

1899-017

Nansemond Co (Suffolk)

Chancery Causes: Cornelius M. Johnson et al vs Hester A. R. Johnson et al

Eley, Gardner, Worrell, Gay, Turner, Oliver

The Clerk of the Circuit Court  
of the County of Chautauque will  
issue process as follows:

Cornelius M. Johnson, George S.  
Johnson, Jesse F. Johnson and Ida  
Bessie Johnson. Complainants

Against

Hester A. R. Johnson, Alice V.  
Eley and Leslie J. Eley, her hus-  
band, Ella J. Gardner and George  
Ch. Gardner, her husband, Joseph  
Worrell, William S. Johnson, For-  
dan Thurman Worrell, and Jessie  
Joe Worrell, the three last-named  
being infants under the age of  
twenty-one years. Defendants.

To answer a Bill in Chancery,  
To Rules on the third Monday in  
September 1896

Wilbur J. Kilby  
p. g.

5 Sept. 1896  
Pay \$150 paid.

Johnson, Cornelius  
M. and others.

vs. } In Chy.

Johnson & al.

Memo.  
for  
Airt  
5 Sept. 1896

Jesse F. Johnson

Darden & Eley

|         |                                                              |               |
|---------|--------------------------------------------------------------|---------------|
| 1885    |                                                              |               |
| Oct. 17 | To Amount of judgment<br>this day obtained.                  | 132 99        |
|         | " Amount of costs                                            | 7 60          |
|         |                                                              | <u>140 59</u> |
|         | " Int. from 14 Mar. 1885<br>to 29 Apr. 1886; - 1y, 1m. 15ds. | 9 50          |
|         |                                                              | <u>150 09</u> |
|         | Paid Darden & Eley<br>in person 29 Apr. 1886.                | 18 54         |
|         |                                                              | <u>131 55</u> |
|         | " Int. from 29 Apr. 1886 to<br>14 Jan. 1887. - 8m. 15ds.     | 5 50          |
|         |                                                              | <u>137 05</u> |
|         | Paid 14 Jan. 1887                                            | 24 52         |
|         | Balance due with<br>interest from 14 Jan.<br>1887 till paid. | <u>112 53</u> |

The above judgment was  
recovered on a bond wair-  
ing the exemption of the  
maker.

The Commonwealth of Virginia,

TO THE SHERIFF OF <sup>Isle of Wight</sup> ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

*Nester A R Johnson*  
*Alice V Eley and Leslie J Eley her hus-*  
*band Ella J Gardner and George W*  
*Gardner her husband Josiah Worrell*  
*William D Johnson Jordan Shuman*  
*Worrell and Jessie Joe Warrell the three*  
*last named being infants under the*  
*age of twenty-one years.*

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 *Third* Monday in *September 1896* to answer

*a* Bill in Chancery, exhibited against *them*  
 in the said Court by *Cornelius M Johnson, George*  
*D Johnson Jesse F Johnson and*  
*Vida Bessie Johnson*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *5th* day of  
*September*, 189*6*, in the 12*th* year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

Executed by delivering to the within  
 named Geo<sup>m</sup> Gardner & Ella J. Gardner  
 Not finding the within named  
 Geo<sup>m</sup> & Ella J. Gardner at their usual  
 place of abode, & no person over the  
 age of sixteen years. I executed the  
 same by posting a copy thereof  
 for each on their front door.  
 Sept 16<sup>th</sup> 1896. May be 100 p. by W. J. Kilby atty.  
 R. A. Edwards Shff. of  
 Suffolk Co. Va.

Wilbur J. Kilby p. q.  
 Cordelia W. Johnson  
 and others

vs. } In Chancery.

Nestor W. Johnson  
 and others

1896

September Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

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CHANCERY SUMMONS.

The Commonwealth of Virginia, *Southampton*

TO THE SHERIFF OF ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Hester A B Johnson Alice*  
*W Eley and Leslie J Eley her husband Ella*  
*J Gardner and George W Gardner her husband*  
*Josiah Worrell William P Johnson Jordan*  
*Thurman Worrell and Jessie Joe Worrell*  
*the three last named being infants*  
*under the age of twenty one years.*

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 *third* Monday in *September 1896*, to answer

*a* Bill in Chancery, exhibited against *them*  
in the said Court by *Cornelius M Johnson George P Johnson*  
*Jesse F. Johnson and Idda Besse Johnson*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *5th* day of  
*September*, 189*6*, in the 12*th* year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

Wilbur J. Kilby p. 9  
Cornelius M. Johnson  
and others

vs. } In Chancery.

Nester R. Johnson  
and others

1896

September Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

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Entered Sept. 21<sup>st</sup> 1896 by delivering a  
copy of this notice to Larkin P. Eley and  
a copy to Alice D. Eley  
J. H. Williams  
Sheriff of  
Southampton Co

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Hester A R Johnson*  
*Alie V Eley* and *Leslie J Eley* her hus-  
 band *Ella J Garner* and *George*  
*n Garner* her husband *Josiah*  
*Wmell William P Johnson* *Jordan*  
*Thumman Wmell* and *Jessie Joe*  
*Wmell* the three last named being  
 infants under the age of twenty  
 one years

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 *third* Monday in *September 1896*, to answer

a Bill in Chancery, exhibited against *them*  
 in the said Court by *Conelius M Johnson* *George P.*  
*Johnson* *Jessie F Johnson* and *Ida*  
*Bessie Johnson*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *5th* day of  
*September*, 189*6*, in the 12*th* year of the Commonwealth.

A copy—Teste:

Teste:

*A P Gomer*, CLERK.

*A P Gomer*, CLERK.

Wilbur J. Kirby p. q.

A copy for  
Nester & R. Johnson

vs. } In Chancery.

1896  
September Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

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W. A. R. Johnson  
William J. Johnson

Sufficient and legal service  
of this process is hereby acknowledged  
and accepted by us this  
15th day of September 1896

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF <sup>Isle of Wight</sup> ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

*Hester A R Johnson*  
*Alice V Eley and Leslie J Eley her hus-*  
*band Ella J Gardner and George W*  
*Gardner her husband Josiah Norrell*  
*William T Johnson Jordan Thurman*  
*Norrell and Jessie Joe Norrell the*  
*three last named being infants*  
*under the age of twenty one years.*

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 *third* Monday in *September 1896*, to answer

*a* Bill in Chancery, exhibited against *them*  
 in the said Court by *Winchell M Johnson George T John-*  
*son Jesse F Johnson and Ida Beanie Johnson.*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *27th* day of  
*September*, 189*6*, in the 12*th* year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

Wilbur J. Kilby p. q.  
Comitus M. Johnson  
and others

vs. } In Chancery.

Hester & R. Johnson  
and others

1896  
September Rules.  
Third Monday.

Nansemond Circuit Court.

Process Book No. 2

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Executed by delivering a true copy  
of the within instrument, to said  
Comtee, Sept 12th 1896. A. W. Day & Reg  
Clay no indorsements of my custody,  
My true & correct Seal  
Deputy Clerk  
No. A. Edwards  
of Williams & Co, Att

Know All Men by These Presents, That we Wilbur J Kilby  
and Maggie I Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full  
sum of Sixteen hundred DOLLARS,  
to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves,  
and each of us, our and each of our heirs, executors and administrators, jointly and severally,  
firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim  
or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue  
of the office, post or trust herein mentioned, with coupons detached from bonds of said Common-  
wealth.

Sealed with our seals, and dated this 2nd day of August in the year  
of our Lord one thousand eight hundred and ninety seven, and in the 12th year  
of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a  
decree of the Circuit Court of the County of Nansemond Virginia  
pronounced on the 16th day of April 1897 in the Chancery Cause  
pending in said Court between Cornelius M Johnson and  
others Complainants, and Hester A R Johnson and others defend-  
ants, it was decreed that all that certain parcel of  
land of which Jordan E Johnson did seized and possessed  
and mentioned and described in the bill in said Cause as  
a parcel of land containing ninety one and three-fourth acres, more  
or less be sold and the said Wilbur J Kilby was thereby appointed  
Special Commissioner to sell the same; Now, therefore, if the  
said Wilbur J Kilby shall faithfully discharge the duties of  
his Office, post or trust, as Special Commissioner aforesaid  
under said decree and all other decrees he may be required to  
execute in said Cause, then the above obligation is to be  
void, otherwise remain in full force and virtue

Wilbur J Kilby  
Maggie I Kilby



In the office of the Clerk of the Circuit Court of Nansemond County, on  
the 2nd day of August 1897

The above bond was executed and acknowledged by the obligors (the surety her justifying  
on oath as to her sufficiency) and recorded.

Teste:

A Copy Teste:

A. G. Gomer Clerk

A. G. Gomer

CLERK.

Wilbur J. Kilby  
Spec. Comr. Bond  
The Commonwealth

1897  
August 2nd

Recorded in Official  
Bond Book  
No 1 Page 128

A Copy

At Rules held in the office of the Clerk of the Circuit Court for the County of Causeman on the 21st. day of September 1896;

Cornelius M. Johnson &als

Against } In Chancery,

Hester A. R. Johnson &als.

On motion of the Complainants, by counsel, Edward E. Holland, a discreet and competent attorney-at-law, is assigned guardian to the ~~infant~~ defendants, William J. Johnson, Jordan Thurman Worrell and Jessie Joe Worrell, who are infants, under the age of twenty-one years, to defend them in this suit.

C. L. Gomer Clerk

Johnson &als.

vs. } In Chy.

Johnson &als.

Order appoint-  
ing guardian  
ad litem

1896 Sept. 5. Received of  
Wilbur J. Kilby. One \$50/100 dol-  
lars state tax on Chancery suit  
of Cornelius M. Johnson Sal. vs.  
Hester A. R. Johnson & al.  
\$1.50

A. P. Geimer Clerk

Received of Wilbur J. Kilby, Special  
Cour. light and  $83/100$  dollars in  
full of my fees taxed as part  
of the costs in the Chancery suit  
of Johnson Sal. vs. Johnson Sal.  
\$8.83

A. P. Gomez clerk

1898 May 4 Received of Wilbur J.  
Kilby, Special Court, fifty cents,  
being my fee taxed as part of  
the costs in the suit of Johnson Sal.  
vs. Johnson Sal.

50  
100 -

A. M. Baker  
Sheriff

Sept 12<sup>th</sup> 1896  
Mr C M Johnson & Co. Asst. Master at Pleasure have  
Dr.

To R. A. EDWARDS, Sheriff of Isle of Wight County, Va.

To executing writ on re Josiah Howell Geo N & Co  
at Stella J Gardner 1.00

Sept 16<sup>th</sup> 96 Received payment.

R. A. Edwards Sheriff

508  
W. J. Kelley atty.

1896 Sept. 21. Received of  
Wilbur J. Kilby One dollar  
for serving process on Alice  
V. Eley and Leslie J. Eley  
two of the defendants in  
the suit of Cornelius M. John-  
son Sal. vs. Johnson Sal.  
\$1.<sup>00</sup>

J. W. Williams  
Shff. Southampton Co

Received of Wilbur J. Kilby, Special  
Commr. Ten dollars in full of my  
fee for Report made by me and  
filed on 27 March 1897 in the Chan-  
cery suit of Johnson Tal. vs. John-  
son Tal.

\$10.<sup>00</sup>

May 5<sup>th</sup> 1898

John D. Pinner  
Commr in Chy.

Received of Wilbur J. Kilby, Special  
Commr. Six dollars for services as clerk  
at the sale of the Jordan E. Johnson  
land on the 13th. day of September  
1897 by public auction under decree  
in the suit of Johnson & al. vs. Johnson  
& al.

\$6<sup>00</sup>

Recd Payment

J. Walter Harris Clerk

Suffolk, Va., 1898

M<sup>r</sup> Walter J. Kilby, Special Commissioner

TO SUFFOLK HERALD

Newspaper, Book and Job Printing Establishment.

J. E. BOOKER, Proprietor.

TERMS CASH.

No. 9 WASHINGTON SQUARE.

1898

Aug 2 To Printing News Bills, notes & Sale  
Jordan E. Johnsons Lams

125

" 27 " Advtg Sale & Lams in Herald  
5 1/2 in 3m

709

\$ 825

Per Payment  
May 6-98 J. E. Booker

Mr. *H. J. Kilby (Commr) Johnson* *H. Johnson*  
 1898. To S. T. ELLIS, Treasurer of Nansemond County, Va.

| No. <i>185</i>                              | State Tax<br>30c. on \$100. | State<br>School Tax,<br>10c. on \$100. | County<br>Levy,<br>20c. on \$100. | Parish<br>Levy,<br>8c. on \$100. | County<br>School Tax,<br>5c. on \$100. | District<br>School Tax,<br>5c. on \$100. | County<br>Road Tax,<br>10c. on \$100. | TOTAL<br>TAX. |
|---------------------------------------------|-----------------------------|----------------------------------------|-----------------------------------|----------------------------------|----------------------------------------|------------------------------------------|---------------------------------------|---------------|
| No. of Acres                                |                             |                                        |                                   |                                  |                                        |                                          |                                       |               |
| To Real Estate, value \$                    |                             |                                        |                                   |                                  |                                        |                                          |                                       |               |
| " Personal Property, value \$ <i>1000 =</i> | <i>300</i>                  | <i>100</i>                             | <i>200</i>                        | <i>80</i>                        | <i>50</i>                              | <i>50</i>                                | <i>100</i>                            | <i>880</i>    |
| " Merchandise, value \$                     |                             |                                        |                                   |                                  |                                        |                                          |                                       |               |
| " Poll Taxes                                |                             | <i>100</i>                             |                                   |                                  |                                        |                                          | <i>50</i>                             | <i>880</i>    |
| Total                                       |                             |                                        |                                   |                                  |                                        |                                          |                                       | <i>880</i>    |
| 5 per cent. additional                      |                             |                                        |                                   |                                  |                                        |                                          |                                       |               |
| Total                                       |                             |                                        |                                   |                                  |                                        |                                          |                                       |               |

Received payment *28* day of *Oct* *1898* *Sydney T. Ellis* Treasurer,  
 Per *✓*

Virginia: In the Clerk's Office of the County Court of the County  
of Ile of High-

I, N. F. Young, Clerk of the County Court of the County  
of Ile of High-, do hereby certify that on the 5th day of December 1898  
Jasiah Worrell duly qualified in my  
said court as guardian of Jordan Thurmon Worrell & Jessie Joe Worrell  
and gave bond as such according to law.

Given under my hand this 5th day of December 1898

N. F. Young Clerk.

# Certificate of Clerk of Qualification

OF

*Josiah Warrall*

as *guardian*

of *J. T. Warrall & J. J. Warrall*

Received of Wilbur J. Kilby  
Special Commr. One hundred  
and twenty three dollars  
in full of my share of the  
proceeds of the sale of the Jordan  
& Johnson land sold under  
decree of Court in the Chan-  
cery suit of Johnson & Als. vs.  
Johnson & Als. in the Circuit  
Court of Chautauque County.

\$123<sup>00</sup>/<sub>100</sub>

Witness: Alice V. Eley  
L. J. Eley

Virginia:

Circuit Court for the County  
of Chancery, to wit:

Cornelius M. Johnson & als.

Against

Hester A. R. Johnson & als.

To Hon. Robert R. Prentiss, Judge  
of the Circuit Court for the County  
of Chancery:

In pursuance of the decree  
of the Circuit Court for the County  
of Chancery, pronounced on  
the 12th. day of October 1897 in  
the Chancery Cause pending in  
said Court between Cornelius  
M. Johnson & als. Complainants,  
and Hester A. R. Johnson & als.  
Defendants, the undersigned  
Wilbur J. Kilby, Special Com-  
missioner, respectfully reports  
to Court as follows:

That he has received of the  
Clerk of said Court the two  
bonds of James M. Gardner, men-  
tioned in said decree, each for

the sum of five hundred dollars, that he has collected the principal sums thereof together with the interest due thereon, and that he has disbursed in the manner directed by said decree, the money thus collected as well as the sum of eighty-six dollars already in his hands as will appear from the vouchers herewith returned and the following statement:

Statement

|                                                                       |    |    |      |    |
|-----------------------------------------------------------------------|----|----|------|----|
| By Principal sums of said bonds each for \$500.-                      |    |    | 1000 |    |
| " Cash previously in hand as stated above                             |    |    | 86   |    |
| " Interest collected                                                  |    |    | 49   | 59 |
| To paid the costs of said Chancery Cause as follows:                  |    |    |      |    |
| To Wilbur J. Kilby, the fee taxed for him as attorney for Plaintiffs. | 15 |    |      |    |
| " A. P. Gomer, clerk of Court, the State tax on said cause,           |    | 1  | 50   |    |
| " A. P. Gomer, clerk of Court, his fees                               |    | 8  | 83   |    |
| " Alex. H. Baker, Sheriff, his fee                                    |    |    | 50   |    |
| Carried on                                                            | 25 | 83 | 1135 | 59 |

|                                                                                                                                                  |         |    |      |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------|----|------|----|
| Brought on                                                                                                                                       | 25      | 83 | 1135 | 59 |
| To Rob. A. Edwards, Sheriff of Isle of Wight County, his fees                                                                                    | 1       | 50 |      |    |
| " J. W. Williams, Sheriff of Southampton County, his fees                                                                                        | 1       | 00 |      |    |
| " John B. Pinner, Cour. his fee                                                                                                                  | 10      |    |      |    |
| " A. W. Turner, witness, his fee                                                                                                                 |         | 50 |      |    |
| " Wm J. Oliver " "                                                                                                                               |         | 50 |      |    |
| " Solo. J. Saunders " "                                                                                                                          |         | 50 |      |    |
| " C. M. Johnson " "                                                                                                                              |         | 50 |      |    |
| " Wilbur J. Kilby, fee allowed him by said decree.                                                                                               | 50      |    |      |    |
| To paid the expenses of the sale mentioned in said decree as follows:                                                                            |         |    |      |    |
| To J. Walter Hosier, crier at the sale.                                                                                                          | 6       |    |      |    |
| " J. E. Booker for printing notices of the sale and publishing the notice in the "Suffolk Herald"                                                | 8       | 25 |      |    |
| " Wilbur J. Kilby for preparing the deed conveying to the purchaser the land mentioned in said decree, and the Internal Revenue tax on the same. | 6       | 50 |      |    |
| " Commissions retained by the undersigned, to wit:                                                                                               |         |    |      |    |
| 5 per cent on \$300 =                                                                                                                            | \$15.00 |    |      |    |
| 2 per cent on \$835.53 =                                                                                                                         | 16.71   | 31 | 71   |    |
| Carried on                                                                                                                                       | 142     | 79 | 1135 | 59 |

|                                                                                                                                   |      |    |      |    |
|-----------------------------------------------------------------------------------------------------------------------------------|------|----|------|----|
| brought on                                                                                                                        | 142  | 79 | 1135 | 59 |
| To paid Sydney P. Ellis, Treasurer,<br>State and County taxes on the<br>money collected as above,<br>for the year 1898, per acct. |      | 8  | 80   |    |
| " Amount to balance.                                                                                                              | 984  |    |      |    |
|                                                                                                                                   | 1135 | 59 | 1135 | 59 |

|                                                                               |     |  |     |  |
|-------------------------------------------------------------------------------|-----|--|-----|--|
| By Balance brought on                                                         |     |  | 984 |  |
| To cash paid and distribut-<br>ed as follows:                                 |     |  |     |  |
| To Hester A. R. Johnson, assignee<br>of Cornelius M. Johnson 1/8<br>of \$984. | 123 |  |     |  |
| " Ida Bessie Johnson 1/8 of \$984.                                            | 123 |  |     |  |
| " Alice V. Eley "                                                             | 123 |  |     |  |
| " Ella J. Gardner "                                                           | 123 |  |     |  |
| " Wm. P. Johnson "                                                            | 123 |  |     |  |
| " Jesse F. Johnson's 1/8 of \$984 retained                                    | 123 |  |     |  |
| " Geo. P. Johnson's " "                                                       | 123 |  |     |  |
| " Laura A. R. Worrell's " "                                                   | 123 |  |     |  |
|                                                                               | 984 |  | 984 |  |

# Distributee Accounts.

No. 1

Jesse F. Johnson.

By Amount brought on from  
the foregoing Statement  
To paid Wilbur J. Kilby, Atty.  
for Darden and Eley on  
account of their claim a-  
gainst said Jesse F. John-  
son, as directed by said  
decree, as follows:

Principal of claim \$112.53

Interest from 14 Jan.

1887 to 14 Nov. 1898.-

11 y. 10 m.

79.90

Total

\$192.43

Paid on account thereof.

123

123

123

No. 2  
George T. Johnson

By Amount brought on from  
the foregoing statement.

123

To paid Henry W. Bradshaw in  
full of his claim against  
George T. Johnson as directed  
by said decree, as follows:

Principal of claim = \$57.42

Interest from 1 Octo. 1890

to 14 Nov. 1898, - 8y. 1m. 13ds. 28.00

costs of suit

1.25 = 86.67

To paid Thos. W. Smith and Edward  
E. Holland, administrators of  
the estate of Jas. R. Baker de-  
ceased in full of their claim  
against said George T. Johnson  
as directed by said decree,  
as follows:

Principal of claim 5.00

Interest from 26 March 1888

to 14 Nov. 1898, - 10y. 7m. 18ds. 3.20

costs of suit

1.25 = 9.45

To paid said George T. Johnson, the  
balance in full.

26.88

123

123

No. 3

Laura A. R. Worrell

By Amount brought on from  
the foregoing Statement

\$123

To paid Josiah Worrell (who  
was 44 years of age on 27  
Sept. 1898), his share of \$123.  
ascertained according to  
the provisions of the Code of  
Virginia, edition of 1887, sec-  
tion 2281. per acct.

85 25

To paid Josiah Worrell, guard-  
ian of Jordan Thurman  
Worrell and Jessie Joe  
Worrell, for their use and  
benefit. per acct.

37 75

123 00 123 00

A deed with special warranty  
in the usual form has been made  
by Your Commissioner to said Jas.  
M. Gardner conveying to him  
the parcel of land purchased by  
him under proceedings in said  
cause as directed by said  
decree.

Respectfully submitted this 4th. day of January 1899.  
Wilbur J. Kilby. Special Commr.

Received of Wilbur J. Kilby  
Special Commr. the respective  
sums of money paid to each  
of us as charged in the fore-  
going report and set apposite  
our names as follows:

|                                                    |                   |
|----------------------------------------------------|-------------------|
| A. W. Turner                                       | 50 <sup>cts</sup> |
| W. D. Oliver                                       | 50 <sup>cts</sup> |
| J. J. Saunders                                     | 50 <sup>cts</sup> |
| E. M. Johnson                                      | 50 <sup>cts</sup> |
| Hester, A. R. Johnson                              | \$123.            |
| Ida Bessie Johnson                                 | \$123.            |
| Ella Jordan Gardner                                | \$123.            |
| Wm J. Johnson                                      | \$123.            |
| George H. Johnson                                  | \$26.88           |
| Josiah <sup>mark</sup> Warrell —                   | 85.25             |
| (W. E. Winstead, witness<br>as to Josiah Warrell.) |                   |

Josiah<sup>his</sup> Warrell, Guardian  
of <sup>mark</sup>Jordan Thumman Warrell } \$37.75  
and Jessie Joe Warrell  
At L. Harrell witness  
as to said Josiah Warrell Guardian.

Geo W. Smith & Co. Estacados,  
Admrs Jos. R. Baller, dec'd \$9.45  
Wilbur J. Kilby, Atty. for Gardner  
and Eley (Jesse J. Johnson's share) } \$123.<sup>00</sup>  
(over)

Wilbur J. Kilby, Atty. for  
Henry W. Bradshaw (part  
of Geo. T. Johnson's share.) } \$86 <sup>67</sup>/<sub>-</sub>

Johnson Tal

vs. } In Chay.

Johnson Tal

Report of collections  
and disbursements

under decree of 12th

October 1897

1899 January 5th

Filed

A. P. Gomercik

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Virginia,  
do certify that the bond required of Wilbur J. Kilby

<sup>entered</sup>~~made~~ on the 16th, day of April, 1897, in the Chancery cause pending  
in said court between Cornelius M. Johnson and  
others, complainant S, and Hester A. R.  
Johnson and others, defendant S,  
has been executed with security deemed sufficient by me.

Given under my hand this 2d, day of August, 1897.

C. D. Plazney, Clerk.

In the Circuit Court of the  
County of Chausmond in the  
State of Virginia;

Johnson Sal. }

Against }

Johnson Sal. }

In Chancery

To Honorable Robert R. Prentiss  
Judge of the Circuit Court for  
the County of Chausmond;

In pursuance of the decree  
of the Circuit Court of the County  
of Chausmond in the State of  
Virginia, pronounced on the 16th  
day of April 1897 in the Cause  
in Chancery in said Court de-  
pending between Cornelius M.  
Johnson, George T. Johnson and  
others, Complainants, and Hester  
A. R. Johnson, Alice V. Eley and  
others, Defendants, the under-  
signed, Special Commissioner,  
appointed for the purposes nam-  
ed in said decree, respectfull-  
ly reports to Court as follows:  
That after he had executed  
the bond required of him as

specified in said decree, before the clerk of said Court and had obtained of said clerk a certificate of the due execution of said bond to be appended to the advertisement of the sale herein mentioned. Your Commissioner proceeded to sell the parcel of land which by said decree he had been directed to sell and on County Court day, Monday, the 13th day of September 1897 did sell said land before the courthouse door of said County by public auction to James M. Gardner, the highest bidder, for the sum of One thousand and eighty-six dollars.

That said sale was made on the terms and conditions named in said decree and in compliance therewith the said James M. Gardner has paid to Your Commissioner the sum of eighty-six (86) dollars, part of said sum of \$1086, and for the remainder of the latter sum has executed his two bonds

with Matthew Gardner and Ritchie Saunders as his sureties, each for the sum of five hundred (500) dollars, dated the 13<sup>th</sup> day of September 1897 and payable to Your Commissioner six and twelve months respectively after their dates with interest from their dates.

That said bonds are herewith returned and the said sum of \$86. is in Your Commissioner's hands subject to the order of court.

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

That the parcel of land sold as aforesaid is situated near Providence Church in Chockatuck Magisterial District in said County, contains ninety-one and three-fourth acres, more or less, and <sup>is</sup> bounded by the lands of David W. Duke, Washington G. Williams, John R. Coker and Richard Peel.

That said sale together with the time, place and terms there-

of was advertised by printed notices posted at said Court-house door, in the neighborhood of said land and at sundry public places in said County more than three weeks 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 published in the Town of Suffolk in said County.

That a copy of said Certificate, obtained from said Clerk as aforesaid, was appended to the advertisements of said sale.

That said Certificate and a copy of the notice or advertisement of said sale are herewith returned.

Your Commissioner reports specially that by a deed of bargain and sale dated the 3d. day of October 1894 and recorded the next day on page 455 in deed book No. 34 in the office of the clerk of the County-Court of said County, the said

Cornelius M. Johnson sold and conveyed all his interest in said land <sup>said</sup> to Hester A. R. Johnson and in consequence thereof his, the said Cornelius M. Johnson's share of the proceeds of said sale, or the share that would otherwise <sup>have</sup> been his, is payable to said Hester A. R. Johnson.

Respectfully submitted this first day of October 1897  
 Wilbur J. Kilby,  
 Special Court.

#### COMMISSIONER'S SALE!—

By authority of a decree of the Circuit Court of the county of Nausemond, in the State of Virginia, pronounced on the 16th day of April, 1897, in the chancery cause pending in said court between Cornelius M. Johnson, Jesse F. Johnson and others, complainants, and Hester A. R. Johnson, Alice V. Eley and others, defendants, I shall sell by public auction to the highest bidder, before the Courthouse door of said county, in Suffolk, Va., on County-court day,

MONDAY, SEPTEMBER 13, 1897,

the following real estate, of which Jordan E. Johnson died seised and possessed, to wit:

All that certain tract or parcel of land situated near Providence church, in Chuckatuck Magisterial district, in said county and State, containing 91½ acres, more or less, and bounded by the lands of David W. Duke, Washington G. Williams, John R. Archer and Richard Peel, together with all and singular the appurtenances belonging to the same.

**TERMS OF SALE.**—Enough of the purchase-money will be required in cash to pay the costs of said cause and the expenses of the sale, and the remainder in two equal sums at the end of six and twelve months, respectively, with interest from the day of sale; the purchaser to execute bonds with good personal security, and waiving the benefit of his exemption, in evidence of the deferred payments, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,  
 Special Commissioner.

GEORGE T. PARKER Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nausemond county, Virginia, do certify that the bond required of Wilbur J. Kilby, special commissioner under the decree of said Court entered on the 16th day of April, 1897, in the chancery cause pending in said court between Cornelius M. Johnson and others, complainants, and Hester A. R. Johnson and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 2d day of August, 1897.  
 A. P. GOMER, Clerk.

au27-3f

1898 March 8th. Received of the clerk of the Circuit Court of Nausemond County, the two bonds of James M. Gardner, mentioned in the above report, each for \$500. for the purposes stated in the decree entered on the 12th day of October 1897 in the cause mentioned in said report.  
 Wilbur J. Kilby,  
 Special Court.

# COMMISSIONER'S SALE!

By authority of a decree of the Circuit Court of the county of Nansemond, in the State of Virginia, pronounced on the 16th day of April, 1897, in the chancery cause pending in said court between Cornelius M. Johnson, Jesse F. Johnson and others, complainants, and Hester A. R. Johnson, Alice V. Eley and others, defendants, I shall sell by public auction to the highest bidder before the Courthouse door of said county, in Suffolk, Va., on County-court day,

## MONDAY, SEPTEMBER 13, 1897,

the following real estate of which Jordan E. Johnson died seised and possessed, to wit:

All that certain tract or parcel of land situated near Providence church, in Chuckatuck Magisterial district, in said county and State, containing 91 3-4 acres, more or less, and bounded by the lands of David W. Duke, Washington G. Williams, John R. Archer and Richard Peel, together with all and singular the appurtenances belonging to the same.

### → TERMS OF SALE ←

Enough of the purchase-money will be required in cash to pay the costs of said cause and the expenses of the sale, and the remainder in two equal sums at the end of six and twelve months, respectively, with interest from the day of sale; the purchaser to execute bonds with good personal security, and waiving the benefit of his exemption, in evidence of the deferred payments, and the title to the land to be retained until the further order of Court.

**WILBUR J. KILBY, Special Commissioner.**

**GEORGE T. PARKER, CRIER.**

AUGUST 7, 1897.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond county, Virginia, do certify that the bond required of Wilbur J. Kilby, Special Commissioner under the decree of said Court entered on the 16th day of April, 1897, in the chancery cause pending in said court between Cornelius M. Johnson and others, complainants, and Hester A. R. Johnson and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 2d day of August, 1897.

A. P. GOMER, CLERK.

*Sold to J. M. Gardner for \$1,086.<sup>00</sup>  
J. W. [unclear] [unclear]  
LH 13-97*

Johnson tal.

vs. } In Chy.

Johnson tal.

---

Report of Sale of  
land under de-  
cree of 16th. of  
April 1897

Confirmed 12  
Octo. 1897

1897 October 1st  
• Filed A.P. Gomer clerk.

To the Honorable Robert R. Prentiss,  
Judge of the Circuit Court of  
Nansemond County, Virginia.

In pursuance of the decree of the Circuit Court of Nansemond County, Virginia pronounced on the 19<sup>th</sup> day of October, 1896, in the cause in chancery in said Court depending between Cornelius M. Johnson and others, Complainants, and Hester A. R. Johnson and others, Defendants, the undersigned, one of the Commissioners in Chancery of said Court respectfully reports to Court, That on the 22<sup>nd</sup> day of January, 1897, after the papers in said cause had been referred to him for the purpose specified in said decree, he gave notice to the parties to said cause that on the 16<sup>th</sup> day of February, 1897, he would proceed at his office in Suffolk, Va. to ascertain (1<sup>st</sup>) whether the parcel of land in the bill mentioned and described as a parcel of land containing  $91\frac{3}{4}$  acres, more or less, could be conveniently divided in kind between the several parties entitled to share therein and (2<sup>nd</sup>) if the said land could not be conveniently divided in kind, whether any party interested would accept the entire parcel and pay to the other parties

such sums of money as they might be entitled to receive for their interests therein and (3<sup>o</sup>) if the said land could not be conveniently divided in kind and no party in interest would take the entire parcel and pay the other parties for their shares, whether the interests of those who are entitled to the said land or its proceeds could be promoted by a sale of the entire parcel, or allotment of part thereof, and the sale of the residue, and distribution of the proceeds of the sale according to the respective rights of those entitled to the land and further to take the following accounts, 1<sup>st</sup>; An account of all liens whether by judgment or otherwise on the interest of any party in said land according to their dignities and priorities; 2<sup>d</sup>; An account of the fee simple and annual values of said land and 3<sup>d</sup> An account of any matter specially stated deemed pertinent by himself or required by any party to be so stated as will appear by the original of said notice with the enforcement thereon herewith filed. That on the said 16<sup>th</sup> day of February, 1897, and other days subsequent thereto, to which the taking of depositions was regularly adjourned, the proceed-

ed to examine A. M. Turner, W. J. Oliver, J. J. Saunders, and C. M. Johnson as witnesses to enable him to ascertain what the said decree directs should be ascertained and reported to Court, the depositions of which witnesses are herewith filed as part of this report. That the records of the Courts have been duly searched to ascertain the lions as required by the said decree. From such examinations the following facts have been ascertained to be true.

The said land consists of about 91 $\frac{3}{4}$  acres with the woodland part nearly all at one end and the arable part at the other end, that the place is decreasing in value by reason of the buildings not being kept in repair, that there are eight separate shares in said land and if it were divided among the parties, each parcel of land would be so small as to render it of no practicable value or benefit for agricultural purposes; it would be difficult to in any way so divide it as to equalise the value of the shares owing to the relative situation of the woodland and arable land. Partition of the land in kind cannot be conveniently made. No evidence has been adduced to show whether any of the parties are willing to accept it.

or any part of it and pay therefor to the other parties such sums of money as their interests therein might entitle them to. The interests of those who are entitled to said land or its proceeds will be promoted by a sale of the entire subject or parcel and distribution of the proceeds of sale according to the respective rights of those entitled; the time of sale to be hereafter fixed, as at this immediate time farming lands are exceedingly low and there is but small demand, and its sale might be postponed to the advantage of all parties until the Fall, when parties are generally on the lookout for farms for the ensuing year. The place if not sold will have to be let for rent and the rent has decreased from year to year owing to the depreciation of the buildings because of the usual indifference of all of too many owners and the lack of even proper care on the part of tenants.

The liens on the interest of parties entitled to share in the land have been ascertained to be by judgment entirely and are of equal dignity and the priorities are herein in regular numerical order stated as follows.

On the interest of George T. Johnson  
1. A judgment dated 20<sup>th</sup> Oct. 1890 ob-  
tained before H. Woodward J. P. docketed  
in the County Ct. Clerk's Office (Judgment  
Docket No 1 P. 223) in favor of  
N. W. Bradshaw for the sum of \$57<sup>42</sup>  
with interest from 1 Oct 1890  
and costs \$1.25

2. A judgment dated 15<sup>th</sup> Dec. 1892 ob-  
tained before R. L. Brewer Mayor docketed  
in the County Ct. Clerk's Office (Judgment  
Docket No 2 P. 35) in favor of  
Thos. W. Smith and C. E. Hollander Admin-  
istrators of James R. Baker's Estate  
for the sum of \$5<sup>00</sup>  
with interest from 26 Mch 1888  
and costs \$1.25

On the interest of Jesse F. Johnson  
1. A judgment obtained at the October  
Term 1885 of the Nancemunt County  
Circuit Court docketed in the County Ct.  
Clerk's Office (Judgment Docket No 1 P  
145) in favor of Darden and Eley  
for the sum of \$132<sup>95</sup>  
with interest from 16 Mch 1885  
and costs 7.60

said judgment being subject to credits  
The following being a statement in full  
1885 Oct 107

|                       |             |
|-----------------------|-------------|
| To amount of Judgment | 132.99      |
| " " " costs           | <u>7.60</u> |
|                       | 140.59      |

|                                                                        |             |
|------------------------------------------------------------------------|-------------|
| Interest - from 16 March 1885 -<br>to 29 April 1886 1 yr. 1 mo 13 days | <u>9.50</u> |
|                                                                        | 150.09      |

|                                                 |              |
|-------------------------------------------------|--------------|
| Paid Darden and Eley in<br>person 29 April 1886 | <u>18.54</u> |
|                                                 | 131.55       |

|                                                              |             |
|--------------------------------------------------------------|-------------|
| Interest - from 29 April 1886<br>to 14 Jan 1887 8 m. 15 days | <u>5.50</u> |
|                                                              | 137.05      |

|                  |              |
|------------------|--------------|
| Paid 14 Jan 1887 | <u>24.52</u> |
| Balance due      | 112.53       |

with interest from 14 Jan 1887  
until paid

2. A judgment dated 1<sup>st</sup> Feb. 1887  
conferred in the Clerk's Office of Kansas  
County Circuit Court docketed in  
the County Ct Clerk's Office (Judgment  
Docket No. p. Page 164) in favor of  
James C. Causey for the sum of \$281<sup>57</sup>  
with interest from 23 Jan. 1887  
and costs

6.25

said judgment having been assigned for  
value to Donnie M. Johnson Dec. 1  
1894 by James C. Causey.

The fee simple value of said land is  
about \$800<sup>00</sup> and its annual value about  
\$85<sup>00</sup> gives.

The facts herein stated in greater part  
are sustained by the depositions of the  
witnesses which are herewith returned.

Respectfully submitted  
John B. Pinner,  
Commissioner in Chancery

|                |                    |
|----------------|--------------------|
| Cour's Fee.    | \$10 <sup>00</sup> |
| Witness' Fees. | 2 <sup>00</sup>    |
| Sheriff's Fee  | <u>.50</u>         |
|                | \$12.50            |

Suffolk, Va.  
March 27<sup>th</sup> 1897.

Commissioner's Office,

Suffolk, Va. Jan. 22<sup>nd</sup> 1897

To Cornelius M. Johnson, George T. Johnson, Jesse T. Johnson and Oda Bessie Johnson - Complainants  
and Hector A. B. Johnson, Alice W. Oley and Fannie J. Oley her husband (Ella J. Gardner and George A. Gardner her husband) Josiah Worrell, William T. Johnson, Jordan Herman Worrell and Jessie Joe Worrell, the three last names being infants under the age of twenty-one years, - Defendants  
and Edward C. Williams Guardian for them for said infants

You are hereby notified that I have fixed upon the 16<sup>th</sup> day of February 1897 next,

if fair; if not, on the next fair day thereafter (Sunday excepted), to <sup>enquire</sup> ~~take and settle~~ and report to Court <sup>and report to Court</sup> ~~the account~~

1. Whether the parcel of land in the Bill mentioned and described as a parcel of land containing ninety-one and three fourth acres, more or less can be conveniently divided in kind of between the several parties entitled to share therein.

2. If the said land cannot be conveniently divided in kind whether any party interested will accept the entire parcel and pay to the other parties such sums of money as they may be entitled to receive for their interests therein.

3. If said land cannot be conveniently divided in kind and no party interested will take the entire parcel and pay the other parties for their shares, whether the interests of those who are entitled to said land or its proceeds will be promoted by a sale of the entire parcel or allotment of part thereof and the sale of the residue and distribution of the proceeds of the sale according to the respective rights of those entitled to the land. And further to take state and report to Court the following accounts to wit:

1. An Account of all liens whether by judgment or otherwise in the interest of any party in said land according to their dignities and priorities.

2. An Account of the fee simple and annual values of said land.

3. An Account of any matter specially stated seems pertinent by myself or required by any party to be so stated.

required to be taken by a decree of the Circuit Court of the County of Nansemond

rendered on the 19<sup>th</sup> day of October - 1896, in a suit in chancery depending in said

Court between wherein you are parties plaintiff and Defendant.

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.

John B. Pinney  
Commissioner in Chancery

Johnson, Cornelius M.  
and others

vs. }

## COMMISSIONER'S NOTICE.

Johnson, Hester A. R.  
and others.

We accept service of this notice,

Wm. C. Gley,

Leslie J. Gley,

Olle J. Gardner

George W. Gardner

Josiah Wonnell

Cornelius M. Johnson

Jesse F. Johnson

We, severally, acknowledge service of the within  
notice.

Esseored  
30th ad litem for action  
pursuant to judgment  
Thos Wm J Wonnell  
Jesse F. Wonnell

Commissioner's Office,

Suffolk, Va Jan. 22<sup>nd</sup>, 1897

To Cornelius M. Johnson, George T. Johnson, Jesse T. Johnson and Ida Deesie Johnson in Complainants  
and Hester A. R. Johnson Alice W. Eley and Leslie J. Eley her husband, Ella J. Gardner and Lemuel N. Gardner her husband, Josiah Norrell, William T. Johnson Jordan Thurman Norrell and Jessie Joe Norrell, the three last named being infants under the age of twenty-one years Defendants  
and Edward C. Bullard Guardian ad Litem for said infants

You are hereby notified that I have fixed upon the 16 day of February 1897 next,

- if fair; if not, on the next fair day thereafter (Sunday excepted), to <sup>enquire</sup> ~~take and settle~~ and report to Court at my office, the account-
1. Whether the parcel of land in the bill mentioned and described as a parcel of land containing nine and three-fourth acres more or less can be conveniently divided in kind between the several parties entitled to share therein
  2. If the said land cannot be conveniently divided in kind whether any party interested will accept the entire parcel and pay for the other parties such sums of money as they may be entitled to receive for their interests therein
  3. If said land cannot be conveniently divided in kind and no party in interest will take the entire parcel and pay the other parties for their shares whether the interests of those who are entitled to said land or its proceeds will be promoted by a sale of the entire parcel or allotment of part thereof and the sale of the residue and distribution of the proceeds of the sale according to the respective rights of those entitled to the land
- and further to take state and report to Court the following accounts to-wit:
1. An Account of all liens whether by judgment or otherwise on the interest of any party in said land according to their dignities and priorities
  2. An Account of the fee simple and annual values of said land
  3. An Account of any matter specially stated seems pertinent by himself or required by any party to be so stated
- required to be taken by a decree of the Circuit Court of the County of Nansemond

rendered on the 19<sup>th</sup> day of October 1896, in a suit in chancery depending in said

Court between wherein you are parties plaintiff and defendant.

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.

John B. Pinner  
Commissioner in Chancery

We, secondly, acknowledged service of the within  
notice.

Hester A. R. Johnson  
The Belle Johnson  
William J. Johnson

Executed this 13<sup>th</sup> day Dec 1837  
by delivering a true copy of the  
within notice to the above  
Johnson in person ~~Attest~~  
Thornhill

FORM No. 400.

Johnson, Cornelius M  
and others

vs.

COMMISSIONER'S NOTICE.

Johnson, Hester A. R.  
and others.

1

The depositions of A.W. Turner and others taken before me John B. Pinner a Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia pursuant to notice hereto annexed at the Office of said Commissioner in Suffolk, Va. on the 16<sup>th</sup> day of February 1897, *between the hours of 11 A.M. and 1 P.M.* to be read as evidence in behalf of *the complainants* in a suit in equity depending in the Circuit Court of Nansemond County, Virginia, wherein Cornelius M. Johnson and others are Complainants and Hester A. R. Johnson and others are Defendants.

Present, Wilbur J. Kilby, Esq. Atty. for the

Complainants.

The witness A.W. Turner being duly sworn deposes as follows.

Q. 1. State your name, age, residence, occupation and whether you are acquainted with the parties to this suit.

A. A.W. Turner, 68 years, farmer, Nansemond County, Va. My occupation until recently was also assistant commissioner of revenue, Dist. No. 2 Nansemond County. I know all the parties.

Q. 2. Were you ever assessor of real estate in Nansemond County? If so state in what year and in what district you served.

A. In 1895, in No. 2 district.

Q. 3. Are you acquainted with the 91 and 3/4 acres of land which belonged to Jordan F. Johnson and which is situated in said district and is bounded by the lands of Richard Peel, John R. Archer and lands formerly belonging to David W. Duke and Washington W. Williams? If so, state first whether it can be conveniently divided in kind between the heirs of said Johnson and 2 1/2, if it cannot be so conveniently divided whether any of the interested parties is willing to take the same and pay the other parties such sums of money as their interests therein may entitle them to receive and 3, if said land cannot be conveniently divided in kind and no party will take it and pay the other parties for their shares whether the interests of those entitled to said land or its proceeds will be promoted by a sale of the entire property or allotment of part thereof and the sale of the residue and distribution of the proceeds according to the respective rights of those entitled to the land.

A. I am. I do not think it can be conveniently divided in kind in my judgment. I have known the land 25 years. I think in its present condition it is going down. It is not worth as

much now as it was when Mr. Johnson died. My views are that if it were divided in kind among the parties owing to the number of heirs, the shares would be too small to be of any value. I do not know that any party would be willing to take the whole tract and pay the others for their share. I should think that the interests of all parties would be promoted by a sale of the entire property and a division of the proceeds. None of the parties live on the place now and I think that the money would do them more good where they are and if it is continued to be rented, in view of keeping up the place, and the payment of the taxes, the interests of each one if the rent is collected would be very small. I do not think the land is worth more than \$800.

And further this deponent saith not.

*A. W. Turner*

No other witness appearing, the further taking of these depositions is continued until *Monday* the *8th* day of *March*, 1897 at the same place and between the same hours.

*Suffolk, Va.*  
*March 8th 1897*

The witness W. J. Oliver being duly sworn, deposes as follows

Q. 1. State your name, age, residence, occupation and whether you know the parties to this suit.

A. W. J. Oliver, 59 years, Nansenond County. Farmer, and am also Commissioner of Revenue for District No. 2. I know the parties except two of the children.

Q. 2. Are you acquainted with the 91 and 3/4 acres of land which belonged to Jordan F. Johnson and is bounded by the lands of Richard Peel, John R. Archer and lands formerly belonging to David W. Duke and Washington W. Williams. If so, state first, whether it can be conveniently divided in kind among or between the heirs of Jordan F. Johnson, and second if it cannot be conveniently divided in kind, whether any of the interested parties is willing to take the same and pay the others interested such sums of money as their interests therein may entitle them to receive, and third if the same cannot be conveniently divided in kind and no party will take it and pay the others for their shares whether the interests of those entitled to the said land or its proceeds will be promoted by a sale of the entire property or allotment of part thereof and sale of the residue and distribution of the proceeds according to the respective rights of those entitled to the land.

A. I know the land. I do not think it can be conveniently divided in kind under the circumstance of their being so many, if I mistake not, about eight heirs. I do not know wheth-

any of them are willing or able to take the land and pay the others for their shares. I think a sale would be the only way to divide it and I think it would be best to sell it but do not think it advisable at this time to force it upon the market .

And further this deponent saith not.

W. S. Oliver

March 8 - 1899

The witness S.J. Saunders being duly sworn deposes as follows,

Q. 1. State your name, age, residence, occupation and state where you are acquainted with the parties to the suit.  
A. S.J. Saunders, 41 years, farmer, Nansemond County, I know the parties.

Q. Are you acquainted with the 91 and 3/4 acres of land which belonged to Jordan F. Johnson and which is situated in District No. 2 Nansemond County and is bounded on by the lands of Richard Peel John R. Archer and lands formerly belonging to David W Duke and Washington W. Williams? If so, state, first whether it can be conveniently divided in kind between the heirs of said Johnson and second if it cannot be conveniently divided in kind whether any of the interested parties is willing to take the same and pay the other parties such sums of money as their interests therein may entitle them to receive, and third if the said land cannot be conveniently divided in kind and no party will take it and pay the other parties for their shares, whether the interests of those entitled to the said land or its proceeds will be promoted by a sale of the entire property or allotment of part thereof and the sale of the residue and distribution of the proceeds according to the respective rights of those entitled to the land.

A. Yes Sir, I know the land. I don't think it could be conveniently divided because of the number of heirs and the small portion each one would receive. I do not know anything about whether any of the parties can or are willing to take the land and pay the others. In ordinarily good times I think that the interests of all the parties would be promoted by a sale of the said land and a division of the proceeds but I think that in view just now of the prevailing low price of farm lands it would be best not to sell it at this time. And further this deponent saith not.

*S. J. Saunders*

q. m. ch 13-1897

Suffolk, Va.  
March 13<sup>th</sup> 1897.

The witness Cornelius M. Johnson, one of the plaintiffs in

this cause being duly sworn deposes as follows,

Q/ 1. State your name, age, residence, occupation and do you know the parties to the suit.

A. Cornelius M. Johnson, 51 years, Isle of Wight County, farmer I do.

Q. 2. Are you acquainted with the 91 and 3/4 acres of land which belonged to Jordan E. Johnson and which is situated in District No. 2 Nansemond County, and is bounded by the lands of Richard Peel, John B. Archer and lands formerly belonging to David W. Luke and Washington W. Williams. If so, state first whether it can be conveniently divided in kind between the heirs of said Johnson, and second if it cannot be conveniently divided in kind, whether any of the interested parties is willing to take the same and pay the other parties such sums of money as their interests may entitle them to receive, and third if said land cannot be conveniently divided in kind, and no party will take it and pay the other parties for their shares whether the interests of those entitled to said land or its proceeds will be promoted by a sale of the entire property or allotment of part thereof and the sale of the residue and distribution of the proceeds according to the respective rights of those entitled to the land.

A. I am. I do not think it can be conveniently divided in kind, because the principal part of the woodland lies at one end of it, and the open land at the other, and the buildings are in bad condition. I do not see how it could be divided among so many there being eight shares. I have known the place ever since 1881. I do not know whether any of the parties interested are willing to take it. My opinion is that none of them want it. I am one of the members of the family, and <sup>was an agent</sup> ~~entitled to an interest in the land~~ <sup>which however</sup> I think that the interests of all parties would be promoted by a sale of the land and a division of the proceeds. I think the land is worth about \$700 or \$800<sup>00</sup>. The place rented for 1896 for \$100 and is rented for this year 1897 for \$85. The reduced rent was owing to the condition of the place and houses. I was agent for renting it out for all the parties. I think it would sell as well in August or September as at any other time, I mean this year. That is about the time that people are looking around for such places.

And further this deponent saith not.

C. M. Johnson

Virginia, County of Nansemond, to-wit: -

I John B. Pinner, a Commissioner in Chancery for the Circuit Court of Nansemond County in the State, do hereby certify that the foregoing depositions of A.W. Turner, W.J. Oliver, S.J. Saunders and C.M. Johnson were duly taken, sworn to and subscribed before me at the time and place and for the purpose therein mentioned.

Given under my hand this 13th. day of March 1897

*John B. Pinner*  
*Commissioner in Chancery*

Johnson C. M. and others  
vs } In Chancery  
Johnson N. A. P. and others  
Nash Co. Cir. Ct.

Commissioner's Report

Confirmed 16 Apr.

1897

1897 March 27th Report filed  
AP Gomey clk

# COMMISSIONER'S SALE!

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By authority of a decree of the Circuit Court of the county of Nansemond, in the State of Virginia, pronounced on the 16th day of April, 1897, in the chancery cause pending in said court between Cornelius M. Johnson, Jesse F. Johnson and others, complainants, and Hester A. R. Johnson, Alice V. Eley and others, defendants, I shall sell by public auction to the highest bidder, before the Courthouse door of said county, in Suffolk, Va., on County-court day,

**MONDAY, SEPTEMBER 13, 1897,**

the following real estate of which Jordan E. Johnson died seised and possessed, to wit:

All that certain tract or parcel of land situated near Providence church, in Chuckatuck Magisterial district, in said county and State, containing 91 3-4 acres, more or less, and bounded by the lands of David W. Duke, Washington G. Williams, John R. Archer and Richard Peel, together with all and singular the appurtenances belonging to the same.

## → TERMS OF SALE ←

Enough of the purchase-money will be required in cash to pay the costs of said cause and the expenses of the sale, and the remainder in two equal sums at the end of six and twelve months, respectively, with interest from the day of sale; the purchaser to execute bonds with good personal security, and waiving the benefit of his exemption, in evidence of the deferred payments, and the title to the land to be retained until the further order of Court.

**WILBUR J. KILBY, Special Commissioner.**

**GEORGE T. PARKER, CRIER.**

**AUGUST 7, 1897.**

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I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond county, Virginia, do certify that the bond required of Wilbur J. Kilby, Special Commissioner under the decree of said Court entered on the 16th day of April, 1897, in the chancery cause pending in said court between Cornelius M. Johnson and others, complainants, and Hester A. R. Johnson and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 2d day of August, 1897.

A. P. GOMER, CLERK.

Johnson & als.

vs.

Johnson & als.

It appearing that William J. Johnson, one of the defendants, ~~in this suit~~, has attained his full age of twenty-one years, it is ordered, on motion of the Complainants, that this cause henceforth proceed and be prosecuted against him as an adult defendant.

And thereupon this cause came on <sup>this day</sup> to be again heard on the papers formerly read and on the Report of Special Commissioner Wilbur J. Kilby filed on the first day of October A. D. 1897 (the same being a Report of the sale of ~~a certain~~ <sup>the</sup> parcel of ~~the~~ <sup>herein mentioned and described</sup> land, of which Jordan E. Johnson died seized and possessed in pursuance of the decree entered herein on the 16th day of April 1897), and was argued by counsel.

On consideration whereof the Court doth approve, ratify and confirm the said Report

and the sale therein mention-  
~~ed and doth adjudge, order~~  
~~and decree~~ to which no ex-  
ception has been taken, and  
doth adjudge, order and de-  
cree that said Special Com-  
missioner receive of the clerk  
of this Court the two bonds of  
James M. Gardner mentioned  
in, and filed with, said Report  
each for the sum of five hun-  
dred dollars, dated the 13th,  
day of September 1897 and pay-  
able six and twelve months  
respectively after their dates  
with interest from their dates,  
and proceed to collect the  
same at their maturity or  
receive the principal sums  
thereof with the interest due  
thereon before their maturity,  
if the obligor, or his sureties,  
should desire to pay the same  
before their maturity, and  
with the <sup>money thus collected or received, and the</sup> sum of eighty-six dol-  
lars already in his hands as  
stated in said Report, proceed  
to pay the costs of this cause, ~~and~~  
the expenses of said sale and a fee of fifty  
dollars to Wilbur J. Kilby, counsel for the

complainants for his services and  
~~the expenses of said sale and~~  
then pay and distribute the re-  
mainder thereof to the parties en-  
titled thereto as follows: To  
Hester A. R. Johnson, (assignee or grantee  
of Cornelius M. Johnson), ~~one eighth~~,  
Ida Bessie Johnson, Alice V. Eley  
wife of Leslie J. Eley, Ella J. Gard-  
ner wife of George C. Gardner, and  
William J. Johnson, each one-  
eighth part, To Gardner and  
Eley, or their attorney, the one eighth  
part or share to which Jesse F. John-  
son is entitled, on account of  
their claim against him as  
stated and reported in the Re-  
port of Commissioner John B. Prin-  
ner, filed herein on the 27th day of  
March 1897, such claim being a  
judgment against said Jesse  
F. Johnson and a lien on his  
said share of said money, And to  
Henry W. Bradshaw, or his attorney,  
the sum of fifty-seven and  $\frac{42}{100}$   
dollars with interest thereon from  
the first day of October 1890 till  
paid and one and  $\frac{25}{100}$  dollars  
costs, and to Thomas W. Smith  
and Edward E. Holland, Ad-

administrators of the estate of James R. Baker deceased, five dollars with interest thereon from the 26th day of March 1888 till paid and one and  $\frac{25}{100}$  dollars costs, such sums thus decreed to be paid to said Henry W. Bradshaw and said Administrators being the amounts of their ~~claims~~ <sup>judgments</sup> against George T. Johnson as stated in said Report of Commissioner John B. Primer, and liens ~~upon his share~~ <sup>his</sup> on the one-eighth share of said money, the remainder, if any, of such one-eighth share to be paid to said George T. Johnson.

And it appearing that Laura A. R. Worrell who was entitled to the remaining one-eighth share or part of said money has departed this life leaving surviving her, her husband Josiah Worrell, and two children Jordan Thurman Worrell and Jessie Joe Worrell who are minors, and that said Josiah Worrell is entitled to ~~entirety~~ <sup>a life-estate in her said share</sup> ~~in said Laura A. R. Worrell's share~~

of said money by reason of his cur-  
tesy in her interest in the land sold  
as aforesaid, she being one of the  
heirs at Law of said Jordan E.  
Johnson ~~and~~ whom she survived,  
and her said share of said  
money being ~~her~~ the <sup>net</sup> proceeds of  
the sale of her said interest in  
said land, the Court doth ad-  
judge, order and decree that the  
said Special Commissioner pay to said  
Josiah Worrell out of such share a gross  
sum in lieu of his estate therein, such  
gross sum to be ascertained accord-  
ing to the provisions of section 2281 of  
the Code of Virginia, Edition of 1887 and  
said Josiah Worrell being willing to ac-  
cept the same in lieu of his said estate,  
and then pay the remainder of such  
share of said money <sup>to</sup> the ~~guardian~~ duly  
appointed and qualified guardian of  
said Jordan Thurman Worrell and Jessie  
Joe Worrell for their use and benefit, they  
being entitled to the same.

And said Clerk will deliver said James  
M. Gardner's Bonds to said Special Commis-  
sioner for the purposes aforesaid and take of such  
Commissioner a receipt for them to be filed  
with the papers herein.

Johnson tal.

N.S. } In Chy.

Johnson tal.

In the Circuit  
Court of Chause-  
mond County  
October 12, 1897

Decree

To be entered

Wm R. Smith

Entered in  
Chy 013 3 Page

And the Court doth further adjudge, order and decree that said Special Commissioner make to said James M. Gardner a deed with special warranty in the usual form conveying to him the parcel of land purchased by him ~~as~~ under proceedings in this cause upon the payment by him of his said bonds with <sup>the</sup> interest due thereon in full.

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

Johnson & als.

vs.

Johnson & als.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner John B. Pinner filed on the 27th day of March A.D. 1897 (the same being a Report in pursuance of the decree entered herein on the 19th day of October 1896) and was argued by counsel.

On consideration whereof the Court doth ratify, approve and confirm the said Report to which no exception has been taken and doth adjudge, order and decree that the parcel of land mentioned in said Report and fully described in the Bill in this Cause, containing ninety-one and three-fourth ( $91\frac{3}{4}$ ) acres, more or less, and being part of the real estate of which Jordan E. Johnson died seized and possessed, be sold and that Wil-

but J. Kilby, who is hereby appointed Special Commissioner for the purpose proceed to sell the same by public auction before the Courthouse door of this County <sup>not sooner than County-Court day in August, next</sup> on some County-Court day, on the terms of payment by the purchaser of enough of the purchase-money in cash to cover the costs of this cause and the expenses of the sale and the remainder in two equal sums at the end of six and twelve months respectively with interest from the day of sale; the purchaser to execute bonds with good personal security in evidence of the deferred payments, waiving the benefit of his exemption, payable to said Special Commissioner, bearing date on the day of sale and bearing interest from their dates, and the title to said land to be retained until the further order of court.

But before proceeding to make said sale, said Special Commissioner will advertise the time, place and terms

of the sale by printed notices to be posted in the neighborhood of said land, and at said Courthouse door and several public places in said County at least two weeks prior to the day of sale and by publication of the notice once a week for two successive weeks in the "Suffolk Herald", a newspaper published in the Town of Suffolk in this County, and will execute before the Clerk of this Court in his office a bond in the penalty of sixteen hundred dollars with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause and will obtain of said Clerk a certificate of the due execution of such bond and append the same, or a copy thereof, to the advertisement of said sale.

And said Special Commissioner will make report to Court of

Johnson Sal.

171. } In Chy.

Johnson Sal

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In the Circuit  
Court of Chase-  
mound County  
April 16<sup>th</sup> 1897

Decree

To be entered

Robert H. Denton

Entered in  
Chancery

DOB 3 Page 78

this transactions under this  
decree.

Johnson & al.

vs.

Johnson & al.

This cause came on this day to be ~~heard~~ again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur G. Kilby, filed on the 5th day of January 1899 (the same being a Report of the collection and disbursement of money in pursuance of the decree entered herein on the 12th day of October 1897), and was argued by counsel.

On consideration whereof the court doth approve and confirm the 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 nothing more remaining to be done herein it is ordered that the cause be removed from the docket.

Johnson & al.

vs. } In Chy.

Johnson & al.

In the Circuit  
Court of Chause-  
mond County  
April 11th. 1899

Decree

To be entered

Robert M. Hunt

Entered in

Chy OB 3

Page 201

In the Circuit Court of  
the County of Chausmond;

Cornelius M. Johnson vs.

Against } In Chancery.

Hester A. R. Johnson vs.

The joint and several  
answers of William T. John-  
son, Jordan Thurman Worrell,  
and Jessie Joe Worrell, infants  
under the age of twenty-one  
years, by Edward E. Holland,  
their guardian ad litem, as-  
signed to defend them in this  
suit, and the answer, of  
said Edward E. Holland,  
guardian ad litem as afore-  
said, to the Bill in Equity  
exhibited against the said  
infants and others in the  
Circuit Court of the County  
of Chausmond by Cornelius  
M. Johnson, George T. Johnson and  
others:

For answer to 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, therefore, confide the protection of their interests to the care of the Court.

And the said guardian ad litem for answer to said Bill answers and says that he knows nothing as to the truth or falsity of the statements in the said Bill contained. He therefore, prays full protection for said infant defendants.

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

William F. Johnson  
Jordan Thurman Warrall  
Jessie Joe Warrall  
By E. E. Starnes, their  
Guardian ad litem  
and E. E. Starnes Jr. as litem

Johnson Sal

vs. } In Chy.

Johnson Sal.

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Answers of the  
infant defend-  
ants and their  
guardian ad  
litem.

In the Circuit Court of  
the County of Chaussemond in  
the State of Virginia;

Cornelius M. Johnson,  
George T. Johnson & als.

Against  
Hester A. R. Johnson & als.  
In Chancery,

To the Honorable Robert R.  
Prentiss, Judge of the Circuit  
Court of the County of Chause-  
mond:

Humbly complaining re-  
spectfully represent and shew  
unto Your Honor, your Com-  
plainants, Cornelius M. Johnson,  
George T. Johnson, Jesse T. Johnson,  
and Ida Bessie Johnson, that  
their father, Jordan E. Johnson,  
was, in his life-time, seized  
and possessed of the follow-  
ing parcels of real estate, to wit:

1. All that certain tract or  
parcel of land situated in  
Chuckatuck Magisterial Dis-  
trict in the County of Chause-

mond and State of Virginia,  
containing ninety-one and  
three-fourth acres, more or less,  
bounded by the lands of David  
W. Duke, Washington G. Williams,  
John R. Archer and Richard  
Reel, and being the same  
land which by deed dated  
the 22d. day of January 1881  
and recorded the same day  
on page 61 in deed-book No. 9  
in the office of the clerk of the  
County Court of said County,  
was sold and conveyed by  
George M. Gay and wife unto  
said Jordan E. Johnson.

2. Also that certain lot or  
parcel of land situated on  
the west side of Oak Lawn  
Street in the Town of Suffolk  
in said County, fronting on  
said Street fifty (50) feet and  
bounded on the North and South  
by the land of John C. Knight  
on the east by said Street and  
on the west by the land of George  
P. Holland and being the same

lot or parcel of land which by deed dated the 7th. day of October 1893 and recorded the same day on page 565 in deed-book No. 26 in said office was sold and conveyed by Lee Britt Trustee, unto said Jordan E. Johnson.

That said Jordan E. Johnson, who was a resident of said County, being seized as aforesaid of said lands, departed this life intestate on the 24th. day of June 1894 leaving a widow, whose name is Hester A. R. Johnson, and the following children as his distributees and heirs at Law, to wit: Cornelius M. Johnson, George T. Johnson, Jesse F. Johnson, Ida Bessie Johnson, (all of whom are your Complainants), Alice V. wife of Leslie J. Eley, Ella J. wife of George C. Gardner, Laura A. R. wife of Josiah Worrell, and William T. Johnson.

That said parcels of land passed and descended at the death of said Jordan E. Johnson to his said distributees and heirs at Law subject to the dower therein of his widow, said Hester A. R. Johnson.

That said Laura A. R. Worrell departed this life, intestate, on the 28th. day of

August 1894 leaving surviving her, her husband, the said Josiah Worrell, and two children, namely, Jordan Thurman Worrell and Jessie Joe Worrell as her distributees and heirs at Law.

That the said Laura A. R. Worrell's interest in said parcels of land passed and descended at her death to her said children.

That the said William T. Johnson, Jordan Thurman Worrell and Jessie Joe Worrell are minors under the age of twenty-one years.

That said William T. Johnson will be twenty years of age on the 26th day of September 1896, the said Jordan Thurman Worrell eighteen years of age on the 16th day of December 1896, and the said Jessie Joe Worrell eight years of age on the 20th day of April 1897.

That on the 17th day of December 1894 the said lot or parcel of land in the Town of Suffolk was assigned to said Hester A. R. Johnson, as her dower in the estate of her late husband, said Jordan E. Johnson, by Commissioners appointed by said County-Court on the 8th day of October 1894, - such Commissioners having valued said parcel of land in said county at \$800 and said

lot in said Town, assigned as aforesaid, at \$400; ~~and~~ Their assignment of such dower being on record on page 273 in deed-book Ch. 36 in said office as of the 15th day of August 1895.

That said Hester A. R. Johnson is yet alive and holds possession of the parcel of land assigned to her as her dower aforesaid.

That the said Jordan E. Johnson's estate was solvent at the time of his death and all his debts have been paid and discharged by said Cornelius M. Johnson, his administrator, out of his personal estate.

That the said parcel of land containing  $9\frac{3}{4}$  acres, more or less, in said County is susceptible of partition among the parties entitled thereto, such parties being your Complainants, and the said Alice V. Eley, Ella J. Gardner, William T. Johnson, Jordan Thuman Worrell and Jessie Joe Worrell,

last-mentioned

That said, parcel of land is not only susceptible of partition, but should be divided among said parties entitled thereto and each party's share duly assigned, or allotted, to him and her.

That if said last-mentioned parcel of land cannot be conveniently divided among the said parties entitled thereto, Your Complainants believe and charge that the interests of all such parties would be promoted by a sale thereof and the distribution of the proceeds of the sale among such <sup>parties</sup>, according to their respective rights.

Your Complainants charge that there are liens by judgments or otherwise on the interests of some of the parties in said land which should be ascertained and, in case of a sale of said land, the shares or dividends of such parties in the proceeds of the

sale should be applied to the discharge of such liens so far as may be necessary, or may be deemed proper.

In consideration whereof Your Complainants, being without remedy save in a Court of Equity, pray that said Hester A. R. Johnson, Alice V. Eley and Leslie J. Eley, her husband, Ella J. Gardner and George C. Gardner, her husband, Josiah Worrell, William P. Johnson, Jordan Thurman Worrell and Jessie Joe Worrell, the three last-named being infants under the age of twenty-one years, may be made parties defendant to this bill and be required to answer the same, the adults in their own proper persons and the said infants by their guardian ad litem to be assigned to defend their interests, answers under oath being expressly waived; that proper process may issue; that the said parcel of land containing  $91\frac{3}{4}$  acres, more or less, may be partitioned or divided between

the several parties entitled thereto and the shares or portions of your complainants and the other parties interested, allotted to them respectively; that, if said land last-mentioned cannot be conveniently divided in kind among said parties in any one of the modes prescribed by law, the entire parcel may be sold and the proceeds of the sale distributed according to the respective rights of those entitled thereto, the dividends, or shares, of said infants in said proceeds, if the same should exceed each the sum of three hundred dollars, to be invested, according to law, under the control of the court, for the use and benefit of such infants; that an account may be taken of all liens whether by judgment or otherwise on the interest of any party in said land and such party's dividend in the proceeds

of the sale, if said land should be sold, be applied to the discharge of the liens thus ascertained, so far as may be necessary; that a reasonable fee or compensation be allowed to the counsel of Your Complainants, to be paid out of such money as may come under the control of the Court in this cause, for his services; that all proper orders and decrees may be made and proper inquiries be directed to the end that the relief herein prayed for may be fully granted; and that all such other further and general relief may be afforded Your Complainants as the nature of their case may require, or to Equity shall seem meet.

And Your Complainants will ever pray etc.

Cornelius M. Johnson,

George T. Johnson,

Jesse F. Johnson,

Ida Bessie Johnson,

By Wilbur J. Kilby,  
their Counsel.

5 Sept. 1896

Johnson tal.

vs. } In Chy.

Johnson tal.

Bill

Cornelius M Johnson & others  
Against J. M. Chancery  
Nester & R. Johnson & others

1896. Sept. 5th. Process issued returnable September  
Rules Third Monday.

" " 21. Process returned executed on  
adult defendants.

Guardian ad litem appointed  
answer of Guardian ad litem  
filed.

Bill filed and decree nisi  
vs adult defendants

" Oct. 5th Decree nisi confirmed and  
cause set for hearing.