1867-007 Chancery Causes: Caroline F. Hines by & c VS Norman Hines & al

Isle of Wight County

other SURNames: Underwood
Wilson, Darden, Whitfield,
Young

Kilby p. q.

Caroline R. Hines p. b.q.

v.

Bill

Norman Hines dal.

1861. Octo. rules. Bill &c filed & decree nisi vs. the adult pontis - & N. P. Jenny afsp. & gdw. ad litem to the infts. & an. filed & repd.

Nov. rules 1861. Bill taken for confsd as to adult defts. & set for hearing.

May term 1866. Decree afsp. trustee for pltff: & to attend. & rendt.

Octo. 1866 - Decree of May rescinded & new decree to invest funds &c

Mar. 4th 1867 supt. of com. Jno. C. Underwood filed

May term 1867 finial decree.

Cir. Ct. I. of W.

had in said cause the said negros were sold & by a decree made therein on the 16 May 1861, the Commissioner (John C. Underwood) was directed to distribute the same, but which he has not as yet done (a copy of said last named decree & the record of said suit are filed herewith as part of this Bill & marked (A.).

That the Lands, negros of said Josiah Underwood & of said Charlotte Underwood, to which the same parties as above set forth are the heirs, has been sold by authority of a Chancery cause pending in the County Court of Isle of Wight wherein W. H. Darden & others as Pltffs and Wm I. Underwood & others Defts. and the Commissioners therein Nathl. P. Young & Ro. H. Whitfield have not as yet distributed the amount among the several heirs (a copy of the record in said cause is filed herewith & marked (B.)) That from the sales of the negros of Charlotte Underwood, she is also entitled to certain other funds, now in the hands of Wm I. Underwood — see record filed herewith & marked (C.) Your Complainant says that her said husband, Norman Hines is insolvent, and if the proceeds of said slaves and lands are paid over to him, your Complainant & her children will be left with a very uncertain support, and that as the whole amount thereof is but small she prays that the Court may allow her an equitable settlement out of the same, and that the whole amount may be thus set apart for her use as the whole amount is but reasonable for that purpose.

In consideration whereof and as a Court of Equity has ample power to grant all proper relief, To the end therefore your Complainant Norman Hines prays that, John C. Underwood in his own right and as Commissioner aforesaid & as adm. of Charlotte Underwood & Josephine Underwood decd; Wm H. J. Wilson & Elizabeth his wife & Edward D. Darden & Indiana his wife & Josiah J. Wilson an infant & Ro. H. Whitfield & N. P. Young as Commissioners and Wm J. Underwood an infant may be made Defendants hereto and be compelled to answer all the allegations herein — that John C. Underwood as Comr. aforesaid may set forth what amount he has in his hands from the sales of the negros aforesaid for Norman Hines & his wife (your Complainant), and that the said Whitfield & Young as Comrs. aforesaid may also set forth how much they have in hand from the sales of the lands aforesaid for said Norman Hines wife, and that all the said sums of money may be settled to her separate use, and that all proper relief may be granted in the premises consistent with Equity &c.

John R. Kelly
P. Q.

To the Hon: Richard A. Baker, judge of the Circuit Court of the County of Isle of Wight, in chancery sitting; Complaining shew unto the Court your Complainant Caroline F. Hines, the wife of Norman Hines, suing in this behalf by her brother and next friend John C. Underwood -

Your Complainant respectfully represents to the Court and says, That her maiden name was Caroline F. Underwood, before her marriage with her said husband, Norman Hines, and that her father was named John Underwood & her mother was named Charlotte Underwood both of whom are dead. your Complainant respectfully says that her said Mother, Charlotte Underwood died intestate possessed of some negroes in her own right and some negroes held as widow & distributee of her husband, all of which negroes on her death were subject to be divided among her children who are the heirs of herself & also are the same parties, heirs of John Underwood dec'd - That her children & the heirs aforesaid are your Complainant Caroline F. Hines, John C. Underwood Josephine Underwood (now dead & Jno. C. Underwood is her adm'r.) Elizabeth, now the wife of Wm H. J. Wilson, Indiana now the wife of Edward N. Vaudin Wm J. Underwood & Josiah T. Wilson, infant child of Virginia late wife of Wm H. J. Wilson & daughter of said Charlotte Underwood - That the right and title and interest of said Caroline F. in said negroes was only recovable in a Court of Equity by her said husband, Norman Hines or by any one claiming under him, and hence a suit in chancery was brought in Isle of Wight County Court by said Norman Hines wife &c. against John C. Underwood &others to sell said negroes & divide the proceeds, and under proceedings

Wilson & Redmond

ats. & Dr Chy.

Heirs &c. &c.

Answer & exceptions

Acto. Oct. 1861

filed

The Answer of Jesse D. Wilson &
Wm L. Underwood infants, by
N. P. Young their gd. ad litem,
to the bill of Caroline Sims
wife of Norman Sims, suing by
Jno. C. Underwood, her brother
next friend, filed against them
in the Circuit Court of Gilmer
County. These respondents
by their guardian ad litem found
for answer to said bill of
complaint, say that they are
infants under the age of twenty
one years. That they neither admit
or deny the allegations in the
complts. bill, but submit them
matters, for perfection, to the
Court.

Signed N. P. Young
gd. ad litem

Executed Sept The 16th 1861 on J. C. Underwood & Wife & on The Same day & on D. Hamilton on Ed Hardin & Wife. On The 17th of The Same month I Executed Norman Hines & Wife & 19th on R. H. Whitfield & N. P. Young

J McHardin DS
for D J Clements Sheriff

Caroline C. Himes &c &c
vs
Edwd. G. McCloy &c.

Norman Himes dec.

Fi. Fa. from Circuit Court
1861
R. H. Whitfield Atty

THE COMMONWEALTH OF VIRGINIA.

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

WE COMMAND YOU TO SUMMON Norman Hines, Jno. C. Underwood in his own right, as Commissioner, &c. admr. of Charles Underwood & Josephine Underwood dec'd; William H. Wilson & Eliz'a. his wife, Edward H. Borden & Indiana his wife, Isaiah J. Wilson, an infant, Wm. G. Underwood an infant, and Ro. H. Whitfield & N. P. Young as Commissioners—

to appear at the Clerk's Office of our County Court of Isle of Wight County, at rules to be holden for the said Court, on the first Monday in October next, to answer the Bill in Chancery of Caroline F. Hines, the wife of Norman Hines, suing in this behalf by her next friend and plea of next friend John C. Underwood

damages

and have then there this writ. WITNESS, NATHL. P. YOUNG, Clerk of our said Court, at the Court House, this 4th day of September in the year 186/, in the 85th year of the Commonwealth.

N. P. Young c.

Hines &c

vs

Hines &c.

Report of Jno. C. Underwood, asking a change of Instrument.

respectfully submitted.

John C Underwood Commr.

To the Hon. Richard A. Baker, Judge of the Circuit Court of Isle of Wight County –

The Undersigned, respectfully represents that on the 17th day of May 1866, a decree was made in the Chancery cause pending in said Court, wherein Caroline H. Hines pr. next friend is plaintiff and Norman Hines & others Defendants, Directing, the Undersigned to collect the sum of $1013.50 & Interest thereon, and to invest the same in coupon Bonds of the Government of the United States bearing not less than six per cent Interest per annum and that he expend the Interest on the same from time to time for the benefit of said Caroline H. Hines – He however reports that he has not made the Investment as directed for the reason that after the making said decree, Mrs. Caroline H. Hines (who is the sister of the Undersigned) made known to him that she preferred that the said sum of money should be invested in Real estate instead of Government Stock, and this desire of hers agreeing entirely with the judgment of the Undersigned, he now requests that the Court will authorize him to do so; That there is a tract of Land on which she now resides containing 180 acres more or less on the South side or right Bank of James River and adjoining the Lands of Geo. T. Brantley, Martha J. Hines, & the Land of said Norman Hines – This Land which she now desires to be secured to her separate use is owned by her said husband Norman Hines & is the home where she resides – The Undersigned therefore asks for the proper decree to change & make the new Investment – all of which is

Caroline H. Hines &c.

vs } Repent & Com of Investment &c.

Norman Hines &al.

1867.

March 4th. filed

Rec'd of J. C. Underwood, fifty dollars and fifty dollars costs, &c, in within case.

John R. Kelly

To the Honorable Richard N. Baker, Judge of the Circuit Court of Isle of Wight County.

The Undersigned, respectfully reports to Court, that pursuant to the decrees of 17th of May 1866 and of 19th October 1866, he has proceeded out of the funds in his hands as therein named to pay the costs and expenses of suit, and then to invest the Balance in the real estate named in the decree of 19th Oct. 1866 — The following statement will more fully explain —

By amount in his hands as stated in said decree		$1013:50
" Interest from 17 May 1866 to 18 Oct 1866		18.40
		$1021:90
To paid John R. Kelly's atty's fee	$50:00	
" " J. P. Young, Clerk's fees	12.00	
" " J. J. Clements, late Sh. fees	4.00	
" " for deed $5.00 & stamp 1.50	6.50	$ 72.50
Nett Bal		$948:40

and invested in Land as directed by a the decree of said 19th Oct. 1866.

That a Deed duly executed, has been recorded, from Norman Sinnes to the Undersigned, John C. Underwood as Trustee for the sole and separate use of Mrs. Caroline Sinnes, for 180 acres more or less, in Isle of Wight County, situated on the right Bank of James River, and adjoining the lands of John T. Brinkley, Martha J. Sinnes & others —

All of which is respectfully submitted.

John C. Underwood } Comm'r.

Jany. 7 1867.

court an account of his transactions under this decree. But before the said Jno. C. Underwood shall proceed to act as such Trustee he shall execute before the Clerk of this Court in his office a Bond in the penalty of $1000. payable to the Comth of Va. conditioned that he faithfully execute the duties required of him under this decree and also any other decree that may be made in this cause.

Harris
v
Harris &c

1866

May ex decree
to be entered
R. M. B.

Endorsed

Hines v. Underwood &c

This cause came on this day to be heard on the Bill taken for confessed as to the adult defendants on whom process had been duly served & they still failing to appear and answer: and on the motion of the Infant defendant by A. P. Young his guardian ad litem, with general replication thereto, & Exhibits filed with said Bill, and as argued by Counsel. On consideration whereof, the Court adopting statement (X) as showing what amounts are claimed by the plaintiff doth decide that the amount as so shown by said statement to wit: $1013.50, is only a reasonable settlement for the plaintiff, Caroline F. Hines, Doth adjudge ordain and decree that John C Underwood, who is hereby appointed a special Trustee for that purpose, proceed to collect the said sum of $1013.50 and with due and pay all costs of this suit, including a reasonable fee to the Solicitor interest thereon, and invest the Balance in Bonds of the Govt. of the United States, bearing not less than six per cent Interest per annum, and that he expend the interest on the same from time to time for the benefit of said Infant Caroline F. Hines and that he make report to this Court ~~from time to time~~ from time to time under before a cons. of this

to time for the benefit of said Caroline F Hines, and that he make Report to this Court, and from time to time Rendered before a Commissioner of this Court, and account of his transactions under this decree. But before the said John C Underwood shall proceed to act as such Trustee, he shall execute before the Clerk of this Court in his Office a Bond in the penalty of one thousand dollars payable to the Commonwealth of Virginia, Conditioned that he faithfully execute the duties required of him under this decree as also any other decree that may be Made in this Cause.

A copy. Teste, N.D. Young clk

Hines &c
vs
Hines &c
In Eq.
Exd.

At a Circuit Court held for the County of Isle of Wight on the 17th day of May 1866.

Caroline H Hines for John C Underwood Next friend Compltt.

against

Norman Hines & als. Defts.

This Cause Came on this day to be heard on the Bill taken for the Confessed as to the undutt Defendants on whom process had been Served they still failing to appear and answer of the Answer of the infant defendant by W P Young, his guardian Ad litem, with general Replication thereto, and on exhibits filed with said Bill, and was Argued by Counsel; On Consideration whereof, the, the Court adopting Statement (C) as Showing what ~~account~~ amount are Claimed by the plaintiff, doth decree that the ~~Account~~ amount as Shown by said Statement, (towit) One thousand and thirteen dollars & fifty Cents, is only a Reasonable Settlement for the plaintiff Caroline H Hines, doth adjudge Order and decree that John C Underwood, who is hereby Appointed a Special Trustee for that purpose, proceed to Collect the said Sum of $1013.50 and with all interest thereon, and pay all Costs of this Suit, including a Reasonable fee to the plaintiffs attorney, and invest the balance in ~~Confederate~~ Bonds of the Government of the United States, bearing not less than Six per Cent interest per Annum, and that he expend the interest on the same from time

Sims, &c.

v.

Sims, &c.

1866

Cost. Court

Decree

To be entered

R. M. B.

Hines &c. vs. Hines &al.

This cause came on this day to be again heard on the papers formerly read & on the report of Jno. C. Underwood, made pursuant to the decree of the 17th May 1866 to which report no exception has been filed, and was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that the said Report be confirmed, and that so much of the decree of the 17th May 1866 as directs said John C. Underwood to invest the money referred to in said decree, "in Coupon Bonds of the Government of the United States bearing not less than six per cent Interest per annum" be and the same is rescinded: and the Court doth further adjudge, order and decree that the said John C. Underwood proceed to invest the sum of $1013.50 with due interest thereon (after paying Court, Circuit & Attorneys' fees as directed) in real estate, giving preference to the purchase of a tract of Land in Isle of Wight County containing one hundred and eighty acres, more or less, situated on the Right Bank of James River, and adjoining the Lands of John D. Brinkley, Martha J. Hines & other Lands of Norman Hines; and which tract of 180 acres now belongs to said Norman Hines.

And that the said John C. Underwood take the deed for said Real Estate, in his name as Trustee for Mrs. Caroline F. Hines for her sole and separate use; and make Report to Court.

Hines + als

Copy Decree

vs

Hines + als

In the Circuit Court held for the County of Isle of Wight & Colony
the 19th 1866.

Caroline F. Hines the wife of Norman Hines being in this behalf by
her brother and next friend John C Underwood Complts

Against

In Chancery

Norman Hines, John C Underwood in his own right as Commissioner
& as Administrator of Charlotte Underwood & Josephine Underwood dec'd Wm H
J. Wilson and Eliza. his wife Edward B Deans & Indianna
his wife Josiah J. Wilson an infant, W. J. Underwood an infant
and Robert B Whitfield & N. P. Young as Commissioners Defts.

This Cause Came on this day to be again heard on the papers formerly
read & on the report of John C Underwood, made pursuant to the Decree of the
17th May 1866. to which report no exception has been filed, and was
argued by Counsel: On Consideration whereof, the Court doth Adjudge
Order & decree that the said report be Confirmed, and that so much of
the decree of the 17th of May 1866. as Directs said John C Underwood to
invest the Money referd to in said decree "in Coupon Bonds of the Government
of the united States bearing not less than Six per Cent interest per Annum"
be and the same is Rescinded: and the Court doth further Adjudge, Order
and decree that the said John C Underwood proceed to invest invest
the Sum of $1013.50 with all interest thereon (after paying Cost of
Suit & Attorneys fees as directed) in Real estate, giving preference to
the purchase of a tract of land in Isle of Wight County Contain-
ing One hundred and Eighty Acres more or less, situated on the
Right Bank James River, and adjoining the lands of John T Bunkley
Martha J Hines & other lands of Norman Hines & which tract of 180
Acres was belonging to said Norman Hines & that the said John C
Underwood take Deed for said Real estate in his name as
Trustee for Mrs Caroline F Hines for her sole and Separate use and
Make Report to Court. Teste N. P. Young Clk.

Hines &c

v

Hines &c.

1867 May 21.

Decree

To be entered

R. H. Baker

Filed

No 6

Hines &c

vs

Hines &c

This cause came on this day to be again heard on the papers formerly read & on the report of John C. Underwood made pursuant to the decree of the 19th of Octr. 1866; to which report there is no exception & was argued by Counsel. On Consideration whereof the Court doth adjudge, order & decree that the proceedings had in this cause be confirmed & made final and binding between the parties

Bond with sufficient security, conditioned to refund their due proportions of any debts or demands which may afterwards appear against the decedent, and of the costs attending their recovery. & Make report of his proceedings to Court.

Holy
Teste. T. C. Latimer &c.

At a Circuit Court held for Isle of Wight County.
On the 16th day of May 1861.

Norman Hines wife & Wm J. Underwood - under 21 years of
age who sues by Norman Hines his next friend Plffs:

against

John C. Underwood in his own right. & as administrator of
Charlotte Underwood dec'd: & as adm'r of Josephine Underwood
dec'd: and William H.J. Wilson & Elizabeth his wife, and Edward
H. Darden & Indiana his wife, and Josiah J. Wilson - infant
sons of William H.J. Wilson . . . . . Defts:

This cause came on again this day
to be heard on the papers formerly read, & on the report of John
C. Underwood - Made in pursuance of the order entered herein
on the 18th of October 1860. to which no exceptions were filed. and
was argued by Counsel: On consideration whereof the
Court confirming said report, doth adjudge order and decree
that John C. Underwood (on leaving his receipt for the same,
to receive from the clerk of this Court the two Bonds) one
against Mountfort and Hall, and the other against E.H. &
Wm H. Darden - filed with his report, And the same collect
and the proceeds - together with the sum of Three Hundred and
Nine Dollars and Sixty cents - in cash - received by him,
after paying any costs remaining unpaid, will divide into
Six equal parts. One of which he will pay to Norman Hines &
his wife Caroline, one part to Wm H.J. Wilson & his wife Elizabeth.
One part to E.H. Darden & his wife Indiana, One part to William
J. Underwood or his legal guardian: One part to Josiah
J. Wilson or his legal guardian. And the remaining
1/6th part retain as his portion of the said sums.
But this decree is to be suspended ~~until~~ as to the pay-
ment of the said several shares or parts. until the several
parties, or some one for them respectively execute to the said
John C. Underwood as adm'r of Charlotte Underwood dec'd.

Wilson Swift Sals

vs. Z Bodyguard

Underwood Sals

Filed with bill of

Stevens Pl. Fd.

vs.

Stevens & als.

B

to the other parties such sums of money as their interests therein may entitle them to. — But if in the opinion of the said Commissioners partition in manner afores as aforesaid cannot be made without loss or injury to the parties. but that the interests of the parties would be promoted by a sale of the tracts of Land aforesaid, Then the said Commissioners report that fact to Court & the reasons upon which their opinion is founded — Also the real value of the said estate, And make report to Court with any other Matters deemed pertinent by themselves or required by the parties. And the Court doth further adjudge order & decree, that the privy examination of the said Elizabeth Wilson, Indiana Warden & Caroline Hines, be taken by a Justice of the peace, Or before the clerk of this Court, to ascertain their willingness to have sold their several interests in the Lands in the proceedings Mentioned. —

A Copy

Teste. H. C. Latimer D.C.

In the clerks office of the County Court of Isle of Wight Aug.t 7th. 1860. Elizabeth Wilson & Indiana Darden wives respectively of Wm H. J. Wilson & Edwin H. Darden, appeared before me, in my office, & being examined privily & apart from their husbands, ~~being~~ having the Within Decree fully explained to them, they acknowledged their willingness that their several interests in the lands therein referred to, may be sold as directed by said Decree. Given under my hand the day aforesaid

A. D. Young cc

William H. J. Wilson & wife & als. Pltfs:

vs.

William J. Underwood & Jos. J. Wilson infts. Defts:

The Undersigned Commissioners appointed by a decree of the County Court of Isle of Wight. Pronounced in this cause on the 4th. day of June 1860. make the following report. Viz. after examination of the tracts of land in the proceedings mentioned, we have concluded that the said lands cannot be divided as directed by the decree, without injury to the parties, for the following reasons. that the lands being cut up and divided, would render the share of each party of much less value than their proportion of the sales respectively — And no one of the parties appearing willing to take the whole subject upon the conditions of the decree — we report that the interests of the parties would be more promoted by a sale of the said tracts out & out. & a division of the proceeds amongst the parties. the real value of the two tracts is about $1300:00. Given under our hands as Commissioners aforesaid, this 28th of July 1860.

A. D. Young
H. C. Latimer
Geo. F. Hale

At a Quarterly Court held for Isle of Wight County. On the 6th day of August 1860 —

William H. J Wilson & wife Pltfs.

against } In Chy.

Wm. Underwood & als. Defts:

This cause came on this day to be again heard on the papers formerly read, and upon the report of A. D. Young H. C. Latimer & George F. Hale — three of the Commissioners

which in value is less the sum of $300: 00.

In tender consideration whereof, ~~your Orator~~ and for as much as your orators are ~~without~~ remidiless in the premises save by the aid of a Court of Equity where Matters of the kind are Cognizable, your orators pray that the said (Minors) William J. Underwood & Josiah J. Wilson be made parties defendant to this Bill, and that they answer the same by a proper guardian ad litem appointed to defend their interests in this suit, that the said real estate be divided between the parties aforementioned, entitled thereto, allotting to each one 1/6th of the same; and in case the said real estate be indivisible in Kind, that the same be exposed to sale, and the proceeds thereof be distributed among the parties entitled thereto. & that such other further & general relief may be afforded your orators as the Nature of their case may require or to Equity shall seem meet & your orators will ever pray &c.

Rob. H. Whitfield Sol.

(The Joint & Separate Answers of William J. Underwood (and Josiah J. Wilson by N.P. Young their guardian ad litem appointed to defend them - to a bill filed against them &c. in the County Court of Isle of Wight County.
by Wilson & Wife, Underwood &c.
These respondents by the said N.P. Young their guardian ad litem for answer to so much of said Bill as they are advised it is material for them to answer say, that they are minors under twenty one years of age - and beg leave to submit their interests in the premises to the protection of this Hon. Court &c.

N.P. Young gdn ad litem

At a County Court held for Isle of Wight County on the 4th day of June 1860.
William H.J. Wilson & Elizabeth his wife (late Underwood)
Edward H. Darden & Indiana his wife (late Underwood,
Norman Hines & Caroline his wife (late Underwood,
(and John C. Underwood . . . . . Plffs.
against } In Chancery.
Wm J Underwood & Josiah J. Wilson infants &c.
guardian ad litem . . . . . Defts.

This day came the plaintiffs & filed their Bill. and on their motion N.P. Young is appointed guardian ad litem to the infants William J. Underwood & Josiah J. Wilson to defend their interest in this suit; And thereupon the said guardian ad litem filed the answer of the said Defendants to the Bill of the plaintiffs and the Cause coming on to be heard upon the Bill, the said answers & general replication there to exhibits, was argued by Counsel. On consideration whereof The Court doth adjudge order & decree that partition be made of the two parcels of land in the Bill mentioned - as follows to wit, One sixth; to each of the following parties Viz. Elizabeth Wilson, Indiana Darden, Caroline Hines, John C. Underwood, William J. Underwood & Josiah J. Wilson; And for the purpose of effecting such partition the Court doth over that N.P. Young, George F. Hall, John Edwards & Francis C. Latimer who are hereby appointed Commissioners for such purpose, Any three of whom may act, do assign and allot to the several persons before named the respective shares & proportions aforesaid mentioned by Metes & bounds; in which partition any two or more of the parties - if they so elect, may have their shares laid off together, or if partition cannot be conveniently Made as aforesaid, the entire subject may be allotted to any party who will accept it. And pay therefor

To The worshipful Justices of the County Court of Isle of Wight County, in Chancery sitting humbly Complaining Sheweth unto your worships, Your orators William H. Wilson & Elizabeth his wife, formerly Underwood, Edward H. Darden and Indiana his wife, formerly Underwood, Simeon Hines and Caroline his wife, formerly Underwood, & John C. Underwood, That one Charlotte Underwood was in her Lifetime Seized & possessed of certain real estate lying in the County of Isle of Wight, & Consisting of two several parcels or tracts — One called the "Home Plantation" containing by estimation 125. acres & worth about $1000.00. being the land that was devised to the said Charlotte Underwood, by her late Father John Clarke dec'd: as will appear by a Copy of his will bearing date the 19th July 1827. & of record in the Clerks office of said County, Herewith filed as a part of this Bill; And the other tract or parcel called "Provins", Contains about 147. acres — is worth about $500.00. And was purchased by the said Charlotte Underwood under a decree of this Court, in the Case of Wilson Wife &c. Underwoods heirs, And being of the said two parcels or tracts so seized & possessed, she the said Charlotte Underwood departed this life on the 25th day of March 1860: leaving the said Elizabeth Wilson, Indiana Darden, Caroline Hines, John C. Underwood, William J. Underwood & Josiah J. Wilson the infant son of a deceased daughter Virginia Wilson dec'd: as her heirs at law, being the & guardian of the said dec'd. & between whom the real estate is divisible equally, equally — the same having descended to them. That the said William J. Underwood & Josiah J. Wilson are infants under 21 years of age. And Your orators further state, that the aforementioned Real estate is as they believe, Susceptible of partition among the parties in proportion to their respective interests therein, each being entitled to 1/6th thereof.

Stones after 6 P.
M. 3 Obs.
Stein Tob.

Copy record filed
with Atty. Gen

future order of this Court touching their said duties. —

A Copy

Teste H. C. Latimer D.C.

The bond requisd of the Commissioners in this decree has been executed

A. P. Young C.C.

Atto: fee . . . $15.00
Clk " . . 5.00
Costs $20.00

Sale of Jim $851.00 Do. of Patience $405. . . $1256.00
Costs of Suit $20.50.
Paid Cryer 1.00
Comm: on $30. 15.00
" " $936. bal 19.12 . . . . . 55.62
Nett amt. of Sales — $1200.38

Wm H. J. Wilsons bond for Jim $813.92
Jno. C. Underwoods bond for Patience 386.46
$1200.38.

Pursuant to the within decree, I have sold the negroes Jim & Patience mentioned therein, & report the following Statement marked A, as the result of the sales, which shows a nett bal: of $1200.38. for which I have taken the bond of Wm H. J. Wilson and of John C. Underwood the purchasers, & herewith report them to Court — which is reported to the County Court of Isle of Wight County. Given under my hand this 17th day of January 1861.

A. P. Young Comr.

Wm H. J. Wilson & wife &als.

vs.

Wm J. Underwood &als:

This Cause came on again to be heard on the papers — read — and the report of John C. Underwood and A. P. Young; Made under a decree entered herein on the 4th of June 1860. and the report of A. P. Young made under the like order, and was argued by Counsel; On Consideration Whereof; the Court doth adjudge order & decree that John C. Underwood administrator of Charlotte Underwood dec'd. receive from the clerk of this Court on his filing his receipt therefor the bond with the said first report filed, against A. W. Thomas, John C. Thomas and W. B. Thomas for $852.40. Subject to a credit of $12.45. and the same collect.

Return with a report of their proceedings, to Court.
But this Decree is to be suspended until the said N.P. Young & John C. Underwood shall enter into Bond before the Clerk of this Court, in the penalty of $5000:00 payable to the Commonwealth of Va. Conditioned for the faithful discharge of their duties as such Commissioners under this, or any future order of this Court touching their said duties —.

Wm. H.J. Wilson & wife &als:
vs
Wm J. Underwood &als. } In Chy

Pursuant to a decree in this cause pronounced in the County Court of Isle of Wight County on the 4th of June 1860. the undersigned Commissioners appointed by said decree — did after executing their bond as required, and after notice, expose at public auction before the Courthouse of said County, On the 2d of July 1860. the negro man Dennis in the Decree mentioned, at which sale Algernon W. Thomas being the highest bidder, became the purchaser of said Dennis for the sum of $880.00

from which We deduct the costs of sale &c
to wit. Com.s on $300. . . $15.00
Com.s on 580 . . 11.60
Jail fees for subpoenting negoin
Nansm.d & Isle of Wight Jails 12.45 39.05
840.95
Paid auctioner 1.00
Leaving a nett balance of $839:95
for which we have taken the bond of Jno A.W. Thomas with Jno C. Thomas & Wm H. Thomas his securitys

which is herewith reported to the Court.
Given under our hand as Commissioners aforesaid this 3 day of July 1860.

Jno C. Underwood
N.P. Young

At a County Court held for Isle of Wight County on the 4th day of June 1860.

William H.J. Wilson & Elizabeth his wife
(Cale Underwood — and others Plffs
against
Underwood &c } In Chy
Defts.

On Motion N.P. Young is appointed Guardian ad litem to the Defendant William J. Underwood, and the Cause Came on to be heard on the Bill, answer of William J. Underwood by N.P. Young his Gdn. ad litem Replication thereto, exhibits & was argued by Counsel; On consideration whereof, the Court doth adjudge order and decree; That N.P. Young and John C. Underwood either, who are appointed Commissioners for such purpose, either of whom may act, Sell the said Negros, Dennis, Patience & James, either privately or publicly for Cash, or Credit as to them may seem best. taking bonds from the purchasers with sufficient security, and the same return with a report of their proceedings to Court.

But this decree is to be suspended until the said N.P. Young & Jno C. Underwood shall enter into bond before the clerk of this Court in the penalty of $3000:00 payable to the Commonwealth of Virginia; Conditioned for the faithful discharge of their duties as such Commissioners under this or any

his wife; 1/7th to John C. Underwood; 1/7th William J. Underwood. & 1/7th to Josephine Underwood; and upon the death of Josephine Underwood which event happning before that of her sister Virginia the first wife of the said Wm H. J. Wilson, the said Josephine's said share 1/7th was also divisible into 7 parts, equally between her said brothers & sisters - including her said Mother, her distributees at Law; of which the said Wm H. J. Wilson is entitled to two shares, in right of his said wives; - And all the other aforementioned distributees are entitled each to 1/7th.

That the said Charlotte Underwood qualified as admx. of the estate - said decd. Josephine thas duly settled the same: And that there are no debts owing from the same. That the said John C. Underwood has qualified as Administrator of Charlotte Underwood decd. and as Administrator de bonis non of Josephine Underwood decd: - That William J Underwood is a Minor under twenty one years of age.

Your orators further state, that as it is impossible to divide the said negroes in kind, they pray that the same be sold, and the proceeds be divided between the parties according to the several interests or proptions as above set forth - And they further state - that from the character of one - or more of said Negroes, from the great probability that one, or more, may escape, if apprized of the contemplated sale - that it would be advisable to have the same to be sold, privately or publicly, for cash, or credit as the Commissioners appointed to effect such sale may deem best.

In tender consideration whereof, and for as much as your orators are without adequate remedy save in this honorable Court, They pray that the said William J. Underwood, be made party defendant to this bill, and be compelled, by his gdn. ad litem duly appointed to answer the same.

That a decree be granted to sell the said Negroes, and to divide the proceeds among the parties according to their several interests, and grant all other & further relief which may to equity may seem right &c.

R. H. Wilkinson Sol.

Wilson & wife vs. Underwood & als.

The answer of William J Underwood, by N. S. Young his guardian ad litem to a bill filed against him, by Wilson & wife & als. in this Court.

This Respondent, by N. S. Young his said gdn. ad litem for Answer to so much of said Bill as he is advised it is material for him to answer; Answering says, That as he is a Minor under 21 years of age, he begs leave to submit his interests in the premises, to the discretion & protection of this Hon'd Court.

N. S. Young gdn. ad litem.

Wilson & wife & als.
vs. } Decree
Underwoods. }

On Motion N. S. Young is appointed guardian ad litem to the defendant William J. Underwood: And this cause came on to be heard on the Bill, Answer of William J Underwood by N. S. Young his gdn. ad litem, Replication thereto, exhibits, and was argued by Counsel: On consideration whereof the court doth adjudge order & decree, that N. S. Young & John C Underwood who are appointed Commissioners for such purpose, ~~either~~ either of whom may act, Sell the said Negroes, Dennis, Patience & James - either privately or publickly, for cash, or credit - as to them may seem best - taking bond & the purchasers with sufficient security; And the same

To the worshipful Justices of the County Court of Isle of Wight, in Chancery Sitting, humbly complaining Sheweth unto your worships, your orators Wm H. J. Wilson and Elizabeth his wife, formerly Underwood, Norman Hines and Caroline his wife, formerly Underwood and John C. Underwood who sues in his own right, & as administrator of Charlotte Underwood, & as administrator of Josephine Underwood dec'd. That heretofore to wit, on the ___ day of ___ the following Negroes, Viz, Dennis, (worth about $1000:00) Patience (worth about $700.00) and James worth about $1400: were allotted to one Charlotte Underwood, widow of one Josiah Underwood dec'd, as her "Dower" in the Negroes of her late husband — That the said Charlotte Underwood departed this life on the 25th March 1860. so that the said negroes, should be divided among the distributees of the said Josiah Underwood dec'd. the said Josiah Underwood, left the following Children surviving him. Virginia who intermarried with your orator Wm H. J. Wilson & them departed this life: Elizabeth Underwood who is now the wife of the said Wm H. J. Wilson, Indiana who has since intermarried with your orator Edward Darden; Caroline who has intermarried with Norman Hines, John C. Underwood your orator, William J. Underwood, & Josephine Underwood. that thereafter. the said Josephine departed this life quite young, a minor unmarried without issue and intestate, leaving as her heirs & distributees at law, her brothers & sisters aforementioned, and her mother the said Charlotte Underwood dec'd. That the said Dower negroes are therefore divided as follows. Viz. into seven 7/7 parts two of which parts Wm H. J. Wilson is entitled to in right of his said deceased wife Virginia & his present wife Elizabeth; and one of the said parts — that is 1/7th to Edward Darden & Indiana his wife, 1/7th to to Norman Hines & Caroline

Heirs & Wife

v. Statement to be used in Dist Ct. Cir. Ct.

Underwood

=

(X)

A Statement Showing the amounts retained by N. P. Young & Jno. C. Underwood Exrs., and Jno. C. Underwood Adm. &c. for the benefit of Norman Hicks & Caroline his wife. To wit:

Amt. retained by N. P. Young Exrs. in suit of Wilson & wife vs. Underwood & als. in County Court, as per rept. (Land)	297.08
Amt. retained by Do. Exrs. (for sales of negroes) " " "	221.78
Amt. in hands of Jno. C. Underwood Adm. (Sale of Dennis)	132.05
Amt. in hands of Do. adm. Josephine Underwood	54.86
Do. Do. " " Wm. J. Underwood (of personalty)	76.89
Do. Do. " " Do (from sales of land)	57.83
Do Do. Exrs. for sales of Negroes Peggy, Molly & Jno. (Cir. Ct.)	140.84
Do. Do. adm. Wm. J. Underwood (being three shares of $140:84 due to said W. J. Underwood Exr.)	28.17
	$1013.50

For evidence of the above Statement, see Chy. Suit in County Court, Wilson & wife vs. Underwood & als. (in which are filed the reports & shares) and Jno. C. Underwood Exr. or adm. of Josephine & Wm. J. Underwood, and his rept. in suit of Hicks & wife vs. Underwood & als. in Cir. Ct.—

N. P. Young Exrs.
John C. Underwood Exr. &c.

Mar. 29. 1866.

Mr Young will open ofs according to
the Bill & copy. The 2 words referred
to refer as exhibits — other drawn in
Pencil

J R Kell

Sent. ifs.