th. day of January 1877 in the Clerk's office of the County Court of Nansemond County, was made to delay, hinder and defraud the creditors of said Abram P. Johnson of that to which they were and are lawfully entitled and was voluntary ~~and based upon~~ without

consideration deemed valuable in law, the Court doth decide that the said deed of trust is void as to said Creditors and doth adjudge, order and decree that it be cancelled and annulled, And it appearing from said Report that the rents and profits of the land of said Abram P. Johnson mentioned and described in said deed will not be sufficient for the satisfaction of the liens thereon in five years, ~~the Court doth further adjudge~~ and that a sale of said land is necessary for the satisfaction of said liens, the Court doth further adjudge, order and decree that Wilbur J. Kilby who is hereby appointed a Special Commissioner for that purpose do proceed to sell the said land by public auction before the Courthouse door of said County on some County Court day, subject to the contingent right of dower therein of said Abram P. Johnson's wife and on the terms of payment by the purchaser of enough of the purchase—

money in cash to meet the costs ~~and expenses~~ of this cause and the expenses of the sale and the residue in equal sums at the end of six and twelve ~~months~~ months respectively with interest from the day of the sale:- The purchaser to execute to said Commissioner separate Bonds in evidence of the deferred payments with good personal security and the title to the land to be retained until the further order of Court.

But before proceeding to make said sale the said Commissioner, Wilbur J. Kilby, will advertise the time, place and terms thereof by printed notices for at least twenty days prior to the day of sale and by publication of the notice once a week for three successive weeks in a newspaper printed in the Town of Suffolk, and will execute before the Clerk of this Court in his office a Bond in the penalty of $300. with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in

this cause, and will obtain from the said Clerk a certificate that the said Bond has been executed as required by law and append a copy thereof to ~~said~~ the advertisement a notice of said sale.

And the said Commissioner will make report to Court of his proceedings under this decree.

Chapman
vs.
Johnson et al.

In Chy.

In Statesmond County Circuit Court October 11th, 1886

Decree

To be entered

Chapman vs Johnson et al.

Chancery

2/4/93

Filed

Chapman
vs.
Johnson & al.

Wm. S. Chapman, the plaintiff in this Cause, having departed this life and letters of administration on his estate having been granted unto Richard S. Boykin on the 4th. day of May A. D. 1885 by the County Court of Isle of Wight County in this State, as appears by the paper marked X this day filed and made a part of the record by leave of the Court; it is, on the motion of said Richard S. Boykin, ordered that this Cause proceed in his name as administrator of the estate of said Wm. S. Chapman deceased.

~~And it is further ordered~~

And on consideration of the papers in this Cause, which came on this day to be again heard on the papers formerly read, it is ~~or-~~ & further ordered that said papers be referred to one of the Commissioners of this Court who is directed ~~to take~~ state and report to Court, ~~the following a further~~ accounts, to wit: 1. a further account of any judgment or other

liens upon the real estate of which Abram P. Johnson is seised and possessed, according to their priorities, showing the amounts thereof due and unpaid and to whom due and payable.

2. A further Account of the real estate of said Abram P. Johnson which may be seised and possessed, subject to said liens, showing its fee-simple and annual value, together with any matter specially stated deemed pertinent by himself or which any of the parties may require to be specially stated.

Chapman

vs. } In Chy.

Johnson et al.

In the Circuit Court of Mansemond County October 15th 1885

Decree

To be entered

Geo. S. Bloxom.

Geo. S. Bloxom, p. q.

Chapman

vs.

Johnson & al.

This cause came on this day to be again heard on the papers formerly read therein, and was argued by Counsel.

On consideration whereof it is ordered by the Court that the defendants file, and leave is hereby given them to file their answer in this cause within ~~ninety~~ days from the date of this order, and this cause is continued &c.

ninety

Chapman
vs. } In Chy.
Johnson Tal

Nansemond County
Circuit Court
October Term 1879

Order
To be entered

Geo. T. Rose

Copied
Received & Filed
Pettaway
Atty for Def.

Entered O.B. No 1
p. 464

Chapman

vs.

Johnson

This cause came on this day to be ~~again~~ heard on the Bill of the Complainant, Wm. S. Chapman, taken for confessed as to the defendants, Abram P. Junnis & and James F. Johnson on whom proces had been duly executed they still failing to appear demur plead, and answer and on the ~~Exhibit~~ Exhibits filed with said Bill and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that a commissioner of this Court proceed to take and settle at his office an account of the judgment lien of the Complainant, Wm. S. Chapman and of all other liens on the real estate of the defendant, Abram P. Johnson, according to their respective priorities, and an account of the real estate aforesaid shewing its fee-simple and annual values. and

that said Commissioners* proceed to inquire into, and ascertain and Report to Court the facts and circumstances in connection with the execution of the deed of trust executed on the first day of January 1877 by Abram P. Johnson to Peter B. Portis Trustee for the benefit of Junius G. and James F. Johnson and recorded on the 10th. day of January 1877 in the Clerk's office of the County Court of Nansemond County, together with such testimony as may be had touching the validity of said deed and going to show whether said deed is based upon consideration deemed valuable in law, or was executed with intent to delay, hinder and defraud the creditors of said Abram P. Johnson of and from ~~what~~ that to which they may be lawfully entitled

Chapman
vs.
Johnson

Nansemond County
Circuit Court
April Term 1879

Decree
To be entered

Entered O. B. 20-
P. 438-9

Chapman's Admr.
vs.
Johnson & al.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby filed the first day of September A. D. 1887 (the same being a Report of collections and disbursements in pursuance of the decree entered herein on the 8th. day of June last), and was argued by Counsel.

On Consideration whereof the Court doth ~~Confirm the~~ approve and confirm said Report to which no exception has been taken and doth adjudge order and decree that the proceedings had herein be final and binding between the parties and that this cause be removed from the docket, it appearing that there is nothing more to be done therein.

(31)

Chapman's Admr.

vs. } In Chy

Johnson & al

In the Circuit Court of Nansemond County.

10 Octo. 1887

Decree

To be entered

C W Sheild

Entered Chancery order Book No: 2 page 1874.

This Deed, Made the 1st: day

of January one thousand eight hundred and seventy-seven

between Abram P. Johnson ~~and~~

~~his wife~~, of the county of Nansemond

and State of Virginia, of the one part, and Peter B. Prentis

chosen as trustee for the purposes herein named, of the other part. Witnesseth:

That the said Abram P. Johnson ~~and~~

~~his wife~~, do grant, with general warranty,

unto the said Peter B. Prentis

trustee as aforesaid, the following Real and personal property, to wit: ~~All that tract, piece or parcel of land situate, lying and being in the County of in the State of Virginia, and bounded and described as follows:~~

a certain piece or parcel of land, situate, lying and being in Chuckatuck District Nansemond County aforesaid, containing by estimation Twenty-five (25) acres, more or less, and bounded by the lands of Wm. H. Gay, Calvin Roberts and others - being the same land, which the said Abram P. Johnson purchased of A. H. Ashburn and Sarah, his wife, by Deed, dated 29th: day of December, 1875, and duly recorded the 15th: day of November, 1876 -

Also all his Household & Kitchen furniture: one bay-horse, all farming implements: all crops of the growth of the year 1876, together with all the property of every description, now owned by the said Abram P. Johnson; together with all and singular the appurtenances belonging to the same.

In trust to secure to Junius G. Johnson and James F. Johnson, the payment of the sum of Three hundred (300) dollars, each, evidenced by two (2) bonds, each for said sum of $300, dated this day, and payable on demand. This Deed to be executed in all respects, as the law requires.

Witness the following signatures and seals.

Abram P. Johnson (Seal)

Peter B. Prentis (Trustee) (Seal)

In the Clerk's Office of Nansemond County Court, the 10th: day of January, 1877.

This (Deed of Trust was acknowledged by Abram P. Johnson and Peter B. Prentis, Trustee; and thereupon admitted to record.

Teste, C. H. Causey. D.C.

A Copy: Teste, Peter B. Prentis. Clerk

~~together with all and singular the appurtenances belonging to the same.~~

~~In Trust, to secure to~~ of the County of in the State of the payment of the sum of evidenced by of even date with this Deed, and payable to the said and it is covenanted and agreed between the parties aforesaid, that in case of sale the same shall be made after first advertising the time, place and terms thereof for days, and upon such terms as the said Trustee shall direct, and after paying the expenses of executing this trust, if then unpaid, including a commission of per cent to the said Trustee, then to discharge the amount of money, principal and interest, then due and unpaid of the said debt; and the residue, if any, pay as the law directs. It is also covenanted and agreed this Deed of Trust shall secure any given in renewal or curtail of the aforementioned

~~In all other respects this Deed shall be executed according to the law governing trust sales.~~

~~Witness the following signatures and seals.~~:

(~~SEAL.~~)

(~~SEAL.~~)

Abram P. Johnson
to
Copy Deed of Trust
Peter B. Sneed, Trustee
for James E. Johnson
and James F. Johnson

"Exhibit C"

Guggenheimer & Weil, Stationers, Baltimore.

The Commonwealth of Virginia,

Garnisheed

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT—GREETING:

We command you that of the goods and chattels of A. D. Johnson

late in your bailiwick. you cause to be made the sum of Seventy Eight Dollars and forty cents with interest thereon at Six per cent, from the 29th day of December 1874 till payment, which William S Chapman

lately in our Circuit Court of the County of Isle of Wight, recovered against Him for debt, also the sum of Seven Dollars and ninety eight Cents, which to the said W. S. Chapman in the same Court were adjudged for his damages, as well by reason of detaining the said debt, as for his cost in that suit expended, whereof said Johnson is convicted as appears to us of record; and that you have the said debt and damages before the Judge of our Circuit Court, at the Courthouse, on the first Monday in December next, to render unto the said W. S. Chapman of the debt and damages aforesaid. And have then there this writ

Witness, NATHANIEL P YOUNG, Clerk of our said Court, this 5th day of October A D. 187 4, and in the 109nd year of the Commonwealth.

N. P. Young clk.

Chapman et al.

vs. Etc

Johnson et al.

A copy of execution
& return of sheriff
thereon.

Filed
[illegible] Young Clk

"Exhibit D"

Sheriffs return on the Exon.
I can find no property to levy the within
execution upon except Real Estate
[illegible]
[illegible] Sheriff

Jan 8. 40
100

One day after date, I promise to pay, or cause to be paid unto W.m S. Chapman or order the just and full sum of Seventy Eight Dollars and forty cents for value received. And I waive the benefit of the Homestead Exemption as to this obligation, as witness my hand and seal, this the 26th day of December, 1874.

A. P. Johnson (Seal)

A copy of the bond filed in the suit of W.m S. Chapman vs. A. P. Johnson upon which judgment was rendered for the plaintiff at April term of 1st Circuit Court, 1875.

Test. (illegible) Clk.

W. W. S. Chapman
vs. In Chy.
A. P. Johnson

Copy of Bond.

Exhibit C.

Virginia :

IN THE CIRCUIT COURT OF ~~NANSEMOND~~ Isle of Wight COUNTY :

April 20th 1877

William S. Chapman ——— *Plaintiffs.*

against

A. P. Johnson ——— *Defendants.*

Judgment was granted the Plaintiff against the Defendant for the sum of Seventy-Eight ——— *Dollars and* forty ——— *Cents, with interest thereon, to be* ~~complied~~ Computed *after the rate of* 6 *per centum per annum, from the* 29th ——— *day of* October ——— 1874 *, till payment and the costs.*

Plaintiffs Costs, $ 7.40

An Extract,

Teste,

N. P. Young *Clerk.*

Endorsed — I certify that this judgment was docketed in the Judgment Docket of Isle of Wight County on the 25th of April 1877.

Teste, N. P. Young. Clk.

W. S. Chapman

vs

Copy of Judgment

A. P. Johnson

I certify that this Judgment was docketed on the Judgment Docket of Montgomery County, on the 4th day of February 1879.

Teste,
Peter B. Prentis Clerk

A Copy Teste
Peter B. Prentis
Clerk

Exhibit B.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, April 20th 187 7.

William S. Chapman . . . . . , Plaintiffs,

against

A. P. Johnson . . . . . Defendants.

Judgment was granted the Plaintiff against the Defendant for the sum of Seventy Eight Dollars and forty cents, with interest thereon, to be computed after the rate of 6 per centum per annum, from the 29th day of December, 18 74, till payment, and the costs.

Plaintiff's costs, $ 7.40

An Extract.

Teste: W. F. Young Clerk.

Chapman W.S.

vs. Hanley.

Johnson & Co.

Copy jud'gt. of Cir Ct. of Isle of Wight Rend. 20. Apl. 1877 and which judgment was docketed on 25th Apl 1877 in the jud'gt. docket of said County.

Teste

W.S. Young Ck

Exhibit A.

To the Hon. Geo. Blow Circuit Court Judge in and for the County of Nansemond, State of Virginia.

Humbly Complaining respectfully represents and shews unto Your Honor, Wm. S. Chapman, a judgment creditor of Abram P. Johnson suing for the benefit of himself and all judgment creditors of said Johnson.

That on the 20th. day of April 1877, Your Complainant obtained his judgment against said Abram P. Johnson in the Circuit Court of Isle of Wight County, Virginia, for the sum of $78.40 with interest thereon from the 29th. day of December 1874 till paid and his costs amounting to $7.40, and that said judgment was duly docketed in the Clerk's office of said Isle of Wight County on the 25th. day of April 1877 and in the Clerk's office of said Nansemond County on the 4th day of Feby. 1879, as will appear by duly authenticated copies of said judgments filed herewith as parts of this Bill and marked "Exhibits A." & "B." respectively.

That said judgment was rendered on a Bond due to said Wm.

S. Chapman by said Abram P. Johnson waiving the benefit of the Homestead Exemption, as will appear by a duly authenticated copy of said Bond filed herewith as part of this Bill and marked "Exhibit C."

That Execution duly issued from the Clerk's office of said Isle of Wight County to the sheriff of said Nansemond County, in which said Johnson then resided and now resides, on the 5th day of October 1877, commanding said sheriff to make said sum of money, interest, and costs, and that said sheriff duly made return of said execution to said Clerk's office of Isle of Wight County, with the following endorsation on it, to wit: "I can find no property to levy the within execution or any part thereof", as will appear by a duly authenticated copy of said execution herewith filed as part of this Bill and marked "Exhibit D"

That on the first day of January 1877 a little more than three months previously to said judgment, said Johnson executed his deed of trust to Peter B. Prentis, Trustee & conveying to him

a certain parcel of land, being that of said Johnson situated in said Nansemond County and fully described in said deed of trust, in trust to secure to Junius G. and James F. Johnson, sons of said Abram P. Johnson, the payment of an alleged indebtedness of himself to them amounting in each case to the sum of $300.00, making in all $600.00, alleged to be due by two separate Bonds bearing even date with said deed and payable on demand, and that said deed of trust was admitted to record on the 10th day of January 1877 or about three months before said judgment, in the Clerk's office of said Nansemond County, as will appear by a duly authenticated copy of said deed filed herewith as part of this Bill and marked "Exhibit E"

Your Complainant charges that said deed of trust is a fraudulent charge upon said real estate in that it was made with intent to delay, hinder and defraud Your Complainant as judgment creditor aforesaid of said Abram P. Johnson, of and from what he is lawfully entitled to by virtue of said judgment, and that

Code p. 896 s. 1.

said deed is, therefore, void as to Your Complainant.

That said deed of trust is a voluntary conveyance of, or charge upon, said real estate based upon consideration not deemed valuable in law, and as to Your Complainant is void, he being a creditor of said Abram P. Johnson, whose debt or claim aforesaid had been contracted before said deed was made

Code p. 896 s. 2

said alleged indebtedness of said Abram P. Johnson in the sum of $300. to each of his sons being purely fictitious and not real, he owing them nothing.

Your Complainant further charges that his said judgment is a lien on said real estate and that the same should be enforced against said land and said land sold to pay the same as the rents and profits thereof will not satisfy said judgment in five years, that said land is worth not more than ~~three~~ two or three hundred dollars, and that said Abram P. Johnson has paid no part of said judgment, nor has any one else paid any part thereof for him, nor is the Sheriff able to make the money therefor by execution, and the same is still due and unpaid, and that said deed should be cancelled and set aside and Your Complainants judgment enforced against said land.

and in case of a sale of said land, said Complainant here gives notice that he shall ask said Court to allow his counsel out of the proceeds of the sale, such ~~much~~ fees in addition to that allowed by law, as may be just and proper.

In Consideration whereof Your Complainant being without remedy save in a Court of Equity, prays that said Abram P. Johnson, and Junius G. and James F. Johnson and Peter B. Pruitt, Trustee as aforesaid may be made parties defendant to this Bill and be required to answer on oath in their proper persons all the allegations herein contained; that a Commissioner of this Court may be required to take and settle at his office an account of the judgment lien of Your Complainant and of all other judgment & other liens on said real estate according to their respective priorities, and an account of the real estate of ~~which~~ said Abram P. Johnson subject to said liens shewing its fee-simple and annual value: that said deed of trust may be declared to be a fraudulent and voluntary conveyance and void and be set aside and said real estate conveyed thereby sold and the proceeds applied in payment of Your Complainant's judgment aforesaid: and that all further and adequate relief may be granted consistent with Equity. And

As in duty bound Your Complain-
ant will ever pray &c.

Wm. S. Chapman
By Wilbur J. Kilby
Solty.

Wm S. Chapman
vs. } In Chy.
Abram P. Johnson et al.

Bill

Wm. S. Chapman

vs. } Chy. Rded

Abram P. Johnson Lal

July 17th

1879. Summs. in Chy. issued to March Rules, 1879.

" March 3rd: Bill to be filed. Ldecree nisi vs. the defts.

" " 7th: Decree nisi confd. Cause set for hearing

" Apl: 11th: Decree for Sale

" Aug: 16th: Report filed

" Octo: 16th Order for Defts. to file Ls Cause is given them to file their answer in 90 days, Ls Cause Continued

1880. Apl: 14th: Continued

" Octo Dillo

1881. Apl: "

" Octo "

1882 Apl "

" Octo "

1883. Apl "

" Oct "

1884 Apl "

" Oct "

1885. Apl "

" Oct: 10th: Paper X filed Ls order directing Comr to Convey, in the name of R. M. S. Baylor, to Adms: in Pltfs

1886. Apl: Continued

" Octo. 11th: Decree ratifying sale and directing Comr to execute Ls file Bond

" " 28th: Comrs: rept of Sale & Bond executed Ls filed

" " Order: giving Ltf to execution of Comrs Bond.

1887. Jany: 4th: Report of Sale filed

" June 8th: Decree to collect and distribute

" Septr: 1st: Report of Collections Ls disbursements filed

Chy: Rodes

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Chancery Papers

Wm. S. Chapman

vs.

Abram P. Johnson et al.

Kilby p.q.

1887.
October Term
Final Decree

Col:
Clerk $15.00
Mile Stm. 16.50
Staff Hand 5.00
Sh'ff 2.00
Comm'r Ch'y 10.00
$46.70