1868-010 NANCY SAUNDERS ET AL VS ADMR. OF JAMES SAUNDERS ET AL 1868

NANSEMOND COUNTY (SUFFOLK) CHANCERY CAUSES

SURNAMES: DAVIS, GARNER, MURPHY, ALLMAND,

Costs

| | |
|---|---|
| Clerk . . . . | $16.00 |
| Atto: Gen | 30.50 |
| Sheff: Hands | 4.50 |
| " Lt of Night | 1.00 |
| Commrs: W. & R. | 25.00 |
| Printer. "Sun" | 20.50 |
| | $97.50 |

Costi

Nancy Saunders &al . . . . . Complainants

vs & Chy: suit pending in the Circuit Court of Nans^d Co:

Jos: Saunders Sr & others: &al: . . . . . Defendants

This day John R. Kilby, Counsel for the Complainants in the above suit, personally appeared before me, and made oath, that Elizabeth Saunders, one of the Defendants therein, is not a resident of the State of Virginia, as he verily believes.

(Signed)

Sworn to before me in my Office, this 2nd: day of March 1867.

Peter B. Prentis. Clk.

Nancy Saunders &c

Pl
vs } affidavit of non-
evidence of def'ts
Elijh Saunders

Jos: Saunders sr's admr
&c.

**The Commonwealth of Virginia,** Isle of Wight.

To the Sheriff of ~~Nansemond~~ County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Peter B. Prentis, administrator of Joseph Saunders Senr: deceased Edith Saunders (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos. M. Murphy and Sally his wife, Joseph Saunders Jr. Ro. Allmand and Holland his wife, George W. Saunders, Margaret Garner (widow,) and George Thomas, Riley Ann, Roxana and Edith B. Murphy. the last four 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 Nancy Saunders and Lucretia Davis

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 1st 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.

Kilby. p. 9

Nancy Saunders & al:

vs

Summ. in Chy.

Peter B. Prentis, Admr. &c
Jos: Saunders Senr: decd
& al:

To March Rules 1867

Prob. No: 1. Page 19

Executed by delivering a true copy of the within to Robert Atkinson & Richard Dickinson on the 27th. Feby 1867

Ed Sheriff

# The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Peter B. Prentis, Administrator of Joseph Saunders Senr: deceased, Edith Saunders (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos: M. Murphy and Sally, his wife, Joseph Saunders Jr: Ro: Allmand and Holland, his wife, George W. Saunders, Margaret Garner (widow) and George Thomas, Riley Ann, Roxana and Edith B. Murphy: the last four 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

Nancy Saunders and Lucretia Davis

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 1st 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 22nd 1867 A true Copy Teste of
delivered to Peter B. Prentis Admr. of Jos Saunders dec'd Elizth
Saunders (widow) [redacted] Thos J Saunders Martha
Guarnier (widow) Joseph M. Murphy & Sally his wife
Joseph Saunders Jr. George W Saunders & Margaret
Guarnier (widow), Ro. Allmand & Holland his wife
are non residents of my County. The within Elizabeth
Saunders is not a resident of this Commonwealth

Jno Ely D.C.

Nelly p. 69

Nancy Saunders Vs.

Jos Saunders et Als

Peter B. Prentis Admr
of Joseph Saunders Sen.
Dec'd Vs.

Jo March Rules 1867

Pro C. No: 1 Augt.

Cir: Co:

I Joseph Saunders of Nansemond County State of Virginia, do hereby make my last Will and testament, in the manner and form following that is to say. 1st. I desire that a sufficiency of my perishable estate be immediately sold after my decease for the purpose of paying off my just debts and funeral expences. 2nd after all my just debts and funeral expences shall have been paid I give unto my wife Edith Saunders during her natural or widowhood, all the balance of my estate both real and personal, with this proviso nevertheless, that my said wife is to pay to my daughter Nancy Saunders The sum of twenty dollars in money. but my wife is hereby allowed two years from my death to pay the said twenty dollars. 4th. after the death of my wife, I give to my son Thomas Saunders, my upper Plantation joining the lands, of Hugh K. Williams and Isaac V. Sike, and cornering on Charles Oliver's land. 5th: after the death of my wife. I give to my son George Saunders my lower Plantation or old farm joining Charles Oliver at a corner pine, and runs to a haw-bush on the main road where it corners. 6th: It is my desire that if my son George Saunders shall die before he arrives to the age of twenty one, that my son Thomas Saunders, shall heir George Saunders portion or portions. 7th: after the death of my wife, it is my desire that the balance of my estate, be equally divided between my other Children not heretofore named in this will except my daughter Nancy, who I desire shall share equally with the others. 8th. and lastly I do hereby constitute and appoint Thomas Saunders my son. my Executor of this my last will and testament. In witness whereof I have hereunto set my hand and affixed my seal, this 28th: day of July in the year of our Lord 1843.

Joseph his X Saunders
mark

signed sealed published and declared by Joseph Saunders, as and for his last will and testament in the presence of us, who at his request and in his presence, and hearing each other subscribed our names as witnesses
Wm R. Jordan Stephen G. Darden Ro. H. Webb.

At a Monthly Court held for Nansemond County the 10th. day of December 1866. This writing purporting to be the last will and testament of Joseph Saunders, late of this County, deceased was this day produced in Court by Thomas J. Saunders in order to be proved, whereupon Stephen G. Darden one of the subscribing witnesses thereto being sworn, having testified in Court that the said Joseph Saunders acknowledged and published the same in his presence as and

In his last will and testament, that he subscribed his name as a witness thereto in the presence of the said Testator and in the presence of Wm R. Jordan and Ro H. Webb the other subscribing witnesses thereto (all four being present together) and that he saw the said Wm R. Jordan and Ro. H. Webb, who are now dead subscribe their names thereto also in his presence and at his request, and having also testified that the said Testator was of sound mind and memory as far as he knew or believed. and the said Stephen G Barden, Richard H Riddick Jr and C. H. Causey being sworn severally deposed in Court, that they were well acquainted with the hand writing of the said Ro. H. Webb having often seen him write, and verily believe that his sig nature as a subscribing witness to said Will to be genuine and in his own proper hand writing. Where upon, the said writing is ordered to be recorded as the true last Will and testament of the said Joseph Saunders deceased.

Teste:

Peter B. Prentis Clerk.

A Copy.

Teste:

Peter B. Prentis. Clerk.

Joseph Saunders Will (A. Copy) (54)

In the Clerk's Office of Nansemond County Court, the 2nd: day of March 1867.

I do hereby certify, that, on the 11th: day of September 1865 — Peter B. Prentis duly qualified as the administrator of Josiah Saunders Sr: deceased (the destruction by fire, of the records of said Court, on the 7th: day of February 1866. preventing me from furnishing a formal copy of said qualification)

Test —

Peter B. Prentis. Clerk

(3)

Saunders &c

vs

Saunders, admr &c

2 Exhibits
filed with the Bill

At a Circuit Court held for Nansemond County, the 12th. day of October 1867.

Nancy Saunders and Lucretia Davis. Complainants.

Against & In Chancery

Peter B. Prentis, Administrator of Joseph Saunders Senior deceased, Edith Saunders, (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos: M. Murphy and Sally, his wife, Joseph Saunders Jr: Ro: Allmand and Holland his wife, George W. Saunders, Margaret Garner (widow) and George Thomas, Riley Ann, Rosana and Edith B. Murphy: the last four being infants . . . . Defendants.

This Cause came on this day to be again heard, on the papers formerly read, and on the Report of W. L. Riddick Commissioner, made pursuant to the decree of the 18th. day of April 1867. and on the report of Archd. Nelms, Samuel Eley and Thos: E. Outland, Commissioners, also made pursuant to said decree, to which reports no exception has been filed, and was argued by Counsel: On Consideration whereof, the Court doth confirm the said reports, and doth adjudge, order and decree, that Peter B. Prentis (who is hereby appointed a Commissioner for that purpose) proceed to sell before the Court House door of Nansemond County on some Court day, on a credit of six months, with interest from date, except for a sum sufficient to pay the costs of suit and expenses of sale, which will be in cash to be paid to

those entitled) after having given notice of such sale by advertisement at the Court House door of Nansemond County, and other public places, and in the "Christian Sun", a newspaper published in Suffolk, once a week, for four successive weeks, the lands referred to in the proceedings, and described as first a tract of land in Nansemond County, containing Forty acres more or less, adjoining the lands of Mrs: Camilla Council, Isaac V. Luke, Jos: Saunders Jr: and Geo: Godwin, and is called the "Constapher Land" and second, a vacant lot of land on the North side of the first Cross Street of the Town of Suffolk and bounded West by a lot belonging to Elisha Nasleet, South by said Street, East by a lot lately Amos R. Harrell's, and North by said Harrell's lot, And that the said Commissioner take of the purchasers of said property, bonds with good security and retain the title to said property, till the further order of the Court, and make report to Court with said bonds. But no sale is to be made under this decree, until the said Peter B. Prentis, shall execute before the Clerk of this Court, a Bond in the penalty of One Thousand Dollars, payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this decree, and of any other decree he may hereafter be required to execute in this cause. And the Court deciding that Mrs: Edith Saunders, the widow of Joseph Saunders Senior deceased is entitled to dower in the property hereby decreed to be sold, and she consenting that the above sale may be made to include her dower therein, and to accept in lieu thereof, such sum in money in fee-simple as the Court may decree to her, doth adjudge, order and decree

that a Commissioner of this Court ascertain what the present fee-simple value of such dower is, in the said lands, and make report to Court.

A Copy:

Teste,

Peter B. Prentis. Clerk

X'mas

Nancy Saunders Val:
vs
Jos: Saunders Sr. & Co: Decree
Jos: Saunders Sr. Admr. Val:

R

Wednesday
22nd Jany 1868.

Commissioner's Office
Suffolk, Va. Nov: 1867

To

12 copies

Nancy Saunders and Lucretia Davis – Complainants

and &c In Chancery –

Peter B. Prentis, administrator of Joseph Saunders, senior, decd. Edith Saunders (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos. M. Murphy and Sally his wife, Joseph Saunders jr. Ro. Allmand and Holland, his wife George W. Saunders, Margaret Garner (widow) and George Thomas, Riley Ann, Roxana, and Edith B. Murphy, the last four being infants. Defendants.

You are hereby notified that I have fixed upon Wednesday, the 22nd day of January, 1868, if fair, if not, the next fair day thereafter, (Sunday Excepted) to take and settle at my office an account to ascertain what the present fee-simple value of such dower in the said lands is, (mentioned in the proceedings) required to be taken by the decree of Nansemond Circuit Court rendered on the 12th day of October, 1867, in a suit in Chancery depending in the said Court, in which you are plaintiffs and defendants; at which time and place you are required to attend.

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

W. L. Riddick
Com'r.

1867 Nov. 28 I acknowledge service hereof
John R. Kelly atty.

Commissioner's Office,
Suffolk, Va. Feby. 24th 1868

To the Circuit Court of Nansemond County.

Pursuant to a decree of the Circuit Court of Nansemond County, rendered on the 12th day of October, 1867, in a suit in Chancery there depending between Nancy Saunders &c., Complainants vs: Peter B. Prentis Administrator &c. and others, Defendants, the undersigned, one of the Commissioners of the said Court, to whom was referred ~~&~~ to ascertain what the present fee-simple value of Edith Saunders, widow of Joseph Saunders Senr. decd. is in the lands in the proceedings mentioned, reports to the Court that he has ascertained the present money fee-simple value of the said Edith Saunders' dower interest in the aforesaid lands to be Forty five dollars: viz:

Amt. for which Lands sold $450.00
Int. at 6 pr. Ct. pr. annum on $450.- for
one year is $27.- 1/3 of which is $9.00

The party Edith Saunders has an Expectation of life of six years, and $9 discounted at Compound interest for six years produces the sum of $45-

The Commissioner herewith returns copy of decree & Order.

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

W. L. Riddick
Comr.

Commissioner's fee $10.

Nancy Saunders &c.

vs: } Comm. Rep.

Peter B. Prentis admr &c. Defs

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1868
Feby: 29th: Filed.
CK

At a Circuit Court held for Nansemond County the 20th day of April 1868.

Nancy Saunders and Lucretia Davis Complainants.

against &c. In Chancery.

Peter B. Prentis admr of Joseph Saunders, Senior deceased; Edith Saunders (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos M. Murphy and Sally his wife Joseph Saunders Jr. Rc Allmand and Holland his wife; Geo. W Saunders, Margaret Garner (widow) and Geo. Thomas, Rely Ann Roxana and Edith B Murphy, the last four, being infants ..... Defendants,

This cause, came on this day to be heard again on the papers formerly read, and on the Reports made respectively by W. S. Reddick and P. B. Prentis, under the Decree of the 12th day of October 1867. to which Reports there is no exception; and was argued by Counsel; on Consideration whereof the Court doth confirm the said Reports, and doth adjudge order and decree that that the Clerk of said Court, deliver to said P.B. Prentis, Commissioner as aforesaid, the Bonds respectively of Jos. Saunders and Nathaniel Hasty filed in the cause. And that the said Commissioner Prentis, proceed to collect the same, and out of the proceeds pay any costs that may remain unpaid and then pay to P. B Prentis, admr of Joseph Saunders Senior dec'd the sum of Seven dollars. Balance due him as such admr as

per account (A) of said Commissioner W. L. Reddick's Report of the 20th of September 1867 and then pay to Mrs Edith Saunders in fee simple in lieu of her Dower in the land sold, under proceedings had in the cause, the sum of Forty five Dollars, with interest from the 9th of December 1867 and then pay what may remain as follows: To Martha Garner (Widow) one eighth part thereof, to Sally, wife of Jos M Murphy, a like sum. To Joseph Saunders Jr. a like sum. To Holland Allman, wife of Ro. Allman, a like sum. To Margaret Garner (Widow) a like sum. To the legal guardian of Geo. Thomas, Riley Ann, Roxana and Edith B. Murphy jointly the like sum. To Nancy Saunders the like sum and to Lucretia Davis (Widow) the like sum, and make to Joseph Saunders Jr, and Nathaniel Hardy, respectively the purchasers of the said Real Estate Deeds with special Warranty, in the usual form, and make report to Court.

A Copy,
Test,
Peter B. Prentis. Clerk

To the Circuit Court of Nansemond County

The Undersigned, Peter B. Prentis, Commissioner, respectfully reports to Court, that, pursuant to the Decree of the 20th: day of April 1868, made in the Cause in said Court pending, wherein Nancy Saunders and Lucretia Davis are Complainants, and Peter B. Prentis, Administrator of Joseph Saunders, Senior, deceased, and others, are Defendants, he received of the Clerk of said Court, as directed, the bonds, respectively, of Joseph Saunders and Nathaniel Hasty, the purchasers of the Real Estate, filed in the cause, and collected the same, and made to said purchasers, respectively, Deeds, with special warranty, in the usual form — The following statement will shew his further action, in the premises, as directed by said Decree:

| | | | | | |
|---|---|---|---|---|---|
| By Bond of said Joseph Saunders & Saml. Eley for | " | " | $279 | 55 5/9 |
| " int: on same from 9th: Decr: 1867 to 9th: June 1868 | " | " | 8 | 40 4/9 |
| " Bond of Nathaniel Hasty & J. W. Chamberlain for | " | " | 34 | 94 4/9 |
| " int: on same from 9th: Decr: 1867 to 9th: June 1868 | " | " | 1 | 05 5/9 |
| Making | " | " | $323 | 96 |

From which the following amounts were deducted, to wit:

| | | | | |
|---|---|---|---|---|
| To Cash paid W. L. Riddick, Commr: in Chy: per receipt | $ | 10 | 00 | " " |
| " do do P. B. Prentis, Clerk " do | | 5 | 00 | " " |
| " " " P. B. Prentis, admr: of Joseph Saunders Senior, decd: bal: on admrs: acco: per receipt | | 7 | 00 | " " |
| " " " Mrs: Edith Saunders, in fee-simple, in lieu of her Dower in the land sold, per receipt | | 45 | 00 | $67 00 |
| Leaving | " | " | $256 | 96 |

Which has been distributed and paid out, as follows:

| | | | | |
|---|---|---|---|---|
| To Cash paid Martha Garner (widow) 1/8 per receipt | $ | 32 | 12 | |
| " do do Sally Murphy, wife of Jos: M. Murphy 1/8 ditto | | 32 | 12 | |
| " " " Joseph Saunders Jr: 1/8 do | | 32 | 12 | |
| " " " Hollund Allmand wife of Ro: Allmand 1/8 " | | 32 | 12 | |
| " " " Marguerite Garner (Widow) 1/8 " | | 32 | 12 | |
| " " " Nancy Saunders 1/8 " | | 32 | 12 | |
| " " " Lucretia Davis (widow) 1/8 " | | 32 | 12 | |
| " " " Joseph M. Murphy guardian of Geo: Thomas, Riley Ann, Roxana and Edith B. Murphy, jointly 1/8 | " | 32 | 12 | |
| | $ | 256 | 96 | $256 96 |

Respectfully submitted.

Peter B. Prentis.

Commissioner

Nancy Saunders Rec.

20th Report of Distribution &c

Peter B. Prentis, Commr: &c

Joseph Saunders &c. Rec'd Rec.

1868. June 17th Rec'd.

1868. June 12th Received of Peter B. Prentis, Commissioner as set forth in the within report the several sums of money set opposite our names.

| | |
|---|---|
| N. L. Riddick Cons[t] | $10 |
| Peter B. Prentis, Comm[r] of Jos: Saunders &c | 7.00 |
| Peter B. Prentis. Clerk | 5.00 |
| Editha her mark X Saunders | 45.00 |
| Joseph his mark X Saunders | 32,12 |
| Margaret her mark X Garner | 32,12 |
| Thomas J Saunders mark for Nancy Saunders | 32:12 |
| Thomas J Saunders for Lucretia Davis | 32:12 |
| Martha her mark X Garner | 32,12 |
| Holland his mark X Allmand | 32.12 |
| Robert his mark X Allmand | 32,12 |
| Joseph his mark M X Murphy Gdn for Georg. T. Riley, A. Roxana and Edith B. Murphy. their mark children | 32,12 |
| Sally her mark X Murphy | 32,12 |
| Joseph his mark M X Murphy mark | |

Witness. Mr Cherry as to Editha Saunders &c

" R H Riddick Jr. as to all the others named

At a Circuit Court held for Nansemond County the twelfth day of October, 1867.

Nancy Saunders and Lucretia Davis . . . . . Complainants

against } In Chancery

Peter B. Prentis, Administrator of Joseph Saunders, Senr. deceased, Edith Saunders (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos M. Murphy and Sally his wife, Joseph Saunders jr. Ro. Allmand and Holland his wife, George W. Saunders, Margaret Garner (widow) and George Thomas, Riley Ann, Roxana, and Edith B. Murphy, the last four being infants . . . . Defendants.

This cause, came on this day to be again heard on the papers formerly read and on the Report of W. L. Riddick Commissioner, made pursuant to the decree of the 18th day of April 1867. and on the report of Archr Holmes, Samuel Eley and Thos E. Outland, Commissioners, also made pursuant to said decree; to which reports no exception has been filed, and was argued by Counsel: On consideration whereof the Court doth confirm the said reports and doth adjudge, order and decree that Peter B. Prentis (who is hereby appointed a Commissioner for that purpose) proceed to sell before the Court house door, of Nansemond County on some Court day on a credit of six months, with interest from date, except for

a sum sufficient to pay the costs of suit, and expenses of sale, which will be in cash to be paid to those entitled) after having given notice of such sale by advertisement at the Court house door of Nansemond County and other public places and in the "Norfolk Virginian Sun" a newspaper published in Suffolk, once a week for four successive weeks, the lands referred to in the proceedings and described as, First, a tract of land in Nansemond County containing forty acres, more or less, adjoining the lands of Mrs Camilla Councill, Isaac V. Lake, Jos Saunders Jr and Geo Godwin and is called the "Carstaphen Land" - and second. a vacant lot of land on the North side of the first cross Street of the Town of Suffolk and bounded West by a lot belonging to Elisha Northcott, South by said Street, East by a lot, lately Amos K. Harrell's, and North by said Harrell's lot; And that the said Commissioner, take of the purchasers of said property, bonds with good security and retain the title to said property till the further order of the Court, and make Report to Court with said Bonds. But no sale is to be made under this Decree, until the said Peli B. Powers shall execute before the Clerk of this Court, a Bond in the penalty of One thousand Dollars, payable to the Commonwealth of Virginia. and conditioned for the faithful execution of this decree, and of any other decree he may hereafter be required to execute in this cause; And the Court, decreeing that Mrs Edith Saunders, the widow of Joseph Saunders Senior deceased is entitled to dower in the property hereby decreed to be sold, and she consenting that the above sale may be made to include her dower therein, and to accept in lieu thereof, such sum in money in fee simple as

the Court may decree in her, doth adjudge, order and decree that a Commissioner of this Court ascertain what the present fee simple value of such dower is, in the said Lands, and make Report to Court.

A Goby.
Jr. C.

Peter B. Prentis. Clerk

Costs

| | |
|---|---|
| Clerk . . . | $16:00 |
| Atto: &c . . . | 30:50 |
| Shff: Nunc. . . | 4:50 |
| " Serv Writ . . | 1:00 |
| Commr (O.L. Redd) | 25:00 |
| Printer ("Sun") | 20:50 |
| | $97:50 |

Xmas

Nancy Saunders Exr.

vs. } Co: Decree.

Jas: Saunders's Exs Admr: &c.

To The Circuit Court of Nansemond County:

The Undersigned respectfully reports to Court, that pursuant to the annexed decree of the Circuit Court of Nansemond County, pronounced on the 12th. day of October 1867, in the Cause therein pending, wherein Nancy Saunders and Lucretia Davis, are Complainants and Peter B. Prentis, Admr: of Joseph Saunders Senior. decd &al: are Defendants, he proceeded to advertise the tract of land and the vacant lot refered to, in said decree, in the manner therein directed, and did, on Monday, the 9th: day of December 1867 (being Court day) sell at auction the said land and the vacant lot, on the terms named in the said decree, when they were purchased as follows:

The Tract of land containing Forty (40) acres, more or less, adjoining the lands of Mrs: Camilla Council, Isaac V. Lake, Joseph Saunders Jr: and Geo: Godwin, and called the "Carstaphen Land", was purchased by Joseph Saunders for . . . $400:00

And the Vacant Lot of land on the North side of the first Cross Street of the Town of Suffolk, was purchased by Nathaniel Hasty for . . . . . 50:00

Total Sales . . . $450:00

The Costs and expenses were received in cash from the respective purchasers valuably and paid out as follows:

To Peter B. Prentis, Clerks fees . . $16:00.

carried over

Amos: Brd: on . . . . $16:00 ✓ $450.00

To paid Jno: R. Kilby, Atto: &c 30:50 ✓

" do Wm: Eley, Shff: Naus$^{d}$ . 4:50 ✓

" " E. L. Eley do Isle of Wight 1:00 ✓

" " W. L. Riddick (Comm$^{r}$) 25:00 ✓

" " "Christian Sun" advertising 29:50 ✓

" " Rich$^{d}$ H. Brinkley, Crier 5:00 ✓

" Comm$^{s}$. (a 5 per cent on $300. 15:00

" do " 2 do do. $150. 3:00

" reserved to pay for 2 deeds & stamps to Purchasers . . . 6:00 — $135:50

Leaving the sum of . . . . $314:50

For which the bond of Joseph Saunders and Samuel Eley, payable six months after date with interest from date, has been taken, for the sum of . . $279:55 3/4

And the bond of Nathaniel Hasty and J. W. Chamberlin payable as above, has been taken for the sum of $ 34:94 1/4 = $314:50

Which bonds and the receipts for the cash payments are herewith returned.

Respectfully Submitted.

Peter B. Prentis.

Commissioner

1867. Decr: 10th: Received of Peter B. Prentis, Commissioner, the sums respectively due us, equally to the foregoing report.

Peter B. Prentis Clerk . . $16.00

John R Kilby $30.50

John R Kilby Pd Sh. Sale 1.00

W. L. Riddick Comr. 25.00

Wm Eley Shff 4.50

R. H. Brinkley $5.00

Suffolk, Va., Dec. 10th, 1867.

Mr Peter B. Prentis, comr

1867 To W.B. Wellons, Ed. "This Sun" Dr.

Nov. To publishing "Castaphen tract" of land and a vacant lot in Suffolk, for sale - 36 lines 4 times $9.00

Rec'd payment
W.B. Wellons
pr. J.H. Whitley

Suffolk, Dec. 12th, 1867.

Mr. P. B. Prentis, Clerk

To W.B. Wellons Ed. "This Sun" Dr.

1867
March 8th. To publishing legal notice - Nancy Saunders vs. P.B. Prentis - 35 lines 4 times $8.25

Rec'd payment of P.B. Prentis comm'r
W.B. Wellons
pr. J.H. Whitley

Suffolk, Dec. 12th 1867.

Washington L. Riddick, Suffolk, Va.

1867 To W.B. Wellons Ed. "This Sun" Dr.

May 31st. To publishing legal notice - Nancy Saunders vs P.B. Prentis - 49 lines 4 times $12.25

Rec'd payment of P.B. Prentis, comm'r
W.B. Wellons
pr. J.H. Whitley

# VALUABLE LANDS
## AND A VACANT LOT
## *IN THE TOWN OF SUFFOLK,*
## FOR SALE.

Pursuant to a Decree of the Circuit Court of Nansemond county, made on the 12th day of October, 1867, in the Chancery cause therein pending, wherein Nancy Saunders and Lucretia Davis are Complainants, and Peter B. Prentis, Administrator of Joseph Saunders, Sr., deceased and others are Defendants, I shall sell, on

MONDAY, THE 9TH DAY OF DECEMBER

next, (being Court day) before the Court House door of Nansemond county, a Tract of Land belonging to the Estate of said Joseph Saunders, Sr., called the

*"CARSTAPHEN TRACT,"*

containing 40 acres, more or less, and adjoining the lands of Mrs. Camilla Councill, Isaac V. Luke, Joseph Saunders, Jr., and George Godwin. Also, a Vacant Lot in the town of Suffolk, on the North side of the First Cross street, and within a very short distance of Husty's Shook Factory.

TERMS.—The costs and expenses will be CASH, the balance on Six months credit, with interest from date, the purchaser to give bond and good security; and title to be retained until the further order of the Court.

PETER B. PRENTIS,
Commissioner.

no8-4t

Nancy Saunders Dec'd

vs

Peter B. Prentis, Admr. of Joseph Saunders Sr. decd &c.

1867 Decr. 12th Filed
Clk

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

Nancy Saunders and Lucretia Davis,
Complainant,

In Chancery,

Against,

Peter B. Prentis, administrator of Joseph Saunders, sen'r deceased; Edith Saunders, (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner, (widow) Jos. M. Murphy and Sally his wife; Joseph Saunders, Jr., Ro. Allmand and Holland, his wife, George W. Saunders, Margaret Garner (widow) and George Thomas, Riley Ann, Roxana, and Edith B. Murphy, the last four, being infants.

Defendants.

The objects of this suit are to settle the account of Peter B. Prentis, administrator of Joseph Saunders, sen'r, deceased, and to divide or sell certain real estate, to which said decedent acquired title after the 28th day of July 1843, the date of his will; and distribute the proceeds of sale amongst those entitled thereto.

Affidavit having been made, that the defendant, Elizabeth Saunders, is not a resident of the State of Virginia, she is hereby required to appear in the said Clerk's office within one month after due publication hereof, and do what may be necessary to protect her intsrest.

A copy—Teste:

PETER B. PRENTIS,
Clerk.

ma8-4t
John R. Kilby p. q.

Price of Advertising
$8.25

I. W. B. Wellons, Editor and Proprietor of the Christian Sun, do hereby certify, that the annexed notice has been published for four weeks successively, and that the price charged therefor is in accordance with the established rates for advertising. Given under my hand this 1st day of April 1867

W. B. Wellons

Nancy Saunders &c

vs } Certif: of Pub:

Jos: Saunders Senr's
Admnr: &c:

Filed 1st: Mar: 1867 Clk:

At a Circuit Court held for Nansemond County, on the 18th day of April, 1867

Nancy Saunders and Lucretia Davis . . . Complainants:
against
Peter B. Prentis, Administrator of Joseph Saunders, Senior, decd. Edith Saunders (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos. M. Murphy and Sally, his wife, Joseph Saunders jr., Rd. Allmand and Holland, his wife, George W. Saunders, Margaret Garner (widow) and George Thomas, Riley Ann, Roxana, and Edith B. Murphy, the last four being infants. . . Defendants:

In Chancery

This cause in which the plaintiffs have proceeded against the said Elizabeth Saunders in the mode prescribed by Law against absent defendants, came on to be heard on the Bill of the Complainants taken for confessed as to the other adult defendants on whom process had been duly executed and they still failing to appear and answer, and on the answer of the Infant Defendants by R. H. Riddick their guardian ad litem, and on general replication to said answer, and on 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 Peter B. Prentis as Representative on the Estate of Jos. Saunders, Senior, deceased.

Second: That he ascertain whether Elizabeth Saunders be alive or not, and the facts relative to her absence.

Third: That he ascertain whether the parties to whom Legacies are given by the said Testator, Elect to bring their Legacies into Hotchpot, or not, and to this end shall take their Election in writing.

Fourth: Whether Mrs. Edith Saunders widow of Jos. Saunders Senior, deceased, has any right of dower in the Lands herein after referred to.

And make report to Court with any matters specially stated deemed pertinent by him or that may be required by any one to be so stated: And the Court doth further adjudge, order and decree that Geo. W. Bunting, Archd. Nelms, Saml. Eley, and Thos. E. Outland be and they are hereby appointed Commissioners for that purpose (any three of whom may act) if prac.

ticable, to divide the Real Estate aforesaid, in the Bill mentioned, known as the "Carstaphen Land" and the vacant lot in Suffolk, in ten equal parts and assign one part to Lucretia Davis, one part to Elizabeth Saunders, one part to George T. Riley ann, Roxana and Edith B. Murphy Infants of Edith Murphy deceased - One part to Martha Garner, One part to Sally, wife of Jos. M. Murphy. one part to Jos. Saunders jr One part to Holland Allmand, wife of Ro. Allmand, One part to Margaret Garner, and one other part to Nancy Saunders. But if it be inconvenient to make such partition, and it be advisable, allot the entire subject to any one of the parties who will accept it and pay therefor to the other parties such sums of money, as their interest therein may entitle them to, or if partition cannot be conveniently made, and the interests of those who are entitled to the said lands or its proceeds will be promoted by a sale of the entire subject, or sale of part and allotment of residue, then the said Commissioners will make such allotment, and if none such can be advantageously made and a sale be deemed best, then report the facts to the Court and their opinion: and in any event make report to Court,

A Copy:
Teste:
Peter B. Prentis. Clerk

Nancy Saunders et al:
vs
Co: Record
Lucretia Saunders Sr's Heirs
Etc:

Ord

Commissioner's Office,
Suffolk, Va. May 29th 1867.

To

Nancy Saunders and Lucretia Davis, Complainants
and } In Chancery
Peter B. Prentis, administrator of Joseph
Saunders, senior, deceased, Edith Saunders
(widow) Elizabeth Saunders, Thomas J. Saunders,
Martha Garner, (widow) Jos. H. Murphy
and Sally, his wife, Joseph Saunders, jr.
Ro. Allmand and Holland, his wife, George
W. Saunders, Margaret Garner (widow) and
George Thomas, Riley Ann, Roxana, and
Edith B. Murphy, the last four being infants, Defendants.

You are hereby notified that I have fixed upon Thursday, the 11th day of July, next, if fair, if not, the next fair day thereafter, (Sunday excepted) to take and settle at my office, the following accounts, required to be taken by the decree of Nansemond Circuit Court, rendered on the 18th day of April, 1867, in a suit in Chancery depending in said Court, and in which you are parties, Complainants and Defendents, to wit:

First: An Account of the transactions of Peter B. Prentis as Representative on the Estate of Jos. Saunders, Senior, deceased.

Second: That he ascertain whether Elizabeth Saunders be alive or not, and the facts relative to her absence.

Third: That he ascertain whether the parties to whom Legacies are given by the said Testator, Elect to bring their Legacies into Hotchpot, or not, and to this end shall take their election in writing.

Fourth: Whether Mrs. Edith Saunders, widow of Jos.

Saunders, Senior, deceased, has any right of Dower in the lands herein after referred to.

At which above mentioned time and place you are required to attend.

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

W. L. Riddick
Commr.

COMMISSIONERS OEFICE,
SUFFOLK, Va., May 29th, 1867.

TO NANCY SAUNDERS AND LUCRETIA Davis,

Complainant,

IN CHANCERY,

And

Peter B. Prentis, administrator of Joseph Saunders, senior, deceased, Edith Saunders, (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner, (widow) Joseph Murphy and Sally, his wife, Joseph Saunders jr., Ro. Allmand and Holland, his wife, George W. Saunders, Margaret Garner, (widow) and George Thomas, Riley Ann, Roxanna, and Edith B. Murphy, the last four being infants.

Defendants.

You are hereby notified that I have fixed upon Thursday, the 11th day of July, next, if fair, if not, the next fair day thereafter, (Sunday excepted) to take and settle at my office, the following accounts, required to be taken by the decree of Nansemond Circuit Court, rendered on the 18th day of April, 1867, in a suit in Chancery depending in said Court, and in which you are parties, Complainants and Defendants, to wit:

First.—An account of the transactions of Peter B. Prentis, as Representative on the estate of Jos. Saunders, senior, deceased.

Second.—That he ascertain whether Elizabeth Saunders be alive or not, and the facts relative to her absence.

Third.—That he ascertain whether the parties to whom legacies are given by the said Testator, elect to bring their legacies into Hotchpot, or not, and to this end shall take their election in writing.

Fourth.—Whether Mrs. Edith Saunders, widow of Jos. Saunders, senior, deceased, has any right of dower in the lands herein after referred to.

At which above mentioned time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid. W. L. RIDDICK,

my31-4t Commissioner.

Price of advertising $12,25

I do hereby certify that the annexed advertisement has been published in the "Christian Sun" for four successive weeks and that the price charged is according to our regular advertising rates.

W. B. Wellons

Editor & Proprietor

(A.)

Dr. The Estate of Joseph Saunders, Senr. deceased.
In account with Peter B. Prentis, admr. Cr.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1865: Sep: 11 | The Administrator qualified | | | | | | |
| " " | To paid for U. S. Int. Rev. Stamps on administration | | $ | 2. | 00 | | |
| " " | " " State Tax on same - | | | 1. | 00 | | |
| " " | " " U. S. Direct Tax on Real Est. belonging to deceased | | | 5. | 00 | | |
| 1866: Feby: 26 | By amo. of Acco. of Sales due this day | | | | | $ 300. | 00 |
| " " | " " of Jos. M. Murphy's acct: | | | | | 2 | 50 |
| " 28 | To paid A. H. Ashburn, bal. on bond & Int. | | | 26. | 26 | | |
| " " | " " W. B. Wellons do. do. | | | 8. | 25 | | |
| " " | " " W. G. Williams do. Tacco. | | | 15. | 00 | | |
| " " | " " Jos. M. Murphy per acc. & do. | | | | 75 | | |
| " " | " " Michael King do. do. | | | 2. | 75 | | |
| " " | " " Ro. Bartlett, W. G. Williams Archd. Nelms & Geo. W. Bunting appraisers - per rects. | | | 4. | 00 | | |
| " " | " " Wm. Eley, Shff. Tax acco. for 1865 do | | | 3. | 70 | | |
| " " | " " Jos. H. Underwood, Crier at Sale do. | | | 3. | 00 | | |
| " " | " " Clerk of Saus d. Co: Tickets per do. | | | 8. | 00 | | |
| " " | " " Dr. Jas. S. Brown, Med. Bill do: | | | 23. | 00 | | |
| " Mar 13 | " " Jno. R. Kelly, gdn. of Ro. R. Smith bal. on bond for hire of negro Abram for 1861, per bond Rect | | | 46. | 89 | | |
| " " | " Amounts Carried over | | $ | 149. | 60 | $ 302. | 50 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1866: Mar: 13 | | Amts: brot: on | | 149. | 60 | 302. 50 |
| " " | | To paid I. R. Kilby, gdn. &c. for hire of Abram 1862. per bond & rect. | | 31. | 14 | |
| " " | " | " " Same for hire of boy Scott. 1862 do. | | 5. | 08 | |
| " Apl: 6 | " | " Dr. Geo. W. Briggs, Executor of Merit Briggs dec'd. bal. on bond & int. - per bond rect. | | 91. | 22 | |
| " May 19 | " | " Jos. Saunders jr per rect. | | 9. | 00 | |
| " Aug: 20 | " | " Wm. H. McGuire coll. Town Tax 1866, per rect. | | . | 28 | |
| " Sep. 11 | " | " Wm. Eley, Chf. Tax acct. 1866 do. | | 3. | 89 | |
| " " | " | " 5 per ct. Comms on $302.50 - amo. of rects. | | 15. | 12 | |
| " " | | By this amo: due Admr. | | | | 2. 83 |
| | | | $ | 305. | 33 | $ 305. 33 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1866: Sep: 11 | | To Bal. due Admr. brot. on | $ | 2. | 83 | |
| 1867: Apl. 22 | | To paid Jas. W. Pedin per amo: rect. | | 3. | 88 | |
| " Sep. 11 | " | Average of Int. on bal. due admr. at last amo. rest and Expenditures | | . | 25 | |
| " " | | By this bal. due the Admr. | | | | $ 6. 96 |
| | | | $ | 6. | 96 | $ 6. 96 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1867: Sep: 11. | | To Bal. due Admr. at amo rest brot on | $ | 6. | 96 | |
| " Octo: 18 | " | Int. on said Bal. 1 mo. 7 days - | | . | 04 | |
| " " | " | By Bal. due Admr. | | | | $ 7. 00 |
| | | | $ | 7. | 00 | $ 7. 00 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1867: Octo: 18: | | To Bal. due admr at date brot down | $ | 7. | 00 | |

(B.)

Saunders &al.

v.

Saunders &al.

I, John R. Killy Attorney for the plaintiffs do certify that when I was first called on to bring this suit, I made enquiries as to where Elizabeth Saunders was, and whether she was dead or not — The family could not tell what had become of her — I then called on Owen R. Flynn, now dead, with whom she formerly lived, and he informed me that she left his family several years ago — before the war, and removed South — That he had enquired for her to get her to live in his family as housekeeper, as she formerly did, but could hear nothing of her, and that he was satisfied that she was dead.

From the best information I could get I have reason to believe that she is dead.

John R. Killy

Sworn to and subscribed
before me this 20th Sept. 1867
W. L. Riddick
N. P.

(C.)

To W. L. Riddick Com. in Chancery
Nansemond Cir. Ct

We Undersigned, hereby declare that they decline to bring the Legacy given to them by the will of their father Jno. Saunders Sr. into Hotchpot, but will retain their Legacy

Given under our hands Sept. 2d 1867

Witness
John R Kelly

Thomas J Saunders
his
George W. + Saunders
mark

Commissioner's Office.
Suffolk, Va. Sep: 20th 1869

To the Circuit Court of Nansemond County:

Pursuant to a decree of the Circuit Court of Nansemond County, rendered on the 18th day of April, 1867, in a suit in Chancery depending in the said Court between Nancy Saunders and Lucretia Davis, Complainants, and Peter B. Prentis, administrator of Joseph Saunders Senior, deceased, Edith Saunders (widow) and others Defendants. the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement, by said decree,

First: An Account of the transactions of Peter B. Prentis, as Representative of on the Estate of Jos. Saunders, Senior, deceased.

Second: That he ascertain whether Elizabeth Saunders be alive or not, and the facts relative to her absence.

Third: That he ascertain whether the parties to whom legacies are given by the said Testator elect to bring their legacies into Hotch-pot, or not, and to this end shall take their Election in writing.

Fourth: Whether Mrs. Edith Saunders, widow of Jos. Saunders Senior, deceased, has any right of Dower in the lands herein after referred to;

Reports to the Court, that on the 29th day

of May, 1867, he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said accounts, before him, at his said Office, on the 11th day of July, next thereafter - which notice was duly published in the "Christian Sun" ~~for~~ a newspaper published in the Town of Suffolk, for four consecutive weeks, a ~~Certificate~~ of which fact with Copy of published notice, is hereby appended: Said publication having been made at the suggestion of Plaintiffs Attorney.

That the parties aforesaid appeared before the Commissioner by their Attorney, and he thereupon began the examination of vouchers & to state & settle the said accounts, which was continued from time to time until concluded. That the Commissioner has stated and settled the account of Peter B. Reuths as Administrator of Jos. Saunders Senior, dec'd. up to the 12th day of October 1867, and on that day finds a balance due said Administrator of $7.00 - (Acct. A.)

That he has sought for the information required as to the death of Elizabeth Saunders and reports, that from the evidence obtained & filed herewith, the said Elizabeth Saunders is not now alive. (See deposition of Jno. R. Kelly)

That Thomas J. Saunders, and George W. Saun-

ders, the two parties to whom legacies were given by the said Testator, decline in writing to bring their said legacies into Hotch-pot. - (See paper filed herewith marked (C.))

That Edith Saunders, widow of Jos. Saunders Senior, dec'd. has a right of dower in the lands mentioned in the bill, and your Commissioner is induced so to report, as he believes he is sustained by the authorities. The law as it now stands in Virginia throws the burden of proof upon the party claiming dower to show that a ~~bequest~~ devise of land by will was not made as a bar to dower in other lands. Formerly the onus probandi was the other way. It, however, ~~in~~ in either case, rests upon the intention of the Testator, and in the present case, the bequest of the lands in the will to Edith Saunders, being made before the acquisition of the lands in the proceedings mentioned, shows clearly, as your Commissioner thinks, that it was not the intention of the Testator to bar dower in said lands. In truth, the facts of the case would seem to show that it was the intention of the Testator to give all his lands to his widow for the term of her life, and that if these lands had been then the property of the Testator they would have been the property of Edith Saunders for life; but that as he died intestate as to the lands aforesaid, his widow is clearly en-

titled to Dower therein. The circumstances of the case, in the absence of any other proof relative to intention, seem to be sufficient to establish the fact that the Testator's wish was that his widow should enjoy all his lands for her life. (Scribner on Dower - page 378. Sec. 22.)

Your Commissioner returns herewith the said accounts, with Copies of Deeds and Notice, and the evidence relating thereto.

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

W. L. Riddick
Comr.

Costs:

| | |
|---|---|
| Commissioner's fee | $25.00 |
| W. B. Wellons - Printer | 12.25 |
| | $37.25 |

Nancy Saunders et al.

vs. Ejectment. Rest. &c.

Saunders' Admr et al.

1867
Septr: 20th: Filed.
Clk

At a Circuit Court held for Nansemond County on the 18th Day of April 1867

Nancy Saunders and Lucretia Davis ..... Complainants
against &c In Chancery.
Peter B Prentis, administrator of Joseph Saunders Senior dec'd. Edith Saunders (Widow) Elizabeth Saunders Thomas J. Saunders, Martha Garner (widow) Jos. M. Murphy and Sally, his wife, Joseph Saunders jr. Ro. Allmand and Holland his wife. George W. Saunders Margaret Garner (Widow) and George Thomas, Riley Ann, Roxana, and Edith B Murphy, the last four being infants ..... Defendants.

This Cause, in which the Complaints have proceeded against the said Elizabeth Saunders, in the mode prescribed by Law against absent defendants, came on to be heard on the Bill of the Complainants Taken for confessed as to the other adult defendants, on whom process had been duly executed, and they still failing to appear and answer, and on the answer of the Infant Defendants by R.H. Riddick their guardian ad litem and on general replication to said answer and on 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 Peter B. Prentis as Representative, on the Estate of Jos. Saunders Senior deceased.

Second. That he ascertain whether Elizabeth Saunders, be alive or not, and the facts relative to her absence.

Third. That he ascertain whether the parties to whom legacies are given by the said Testator, elect to bring their Legacies into Hotchpot or not, and to their sentiments shall Take their Election in writing.

Fourth. Whether Mrs Edith Saunders, widow of Jos Saunders Senior deceased has any right of Dower, in the Lands hereinafter referred to.

and make report to Court, with any matters specially stated deemed pertinent by him, or that may be required by any one to be so stated. And the Court doth further adjudge order and decree, that Geo. W. Bunting Arch'd Holmes Sam'l. Eley and Thos. E. Outland, be and they are hereby appointed Commissioners for that purpose (any three of whom may act) if practicable to divide the Real Estate aforesaid in the Bill mentioned, known as the "Carstaphen Land" and the Vacant Lot in Suffolk, into ten equal parts, and assign one part to Lucretia Davis, one part, to Elizabeth Saunders, one part to George J. Riley ann, Roxana, and Edith B. Murphy Infants of Edith Murphy deceased, one part to Martha Garner, one part to Sally, wife of Jos M. Murphy. one part to Jos. Saunders jr. one part to Holland, Allmand, wife of Ro: Allmand, one part to Margaret Garner, and one other part, to Nancy Saunders.

But if it be inconvenient to make such partition, and it be advisable,

At a Circuit Court held for Nansemond County on the 18th Day of April 1867.

Nancy Saunders and Lucretia Davis ..... Complainants
against &
In Chancery.
Peter B. Prentis, admr. & trator of Joseph Saunders Senior dec'd. Edith Saunders (Widow) Elizabeth Saunders Thomas J. Saunders, Martha Garnes (widow) Jos. M. Murphy and Sally, his wife, Joseph Saunders jr. Ro. Allmand and Holland his wife. George W. Saunders Margaret Garnes (Widow) and George Thomas, Riley Ann, Roxana, and Edith B Murphy, the last four being infants ..... Defendants.

This Cause, in which the plaintiffs have proceeded against the said. Elizabeth Saunders, in the mode prescribed by Law against absent defendants, came on to be heard on the Bill of the Complainants Taken for confessed as to the other absent defendants, on whom process had been duly executed, and they still failing to appear and answer, and on the answer of the Infant Defendants by R.H. Riddick their guardian ad litem and on general replication to said answer and on 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 Peter B. Prentis as Representative, on the Estate of Jos. Saunders Senior deceased.

Second. That he ascertain whether Elizabeth Saunders, be alive or not, and the facts relative to her absence.

Third. That he ascertain whether the parties to whom legacies are given by the said Testator, elect to bring their Legacies into Hotchpot or not, and to their ends shall Take their Election in writing.

Fourth. Whether Mrs Edith Saunders, widow of Jos Saunders Senior deceased has any right of Dower, in the Lands herein after referred to.

and make report to Court, with any matter specially stated deemed pertinent by him, or that may be required by any one to be so stated. And the Court doth further adjudge order and decree, that Geo. W. Bunting Arch'd Holmes Saml. Eley and Thos. E. Outland, be and they are hereby appointed Commissioners for that purpose (any three of whom may act) if practicable to divide the Real Estate aforesaid in the Bill mentioned, known as the "Carraphon Land" and the Vacant Lot in Suffolk, in ten equal parts, and assign one part to Lucretia Davis, one part, to Elizabeth Saunders, one part to George J. Riley ann, Roxana, and Edith B. Murphy Infants of Edith Murphy deceased, one part to Martha Garnes, one part to Sally, wife of Jos M. Murphy. one part to Jos. Saunders jr. one part to Holland, Allmand, wife of Ro: Allmand, one part to Margaret Garnes, and one other part, to Nancy Saunders.

But if it be inconvenient to make such partition, and it be advisable,

all at the entire subject to any one of the parties, who will accept it, and pay thereto to the other parties such sums of money, as their interest therein may entitle them to, or if partition cannot be conveniently made and the interests of those who are entitled to the said lands or its proceeds, will be promoted by a sale of the entire subject, or sale of part, and allotment of residue, then the said Commissioners, will make such allotment; and if none such can be advantageously made and a sale be deemed best, then report the facts to the Court, and their opinion: and in any event, make report to Court.

A Copy:

Teste,

Peter B. Prentis. Clerk

Nancy Saunders Vol:

Va: Gazette

Joseph H. Saunders Sr. & Others Vol:

Void

In Equity

To the Circuit Court of Nansemond County.

The Undersigned, respectfully report to Court that pursuant to the decree of said Court made on the 18th day of April 1867, in the cause therein pending, wherein Nancy Saunders &c are plaintiffs and Jos. Saunders' adm'r. &al. are defendants, they proceeded to consider whether the Lands referred to in said decree which Jos. Saunders sr. died possessed & known as the "Carstarphen Land", and the vacant Lot in Suffolk, could be divided among the several parties entitled thereto, and after due consideration, report that in is impracticable to make such division, so as to promote the advantage of the parties

The tract of Land, contains abut forty acres & is all wood Land, and the vacant Lot in Suffolk is on the North side of the first Cross Street and was dug up & greatly injured by the Federal troops during the late war — The heirs are numerous & to divide the said Land would scarcely give them as much as four acres each, & would be nearly worthless — Your Commissioners believe it best for all parties, that the said real estate should be sold (and the proceeds divided among the heirs — Your Commissioners estimate the wood Land to be

with Four hundred —— dollars, and the vacant Lot in Suffolk to be with Fifty dollars.

Respectfully submitted

Archibald Hastings
Samuel Eliot
Thos E Cutler
} Comm.

June 10 1867.

Saunders &c

v

Saunders & others.

Comm.r Report

Filed 11th June 1867. HK:

KNOW ALL MEN BY THESE PRESENTS, That we, Peter B. Prentis and John R. Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of One Thousand ~~~~~ 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, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 30th: day of November in the year one thousand eight hundred and Sixty-Seven, and in the 92nd: year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Peter B. Prentis, who was by a Decree of the Circuit Court of Nansemond County, pronounced on the 12th: day of October 1867, in the cause of Nancy Saunders &al: vs Peter B. Prentis, Admr: of Joseph Saunders Sr: decd & al: appointed a Commissioner to make sale of certain Real Estate in said cause described, shall faithfully discharge his duties as such Commissioner, under said decree and of any other decree he may hereafter be required to execute in said cause, ~~shall faithfully discharge the duties of his said trust~~, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence )
of )

Peter B. Prentis. SEAL.

John R. Kilby SEAL.

SEAL.

SEAL.

SEAL.

Peter B. Prentis. Comm'th.

To

Bond

Commonwealth.

---

Nov: 30th: 1867 Executed & filed

Virginia:

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

Nancy Saunders and Lucretia Davis . . . Complainants.

against } In Chancery

Peter B. Prentis, Administrator of Joseph Saunders Senr: deceased: Edith Saunders (widow) Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow) Jos: W. Murphy and Sally, his wife: Joseph Saunders Jr: Ro: Allmand and Holland, his wife; George W. Saunders, Margaret Garner (widow); and George Thomas, Riley Ann, Roxana and Edith B. Murphy: the last four being infants . . Defendants.

The Objects of this suit are to settle the Accounts of Peter B. Prentis, Administrator of Joseph Saunders Senr: deceased, and to devide or sell, certain real estate to which said decedent acquired title, after the 28th. day of July 1843, the date of his will, and distribute the proceeds of sale amongst those entitled thereto.

Affidavit having been made, that the defendant, Elizabeth Saunders is not a resident of the State of Virginia, she is hereby required to appear in the said Clerk's Office within one month after due publication hereof, and do what may be necessary to protect her interest.

Teste,

Peter B. Prentis. Clerk

Nancy Saunders &c

vs

Or: Pub:

Jos: Saunders Senr &
admr: &c.

Nancy Saunders Adl

vs

Joseph Saunders Sr's admr Adl

This Cause Came on this day to be again heard on the papers formerly read and on the report of Commissioner P B Prentis made pursuant to the Decree of the 20th day of April 1868, to which report there is no exception and was argued by Counsel; on consideration whereof the Court doth confirm the said Report, and doth adjudge order and decree that the proceedings had in this Cause be confirmed and made final and that the Cause be removed from the Docket.

Nancy Saunders et al.

vs

Joseph Saunders Sen adms et al

1868

Octo Court.

To be entered,

Final Decree.

Richd H. Baker

Entd

Saunders Jr & M. Saunders adm'r &c.

This cause came on this day to be heard again on the papers formerly read: viz the Reports, made respectively, by W. L. Riddick & P.B. Pruitt, under the decree of the 12th day of Oct. 1867 - to which reports there is no exception, and was argued by Counsel; On consideration whereof the Court doth confirm the said Reports and doth adjudge order and decree that the Clerk of said Court deliver to said P.B. Pruitt Com'r as aforesaid, the Bonds respectively of Jr. Saunders, & Nathl. Darby filed in the cause, and that the said Com'r Pruitt proceed to collect the same, and out of the proceeds pay any costs that may remain unpaid & then pay to P.B. Pruitt adm'r of Jr. Saunders, dec'd, the sum of $7. Balance due him as such adm'r. as per account "A." of said Com'r W. L. Riddick's report of the 20th Sep. 1867. and then pay to Mrs. Edith Saunders in fee simple, in lieu of her Dower in the land sold under proceedings had in this cause the sum of $45. with Interest from the 9th Dec 1867, and then pay what may remain as follows - To Martha Garner (widow) one Eighth part thereof; To Sally wife of Jr. M. Murphy a like sum; To Jr. Saunders Jr, a like sum; To Rolland Allmand alias Allmand wife of Ro. ~~Rolland~~ Allmand, a like sum; To

Margaret Garner (widow) a like sum. To the Legal Guardian of Geo. Thomas - Riley Ann - Roxana & Edith B. Murphy jointly, the like sum. To Nancy Saunders the like sum & to Lucretia Davis (widow) the like sum, and make to Wm. Saunders Jr and Nathl. Hasty, respectively, the purchases of the said Real estate, Deeds with Special warranty in the usual form, and make Report to Court.

Saunders &c
vs
Saunders &c

1865.
Feb Court Decree
To be enrolled
Feb 15th 65.

Filed

Saunders &c

vs

Saunders' adm'r &c.

This cause came on this day to be again heard on the papers formerly read & on the Report of W. L. Riddick, Com'r, made pursuant to the decree of the 18th of April 1867; & on the report of said Com'r, Samuel Eley & T. Nash. E. Outland, Comm'rs also made pursuant to said decree; to which reports no exception has been filed and was argued by Counsel. On Consideration whereof the Court doth confirm the said Reports & doth adjudge order and decree that Peter B. Prentis (who is hereby appointed a Com'r. for that purpose,) proceed to sell before the Court house door of Nansemond County on some Court day, on a credit of six months with interest from date (except for a sum sufficient to pay the costs of suit & expenses of sale which must be in cash & be paid to those entitled) after having given notice of such sale by advertisement at the Court house door of Nansemond County and at other public places & in the "Christian Sun" a Newspaper published in Suffolk, once a week for four successive weeks, the Lands referred to in the proceedings and described as (1st) a tract of Land in Nansemond County containing Forty acres more or less, adjoining the Lands of Mrs. Camilla Councill, Isaac V. Luke,

Jn. Saunders Jr, and Geo. Godwin and is called the "Carstaphen Land" : and (2?) a Vacant Lot of Land on the North side of the first Cross Street of ~~said~~ the Town of Suffolk and bounded West by a Lot belonging to Elisha Nuffett, South by said Street, East by a Lot lately own R. Harrell's & North by said Harrell's Lot — and that the said Com^rs. take of the purchasers of said property, bonds with good security, & retain the title to said property tile the further order of the Court, and make report to Court with said Bonds. — But no sale is to be made under this decree until the said Peter B. Prentis shall execute before the Clerk of this Court a Bond in the penalty of $1100. payable to the Comth. of Va. and conditioned for the faithful execution of this decree & of any and every other decree he may hereafter be required to execute in this cause.

(And the Court, deciding that Mrs. Edith Saunders, the widow of Jn. Saunders Sr. dec'd is entitled to Dower in the property hereby decreed to be sold, and she consenting that the above sale may be made to include her Dower therein, & to accept in lieu thereof such sum in money in fee simple, as the Court may decree &c, with adjudge, and decree that a Com^r

of this Court ascertain what the present fee simple value of such Dower is in the said Lands & make report to Court.

Saunders, &c

v.

Saunders, Adm'r.

1867

Act. of Decree

To be entered

R. H. Baker

Entered

Saunders &c.

vs

Saunders &c.

This cause in which the plaintiffs have proceeded against the said Elizabeth Saunders in the mode prescribed by law against absent Defendants, came on to be heard on the Bill of the Complainants taken for confessed as to the other absent Defendants on whom process had been duly executed and they still failing to appear and answer; and on the answer of the Infant Defendants by R. H. Riddick ~~C. B. Perkins~~ their guardian ad litem on general replication to said answer & on Exhibits filed with the said Bill and was argued by Counsel: On Consideration whereof, the Court doth adjudge, order and decree that a Comr of this Court take the following accounts.

1st an account of the transactions of Peter B. Pruden as Representative of the estate of Jno. Saunders dec'd

2d That he ascertain whether Elizabeth Saunders be alive or not and the facts relating to her absence

3d That he ascertain whether the parties to whom Legacies are given by the said Testator, elect to bring their Legacies into Hotchpot or not, & to this end shall take their ~~notes~~ election in writing.—

4th whether Mrs Edith Saunders widow of Jno. Saunders dec'd has any right of dower in the lands devised after referred to. Make

and report to Court with any matters specially stated deemed pertinent by him or that may be required by any one to be so stated—

and the Court doth further adjudge, ordn & decree that Geo. W. Bunting, Archd. Nelms, Saml. Eley and Nat. E. Outland be & they are hereby appointed Comrs. for that purpose (any three of them may act) ~~& that~~ ~~and apply to Mrs. Dolly Saunders widow of said Jr. Saunders, deceased the said in lieu of the land agreed to be the Bill as the "Carstaphen Land" and of the vacant lot in Suffolk, if they shall select, But if the parties to accept a sum of money in lieu in lieu of the said Martin Hill such application of Power shall be made, and the said Commissioners shall for a money consideration then by said Comrs. taken & stating, and the said Comrs. with them~~ to divide ~~proceed~~ if practicable to divide the real estate in the Bill mentioned, known as the "Carstaphen Land" and the vacant lot in Suffolk aforesaid, in 10 equal parts and apply one part to Lucretia Davis, one part to Elizabeth Saunders one part to George T. Riley and Roxana & Edwd B. Murphy Infants of Edith Murphy dec'd — one part to Martha Garner — one part to Sally Wife of Jr. M. Murphy — one part to Jr. Saunders Jr — one part to Holland Allmand wife of Ro. Allmand — one part to Margaret Garner, & one other part to Nancy Saunders. But if it be inconvenient to make such partition, and it be advisable, that the entire subject to any one

of the parties who will accept it and pay
therefor to the other parties such sums of
money as their interest therein may entitle
them to, or if partition cannot be conveniently
made, and the interests of those who are entitled
to the said lands or its proceeds will be
promoted by a sale of the entire subject or
sale of part & allotment of residue then
the said Comrs. will make such allotment
and if none such can be advantageously
made and a sale be deemed best then
report the facts to the Court and their opinion,
and in any event make report to Court.

Saunders

v

Saunders adm

1867

Agd ct. Decree

To be entered

R. H. Baker

Entered

Virginia:

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

Nancy Saunders and Lucretia Davis. Complainants.

Against } In Chancery

Peter B. Prentis, administrator of Joseph Saunders senr: deceased: Edith Saunders (widow), Elizabeth Saunders, Thomas J. Saunders, Martha Garner (widow): Jos: W. Murphy and Sally, his wife: Joseph Saunders Jr:, Ro: Almond and Almond his wife; George W. Saunders, Margaret Garner (widow); and George Thomas, Riley Ann, Roxana and Edith B. Murphy: the last four being infants . . . . . Defendants.

On the motion of the Complainants, by Counsel: Richard H. Riddick Jr: is appointed guardian ad litem, to defend the infants 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.

R. H. Riddick Jr

Nancy Saunders &c

vs } order appltg: 902:
} ad libem

Jos: Saunders sr's Admr:
&al:

The Joint and Separate answer of George Thomas, Riley Ann, Roxana and Edith B. Murphy, infants by Richard H. Riddick Jr: their guardian ad litem, to a Bill in Chancery exhibited against them and others by Nancy Saunders and Lucretia Davis, 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 respect thereto, to their prejudice.

And having answered fully,

Signed

R. H. Riddick Jr
Guard. ad Litem

Nancy Saunders &c

vs } Answer of infants by q[uo]d: ad litem

Jos: Saunders Sr's Admr: &c:

To the Hon. Richard N. Baker Judge
of the Circuit Court of Nansemond County,

Complaining shew unto the Court, your Complainants Nancy Saunders and Lucretia Davis of Nansemond County.

Your Complainants respectfully represent to the Court and say, That their father, Joseph Saunders decd. died in Nansemond County on the 2d. day of February 1863, and that he left a will, which was duly proved & ordered to be recorded in Nansemond County Court on the 10th day of December 1866 - a duly certified copy of which will is filed herewith as part of this will marked (A.).

That before any will of the Testator had been found, and supposing that he had left none, to wit - on the 11th. day of Septr. 1865, Peter B. Parrish qualified as admr. of said Deceased in Nansemond County Court as will be seen by a certified copy of said order of Court, filed herewith marked (B.).

That the Testator by his will, first directs his just debts and funeral expenses to be paid, and then says "2nd. after all my just debts and funeral expenses shall have been paid, I give unto my wife Edith Saunders during her natural Dr widowhood all the balance of my Estate both real and personal with this proviso nevertheless, that my said wife is to pay to my daughter Nancy Saunders the sum of Twenty

dollars in money, but my wife is hereby allowed two years from my death to pay the said twenty dollars"
and the Testator further declares, that "after the death of my wife, I give to my son Thomas Saunders, my upper plantation joining the Lands of Hugh K. Williams and Isaac V. Luke, and cornering on Charles Oliver's land". And the Testator further says "after the death of my wife I give to my son George Saunders my lower plantation or old farm joining Charles Oliver at a corner pine, and runs to a hawbush on the main road when it corners". And the Testator further says "It is my desire that if my son George Saunders shall die before he arrive to the age of twenty one, that my son Thomas Saunders, shall heir George Saunders portion or portions; and after the death of my wife, it is my desire that the balance of my estate be equally divided between my other Children not heretofore named in this will except my daughter Nancy, who I desire shall share equaley with the others; and lastly I the Testator appoints his son Thomas Saunders Executor — who has not qualified —

That after the making of said will which was on the 28th day of July 1843, the Testator became the owner by purchase of two other parcels of real Estate, to wit: a tract of Land in Nansemond County containing Forty ——— acres, more or less, adjoining the Lands of Mrs. Camilla Councill, Isaac V.

Luke, Jr. Saunders Jr, and Geo. Godwin, and is called the "Carstarphen Land"; and also of a vacant Lot on the North side of the First Cross street in Suffolk, and bounded West by a Lot belonging to Elisha Nuffles, South by said street, East by a Lot of Amos R. Hamlet & North by said Hamlet.

Your Complainants are advised that the Testator died intestate as to these last two parcels of land, the same having been purchased since he made his will; and the same should be divided among his heirs at law as though the Testator had left no will. That at the law was at the date of said will, no real estate would pass under a will, if acquired after its date, unless specially directed.

That the parties, to whom legacies are given under the will, cannot participate in the division of said after acquired land, unless they will bring their advancements under the will into Hotchpot, and your Complainants pray that the several parties thus advanced shall elect which they will do.

Your Complainants say, That the Testator left as his heirs at law, his widow, named Edith, and the following children and grand children - to wit: your Complainants Nancy Saunders, & Lucretia Davis (the last the widow of Albert Davis deceased), Elizabeth Saunders, Thomas J. Saunders, Wm. Saunders Jr, Geo. W. Saunders, Martha, wife of Benj. Garner,

Sally, wife of Jn. M. Murphy, Holland, wife of Ro. Allmand, Margaret Garner (widow of Mallory Garner dec'd.), and Geo. T. Riley and, Roxana & Edith B. Murphy, Infant children of Edith, late the wife of Jn. M. Murphy – she being dead).

That Edith Saunders, the widow of said Testator is entitled to Dower in said undisposed of Land, the same having, as beforesaid, been acquired since the date of the will, and as the devise & bequest in said will was not designed or intended to be in lieu of her Dower in the same.

Your Complainants pray, That the said Peter B. Pruitt administrator as aforesaid may be required to render an account of his transactions as such, and that any Balance remaining in his hands may be ~~distributed~~ paid over to said Edith Saunders, as directed by said will – That partition of the said Land and Lot acquired by the Testator after the making of his will, may be had, if it can be conveniently done, and if not, that the Entire subject may be allotted to any party who will accept it, and pay therefor to the other parties such sums of money as their Interest therein may entitle them to; or if the Interests of those entitled thereto, or its proceeds, will be promoted by a sale of the entire subject (as your Complainants say will be the case), then your

Complainants pray that the said Land may be sold and the proceeds divided amongst those entitled thereto —.

In Consideration whereof and as this Court has jurisdiction — To the End your Complainants may that Peter B. Prentis, admr. of Jos. Saunders decd.; Edith Saunders (widow) and Elizabeth Saunders. Thomas J. Saunders, Martha Garner, (widow) Jos. M. Murphy and Sally his wife, Jos. Saunders Jr; Rob. Allemand & Holland his wife, Geo. W. Saunders, ~~Margaret Garner (widow)~~, and Geo. Thomas, Riley Ann, Roxana & Edith B. Murphy (the last four being under twenty one years of age, may be made defendants hereto, and be required to answer the allegations herein; that the prayer of your Complainants may be granted and that, all further and proper relief may be granted Consistent with Equity &c.

John R. Kilby p. q.

Kilby P.O.

Nancy Saunders &c.

vs. Bill

Jos. Saunders sr's admr
&c.

Hanc? Cir. Ct.

Chy: Notes

Nancy Saunders Adl:

vs & Chy: Notes

Jos: Saunders Sr's Admr: Adl:

1867. Feby: 1st: Summ: in Chy: issd to March Rules 1867.

" March 2d. Affidavit of non-residence of the defts Elizabeth Saunders, taken & filed

" " 4th: Bill & exhibits filed — Constructive decree vs resident adult defendants — R. H. Riddick, Jr.

" " " ~~[illegible]~~ appld gdn: ad litem to infant defendants, who filed their answer, to which there was a genl: replication

" " " Or: Pub: award'd vs non-resident defts:

" April 1st. Constructive decree confirmed

" " " Or: of Pub: having been published & posted according to law, and no appearance cause set for hearing, or mtn: of pltff: &c:

" " 18th: Decree for Accts: &c

" June 11th. Report on value of land &c filed

" Septr: 20th: Comm's Report filed

" Octo: 15th. Decree for sale &c

" Nov. 30th. Comm's bond executed & filed

" Decr: 12th. Report of sale filed

1868. Feby: 27th: Comm's report filed

" Apl: 20th. Decree to collect & distribute

" June 17th. Report of distribution filed

" Octo: 12th. Final Decree