

1890-003

Chancery Causes:

Ellen Edwards v al

vs Henry H. Edwards, & Collin Kitchen v ux

Isle of Wight County

other surnames: Overton,
Harrell, Doyle, Babb, Slade

Know All Men by These Presents:

THAT WE, *Richard S. Thomas and J. O. Thomas*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Six Hundred* DOLLARS,

to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, exeutors and administrators, jointly and severally, firmly by these presents. Scaled with our seals, and dated this *4th*

day of *June*, in the year one thousand eight hundred and eighty-*Eight* and in the *112th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound

Rich^d S. Thomas who by decree of the Circuit Court of Isle of Wight County rendered at April term 1888, in the suit of Ellen Edwards and others plffs. against Cecil Kitchen wife & others defendants was appointed a Commissioner to see the land in the Rice and proceedings mentioned and to make report &c

shall faithfully discharge the duties of said office or trust then the above obligation to be void, or else to remain in full force and virtue. We hereby waive the Homestead Exemption as to this obligation, and we also waive any right, claim or privilege to discharge any liability arising under said bond, or by virtue of said office or trust, in any currency, funds, counter-claims, or offsets other than legal tender currency of the United States.

R. S. Thomas
J. O. Thomas
SEAL
SEAL
SEAL
SEAL
SEAL

Circuit
IN ISLE OF WIGHT COUNTY COURT, *Clerk's Office June 4. 1888*

This bond was executed and acknowledged in *open Court* by the obligors to the same, and *admitted* ~~ordered~~ to be recorded.

Geo. M. Cooke = CLERK.
For A. P. Young Clerk.

Attest J. M. Cooke

Edward Allen Ellis.

N. J. L. Chey.

Kitchin et al. et al.

Comm. 5 Bond man
Acree of Aprieteur
1888.

Acree

Edwards et al
v

Kitchen et al - vs et al

The

To

Henry H. Edwards, Ballou Kitchen
and Martha A. Kitchen

The

Circuit Court of the County of Des
of Wright - having by its docket order
at its October Term 1882 decreed
" that a commission of this
Court ascertain and report to Court
whether the partition of the tract
of land in said Bill mentioned
containing by estimation 75 acres
be the same more or less lying in
the said County of Des of Wright adja-
cent to the lands jointly owned by
George W. Darden Thayer On. Da-
shier and others conveyed by the Deed
of Brittain Edwards to his children
therein named and filed with the
complainants bill can be con-
veniently divided into six
equal parts in value and one of the
said parts allotted each to Brittain
Edwards, Ellen Edwards, William
Doyle, Henry H. Edwards; or Mar

-the Ann Kitchin: wife of Galloway
Kitchin and the remaining
1/6 equally between Martha
S. Harrell & Fannie Harrell,
and of the opinion of such com-
missioner partition can not
conveniently be made, whether
partition can be conveniently
made of two or more of the parcels
showned elct & have their shares
paid off to them & whether two or
more of the parcels will so sell,
and whether any party will ac-
-cept the whole subject, & pay
therefor to the other parties such
sum of money as their interest-
therein will entitle them to;
or whether the interest of those
entitled to the subject be promoted
by a sale of the entire sub-
ject or allotment of part or
sale of the residue with the rea-
sons upon which his opinion
are founded & the present fair
value of the tract of land" and
the execution of the Decree having
been prevented by the Death of
Bentham Edwards just prior to

the completion of the said report-
and his estate ^{on February 7th 1887} having been
committed to R. A. Edwards
Sheriff of the county of Soler
of Wright and it being the de-
sire of all parties that the
aforesaid report shall be made
by one of the commissioners
of the Circuit Court of Soler
Wright County especially as the
said land has been sold for de-
linquent taxes so that they
may be paid and the land
redeemed, Now Therefore
I take notice that I shall
apply to C. W. Hill Judge
of the 2^d Judicial Circuit
at his Chambers in the City
of Norfolk on the 17th day of
February 1887 for an
order and I am directing one
of the commissioners of his
Court for the said County of Soler
of Wright to make to the Court
the report ordered and directed
to be made by the Decree of
October Term 1882.

Edw. Edwards, Grand Juror
& Officer Plaintiff by
R. S. Thomas, atty

Feb 10th 1887.

Edwards et al
v. Notice
Kilchen et al et al

2/10/87

I accept legal ser-
vice of the within
notice

R. S. Thomas
att'y for

H. H. Edwards

Callie Kilchen

+ Martha A. Kilch
in

In the County Court of Isle of Wight County
the 1st day of Feby. 1887.

On the motion of Ellen Edwards, it is ordered
that the estate Brittain Edwards decd; who
has been dead more than three months,
be and it is committed to the hands of
Robert A. Edwards, sheriff of this county,
for administration according to law.

A copy.

Teste, A. P. Younger.

Edwards et al.

vs. $\frac{3}{2}$ In clay,

Kitchen street et al.

Certificate of the
Commd. of estate
of Britannia Edward

Feb 1887

This And made This 9 day of August 1868
Between Britton Edwards of the first part
and Henry H Edwards, W Britton Edwards, Martha
Ann Babb, Ellen R Edwards, Margaret J.
Edwards, and Missouri H Edwards my
children of the second part. Witnesseth
that for the love and affection I have
for my said children - I do hereby give
grant & convey to my said children
as aforesaid, and to their heirs forever
all my land containingly estimated
seventy five acres more or less, and
bounded by the lands of Geo M Dawson
~~Barnett & Davis~~, Thos M Parkhill, Bonnet & E
Lain, Rhiddick Butler, & others together
with all my house hold & plantation fur-
niture, cart & vehicles, Horses, hogs & cattle
with every other farming utensils upon
the plantation, upon this condition that
my children aforesaid are to maintain
me and my wife Margaret Edwards as
long as we live, and the said Britton
Edwards do hereby warrant the title to
the property hereby conveyed to his said
children as aforesaid to them & their
heirs forever and do further warrant
generally the thereof as above

Witness the following

Signature and seal.

Test.

C H Dardner

W. C. Marshall

Britton ^{his} Edwards (seal)
mark

In the clerks office of Isle of Wight County Court,
August the 9th 1860. this Deed was rec^d. & was acknowledged
by Britton Edwards, to be his act and deed. and thereupon
the said Deed is admitted to record.

Teste

N. P. Young

Britton Edwards.

To. 4 Deed of
 3 Gift

Henry W. Edwards. Bal.
Aug. 9th 1860. rec'd &
ackn'd by Britton Edwards
I am to record.

Recorded in book. No. 40
Page 316.

July 1st 1861.

C. B. HAYDEN,
PRACTICING IN
Isle of Wight, Nansemond,
Surry and Southampton Counties;
and U. S. District Court,
Norfolk.

ATTORNEY AT LAW,

Smithfield, Isle of Wight County, Va.

Oct 11 1882.

My dear Sir

Dear Sir -

Please

send enclosed Bill in
Benton Edmond & Son's
which was written by Mr
Parker in Sept & before I left
the country. Mrs. Coolidge is a
grand daughter of Bill
Edmond, but it has been
re-written to correct the error.
I don't see that Mrs. C. has
any interest in the matter.
Is there any objection to closing
the bill as filed at the proper rules
in this friendly suit under the
circumstances of the

care — If the copy of the
of of advancements &
order of confirmation &
of names of parties in
W.P. Jordan & Co. Ltd.
Requested is dead please
Send in & change L.B.
Edmunds and T.R. Jordan
I am Sir truly

C.B. Hayden
P.S. We would be glad to
see you when you come
to town, I am not yet
able to get to C.H. —

Mr Young will please find
herewith two decrees written in
accordance with what I understood
from Mr Thomas to be his wishes

Respectfully

L B Hayden

Edward et al

v

Rulchen & wife

This cause came
on this day to be again heard on the papers
formerly read, and on the report of pay-
ments and deed to purchase of R. S.
Thomas special Commissioner filed
herein April 7th 1890 to which no
exceptions are filed and was argued
by Counsel: On consideration whereof
the Court confirming the said report
doth adjudge, order and decree that
nothing further remaining to be done
herein that it be removed from the
docket.

Edward et al

v

Kelchen & Wife

Rough Decur

May 1890

To be entered

C. M. H. H.

Contd #1

Edward & wife et al

v

Richey & wife

This cause came on this day & he again heard on the papers formerly read and on the report of sale of R. S.

Thomas special commissioner bearing date November 17th 1888 to which no exceptions are filed and was argued by counsel: On consideration whereof the court - confirming the said sale doth adjudge order and decree that R. S. Thomas who is hereby appointed a special commissioner for that purpose with draw ^{in leaving with the clerk his receipt therefor} from the papers in this cause the bonds of W. J. Stagg for \$46.67 each payable respectively in six and twelve months from November 3rd 1888 with interest from that date, and collect the same on maturity or before should payment be tendered and on payment of the same make to the said W. J. Stagg a good and sufficient deed in fee simple with special warranty for the tract of land bought by at the sale made by the said R. S. Thomas special commissioner under the decree of April Term 1888 herein.

And the court doth further adjudge, order and decree that the said R. S. Thomas special commissioner as aforesaid shall give and out of the proceeds of sale pay first -

Edwards et al

v. Decur

Kitchen & Wife

April 1889

to be entered

C. W. H. W.

Exhibit # 13

The unpaid costs of this suit ~~inclusive of~~
~~attorneys fee of~~ ~~exclusive of the taxed fee~~ ~~for his services as attorney in this suit~~
and the ~~for~~ ^{balance} ~~pay over~~ ^{divided into six equal parts} ~~in equal~~
 $\frac{1}{6}$ to Britton Edwards; $\frac{1}{6}$ to Ellen Edwards
 $\frac{1}{6}$ to William Doyle; $\frac{1}{6}$ equally to Martha
S. Harrell and Fannie Harrell as the heirs
at law of their mother: $\frac{1}{6}$ to Henry H.
Edwards and $\frac{1}{6}$ to Martha Ann Kitchen
wife of Gullen Kitchen according to the
prayer of the complainants' bill; pay-
ing the shares of the adults to them, and
the shares of the minors to their guardians
taking the receipts of the parties for the
said payments and return the same
with his report of his proceeding under
this Decree

after he shall have advertised the place, time
and terms of sale by printed notices of sale posted
at the door of the Court-house on a court-day prior to
the day of sale and at the public places

Ellen Edwards et al

v

Richard et al et al

This cause came
on this day to be again heard on the papers
formerly read and on the report of Com-
missioner N. P. Young filed herein
March 13th 1887 to which reports no
exceptions are filed and was argued
by counsel. On consideration whereof
the court confirming the said report
doth adjudge, order and decree that
R. S. Thomas who is hereby appointed
a special commissioner for that pur-
pose do proceed to sell the ^{tract} land in the
bill and proceedings mentioned con-
-taining by estimation seventy five
acres be the same more or less ly-
ing in the county of Suffolk and
adjacent to the lands formerly own-
ed by George W. Darden, Thomas M.
Dashell and this conveyed by the
Jury of Brittain Edwards to his
children upon the following terms
viz at Suffolk Court House
at public auction on a court day
upon the following terms, viz one
third cash and the balance on a credit
of six and twelve months taking from
the purchaser bond and with good security
taking with interest from date and with a
waiver of the purchaser and obtain title here
the further order of the court

But - the said R.S. Thomas shall not
 execute this decree until he shall
 give a bond with good security
 in the clerk's office of this court - in
 the penalty of ^{Six} Twelve Hundred -
 dollars and bound for the
 according to law for the faithful
 performance of his duties under
 this decree - ~~and~~ ^{and} future decree
 herein

Edwards Ellen

5

Rochester & wife

Rochester Dec 1888

April Term 1888

To be entered

C. M. H. H.

Entered \$10.

Commissioner's Office,

Isle of Wight Courthouse, Feb^y. 24th. 1887.

To Ellen Edwards; and to Grady Overton next
friend of Martha S. Harrell & Fannie Harrell and
William Doyle infants, and R. A. Edwards
shff. & adm. of Brittain Edwards decd; Plaintiffs,

And to Collier Kitchen and Martha A. his wife,
and Henry S. Edwards

Defendants:

You are Herely Notified that I have fixed upon the 14th day of March
next, if fair, if not, the next fair day thereafter (Sunday excepted), to ~~take and settle at~~ ^{make report}
my office, aforesaid, the following accounts: *Equities* - Whether the land in
the bill proceedings mentioned, which was conveyed by Brittain Edwards
to his children can be conveniently divided into six equal parts in
value, and if such division cannot conveniently be made, whether
partition can be conveniently made if two or more of the parties should
elect to have their shares laid off together, or whether two or more of
the parties will so elect, and whether any party will accept the whole
subject and pay therefor to the other parties such sums of money as their
interest therein will entitle them to; or whether the interests of those en-
titled to the subject would be promoted by a sale of the estate subject
or a partition off part and sale of the residue, with the reasons upon which
his opinions are founded; and also report the fee simple value of the tract
of land.

Required to be taken by decree of Isle of Wight Circuit Court, rendered on the 14th day
of Feb^y. , 1887, in a suit in chancery depending in the said court, in which
you are parties, plaintiffs and defendants, at which time and place you are required to attend.

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

aforesaid.

A. D. Young

Commissioner

Edwards Elwood
et al.

3 Com. Gordon
3 in. Clerk
3

Stitcher troops et al.

14th March 1883.

Exhibited by delivering
to the within named
A. B. Edwards a
true copy of the
within summons
March 1st 1883
A. B. Edwards
def

Legal Service of this notice is
hereby accepted. Dated, 28th 1882.
Geo. A. Edwards Sff & admr.
R. S. Thomas, atty for
all parties.

Edwards et al

v

Kilchen et al et als

It having been suggested that since the last decree herein Britton Edwards, one of the plaintiffs in this suit has departed this life and that his estate has been committed for administration to R. A. Edwards Sheriff of the County of San Diego - It is upon the motion of R. A. Edwards as administrator of the said Britton Edwards ordered that this suit proceed in his name as administrator aforesaid and this cause coming on to be heard on the papers formerly read and on the ~~in~~ said motion of the said R. A. Edwards as administrator aforesaid, on the certificate of the commitment of the said estate of the said ^{Britton} Edwards, on the notice of Ellen Edwards, Mary Overtun and other plaintiffs to H. H. Edwards, Callie Kilchen and other defendants bearing date February 10th 1887 filed in the proceedings of this cause, and was argued by Counsel: On ^{consideration} ~~the~~

Edwards et al

v

Reichman & wife & others

1887

Deem in vacuo
was to be entered
by the clerk of
the circuit Court
of Iowa at West-
bury

C. W. H. H. C.

Judge

Feb 17th 1887

Entered, A. P. D. S.,

page 15th

celk.

in vacation and in chambers
Whereof the Court doth, as judge, order
and Deem that one of the com-
missioners of this Court execute
the Deem herein of October Term
1882 and make the report order-
ed and directed by the said De-
-cree as the said Deem orders and
directs

Ellen Edwards et al's

vs

Henry H. Edwards et al's -

This cause this day came on to be again heard on the papers formerly read & on the report of Commissioner V. P. Young made up in term by request of the parties, & was argued by counsel; on consideration whereof the court doth adjudge order & decree that G. B. Hayden who is hereby appointed special commissioner for that purpose, shall proceed to offer for sale at public auction at Isle of Wight Court House on some court day, ~~the~~ after having given at least 20 days notice of the time & place of sale by advertisement at the Court House door of said County on some court day previous to the day of sale & at other public places in said County; on a credit of two years in two equal payments with interest from the day of sale, except so much for cash as will pay the costs of suit & sale inclusive of a fee of \$ to G. B. Hayden for his services in this cause as attorney for all parties, the land in these proceedings mentioned containing by estimation 45 acres more or less lying in the County of Isle of Wight adjacent to the lands formerly owned by George W. Darden & Thomas W. Dashiell being the same tract of land conveyed by the deed of Britton Edwards, bearing date on the 7th day of August 1840 to Henry H. Edwards & the other children

Eden Edwards et als
vs

Henry H. Edwards et als

Ex parte Decree for sale

April Term 1883

To be entered

This decree was written for
Oct. 1883, under the
provision that in the
case the petition in the
sale was made by the
court, and the sale
was not made by the
court, and the sale

of said Britton Edwards named in said
deed, duly recorded in the Clerk's office of
the County Court of the County of Isle of Wight;
taking for the credit portion of said sale
lands on a credit as aforesaid with sufficient
security & with waiver of the homestead
payable to himself as commissioner, and
return the same with his report to court
of his proceedings under this decree.

But the effect of this decree shall be
suspended as to said sale until the said
commissioner shall execute in Clerk's office
of this court a bond with sufficient security
& with waiver of the homestead payable to
the Commonwealth of Virginia in a penalty
of \$300.00 conditioned for the faithful
performance by said commissioner of this
or any future decree herein.

Edmunds, Ellen & Co.

Henry H. Edwards & Co.

This cause in which the complainant's bill is taken for conferred as to the defendant Collin Kitchen & Martha & his wife & Henry H. Edwards on whom process has been duly served they still failing to appear plead answer & answer came on this day to be read the said bill & exhibits filed & was argued for counsel, on consideration whereof the court doth adjudge order & decree that a commissioner of this court ascertain & report to court whether the partition of the tract of land in said Bill mentioned containing & containing 75 acres be the same more or less, lying in the said County of Isle of Wight adjacent to the lands of George H. Dardin Thomas. Mc Dashiell & others conveyed by the deed of Britten Edwards to his children therein named & filed with the complainant's bill can be conveniently divided into six equal parts in value & one of said parts allotted each to Britten Edwards; Ellen Edwards; William Doyle; Henry H. Edwards; & Martha Ann Kitchen wife of Collin Kitchen & the remaining 1/6 equally between Martha S. Harrell & Fannie Harrell, & if in the opinion of such commissioner such partition cannot conveniently be made; whether partition can be conveniently made if two or more of the parties should elect to have their shares laid off together & whether two or more of the parties will so elect; & whether any party will accept the whole subject, & pay therefor or

to the other parties such sums of money as their
interest therein will entitle them to; or whether
the interest of those entitled to the subject be
promoted by the sale of the entire subject, or
allotment of part & sale of the residue, with
the reasons upon which his opinion is founded &
the fee simple value of the tract of land

Ellen Edwards et als

vs

Henry H. Edwards et als

Ex parte Decree

March Term 1882

So be entered

Geo. B. Brown

Geo. B. Brown

In the Circuit Court of Isle of Wight
County, October 20th 1882.

Edwards Ellen et als. Petrs.

vs
Henry H. Edwards et als.

3 In chq.

Defts.

This cause in which the
complainant's bill is taken for conferred as
to the defendants Collin Kitchen & Martha
J. his wife & Henry H. Edwards on whom process
has been duly served they still failing to appear
plead answer or demur came on this day to be
heard on said bill & exhibits filed was argued
by counsel on consideration whereof the Court
doth adjudge order & decree that a commis-
-sioner of this Court ascertain & report to Court
whether the partition of the tract of land
in said Bill mentioned containing by esti-
-mation 75 acres be the same more or less,
lying in the said County of Isle of Wight
adjacent to the lands formerly owned by George
H. Sarden Thomas M. Sashill & others con-
-veyed by the deed of Britton Edwards to
his children therein named & filed with
the complainant's bill, can be conveniently
divided into six equal parts in value &
one of said parts allotted each to Britton

Edwards, Ellen Edwards William Doyle, Henry
H. Edwards & Martha Ann Kitchen wife
of Collin Kitchen, and the remaining 1/6
equally between Martha S. Harrell & Fannie
Harrell, & if in the opinion of such commis-
sioner such partition cannot conveniently
be made, whether partition can be conveniently
made if two or more of the parties should
elect to have their shares laid off together
& whether two or more of the parties will so
elect, & whether any party will accept the
whole subject, & pay therefor to the other
parties such sums of money as their interest
therein will entitle them to, or whether the
interest of those entitled to the subject be
promoted by the sale of the entire subject,
or allotment of part & sale of the residue,
with the reasons upon which his opinions
are founded, & the general value of the
tract of land.

Attest

Teste, A. J. Young clk.

Ellen Edwards

to. } In chq.

Henry H. Edwards et al.

Dec. of Octo. 1887.

for enquiry as to
partition of

copy.

4 14
2 1

Cons. in chq.

Edwards P. F.
Hff. & adm.

.50

1887
Jan'y.

Robt. A. Edwards shff. & admr. of Brittain Edwards
To the Clk. of Isl^d of Wight - Co. Ct.
Committing estate to you on inst. R. S. Thomas atty. 50
H. P. Young clk.

Record of R. S. Thomas Special
Commissioner in the suit of
Edward and others against Kitcher
and Wife and others the sum of
Fifty cents for Toland as
Acknowledgment-

C B Hayden
R. P.

Mr. Britton Edwards Chdn N Magisterial District,

1888.

To J. C. Branch, Treasurer Isle of Wight Co., Va., Dr.

LAND.
No. ACRES VALUE.

To State Capitation Tax.....		~~1 00~~
To State Tax on..... <u>75</u> acres Land, value.....\$ <u>187</u>, at 30c. on \$100		<u>56</u>
To State Tax on Personal Property, value.....\$....., at 30c. on \$100		
To State School Tax on Real and Personal Property, value.....\$ <u>187</u>, at 10c. on \$100		<u>19</u>
Total amount of State Taxes.....		<u>75</u>

To County Capitation Tax.....		~~50~~
To County Levy on..... <u>75</u> acres Land, value.....\$ <u>187</u>, at 30c. on \$100		<u>56</u>
To County Levy on Personal Property, value.....\$....., at 30c. on \$100		
To County School Tax on Real and Personal Property, value \$ <u>187</u>, at 10c. on \$100		<u>19</u>
To District " " " " " " value \$....., at 5c. on \$100		<u>10</u>
Total amount of County Taxes.....		<u>85</u>

Total amount of State and County Taxes.....		<u>160</u>
DECEMBER 1.—5 per cent. added.....		<u>8</u>
TOTAL AMOUNT.....		<u>168</u>

RECEIVED PAYMENT. of J. C. Branch....., TREASURER.

J. C. Branch....., DEPUTY TR.

Edward Britton^{Chas.}
168

see R. S. Thomas
also "Love"

"A"

A statement showing the distribution of the money in the suit of Edwards et al v. Ketchum et al et al, the same to the hands of R.S. Thomas, the Commissioner

Amount of cash received on sale of land		46 66
Paid costs as taxed under the decree, viz.		
Attorney fee & writ tax paid R.S. Thomas	16 50	
Clerks fees paid Paid A.P. Young & Co.	11 19	
Sheriff of Southampton. Paid R.S. Thomas	1 04	
" " Dr. Wright - Paid R.S. Thomas	30	
" " Norfolk Co. Paid R.S. Thomas	1 04	
Commis. Money. Paid Paid A.P. Young & Co.	12 00	
R.A. Edwards, paid R.A. Edwards	3 00	
Excess .61	47 27	47 27

1st Bond & Interest to date of payment	48 10	
Deposited in Bank, & Interest allowed	1 47	
2 Bond	46 67	
Interest to Nov. 25 th , 89	2 95	99.19

Out of which paid excess to R.S. T	61	
Paid Printers Bill. Paid R.S. Thomas	1 50	
" Commission on sale. Paid R.S. Thomas	7 00	
" Tax Receipt -	1 67	
" For deed to purchaser Paid R.S. Thomas	5 00	
" C.B. Hayden notary see Receipt -	50	
" Paid clerks fee	50	
" Future costs & disburse.	2 61	19 39
Balance for Distribution		79.80

1/3 of same = 13.30

We the undersigned have each and severally
 received of R. S. Thomas special commis-
 sion in the suit of Edwards et al v. Kitcher
 and wife and others the sum set opposite to
 each of our names respectively. Given under
 our hands this 1st day of January A.D. 1890

1/6	To William Edwards	Paid	Re. A. Edwards & children	13	30
1/6	To Ellen Edwards	Paid	W. S. Harrell	13	30
1/6	To William Dyer	Paid	W. S. Harrell	13	30
1/2	To Martha S. Howell	Paid	W. S. Harrell	6	65
1/2	To Fannie Howell	Paid	W. S. Harrell	6	65
1/6	To Henry H. Edwards	Paid	W. S. Harrell	13	30
1/6	To Martha Ann Kitcher	Paid	W. S. Harrell	13	30

79.80

For Distributors

79.80

1
Edwards & others

v

Ricehen et al

To the Hon E. W. Hill Judge of
the Circuit Court of DeKalb County
in Chancery sitting

The undersigned has the honor to report
that he sold the land in the titled pro-
ceedings mentioned for \$140.00 as set
forth in his report filed herein April 1st 1889
and confirmed at the April Term of this
said Court 1889; that the cost of the
said sale as shown by the said report were
\$55.77; that the cash received was
\$46.66; that the balance due was
\$8.51 which being due to the undersign-
ed for Printers bill paid by him ¹⁵⁰ & Com-
mission on sale ⁸⁰⁰ was left over & paid
out of receipts now in hand; that
after having paid out that balance &
^{and other} \$2.61 accrued costs since there was
an appearance from ~~the~~ ^a ~~balance~~ ^{balance} ~~in~~ ⁱⁿ hand of \$79.80,
which he divided into six parts and
paid over as follows viz, 1/6 to Benjamin
Edwards 1/6 to Ellen Edwards 1/6 to William Dyer
1/6 to Martha S. & Fannie Horner jointly 1/6 to
Henry H. Edwards & 1/6 to Martha Ann Ricehen

Edward et al

v

Kitchen & wife et al

Report of Payments
& of Debt & Purchases

April of the 1890 filed

Norfolk, Va., Nov 3 1888

Mr R. S. Thomas Smithfield Va. Special

Can not come to the suit of Ellen Edwards

TO T. O. WISE & SON, DR.

V. Kitchen up - a

PRINTERS, BINDERS AND NEWSDEALERS,

TELEPHONE No. 241.

No. 111 MAIN STREET.

Sept 7 100 Bills

150

PAID
T O Wise & Son.

SALE OF LAND!

By virtue of the decree of the Circuit Court of Isle of Wight county, rendered at its April term, 1888, in the suit of Ellen Edwards, et als against Kitchen and wife, et als, I shall offer for sale at Public Auction at

ISLE OF WIGHT COURT HOUSE,

—ON—

MONDAY, NOV. 5TH, '88.

(That being Court day), all of that certain piece and parcel of land, lying and being in the county of Isle of Wight, containing by estimation seventy-five acres, be the same more or less, which was conveyed by Brittain Edwards to his children, which lies adjacent to the lands formerly owned by George W. Darden, Thomas M. Dashield and others.

TERMS:

One-third cash, and the balance in two equal payments at 6 and 12 months, for which bond and good security will be required with a waiver of the homestead and interest from day of sale, and title retained until further order of the Court.

September 6th, '88.

R. S. THOMAS, Special Com.

I, N. P. Young, Clerk of the Circuit Court of Isle of Wight county, do certify that R. S. Thomas has executed the bond required to be given by him as Commissioner of Sale, under decree of April term, 1888, in the suit of Ellen Edwards et als against Arnold Kitchen, et ux et als, with security deemed sufficient by me.

[Teste], N. P. Young, Clerk.

Edwards et al

v

Kitchin et ux et als

The undersigned
has the honor to represent & report that
under and by virtue of the Decretal order
herein of the April Term 1888 he expos-
ed to sale at Sale of Wright-Bent-House
on Monday Nov: 5th 1888 that being
Court-Day all of that certain piece
& parcel of land of seventy five acres
conveyed by Britten Edwards to his child
then as in the said Decretal order men-
tioned after the bond required of the
undersigned, and after the sales adver-
tisements ordered by the said Decree
had been given & made, and at the
said sale the said land was knocked
down to and bid off by W. J. Staff,
the highest-bidder at the sum of
One hundred and forty dollars \$ 140. 00
Who paid in Cash the sum of 46. 66
93. 34

And he paid his law fees each
for \$46. 67 making \$93. 34
with J. C. Davidson as his surety - which
are herewith returned. *Received Subscribed
J. C. Davidson*

The costs of suit - were

#42.27

as taxed by the clerk

R. A. Edwards and others ~~P. R. A. E.~~ 5.00

Printers Bill ¹⁵⁰ Commissions on sale ⁷ 8.50

55.77

Some of the bills except the Printers have been paid because the cash receipts were insufficient to pay all

Respectfully submitted

R. S. Thomas

for bond

Nov. 7th 1888.

Edward et al

v

Barker & wife

Report of

R. S. Thomas

Shl Cam

of Sale of Land

Filed Apr. 1st 1889

//

Recd May 18th 1889
of R. S. Thomas clerk
cir. court, the bonds
of W. J. Stagg article
by decree of Apl. term
1889, are directed to
be cashed down by

Recd, R. S. Thomas
Clerk

Received Nov 28th 1888 of Mr. P. Young
clerk of the Cir. Ct. of Iowa
the two bonds of W. J. Stagg & J. C. Darden
mentioned in this report each for \$46.67 Forty
Six $\frac{67}{100}$ dollars payable in 6 & in 12 months
from Nov. 5th 1888

R. S. Thomas

In the circuit court of Sale of Wright county
April term 1889.

Edwards et al

Pltfs

vs.
Kitchen & wife

Defts

This cause came on this day to be again heard on the papers formerly read, and on the report of sale of R. S. Thomas special commissioner, bearing date November 7th, 1888, to which no exception was filed and was argued by counsel.

On consideration whereof the court confirming said sale, doth adjudge order and decree, that, R. S. Thomas who is hereby appointed a special commissioner for that purpose, withdraw from the paper in this cause, in leaving with the clerk his receipt therefor, the two bonds of W. J. Stagg for \$46.67 each, payable respectively in six and twelve months from November 5th, 1888, with interest from that date, and collect the same on maturity, or before should payment be tendered, and on payment of the same, make to the said W. J. Stagg a good & sufficient deed in fee simple, with special warranty for the tract of land bought by at the

sale made by the said R. S. Thomas special commissioner, under the decree of April term 1888, herein. And the court doth further adjudge, order and decree, that the said R. S. Thomas special commissioner, as aforesaid, shall from and out of the proceeds of sale pay first, the unpaid cost of this suit, and the balance divide in six equal parts, and pay over 1/6 to Britton Edwards, 1/6 to Ellen Edwards, 1/6 to William Doyle, 1/6 equally to Martha A. Howell and Fannie Howell as the heirs at law of their mother, 1/6 to Henry H. Edwards, and 1/6 to Martha Anna Kitchen wife of Calvin Kitchen, according to the prayer of the complainant's bill, paying the share of the adults to them, and the share of the minors to their guardian, taking the receipt of the parties for the said payments, and return the same with his report of his proceedings under this decree.

A copy.

Teste, A. P. Yonceg clk.

Pol. clks. fees to find decm \$2.11

80

\$2.11 Pd. A. P. Yonceg

Edwards et al.

Wm Doyle

Martha A. Howell

Copy Decree

Apr 1889

In the Circuit Court of Bedford County
April term 1888.

Ellen Edwards et als. }
 } In Chancery

Kitchen et ux et als. }
 } Supts.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner A. P. Young filed herein March 15th 1887, to which reports no exceptions are filed and was argued by Counsel. On consideration whereof the Court confirming the said report doth adjudge order and decree that R. S. Thomas who is hereby appointed a Special Commissioner for that purpose do, after he shall have advertised the place, time and terms of sale by printed notices of sale posted at the door of the Court House on a Court day prior to the day of sale and at other public places, proceed to sell the tract of land in the Bill and process-
saj mentioned containing by Estimation Seventy five acres be the more or less, lying in the County of Bedford County adjacent to the lands formerly owned by George H. Darden, Thomas M. Dasher and others conveyed by the deed of William Edwards

to his children at Isle of Wight Court
House at public auction on a Court
day upon the following terms, viz:
one third cash and the balance on a
Credit of six and twelve months
paying from the purchaser bond with
good security with interest from date
and with a waiver of the Homestead
and retain title till the further order
of the Court. But the said R. S. Thomas
shall not execute this decree until
he shall give a Bond with good secu-
rity in the Clerk's office of this Court
in the penalty of One Hundred Dol-
lars conditioned according to Law
for the faithful performance of his
duties under this decree, and any
future decree herein.

Copy,

Test:

N. P. Young clk.

Costs of suit, To wit:

Atto. fees & writ tax	- 16.50	
Clerk's fees	11.19	
Shll. of Southampton	1.04	Cobb 15¢
Do. of Isle of Wight	.50	R. a. e.
Do. of Norfolk County	1.04	
Courier. Young	12.00	
	<u>\$ 47.24</u>	

I, A. P. Young, clerk of the circuit court
of Isle of Wight county, certify that W.
S. Thomas has executed the bond required
to be given by him as commissioner
of sale under decree of April term 1888,
in the suit of Ellen Edwards, et al., against
Arnold Kitchin et al., with secu-
ty deemed sufficient by me,

Teste, A. P. Young clk.

soed Monday
Nov. 5th 1888 W
W. J. Slaff for
11 140 10

Paid 46 88
93 34

Nov 13th 4667
2 " 4667 93.34

Edward & ac

v. } In chcy.

Kitchen & ux stas

Copy of Deorce
Affideavit 1888.

\$388 Aug. 2/86

Thornton Court

In the Circuit Court of the County of Isle of Wight.

Ellen Edwards; Martha S. Harrell, & Fannie Harrell,
and William Doyle, the three last infants suing
by Grandy Overton their next friends; and Robert W.
Edwards Sheriff of Isle of Wight County, and as
such administrator of Brittain Edwards dec'd. *Plffs.*

vs.

In Chancery.

Collin Mitchem and Martha his wife, and
Henry St. Edwards *Defts.*

To the Hon^d. Chancellor W. Hill Judge of the said
Circuit Court.

Pursuant to a decree of the said Circuit Court
rendered in the above cause on the 20th day of
October 1882, directing one of the Commissioners
of the said Court to ascertain, and report to the
Court, whether the tract of land in the Bill men-
tioned, containing by estimation 73 acres, be the
same more or less, lying in the said County of
Isle of Wight, adjacent to the lands formerly owned
by Geo. W. Darden, Thomas M. Daskill & others,
conveyed by the deed of Brittain Edwards to his
children, therein named, and filed with the
Complaints Bill, can be conveniently divided
into six equal parts in value, and one of said
parts allotted, each, to Brittain Edwards, Ellen
Edwards, William Doyle, Henry St. Edwards,
& Martha Ann Mitchem wife of Collin Mitchem
and the remaining 10 equally between Martha
S. Harrell and Fannie Harrell, and if in the
opinion of such Commissioners, such partition
can not conveniently be made, whether

partition can be conveniently made if two or more of the parties should elect to have their shares laid off together, and whether two or more of the parties will so elect, and whether any one of the parties will accept the whole subject, and pay therefor to the other parties, such sum of money as their interest therein will entitle them to, and whether the interest of those entitled to the subject, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, with the reasons upon which his opinions are founded, and the fees, costs and annual value of the said tract of land. And of another decree rendered in said cause, in the said Circuit Court, in vacation, on the 1st day of February, 1887, directing that one of the commissioners of said court execute the decree in the said cause of October term 1882. Your commissioner reports to the court, that on the 24th day of Feb^y, 1887, he issued notices to the parties, plaintiffs and defendants, that he had fixed upon the 14th day of March, 1887, as the time, and his office at the courthouse of said county, as the place for making the inquiries and report required by said decree. That said notice was duly served on said R. A. Edwards clerk, and Adam Edwards, and service thereof duly accepted by counsel for all the other parties, and is herewith filed. That on the day so fixed upon, your commissioner, from the evidence before him, and from his own personal and intimate acquaintance with the land in the proceedings mentioned, reports first, That

the land cannot be conveniently divided into
six equal parts in value, because the tract is com-
posed of old field, swamp & some timber land,
and to divide it some portion would necessarily have
altogether swamp land, some altogether timber land
and some old field, and to cut it up into six
or even four or three parts would render the
separate parts of very little value to any one.

Secondly. For the same reasons partition could
not be conveniently made if two or more of the
parties should elect to have their shares laid
off together; And your Commissioner is advised,
and so reports, that no two or more of the parties
have, or desire to so elect. Thirdly. No party
is willing to take the entire subject and
pay therefor to the other parties such sum
of money as their interests therein would re-
title them to. Your Commissioner for the
reasons above stated, and for the further
reason that the land is chiefly desirable
for the timber upon it, and that it would
sell now, whilst saw mills are located
in its vicinity, for more than it will ever
sell for after said mills are removed, is of
opinion and so reports that the interests of
those entitled would be promoted by a sale
of the entire subject. And that no claim has been proved
Your Commissioner ascertains the fair simple
value of said land, to be \$300.⁰⁰ and the
annual value to be \$30.⁰⁰ - No claim has been proved
of said land, or of any share in the same.
Given under my hand as a Commissioner of the said
Circuit Court, at my office, at Court House, March 14th 1880.

J. P. Young Comr.

against the claimants thereto.

Ellen Edwards et al.,
 vs. J. M. Chap.
 Kitchen et ux. et als

Report of Comr. Green under
 decree of Octo. 1882 and
 Feby 1884.

Filed 15th March 1884.

April Term 1888.
 Confirmed by Court.

Coms. fee for time employed
 under the two decrees
 for notice & making copies
 & report. \$12.00

Shff: fees - Norfolk Co. & City
 & Mansfield & Southfield. Paid
 by Comr. for serving notice
 under 1st decree & report 2.12
 W. A. Edwards shff. 2.50
\$14.62

Bentley's Aug 10th 1880
Mr Young
Dear Sir

Mr J. H. Edwards has
my wife's father has been
very ill and I am afraid he
will be unable come when
the time is sold I would
have my self that I have
no money but I can not
spare the time Mr Edwards
says if he should be unable
to come please would he let
go for £280 cash or £25 annu-
ity for 2 years to pay it in done you
I think it would be better

John Edwards to have a copy
because I have attended to
them paper you sent me

Respectfully

Fanny B. Clifton

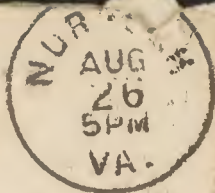
Pastor's room
Living R.
July. 1887.

Ellen Edwood is living in
Dunfalk - 127 Bk. St.
Brettan Edwood is dead.

Mrs. Overton is dead leaving
no child. - She had one
Martina S. Howell has
attained 24 years -

Dogla still a minor.
Collin Stetson Swift living
Mary Edwood living.

Overton's letter
for W. H. H. H.



Wm P Young Clerk
Isle of Wight Ct
Virginia

OFFICE OF
F. L. SLADE,
City Sergeant.

Norfolk, Va. Sept 1st 1882

N. P. Young Esq
Dr Sir

We have
searched Norfolk for H. H. Edwards
& can find no such party.

Col Phillips informed us yesterday
evening that he lives on his
Ferry Point Farm in Nansemond
Co —

Yours &c
F. L. Slade Sergh
by A. A. Morrissette
Deputy

	Edwin Edwards, Grand Overlooker,	
	Brittan Edwards others.	ac-
1889.	To the Clk. of Isle of Wight Cir. Ct.	
Aug-	3 Dms. in Chy. vs. Kitchen wife others. 75	
	Copies. 50 - postg. 24 - noting. 18 - atto. 10 -	
Apr.	Retn. 35 - filg. bill H. 40 - Pl. 50 - Oct. Pl. 50 - dockg. 25 -	1 77
Oct- 1883	Accue for com. to make copy. Copy	80
Apr.	Continuance vs. Same -	36
	N. P. Young, Clk.	\$493

Edwards Ellen

Fals-

\$4.93

Norfolk Va Jan ^{the} 28/87

Mr Young

Dear Sir

Will you please get
the Decree of Court &
sell the Land that my
Father Bitten Edwards
owned.

Yours Respectfully
Ellen Edwards
127 Bank St
Norfolk
Va

Ellen Edes and
letter of Jan'y.
28th 1887.
asking for sale
of land to

Bowers P.O.

Feb. 9th 1887.

Mr W. S. Young

Dear Sir,

We received a message from
you some three or four weeks ago desiring to
know whether or not my wife & self are willing
for the Land known as the Edwards Land of
which she is a heir ^{sole} under a Decree of the Court.
We are willing for the Land to be sold as above
mentioned. & sell the Land as early as possible

Yours Truly
Collie Kitchen &
Martha A. Kitchen

Hitchcock & wife
Letter Recd. 13th
Feb. 1884.

Requesting me to
say I have found
no other

J. B. Gony

W. B. Gony

C. C.

Edw. of Wright C. A.

pa

Waco. Tex
2-18-87



The Commonwealth of Virginia,

Sergeant City Norfolk
TO THE ~~SHERIFF~~ OF THE ~~COUNTY~~ OF ~~ISLE OF WIGHT~~, GREETING;

We Command You, TO SUMMON *Collin Kitchen and*
Martha A. his wife, and Henry K. Edwards

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in *September* next to answer *the Bill in*

Chancery of Ellen Edwards, Grandy Burton & Minnefred

his wife, Brittain Edwards, Martha S. Harrell & Fannie

Harrell, children of Fannie Harrell dec. & Wm. Boyle. The

last three being infants, suing by said Grandy Burton as
next friend.

~~of a plea of~~

~~for \$~~

~~Damages \$~~

And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *4th*

day of *August* 1882, in the *10th* year of the Commonwealth.

a copy,
Teste, *N. P. Young* *cl*

N. P. Young *cl*

I acknowledge service of this
summons.

Henry H Edwards

For Henry Edwards

Not found.
A. B. Mansell
Deputy
for F. L. Slade
Scrip

The Commonwealth of Virginia,

Sergeant City Norfolk
TO THE ~~SHERIFF~~ OF THE COUNTY OF ~~ISLE OF WIGHT~~, GREETING;

We Command You, TO SUMMON *Collier Kitchen and*
Martha A. his wife and Henry H. Edwards

to appear at the Clerk's Office of the Cirenit Court of Isle of Wight County, at Rules to be holden for the
said Court, on the first Monday in *September* next to answer *the Bill in*
Chancery of Ellen Edwards, Grandy Burton & Winifred
his wife, Brittain Edwards, Martha S. Harrell & Fannie
Harrell, Children of Fannie Harrell died & Wm Doyle - the
last three being infants, suing by said Grandy Burton as
next friend.

of a plea of

for \$

Damages \$

And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *4th*

day of *August* 188*2*, in the *107th* year of the Commonwealth.

A. C. Young
Attest.

N. P. Young *clerk*

Ellen Edwards
et als.

to. } seems to
 } and Bill
 } in chg.

Collin Kitchen et
al. et als.

To Sept. Rules 1887.
C. B. Hayden pqr.

Not found

A. C. Morrill
Deputy
for F. L. Slade
Serge

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ~~ISLE OF WIGHT~~ ^{Southampton}, GREETING;

We Command You, TO SUMMON Collins Kitchin and Martha
a his wife and Henry H. Edwards

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in September next to answer the Bill in
Chancery of Ellen Edwards, Grandy Overton Manafred
his wife, Brittain Edwards, Martha S. Harrell, Fannie
Harrell children of Fannie Harrell Dec. and William Doyle
the last three infants, suing by said Grandy Overton as next friend.

of a plea of _____ for \$ _____ Damages \$ _____

And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the 4th

day of August 1887, in the 10th year of the Commonwealth.

N. P. Young

Ellen Edwards et
als.

vs. { Sum. to
{ ant. Bill
{ in chq.

Collin Stetson
et ux. et als.

To Sept. Rules 1887.
C. B. Hayduffy

Executed
Aug 28th/87
A. H. Cobb, Dy
shff

To the Hon George-Blow Judge of the Circuit
Court of Isle of Wight County in Chancery, sitting:

Humbly complaining
sheweth to the court, your complainants,
Ellen Edwards, Gandy Burton, and
Winifred Burton his wife Brittain Edwards,
(generally called Britton Edwards);

Martha S Harrell and Fannie Harrell,
children of Fannie Harrell deceased, and
William Joyce, the last three infants
suing by Gandy Burton as next friend;

That on the 9th day of August 1840 the said
Brittain Edwards by his deed of that date
duly recorded in the Clerk's office of the
County Court of Isle of Wight County conveyed
in fee simple to his six children to wit;

Henry M Edwards, William Britton Edwards,
Martha Ann Babb, Ellen R Edwards,

Margaret S Edwards, & Missouri S Edwards,

a certain piece of land containing by estimation
seventy five acres be the same more or less,

lying in the County of Isle of Wight, adjacent
to the lands of George W Braden & Thomas M

Darhille. A certified copy of said deed
marked A is herewith filed & prayed to be

taken as a part of this bill. That the said
land was granted & conveyed on condition

that the said grantee should maintain
the grantor & his wife, Margaret Edwards;

That the said Margaret Edwards has
departed this life whereby the said con-
dition is discharged as to her,

Exhibit
A

That the said William Britton Edwards has also departed this life intestate, whereby his one sixth part of said land has passed to his father your said complainant Britton Edwards, that the said Martha Ann Bath has intermarried with one Golden Hitchin. The said Harrison K generally called Fannie intermarried with Harrell the said Harrell and Fannie his wife have both departed this life intestate leaving your said complainants Martha S Harrell & Fannie Harrell as the only heirs at law of their mother the said Harrison K generally called Fannie Harrell. That the said Margaret I intermarried with one Doyle. That the said Doyle & Margaret I his wife have both departed this life intestate leaving your infant complainant William Doyle as the sole heir at law of the said Margaret, that the aforesaid Winifred Overton formerly Edwards is a daughter of the said Britton Edwards the grantor in said deed.

Your complainants allege that they have the right to have the said tract of land divided into six equal parts, to be allotted as follows, to wit $\frac{1}{6}$ to Britton Edwards, as the heir at law of his deceased son W.^m Britton Edwards; $\frac{1}{6}$ to Ellen Edwards; $\frac{1}{6}$ to William Doyle; as the heir at law of his deceased mother the aforesaid Margaret I; $\frac{1}{6}$ equally to Martha S Harrell, & Fannie Harrell as the

heirs at Law of their deceased mother
Marianne or Fannie Harrell formerly
Edwards aforesaid; $\frac{1}{4}$ to the said Henry H
Edwards; + $\frac{1}{4}$ to the said Martha Ann
Pitcher wife of Gollin Pitcher, formerly
the aforesaid Martha Ann Ball, if such
partition can be conveniently made
among said parties, + that if such partition
cannot be conveniently made that the
said land may be sold + the proceeds of
sale divided among said parties as aforesaid.

In tender consideration whereof and
for as much as your complainants are
without remedy at law, and can only be
relieved by the aid of this Honorable
Court of Chancery, where matters of this
sort are cognizable. To this end your
complainants pray that the said Henry H
Edwards, Gollin Pitcher, + Martha A
Pitcher his wife may be made parties
defendant to this bill + required to answer
the same; That by the decree of this Hon
Court partition may be decreed as aforesaid
of said land, or if such partition should
not be convenient that the same may be
sold + the proceeds divided among the
parties according to their respective rights,
after paying out of said proceeds the costs of
this suit including of an attorneys fee to the
plaintiffs counsel for his services in this
cause; And that such other + further relief
may be granted in the premises as the court

Colwards Silver State.

Bill

vs.

33

Whitaker vs. State

Chas. W. Whitaker vs. State.

Adm. Chas. W. Whitaker
in case of the
Whitaker vs. State.

1888. April Term

Decey vs. State.

April Term 1889

Report of sale confirmed & decree
to collect & distribute

April Term March 1890

Rept. conf. and final decree

may seem meet, & may suit the equity of
the case, & your complainants will ever
be
C. B. Hayden Jr.