1868-016

BETTIE M. SHEPHERD ETC. VS FANNY SHEPHERD ET AL

1868

NANSEMOND COUNTY
(SUFFOLK)

CHANCERY CAUSES

SURNAMES: BROWNE,

This Deed made this 15th day of August Eighteen Hundred and Sixty, between William S. Shepherd and Diana V his wife, of the City of Norfolk of the one part, and John R. Kirby, of the County of Nansemond, of the other part, witnesseth. That the said William S. Shepherd and Diana V his wife do hereby grant unto the said John R. Kirby with general warranty, all the undivided interest of the said William S. Shepherd in that certain tract, piece, or parcel of land, lying on the Nansemond river in the County of Nansemond, adjoining the lands of John C. Cohoon and Rolf Saunders containing 200 acres more or less, and which descended to him from his mother, the late Mrs. Thomas S. Shepherd, also the undivided interest of the said William S. Shepherd in a certain lot of land with the appurtenances situated in the town of Suffolk, adjoining the lot of Col. William B. Whitehead on the North, the lot of Lelly Ann Sumner on the South, and the Main street on the West and which also descended to him from his said mother. In trust however, to indemnify and save harmless Virginius E. Shepherd, as the endorser of a certain promissory Note of even date herewith made by the said William S. Shepherd and endorsed by the said Virginius E. Shepherd and negotiable & payable 60 days after date at the office of Discount and Deposite of the Suffolk Savings Bank in Suffolk, for the sum of Eight hundred & dollars, and which said Note has been discounted at the said Bank, and the proceeds thereof applied to the use and benefit of the said William S. Shepherd, and in

further trust to indemnify & save harmless the said Virginius E. Shepherd as the endorser of any and all other Note or Notes made by the said William S. Shepherd & endorsed by the said Virginius E. Shepherd in renewal of the said Note.

Witness the following Signatures & Seals.

Wm S Shepherd (Seal)

Diana V. Shepherd (Seal)

John R. Kelly, Trustee (Seal)

City of Norfolk, to wit.

I Wm H. C. Ellis a Notary Public in the City aforesaid in the State of Virginia Certify, That William S. Shepherd whose name is signed to the writing above bearing date on the 15th day of August 1860, has acknowledged the same before me in the City aforesaid.

Given under my hand this 15th day of August 1860.

Wm H. C. Ellis
Notary Public

City of Norfolk, to wit.

I Wm H. C. Ellis a Notary Public in the City aforesaid in the State of Virginia Certify, That Diana V. Shepherd the wife of William S. Shepherd whose names are signed to the writing hereto annexed bearing date on the 15th day of August 1860 personally appeared before me in the City aforesaid, & being examined by me privily & apart from her husband & having the writing aforesaid fully explained to her she the said Diana V. Shepherd acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it. Given under my hand this 15th day of August 1860.

Wm H. C. Ellis
Notary Public

In the Clerks Office of Nansemond County Court, the 23rd. day of August 1860.

This Deed was received, certified by William H. C. Ellis, a Notary Public, in and for the City of Norfolk, in the State of Virginia, as to its acknowledgment before him by William S. Shepherd; and on the said 23rd. day of August 1860, the same was acknowledged by John R. Kelly, Trustee; and with the certificate of the privy examination of the feme covert annexed, was thereupon admitted to record.

Teste,

Abram F. Norfleet, D. C.

X

William S. Shepherd
and wife

To

Deed of Trust

John R. Kilby, Trustee
for Virginius E. Shepherd

---

1860.
Augt. 23rd. Received in
the clerks office, certified
for record

Recorded Deed Book
No. 50. page 342

Tax & Recdg. fee paid $2.25
C.C.C.

The condition hereof is such that whereas the said William S. Shepherd is indebted to the said Virginius E. Shepherd in the sum of $262.00, which debt is evidenced by a certain bond of even date herewith for the payment of $262.00 on the 1st day of Feb. 1863 with interest thereon from date, and whereas the said William S. Shepherd has executed a deed of trust of even date herewith to secure the payment of the said bond of $262.00 and interest thereon, which deed is recorded in the Clerks office of Pendleton County Court, and whereas the said William S. Shepherd has requested the said John R. Kilby to execute the trust created by the said deed of trust, and the said John R. Kilby has accepted the trust aforesaid, now if the said William S. Shepherd shall pay the said bond and interest thereon when the same shall become due, then this deed shall be void, otherwise to remain in full force. Witness the following signatures and seals this 1st day of May 1862.

William S. Shepherd (Seal)

Test: Jno. R. Kilby (Seal)

Virginia, to wit:

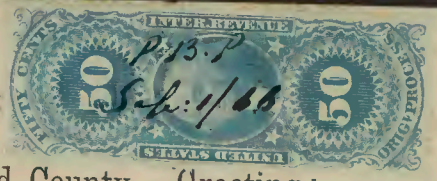
I, Jno. R. Kilby, a Notary Public for the County aforesaid, do certify that William S. Shepherd and Jno. R. Kilby whose names are signed to the writing above bearing date on the 1st day of May 1862, have this day acknowledged the same before me in my said County. Given under my hand this 1st day of May 1862.

Jno. R. Kilby, Notary Public

State of Virginia, County of Pendleton, to wit:

I, Jno. R. Kilby, Clerk of the County Court of Pendleton County, in the State aforesaid, do certify that Jno. R. Kilby, whose name is signed to the writing above, bearing date on the 1st day of May 1862, and has acknowledged the same before me in my said County, is a Notary Public for the County aforesaid, duly commissioned and qualified as such. Given under my hand this 23rd day of August 1860.

Jno. R. Kilby, Clerk




P. 13. P
Sept. 1866

# The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Fanny Shepherd and Ada B and William S. Shepherd. all Infants;

to appear at the Clerk's Office of our Circuit Court, for the County of Nansemond, on the first Monday in September (this month) next, 1866, being rule day, to answer a bill in chancery, exhibited against them by Bettie M. Shepherd and James E. Shepherd

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 September 1866, 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. 89

Bettie M. Shepherd

Pet: } Summons in Chy:

Fanny Shepherd et al:
infants

Septr: Rules 1866

Pro: b. No: 1. Page 14

Cir: Co

*Mr.* Reeder & Crump

1865. To WM. ELEY, Sheriff of Nansemond Co. Dr.

| | | | |
|---|---|---|---|
| To / | Capitation Tax, 40 cts., | | 40 |
| " / | County Levies at $1 25. ~~Parish do. 50 cts.~~ | 1 | 25 |
| " | Revenue on Income, | | |
| 160 | Acres of Land, val. $ 1400 | 2 | 80 |
| " | Clerk's Fees, | | |
| " | Commissioner's Fees, | | |
| " | Militia Fines, at 75 cts., | | |
| | *Received payment,* | 4 | 45 |

Wm. Eley D.S.

D. Le Grand Jr

Cr

By Cash 165

bal $280

Paid by Jno

R. Kelly Comr

Shepherd &c

v.

Shepherd &c

Brueton.

and Mr. Rigby

Crown Restd.

*Mr.* O. L. Lemm[illegible]

1866. To WM. ELEY, Sheriff of Nansemond Co. Dr.

| | | |
|---|---|---|
| To / ~~Ca~~pitation Tax, 28 cents, | | ~~2 8~~ |
| "160 Acres of Land, val. $ 1400 | | 1 96 |
| " Ditto for county, | | 98 |
| " County Levies at $2 50, Parish do. ~~70 cts.~~ | | 2 36 |
| " Rev. on personal property, bonds, &c. | | |
| " Ditto for county, | | |
| " Clerk's Fees, | | |
| " Commissioner's Fees, | | |
| *Received payment,* | | ~~3 72~~ |

R. C. Cuomo

~~$ 3.72~~

2.94
.50

5.44

John R. Kelby, Commr.

1866

To PETER B. PRENTIS, Clerk of Nansemond County Court, *Dr.*

Sept. 1. Summ. 20. 2 Copies 20. Writ: 18. doc: 10. attd: 10

Octo 1. fil: dec 15. C. J. 25. (Rev: 5) C. J. c 25 (13) Jud: 20

Co: 20. fil: ka: 20. Trans: Cert: 20. doc Jud: 25 — $2.48

To O. C. Crumb dol.

Peter B. Prentis. Clerk.

John R. Kelly, Comm
$2.48

SUFFOLK, VA., May 7 1862

Sixty Days after date I promise to pay unto

V. E Shepherd or order, negotiable and payable at the

Office of Discount and Deposite of the **Suffolk Savings Bank**, in Suf-

folk, without offset, Two hundred & Eighty two Dollars.

[redacted] Cents, for value received.

**Credit the Maker.**

V. E. Shepherd

W. S. Shepherd

"Transcript" print, Portsmouth.

1862 July 9. A. M. P.

$282

Suffolk, Va May 7 1862

Sixty Days after date I promise to pay unto V. E Shepherd or order, negotiable and payable at the Office of Discount and Deposite of the Suffolk Savings Bank, at Suffolk, without offset Two hundred & eighty two Dollars, Cents, for value received.

W. S. Shepherd

Credit the Maker
V. E. Shepherd

Endorsed
V. E Shepherd

---

# Virginia,

TOWN OF SUFFOLK, NANSEMOND COUNTY, TO WIT:

*Know all Men by these Presents.* That I, JOHN R. KILBY, a Notary Public, in and for the said County and State, duly commissioned and qualified, did, at the request of Ch. Walters — the Cashier of the Suffolk Savings Bank, on the 9th day of July 1862 present the original note, of which the above is a copy, at the Suffolk Savings Bank where the same is payable, and demanded payment thereof (the period limited having expired,) which was refused payment. *Wherefore,* I, the said Notary, do hereby protest the said note, as well against the maker as against the endorser , and all others whom it doth or may concern, for all loss, damages, prineipal, interest, costs and charges, sustained, or to be sustained by reason of the non-payment and protest aforesaid. And I thereupon addressed written notices to V. E Shepherd the endorser , informing him of the demand, non-payment, protest and dishonor of said note, and that the holder looked to him for payment thereof, and ~~delivered~~ forwarded the same to him at Richmond.

In Testimony whereof, I have hereunto subscribed my name and affixed my Notarial Seal, at the County and Town aforesaid, the day and year aforesaid.

| | |
|---|---|
| *Protest, &c.....* | $ 1.00 |
| *Postage,.....* | |
| *Tax on Seal,.....* | 1.50 |
| *Total Charges,.....* | $2.50 |

John R. Kilby

*Notary Public.*

W. S. Shepherd

#282.

#362.05 due 9 July 1862

cer. of dep. cnt #18:10.

Pro. #2.50

Int from 9 July 1862 to 9th Feb 1867 #282.00 77.53

Protest 2.50

#362.05

1867 Feb. 9. Paid by Jno. R Kelly trustee for wms. Shepherd under [illegible] of Trust

John R Kelly atty for Bank

1867 May 11 Rec'd of John R. Kelly Com. from the proceeds of the Wilson farm on Nanjemoy River, sold under decree of Nanjemoy Circuit Court in the cause of Shepherd &c. vs. Shepherd &c. the sum of Thirty two dollars & eighty seven cents for each of my wards, Ada B & Wm S. Shepherd arising from said sale

Witness $32.87 Diana V. Shepherd
$32.87 Guardian,
$65.74

1868 Feb. 7 Rec'd as above one hundred and twenty four dollars and forty cents balance due each as above,

Witness $124.40
124.40
$248.80

Diana V. Shepherd
Guardian,

Diana Shepherd

1867 May 11. Rec'd of John R. Kelly Comr. from the proceeds of the Wilson Farm in Hammond Ries, sold under decree of Hammond Circuit Court in the cause of Shepherd &c. vs. Shepherd &c. Thirteen dollars & fifteen cents arising from said sale
Witness $13.15

Diana V. Shepherd

1868 Feb. 7 Rec'd as above forty nine dollars and seventy six cents balance due on Hammond sale
Witness $49.76

$62.91 Diana V. Shepherd

Bettie

1867 May 11 Rec'd. of John R. Kelly Com'r. from the proceeds of sale of the Wilson farm on Naumond River, sold under decree of Naumond Circuit Court in the cause of Shepherd &c against Shepherd &c. the sum of Ninety seven dollars & twenty seven cents, arising from said sale $97.27.

Witness
J. E. Shepherd

Bettie Shepherd.

1868 Feb. 7 Rec'd. as above Two hundred and ninety eight dollars & fifty six cents balance from said sale, $298.56

Witness
J. E. Shepherd

$395.83

Bettie Shepherd.

Fanny

1867 May 11 Rec'd of John R. Kirby Com'r. from the proceeds of sale of the Wilson farm in Nansemond sold under decree of Nansemond Circuit Court in the cause of Shepherd &c. against Shepherd &c. the sum of Ninety seven dollars and twenty seven cents arising from said sale

Virginia $97.27

J. E. Shepherd

Fannie Shepherd

1868 Feb. 7 Rec'd. of Com'r. three hundred and ninety eight dollars and fifty six cents balance due from said sale

Virginia $298.56

J. E. Shepherd $395.83

Fannie Shepherd

Jas. E. Shepherd

1867 May 11 Rec'd. of John R. Kilby Com. from the proceeds of sale of the Wilson farm on Nansemond River, sold under decree of Nansemond Circuit Court in the cause of Shepherd & a gainst Shepherd &c. the sum of. Ninety seven dollars and twenty seven cents arising from said sale

Witness # 97.27

George H. Brown Jas. E. Shepherd

1868 Feb. 7 Rec'd. as adm. Two hundred and Ninety eight dollars and fifty six cents, Balance due me from said sales.

Witness # 298.56

George H. Brown # 295.83

J. E. Shepherd

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

Bettie M. Shepherd and James E. Shepherd . . Complainants
against
In Chancery
Fanny Shepherd, Ada B. and William S.
Shepherd, all infants . . . . . Defendants

This cause came on this day to be heard on the papers formerly read, and on the report of P. B. Prentis made pursuant to the decree of the sixteenth day of October, 1866, and on paper signed by O. C. Crump, and on a supplemental report made by John R. Kilby, to which reports there is no exception; and was argued by Counsel: On consideration whereof the Court doth confirm the said Reports, and doth confirm the transfer made to C. B. Cartwright by said O. C. Crump and on the terms set forth in said Commissioner Prentis' report; and in said Kilby's report, of the land referred to in the proceedings, and doth adjudge, order and decree that John R. Kilby, who is appointed a Commissioner for that purpose, make a deed to said C. B. Cartwright, with special warranty in the usual form, for the Land referred to in the proceedings and described as a tract of Land containing One Hundred and sixty acres more or less, situate on the East side of and adjoining Nansemond River and adjoining the lands of John C. Cohoon's Estate and the lands lately owned by Ro. J. Saunders, on the payment to him the said John R. Kilby as such Commissioner by him the said Cartwright of Five Hundred dollars in cash and the execution of his Bond for Twelve Hundred dollars, payable on the first day of February, 1868, with interest from date, and a Deed of Trust on the premises to secure the deferred payments, and that the said John R. Kilby as Commissioner aforesaid out of the cash payment pay all costs of suit and Expenses of sale, and then pay one-fourth of what remains to said Bettie M. Shepherd: One-fourth to James E. Shepherd, and one fourth to Fanny Shepherd; and out of the other fourth pay any small balance

due from Wm. Shepherd under a deed of trust for the benefit of V. E. Shepherd, and then pay to Diana Shepherd in fee, one sixth part of the remainder of said fourth in lieu of her dower therein and the balance to the legally qualified guardian of Ada B. and William S. Shepherd: and that when the defered payment of Twelve Hundred dollars aforesaid is collected with all interest thereon pay also one fourth thereof to each of said Bettie M., James E., and Fanny Shepherd, and one sixth of the remaining fourth to Diana Shepherd in fee in lieu of her Dower therein, and the Balance to the legally qualified guardian of said Ada B., and William S. Shepherd, and make report to Court.

A Copy:
Teste:
Peter B. Prentis. Clerk

Costs

| | |
|---|---|
| Clerk . . . | $15:00 |
| Atto: Fe . . | 31:00 |
| Commr: . | 10:00 |
| | $56:00 |

X mo

Bettie M. Shepherd & al:

vs Jno: Deuce

Fanny Shepherd & al: infants.

To the Circuit Court of Nansemond County.

The Undersigned, respectfully reports to the Court, That pursuant to the annexed decree made by the Circuit Court of Nansemond County, at the April Term 1867, in the Chancery cause therein pending wherein Bettie M. Shepherd &c are plaintiffs and Danny Shepherd &others, Defendants, he did on the 11th day of May 1867, make and execute a deed, with special warranty, unto C. B. Cartwright for the Land referred to in said decree — the said Cartwright at the same time paying to the Undersigned five hundred dollars in cash and executing his Bond for $1200, the deferred payment on said Land and a deed of Trust on the premises, to secure the same, payable the 1st of February 1868 & with Interest from 1st February 1867, as required by said decree — The following statement will fully shew the acts of the Undersigned.

1867
may 11 | By Cash payment received as above $500.00
" Bond for deferred payment " 1200.00
" Total purchase money ——— $1700.00

To paid costs of suit — to wit:
" P. B. Prentis, Clerk $15.00
" John R. Kelly Atty. 31.00
" P. B. Prentis, Com'r 10.00

Can't over $56.00 $1700.00

| | | |
|---|---|---|
| Amounts brought on | $56:00 | $1700.00 |
| To paid a clerk's ticket | 2.48 | |
| To charges for deed to purchaser and stamps on same | 5.00 | |
| " paid Taxes on Land per nett. | 4.45 | |
| " 5 per cent Comm. on $300 — | 15.00 | |
| " 2 Do. on $1400. | 28.00 | $ 100.93 |
| Nett Balance due 1st Feb. 1868 and now collected & paid as follows — | | $1589.07 |
| To paid Bettie M. Shepherd 1/4 of $396, nett cash on hand after deducting expenses Dec'd | $97:27 | |
| " paid Jas. E. Shepherd " | 97.27 | |
| " paid Danny Shepherd " | 97:27 | |
| The other 1/4 (Wm. Shepherd's Share) paid as follows — | | |
| Small Balance on deed of Trust as named in decree for nett | $18:37 | |
| To paid Diana Shepherd 1/60 of $78:90 Balance Dec'd | 13.15 | |
| To paid Diana V. Shepherd & Ada B. Shepherd Dec'd | 32.87 | |
| To paid same & Wm. S. Shepherd Infant Dec'd of | 32.87 | $97.26 = $ 389.07 |
| Balance in the Bond as above stated. | | $1200.00 |
| 1868 Feb. 1. To paid stamps on deed of Trust & recording deed of Trust. | | 5.75 |
| Nett Balance | | $1194.25 |
| To paid Bettie M. late Shepherd 1/4 per nett | $298.56 | |
| " paid Jas. E. Shepherd Do. | 298.56 | |
| " " Danny Shepherd Do. | 298.56 | 895.68 |
| cond. on | | $298.57 |

Amo. brot. a  $298.57

To paid Diana V. Shepherd

1/6 her Decree Sp. act $ 49.76

" " same guardian of

Ada B. Shepherd Dec'd 124.41

" " same guardian of

Wm S. Shepherd Dec'd 124.40 = $ 298.57

The deferred payment of $1200. as above having been paid, and distribution made as above, nothing more remains to be done

Respectfully submitted

John R. Kelly Com'r

7 Oct 1868.

Shepherd &c

vs } Court
Report of sale
& payments.

Shepherd &al.

1868.
March 11th. Filed
Clk:

Commissioner's Office
Suffolk Co: February 25th: 1867

To the Circuit Court of Nansemond County:

The undersigned, one of the Commissioners of said Court, to whom was referred, the Decree of the 16th: day of October 1866, in the Cause of Bettie M. Shepherd and James E. Shepherd Complainants against Fanny Shepherd and Ada B and William S. Shepherd, all infants, Defendants, begs leave to report, that a fair and full value of the land and premises referred to, according to the testimony produced before him, is Seventeen Hundred Dollars ($1700) and, that, that sum is a better price for the same, than the one agreed to be paid by O.C. Crump, the purchaser, at its sale, notwithstanding the said premises have been lessened in value, at least One fourth (1/4) on account of their occupation by the Federal Troops, during the late war, and the damage done thereto, by the destruction of the houses & fences.

That the land & premises are in very bad order: dwelling, out-houses & fences destroyed as above stated: the yard dug up for the purposes of a Battery: & the place grown up, in bushes.

That your Commissioner is satisfied, that the interest of all parties, infants included, would be promoted and enhanced by a re-sale of the premises: and, as said O.C. Crump by a written document, annexed hereto, admits his inability to comply and desires that C.B. Cartwright, should be substituted for him, as the purchaser of said land; and as he appears by the supplemental report of John R. Kilby

The Commissioner of sale, which is also returned herewith, that he has made a Conditional bargain with the said Cartwright for him to take the said land, at the price of $1700 - $500 part thereof cash, and the balance on one year's credit, with interest from date, with a lien on the property to secure the same; and Your Commissioner believing said arrangement to be a judicious one, recommends, that the said C. B. Cartwright, be substituted as the purchaser thereof.

Your Commissioner further reports, that the necessities of the infants, orders, & all the parties interested therein, are such, that it is absolutely necessary and proper, that some arrangements should be made for their support.

All of which, together with the copy of the decree, testimony &c, is most respectfully submitted.

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

Peter B. Prentis.

Commissioner

At a Circuit Court held for Nansemond County the 16th. day of October 1866

Bettie N. Shepherd and James E. Shepherd . . . Complainants

Against &c. In Chancery.

Fanny Shepherd and Ada B. and William S. Shepherd, all infants. . . . . Defendants.

This cause came on to be heard on the bill of the Complainants and on the answer of the infant defendants by Peter B. Prentis, their guardian ad litem, and on replication to said answer, and was argued by Counsel, On consideration whereof the Court doth adjudge, order and decree, that O. C. Crump and E. E. J. Crump be summoned to shew cause in writing at the next Term of this Court, why they have not paid the sum of Fifteen Hundred and Eleven Dollars, and forty cents, as referred to in said bill, and why the Land referred to in said proceedings should not be sold to pay the same and the interest due thereon, And the Court doth further adjudge, order and decree that a Commissioner ascertain what is a fair value of said Land and its condition, and whether the interests of the infant parties to this suit, (in the event of a sale) would be promoted by a sale of said Land, wholly, or in part for cash, and what their necessities are for present means of support or living, and make report to Court, with any matters specially stated, deemed pertinent by himself, or that any one of said parties may require to be so stated.

A Copy:

Teste,

Peter B. Prentis, Clerk

Xmas

Bettie M. Shepherd Dec:

75th Co. Ky Vol. Oct. 5th
1866

Fanny Shepherd Dec:

P

Commissioner's Office.
Suffolk, Va: Feby: 25th: 1867

Bettie M. Shepherd and
James E. Shepherd . . . . . Complainants

Against } In a Chy: cause pending in the Cir: Co: of Nans Co:
Fanny Shepherd and Ada B and
William S. Shepherd, all infants. Defendants.

Willis E. Edmon Esq: a witness introduced in this cause, being duly sworn on the Holy Evangelists of Almighty God, deposes and says:

That he is very well acquainted with the lands referred to and described in this cause (he now living & having resided on the farm adjoining for many years): that at the time of the purchase by O. E. Crump, of said premises, there were situate thereon a small framed dwelling with a shed attached, in a fair habitable condition: a good log barn or crib, Kitchen & Smoke-House, and a tolerably fair fence: that said premises were occupied by the Federal Troops during the late war, the said buildings and fences were almost entirely destroyed, and the yard dug up for the purposes of a Battery: that the damage to the premises, consequent upon such occupation was fully one fourth (1/4) its entire value. indeed, that sum, would be inadequate to place said premises in the condition they were at the time of said Crump's purchase: that, in the present condition of said premises, he considers $1700 to be a fair and

reasonable price for the same. He further considers, that said sum ($1700) if to be had, to be a better price for said premises, than that agreed to be paid by said Crump: that he considers, the pecuniary circumstances of the parties (Plaintiffs & Defendants) to be great, in fact, they are very poor, and, it would manifestly be to the interest of all concerned, especially the infants, to ratify and confirm any sale of said premises, which would realize the sum of $1700; and further, that he considers the said O. C. Crump to be insolvent & utterly unable to comply with his said purchase.

And further this Deponent saith not.

Sworn to before me, in my office, the day & year aforesaid
Peter B. Prentis.
Comm'r.

(Signed)
W. E. Cohoon

whereas under a decree of Nansemond Circuit Court made in the cause of Shepherd &c v. Shepherd &c, I purchased of John R. Kilby the Com. therein named the tract of Land on Nansemond River called "Wilson's" and executed my Bond with my Mother Mrs E. J. Crump as security; And whereas by the war I lost my property and am unable to comply with the terms of sale, and as the farm has been greatly injured by the Federal Army, in destroying houses fences &c, I now desire to relinquish my purchase and allow the same to be resold or transferred to another; Now therefore I do hereby consent that C. B. Cartwright may be substituted by the Court for myself as the purchaser of said Land at such price as the Court may be willing to accept. hereby releasing all claim that I may have to the same. Witness my hand & seal this 31st day of December 1866.

Witness
John R. Kilby

O. C. Crump (Seal)

To the Circuit Court of
Nansemond County

The Undersigned Respectfully reports to Court that since his Last report made in the cause of Shepherd &c. v. Shepherd, the purchaser of the Land heretofore sold by authority of a decree of this Court, to wit: C. C. Crump, has in writing declared his inability to comply with his purchase & desires the Court to substitute C. B. Cartwright as the purchaser for himself: That accordingly, a conditional contract has been made by which the said Cartwright is to take said Land at Seventeen hundred dollars, — payable as follows — $500, cash & the Balance payable in twelve months with Interest from date, the Land to remain bound for the purchase money —

An arrangement so advantageous to all parties, it is hoped may be ratified and confirmed —

Respy submitted
John R. Kilby
Com. 1st Feb. 1867

Shepherd &c.

Shepherd &c.

Supplemental
Report of John R.
Kirby Comr.

Bettie M. Shepherd

Dvl

vs } Coroner's Repeal

Fanny Shepherd & al.

infants.

1867.

Feby: 25th: Completed &

filed in my Office.

Peter B. Prentis.

Commissioner

1867. March 9th filed clk.

Virginia:

At Rules, held in the Clerk's office of the Circuit Court of Nansemond County on Monday the 3rd: day of September 1866:

Bettie M. Shepherd and James E. Shepherd Complainants.

against } In Chancery

Fanny Shepherd and Ada B. and William S. Shepherd, all infants Defendants.

On the Motion of the Complainants, 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

1866. Sept'r: 3rd: I acknowledge service of the foregoing order, and that I have received a Copy hereof.

Peter B. Prentis.

gdn: ad litem

Bettie M. Shepherd

Val:

To Gr: Sept: 92: ad
Idem

Fanny Shepherd &
al: ux: Saul

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

The undersigned reports to Court that
pursuant to a decree of this Court made
on the 16th of April 1861 in the cause pending
therein, wherein Wm S. Shepherd &c is plaintiff
and Bettie M. Shepherd &c defendants, he
received of P. B. Printis, the Clerk of said
Court the Bond of O. C. Crump & and E. E. Crump
for $1811.20 for the purchase of the land sold under
proceedings had in said cause, But
that he has been unable to collect the same
— The parties being as yet, unable to pay
the same, and the recent war putting it
out of their power to do so — The land sold
was occupied by the Federal army & the
houses destroyed and its value depressed,
Under these circumstances the Undersigned
Reports the same to the Court and asks for
instructions how to act in the premises,

Respy,
John R Kilby Comr.
16 July 1866

Wm S. Shepherd &c

vs

Report

Better M. Shepherd &c

Feby 16th 1866 Filed

Kilby pg

Wm. S. Shepherd &c

vs } Chancery Papers

Bettie M. Shepherd
&c

Shepherd &c. vs. Shepherd &al

This cause came on this day to be again heard on the papers formerly read on the Report of John R. Kilby, Comm'r. made pursuant to the decree of the April Term 1867 of this Court — 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 and decree that the proceedings had in this cause be confirmed and made final — and that the cause be removed from the docket.

Shepherd &c
vs
Shepherd &c

1866
April Court
Final Decree
To be entered
R. H. B.

Entered

Shepherd &c
vs
Shepherd &c

11

This cause came on to be heard on the Bill, ~~taken, for~~ ~~[illegible]~~ the ~~[illegible]~~ ~~[illegible]~~, of the Complts. and on the answer of the Infant defendants by P. B. Pendleton their guardian ad litem in replication to said answer, and was argued by Counsel. On Consideration whereof the Court doth adjudge, order & decree that A. G. Crump & E. G. T. Crump be summoned to shew cause ~~[illegible]~~ in writing at the next term of this Court, why they have not paid the sum of $1511.40 as referred to in said Bill, and why, the Land referred to in said proceedings, should not be sold to pay the same & the Interest due thereon —

And the Court doth further adjudge, order & decree that a Com. of this Court ascertain what is a fair value of said Land & its condition, & whether the Interests of the Infant parties, to this suit (in the event of a sale) would be promoted by a sale of said Land; wholly, or in part or each, what their respective are for present & means of support & living and make report to Court with any matter specially stated deemed pertinent by himself, or that any one of said parties may require to be so stated.

Shepherd

v

Shepherd &c.

1866

Octo Court Decree

To be entered

R. H Baker

Entered

Shepherd &c.

v.

Shepherd &c.

This cause came on this day to be heard on the papers formerly read & on the report of R. B. Prentis made pursuant to the decree of the 16th day of October 1866 & on paper signed by C. C. Crump & on a supplemental report made by John R. Kelly, to which reports there is no exception: and was argued by Counsel: On Consideration whereof the Court doth confirm the said Reports & doth ratify and confirm the transfer made to C. B. Cartwright by said C. C. Crump and on the terms set forth in said Com. Prentis's report and in said Kelly's Report, of the Land referred to in the proceedings, and doth adjudge order & decree that John R. Kelly, who is appointed a Comr for that purpose, make a deed to said C. B. Cartwright with special warranty in the usual form for the Land referred to in the proceedings and described as a tract of Land containing 160 acres more or less, situate on the East side of and adjoining Nansemond River and adjoining the Lands of Mrs. C. Cohoon's estate & the Land late owned by Ro. J. Saunders, on the payment to him the said John R. Kelly as such Comr by him the said Cartwright of $500 in cash & the execution of his Bond for $1200. payable on the first day of July 1868 with Interest from date, and a deed of Trust on the premises to secure the deferred payments, and

that the said John R. Kilby as Com aforesaid out of the cash payment pay all costs of suit and expenses of sale, and then pay one fourth of what remains to said Bettie M. Shepherd; one fourth to James E. Shepherd, and one fourth to Fanny Shepherd; and out of the other fourth pay any small balance due from W. Shepherd under a Deed of Trust for the benefit of V. E. Shepherd, and then pay to Diana Shepherd in her, 1/6 part of the remainder of said fourth in lieu of her Dower therein & the Balance to the legally qualified guardian of Ada B. William S. Shepherd; and that when the deferred payment of $1200 aforesaid is collected with all Int. thereon pay also 1/4 thereof to each of said Bettie M, James E. & Fanny Shepherd & 1/6 of the remaining fourth to said Diana Shepherd in her in lieu of her Dower therein & the Balance to the legally qualified guardian of said Ada B. & Wm S. Shepherd & make report to Court.

Bettie W. Shepherd &c

v

Fanny Shepherd &c

1867

April Ct. Decree

To be entered

R. H. B.

Entered

The Joint & separate answer of Fanny Shepherd and Ada B. and William S. Shepherd, infants, by Peter B. Prentis, their Guardian ad litem to a Bill in Chancery filed against them by Bettie M. Shepherd and James E. Shepherd, in the Circuit Court of Nansemond County.

These Respondents say, that so far as they know, the facts, set forth in said Bill, are true, but being infants, and incapable of knowing what is best for themselves, submit all their interests in the premises to the Court; and pray, that no order or decree, may be made inconsistent therewith.

Peter B. Prentis.
gdn: ad litem

Bettie M. Shepherd
Dal.
vs
Answer of infants,
defendants
Fanny Shepherd Dal.
infants.

To the Hon: Richard L. Baker, Judge of the Circuit Court of Nansemond County —

Complaining shew unto the Court your Complainants Bettie M. Shepherd and James E. Shepherd — —

Your Complainants respectfully represent to the Court and say, That on or about the first day of March 1860, one William S. Shepherd (a brother of your Complainants), exhibited his Bill in Chancery in the Circuit Court of Nansemond County, against, your Complainants Bettie, M, & James E. Shepherd and Fanny L. Shepherd, all three at that time being Infants, setting forth and charging, That his mother, Ann Eliza Shepherd late the wife of his father Thomas S. Shepherd, and who was Ann Eliza Bourne, died on the 8th day of October 1851, possessed and entitled to a tract of Land (her maiden estate) which was devised to her by the 13th clause of the last will and Testament of Silas Minton, which will, was duly recorded on the 12th day of April 1830 in Nansemond County, which tract of Land is called Wilson's and contains one hundred and sixty acres, more or less, and adjoins the Lands of John C. Colom, Ro. D. Saunders and Nansemond River — That at the death of said Ann Eliza Shepherd on the 8th day of Oct. 1851, she left her husband, Thos. S. Shepherd surviving her, who became entitled to said Land for life as the tenant

by Century, [illegible] she at that time also left surviving her the following children to wit: Your Complainant the said Wm. S. Shepherd now over twenty one years of age, and Bettie M; James E; Mary E and Sammy S. Shepherd all then under age; That the said Mary E. died under the age of twenty one years, to wit: on the 1st day of May 1852 after her mothers death, and by Law her interest in said Land passed to said sons, Bettie M; James E, and Sammy S. Shepherd – That the said Thomas S. Shepherd also died on the 19th day of April 1860. and thereupon his life right to said Land terminated – And in said Bill, praying, a partition of said Land, if practicable, and convenient to be done, or a sale thereof, ~~if practicable and convenient to be done~~, ~~a sale thereof~~, if to the advantage of them ~~than~~ entitled as was charged in said Bill,

And your Complainants further say that the said case was duly matured and a decree rendered by said Court, directing that John R. Kelly who was appointed a Commissioner for that purpose should sell the said Land on certain terms: That a sale was accordingly made by the said John R. Kelly, as such Commissioner on the terms directed by said decree, when the Land was purchased by C. C. Crump, and after paying the costs of the suit executed his Bond with E. E. S. Crump as security to said Commissioner for $1371.40, dated the 12th day of Nov. 1860 and payable monthly after

date with Interest from date; That by a decree made in said cause on the 16th. day of April 1861 by said Court the said John R. Kilby, Commissioner, was directed to obtain the said Bond of the Clerk of the Court with whom the same was filed and proceed to collect the same & distribute the proceeds thereof: But that in consequence of the breaking out of the war about the 17th of April 1861, the said John R. Kilby, the Commissioner aforesaid has been unable to collect the said sum of money — and that by a fire on the 7th of February 1865, the Clerk's office of said Court and the record in said cause were destroyed.

Your Complainants further say, That the said Wm. S. Shepherd (their brother) and the Complainant in said cause died on the day of (being killed whilst in the Military service of the Confederate States), Intestate and leaving a widow named Diana and two Infant children, named Ada Browne, & Wm Samuel Shepherd — which two children are now entitled to his portion of said Land fund — subject to a claim for a small amount under a deed of Trust to Virginia E. Shepherd.

That since the commencement of said suit your present Complainants, who were defendants in said suit above named, and who were Infants, have become twenty one years of age, and are now desirous to have the matters aforesaid brought to a close, either by the collection of the amount due by said O. C. Crumb & or a resale of said Land, looking to said Crumb for any loss in consequence thereof.

In consideration whereof

and as this Court has jurisdiction to grant all proper relief. To the End your Complainants now pray that the said Jannie Shepherd, a/k/a B. and William A. Shepherd, (all Infants) may be made Defendants hereto, and required to answer the same — that the prayers of your Complainant may be granted; that this proceeding may be taken as supplemental & part of the original case, aforesaid, and that all proper relief may be granted Consistent with Equity &c

John R. Kilby
Comp.

Kilby Ads. &
Bettie W. Shepherd &c
vs.
Bill

Jannie Shepherd et al

Cir. Ct. Mar. Co.

Shepherd &c

vs

Chy: Notes

Shepherds, Defts.

1866. Septr: 1st: Summ: in Chy: issd

" " 3rd: Bill filed — P.B. Perkins, applt

qr: & Clerk's Certificate of Chy: (Mr Beard) endorsed

Their answer to which there was a general

replication & cause set for hearing on Wed: of

Feby: Court.

" Octo: 16th: Decree directing O.C. Comptr & E.S. Crumb to show cause

1867. March 9th. Report filed (Affd: 14th) Decree to make Sale

" Octo: 15th. Continued

1868. March 6th. Report of Sale & payments filed (Affd: 20th) Final Decree

Chy: Nobs