1869-001 Chancery Causes: Edwin E. Phillips, Trustee vs John M. Cowling et al vs
Isle of Wight County

Plat

other SURNames: Corbell, Eley, Pruden, Latimer Marshall,

To the honorable Richard H Baker judge of the Circuit Court of Isle of Wight County In Chancery Sitting, humbly complaining sheweth unto your honor, your Orator Edwin E. Phillips who sues as well in his own right, as trustee for John N. Bowling & Mary P. Bowling (formerly Mary P Phillips) and their Children, viz Mary, Elizabeth, Maria C. Almeida V, & John P. Bowling. That sometime in the latter part of the year 1853, John Phillips departed this life in the County aforesaid, after having made and published his last Will & Testament which has been admitted to Probat, and duly recorded in the Clerks Office of the said County: a copy of which marked "A" is herewith filed as a part of this Bill. your Orator will call the attention of your honor, to the 7 Item of the said Will, whereby the said Testator devises to your Orator, as trustee, the plantation wherein he then lived in trust for the use of his daughter Mary P Bowling and John N Bowling her husband & to their Children, under certain restrictions & limitations as therein set forth. The said plantation lies in Isle of Wight County, contains about 210 acres, is worth about $ 1500.00 and is bounded and described On the East by the land of George Hall, of Roberts' on the North by the land of John Phillips, dec'd, on the South by the same lands on which the said John Phillips lived: and. The names of the Children of the said John & Mary Bowling are Mary E, Elizabeth, Maria, Almeida V, & John P. Bowling, the first three are over 14 years of age & they have no other property than such as is secured to them by the aforesaid Will.

Your Orator is desirous of promoting the interest & welfare of his sister Mary P Bowling and her Children, and after much and mature reflection & upon consultation with all parties interested & especially with his sister Mary P Bowling & at the solicitation of her & her husband, he is induced to bring this suit to have the said plantation sold & the proceeds invested subject to the trusts, restrictions & limitations of the said Will as applicable to the same. Your Orator is satisfied that the interest of the parties interested will be promoted by a sale of the premises. Mr John N Bowling will not live on the Land nor make any improvement on the same, but rents it out from year to year with such little restrictions as to the buildings, that the buildings must go down, the soil become impoverished and the entire estate will inevitably greatly depreciate in value, so that should Mary P Bowling survive her husband which is hardly probable from her present condition, she would find it more to her interest to have the present value of the farm & than

a plantation in such a condition, and on the event of her not surviving him, your Orator would conceive it his duty, from a knowledge of the confidence & trust reposed in him by his father & from a regard to the welfare of his sisters Children to invoke the aid of the Court to effect a sale and all of his fathers Children would gain much to see the family through the old homestead, in good order, the prospects of which is far better than the condition which is generally characteristic of all lands rented out annually. Besides in any event, the interests on the proceeds of sale would be much more than the rent, and thus enhance the means of present support of the parties. your Orator further states, in the event of the death of the Children of Mary P Bowling before reaching twenty one years of age, without issue, as will appears by the Bill, the parties then entitled would be your Orator, Ann (2) L. Bowling the wife of Lemuel Bowling, Sarah (5) E. Borbell, who are the Children of John Phillips dec'd; and Elizabeth wife of Jno. S. Borbell, Sally Ann wife of James Eleg, John S Phillips & James S Phillips who are children (all of age) of John Phillips jun'r, who was a son of John Phillips the testator.

your Orator prays that, John M. Bowling & Mary P his wife, Lemuel Bowling and Ann L his wife, Sarah E Borbell, John S Borbell & Elizabeth his wife, James Eleg and Sally Ann his wife, John S Phillips and James S Phillips; and Mary E. Bowling, Elizabeth J, Maria C, M Meuda J, & John P Bowling ——— who are the infant Children of John M Bowling & Mary P his wife be made parties defendant to this Bill & be compelled to answer the same — that the said land & plantation be sold by a decree of this Court & the proceeds be vested according to the limitations & trusts of the said will & grant — and other relief which may be meet & fit in the premises & grants

E. E. Phillips ⓒ

Northampton County to wit

Edwin E. Phillips personally appeared before me a justice of the peace for the County aforesaid and made oath that the facts as set forth in his answer Bill are true to the best of his knowledge & belief. Given under my hand this 1st day of March 1850

A T Phillips J.P.

Edwin E Phillips Esqr

Dear Sir

I herewith send you the Bill & the names of the parties who would be entitled in the event of the death of all the Children of Jno Bowling this life — The Law is very particular & requiring all such to be made parties in such suits: you did not give me the names of Jno M Bowling & Mary P Bowling Children. is any one of them over 14 years of age? I have left a blank in the Bill for their names which you can fill up or I can. You will also see in the Bill, a space left for the Value of the land, the number of acres, & for the boundaries — these you can fill up to. The Bill you must sign & then make affidavit before a justice of your county or of this & then send it to me by our next County Court certain —. The Answer here sent I would like to be signed by all the parties whose names are mentioned in it. they can conveniently sign, by so doing costs will be saved — the Answer I shall want at by our April Court certain —

The Bill I want by our next Court (March).

Yours
A T Phillips

May 1839. Cond.

Octo. 1839. Decree to make deed & the purchasers.

May 1860. Cond.

Octo. 1860. Decree to ascertain what the proceeds of sale

May 1861. cond.

May 12. 1866 appld.

May Term 1866. Decree to invest in real &c

Dec. 1866. cond.

May 1867 - continued

Octo. " cond. 1868.

May - cond.

Octo - cond.

May 1869. cond.

Octo. a final decree.

Phillips Trustee

v. Bill &c.

Fleming &c.

Filed 4. 1856 Bill & exhibits. Subpoena ret. 1st Mon. in Sept. Dem. not filed & cert. of the usual depts. to be ret. 2nd Mon. in Sept. next, cet for hearing

Chancellor

Phillips &c. Dec.

May 16. 1857. Decree for sale. O. B. 13. p. 69

Octo. 1856. cond. for appl.

Apl. 28. 1857 Com. Rep. rept. filed.

May 1857. Decree for sale

Octo. 1858 Decree to sell

For costs refunded as folio in the Decree but not called for to be refunded by Mr. Bell before the case left Court

E. E. Fowler

Costs

In the Name of - Mark E. Alexander Esq who was sworn the 12 day of March A.D. 1856 before me a Notary Public for Shelby County Tenn.

To the Hon. Richd. H Baker judge of the Circuit Court of Iredell County sitting in Chy &c respectfully shew to the Court, ~~Complainants~~ E. E. Phillips and Mary P. Bowling, That there is a suit pending in this Hon. Court, in the name of ~~your orator~~ Ed. Phillips trustee, P. Bowling &c als. which was brought for the purpose of selling the real Estate which had been devised by Jno Phillips to the said Ed. E. Phillips as trustee for the use and benefit of the said Mary Bowling & her Children with certain limitations in said will mentioned - That a decree for the sale of the premises was entered in the Cause at the May term 1857: That thereunder the Land was sold, & the proceeds, or Bonds therefor amounting to $1199.00 were taken & returned to Court, that thereafter at the Octo Term 1858, another decree was entered, directing the said Phillips to collect the said Bonds, and after paying expenses of suit & sale, the balance loan out upon sufficient security, Real or personal, or invest the same in state stocks - and that the proceeds have been collected, and a deed made to the purchaser under the Order of Octo. 1858 - : All of the above facts will more fully appear by reference to the proceeding in the Cause. That before the sale aforesaid, and afterward, the said John M Bowling & his wife Mary & Children, were living on a farm which he "Bowling" had bought & improved, in Rowan County; but in consequence of the indebtedness of the said Bowling, that with several other parcels of Land, and all his other property, were sold under deeds of trust, executed to one R. Archibald trustee, and at the sale thereof, the said E. E. Phillips bought the Home, or Mansion place & other parts of the real estate; to which he was prompted as well to save himself, being security for said Jno M. Bowling, as to secure a home for the said Mary Bowling his sister. The said Bowling, wife & Children have remained at their former place of residence, from the day of sale & purchase thereof, which was nearly two years ago, until the present time, and it is the earnest desire of the said Mary Bowling still to live there, and has entreated the said Ed. E. Phillips, to invest the proceeds of the sale of the Land

deceased by her father as aforesaid, and sold as herein above mentioned

in the purchase of the said Manor Place with so much of the land attached as will make it equal in value to the amt of said proceeds. The said Phillips has set a part so much as, what he believes to be fully equal to the sum of $1200.00. making a tract of 205 acres, a plat of which, herewith filed marked "A"; which at the request of his sister the said Mary Bowling he is willing to invest the said proceeds of sale, in purchasing: This as will be perceived is the request & desire of the said Mary Bowling as will appear by her letter addressed to R. Hohenfeld herewith filed. It is therefore submitted to the Court, to cause the said sum of $1199.00 to be invested in the purchase of the said tract of 205 acres; and direct that it be held by the said E. Phillips as trustee subject to the limitations prescribed in the will of the said Jno Phillips, or in the same manner in which the said proceeds of the said land heretofore sold were directed to be held: The said Mary Bowling must have a home somewhere: The place on which she has resided she is attached to. The house are new, commodious & comfortable, and therefore pray the Court to cause the said proceeds of sale to be invested in the purchase thereof. & the said tract of 205 acres, as set forth on said plat of land is worth $2000. but he will take at $1200; at least that is the price which the said Phillips is willing to take for it, as a home for his sister & her children - provided it be the pleasure of the Court, so to order - Which is earnestly desired by the said Mary Bowling One reason why the said E E Phillips is willing to take $1200 for the said tract, besides others already given is, that the said M. P. Bowling did relinquish her dower, in other tracts of land bought by him at the sale aforesaid of her husband Jno M. Bowling's property, under the said deed of trust

E, E, Phillips

Mary P. Bowling By
R. H. Wheatley Atty

Phillips Trustee

v.

Conlings &c.

Report & Petition

of

Mary Conling

The Joint & Separate Answers of Lemuel Bowling & Ann L Bowling his wife, Sarah F Corbell, John D Corbell & Elizabeth his wife, James Eley & Sally Ann his wife, John S Phillips & James J Phillips to a Bill filed against them & als: in the Circuit Court of Isle of Wight County, by Edwin E. Phillips Trustee for Jno. M. Bowling & Mary P Bowling & als:

These Respondents for this their answer to so much of said Bill as they are advised it is material for them to answer, say that they believe that the interests of all parties under all contingences, will be promoted by the sale of the plantation devised to Edwin E Phillips Trustee by John Phillips dec'd, as is alleged in the said Bill: and that they have no objection to the decree of sale prayed for: and having answered pray hence to be dismissed &c:

Lemuel Bowling (Seal)

Ann L. Bowling (Seal)

Sarah F. Corbell (Seal)

Jno. D Corbell (Seal)

Elizabeth M. Corbell (Seal)

[illegible] (Seal)

Jas. Eley (Seal)

Sallie Ann Eley (Seal)

John S. Phillips (Seal)

James J. Phillips (Seal)

Answer

The Joint & separate Answer of John M. Bowling & Mary P. Bowling his wife to a Bill filed against them & als. by Edwin E. Phillips Trustee for them in the Circuit Court of Isle of Wight County

These respondents, for their answer to the said Bill, say, that they are interested in the "plantation" in the Bill mentioned as appears by the last Will & Testament of John Phillips dec'd and that they believe that their interests and their children's will be promoted by a sale of the said plantation and investing the proceeds in trust for them, on the name of Edwin E. Phillips as Trustee in the same manner that the Land is now held under the Will. That the houses will decay & so down, and the entire farm must depreciate on being rented out annually as is usually the case. & the interest on the proceeds would be more than the rent: & they are therefore desire the Court will decree a sale of the said Lands & having answered.

J. M. Bowling
Mary P. Bowling

Nansemond County State of Va.

We Henry T. Tynes & R. A. Crump justices of the peace for the County of Nansemond in the State of Virginia, do certify that Mary P. Bowling the wife of John M. Bowling whose names are signed to the writing above, personally appeared before us, in the County aforesaid, & being examined by us privily & apart from her husband, & having the said writing fully explained to her, she, the said Mary P. Bowling acknowledged the said writing to be her act, and that she had willingly executed the same & wishes not to retract it

Given under our hands this the 19th day of Feby 1866

H. T. Tynes J.P.
R. A. Crump J.P.

Lawrence Co.
Ala. 3/2 Sect.
Phillips
March 4. 1836
filed

Phillips v. Respondents

Contempt

The Joint & Separate Answers of Mary E. Elizabeth S. & Maria C Bowling infant Children (but over 14 years of age) of John M. Bowling & Mary D, his wife, to a Bill filed against them & ors by Edwin E Phillips heard in the Circuit Court of Isle of Wight County.

These Respondents for this their answer to so much of Complainants Bill as they are advised it is material for them to answer, say, that they are, each one above the age of 14 years, and believe they are entitled in some manner to the land in the Bill mentioned, as the will of their grandfather John Phillips &c will shews: and so far as they can form any opinion on the propriety of the sale of the said land, they believe that it would be best to sell the same: but leave the matter to the judgment of the Court &c having answered &c:

Mary E Bowling (2)
Elizabeth S. Bowling. (2)
Maria C Bowling (2)

Nansemond County to wit:

Mary E, Elizabeth S, & Maria C Bowling personally appeared before me a Justice of the peace for the County aforesaid & made oath that the facts as stated in their Answer, above, are true so far as they know or believe

Given under my hand this the 26th day of July 1856

J. D. Young J.P.(2)

Phillips Trustee

v. 3/3 Inft. and

Cowling et al.

March 4. 1856

filed

The joint & separate answer of Mary E. Elizabeth S, Maria C, Almira & John P. Phillips infant Children of John M. Gooding and Mary P, his wife, by Nathaniel P. Young, their guardian ad litem &c. to a Bill filed against them & others by Edwin E. Phillips trustee for Gooding &c. in the District Court of Ada County These respondents, for their sd answer, to the said Bill, answer & say that they are interested upon certain contingencies, in the land mentioned, but as they are infants under twenty one years of age, they beg leave to submit their interests in the premises, to the protection of this honble court & having answered &c.

N. P. Young jr
ad litem

The joint Answer Nathaniel P. Young appointed guardian ad litem to defend Mary E. Elizabeth, Maria C, Almira & John P. Phillips infant Children of John M. Gooding & Mary P. his wife & defendants, to a suit brought by Edwin E. Phillips trustee. in the District Court of Idaho Co, & County.

Your respondent, having &c. for answer to the bill of said Bill as far as advised it is material for him to answer, says, that for the facts alleged in the Bill, he has reason believing that the interest of the parties interested will be promoted by a sale of the Land therein mentioned. & having answered prays leave to be dismissed &

N. P. Young jr ad litem

Territory of Idaho
County of Ada

N. P. Young personally appeared before me a justice of the peace for the county aforesaid, & made oath that the facts in his answer are true to the best of his knowledge & belief

Subscribed & sworn before this 19th day of Sept. 1865

We acknowledge service of the within Summons

Geo. H. Corbell

Jas. J. Phillips

Samuel Lowling

Jn. P. McLowling

Jno. T. Phillips

Phillips Executors &c.

v.

Z. Lowling & Co.

Lowling Defts &c.

Marshall Co. March 10th 1838

W. Phillips Pltffs Atty.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON John M. Cowling and Mary P. his wife, Samuel Cowling and Ann E. his wife, Sarah F. Corbell, John D. Corbell and Elizabeth his wife, James Eley and Sally Ann his wife John T. Phillips and James A. Phillips

to appear at the Clerk's Office, of our Circuit Court for Isle of Wight county, on the first Monday in March next, to answer a bill in Chancery to be filed against them by Edwin E. Phillips in his own right and as Trustee for John M. Cowling & Mary P. Cowling his wife & others

~~of a plea of~~

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 19th day of February, 1856, in the 80th year of the Commonwealth.

N. P. Young c.c.

Commissioners Office,
Isle of Wight County, May 12. 1866.

The Deposition of Nathaniel E. Pruden, taken before N. P. Young, one of the Commissioners of the Circuit Court of Isle of Wight County, as evidence in support of the account made by said Commissioner under a decree of said Court rendered on the day of Oct. 1860, in the suit therein pending, between Edwin E. Phillips in his own right & as trustee for Jno. M. Cowling & Mary P. his wife and their children plaintiffs, and John M. Cowling & Mary P. his wife, and others defendants and by consent of the parties by their attorneys - on the day year first aforesaid.

Deponent being first duly sworn, deposes and says. That he is well acquainted with all the parties connected with the suit - That he resided in the County of Nansemond, within two miles for the past two years of the residence of Jno M. Cowling & wife, who reside on the tract of land in the decree aforesaid referred to - That he considers the the said tract of 200 acres above alluded to, worth at least $1500. or $1800.00 - and is decidedly of the opinion, that it would be greatly to the advantage of all the parties interested, to have the proceeds of the two tracts in the proceedings mentioned, invested in the purchase of the said tract. The said tract lies within one mile of navigable water, has upon it a good two story dwelling, and other good houses suitable, young apple orchard of two hundred trees and in opinion of deponent, is increasing in value, being under good fence.

And further deponent saith not,

Nath'l E Pruden

The foregoing deposition was taken & subscribed before me a Commissioner of the Circuit Court of Isle of Wight County, on the day & year mentioned in the caption.

N. P. Young Com.

N. E. Pruden with allowed for one day & travel 8: 7 miles, one 10 – coming & going – making 14 miles $1.06

N. P. Young com.

Deposition of
Wm Capt. [illegible]
Com. Evans

May 12. 1862

Commissioners Office Isle of Wight County
Apl 28. 1857.

The depositions of ~~George T. Hall~~, Mills E. Marshall and Francis C. Latimer taken before N. P. Young, one of the Commissioners of the Circuit Court of Isle of Wight County, in the presence of the guardian ad litem of the infant defendants in the suit in Chancery pending in said Court between Edwin E. Phillips in his own right & as trustee for John M. Cowling and Mary P. his wife and their children against John M. Cowling & Mary P. his wife, Samuel Cowling and Ann E. his wife, Sarah F. Corbell, John D. Corbell & Elizabeth his wife, Jesse Edwards & Sally Ann his wife John T. Phillips & Jesse D. Phillips and Mary E. Cowling, Elizabeth L. Mariah C. Almeada & John P. Cowling the infant children of John M. Cowling & Mary P. his wife, and by consent of the parties pltffs & defts. by their attorney - on the 28th day of April 1857 - to be used by said Commissioner to enable him to make his report under the decree pronounced in the said cause on the 16th. day of May 1856.

The deponents being first duly sworn, respectively depose and say That they are acquainted with the real estate in the proceedings of said suit mentioned, wherein John Phillips lately resided - That they know it for many years - That they are decidedly of the opinion that the interests of the infant defendants would be promoted by a sale of said real estate - For the following reasons - The land if held as it now is, and rented out, will greatly depreciate in value - That the houses thereon are old and becoming dilapidated, and that the amount for which the land would probably sell, would pay an annual interest greater than the annual rent in a few years. and further they say not.

Mills E. Marshall
F. C. Latimer

Sworn to & subscribed the day aforesaid
before me N. P. Young Com.

Commissioners Office, Isle of Wight County
April 28th 1857.

To the Circuit Court of said County.

Pursuant to a decree of the Circuit Court of Isle of Wight County pronounced on the 16th day of May 1856 in the suit in chancery therein pending, between Edwin E. Phillips in his own right and as trustee for John M. Cowling and Mary P. his wife and their children plaintiffs, and John M. Cowling and Mary P. his wife, Samuel Cowling and Ann [illegible]. his wife, Sarah F. Corbell, John D. Corbell and Elizabeth his wife, James Ely and Sally Ann his wife, John T. Phillips, James I. Phillips and Mary E. Elizabeth A. Maria C. Almeda and John P. Cowling infants of John M. Cowling & Mary P. his wife defendants. Your Commissioner reports, that, in the presence of the guardian ad litem of the infant defendants and by consent of the other parties in said cause, he has taken the deposition of Wells C. Marshall and Francis C. Delorme both annexed, and upon the said depositions he reports to the Court that the interests of the infant defendants would be promoted by a sale of the real estate in the proceedings mentioned, for the following reasons - The land if held as it now is and rented out, will greatly depreciate in value - that the houses thereon are old and becoming dilapidated, and that the amount for which the land would probably sell would pay an interest greater than the annual rent from land in a few years.

Given under my hand as a Commissioner of the said Court the day and year first aforesaid.

N. P. Young Comr.

Phillips Lucia Dab.

a. 3/3 Comd. Regt.

Carding 1 Wife 5 Dab.

Ap. 28. 1837 filed

E. E. Phillips Instructions
to Report of Bonds
Enclosing Oath

Jany. 3d. 1839. Rec'd.
of N. P. Pomroy Clk.
of Isle of Wight Circuit
Court the Bonds of
Magistrates &c. which
were filed in the
office.

E. E. Phillips

Edwin E. Phillips trustee &c. Complainant

vs

Bowling & Wife &als. Defendants

~~Decree~~ Report

The undersigned respectfully represents, that having been appointed a commissioner to effect the sale of the tract of land in the proceedings mentioned, by a decree of the Circuit Court of Isle of Wight County, entered on the above suit, On the 18th of May 1857, that in pursuance of the provisions thereof, and having advertised the time and place for a period longer, and at other public places besides those mentioned in said Order, did, on the 7th of December 1857, that day being the first day for the County aforesaid, at the door of the Court house of said County offer at Public Auction to the highest bidder, the tract of land above mentioned, being the land whereof the late John Phillips died seized and possessed. and at the sale, Mary Hall became the purchaser at the sum of $1199.00 that he took two bonds each for the sum of $599.50. One payable, nine months, the other 12 mos from the day of sale, but carrying interest from date & to which Geo H Hall & C Hall are securities & hereunto returned with this report to Court. - ~~The above sum of~~ Respectfully submitted -

Your honor will perceive, that the undersigned was the trustee to whom the said land was devised by the last will of the said John Phillips, for the objects therein specified, and he submits to the Court an inquiry as to the manner in which the proceeds of sale, shall be invested or disposed of. - Respectfully submitted.

E. E. Phillips (Comm)

Phillips Trustee &c
vs. Comt. appt. under decree of Oct. 1865

Conkling Swift Solrs.

Filed May 12. 1866.

Commissioners Office, Isle of Wight County
May 12th 1866.

To the Circuit Court of said County.

Your Commissioner reports, that in pursuance of a decree of the said Court rendered on the day of October 1860, in the suit therein pending, wherein Edwin E. Phillips in his own right, and as trustee for John M. Cowling and Mary P. his wife and their children are Compls. and John M. Cowling & Mary P. his wife and others are defendants, he has inquired into and and finds, and so reports, that, regarding the rights and interests of all therein concerned, it would be just and proper to invest the proceeds of the two bonds, in the proceedings, and petition & report of E. E. Phillips & M. P. Cowling referred to, in the sale of land and homestead in the said report mentioned, formerly the property of John M. Cowling, now the husband of the said Mary P. Cowling, to be held subject to the trusts imposed by the seventh & eighth clauses of the will of John Phillips, now deceased.

The deposition of N. C. Pruden being the evidence upon which Your Commissioner has acted, is herewith filed as a part of this report. Notice of the taking of which deposition & the making of this report, was waived by the parties.

Given under my hand as a Commissioner of the said Circuit Court, the day & year first aforesaid.

N. P. Young Comr.

Time employed 3 hours.
Comm'r fee $2.25
N. P. Young Comr.

Phelps' Trustee

v.

Conling &c

Report of

W. P. Young

filed 19 Oct.

1869.

To the Circuit Court of Isle of Wight County,

The undersigned reports to Court that the Deeds directed to be made under Decree of May Court 1866 in the cause of Phillips Hunter vs. Cowling &c. have been executed.

Respectfully submitted
N. P. Young

X

Phillips Institute of Conduits
vs Sewer

Contract 08

To be entered

R. H. Baker

May 1856

Entry
1

Phillips trustee &c.

v.

Cowling &c.

This cause came on this day to be heard on the Bill of the Complainants, answers of the adult Defendants, the answer of the Infant Defendant above the age of fourteen years, and of the Infant Defendants by their guardian ad litem, and the answer of the guardian ad litem, and replication to said answers, and Exhibits filed, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order & decree that a Commissioner of this Court, enquire, ascertain & report, upon depositions taken in the presence of the guardian ad litem or upon interrogatories agreed on by him whether or not the interests of the Infant Defendants, would be promoted by a sale of the real estate in the proceedings mentioned, ~~or not~~ and the reasons upon which his opinion may be founded. and report to Court with any matters specially stated deemed pertinent by himself or the parties that may be required by any one of them to be so stated,

Phillips Trustee P.

vs. Ezekiel Deans

Cowling tools

At a Circuit Court held for Isle of Wight on
The 16th day of May 1856.

Phillips Foster & al. Plff
vs. In Chancy
Cowling & al. Defts.

This cause came on this day to be heard on the Bill of the Complainant, answer of the adult defendants, the answer of the infant defendants above the age of fourteen years, and of the infant defendants by their Guardian ad litem, and replications to said answers, and exhibits filed, and was argued by Counsel, on consideration whereof the Court doth adjudge, Order and decree, That a Commissioner of this Court, enquire, ascertain & report upon deposition taken in the presence of the guardian ad litem, or upon interrogatories agreed on by him, whether or not the interest of the Infant defendants would be promoted by a sale of the real estate in the proceedings mentioned, and the reasons upon which their opinion is founded, (And report to Court, with any matter specially stated, deemed pertinent by himself, or that may be required by any one of the parties to be so stated.

A Copy
Teste H. C. Latimer D.C.

Phillips trustee

vs. } Decree

Conkling &c.

Oct. 1858

To be entered.

R. H. Baker

B. Curtis.

Phillips Master
&
Cardingoals

This Cause came on again to be heard on the papers formerly read, and the Report of Edwin Phillips made in pursuance of an Order entered herein on the 18th of May 1857, to which no exceptions have been filed, and was argued by Counsel. On Consideration whereof the Court, Confirming said Report, doth adjudge, Order and decree, that Edwin Phillips withdraw, or leaving a receipt therefor, the two bonds in said Report mentioned - each for the sum of $599.50 & bearing date the 7th of December 1857. executed by Mary Hall, Geo. F. Hall & C. Hall the one payable nine months & the other twelve months from the date thereof, and the same Collect, and out of the proceeds pay first the costs of this suit, (including reasonable fee to Counsel) and expenses of the sale aforesaid, and the balance loan out upon sufficient Security, Real, or personal, or invest in State Stocks, in his name as Master, subject to the trusts contained in the Seventh Item, or Clause of the said John Phillips Will.

But this decree is to be suspended until the said Edwin Phillips enter into bond, before the Clerk of this Court, with sufficient Security, in the penalty of $2500.00, payable to the Commonwealth of Va, Conditioned for the faithful performance of his duty - as such Master.

D Lubbock Esquire
vs
D Lubbock & Bonbury

Rough Sketch
May 1847

To be Entered
Rec'd & F. Baker

Phillips Executor &c
vs
Bowling Phillips &c. } This cause came on to be again heard, on the papers formerly read, and the report of Commissioner N. P. Young - to which there is no exception & was argued by Counsel, On consideration whereof the Court doth adjudge, order and decree, that Edwin E. Phillips who is hereby appointed a Commissioner for such purpose, after having advertised the time and place of sale for at least thirty days, at the door of the C. House of the County of Isle of wight, & other public places in the said County and near the premises ~~&~~ at Public Auction the land & slaves in the proceeding mentioned - being the tract of land in the said County wherein one John Phillips did, lived and died ~~&~~ or a tract of nine ~~&~~ hundred acres by equal amounts of the ~~said~~ purchasemony - Carrying interest from ~~the~~ ~~date~~ ~~of~~ ~~the~~ ~~sale~~ ~~&~~ ~~to~~ ~~be~~ ~~secured~~ ~~to~~ ~~the~~ ~~title~~ ~~to~~ ~~be~~ ~~retained~~ ~~until~~ ~~the~~ ~~further~~ ~~order~~ ~~of~~ ~~the~~ ~~Court~~ ~~&~~ ~~the~~ ~~day~~ ~~of~~ ~~sale~~ - ~~But the said Commissioner is hereby authorized to sell or not the said land, according to his discretion, so as not to permit a sacrifice of the same and the same is~~ and he make report to this Court ~~for their action~~ ~~thereon~~ - but the decree is to be suspended until the said Commissioner executes his bond in the Clerks office of this Court in the penalty of $2,000.00 and sufficient security ~~conditioned according to law~~ - payable to the Comth of the Condition faithfully to Execute this decree

~~&~~ Taking bond with sufficient surety the title to be retained until the further order of the Court

Phillips Trustee &c

vs. Copy Decree

Bowling &als.

At a Circuit Court Continued and held for the County of Isle of Wight on the 18th day of May 1857.

Edwin E. Phillips Trustee for Mary P. Cowling & others Pltfs

against In Chancery

Mary P. Cowlin and others. Defts

This Cause Came on to be again heard on the papers formerly read, and the report of Commissioner N. P. Young, to which there is no exceptions & was argued by Counsel, On Consideration whereof the Court doth adjudge order and decree, that Edwin E. Phillips who is hereby appointed a Commissioner for such purpose, after having advertised the time and place of Sale at least Thirty days at the door of the Court House of the County of Isle of Wight, and at other public places in the said County & near the premises, Sell at public auction the tract of Land in the proceedings Mentioned; being the tract of Land in the said County whereon one Edwin Phillips dec'd lived and died. On a Credit of Nine and twelve Months for equal amounts of the purchase Money, Carrying interest from date of Sale. & Make report to this Court, But this Decree is to be Suspended until the said Commissioner execute his bond in the Clerks office of this Court, with Sufficient Security in the penalty of Three Thousand Dollars, payable to the Commonwealth of Virginia, Conditioned faithfully to perform the requirements of this Decree, taking bond with Sufficient Security, the title to retained until the further order of the Court.

A Copy

Teste J. C. Latimer D.C.

C. C. Phillips butler

(P.) A. Finch Esqr

Buckingham

Oct. 1857

To be entered

R. H. Barbour

E. E. Phillips Executor
to
Carling, Cupp & als.

Decree

This cause came on again to be heard, on the papers formerly read, & was argued by Counsel: It appearing to the Court, that in the "Order" entered herein at the October Term 1858, no provision was made for executing a Conveyance of the tract of Land belonging to the late John Phillips dec'd, & whereon he lived & died, in the proceedings mentioned, to Mary Hall, the purchaser thereof, on the payment of the bonds, in said Order, referred to, On consideration whereof, the Court doth adjudge, order & decree, that the said Edwin E. Phillips, on the payment of the bonds aforesaid, convey, with Special Warranty, the said tract of Land, in the proceeding mentioned, to Mary Hall the said purchaser.

Ed. P. Phillips trustee &c.
vs. Decree
Cowling & als

This cause came on again to be heard, on the papers formerly read, the report of E. P. Phillips, and petition of said Phillips and Mary P. Cowling, the day filed herein, exceptions have been filed, and was argued by Counsel: On Consideration Whereof, the Court confirming said report, doth adjudge, order and decree, that the decree entered herein at the Oct. Term 1858, of this Court between E. P. Phillips & others be kept in full force and effect, except as to the provisions relating to the sale of said land, which is hereby set aside. And the Court doth further adjudge, order and decree, that the said proceeds of said land, be invested by the said Ed. P. Phillips in the purchase of the tract of land, of 205 acres, in the said petition described, and by the said Plat thereof described. And as it appears that the legal title thereto is in the said Ed. P. Phillips, the Court doth further adjudge, order and decree; that he the said Phillips do hold the said tract of 205 acres, as trustee for the said Mary P. Cowling and the children of the said Mary P. Cowling, subject to the provisions said limitations, in the 7th & 8th clauses of the bill of the Phillips contained and annexed to the decree of the 7th of Nov. 1858 and that the Master in confirming or otherwise disposing of the said petition & report doth adjudge order and decree that a commissioner of this Court doth inquire into and report to the Court, (accompanying the same with the evidence upon which he may act) whether or no, regarding the rights and interests of all therein concerned, it would be just and proper to invest the proceeds of the sale land in the

Phillips Trustees
to
Cowling & Hughes

Dec. 1865

Title extends
to 12. 14. 191

said petition and report referred to in the purchase of the tract of land & homestead in the said report mentioned formerly the property of John M. Cowling was the husband of the said Mary Cowling to be held subject to the trusts imposed by the seventh & eight clauses of the will of John Phillips now deceased

Phillips Trustee

vs

Conkling Ltd

May co. 1866

To be entered

R. H. B.

Phillips Trustee &c
vs.
Bowling & als.

This cause came on again to be heard on the petition of Phillips & Bowling & Report thereto on the papers formerly read, and the Report of Commissioner Nat. P. Young made in pursuance of an order entered herein on at the Octo. Term 1860 - to which no exception has been filed & was argued by Counsel: On Consideration whereof the Court doth approve said Reports: and being of the opinion, that the interests of Mary P. Bowling inc. Bowling, and the Children of the said Mary P. Bowling, will be promoted by the Investment of the proceeds of the bond of Mary Hall given for the purchase of the tract of Land, sold by order of this Court, in the purchase of the tract of Land mentioned in the petition of said Phillips Trustee and Mary P. Bowling containing 205 acres, the boundaries of which are set forth in the plat filed with said Petition & being the same whereon the said Bowling & wife now reside, [illegible] the limitations, restrictions & trusts contained in the last Will & Testament, or Items of the Will of said John Phillips in regard to the estate herein devised to [illegible] Phillips Trustee, it is ordered, adjudged, order and decree, that Edwin E. Phillips do convey unto Nat. P. Young, the tract of 205 acres above mentioned: and that the said Nat. P. Young simultaneously, reconvey unto Edwin E. Phillips Trustee, the same tract to be held by him as Trustee subject to the limitations, trusts & provisions contained in the 7th & 8th Items of the last Will & Testament of John Phillips and: and report to Court an account of his proceedings [illegible] in the premises —

No. 26

Phillips Jane

v

Cowley Jane

1869

Act. Court

Final Decree

To be entered

E. F. F.

Phillips Justice v Cowling &c

This cause came on this day to be again heard on the papers formerly read & on the Report of A. P. Young this day filed, which is confirmed — And nothing further being required to be done in the cause it is ordered that the cause be removed from the Docket.

In the name of God Amen, I John F. Phillips of the County of Isle of Wight do make and ordain this is my last will and testament in manner and form following viz:

Item 1st I give and bequeath unto my Son Edwin E. Phillips the amount which I have heretofore advanced to him in money and property, with all the interest thereon accruing, to him and his heirs forever

I also give ~~and~~ to my Son Edwin E. Phillips my Negro man Isaiah, as a compensation for selling my estate instead of his having any Commission for selling the Same, to him and his heirs forever.

Item 2nd The money and property I have given to my Son Edwin Phillips and with all the interest thereon I give to his heirs forever.

Item 3rd I Give and bequeath unto my daughter Ann E. Cowling, the tract of land which I purchased of Nath. Pruden lying and being the County of Nansemond near the land of Samuel Cowling, also my Negro woman Hannah, and boy Richmond, my Gig and five hundred dollars in Cash with all the stock and furniture I am now possessed of

I also bequeath to my daughter Ann E. Cowling my Negro girl Sally until my Grandson John E. Cowling arrives at the age of twenty years

Item I give the said Negro girl Sally to my grandson John E. Cowling and his heirs, upon this Condition which is to be properly understood, the three first Children of the said Girl Sally (if she shall have any) are not given with the said Girl, I give the first to my grand daughter Eugenia, the Second Child to my Grandson Thomas and the third Child to my grand daughter Sarah Ann E. Cowling & to them and their heirs forever.

Item 4th I give and bequeath unto my grandson John E. Cowling my Negro man named Cicero providing he shall arrive to the age of twenty years, on Condition that he pay to his Sister Mary Frances Cowling the sum of one hundred dollars, But if he should die before he arrives at that age, I give the said Negro boy to my daughter Susan or her Child or Children as may be living at that time.

Item 5th I give and bequeath unto the heirs of my Son Edwin E. Phillips deceased the money and other property advanced to him in his life time, with all the interest thereon, I give & unto them and their heirs

Item 5th I give and bequeath unto my daughter Mary Cowling Son Virgin Kelley and Virginia in their future increase and also I give her five hundred dollars and all the Stock and furniture which is already advanced to her and her heirs forever.

Item 6th I devise and bequeath unto my Son Edwin E. Phillips the land and plantation whereon I now live, in trust, and upon the following terms & limits, That my said Son Edwin E. Phillips trustee as aforesaid, shall permit the said land and plantation to be occupied and used by my daughter Mary P. Cowling and her husband John M. Cowling, and take the profits and productions thereof to their own use and disposal, during the coexistence of the said John M. Cowling and Mary P. his wife, and if my said daughter Mary P. Cowling shall survive her husband, Then and upon the death of the said John M. Cowling I do devise and direct that the said Edwin E. Phillips trustee as aforesaid, give and devise the said land and plantation in fee simple. But if my said daughter shall die before her said husband, John M. Cowling leaving a child or children or children of a deceased child or children living at her death, happening as aforesaid before the death of her said husband, Then I do devise and direct, That the said land and plantation go to, and be divided between the surviving children and the descendants of a deceased child or children, The grand children in such case, taking what their parents would have taken if then living, And I do expressly declare it to be my wish and desire, That if the said John M. Cowling shall cut any timber off the said land over and above what is necessary for the use and enjoyment of the said land and plantation as a farm, and such as may be necessary for his trade, Then the said Edwin E. Phillips trustee, is hereby directed to take and sell such timber, and the proceeds hold or use for the benefit of my said daughter and her children according to the manner in which they may be entitled to the said land, But if my said daughter Mary P. Cowling shall die before her said husband as aforesaid, and not leaving any child or children or the descendants of a child or children then living at her death, so happening as aforesaid before that of the said John M. Cowling, Then the said land is to return to my estate, and become according to law.

Item 8th I give and bequeath unto the said Edwin E. Phillips Trustee as aforesaid, for the use and benefit of my said daughter Mary P. Cowling a Negro girl Esther a (Mulatto) upon the same terms and limitations as are above imposed in regard to the land in the Seventh Item of this will, And I do further direct that, Neither the profits and rents of the land aforesaid nor the increase of the said Negro Esther hereby devised and bequeathed to the said Edwin E. Phillips trustee for my daughter Mary P. Cowling, are in no manner to be subject to the debts, claims or liabilities of any kind which may or shall exist against him the said John M. Cowling, but to be exempt from all such claims, liabilities, agreements &c against him.

Item 9th I give and bequeath unto my grand son John E. Phillips, one Negro boy Davy on condition that he pay to his brother Cornelius E. and his sister Mary Ann Phillips the sum of one hundred dollars each, to him and his heirs forever.

Item 10th I give and bequeath unto my grand son John Theophilus Phillips one negro boy Isaac, on condition that he pay to my grand daughter Sally Ann Cley and Elizabeth Corbell fifty dollars each, and to my grand son, James Joseph Phillips the sum of fifty dollars to him and his heirs forever.

Item 11th It is my will and desire that my Executor hereafter named, sell the land and plantation called Hollowayz, at private or public sale as he may think proper, And it is further my will and desire, that my executor sell the balance of my estate not heretofore given away, at public or private sale, and out of the proceeds of such sale, first pay my just debts, and the balance to be equally divided between my children now living, Namely, Edwin E. Phillips, Ann L. Cowling, Mary P. Cowling, and Sarah A. Corbell, to them and their heirs forever.

Item 12th I lend to my daughter Mary P. Cowling my negro girl Harriett until my grand son John Phillips Cowling shall arrive to the age of twenty years, Then I give the said negro to my said grand son, to him and his heirs forever. But should my said grand son die before he arrives to that age, I give the said negro to be equally divided between the brothers and sisters of my said grand son.

Item 13th and Lastly, I do hereby constitute and appoint my son Edwin E. Phillips my whole and sole Executor to this my last will and Testament, requesting the honorable Court of Isle of Wight County to permit him to qualify without giving security, as I have the utmost confidence in him. But should my son Edwin E. Phillips die before my son in law John M. Cowling in that event, Samuel Cowling is to stand and be the trustee for the benefit of my daughter Mary P. Cowling and to do all that I have left for Edwin Phillips to do, And I hereby direct

that the property that I have given to my said daughter Mary P. Cowling in the event of the death of My Son Edwin E. Phillips before the death of the said John M. Cowling, may pass into the hands of the said Samuel Cowling as her trustee. In testamony whereof I have hereunto set My hand and affixed my Seal this 13th day of July in the year of our Lord One Thousand Eight hundred and fifty.

Signed sealed and acknowledged
in presence of us. } John Phillips (Seal)
Isaac Moody }
James E. Moody }
P. P. Phillips }

Acknowledged by the testator in presence of us both at the same time & place – May 26th 1853.
W. P. Young
F. E. Latimer

In Isle of Wight County Court December 5th 1853. The last will and Testament of John Phillips dec'd was proved by the oaths of W. P. Young and Francis E. Latimer two of the subscribing witnesses thereto, and ordered to be recorded, and on the motion of Edwin E. Phillips the executor therein named, who made oath and with bond security as the will directs, entered into and acknowledged bond in the penalty of $2000.00, Certificate of probate is granted him on said will in due form.

A Copy
Teste – W. P. Young cc

John Phillips
Will
A Copy

Letter of Mary Bailey

to

R. Hubbard

Mr. R. H. Whitfield

Dear Sir

It is my wish and desire that the proceeds of the sale of my Father's Plantation which was sold under a Decree of the Circuit Court of Isle of Wight County be appropriated to purchase of the Farm where I now reside to be held and enjoyed in the same manner as the Old place was made provided for in my Father's will.
And if necessary that the Court should render a Decree to that effect authorizing the Trustee so to do.
And that you will please prepare all Deeds & papers necessary for a final settlement of the case.

Very Respectfully yours

M. P. Bowling

P.S.

A Plot and description of the land to be conveyed is sent herewith.

Yours &c

M. P. B.

Amt of Sale $1200

Plat of Land for—
E. E. Phillips
205 Acres

Beg^{n} at a Beech in swamp in Whiteheads line,
& Running up swamp, N22°E 17 poles, N75°E 16 poles,
N35 E 20p. N30°E 12.P. N22E 14 P, N12E 9 poles,
to corner line of Whitehead in swamp, then E. E. Phillips Land
N45E 123 poles along the S. side of a branch &
through an old field to a pine, then S39E 75.P,
to a Holly in J C Meadors line, then along sd
line S54E (at 18 poles drop to left 3 poles to
line maple tree, & at 65 poles Dr to left
4 poles to a dead line tree) whole
course 90 poles to corner line,
of J C Meador in swamp, &
close the offsets, then S24 W 80 Poles
to or near the head of swamp, thence down
swamp S33 W 64 poles
S52½ W 32 poles to corner line of Jas P Munfords
Est & E Phillips, then down swamps
N68 W 38 P, East 10 P. N48 W 13 poles drop to left
4 poles, then up another Branch N15 E. 17 P, N57 E
14 p Dr to left 2 poles, N39 E 14 P Dr to left 2 p. N65½ E
16 poles to corner poplar in swamp, N54 W 66 poles
to corner line of Mrs Dixon, then S42 W 51½
poles, then N58½ W 48 poles To Beginning
& Containing 205 Acres

J. M. Cowling surveyor

scale 20 pole to ½ inch

Area 205 Acres

Mrs Dixons Land
18 Acres

Down swamp

swamp Running
on to Everetts Bridge

corner of E & P
Phillips & Munfords
Estate

Head of

Land of Jas P Munfords

Beginning

Beech in swamp near
Mast Pt

Land of Whitehead Heirs

KNOW ALL MEN BY THESE PRESENTS, *That we,* Edwin E. Phillips, John T. Pruden & Geo. H. Hale are held and firmly bound unto the Commonwealth of Virginia in the sum of Three Thousand Dollars to the payment whereof, well and truly to be made, we bind ourselves, our heirs, exeeutors, and administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this 7th day of December, in the year of our Lord, one thousand eight hundred and Fifty Seven

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Deeree of the Cireuit Court of Isle of Wight county pronounced on the 18th day of May in a eause depending in the said Court in whieh Edwin E Phillips Trustee for Mary L Cowling & others are plaintiff, and and Mary L Cowling & others are defendant, the above bound Edwin E Phillips was appointed a special Commissioner to sell the land and premises in said Deeree mentioned on a Credit of Nine & twelve Months for equal amounts of the purchase Money Carrying intrest from date of sale, & make report of his proceedings to this Court.

Now if the above bound Edwin E. Phillips shall faithfully discharge his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to remain in full foree and virtue.

Signed, sealed, and delivered in the presence of

F. C. Latimer JC

E. E. Phillips L.S.

J. T. Pruden L.S.

Geo. H. Hale L.S.

Phillips Sturbs &
vs. Z Conl. Bonner
Conveying &c
Ef. Offering, Dec. 1857

Know all Men by these Presents, That we Edwin E Phillips and Merit Briggs are held and firmly bound unto the Commonwealth of Virginia in the sum of Two Thousand Dollars to the payment whereof, well and truly to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this 3d day of January 1859 in the year of our Lord, one thousand eight hundred and fifty Nine

The Condition of the above Obligation is such, That whereas, by a Decree of the Circuit Court of Isle of Wight County, pronounced on the 22d day of October 1858. in a cause depending in the said Court, in which Edwin E Phillips Trustee &c. are ——— Plaintiff, and Mary P. Cowling & others are ——— Defendants the above bound Edwin E Phillips was appointed a special Commissioner to withdraw from the Clerks office the Two Bonds of five hundred & Ninety Nine dollars & 50/. Each Executed by Mary Hall, Geo. T. Hall & C. Hall returned by him with his report in this cause, & the same & out of the proceeds first pay the Costs of this suit including reasonable fees to Counl. & expenses of sale & the balance account upon sufficient security — or invest the same in State Stock in his name as trustee subject to the trusts contained in the 7th Item of the will of John Phillips dec'd

Now, if the above bound Edwin E Phillips shall faithfully discharge his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered in the presence of

N. P. Young &c

E. E. Phillips SEAL.

Merit Briggs SEAL.

SEAL.

Phillips

Dr. Hamilton

Carolina

Jan 3. 1859