1868-006
Nansemond, Co.

Chancery Causes: Admr. of Elisha Ashburn vs. Rebecca Ashburn, et als.

Vaughan, Prentis,

Ashburn, admr: &c

vs

Ely: Notes

Ashburn Exr:

1867. Feby: 25th: Summ: on Bly: issd

" March 4th: Bill & Exhibit filed

" " " Confirmed decree vs absent defts

" " " P. B. Prentis, admr de bonis non &c of Adam & infant defts, who filed their answer, to which there was a general Replin: & Cause set for hearing, as to them

" April: 5th. ans: of defts Rebecca Ashburn &c filed & genl: replin: thereto

" April 3d: Confirmed decree confirmed & cause set for hearing, on mo: of Pltffs: Counsel

" " 17th: Decree for accos: &c

" May: 31st: Report of Division of Land &c filed

" Septr: 17th Commrs: report filed

" Octo: 12th: Decree for sum & for further accos.

1868. March 10th Report of payments to be filed

" April: 20th: Final Decree

Chy: Notes

At a Monthly Court, held for Nansemond County,
the 10th. day of December 1866
On the motion of Thomas J. Ashburn, who made oath as
the law directs and entered into a bond in the penalty of
Ten thousand Dollars, conditioned according to law,
with James P. Johnson James C. Vaughan, Henry Ash
burn, Peter Ashburn and John Simons his securities
therein, who justified on oath as to their sufficiency
and which said bond being acknowledged by the
obligors therein is ordered to be recorded, letters of ad.
ministration, on the Estate of Elisha Ashburn de-
ceased, in due form are granted him.

A Copy:
Teste,
Peter B. Prentis. Clerk

(A)

Exhibit filed with
Bill of Thos J. Ashburn
adm &c vs.

Rebecca Ashburn &c.

To the Hon. R. A. Baker, Judge of the Circuit Court of Nansemond County —

Complaining, shew unto the Court, your Complainant, Thomas J. Ashburn, administrator of the Estate of Elisha Ashburn deceased, & in his own right —

Your Complainant respectfully represents to the Court and says, that the said Elisha Ashburn departed this life intestate, in Nansemond County, on the day of 1866, and that your Complainant, qualified as his administrator in Nansemond County Court on the 10th Day of Decr. 1866 (a copy of said qualification is filed herewith & marked (A).

That by virtue of his qualification as such administrator he took charge of the personal and chattle estate of said Deceased, and as the Intestate was not indebted to any persons either, your Complainant desires to make distribution of the estate in his hands as early as the Law will allow, but that in consequence of Certain advancements and loans made by the Deceased to a portion of his children in his life time, he finds that the aid of a Court of Equity is necessary to adjust (and decide what the rights of the parties are.

That the Intestate left as his heirs at Law and distributees, a widow (his second wife)

named Rebecca – And children by his first wife, to wit: your Complainant (Thomas J. Ashburn), Margaret Ashburn, Jemima J. Ashburn, Barbary Ashburn, Peter Ashburn, & Henry Ashburn; & he left by said second wife, the following children, to wit: Joseph P. Ashburn, Mary Alice Ashburn, Robert Ashburn, Francis Ashburn & a male boy called Buck Ashburn, which last five are under twenty one years of age. The said deceased had another son named Addison Ashburn, who died before his said father, never having married or issue.

That in addition to the Chattel & personal estate of said deceased, he died possessed of the following real estate, to wit: 1st The Home tract containing Three hundred acres, more or less, adjoining the lands of Michael King, Micajah Pierce & others – 2d a tract of Sixty acres more or less (including a Mill seat, but no mill house, the same having been burnt during the late war by the Federal troops), adjoining the lands of Carr Parker, David McClenny's heirs & others – 3d "The Mumford & Eley Place", being one tract and containing Two hundred and twenty five acres more or less, and adjoining the lands of Isaac P. Luke, Joshua Simons & others. 4th a tract of one hundred acres of land, more or less, called the "Pierce place" and adjoining the lands of

Wm. King's estate, & Micajah Price —
5th The "Kelly tract" of two hundred acres more or less, adjoining the lands of James M. McClenny, Michael King & others.

That the said Elisha Ashburn in his life time, to wit: in 1858 loaned to your Complainant as one of his children a negro man named Nat and which negro the said Elisha Ashburn always claimed control over, and claimed the right to retake him and use him at his will, and did so use him whenever he desired; and that the said negro was never given to your Complainant as an advancement — That in the year 1859 the said Elisha Ashburn did give and advance to your Complainant by deed, a tract of Land in Nansemond County, on which your Complainant resides, then valued at $300, and also gave your Complainant a horse with $75, and one cow & calf & one sow & pigs & one bed, with about $50 —

That the said Elisha Ashburn also in his life time to wit: in the year 1849 loaned to his daughter Elizabeth wife of James C. Vaughan, a negro girl named Mary, then about seventeen years old and claimed the control over her, as in the case of the loan to your Complainant as above — He gave & advanced also to his said daughter one sow & pigs & some small chattle items of not much

value —

That also, the said Elisha Ashburn, in his life time to wit: in the year 1855, loaned to his son Peter Ashburn a negro woman named Nancy & man Sam on the same terms as above set forth, and gave & advanced to him a tract of land of about 260 acres more or less, in Nansemond County, on which said Peter Ashburn now resides, also he advanced and gave to him a horse, and some small chattle estate besides —

That the said Elisha Ashburn, also in his life time advanced & gave to his son Henry Ashburn, one sow & pigs, and some other small articles of not much value —

Your Complainant prays that this Court by its proper officer may ascertain the value of the several advancements as aforesaid, as of the date when made; and that Dower in the Lands of said deceased may be assigned and set apart to the said Rebecca Ashburn, widow as aforesaid, and that the value of any dower she may have in the Lands of said Peter Ashburn & of your Complainant, may be assigned to her in the other Lands of said deceased & if those advanced do not bring their advancements into Hotchpot, that they shall pay an equivalent therefor.

Your Complainant prays that his acts & doings as such administrator may be duly settled & the assets in his hands paid over to those entitled — That

the lands of which the deceased died possessed (after the assignment of Dower aforesaid) may be divided among the several heirs at law of said deceased according to their respective rights and shares, and that all proper proceedings may be had necessary & proper in the premises.

In Consideration whereof and as this Court has jurisdiction to grant all proper relief — To the End your Complainant prays that Rebecca Ashburn (widow), Jas. C. Vaughan & Elizabeth his wife, Margaret Ashburn, Jemima J. Ashburn, Barbary Ashburn, Peter Ashburn, Henry Ashburn, and Jos. P., Mary A., Robert, Francis & Buck Ashburn (the last five being Infants) may be made Defendants hereto and be required to answer the allegations herein, and that the prayers of your Complainant may be granted & that all further and proper relief may be granted Consistent with Equity &c.

And your Complainant will &c.

John R. Kilby p. q.

Kilby p. q.

Thomas J. Ashburn
adm^r. of Elisha Ashburn
dec^d. &c.

v. } Bill

Rebecca Ashburn
& others.

Nans^d Cir. Ct.

Ashburn's adm'r v. Ashburn &al.

This cause came on this day to be again heard on the papers formerly read and on the Report of Mr. J. Ashburn, made pursuant to the decree of the 12th of Oct. 1867 - to which report there is no exception and may argued by Counsel; On consideration whereof the Court doth confirm the said Report, and doth adjudge, order and decree that the proceedings had in the cause be Confirmed & made final, and that the cause be removed from the Docket.

Ashburn's adm'r

v

Ashburn &c

1868.

Apl. Court

Final decree

To be Entered

R. M. S.

Entered

Ashburn &c v. Ashburn &c

This cause came on this day to be again heard on the papers formerly read & on the Report of Jas. M. McClenny, Joshua Simons, Isaiah Johnson & Washington G. Williams made pursuant to the decree of the 17th of April 1867 to which there is no exception and was argued by Counsel; On consideration whereof the Court doth adjudge, order & decree that the said Report be confirmed, and that Margaret Ashburn pay to Semmia J. Ashburn the sum of $ 100, & to Barbary Ashburn $ 300, with interest from this day till paid, including a fee of $25 to Offskilly. and that the Costs of this suit be paid by Thomas J. Ashburn out of the chattle estate in his hands belonging to Addison Ashburn's estate if sufficient & if not, then what may remain unpaid, be pay out of any money in his hands belonging to the estate of this Intestate Elisha Ashburn dec'd, and that the proceedings had in this cause be confirmed & the cause removed from the Docket.

Ashburn &
vs.
Ashburn &

1867
Act? Count. Decree

To be entered
R. H Baker

Entered

Ashburn's adm'r vs. Ashburn &c

This cause came on this day to be again heard on the papers formerly read on the Report of Jas. M. McClenny, Washington G. Williams, Joshua Simms & Noah Johnson made pursuant to the decree of the 17th day of April 1867 to which report there is no exception: & also on the Report of P. B. Prentis, Com'r, made pursuant to the same decree & to which report there is no exception, and was argued by Counsel; On Consideration whereof, the Court doth confirm the said Reports, and as it appears by the Report of the above first named Commissioners that they made division of the lands of said Elisha Ashburn dec'd, among the several heirs after assigning dower to said widow, Rebecca Ashburn, and the same appearing to be fair and just, the said division is hereby ratified & confirmed: and the Court doth adjudge, order & decree that the following sums of money be paid by the following parties as recommended by said first above named Report - that is to say That James C. Vaughan & Elizabeth his wife pay to Emma Ashburn the sum of $33.10 - & to Barbary Ashburn $12.30 - that Joseph P. Ashburn pay to Barbary Ashburn $20.80, & to Mary A. Ashburn $8.10 & to Buck Ashburn $8.10 & to Maynard.

ashburn $8-40- That Robt ashburn pay to Mayant ashburn $24.70 & to Henry ashburn $4.20; & that Francis ashburn pay to Henry ashburn $28.90. — which amounts are to carry Interest from the 12. [illegible] 1867, till paid.

And the Court doth further adjudge, order and decree that Thomas J. Ashburn as adm'r of Elisha ashburn dec'd, out of the sum of $1813.07 which appears to be in his hands in currency by account No. 5. of said Com'r Pruitt's report, pay to Rebecca ashburn widow of said decd and the sum of $604.35. and to James C. Vaughan & Elizabeth his wife $120.87 7/15 - & To Mayant ashburn, Semina J. ashburn; Barbary Ashburn; Henry ashburn; Joseph P. Ashburn; Mary A. ashburn; Robert ashburn; Francis Ashburn & Buck ashburn, each the sum of $120.87 7/15 -

And the Court doth also adjudge, order & decree that James C. Vaughan & Elizabeth his wife pay to Thomas J. Ashburn as adm'r aforesaid the sum of $40. the amo't to be by him brought into said decedents estate as per account No. 2. of said Com'r Pruitt's report to be by said adm'r accounted for in due course of administration -

And the Court doth also adjudge, order & decree that the said Thomas J. Ashburn

as adm^r aforesaid pay the sum of $438.90 which appears to be in his hands in Specie as per account No. 5. of said Com^r Pauntz' Report as follows— To Rebecca Ashburn (widow) $116.30; To James C. Vaughan & Elizabeth his wife $29.26 & to Margaret Ashburn, Semina J. Ashburn, Barbary Ashburn, Henry Ashburn, Joseph P. Ashburn, Mary A. Ashburn, Robert Ashburn, Francis Ashburn, & Buck Ashburn each $29.26; (and that the cost of this suit be paid by Mc. D. Ashburn as adm^r aforesaid, out of his bills taken & to be taken; including a fee of $25. to Dep^s Atty.

and that a Com^r of this Court make up a further account of the transactions of said Seaman J. Ashburn as adm^r of Elisha Ashburn dec^d, and make report to Court, with any matter specially stated, deemed pertinent by himself, or that any of the parties require to be so stated.

Ashburn &

v

Ashburn Sal.

1867

Actn. Court Decree

To be entered

R. H. Baker

Entered

Thomas J. Ashburn adm'r of Elisha Ashburn dec'd

v.

Rebecca Ashburn &al:

This day the defendant Rebecca Ashburn filed her answer to the Complainants Bill, by leave of the Court: and this cause came on to be heard on the Bill taken for confessed as to the defendants James C. Vaughan and Elizabeth his wife, Margaret Ashburn, Semina J. Ashburn, Barbary Ashburn, Peter Ashburn & Henry Ashburn, on whom process had been duly served & they still failing to appear and answer; and on the answer of the Infant defendants by P. B. Pruitt their guardian ad litem: and on the answer of the said Rebecca Ashburn, and on general replication to said answer, exhibit filed with the said Bill and may argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court take the following accounts —

1st an account of the transactions of the said Thomas J. Ashburn as adm'r. of said Elisha Ashburn dec'd. 2d. an account of all advancements made by said Elisha Ashburn dec'd in his life time to any of his children, parties to this suit. 3d. If any child, to whom said dec'd land have been advanced shall refuse to bring the same into Hotchpot, and Dower to said Rebecca Ashburn should be assigned her wherein

in the other Lands of Deceased — then the said Comrs. will ascertain what sum such advanced parties should contribute to the Estate for distribution & the other heirs.

4th That the said Comrs. ascertain by examination of the parties advanced, whether they elect to retain their advancements or bring the same into Hotchpot.

5 That the said Commissioners also ascertain what fractional part of said deceased's estate each one of the heirs & distributees of said deceased is entitled to. and make report to Court of any matters specially stated deemed pertinent by himself or that any one of the parties may desire to be so stated.

And the Court doth further adjudge, order and decree that James M. McClenny, Joshua Simms, Hazah Johnson & Washington G. Williams be and they are hereby appointed Comrs. for that purpose (any three of whom may act) to set apart and assign unto the said Rebecca Ashburn, widow of the said Elisha Ashburn dec'd, one third in value having regard to quantity and quality, of the lands which said Elisha Ashburn died possessed, or was at any time during coverture seized of an estate of Inheritance, & wherein her dower has not been barred or relinquished, ~~and in making said assignment~~ as for her dower therein. and in making such assignment the same may be made in one body ~~in parcels~~ in any one parcel of land. and make Report to Court.

Ashburn &c.

vs

Ashburn &c

1867

April Court

Decree.

To be entered

R. H. Batton

Entered

The Joint and Separate answer of Jos: P. Mary A. Robert, Francis and Buck Ashburn, infants, by Peter B. Prentis their guardian ad litem, to a Bill in Chancery exhibited against them and others by Thomas J. Ashburn, administrator of Elisha Ashburn deceased, and in his own rights in the Circuit Court of Nansemond County.

These Respondents say, that so far as they know or believe, the facts set forth in said Bill are true; but, as they are ignorant of their rights, being infants, they submit the same to the Court, and pray that no order or decree may be made in the cause, inconsistent therewith.

And having answered &c.

(Sgd)
Peter B. Prentis
g.a: ad litem

Thomas J. Ashburn

adm'r &c

vs

Answer of Infant defendants, & guar. ad litem

Rebecca Ashburn & al

The answer of Rebecca Ashburn, widow of Elisha Ashburn decd. and one of his heirs, to the Bill of Complaint exhibited against her and others in the Circuit Court of Nansemond County by Thomas J. Ashburn, administrator of Elisha Ashburn decd. and in his own right. Complainant.

This Respondent now and at all times reserving to herself all right of Exception &c. to the said Bill of Complaint for answer thereto, or to so much thereof as she is advised she believes it necessary for her to answer, saith that it is true that she is the widow of Elisha Ashburn decd, and one of his heirs; that the said Elisha Ashburn did intestate at the time alleged and left at his death eleven Children - six by a former marriage and five by your Respondent - and that during his lifetime he advanced to several of his Children by the former Marriage certain tracts of land and chattel Estate as alleged in said Bill of Complaint.

But she denies that her said husband ever loaned to the said Children any negro slaves, but gave the said negro slaves as described in said Bill to the Children mentioned therein as advancements, and this Respondent demands proof of the allegations concerning these reputed loans:

That it is true that she is entitled to dower in the lands therein described, and is willing to have her dower to which she is entitled in the several tracts of land in one body - And having fully answered the Complainants Bill this Respondent prays hence to be dismissed with her reasonable costs in this behalf expended, and she will ever pray &c.

(signed) Rebecah Ashburn

Sworn to before me
This 3rd day of April, 1867
W. L. Riddick N. P.

Answer of
Rebecca Ashburn

J. J. Ashburn &c
vs
Rebecca Ashburn
et al

B. C. S. 3rd Circ: 1867 Oct 5

At a Circuit Court held for Nansemond County, on the 17th day of April, 1867:

Thomas J. Ashburn, administrator of Elisha Ashburn, deceased, and in his own right. . . . . Complainant

against

In Chancery

Rebecca Ashburn, James C. Vaughan and Elizabeth, his wife, Margaret Ashburn, Jemima J. Ashburn, Barbary Ashburn, Peter Ashburn, Henry Ashburn and Jos. P., Mary A., Robert, Francis, and Buck Ashburn, the last five being infants. Defendants:

This day the defendant Rebecca Ashburn filed her answer to the Complainant's Bill by leave of the Court, and this cause came on to be heard on the Bill taken for confessed as to the defendants James C. Vaughan and Elizabeth, his wife, Margaret Ashburn Jemima J. Ashburn, Barbary Ashburn, Peter Ashburn and Henry Ashburn, on whom process had been duly served and they still failing to appear and answer, and on the answer of the infant defendants by Peter B. Prentis their guardian ad litem and on the answer of the said Rebecca Ashburn, and on general replications to said answers and Exhibits [illegible] Bill, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court take the following accounts:

First: An Account of the transactions of the said Thomas J. Ashburn as administrator of said

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Elisha Ashburn deceased.

Second: An Account of all advancements made by said Elisha Ashburn in his lifetime to any of his children parties to this suit:

Third: If any child of said deceased to whom lands have been advanced should refuse to bring the same into Hotch-pot, and dower to said Rebecca Ashburn should be assigned her wholly in the other lands of deceased, then the said Commissioner will ascertain what sum such advanced parties should contribute to the Estate for distribution to the other heirs.

Fourth: That the said Commissioner ascertain by examination of the parties advanced whether they elect to retain their advancements, or bring the same into Hotchpot.

Fifth: That the said Commissioner also ascertain what fractional part of said Decedent's Estate each one of the heirs and distributees of said deceased is entitled to: and make report to Court of any matters specially stated deemed pertinent by himself, or that any one of the parties may desire to be so stated.

And the Court doth further adjudge, order and decree that James M. McClenny, Joshua Simons, Irajah Johnson and Wm. L. Simmons be and they are hereby appointed Commissioners for that purpose, (any three of whom may act) to set apart and assign unto the said Rebecca Ashburn, widow of the said Elisha Ashburn deceased, One third in value, having regard to quantity and quality of the lands whereof said Elisha Ashburn died possessed, or was at any

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time during coverture seized of an Estate of Inheritance, and wherein her Dower has not been barred or relinquished, as and for her Dower therein, and in making such assignment the same may be made in one body, in any one parcel of land, and make report to Court.

A Copy:

Teste:

Peter B. Prentis. Clerk

Xmd

Thomas J. Askburn, Admr.
of Elisha Askburn decd &c

vs

Cor Decree

Rebecca Askburn & al:

Ex A

Commissioner's Office.
Suffolk Va: June 1st: 1867

To. Thomas J. Ashburn, Administrator of Elisha Ashburn deceased, and in his own right. . . } Complainant

And To. Rebecca Ashburn, James C. Vaughan and Elizabeth his wife. Margaret Ashburn, Jemima J. Ashburn, Barbary Ashburn, Peter Ashburn, Henry Ashburn: and Jos: P, Mary A, Robert, Frances and Buck Ashburn: the last five being infants . . . . . Defendants.

You are hereby notified, that I have appointed Saturday the 27th day of July 1867, to take and settle at my Office the following accounts.

First. An account of the transactions of the said Thomas J. Ashburn as Administrator of said Elisha Ashburn deceased.

Second. An account of all advancements made by said Elisha Ashburn in his life time to any of his children parties to this suit.

Third. If any child of said deceased to whom lands have been advanced should refuse to bring the same into Hotch-pot, and Dower to said Rebecca Ashburn should be assigned her wholly in the other lands of said deceased, then, an account ascertaining what sums such advanced parties should contribute to the Estate for distribution to the other heirs.

Fourth. An account, ascertaining, by examination of the parties advanced, whether they elect to retain their advancements or bring the same into Hotch-pot.

Fifth. An account, ascertaining what fractional part of said Decedent's estate each one of the heirs and distributees of said deceased is entitled to: Which accounts are

are required to be taken by the Decree of the Circuit Court of the County of Nansemond, rendered on the 17th: day of April 1867, in a suit in Chancery depending in said Court, in which you are parties, plaintiff and defendant.

Given under my hand as Commissioner in Chancery of the Circuit Court of Nansemond County, the day and year first herein aforesaid.

Peter B. Prentis.
Commissioner

Service of the foregoing notice is hereby acknowledged by us

Thos. J. Ashburn
Rebecca Ashburn
James C Vaughan
Elizabeth Vaughan
Margaret Ashburn
Jamima J. Ashburn
Barbary Ashburn
Peter Ashburn
Henry Ashburn

Peter B. Prentis, Jr: as Atty for Jos: P. Mary A. Robert Freeman & Buck Ashburn. infants

Commissioner's Office
Suffolk, Va: July 20th: 1867

The taking and stating the Account required by the annexed Decree and pursuant to the annexed notice, having this day been begun, is adjourned and continued to the 31st: day of August 1867, at the request of Counsel and for the examination of witnesses.

Peter B. Prentis.
Commr

(1) (1)

Thos. J. Ashburn admr. &c.
vs. In Chy.
Rebecca Ashburn dec.

The depositions of Thomas J. Ashburn & Henry Ashburn taken before me P. B. Prentis, a Commissioner in Chy. for the Circuit Court of Nansemond County, on the 31st day of August, 1867, pursuant to the annexed notice, at the Office of said Commissioner, between the hours of 6. A. M. and 6 P. M. of that day, to be read as evidence on behalf of Thomas J. Ashburn administrator of Elisha Ashburn decd. and others, in a suit in Chancery depending in the said Court, wherein the said Thos. J. Ashburn admr. &c. are Plaintiffs and Rebecca Ashburn and others are defendants.

Present:

John R. Kelly atty. for Pltffs
W. L. Riddick atty. for Defts.

Thos. J. Ashburn being first duly sworn deposeth and saith as follows:

1st. Question by Pltffs atty:

State all you may know relative to the placing of negroes or other property in possession of the Children of Elisha Ashburn decd. & what it was

and whether as gifts or otherwise, and what was his custom as to the control of the same? Answer: Elisha Ashburn was in the habit of placing negroes and other property in possession of his Children as they settled in life - land, negroes, horses, sheep & hogs, cows & calves & hogs. He always said that he wished these to be considered as advanced to come in as a part of his Estate so disposed of: though he always said he wished to control them after being so disposed of - except the land. I think he always considered the legal title of such property to remain in him. He would sometimes take the negroes so advanced, and work them on his own place, or hire them out. In 1861 he hired negro Nat, who had been placed in my possession to Dillon Henry, and took the bond payable to himself - (Copy of which bond is annexed Marked A.) Negro Sam who was placed in Peter Ashburn's possession, he would take and work on his own place more than half the time. I am satisfied that Elisha Ashburn never intended to part with the title to these negroes during his lifetime. I have no interest involved in this question of advancements, as I do not intend to claim any further benefit from participation in the Estate.

2nd Question: by same.

What was the value of the hire or use of the negroes for the time they were in the possession of the parties - as well as of the other property?

Answer. Negro. Sam, who was in possession of my brother Peter Ashburn about two years, at one hundred and twenty five dollars a year. Negro woman, very old, Nancy - was not worth anything - rather an expense. the chattel Estate worth, for the whole use - eighty dollars.

Henry Ashburn had nothing from Elisha Ashburn

Negro woman, named Mary advanced to James C. Vaughn & his wife Elizabeth, was ~~xxxx~~ in their possession twelve years - and had ten children during the time - I consider was worth nothing. The Chattel Estate was worth about forty dollars.

~~A~~ ~~xxx~~ Elisha Ashburn gave James C. Vaughan some sheep, and afterwards told me to go there and get some of them.

(Cross Examined.)

1st. Question by Defts atty.

In your examination in Chief you say that your father Elisha Ashburn advanced negroes and other property to his children when they settled in life - In ~~your~~ your case, did you consider that this property was to be considered by you & your father as so

much to be charged to you from his Estate?
Answer: I did, if he chose to keep it.
2nd Question by same:
Was this to be considered ~~as the case~~ in each case where he so advanced property.
Answer: I think it was.

And further this deponent saith not.

Thomas J. Ashburn

Henry Ashburn being duly sworn deposeth saith as follows:
1st Question by Pltff. Atty.
State all you know as to whether your father Elisha Ashburn claimed title to the Negroes and other property that he put in possession of his children?
Answer: I always heard him say that he claimed title to the negroes. I have heard him speak of the other property in the same way. The sheep he sent to James C. Vaughan. I heard him say that he expected half of the increase to pay for the loan.

And further this deponent saith not.

Henry Ashburn

Sworn,
Peter B. Pendleton
Comm'r.

Thomas J. Ashburn re-called for the Plaintiffs -
Question by Same.

What was the value of the negroes Sam, Nancy, Nat, & Mary, at the time your father Elisha Ashburn, placed these negroes in possession of his children.

Answer: Sam was worth about Seven hundred dollars - he was forty years old. Nancy was very old - worth little or nothing - say ten dollars. Nat was about thirty years old, and was worth one thousand dollars. Mary was a girl about seventeen years old - without children, and was worth at the time 1849 - about six hundred dollars.

And further this deponent saith not.

Thos. J. Ashburn

Test,

Peter B. Prentis.

Commr.

Adjourned till Friday Sept. 6th. 1867.

Peter B. Prentis.

Commr.

Friday: September 6th: 1867

Present,

John R. Kelby. Atty: for Pltffs

W. L. Riddick, Atty: for Defts

James M. McClenny, being first duly sworn, deposeth and saith, as follows:

Question by Pltffs: Atto: State all that you may know of any property loaned or given by Elisha Ashburn, in his life time, to any of his Children, and any information you may have of his intention in relation thereto?

Answer— Soon after he (Elisha Ashburn) was married to his last wife, he sent for me to write his will— I accordingly wrote his will, agreeably to his directions. he divided of his lands to his widow and sons— to his daughters he gave negroes, money & bonds, so as to make them equal with his sons, who had all the land— Mr: Ashburn said, at that time, that he had sent a little negro girl to his daughter, Elizabeth, the wife of James C. Vaughan, as a nurse— which negro, named Mary. Mr: Ashburn stated, that he had not given her (his daughter) & directed said negro with two or three others to be given her, in his will— From my own knowledge of Mr: Elisha Ashburn, (from conversations with him) who was my near & intimate neighbor, I am satisfied, that he intended to make his children equal, under his will, but never intended, during his life, to part with his title to any thing like property, placed in their possession. I know that the negroes placed in the possession of Thomas J. Ashburn and Peter Ashburn, by their father, were occasionally

reserved possession of by him & worked by him; and this was generally understood in the neighborhood, to be his practice with regard to those negroes — The negro girl placed in the possession of Elizabeth, the wife of James C. Vaughan, was about twelve years old, & worth, about Three Hundred Dollars — I consider that the said girl Mary from the time she was put in the possession of Mrs: Vaughan till she commenced having children was worth some hire, but after she commenced having children, worth no hire so, taking the whole time together, that she was in Mrs: Vaughan's possession, I consider she was worth nothing. It was about Fifteen years ago that I was called upon to write said Will, he then, having only one child, by his last wife, since which time, he has had four others, who are now alive — I know not what became of the will, but have understood that he left none at his death.

And further this deponent saith.

Jno. Mc. Mc Clenny

Test,

Peter B. Prentiss. Comm.

Ben 125-
Jacob 125-
Dick 125-
Nat 100
Miles 100
575-

575^{00} We promise to pay Elisha Ashburn or order, Five Hundred and Seventy five dollars, one half to be paid the 1st. day of July next and the other half to be paid the 1st. day of Jany. 1862, it being for the hire of five negro men, Ben, Jacob, Dick, Nat and Miles for the year 1861, said negroes are hired without any restrictions. We bind ourselves to furnish said negroes with the usual clothing. In the event of War or prostrate of business or a dissolution of the Union we are allowed to return said negro and this bond to be null and void and are to pay for the time only we keep them at the same rate of hire.

Given under our hands and seal

Jany. 20th. 1861

Dillin & Cherry

a Copy.

(A)

Acco: No: 1

Dr: The Estate of Elisha Ashburn deceased,

In Account with Thomas J. Ashburn, Administrator. Cr:

			$		$	
1866. Dec: 10	(The Admor: qualified)					
" " "	To paid U.S. Stamp Tax			5 50		
" " "	By Cash found in the house (U.S. Currency)			" "	211	00
" " 14	To paid Charles Johnson	pr: rect:		1 50		
" " 19	" do Madison Darden	do		5 00		
" " 24	" " Ben Ashburn	"		5 00		
1867. Jan: 14	" " Wm: Eley, Sh'ff: Taxes 1866	"		17 60		
" " 20	" " Dr: Jno: J. Phillips	"		14 00		
" " 25	" " Peter B. Prentis, Clerk's tickets	"		11 23		
" Feby: 15	" " Mills B. Johnson	"		2 75		
" Mar: 7	" " Wm: R. Butler	"		39 55		
" " "	By amo: of Wm: R. Butler, in part of bond due intestate			" "	39	55
" " "	To paid Henry Ashburn	pr: rect:		3 00		
" Apl: 8	" do Harrison King	do		14 34		
" " 20	" " Darden & Nelms	"		3 50		
" " "	" " Virginia Ashburn	"		6 00		
" June 20	By amo: acco: sales of Chattel Estate less $129:05: improperly entered thereon & which is to be credited to Addison Ashburn's Estate				1667	53
" July 5	" do received of Josiah Murphy, as secy: for J. G. Williams on bond sued on by intestate in his life-time & now settled by compromise				260	67
	To paid Jno: R. Kelby, atty: per receipt			112 03		
	Carried forward		$	241 00	$ 2178	75

1867. July 5	Brot: forward				$2178	75
" " 26	To paid P. B. Prentis, Clerk's ticket	pr: rect	7	50		
" Sep 2	" do Jas: B. Nasfleet	do	10	92		
" " "	" " Wilson Nasfleet	"	13	91		
" " "	By amo: of Jas: B. Nasfleet in part of bond due intestate				24	83
" " 7	To paid Joshua Semens, Appraiser & for services, as Coner. at Sale,	pr: rect	5	00		
" " 9	" do Richard Eley, Coffin &c	do	22	00		
" " "	" " W. G. Williams, for services, as Commr: in allotting Dower &c	"	5	00		
" " "	" " Joshua Semens do. do	"	3	00		
" " 10	" " Jas M. McClenny " "	"	3	00		
" " "	" " Isijah Johnson " " & as witness	"	4	00		
" " "	" " W. G. Williams do	"	1	00		
" " "	" " Jas M. McClenny "	"	1	00		
" " "	" " admr: for getting sch Cattle		3	00		
	To 5 pr: Ct: Commns on $2203:38 (receipts)		110	18		
	" This sum due Estate to bal: acco: (in U.S. Currency)		1773	07		
			$2203	38	$2203	38
1867. Sep: 10	By Bal: due Estate in U.S. Currency brot: down		"	"	$1773	07
	Acco: No: 1. Continued					
	By Specie found in the House		"	"	$462	00
	To Commns 2 5 pr: Ct: on $462:00		$ 23	10		
	" Bal: due Estate, in Specie		438	90		
			$462	00	$462	00
1867. Sep: 10	By Bal: due Estate in Specie brot: down		"	"	$438	90

Acco: No: 2

An Account of all advancements made by said Elisha Ashburn, in his life time, to any of his Children, parties to this suit, who come into Hotch-pot

To James E. Vaughan & Elizabeth his wife . . $40:00
who have elected to bring the same into
hotch-pot

Acco: No: 3

An Account of the Children of said Elisha Ashburn deceased to whom lands were advanced and who refuse to bring the same into "Hotch Pot": Dower having been assigned to Rebecca Ashburn wholly in the other lands of said deceased, and an account ascertaining what sum such advanced parties should contribute to the Estate for distribution to the other heirs.

To Peter Ashburn value of land advanced to him . $650:00
" Thomas J. Ashburn do do do . $533:00
Value of the Whole Real Estate, belonging to deceased, including that advanced to Peter & Thomas J. as above $4929:00
Value of Dower in same . $1643:00
Amo: to be contributed by Peter Ashburn to Estate . $152.75
do do do " Thomas J. Ashburn . do $144:30

Acco: No: 4

An account shewing the names of the heirs of Elisha Ashburn deceased, who elect to retain their advancements and who refuse to bring the same into Hotch-pot.

Peter Ashburn	Land	$630.00
Thomas J. Ashburn	Do	$333.00

Acco: No: 5

An account shewing what fractional part of the Estate of said Elisha Ashburn deceased, each one of his heirs and distributees is entitled to.

By Amo: (in U.S. Currency) in Admrs hands due Estate (See Acco: No: 1)			$ 1773	07
" Amo: of advancement to James C. Vaughan & Elizabeth, his wife see acco: No: 2			40	00
			$ 1813	07
Which should be distributed as follows:				
To Rebecca Ashburn, widow, 1/3			$ 604	35 2/3
Leaving			$ 1208	71 1/3
which should be distributed among the children of Elisha Ashburn, as follows:				
To James C. Vaughan & Elizabeth, his wife 1/10	$	120	87 2/15	
" Margaret Ashburn . . . do		120	87 2/15	
" Jemima J. Ashburn . . . "		120	87 2/15	
" Barbary Ashburn . . . "		120	87 2/15	
" Henry Ashburn "		120	87 2/15	
" Joseph P. Ashburn "		120	87 2/15	
" Mary A. Ashburn "		120	87 2/15	
" Robert Ashburn "		120	87 2/15	
" Francis Ashburn "		120	87 2/15	
" Buck Ashburn "		120	87 2/15	
	$	1208	71 1/3 $	1208 71 1/3

over

Acco: No: 5 Continued

By Amo: in specie, in Admor's hands. due Estate					
See Acco: No: 1. Continued -				$ 438	90
Which should be distributed as follows:					
To Rebecca Ashburn (widow) 1/3				$ 146	30
(See Acco: No: 3) Leaving . .				$ 292	60
Which should be distributed as follows:					
To James C. Vaughan & Elizabeth, his wife	1/10	$ 29	26		
" Margaret Ashburn	do	29	26		
" Jemima J. Ashburn	"	29	26		
" Barbary Ashburn	"	29	26		
" Henry Ashburn	"	29	26		
" Joseph P. Ashburn	"	29	26		
" Mary A. Ashburn	"	29	26		
" Robert Ashburn	"	29	26		
" Francis Ashburn	"	29	26		
" Buck Ashburn	"	29	26		
		$ 292	60	$ 292	60

A Statement shewing how the sums contributed by Peter Ashburn and Thomas J. Ashburn to the other heirs of Elisha Ashburn deceased should be distributed.

By Amts to be contributed by Peter Ashburn to Estate				$ 152	75
do do by Thomas J. Ashburn do				144	30
Making				$ 297	05
which should be distributed as follows:					
To James C. Vaughan & Elizabeth his wife	1/10	$ 29	70½		
" Margaret Ashburn	do	29	70½		
" Jemima J. Ashburn	"	29	70½		
" Barbary Ashburn	"	29	70½		
" Henry Ashburn	"	29	70½		
" Joseph P. Ashburn	"	29	70½		
" Mary A. Ashburn	"	29	70½		
" Robert Ashburn	"	29	70½		
" Francis Ashburn	"	29	70½		
" Buck Ashburn	"	29	70½		
		$ 297	05	$ 297	05

Commissioner's Office
Suffolk, Va: Septr: 6th: 1867

To The Circuit Court of Nansemond County:

Pursuant to a Decree of the Circuit Court of Nansemond County rendered on the 17th: day of April 1867, in a suit in Chancery depending in said Court, between Thomas J. Askburn, Admr: of Elisha Ashburn deceased, and in his own right, Complainant, and Rebecca Ashburn & others, Defendants, the undersigned, one of the Commissioners of said Court to whom was referred for settlement the various accounts therein directed to be taken, reports to the Court, that on the 1st: day of June 1867, he issued a notice against the several parties aforesaid, requiring them to attend the settlement of the said accounts before him at his said Office on the 27th: day of July 1867, which notice was duly acknowledged by the parties aforesaid and returned to your Commissioner. That the parties aforesaid by their Attorneys, appeared before the Commissioner in obedience to said notice, and, at their request, the further taking and settling said accounts was adjourned and continued to the 31st: day of August thereafter. That on the said 31st: day of August aforesaid, the parties, with their Attorneys, appeared before your Commissioner, and he thereupon examined two of the parties, on oath, and such vouchers and papers as were presented, and, at their request, the further taking and settling said accounts, was again adjourned and continued to the 6th: day of September 1867, the Date of this report.

That, on this day, the parties, by their Attorneys, and a witness who has been requested to attend, appeared before your Commissioner, and he thereupon examined the said witness and the vouchers of the parties, and has stated and settled the aforesaid accounts, which are numbered respectively, 1, 2, 3, & 4. & 5.

That by Acco: No: 1. it will be seen, that, there will be a balance due by Thomas J. Ashburn, admr: of Elisha Ashburn dec'd, on the 10th: day of Sept: 1867. the sum of $1773:07c in U.S. Currency, and the further sum of $438:90c in Specie—

That Acco: No: 2 shews, that the only advancement made by the said Elisha Ashburn, in his life time, to any of his children, who elected to bring the same into hotch-pot, was the sum of $40 to his daughter Elizabeth, the wife of James C. Vaughan

That Acco: No: 3 shews, that the said Elisha Ashburn in his life-time, advanced to Peter Ashburn, one of his children, real Estate, to the fee-simple value of $450, and to Thomas J. Ashburn, another of his children, like estate, to the like value of $550, and in both of which latter advancements, Dower had been assigned to the widow, Rebecca Ashburn, under the said Decree, and, that the present fee-simple value of the dower in said advancements, is as follows, to wit: in that to Peter Ashburn, the sum of $132:75, and in that to Thomas J. Ashburn, the sum of $144:30

That Acco: No: 4 shews, that the said Peter Ashburn and Thomas J. Ashburn are the only heirs of said Elisha

Ashburn deceased, to whom advancements were made who elect to retain the same and refuse to bring the same into Hotch-pot.

That Acco: No: 5th shows, what fractional part of the Estate of said Elisha Ashburn ~~deceased~~ to dec'd, each one of his heirs & distributees is entitled to, together with the sums in U.S. Currency as well as Specie.

Your Commissioner deems it pertinent to state, that, at the request of the heirs, by their Attorneys, he has made up a Statement, shewing, how the sums contributed by Peter Ashburn and Thomas J. Ashburn to the other heirs of said Elisha Ashburn deceased, should be distributed.

And now the said Accounts, Statement, Decree, Notice and evidence relating thereto are herewith returned.

Given under my hand as Commissioner aforesaid the day and year first aforesaid.

Peter B. Prentis.

Commissioner

Thomas J. Ashburn
admr. of Elisha Ash-
burn decd Pet:

vs } Comms Report

Rebecca Ashburn Def:

1867
Septr: 6th: Complete &
filed in my Office.
Peter B. Prentis.
Comr.

1867. Septr. 9th Filed clk:

1868
Jan 21

Recvd of James C Vaughan and Elizabeth his wife Twelve dollars & Thirty cents as directed by decree of Oct Term of Nansemond circuit court 1867 in the suit Thos Ashburn adm of Elisha Ashburn &c against Rebecca Ashburn &c. differance and Cost

Barbary Ashburn

1868
Jan 21st

Recvd of James C Vaughan and Elizabeth his wife the sum of Thirty three dollars and 75 cents as directed by decree of Oct. Term of Nansemond circuit court 1867 in the suit of Thos Ashburn &c against Rebecca Ashburn &c differance and Cost

Semina A Ashburn

Barbara Ashleigh James & Vaughan

Rec'd

James & Vaugh Rec

1868 1

Feb. 11th

Received of Thos. J. Ashburn Adm.r of Elisha Ashburn Dec.d the sum of one Hundred and Twenty dollars and Eighty seven cents in currency and Twenty nine dollars and Twenty six cents in Specie for Mary Ann Alice, and one Hundred and Twenty dollars and Eighty seven cents and Two Fifteenth cents in currency and Twenty nine dollars and Twenty six cents in Specie for Robert Waller and one Hundred and Twenty dollars and Eighty Seven and Two fifteenth cents in Currency and Twenty nine dollars and Twenty six cents in Specie for Frances Napolian and one Hundred and Twenty dollars and Eighty seven and Two fifteenth cents in currency and Twenty nine dollars and Twenty six cents in Specie for Bird Ashburn as directed by decree of Oct. Term 1867 in the suit of Thos. J. Ashburn Adm.r against Rebecca Ashburn &c.

Rebecca Ashburn (seal)

1865

Jan 1st

Received of Thos J. Ashburn Exrs of Elisha Ashburn Decd for Robert Ashburn the sum of Twenty four dollars and seventy cents difference on land, as directed by the decree of Oct Term of Chancellor Circuit Court 1867 in the suit of Thos J. Ashburn &c

Margaret Ashburn

1868

Paid

Received of Thos J. Ashburn Exrs of Elisha Ashburn Decd for Joseph W Ashburn the sum of Eight dollars and Ten cents difference on land as directed by the decree of Oct Term of Chancellor Circuit Court 1867 in the suit of Thos J Ashburn &c

Rebecca Ashburn agent
of Mary A. Ashburn

1868

Received of Thos J Ashburn Exrs of Elisha Ashburn Decd for Joseph W Ashburn the sum of Eight dollars and Ten cents difference on land as directed by the decree of Oct Term of Chancellor Circuit Court 1867 in the suit of Thos J Ashburn &c

Rebecca Ashburn agent
for Buck Ashburn

1868
Jan 28

Received of Thos J Ashburn Adm^x of Elisha Ashburn dec^d the sum of One Hundred and Twenty dollars and Eighty seven and Two fifteenth cents in currency and Twenty nine dollars and Twenty six cents in specie as directed by decree of Cobb Term 1867 in the suit of Thos J Ashburn &c^a against Rebecca Ashburn &c^a"

$120,87 2/15 currency
29,26 Specie

James C. Vaughan

1867
December 18

Recd of Thos J Ashburn Adm^x of Elisha Ashburn, dec^d the sum of Six Hundred and four dollars and Thirty six cents in currency and one hundred and Fourty Six dollars and thirty cents in Specie as directed by decree of Cobb Term of Superior Circuit Court 1867 in the case of Thos J Ashburn Adm^x &c^a against Rebecca Ashburn &c^a.

Rebecah Ashburn

1867
Dec 18

Received of Thos J Ashburn Adm^x of Elisha Ashburn, dec^d the sum of one Hundred and Twenty dollars and Eighty seven and Two fifteenth cents in currency and Twenty nine dollars and

Twenty Six cents in Specie as decreed
by Decree of Oct Term 1857 in the suit
of Tho's Ashburn &c against Rebecca
Ashburn &c

Henry Ashburn

1857
Dec 18

Receive of Tho's Ashburn Exec'r of
Elisha Ashburn dec'd the sum of one
Hundred and Twenty dollars and
Eighty seven and two fifteenth cents
in currency and Twenty nine dollars
and Twenty six cents in Specie as
directed by decree of Oct Term 1857
in the suit against Tho's Ashburn &c
against Rebecca Ashburn &c.

Barbary Ashburn

1857
Dec 18

Received of Tho's Ashburn Exec'r of
Elisha Ashburn dec'd the sum of one
Hundred and Twenty dollars and eight
teen and twopfifteenth in currency and
twenty nine dollars and twenty six
cents in Specie as directed by decree
of Oct Term 1857 in the suit against
Tho's Ashburn &c against Rebecca
Ashburn &c

Jemima Ashburn

1867
Dec 18

Received of Thos. J. Ashburn Exec'r of Elisha Ashburn Dec'd the sum of one Hundred and Twenty dollars and eighty seven and one fifteenth cents in currency and twenty nine dollars and twenty six cents in specie as directed by decree of Oct Term 1867 in the suit of Thos J Ashburn Ex'r against Rebecca Ashburn &c

Margaret Ashburn

1868
Jan 18

Receive of Thos J Ashburn Exec'r of Elisha Ashburn Dec'd for Robert Ashburn the sum of four dollars and twenty cents as directed by Oct Term of Tranesmond circuit court 1867 Difference in Land

Henry Ashburn

1868
June 1st

Received of Thos J. Ashburn Exec'r of Elisha Ashburn Dec'd, for Frances Ashburn the sum of Twenty eight dollars and ninety cents as directed by Oct Term of Tranesmond circuit court 1867 Difference of Land

Henry Ashburn

1867 Received of Thos. J. Ashburn admr of Elisha Ashburn dec'd for Joseph P. Ashburn Twenty dollars and Eighty cents as directed by decree of Co'ty Term of nansemond circuit Court 1867 difference on land

$20,80/100

Barbary Ashburn

1867 Received of Thos. J. Ashburn admr of Elisha Ashburn dec'd for Joseph P. Ashburn Eight dollars and Forty cents as directed by decree of Co'ty Term of nansemond circuit Court 1867 diferance on land

$8,40/100

Margaret Ashburn

At a Circuit Court held for Hanover and County the twelfth
day of October 1867.

Thomas J. Ashburn administrator of Elesha
Ashburn, deceased and in his own right. Complainant.

against &c. In Chancery

Rebecca Ashburn, James C. Vaughan and Eliza-
beth his wife, Margaret Ashburn, Jemima J.
Ashburn, Barbary Ashburn, Peter Ashburn Henry
Ashburn, and Jos P. Mary A. Robert. Frances,
and Buck Ashburn, the last five being infants. Defendants

This cause, came on this day to be again heard on the papers
formerly read and on the Report of Jas M. McCleary, Washington G.
Williams John A Simons and Isaiah Johnson, made pursu-
ant to the decree of the 17th day of april 1867 to which report, there is no
exception; and also on the Report of P.B. Prentis Commissioner, made
pursuant to the same decree, and to which report there is no exception
tion, and was argued by Counsel. On consideration whereof the
Court doth conform the said Reports, and as it appears by the
Report of the above first named Commissioners, that they
made division of the Lands of said Elesha Ashburn
deceased, among the several heirs, after assigning dower
to said Widow Rebecca Ashburn, and the same appearing
fair and just, the said division, is hereby ratified and con-
firmed, and the Court doth adjudge, order and decree that the
following sums of money be paid by the following parties,
as recommended by said first above named report, that
is to say: That James C. Vaughan and Elizabeth his wife
pay to Jemima J. Ashburn, the sum of Thirty three Dollars,

and ten cents, and to Barbary Ashburn, Twelve Dollars and thirty cents: That Joseph P. Ashburn, pay to Barbary Ashburn, Twenty Dollars and Eighty cents and to Mary A. Ashburn, Eight Dollars and ten cents and to Buck Ashburn Eight Dollars and ten cents and to Margaret Ashburn Eight Dollars and forty cents: That Robert Ashburn pay to Margaret Ashburn Twenty four Dollars and seventy cents and Henry Ashburn four dollars and twenty cents. And that Francis Ashburn, pay to Henry Ashburn Twenty eight Dollars and ninety cents, which amounts are to carry interest from the 12th day of October 1867, till paid. And the Court doth further adjudge, order and decree, that Thomas J. Ashburn as administrator of Elesha Ashburn deceased, out of the sum of One thousand Eight Hundred and thirteen Dollars and seven cents, which appears to be in his hands in Currency, by account No 5, of said Commissioners Report, pay to Rebecca Ashburn widow of said deceased, the sum of Six Hundred and four Dollars and thirty five cents, and to James C. Vaughan and Elizabeth his wife, One Hundred and Twenty Dollars and Eighty seven and two fifteenths cents, and to Margaret Ashburn, Jemima J. Ashburn, Barbary Ashburn Henry Ashburn, Joseph P. Ashburn Mary A Ashburn Robert Ashburn Francis Ashburn and Buck Ashburn, Each, the sum of One Hundred and twenty Dollars and Eighty seven and two fifteenths cents: And the Court doth also adjudge order and decree, that James C. Vaughan and Elizabeth his wife, pay to Thomas J. Ashburn as administrator aforesaid, the sum of forty Dollars, the amount, he by them

brought into said decedent's estate, as her account, No 2, of said Commissioner Prentis's report, to which said admenistrator accounted for in due course of administration. And the Court doth also adjudge ordain and decree, that the said Thomas J. Ashburn, as admenistrator aforesaid, pay the sum of Four Hundred and thirty eight Dollars and Ninety cents, which appears to be in his hands in Specie, as per account No. 3 of said Commissioner Prentis's Report as follows: To Rebecca Ashburn (widow) One Hundred and Sixty six Dollars and thirty cents. To James C. Vaughan and Elizabeth, his wife, Twenty nine Dollars and Twenty six cents, and to Margaret Ashburn Jerusha J. Ashburn Barbary Ashburn Henry Ashburn, Joseph P. Ashburn, Mary A. Ashburn, Robert Ashburn, Francis Ashburn and Buck Ashburn each, Twenty nine Dollars and twenty and twenty six cents. And that the costs of this Suit, be paid by Thomas J. Ashburn as admenistrator aforesaid, out of his intestate's estate, including a fee of Twenty five Dollars to the Defendant's attorney. And, that a Commissioner of this Court, make up a further account of the transactions of said Thomas J. Ashburn, as admenistrator of Elisha Ashburn deceased, and make report to Court, with any matter specially stated, deemed pertinent by him self or, that any of the parties, require to be so stated.

A Copy:
Test.
Peter B. Prentis. Clerk

Costs

Clerk	$15.00
Pltffs: atto	16.00
Defts: atto	25.00
Sh'ff	4.00
Commit'r	25.00
	$85.00

Thomas J. Ashburn, Admr:
of Elisha Ashburn dec'd. &c
To the Co: Decree
Rebecca Ashburn & al:

To the Circuit Court of Nansemond County.

The Undersigned Thoma, J. Ashburn admr. of Elisha Ashburn dec'd respectfully reports to Court, That he has executed the decree of said Court make on the 12th of Octo. 1867 in the cause therein pending wherein Thos. J. Ashburn admr of Elisha Ashburn dec'd, &c. is plaintiff and Rebecca Ashburn and others Defendants, as the following statement (and receipts annexed) will show.

James C. Vaughan & Elizabeth his wife have paid to Demima J. Ashburn $33.10
and to Barbary Ashburn $12.30

Joseph P. Ashburn has paid to
Barbary Ashburn the sum of $20.80
and to Mary A. Ashburn " 8.10
and to Buck Ashburn " 8.10
and to Margaret Ashburn " 8.40

And Robert Ashburn has paid to
Margaret Ashburn the sum of $24.70
and to Henry Ashburn 4.20

And Francis Ashburn has paid
to Henry Ashburn $28.90

(over)

That Thomas J. Ashburn as admr of
Elisha Ashburn decd, has paid the sum of $1813:07
in his hands as follows —

To Rebecca Ashburn, as directed
and per act $604.35

$1209.72

and to Jas G. Vaughan and
Elizabeth his wife late Ashburn $120.87½
To Margaret Ashburn " 120.87½
" Semina J. Ashburn " 120.87½
" Barbary Ashburn " 120.87½
" Henry Ashburn " 120.87½
" Dr. P. Ashburn " 120.87½
" Mary A. Ashburn jr 120.87½
" Robt. Ashburn jr 120.87½
" Buck Ashburn jr 120.87½
" Francis Ashburn jr 120.87½ $1209.72

And that the sum of $138.90
in specie has been paid as follows
To Rebecca Ashburn per act 146.30

$292.60

and to each of the other heirs
as above named $29.26
making $292.60

All costs have been paid.

Respectfully submitted
1 March 1868. Thos J Ashburn Admr

Ashburn; adm

v S Report.

Ashburn Sac

1858
March 10th: Filed
CMK:

To the Circuit Court of Nansemond County

The undersigned respectfully report to Court, That pursuant to the annexed decree of said Court made on the 17th day of April 1867 in the Cause therein pending wherein Rebecca Ashburn &c. & Vaughan & Elizabeth his wife Margaret Ashburn & others defendants

They proceeded to set apart and asseyn to Mrs Rebecca Ashburn widows of Elisha Ashburn decd Dower in all the lands of which her husband died seized or possessed during Coverture as an Estate of Inheritance and in the manner as the following Statement will show

A Tract of Land of 260 acres valued at	$650.00
Sold to Peter Ashburn in the life time of Elisha Ashburn	
A Tract of 185 acres valued at	$555.00
Sold to J J Ashburn in the life Time of Elisha Ashburn	
The home Tract of land valued at 300 acres	$1800.00
The Pierce Tract of 100 acres valued at	330.00
The Kelly Tract of 237 acres valued at	474.00
The Johnson Tract of 100 acres valued at	350.00
The Rumford Tract of 130 acres valued at	400.00
The Mill seat with 60 acres of land attached thereto valued at	350.00
	4729.00

Widows Dower being $1643.00

We assign to the widow 237½ acres of the
home plantation valued at ashe Dower $1643.00

We the Commissioners recommend the
following divisions of the lands between
the different heirs

The Juice Tract of 110 acres valued at 330.00
and 62½ acres of the home plantation valued at 157.00
487.00
Voted to Jas Baughan wife Elizbeth & Joseph P Ashburn

The Tilly Tract to Robert & Frank Ashburn
Valued at 474.00

The Johnson Tract valued at 330.00
To Barberry & Jemima

Bumford Tract valued at 400.00
To Mary A & Buck

The Bill Tract valued at 330.00
2081.00
To Henry & margaret

Each ones Share is $208.10

Jas Baughan wife pays to Jemima 33.10 330.00
" " " " Barberry 12.30
Joseph P Ashburn pays to Barberry 20.80 66 20
41620
" " " " Mary A 8.10
" " " " Buck 8.10 400.00 16 20
41620
" " " " Margaret 8.40
Robert Ashburn pays to Margaret 24.70 330.00
" " " " Henry 4.20
Frank Ashburn pays to Henry 28.90 66 20
41620
Jas Baughan wife & Joseph P Amount 416.20
Robert & Frank Amount 416.20
2081.00

All of which is Respectfully Submitted

Jas M McKinney
W G Williams
Joshua Simons
Isaiah Johnson

Thomas J. Ashburn &c. &c.
of Elisha Ashburn
dec'd
Comm.
Report &
Division of Land &c.
vs.
Rebecca Ashburn &al.

1867
Aug. 31st: filed. clk.

At a Circuit Court, held for Nansemond County on the 17th day of April 1867:
Thomas J. Ashburn, administrator of Elisha Ashburn deceased, and in his own right. . . . . Complainant.

against } In Chancery

Rebecca Ashburn, James C. Vaughan and Elizabeth his wife Margaret Ashburn, Semenia J. Ashburn, Barbary Ashburn, Peter Ashburn, Henry Ashburn, and Jos. P. Mary A. Robert, Francis and Buck Ashburn, the last four being infants. . . . . Defendants,

This day the Defendant Rebecca Ashburn, filed her answer to the Complainants Bill by leave of the Court, and this cause came on to be heard on the Bill taken for confessed as to the defendants, James C. Vaughan and Elizabeth his wife, Margaret Ashburn Semenia J. Ashburn Barbary Ashburn, Peter Ashburn and Henry Ashburn, on whom process had been duly served and they still failing to appear and answer, and on the answer of the infant defendants by Peter B. Prentis their guardian ad litem, and on the answer of the said Rebecca Ashburn and on general replications to said answers and exhibits, filed with the said Bill and was argued by Counsel, On consideration whereof the Court doth adjudge order and decree, that a Commissioner of this Court, take the following accounts.

First: an Account of the transactions of the said Thomas J. Ashburn as administrator of ~~the said Thomas J. Ashburn as administrator of~~ said Elisha Ashburn deceased:

Second: an account of all advancements made by said Elisha Ashburn in his life time to any of his children parties to this suit.

Third. If any child of said deceased to whom lands have been advanced should refuse to bring the same into Hotch-pot and Dower to said Rebecca Ashburn showed her assigned her wholly in the other lands of deceased, then the said Commissioner, will ascertain what sum such advanced parties should contribute to the Estate, for distribution to the other heirs

Fourth. That the said Commissioner ascertain by examination of the parties advanced whether they elect to retain their advancements, or bring the same into Hotch-pot.

Fifth: That the said Commissioner also ascertain what fractional part of said Decedents Estate each one of the heirs and distributees of said deceased is entitled to. and make report to Court of any matter specially stated deemed pertinent by himself, or that any one of the parties may desire to be so stated. And the Court, doth further adjudge, order and decree that James. M. McClenny, Joshua Simons, Josiah Johnson and Washington G. Williams, be and are hereby appointed Commissioners for that purpose, (any three of whom may act) to set apart and assign unto the said Rebecca Ashburn, widow of the said Elisha Ashburn deceased, one third in value, having regard to quantity and quality of the lands whereof said Elisha Ashburn died possessed, or was at any time during coverture seized of an Estate of Inheritance and wherein her Dower, has not been barred or relinquished, as and for her Dower therein, and in making such assignment, the same may be made in one body in any one parcel of land and make report to Court.

A. Copy:

Teste:

Peter B. Prentis. Clerk

X mo

Thomas J. Ashburn, Admr.
of Elisha Ashburn dec'd &c

vs } Co: Decree

Rebecca Ashburn & al:

At a Circuit Court held for Nansemond County, on the 17th day of April, 1867:

Margaret Ashburn, Jemima Ashburn, and Barbary Ashburn . . . . . Complainants

against } In Chancery

Thomas J. Ashburn in his own right, and as administrator of Elisha Ashburn, deceased, and as Curator of Addison Ashburn deceased, Rebecca Ashburn (widow) James C. Vaughan and Elizabeth, his wife, Peter Ashburn Henry Ashburn, and Jos. P., Mary Alice, Robert, Francis, and Buck Ashburn, the last five being infants under twenty one years of age. Defendants:

This day Thomas J. Ashburn in his own right, and as administrator of Elisha Ashburn deceased, and Curator of Addison Ashburn deceased, and the said Rebecca Ashburn filed their respective answers by leave of the Court, and this Cause came on this day to heard on the Bill, taken for confessed as to James C. Vaughan and Elizabeth, his wife, Peter Ashburn and Henry Ashburn, on whom process had been duly served, they still failing to appear and answer, and on the answer of said Thomas J. Ashburn in his own right and as administrator of Elisha Ashburn deceased, and as Curator of Addison Ashburn, deceased, and on the answer of said Rebecca Ashburn, and of the Infant defendants by P. B. Prentis, their guardian ad litem, on general replication to said answers, Exhibits filed with the said Bill and Examination of Witnesses, and was argued by Counsel; On Consideration whereof, the parties not desiring an issue of devisavit vel non, the Court doth decide that the paper refered to in the proceedings as the last Will and testament of Addison Ashburn

deceased, was his true last will and testament, and that the same was duly and legally executed, and that its destruction in the mode proven, did not operate to cancel or revoke or annul the same, and that the same is hereby established as and for the last Will and testament of said Addison Ashburn, deceased, and doth adjudge order and decree that the real Estate referred to and described in the proceedings, is the property of said Margaret Ashburn and Jemima J. Ashburn, and that they make up and pay to Barbary Ashburn, a sum in money to make her equal to them: And the Court doth further decide that the chattel and personal Estate of said Addison Ashburn belongs under said will to his other brothers and sisters, to wit: Thomas J. Ashburn, Elizabeth Vaughan, Peter Ashburn and Henry Ashburn.

And the Court doth adjudge order and decree that the said Thomas J. Ashburn as Curator of said Addison Ashburn deceased pay over to said Thomas J. Ashburn Elizabeth Vaughan, Peter Ashburn and Henry Ashburn the personal and chattel estate or its proceeds, now in his hands, and make report of the same, with the evidence thereof to Court: And the Court doth also adjudge order and decree that James M. McClenny, Joshua Simonds, Washington G. Williams and Hajah Johnson, be and they are hereby appointed Commissioners for that purpose (any three of whom may act) to divide the land whereof said Addison Ashburn died seized and possessed, according to said Will, so as to give Margaret Ashburn "the House and land on the north side of the road" and to said Jemima, "the land on the South side of the road" and that they ascertain and report the amount that the said Margaret and Jemima J. should pay to said Barbary Ashburn to make her equal with said Margaret and Jemima J. Ashburn and make report to Court.

A Copy
Teste.
Peter B. Prentis. Clerk

Xmd

Marquett Ashburn Jal:

vs

Jno. Deere

Thomas J. Ashburn Jal:

To the Circuit Court of Nansemond County

The undersigned respectfully report to Court that pursuant to the annexed decree of said Court made on the 17th day of April 1867 in the cause therein pending wherein Margaret Ashburn Jamima Ashburn & Barbery Ashburn Complainants &

against

Thomas J Ashburn & others defendants We the undersigned Commissioners beg leave to report that they have valued the lands of which Addison Ashburn died seized and possessed according to the aforesaid order and the lands on the North Side of the Road we valued at seven hundred dollars and on the South side at two hundred dollars

Margaret Ashburns land on the North Side of the Road		$700.00
Jamimas on South side the Road		$200.00
		900.00
Margaret pays to Jamima	$100.00	
and to Barbery	300.00	
Her own share being	300.00	
	710.00	
Jamimas land valued at	200.00	
	$900.00	

all of which is respectfully submitted

Jas M McClenny
Joshua Simons
Isiah Johnson
W L Williams

Margaret Ashburn &

vs } Comp.
} Rejnt.

Thomas J. Ashburn
Dal..

1867
Aug: 17th: Filed
AK:

Virginia:

At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 4th: day of March 1867.

Thomas J. Ashburn, Administrator of Elisha Ashburn deceased, and in his own right. . . . . Complainant.

Against } In Chancery

Rebecca Ashburn, James C. Vaughan and Elizabeth, his wife; Margaret Ashburn, Jemima J. Ashburn, Barbary Ashburn, Peter Ashburn, Henry Ashburn; and Jos: P. Mary A, Robert, Francis and Buck Ashburn: the last five being infants. Defendants.

On the motion, of the Complainant by Counsel: Peter B. Prentis is appointed guardian ad litem, to defend the infant defendants, in this suit: and it is ordered, that notice be given the said guardian of his appointment by serving on him a copy of this order.

Teste

Peter B. Prentis. Clerk

1867. March 4th: I acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis

g.d: ad litem

Thomas J. Ashburn,
admr. &c

vs

Order of Sept. 1866 to admr. to collect

Rebecca Ashburn &al

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Rebecca Ashburn, James C. Vaughan and Elizabeth, his wife, Marquach Ashburn, Jemima J. Ashburn, Barbary Ashburn, Peter Ashburn, Henry Ashburn, and Jos: P. Mary A. Robert, Francis and Buck Ashburn: the last five being infants

to appear at the Clerk's Office of our Circuit Court, for the County of Nansemond, on the first Monday in March next, 1867, being rule day, to answer a bill in chancery, exhibited against them by Thomas J. Ashburn, Administrator of Elisha Ashburn deceased, and in his own right

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 25th day of February 1867, and in the 91st year of the Commonwealth.

Peter B. Prentis, *Clerk.*

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Executed February 28th 1867 & a true copy hereof delivered to Rebecca Ashburn Jas C Vaughan & Elizabeth his wife Margaret Ashburn Jemima Ashburn Barbary Ashburn Peter Ashburn & Henry Ashburn

Wm Ray Sheriff

Recd. Feby. 28th 1867

Thomas J. Ashburn, Admr. &c. of Elisha Ashburn dcsd. Exn. His own rights.

vs

Rebecca Ashburn &c.

Bill filed March Rules 1867

Bill C. No. 1. Page 21.

Exhibits

Costs

Clerk . . .	$15:00
Sheffs: atto:	16.00
Dep: "	25:00
Stff:	4.00
Coroners: . . .	25:00
	$85:00