

1875-015 Chancery Causes. James Athens, Andrew Omans & ux, ~~W~~ Wesley Phelps & ut vs Ella Athens, by & c

Isle of Wight County

Commissioner's Office, Isle of Wight Court House,

Jan'y. 10th 1866
 To James H. Atkins and Andrew Cowan Hoise and
 Dorinda Phelps.

You are hereby notified that I have fixed upon the 10th day of February next, if fair, if not, the next fair day thereafter, (Sunday excepted) to take and settle, at my office, the following accounts:

"An account showing the amounts respectively due to James H. Atkins and Ella Atkins and the fee simple of the dower interest of Sally Cowan and Dorinda Phelps, respectively, (in the proceeds of sales of land in the proceedings mentioned)"

required to be taken by decree of Isle of Wight Circuit Court, rendered on the 2^d day of January 1866, in a suit in Chancery depending in said Court, between

James H. Atkins, Andrew Cowan Hoise and Phelps.
 and Ella Atkins infant deft.

at which time and place you are required to attend.

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

A. P. Young Com'r.

Personally appeared before me, Just. in Chy.
 a Justice of the Peace of Islip, Suffolk county, C. & Ely I made
 oath that he delivered a true copy of the within
 to Andrew J. Oman and wife on the 14th
 of January 1871 given under my hand
 this 6th day of July 1871

Attest me.

Wm. Bond. Notary
 d.

Attest me.

10th July. 1871.

Wm. Bond

Notary

10th July 1871

Know all Men by these Presents, That we James Atkins

B. G. Washington

are held and firmly bound unto the Commonwealth of Virginia in the sum of Five hundred

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 1st day of January

in the year of our Lord, one thousand eight hundred and Twenty 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 4th day of August 1869

in a cause depending in the said Court, in which James Atkins, John Green and

William Phelps & Benjamin Phelps and Dorcas Phelps are

Plaintiff, and

Eliza Atkins are Defendant by H. P. Young her guardian it is

is the Defendant, the

above bound James Atkins was appointed a special

Commissioner to sell the real estate in the said cause and to receive the

proceeds thereof and to pay the same to the said Eliza Atkins

and to the said John Green and William Phelps and Benjamin Phelps and Dorcas Phelps

and to the said H. P. Young her guardian and to the said James Atkins

and to the said Eliza Atkins and to the said John Green and William Phelps and Benjamin Phelps and Dorcas Phelps

and to the said H. P. Young her guardian and to the said James Atkins

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and to the said Eliza Atkins and to the said John Green and William Phelps and Benjamin Phelps and Dorcas Phelps

Atkins J.
" J. Com. Board
Atkins R.

Nov. 1. 1869 E.D. J.
filed.

In the Circuit Court of D.C. & W. Monday May Term 1875

Atkins vs. A. L.

vs.

Atkins vs. A. L.

This cause came on this day to be again heard on the papers
formerly read & was argued by counsel. On consideration
whereof, and it appearing to the court that James Atkins was
impoverished & is dead and insolvent, and that P. C. Washington
his executor
has been adjudged a bankrupt ~~and~~ that nothing further can
be done herein, it is ordered that this case be removed from the
docket.

Actinus fals

(21)

Actinus fals

Rough Discus

To be entered -

Sept 185-

Gen. V. 185-

Entered (21)

Subscribed by Court of Chancery of the State of New York January 25 1871

James H. Hens, Comptroller of the State of New York and

Phelps

And William H. Phelps

Plaintiffs

vs

Ella Atkins an Infant by a P. Hens, her guardian ad litem

Comes now before the Court to be heard on the papers formerly read
and on the report of Commissioner James H. Hens, On consideration
whereof the Court has considered said report to which no exceptions are
made and doth hereby order & decree that the said James H. Hens Com-
ptroller obtain the said fund from the clerk of this Court giving him
receipt for the same and proceed to collect the same, and that he
pay the costs of this suit including a fee of \$20 to the attorney on the
cause, and it is further so prayed ordered and decreed that one of the
Commissioners of this Court do report to Court an account showing the
accounts respectively due to James H. Hens and Ella Atkins and
the full value of the donor interests of Sally Hens and William
Phelps respectively ~~both in the said Sally Hens and William Phelps~~
~~being to use the said simple interest value of the same~~
together with any other matters deemed pertinent by himself or
or required by the parties to be so stated

Album, 1 vol.

by

Arthur

Jan 2nd 1871

Heaven

To be printed

Wm. P. Hutchinson

Peelard

At a court held for the County of Isle of Wight on Monday, August 2nd 1869.

James Atkins, Charles Evans, Sally his wife and Wiley Phelps & Amanda his wife Plaintiffs

vs

Ella Atkins an infant under 21 years old by A. Young her guardian ad litem
opposed to defend her in this suit, Defendant.

This cause came on this day to be again upon the papers formerly read and upon the report of Benjamin Gray John W Gray Francis Cockburn and John Jones four of the commissioners under the decree of 5th day of July 1867 to which report there was no exception, and was argued by counsel; On consideration whereof the court both approve and confirm the said report, and both adjudge, order and decree that James Atkins who is hereby appointed a special commissioner for that purpose, do, after having advertised the time, place and terms of sale by advertisement posted at four or more public places in the County of Wight twenty days previous to the day of sale, proceed to sell the premises in the bill and proceedings mentioned consisting of a tract of land of about 100 acres adjoining the lands of Francis Cockburn, Henry Hoyle, Mary Hoyle and William Bailey, at Sale or by Public Auction, at the Court House on some court day, upon the following terms ~~to wit~~ to wit the purchaser each and one half on a credit of twelve months, the said installment to be paid in full from the day of sale, taking from the purchaser bonds with good personal security for the deferred payments and the title to be retained until the further order of the court. But the said James Atkins is not to proceed to sell under this decree as such commissioner until he shall have entered into bond with

Sufficient security in the Clerk's office of this Court, payable to the Common-
wealth of Virginia, conditioned for the faithful discharge of his duties as such Com-
missioner, And the said Commissioner is directed to report his proceedings un-
der this decree to the Court. And it is further adjudged ordered and decreed
by the Court that the Commissioners of this Court do ascertain and re-
port in the present writ of the Dover interests of Plaintiffs Maria
da Philps, and Sally Emans.

Adm. Sale

W. Emans for sale

Adm. Sale

W. L. L. to be returned

Decem. 11. 1840

3 - day

At a court held at the same place of Sale of Right on the 10th day of
May 1829.

James Atkins Andrew Owens and Sally his wife and Wiley Phelps and
Bonnda his wife. Plaintiffs

Against

} in Chancery

Ella Atkins an infant.

Defendant.

This day came the plaintiff and filed their bill and on their motion Mr

Gray was appointed guardian ad litem of the infant defendant Ella
Atkins to defend her interest in the suit and therefore the said guardian
ad litem filed the answer of the said infant to which answers the said plain-
tiffs replied generally, and the same coming on to be heard upon the bill, said
answer, general replication and exhibit filed and was argued by counsel.

By consideration whereof the court both adjudge order and decree That Benjamin
Gray Frank Atkins John Jones Augustus McWhite and John W Gray
who are ^{of the} special commissioners for that purpose, any three

of them may act after having been first duly sworn to proceed to lay off and
divide the real estate of which Wiley Atkins died seized in the County of

of Wright ~~comprising~~ ^{containing} by estimation fifty acres
adjoining the lands of Francis McAtkins Nancy Woodley Mary Gray and
William Barclay ^{having regard to quantity & quality} into eight equal parts, and allot two of said parts to

Sally Owens for her dower in the said land as widow of Woods Atkins decd
two of said parts to Bonnda Phelps for her dower interest in the said land as
the widow of Evans Atkins decd. some of said parts to James Atkins

and some of said funds to Ellen & John. But if such partition should
 be found by said commissioners to be impracticable, the entire debt may
 be allotted to any party who will see fit to bear pay therefor to the other par-
 ties such claim of money as the value of his share may entitle them to,
 of the interest of those who are entitled to the debt, or the proceeds will
 be provided by a sale of the entire debt, or allotment of part and sale of
 the residue they are to report with the reasons on which their opinions are
 founded, together with the amount which every party ^{who} will take the whole, or
 any part of the land should pay for the same, and to whom such amount
 should be paid, with the fee simple value of said land, and the way &
 cost they shall refer to said commissioners under this power.

Attorneys fees

By J. H. Brown

Attorneys

To be entered

of Wm. Van Dusen

An account showing the amounts, respectively, due to James J. Atkins & Ella Atkins, and the fee simple of the dower interest of Sally Overman and Dorinda Fells, or Phelps - respectively, in the proceeds of sales of land in the proceedings mentioned in the suit of Atkins & al. v. Atkins, pending in Isle of Wight County Court.

Nett balance of proceeds of sale of land	150 68
Amount of James J. Atkins interest therein, being $\frac{1}{2}$ of said amt. $\text{Cp} - \$27.00$ the interest of Dorinda Fells and Sally Overman's share, in lieu of their dowers.	61 84
Amount Ella Atkins interest therein do. do.	61 84
Sally Overman being 35 years old her expectation of life is 28.22 years - $\frac{1}{3}$ of $\$150.67$ is $\$50.22$ amount value of which is $\$3.01$ - $\frac{1}{3}$ of $\$3.01$ is $\$1.$ present value of $\$1.00$ for 28.22 years	13 50
Dorinda Fells, or Phelps, being same age, her interest is the same	13 50
	$\$150 68 \quad \$150 68$

Commissaries Office Isle of Wight Co
November 22^d 1871

To the County Court of Isle of Wight County
Pursuant to a decree of said Court rendered on
the 2^d day of January 1871 directing a commis-
sioner of the Court to take an account (in the
suit therein depending between James T.
Atkins et als plaintiffs against Ella Atkins
defendants) showing the amounts respectively
due to James T. Atkins and Ella Atkins
and the fee simple of the dower interest
of Callie Atkins and Sarah Phelps expec-
tively in the proceeds of sale of land in the
proceedings mentioned. Master Commissioner
reports to the Court that on the 10th day
of January last, he issued process to the
parties that he had fixed upon the 10th day
of February 1871 to take and settle at his
Office the said account, and requiring them
to attend, which notices were duly executed
and returned; that on the day so appointed
for want of necessary information the ac-
count was continued and kept continued
from time to time until the case of the
suit. When from the evidence before him
Master Commissioner has made up and
completed the foregoing account, which

shows that ^{the} interest of James, S. Atkins
and Ella Atkins, each, in the proceeds of the
sale of said land amounts \$65. ⁸⁴ and that
the interest of Sally Parsons and Harinda
Phelps, each, in the same fund, amounts to
\$13 ⁵⁰. Your Commissioner report specially
from evidence before him, that Harinda,
called in the proceedings, Harinda Phelps, is
the wife of Benjamin, S. Phelps, and not
Phelps.

Given under my hand at Cambridge
of said Court the day and year first
aforesaid.

Attb. fees \$2.50
Comm. fees \$6.00

J. P. Spring Com.

Atkins & Co.

vs. Wm. D. Keft.
under claim
of Jan. 1871.

Atkins

Nov. 24th 1871 filed.

800
Ivor Station Va March 10th 1871

Mr Nathaniel Young

Dear Sir I am
requested by B. G. Washington of Isle
of Wight County to inform you of my
age my age is up to date 35 years old
The said Ex am Atkinson is now dead

Dorinda L. Atkinson V. Respectfully

Since the war I have married again
a man by the name Benjamin H. Felt's

Dorinda L. Felt's

my age up to date 35 years old

you will please let me hear from ^{you} when you
get matters fixed direct your letter ^{to}
Ivor Station to the care of A. Atkinson
and I will get it hoping to hear from
you soon

Southampton County Va

In Sale of Wright County Court. Jan'y. 2nd 1871.

James F. Atkins, & Andrew Omans & wife Pliffs
vs: } In Chy.
Ella Atkins an infant by N. D. Young Guardian
ad litem Deft.

This Cause came on to be heard on the papers formerly read, & on the Report of Comm^r James F. Atkins: On consideration whereof the Court confirming said Report to which no exceptions are filed doth adjudge order & decree that the said James F. Atkins Comm^r obtain the said bond from the Clerk of this Court giving his receipt therefor, & proceed to collect the same, and that he pay the costs of this suit, including a fee of \$20.⁰⁰ to the Attorney in the Cause, & it is further adjudged, ordered, & decreed that one of the Comm^rs of this Court do report to Court an account showing the amounts respectively due to James F. Atkins and Ella Atkins and the fee simple values of the Dower interests of Sally Omans and Doriinda Phelps respectively together with any other matters deemed pertinent by himself or required by the parties to be so stated.

a Copy

Teste

C. H. Hart, D.C.

Atkins et al

vs. { Copy of
Decree

Atkins et al

Geny, Co. Ct. 1871.

Jan. 10. 1871.

Notes in to 10th.

Feb. 1871.

James J. Atkins sal.

Plffs.

v.

3 In ch.

Ella Atkins sal.

Def.

To the county court of Isle of Wight county.
Pursuant to a decree of the said court rendered
on the 2^d day of Janry. 1841, in this cause, a copy
of which is herewith filed, the undersigned com-
missioner thereby appointed, reports to the court,
that he has received from the clerk of the court
the bond of Peter Crocker sal. which was filed in
the cause, and collected the same, amounting,
with the interest thereon for twelve months to \$106.00
which, together with amt. of cash in my hands of 100.00
amounts to the sum of 206.00

From which deduct

Attorneys fee allowed with tax 21.00

Clerks fees 10.32

Comm. in ch. fees 6.00

Shff. of J. Q. Wright (Smith) 1.50

Do. ~~Spentman~~ ~~Chapman~~ 2.00

E. A. Clay serving com. notice 1.50

Comm. on \$200.00 amt. of sales 10.00

Ed. J. Clements crier at sale 3.00

55.32

Leaving a balance in my hands of \$150.68

Given & received my hand this 6th day
of November, 1841.

Test

J. P. P. Young

James J. Atkins com.
sub

Atkins book.

Report of
J. D. Atkins of
collection.

Atkins

In and for Wight County Court January 2nd 1871.

James F. Atkins, & Andrew Omans wife Pliffs.
vs. { In Chy.
Ella Atkins an Infant by N.P. Young Guardian
ad litem Deft.

This Cause came on to be heard on the papers formerly read to the Report of Commissioner James F. Atkins; on consideration whereof the Court confirming said Report to which no exceptions are filed, doth adjudge, order & decree that the said James F. Atkins, do obtain the said bond from the Clerk of this Court, giving his Receipt therefor, & proceed to collect the same, & that he pay the costs of this suit, including a fee of \$20.⁰⁰/₁₀₀ to the Attorney in the Cause, & it is further adjudged, ordered, & decreed that one of the Commissioners of this Court do report to Court an account showing the amounts respectively due to James F. Atkins and Ella Atkins, and the fee simple values of the Dower interests of Sally Omans and Dorinda Phelps respectively together with any other matters deemed pertinent by himself or required by the parties to be so stated.

Attest
Teste

W. P. Young D.C. for
N. P. Young clk.

Atkins. & als -

as. { Gay. Co. Ct.
1871.
Copy of Decree

Atkins & c -

Mr Young Dear Sir

I forgot to day to you any
thing about my Commissions
yesterday and I want to know
if they won't have to go in with
the Expenses. The Expenses are
Oblerts fees 2⁵ on one Taxafe
which I took in yesterday
and I wish you would
take notice of it in dividing
the monie. and send to
my Commissions if any
Very Respectfully
Carmel DeKnis

Recd Nov 1st 1871 of James A. Schenck our family dollar in full of
the indent of Schenck vs Schenck

Geo R. Schenck

Recd Nov. 6th 1871 of James M. Kim,
over Three Dollars for selling the
Wiley Amos Dana

\$3⁰⁰
100

T. J. Kimball

20

Poor Quality Original. Best Possible Capture

Alkoy's James & Co. &

\$ 3.96

✓

Alkoy's James & Co. &

James Atkins, Andrew Corman & wife, Wiley Phillips & wife
1869 To the clerk of Sale of Wight county Dr.
July Fees incurred in chg. suit v. Atkins for
partition of land to inty. decree } \$2.75.
H. P. Young

Atkins James & Co.

\$2.75-

paid

E. S. Atkins &

To the Honble Judge of the County Court of Isle of Wight
The undersigned who by a decree of the County Court of
Isle of Wight rendered on the 3rd day of ^{August} ~~May~~ 1849 in the said depen-
ding cause between James Atkins Andrew Mann & Sally his wife
and Mary Phelps & Francis his wife plaintiffs and E. A. Adams
as defendant by A. P. Young her guardian ad litem defendant was
appointed a special Commissioner to sell the land in the said pro-
ceedings mentioned reports to the Court that on the day of Assen-
der 1849 being Court day, after having having advertised the same
place and terms of sale at four or more public places in the
said county for ten or more days previous to the day of sale, he did offer
the said tract of land for sale at public auction at the Court house
at which sale one Peter Kerocher became purchaser
of the said land, he having bid the sum of one hundred dollars, that
being the highest bid made, of which sum he then & there paid the
sum of One hundred dollars and a cent and his bond for the sum of
One hundred dollars which he has or here will receive,

Witness my hand & seal this 4th day of August 1849
mark

E. J. Chapman

Atkins decr.

By Rept. of sale

Atkins decr.

Jan. 2^d 1891 - This report
was filed but no bond
filed herewith.

In the Hands

Recd. of the clerk of the court the bond
which was filed in this report
Jan. 2^d 1891.

Atkins
at P. Young att.

for his J. Atkins and
att.

This case was decided by a decree of the County Court of Allegheny
County rendered on the 5th day of July 1869 in a suit in chancery defend-
ing therein between James Atkins & also plaintiffs and C. H. Jones as
under the care of Vermilye & Co. & J. H. Jones as defendants. The court
was divided in the proceedings mentioned and respectfully reported to the
Court that they deem it impracticable to divide the same among the parties
inasmuch as the quality of the land is so uneven that the quantity of land
and the inferior at the other. They also deem it impossible to divide the land
to make a division in kind, and for the reason before given the quantity of land
which the party owning the best quality will receive will be too small to be of any
value or favor. They also deem that if the said land should be divided the
value of the parts will be less than the value of the whole tract, which they estimate
to be one hundred dollars. All of which is respectfully submitted.

B. Gray
John W. Gray
H. H. Atkinson
John^{sr} + Jones
mark

Alkmaar
re. 1/2 Clap.
Alkmaar 1/2

Ref. 1. of com. to
particulars.

Augt. 5th, 1869, 1869

To the worshipful Justices of the County Court of Alle of Hight County

Humbly complaining sheweth unto your worships your orators and oratrix James Atkins, Andrew Omans and Sally his wife and Wiley Phelps and Berenda his wife, that Wiley Atkins, the father of your orator James Atkins was in his lifetime seized and possessed of certain real estate lying in the county of Alle of Hight in the State of Virginia, to-wit, the lands of Francis H. Atkins, Nancy Woodley Mary Gray and William Bailey being about fifty acres of land, and being so then seized and possessed, some time in the year 1846, departed this life intestate leaving your orator James Atkins and Moses Atkins and Emma Atkins his only children and heirs at law; that the said Moses Atkins departed this life, intestate in the month of July 1848 leaving Ella Atkins the defendant hereinafter named his only child and heir at law, and a widow who is now your oratrix Sally Omans she having since the death of the said Moses Atkins, intermarried with your orator Andrew Omans; and that the said Emma Atkins, sometime in the month of May 1847, departed this life intestate without children leaving your orator James Atkins and the said defendant Ella Atkins his only heirs at law, and a widow who is your oratrix Berenda Phelps she having since intermarried with your orator Wiley Phelps, and that the said Ella Atkins is an infant under the age of twenty one years. Your orators and oratrix further shew that although the said Wiley Atkins and Berenda Phelps by the death of their respective husbands, the said Moses Atkins and Emma Atkins became by law entitled to some and the same

It is expected to the court what is the full sample R. P. Brown entered in the same
real estate of R. P. Brown fully secured and of the said Dorothea Phelps; that for
purpose of making a full and complete record of the same and general order may be
afforded your raters and ratrices as the nature of their case may require or
to equally shall seem meet And your raters and ratrices will now provide

Geo. H. Atkinson Esq

The answer of Ella Atkins, an infant,
by N. P. Young her guardian ad litem,
to the bill filed against her in the
County Court of Isle of Wight County
by James Atkins, Andrew Brown & Abby
his wife & Wiley Phelps & Dorothea
his wife.

This defendant by her gdw. ad litem
affirms, for answer to said bill,
says that she is an infant under
the age of 21 years - That she neither
admits nor denies the allegations of
said bill, but submits her interests
to the protection of the said Court.

Signed

N. P. Young gdw.
ad litem

Adrian Fals

3
3 Bill

~~Adrian~~

July 5th 1869 Bill &c
filed, and Inty. decern

Augt. 1869. Rpt. made &
decern for Sale.

Jan'y. 2^d 1871.
to collect
Decern for acct. &c

Feb'y. 1871. Handwritten