

1889-012

Nansemond Co. (Suffolk)

Chancery Causes: Marsha Johnson vs Lillie Alice Johnson et al

Marshall Johnson

15th & Chy Notes

Lellie Alice Johnson & al.

1886. July 17th: Sum. in Chy: opened to March Rules, 1886

" March 1st: Bld. de. filed - Dece. in de. to admt
defendant

" Peter B. Peckham, app'd. gen. ad. Dece. to infant

defendant, who filed his answer to which there
was a genl. return. & the cause set for hearing
as to him, & 1st on mo. of P'ss's Counsel

" April 5th: Dece. in de. Compul. & cause set
for hearing on mo. &

Chy: Notes

Virginia

At Rules, in the Clerk's Office of the
Circuit Court of Hanover and County,
on Monday, the 1st day of March, 1886
Maudie Johnson Plaintiff
against E. In Chancery
Lillie Alice Johnson, and Demsey
Johnson, an infant Defendants.

On the motion of the Plaintiff, by Counsel, Peter B.
Pruitt is appointed guardian ad litem to the infant
defendant, in this suit; and it is ordered, that the said
guardian be notified of his appointment, by serving upon
him, a copy of this order.

Teste:

Peter B. Pruitt, Clerk

March
1886, ~~1st~~ 1st. I hereby acknowledge service of the
foregoing order, and that I have received a copy thereof.
Peter B. Pruitt.

Johnas Peterson

Marsha Johnson

to J. Du Chy.

Lettie Alice Johnson Lat.

order appointing guardian
ad litem

Johnson
^{vs}

In Chancery.

Johnson et al.

This cause came on this day to be heard upon the Bill of the Complainant together with the exhibits therewith filed and was argued by Counsel. And it appearing that the defendants have failed to plead answer or demur, on consideration whereof the Court doth order adjudge and decree that one of the Commissioners of this Court after having given due and legal notice shall proceed to take and state the following accounts:-

1st An Account of the transactions of David B. McBlenny as Administrator of Mills B. Johnson deceased.

2nd An account of all the debts due by the said Mills B. Johnson, if any, including the debt due ~~Martha~~ Johnson.

3rd The Real Estate of which Mills B. Johnson died seized and possessed together with its annual and fee simple values; also whether there are any liens upon the same.

4th Any other matter deemed pertinent, or required to be taken, and the said

Johnson to Johnson

Receipt for Accounts
To be entered.

Commissioner shall make report to Court

Margha Johnson

vs

In Chancery

Lillie Alice Johnson

This cause came on this day to
be heard upon the Bill and
Exhibits^{filed} and was argued by
Counsel. And the defendants failing
to plead answer or demurr, the
Court doth on consideration order
adjudge and decree that this be
made a vacation cause

Mem

To be entered

April Term 1886

to Geo. B. Smith.

Am 000102 p 12

Marsha Johnson
vs } In Chancery -

This cause came
on this day, and by consent of parties entered
of record, it is ordered that the same be set for
hearing in vacation after reasonable notice
by counsel of either side to opposing counsel.

Marsha Johnson

25 } in charge

Lillie Alice Johnson

Decease for hearing
in vacation
April 18th 1888.

To be Entered,

C. W. Allen

We conserch tollies
order

R. H. Rawles

Geo. H. Wright

Entered Chy Order
Book No. 2. P. 205

Marsha Johnson vs Lillie A. Johnson et al.

This cause come on this day to be heard in vacation according to a former decree, and was argued by Counsel. On consideration whereof the Complainant Marsha Johnson is on her own motion allowed to withdraw this cause from the docket at her own proper costs and charges, but without any prejudice to her rights in the premises; and it is so ordered and decreed by this Court,

C. W. Stue

Johnson v Johnson et al

Recue.

To be entered
on record
Jan 17, 1849

Chas. W. Johnson

1m 1m

Entered Chancery
Order Book W. 2
p. 242

Marsha Johnson
vs { In Chancery -
Lillie A Johnson & al)

The answer of Lillie A Johnson to a Bill in Chancery exhibited against herself and Deaprey B. Johnson, an infant, in the Circuit Court of Lawrence County by Marsha Johnson.

This respondent, saving and reserving to herself all manner of Exception to the many Errors, uncertainties and imperfections in the Complainant's said Bill contained, for answer thereto or to so much or such parts thereof as she is advised it is material or necessary for her to answer, answering says: She admits that the Complainant did live with her Brother Mills B. Johnson Dec? for a considerable time, but does not know how long, and she may have performed some domestic duties as the female head of the household, the said Mills B. Johnson being unmarried, and the said Complainant living with him as a dependent upon his bounty, and rendering such service in consideration of the support & maintenance given her by her said Brother. But this respondent denies that there was ever any promise or intention on the part of said

Mills B. Johnson to render other compensation for such service than the support given said Complainant during his life time and the provision made for her by will, after his death. She also avers that said complainant never contemplated any demand for such service until after the death of her said Brother. And this respondent also avers that there can be any legal claim for such services, even if any promise or demand had been made therefor, for a period beyond five years next preceding the time of filing claim therefor, & if any other compensation than support and maintenance, was contemplated, she avers that \$15⁰⁰ per month, claimed by Complainant, is exorbitant and Extravagant, out of proportion to the service rendered & unjust to the other heirs of said Mills B. Johnson, that the Complainant, not satisfied with the support given her by her Brother during his life time and the provision made for her by his will, after his death, thus seeks to wrest from other heirs their entire interest in his Estate.

And this respondent avers that the life interest given the Complainant in his entire Estate by said Mills B. Johnson, was more than sufficient to compensate for all the service ren-

deed by her during his life time; and if the claim now set up by her be allowed, this respondent asks that she be required to account for the proceeds of personal property & income of Real Estate, which she has received since her said Brother's death, as it is not reasonable that she should ~~have~~ claim under the will & at the same time annul the plain intent thereof by the assertion of her unjust demands.

And this respondent asks that the proceeds of the personal Estate of Mills B. Johnson Decd., not required for the payment of just debts be invested or deposited in some Bank, so that said complainant, can Expend only the income thereof, and the principal may be held subject to the provisions of the Will of Mills B. Johnson Decd?

And having fully answered the said Bill, this respondent prays to be hence dismissed, with her proper costs by her in this behalf so unreasonably Expended - and she will ever pray &c

Lillie A Johnson

By Geo. H. Wright, her atty

Wright P.O.

Masha Johnson

r { Dr. Chipp

Lillie A. Johnson & al

Answer of
Lillie A. Johnson.

The demurrer of Lillie A. Johnson of Harse-
mand County to the Bill of Complaint of
Marshall Johnson, Exhibited against this defend-
ant and another, in the Circuit Court of Harse-
mand County:

This defendant, by protestation,
not confessing or acknowledging all or any
of the matters and things in the said bill of
Complaint contained, to be true in name
and form, as the same are therein set forth,
both demurs thereto and for cause of demurrer
shows, that if the matters stated in said bill do
give the plaintiff any cause of Complaint or
right of action against this defendant, the
same are liable and determinable at law
and ought not to be inquired into by this
Court.

Wherefore and for divers other errors and imper-
fections appearing in the said Bill, this de-
fendant demands the judgment of this Court,
whether she shall be compelled to make any
further or other answer to the said bill or any
of the matters and things therein contained;
and prays to be hence dismissed with her rea-
sonable costs in this behalf sustained

Lillie A. Johnson
By Counsel

Wright P. A.

Martha Johnson - P. A.

25 } Dr. Chancery

Lillie A. Johnson - P. A.

Deceased of
Lillie A. Johnson.

Marsha Johnson

Plaintiff

vs E. M. Chy

Leticia Alice Johnson and Company

Johnson, an infant

Defendant

The answer of Leticia Alice Johnson an infant under the age of twenty-one years, by Peter B. Brecht, her guardian ad litem and Leticia Alice Johnson to the Bill of Complaint exhibited against her, in the Circuit Court of Hanson County by Marsha Johnson

This Respondent answers and says, that so far as he knows, the allegations and statements contained in the said Bill of Complaint may be true; but ~~the~~ being ^{an} infant and ignorant of ~~his~~ rights, and interests in the premises he submits the same to the keeping of the Court, and prays that no order or decree may be made herein, inconsistent with his rights.

(Signed)

Peter B. Brecht

guardian ad litem

Maria Johnson
to E. A. Clay.
Miss Alice Johnson to

Answer of the infant

I. Mills B Johnson, of Hanscombs County, Virginia, Farmer,
do make and publish this my last will and testament, hereby
revoeking and making void all former wills by me at any
time heretofore made; And as to such worldly estate as it hath
pleased God to intrust me with, I dispose of the same as
follows:

First: I direct that all my debts and funeral expenses be
paid as soon after my decease, as possible, out of the first
monies that shall come into the hands of my executor from
any portion of my estate real or personal

2nd, I give to my sister Marsha Johnson the farm on
which I now reside, bounded by the land of Trajah Johnson,
David McBlenny, & George King, during her single life and
in the event of her marriage I direct that the above named
farm be equally divided between her & my brother Trajah
Johnson.

3rd I give to my sister Marsha Johnson, all of my chattel
property, stock of all kinds, horse, house hold & kitchen
furniture and all of my personal property of every kind and
nature both at law, and in equity during her single life
and in the event she marries, then I direct that all the above
named chattel property shall be equally divided between
her & my brother Trajah Johnson: and I do hereby make
and ordain W R Butler & my brother Trajah Johnson executors of this
my last will and testament: In witness whereof I Mills B Johnson
the testator have to this my will written on one sheet of paper
set my hand & seal this 25th day of May in the year of our Lord
one thousand eight hundred & seventy eight

Signed, sealed & delivered in the presence
of us who have subscribed in the
presence of each other

David McBlenny

W R Butler

Mills B Johnson 

At a monthly Court held for Mansfield County the 9th day of March. 1885.

The Last will and Testament of Mills B Johnson, late of this County, deceased, was this day produced in Court for probat, and it appearing to the Court that W R Butler, one of the subscribing witnesses thereto, hath departed this life, thereupon came David McLenny, one of the subscribing witnesses thereto, who being duly sworn, declares that the signature of the said Mills B Johnson to said will, was made, and the said will acknowledged by him, the said Mills B Johnson, in his presence, and in the presence of the said W R Butler, the other subscribing witness thereto, present at the same time, and that he, the said David McLenny and the said W R Butler, subscribed their respective names as witnesses to said will, in the presence of said Mills B Johnson, and thereupon, it is ordered, that the said Last will and Testament be recorded as the true Last will and Testament of the said Mills B Johnson, deceased, And Elijah Johnson, the surviving Executor named in the said will, refusing to take upon himself the burden of the execution thereof, On the Motion of David McLenny, who made oath as the law directs, and entered into a bond, in the penalty of Two hundred dollars, conditioned according to law, with Lemmy Hopeland, his surety therein, (who justified on oath, as to his sufficiency, and which said bond being acknowledged by the obligors therein is ordered to be recorded,) Certificate is granted the said David McLenny for obtaining letters of Administration on the estate of the said Mills B Johnson, deceased, with his said will annexed, in due form.

Teste:

Peter B. Prentiss. Clerk

A Copy:

Teste:

Peter B. Prentiss. Clerk

Mrs B. Johnson's
Will.

(a copy)

To the Honorable George Blinn
Judge of the Circuit Court
of Anne Arundel County, Anne
Arundel County to wit:-

Humbly Complaining sheweth
unto Your Honor Your oratrix
Martha Johnson an unmar-
ried ^{lady} as follows:- that during
the early part of the year 1885-
her brother Mills B. Johnson
departed this life, leaving as
his next of kin your oratrix, who
is his sister and Isajah Johnson
his brother: that your oratrix served
him as general housekeeper for about
twenty years previous to his death:
that they lived in the country and
kept no servant in consequence of
which she was required to do and
did all the cooking, house cleaning
gardening, washing and ironing and
all the labor usually performed by
a female servant at a residence: that
for a period of four or five years
before his death, he became feeble
and helpless requiring great care
and vigilant nursing both night

and day and that she was often
nearly all the time required to be up
with him four or five times
during a night, that for these
services she thinks she is entitled to and
claims pay, which she has never recd,
at the rate of \$15. per month for
such length of time as the Court
shall see proper to grant, she here
claims for 20 years and says she
has been guilty of no laches in not
prosecuting her claim before. This
she prays the Court to allow her from
the sale of the land hereafter mentioned
Your oratrix further says that her
deceased Brother ~~Wills~~ B. Johnson ~~left~~
~~left~~ left a last will and testament
which was duly admitted to probate
by the County Court of Kausemünd
on the 9th day of March 1883th
which is herewith filed marked "A"
and prayed to be taken as a
part of this bill; that David B.
McBlenney qualified as administrator
with the will annexed at the
term of the said County Court, a
copy of which qualification is herewith
filed and prayed to be taken as

a part of this bill. That he has settled the personal estate and paid most of the ^{other} debts, all in fact but one or two very small ones not amounting to \$50. and that he has a cash balance of about \$100 cash in hand. That by the provisions of said will the testator devised a certain farm on which he resided worth about \$1000 to your oratrix during her single life, and in the event of her marriage, the farm to be equally divided between her and her brother Drajah Johnson. That since the testator's death, her brother Drajah Johnson has also departed this life leaving two children, Lillie Alice Johnson an adult, and Dempsy Johnson an infant of about 16 years of age. Now your oratrix states that the farm alluded to is subject to the payment of her debt aforesaid by another provision of the will which charges it with the payment of all the debts of the testator. Your oratrix therefore prays that proper accounts may be taken by one of the commissioners of this court, first in regard to the trans-

actions of David McClellum of as Ad-
ministrator aforesaid. 2nd of all the
debts due by the said Mills B. Johnson
including the debt due your estate
on which the said Commissioner may
take testimony to prove or disprove
the same, 3rd the land of which
Mills B. Johnson died seized and
possessed together with its annual
and fee simple value and 4th
any other matter deemed pertinent to this
~~that~~ such account shall be taken ten days notice to the defendants
cause, that the said land may be
sold subject to her own right therein
and the proceeds of such sale shall
be applied to the payment of her
debt. That ~~Lillie~~ Lillie Johnson and
Dempsey Johnson be made parties defend-
ant to this suit and required to
answer the same on oath and
and that such proper and general
relief may be afforded your estate
as ~~the~~ the case may require or
to equity shall seem meet.

and she will ever pay as

Martha Johnson
Pl, Counsel

Given to before me this 1st day of Feb 1886,

R. B. Raulo
Not.

— Bol

Johnson vs Johnson