1874-007
Nansemond Co. (Suffolk)

Chancery Causes: William Parker Mitchell etc vs Mariah Smith, widow etc

Wrench, Wilson, Singleton

140
16.80
88

15.92
140.00
155.92
152 22
3.70

180.00
18.00
35

198.53
155.92
42.41
15
27.41

Bal —

1518.42
1871.8.14
1.8.11

4241
2750
1491

3.3.25
12
134
19½

45.00
13.50
59.25
19½

53.32.5
59.25
2962
115.57
20
50

80144
80.14
1.47

883.05
92.53
790.52
10

155.92
152.2
3.7

105.
64

420
630

6) 6720

112

224
1120

6720

6) 1120

185

105

106.87

64

6) 1140

190

1873.4.25
1872.5.14

11.11

11.10
5 5 0

341
140

1364
341

3) 4774

1591.

57 2880

57
56
12
12
0

1675

107
64

428
642

6) 6848

1142

10687
190

10409

Parker McKee pd	$474.09
Also half of Singleton's note	65.99
	$540.08
Pd. Parker McKee $152.22.	$152.22
	$387.86
Pd Mrs. A Kelly. debts	79.87
	$307.99
Pd Mrs Bright &	152.22
Mrs A Kelly check	$155.77

40 —

$ 196 —

Nine Months after date, with interest from date ~~On demand~~, we promise to pay unto Peter B. Prentis, Commissioner his heirs, executors, administrators or assigns, the just and full sum of One Hundred and Ninety Dollars and ~~Cents~~, being deferred payment of Land sold by us under Decree of Nansemond County Court of Mitchell Ld vs Smith &c: current money of the United States, ~~for value received~~; and it is agreed upon by the parties that interest on this note shall be at the rate of 6 per cent. per annum; for the true payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents: and we hereby waive the benefit of our homestead exemption as to this debt, obligation or contract.

As witness our ~~hand~~ hands and seals this 14th day of August in the year of our Lord one thousand eight hundred and seventy-one

Witness,

G W Singleton (Seal.)

A Patchett (Seal.)

$196.00

Int from 14 Aug 1871 to 4 July 1873 — 22.21

$218.21

Paid by Parker Mitchell — 65.99

$152.22

Virginia

At Rules, held in the Clerk's Office of the Court of the County of Nansemond, on Monday the 6th day of March 1871.

William Parker Mitchell and James I Wilson and Catharine V. his wife . . . Complainants

against } In Chancery.

Mariah Smith (Widow) and John E Wrench and Letitia Jane, his wife, and Hester Mitchell, an infant . . . Defendants.

On the motion of the Complainants by Counsel, Peter B. Prentis, is appointed guardian ad litem to defend the infant Defendant, 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.

1871. March 6th. I acknowledge service of the foregoing order, and that I have received a Copy thereof:

Peter B. Prentis.

Gdn: ad litem

William Parker Mitchell
Del:

" " } order agst: gdn: and Clerk

Maria h Smith (widow) Del:

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mariah Smith (Widow) John E. Wrench, and Letitia Jane his wife, and Hester Mitchell, an infant

to appear at the Clerk's office of our County Court for the County of Nansemond, on the first Monday in March next, 1871, being rule day, to answer a bill in chancery, exhibited against them by William Parker Mitchell, and James I. Wilson and Catharine E. his wife

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 16th day of February 1871, and in the 95th 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. J.q

William Parker Mitchell
& al:

vs } Summ. in Chy:

Mariah Smith (widow)
& al:

To March Rules 1871

Executed the 18th Feby 1871
and a true copy delivered
to Mariah Smith. Widow
W H. Eley DS

Pro: B. No: 1. Page 65-
Co: Co.

THE COMMONWEALTH OF VIRGINIA.

TO THE ~~SHERIFF OF NANSEMOND COUNTY~~ Sergeant of the City of Portsmouth. GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mariah Smith, (Widow) John E. Wrench and Letitia Jane, his wife, and Hester. Mitchell, an infant.

to appear at the Clerk's office of our County Court for the County of Nansemond, on the first Monday in March next, 1871, being rule day, to answer a bill in chancery, exhibited against them by William Parker Mitchell, and James T. Wilson and Catharine V. his wife

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 16th day of February 1871, and in the 95th 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.q

William Parker Mitchell

Pet:

vs } Summ. in Chy:

Mariah Smith (widow)

Def:

To March Rules 1871

Executed Feby 2nd 71

by delivering a copy

of the within to

John E Warnock

P McDonough Dpt

Pro: B. No: 1. page

Co: Co.

Mr. Parker Mitchell's Children

CHUCKATUCK TOWNSHIP,

1871. **To NANSEMOND COUNTY TREASURER, Dr.**

To Revenue Tax on 120 Acres land, value $572.40 at 50 cents on $100		2 56	
" " " on property, bonds, &c., value $ at 50 cents on $100			
" Capitation Tax on persons at $1 each			
Total State Tax			2 56
" Connty Levy, 25 per cent on State Tax		64	
" Township " 25 " " " "		64	
" Capitation Tax for County on persons at 50 cents each		~~50~~	
Total County and Township Tax			1 28
Total			3 84
September 1st, 5 per cent added			

Received Payment. of R. B. Prentis, Comm.

Wm. R. Eddes, Treasurer.

Collector.

Mitchell
Parkes
Children

Mrs Hester Mitchell East of Suffolk,

1871. To Nansemond County Treasurer.

To State Tax on 1 1/2 acres land, value $ 600 at 50 cts. on $100		3 00	
To State Tax on Personal Property, value $ at 50 cts. on $100			
To State Capitation Tax on persons, at $1.00 each			
Total State Tax			3 00
To County Levy, 25 per cent. on State Tax		" 75	
To County Capitation Tax on persons, at 50 cts. each			
Total County Tax			" 75
To Parish Levy, 12½ per cent. on State Tax			" 38
To County School Tax on Property, 3 cts. on $100			
To County School Tax on Dogs, at 50 cts. each			
Total County School Tax			
To District School Tax (on property) cts on $100			
Total Tax			4 50
December 1st, five per cent. added			23
			4 73

RECEIVED PAYMENT, of R. B. Prentis, Com,

Treasurer

Wm T Sander Collector

Mitchell Hester Co

$ ~~4.80~~
4.50
5 0/0 — 23
4.78

Mrs Hester Mitchel (Est of) Suffolk Township,

1872. To Nansemond County Treasurer. Dr.

To State Tax on 1½ Lots ~~acres land~~, value $ 600 at 50 cts. on $100		3 00		
To State Tax on Personal Property, value $ 5 at 50 cts. on $100				
To State Capitation Tax on persons, at $1.00 each				
Total State Tax			3	00
To County Levy, 25 per cent. on State Tax		" 75		
To County Capitation Tax on persons, at 50 cts. each				
Total County Tax			"	75
To Parish Levy, 12½ per cent. on State Tax			"	38
To County School Tax on Property, 3 cts. on $100		" 15		
To County School Tax on Dogs, at 50 cts. each				
Total County School Tax			"	18
To District School Tax (on property) cts on $100			"	45
Total Tax			4	76
December 1st, five per cent. added				24
			5	00

RECEIVED PAYMENT, of R. B. Prentis, Com.

Treasurer

W T Sandlin Collector

Mitchel Hester

4.76

5.00 — 24

5.00

At a Court of Hustings for the City of Portsmouth held July 5th 1872.

* * * * *

The Court doth appoint Mary D. Bright Guardian of Hester Jane Mitchell orphan of Joseph F. Mitchell deceased, the said Hester Jane Mitchell being beneath the age of fourteen years. Whereupon the said Mary D. Bright appeared in Court, made oath, and together with James A. Dillon her Security (who justified on oath as to his sufficiency) entered into and acknowledged a bond in the penalty of five hundred Dollars with Condition according to law which bond is ordered to be recorded.

Copy Teste.

Jas. D. Brady.
C.C.

Mitchell's
Card

Oath of Office

Surety
Qualification

1929.22

at a Court held for Amherst County March
term 1873

Com Parker Mitchell & al. pltfs

against

Marian Smith et al. defts

This cause came on this day to be again heard on the papers formerly read, and on the petition of Solomon Hodges, Jordan & Eley and James S. Brown, and on the report of Peter B. Powell Comr made pursuant to the decree of the 12th of June 1871 to which report there is no exception, and was argued by Counsel: on consideration whereof the Court doth adjudge order and decree that Peter B Powell Commissioner as aforesaid retain of the debts of this Court (who will deliver the same to him on his becoming security therefor the bond of Randolph Jordan, and wm Chaney for $180, the bond of Com P Mitchell and G W. Singleton of $425.84 and of G W. Singleton and Com P Mitchell of $190 filed with said report and proceed to collect the same, and make to the purchasers of the real estate sold hereunder Deeds with special warranty in the usual form and out of the proceeds of Sale pay the several debts due by Mrs Hester Mitchell filed in the cause to wit: to Solomon Hodges $45.75 with interest from 1st January 1870; to Jordan & Eley the sum of $6.63 with interest from July 1st 1869; and to Dr Jas S. Brown the sum of $13.50 with interest from the 1st day of January 1870, and the residue pay as follows: one fifth thereof to the said Com P Mitchell, one fifth thereof to Catharine V. wife of Jas S. Wilson, one fifth thereof to Maria Smith; one fifth thereof to Letitia Jane Crench; and one fifth part thereof to Hester Mitchell, the

payment to the said Hester Mitchell to be made to her legally qualified guardian, and the payments to the others to be made to them or their assigns and make report to Court;

Test

Willis E. Cohen Clk

Wm. P. Mitchell et al

vs.

Alonzo Smith et al

Decree

March Term 1873.

To the County Court of Nansemond County.

The Undersigned reports to the Court, that pursuant to the decree of the march term 1873 of said Court, made in the cause of Mitchell &c. against Smith &others, he has received of the clerk of said Court the Bonds named in said decree, and has paid out the proceeds as directed by said decree, as the following statement and annexed receipts more show. to wit:

By amo. of Bond of Randolph Jordan and Wm Cherry		$180.00
" Int. from 14 aug 1871 to 25 apl 1873		18.33
		$198.33
By bond of W.P. Mitchell & G.W. Singleton	$425.84	
" Int. from 14 aug 1871 to 4 July 1873 — 1y. 10m. 21d	48.25	$474.09
By Bond of G.W. Singleton & W.P. Mitchell	$196.00	
" Int. from 14 aug 1871 to 4 July 1873 — 1y. 10m. 21d	22.21	$218.21
	Total amo.	$860.63
To paid Taxes		19.63
	Nett Balance.	$841.00

(Cont'd. over.)

By amo. brot. on $841.00

Ipaid as directed by said decree.

To Solomon Hodges $45.75

& Int. from 1st Jan: 1870 to 4 July 1873 3y. 6m. 4d 9.60

$55.35

Ipaid Darden & Ely debt $6.63

& Int from 1 July 1869 4 yrs 1.56 = $8.19

Ipaid Js. S. Browne, debt $13.50

& Int. from 1 Jan. 1870 (3y. 6m.) 2.83 = $16.33 = $79.87

For the heirs. $761.13

Ipaid Wm P. Mitchell as directed

by said decree 1/5 her rec $152.22 3/5

" Jas. T. Wilson & Catharine his wife do. $152.22 3/5

" Maria Smith do 152.22 3/5

" Letitia Jane Wrench do. 152.22 3/5

" Hester Mitchell (paid to her guardian) " 152.22 3/5 = $661.13

Deeds with special warranty have been made to the several parties for the real estate purchased by them.

Respectfully submitted.

Peter B. Prentis Com.

1873 July 4 Rec'd of Peter B. Parentis Com'r. the several sums set opposite our names & as set forth in the foregoing report.

John R. Kilby atty for St. Hodges $53.35
John R. Kilby " " Darden & Ely $8.19
John R. Kilby " " Jas. A. Browne $16.33
A Bickell $152.22

John R. Kilby atty for Mary D
Bright for Hester Jane Mitchell $152.22
Witness Mary D. Copeland as to Maria Smith — Maria Smith $152.22
Wm Cherry for James T. & Catharine F. Wilson $152.22

Mitchell &c.

v

Smith &c.

Report of payments.

1871. Aug: 14th: Received of Peter B. Prentis, Commissioner, Twenty Dollars, for selling Mrs: Hester Mitchell's Real Estate, at Auction.

$20.

Wm S McGuire Auctr.

Mitchel Hesters Est.

To Harrison King Com Rev.

Oct 1st 1870 To transferring 100 acres Land from Nath.l G. Norfleet $1.00

Mrs. Hester Mitchell (Est)

1870. To A. S. ELEY, Sheriff of Nansemond Co., Dr.

To 100 Acres Land, value $ 600	at 50 cts. on $100 value,	3	00
" Ditto for county, 50 per cent. on revenue tax		1	50
" Ditto for Parish, 12½ " " " " "			38
" Revenue on Personal Property, Bonds, &c., at 50 cts. on $100 value,			
" Ditto for county, 50 per cent. on revenue tax			
" Ditto for Parish, 12½ " " " " "			
" Clerk's Fees			
" Commissioner's Fees		1	
" Sheriff's Fees			
RECEIVED PAYMENT, of P B Purtis Com'r's	$	5	88

Wm Eley

For A. S. ELEY, Sheriff.

Hester Mitchell's Est

£5.5.88

Mrs Hester Mitchel (P. B. Prentis Trustee

1870. To A. S. ELEY, Sheriff of Nansemond Co., Dr.

To 1½ ~~Lots~~ Land, value $ 850	at 50 cts. on $100 value,	4	25
" Ditto for county, 50 per cent. on revenue tax		2	13
" Ditto for Parish, 12½ " " " " "			53
" Revenue on Personal Property, Bonds, &c., at 50 cts. on $100 value,			
" Ditto for county, 50 per cent. on revenue tax			
" Ditto for Parish, 12½ " " " " "			
" Clerk's Fees			
" Commissioner's Fees			
" Sheriff's Fees			
RECEIVED PAYMENT, P P B Prentis Com'r, $		6	91

Wm Ely

For A. S. ELEY, Sheriff.

Hester McTobel
P. B. Prentis Trus.
$6,91

12.79

(Dobbs)

To The County Court of Nansemond County:
The undersigned respectfully reports to Court, that pursuant to the Decree of the 12th: day of June 1871, made in the Cause therein pending, wherein William Parker Mitchell & al: are Complainants and Maria W Smith (widow) & al: are Defendants, he proceeded to advertise, the lands described in said Decree, as directed therein, and did, on the 14th: day of August 1871, before the Court House Door of said County, proceed to sell the same, in the following order, to wit:

First: A House & Lot on the North side of the First Cross Street of the Town of Suffolk: bounded South by said Cross Street: East by the Lot of Isaiah Faulk: North by the land of Wm J. Royster & others, and West by a vacant Lot (No: 21, which was purchased by William P. Mitchell for the sum of $300:00

Second. A vacant Lot also on the North side of said Cross Street, and bounded South by said Cross Street: East by the above Lot, North by said Royster & others: and West by the Clerks Office Lot, which was also purchased by the said William P. Mitchell for the sum of. $195:00

Third. That portion of the 100 acres of land more or less, situated between the North side of the Mill Path or Road, and the branch, estimated to contain 40 acres more or less

Carried Forward . . . . $ 495:00

Brot. forward . . . $495:00

which was purchased by Randolph Jordan for the sum of $210:00

Fourth. The other fourth of the said 100 acres of land, more or less, situated on the Northern and Western sides of said branch, & bounded to contain 60 acres, more or less, which was purchased by George W. Singleton, for the sum of . . $226:00

Total Sales $931:00

Of which there was received in cash to wit: from W.P. Mitchell $69:16 - from Geo. W. Singleton $30 - and from Randolph Jordan $30 - making $129:16 and paid to those entitled to wit:

To John R. Kelly, Atto: . . . $31.00 ✓

" S. B. Scruggs, late Clk . . . 15:00 ✓

" Sff: 1.50

" for Cond. on $300 @ 5 per Ct. 15:00 ✓

" " do " $631 " 2" " 12:62 ✓

" " Printer . . . 12:25 -

" Taxes . . . . . 12:79 ✓

" Crier, at Sales . . . 20:00 ✓

" received for Deeds to four clients . . . . 7:00 = $129:16

Leaving . . . $801:84

For which Bonds & Security have been taken from the several purchasers, as follows . . .

From Wm. Mitchell with
Geo: W. Singleton & Security. } $ 425:84

From Geo: W. Singleton
with Wm. Mitchell as
Security - - - - - } 196:00

From Randolph Jordan
with Wm Cherry as Security . } 180:00 = $ 801:84

The said bonds (3) are hereafter returned.

Peter B. Prentis.
Commissioner

At a Court held for Accomack
County on the 12th day of June
1871

William Parker Mitchell and
James S Wilson & Catharine V
his wife

against

Mariah Smith (widow), John
E. Wrenn and Letitia Jane
his wife, and Hester Mitchell
an Infant

This cause came on this day to be
again heard on the papers formerly read & on the
report of R. B. Parker, G. W. Spriggins, Pole
Hodges and D. R. McGavin, made pursuant
to the Decree of the 10th of April 1871 - to which no exception
there is no exception, and was argued by Counsel
on Consideration whereof, the Court doth con-
firm the said report and doth adjudge and
and decree that Peter B. Parker (who is hereby
appointed a Commissioner for that purpose)
proceed to sell the real estate named in the
proceedings, at Auction before the Court-House
door of Accomack County, on some Court-day, on a
Credit of nine months (except for a sum
sufficient to pay cost of suit and fees
of all which must be cash) taking of the pur-
chasers Bonds with good personal Security
carrying Interest from date & retaining the
title, till the order of Court. Notice of sale
advertised the same at the Court-House

door of Southampton County, for at least twenty days, & in the Christian Era" once a week for three weeks, which Lands are described as follows (1) a House & Lot on North side of the first Cross Street of the Town of Suffolk, bounded South by said Cross Street: East by the Lot of Isaiah Daniel; North by the Lots of Wm S. Royster & others, and West by a vacant Lot (No 2)

2d a Vacant Lot also on the north side of said Cross Street, & bounded South by said Cross Street. East by the above Lot (No 1) North by said Royster & others & west by the Lots of this Lot

3d a Tract of Land in Southampton County containing by estimation one hundred acres more or less, situated about one mile & a half miles from the Town of Suffolk, & on the west side of the Road leading from Suffolk to Providence Church, and bounded South by the County Road leading towards Belson Wright; west by the Swamp; North by Addins Sumner Jr, and by the first named County road, and East by the first County Road and East by the first named Road.

That in making such Sale, the said Commissioner may sell the said Lands in such parcels as to him may seem best & may Cash in the sale (of Mulberry)

of any Commissioners Surveyor
and the
said Commissioners will make report
to Court

Copy

Test

W. E. Cohron Clerk

Wm Parker Mitchell
&c

vs

Noah Smith

1871

Mitchell &c.

v

Smith &al

Report of Sale

Mitchell &c

vs.

Smith &al.

This cause came on this day to be heard on the Complainants Bill taken for confessed as to the absent Defendants, on whom procss had been duly executed and they still failing to appear & make defence, & on the answer of the infant defendant by P. B. Pendleton, his guardian ad litem, general replication to said answer & on Exhibits filed with said Bill, and was argued by Counsel: On Consideration whereof, the Court doth adjudge, order and decree that Peter B. Pendleton, Geo. W. Singleton, Solomon Hodges & Jas. R. McGuire (any three of whom may act), proceed to make division as hereinafter directed of the Lands of which Hester Mitchell died possessed, to wit.

(1st) a House & Lot and appurtenances on the North side of the first Cap street which divides the Courthouse & Clerks office, and bounded South by the said Cap street; East by the Lot of Isaiah Faulk; North by the Land of the S. Rozier & others, and West by a vacant Lot of said deceased.

2d. a vacant Lot, in said Town, on the North side of said Cap street, and bounded South by said Cap street; East by the above Lot (No. 1.); North by said Rozier & others & West by the Clerks office Lot. (3d.) a tract of Land in

Nansemond County, containing one hundred acres, more or less, situated about one and a half miles from the Town of Suffolk, and on the East side of the Road leading from Suffolk to Providence Church, and bounded South by the County road leading towards Nelson Courthouse; West by the Swamp; North by old Town Swamp, and the first named County Road, and East by said first named County road leading from Suffolk to Providence Church -

That in making said partition they assign one fifth part thereof in value to said Mrs Parker Mitchell; one other fifth part thereof to Catharine V. wife of James T. Wilson; one other fifth part thereof to said Mariah Smith; one other fifth part thereof to Letitia Jane wife of Jno. E. Wrench; and one other fifth part thereof to said Infant defendant Hayden Mitchell, provided, such partition can be conveniently made, and if not, then allot the same to such of the parties as will accept the same and pay therefor to the other parties such sum of money as their interests therein may entitle them to: or if the interests of the parties will be best promoted by a sale of said Land, or allotment of part and sale of Balance, then report their opinion to the Court & the reasons therefor and report to Court.

Mitchell sale

vs.

Smith sale

1871

Abe Co. ct. Decree

to be entered.

Theodore S. Gaines & Co.

V

At a Monthly Court, held for Nansemond County the 10th. day of April 1871.

William Parker Mitchell and James T. Wilson and Catharine C. his wife Complainants

against

Mariah Smith (Widow) John E. Wrench and Letitia Jane his wife, and Hester Mitchell, an infant... Defendants.

This Cause, came on this day to be heard on the Complainants Bill Taken for Confessed as to the absent Defendants, on whom process, had been duly executed and they still failing to appear and make defence, and on the answer of the infant Defendant, by Peter B Prentis, her guardian ad litem, general replication to said answer, and on Exhibits filed with said Bill, and was argued by Counsel. On Consideration whereof, the Court doth adjudge, order and decree, that Peter B Prentis, George W. Singleton, Solomon Hodges and James R McGuire, (any three of whom may act) proceed to make division as hereinafter directed, of the lands, of which Hester Mitchell, died possessed To Wit. First a House and lot and appurtenances, on the North side of the first Ac's street, which divides the Court House and Clerk's office, and bounded South, by the said Ac's street. East by the lot of Isaiah Faulk, North by the land of Wm. J Royster and others. and West by a vacant lot of said deceased. Second, a vacant lot in said Town on the North side, of said Ac's street and bounded South by said Ac's street. East by the above lot (No 1) North by said Royster and others, and West by the Clerks office lot. Third, a tract of land in Nansemond County,

Containing One Hundred acres, more or less, situated about one and a half Miles from the Town of Suffolk, and on the West side of the road, leading from Suffolk to Providence Church and bounded South by the County road leading towards Bilbo Wrights. West by the Swamp, North by Adkins Turner Jr. and the first named County road, and East by said first named County leading from Suffolk to Providence Church: That in making said Partition, they assign one fifth part thereof in value, to said William Parker Mitchell, one other fifth part thereof to Catharine V. wife of James I. Wilson. one other fifth part thereof to said Mariah Smith one other fifth part thereof, to Letitia Jane, wife of John E Wrench, and one other fifth part thereof to said infant Defendant Hester Mitchell. Provided such Partition can be conveniently made, and if not, then allot the same to such of the Parties, as will accept the same, and pay therefor, to the other Parties, such sum of money as their interests therein, may entitle them to, or if the interests of the Parties, will be best promoted by a Sale of said lands, or Allotment of Part and Sale of balance then report their opinion to the Court, and the reasons therefor, and report to Court.

A Copy.
Teste:

Peter B. Prentis. Clerk

To the County Court of Nansemond County:

The Undersigned respectfully report to Court, that they have proceeded to execute the Decree made on the 10th: day of April 1871, in the cause of William Parker Mitchell & al: against Mariah Smith (widow) & al: (a copy of which Decree is herewith returned): that it would not be convenient, but positively inconvenient and impracticable to divide the Real Estate referred to, in said Decree, of which Mrs: Hesler Mitchell died seized and possessed, among the parties entitled: the property consisting of three parcels, could not be divided among so many parties to advantage, and no one of the parties being willing to take the property by allotment and pay to the others their portions of the proceeds, and hence your Commissioners recommend a sale of the entire property, and division of the proceeds among the parties entitled -

We value the property as follows:

1st: The House & Lot on North side of First Cross-Street	at.	$400:00
2nd. Vacant Lot in Suffolk	at	$150:00
3rd: Tract of 100 acres of land	at	$300:00
	Total value	$850:00

We recommend that (No:1) be sold by itself - and (No 2) be sold by itself; and (No 3), in two or three parcels.

Respectfully submitted

Peter B. Prentis

S. Leg. Hodges

J. R. M. Gwinn

Commissioners

xno

William Parker Mitchell

Val: $\frac{\text{ll}}{\text{vs}}$ } Commrs' Report

Maria L Smith (widow) Val:

1871

May 8. Filed

for Exception

Mr John Wrench

1868

To Solo Hodges

May	16	To Bal on acct to date	2/0
"	17	" 11 lb Family flour	1.10
"	"	" 12½ lb codfish @ 8	1.00
"	"	" 1 lb coffee ¼ / 1 lb Lard ¼	.50
"	"	" sugar ¼ 3 doz eggs 10/	.75
"	"	" Cheese Butter Cash &c	2.00
"	"	" 9¼ lb Bacon @ 20 ¢	1.85
"	19	" Cash Loaned 12/	2.00
"	"	" Butter flour coconuts &c	2.60
			$11.90

Account to be added

Sd Wrd Jy

John Wrench &

acct

n

Jnr Wrench

Mrs Nester Mitchelle deceas

1869. To Jas. L. Browne Dr

March 29th Visit to self &
Medication — $2.00

" 31st 3 Visits to same
& medication 3.00

To Sundry Night Visits
to same & Treatment $4.00

$9.00

Mrs Hester Mitchell

Mrs Hester Mitchell, Lee

1869. To Jas. S. Browne Dr

April 3rd Prescription & medi-
- cine to Son Parker $ 1.50

" 16th Prescription & medi-
- cine for Grand-Son 1.50

July 17th Prescription & med-
- icine for Grand-Son 1.50

March 29th Visit to self &
medication 2.00

" 31st Sundry visits to self
& medication $3.00

To Sundry visits
& medication Sunday
Night 4.00

$ 13.50

Mrs Mitchell Dr
$ 13.50

Mrs Hester Mitchell

Est of Mrs Hester Mitchell

1869			To Darden & Ely	Dr	
Apl	2	To 1½ yds Crape		150	225
		3½ " Cotton		25	88
		1 pr Shoes			350
					663

Int

The Estate of
Mrs Hester Ann Mitchell &c.
1869 To David Hayes

Oct 2.	one rosetop coffin linec	20 00
" "	Case " "	10 00
"	one engraved breastplate	2 00
"	3 pr Silver plate handles @ 2 2½/100	6 75
"	6 yds of Lace @ 71	4 00
		$ 42,75

This is to certify that David Hayes personally appeared before me and made oath and certifies to the above acct as being Correct and True, Given under my hand this, 11th day of October 1869

Jno. M. Hull J.P.

Pay the within acct.
to Solomon Hodges on
oblige yours &c S Hodges
Oct. 20 - 1869

Capt. Hodges
Acct
$45.75

To the County Court of Tuscumbia County

The Undersigned Creditors of Mrs Hester Mitchell respectfully represent that a suit in Chancery was brought in this Court (Mitchell vs Smith) to sell the Land of said Hester Mitchell & divide the proceeds among the heirs and that a sale has been made, & that her debts yet remain unpaid.

Your petitioners (her creditors) pray that before any division of the proceeds of said sale is made that their claims may be paid, and which are as follows—

To Solomon Hodges agent of David Hodges
for Coffin &c. $45.95
" Int. from 1. Jany 1870

To Warden & Eley $16.63
Int. from 1st July 1869

To Dr. Jas. S. Browne $13.50
" Int. from 1. Jany 1870.

Your petitioners are willing to pay their share of any costs

Respectfully
Solomon Hodges
Jas. S. Browne
by Wm R Kelly atty
Dec 23d 1871

Mitchell &
v
Smith

Petition of
Creditors

Fil. 2 Dec 1871

Know all men by these Presents, that we John E. Wrench and Letitia Jane Wrench, wife of said John E. Wrench, in consideration of the sum of One Hundred Dollars, have this day assigned, bargained, sold and set over with general warranty, unto George W. Singleton, his heirs and assigns forever, the following property to wit: all their undivided, right, title, interest and estate of in and to the Estate of Mrs. Hester Mitchell decd, of whom the said Letitia Jane, is a child, and one of the heirs at law and distributees.

Witness the following signatures and seals, this 12th. day of June, A.D. 1872.

Witness
Peter B. Smith
John N. Upland

John E. Wrench Seal
Letitia Jane X Wrench Seal
her
mark

State of Virginia

COUNTY OF NANSEMOND, TO WIT:

I, PETER B. PRENTIS, a Notary Public for the county aforesaid, in the State of Virginia, do certify that John E. Wrench

whose name is signed to the writing hereto annexed, bearing date on the 12th day of June 1872 has acknowledged the same before me, in my county aforesaid.

Given under my hand, this 12th day of June AD. 1872

Peter B. Prentis Notary Public.

State of Virginia

COUNTY OF NANSEMOND, TO WIT:

I, PETER B. PRENTIS, a Notary Public for the county of Nansemond in the State of Virginia, do certify that Letitia Jane Wrench the wife of John E. Wrench whose names are signed to the writing hereto annexed, bearing date on the 12th day of June 1872, personally appeared before me, in my county aforesaid, and being examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Letitia Jane ~~Wrench~~ Wrench 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 12th day of June 1872

Peter B. Prentis Notary Public.

John E. Wrenchley
To E Wood
George W. Singleton

$140.00

On demand, the 14th day of May 1872 with interest at the rate of 12 per centum per annum I promise to pay unto William Cherry or order, the just and full sum of One Hundred & forty Dollars, for value received; and I hereby waive the benefit of my Homestead Exemption, as to this debt and obligation.

Witness my hand & seal, this 18th day of October A.D. 1871.

Jas. L. Wilson Seal

Witness
P. B. Prentes

$140.00

int for
14th May 72
to 23 Nov 72
73 : 11 : 11

@ 12 p. ct.

15.92

$155.92

This Deed, made this 18th day of October, AD. 1871, between James T. Wilson and ~~Peter B. P~~ Catharine V. his wife of the one part, and Peter B. Prentis Chosen Trustee of the other part: Witnesseth, that the said James T. Wilson and Catharine V. his wife, do grant with general warranty unto the said Peter B. Prentis Trustee as aforesaid, the following property, to wit: all their undivided right-title ~~and~~ interest and estate, of, in and to the Estate of Mrs. Hester Mitchell deceased, of whom the said Catharine V is one of the heirs ~~at law~~ and distributees: In Trust, to secure to William Cherry, the payment of the sum of One Hundred & forty (140) dollars evidenced by a bond executed by the said James T. Wilson, this day and payable, on demand the 14th. day of May 1872

Witness the following Signatures & Seals.

Jas. T. Wilson (Seal)

Catharine V. Wilson (Seal)

State of Virginia

COUNTY OF NANSEMOND, TO WIT:

I, PETER B. PRENTIS, a Notary Public for the county aforesaid, in the State of Virginia, do certify that James J. Wilson

whose name is signed to the writing hereto annexed, bearing date on the 18th day of October 1871 has acknowledged the same before me, in my county aforesaid.

Given under my hand, this 18th day of October 1871

Peter B. Prentis Notary Public.

State of Virginia

COUNTY OF NANSEMOND, TO WIT:

I, PETER B. PRENTIS, a Notary Public for the county of Nansemond in the State of Virginia, do certify that Catharine V. Wilson the wife of James J. Wilson whose name is signed to the writing hereto annexed, bearing date on the 18th day of October 1871, personally appeared before me, in my county aforesaid, and being examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Catharine V. Wilson 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 18th day of October 1871

Peter B. Prentis Notary Public.

James S. Wilson &
ux:

To } Deed of Trust

Peter B. Pierce, Trustee
for Wm: Cherry.

Whereas Geo. W. Singleton purchased of Peter B. Prentis Com. a parcel of Land, formerly owned by Mrs Hester Mitchell, which contains 70 acres more or less, bounded East by the County Road leading from Suffolk to Providence: North North west by Brick kiln run; West by the [illegible] creek (Ayres) & South by the mill road -

and whereas Wm P. Mitchell has paid one half for said Land, this is to certify that the said Wm P. Mitchell is entitled to one, half — and whereas the same has been sold to Adkins W. Turner for $300. and for which he is to pay said Singleton $150 & said Mitchell $150, & title paid for no deed is to be made to him.

Now I, Geo. W Singleton, do covenant to convey to said Turner the said Land when he shall have paid the said Mitchell $150, & myself $150, & Interest: and if the said Turner shall fail to pay in the same in a reasonable time, then I bind myself heirs & make to said Mitchell & heirs or assigns a deed for one half of said Land.

Given under my hand & seal 5th July 1873

G W Singleton (Seal)

Mitchell &c.

vs

Smith &c

This cause came on this day to be again heard on the papers formerly read & on the petition of Solomon Hodges, Gardner & Ely, & Jas. S. Browne, & on the report of Peter B. Pendis, Comr. made pursuant to the Decree of the 12th June 1871 - to which report there is no exception, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree, that Peter B. Pendis, Comr as aforesaid receive of the Clerk of this Court (who is ordered to deliver the same to him, on his leaving a Receipt therefor), the Bond of Randolph Jordan & Wm Cherry for $180; the Bond of W. P. Mitchell & G. W Singleton of $425.84. & of G.W. Singleton & W.P. Mitchell of $190: filed with said report, and proceed to collect the same, & make to the purchasers of the real estate sold hereunder deeds with special warranty in the usual form: and out of the proceeds of sale pay the several debts due by Mrs. Hester Mitchell filed in the cause, to wit to Solomon Hodges $45.75, with Interest from the 1st of January 1870, To Gardner & Ely the sum of $6.63 with Interest from the 1st July 1869 & to Dr. Jas. S. Browne the sum of $13.50 with

interest from the 1st Jany 1870, and the Residue
pay & deliver — one fifth thereof to the said
Wm D. Mitchell, one fifth thereof to Catharine
V. wife of James T. Wilson: one fifth thereof to
Mariah Smith; one fifth part thereof to
Letitia Jane Wench one fifth part
thereof to Hester Mitchell — the payment to
said Hester, to be made to her legally qualified
guardian; and to pay, and the payments
& allowances to be made to them or their agents,
and make report to Court.

Mitchell &c
v.
Smith &al:

1873
Mar. Ct. Ct.
Decree to collect &c
to be entered.
Theo. S. Garnett Jr.

Entered page 240

William Parker Mitchell and
James T. Wilson Katharine V.
his wife Complainants

against

Mariah Smith (widow), John
E. Wench and Letitia Jane
his wife, and Hester Mitchell
an Infant, Defendants

This cause came on this day to be again heard on the papers formerly read & on the report of Peter B. Prentis, G. W. Singleton, Sol.r Hodges and I. R. McGuire, made pursuant to the decree of the 10th of April 1871 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 Peter B. Prentis (who is hereby appointed a Commissioner for that purpose) proceed to sell the real estate named in the proceedings, at auction, before the Court House door of said County, on some Court day, on a credit of nine months (except for a sum sufficient to pay costs of suit and expenses of sale which will be cash), taking of the purchasers Bonds with good personal security carrying interest from date, & retaining the

title, like the order of Court, having first advertised the same at the Court house door of Nansemond County, for at least twenty days, & in the "Christian Sun" once a week for three weeks — which Lands are Described as follows.
(1st) a House & Lot on North side of the First Cross street of the Town of Suffolk, bounded South by said Cross street: East by the Lot of Isaiah Hauck; North by the Land of Wm. J. Rozzell & others, and West by a vacant Lot (No 2.) —

2d a vacant Lot also on the North side of said First Cross street, bounded South by said Cross street: East by the above Lot (No 1), North by said Rozzell & others & West by the Clerk's office Lot —

3d. a Tract of Land in Nansemond County containing by estimation One hundred acres, more or less, situated about one and a half miles from the Town of Suffolk, on the West side of the road leading from Suffolk to Providence Church, and bounded South by the County road leading towards Belfast; West by the Swamp; North by Adkins Farmer Jr. and East by the first named County road, and East by the first named Road — That in making such

sale, the said Commissioners may sell the said Lands in such parcels as to them may seem best & may call in the aid (if necessary) of any Competent Surveyor —

And the said Commissioners are make report to Court.

Wm Parker Mitchell
Jr.

vs

Manuel Smith Jr

1871

Time of Decree

To be entered.

Theodore S. Garnett Jr

Entered

This Deed made this 12th day of January One thousand eight hundred and sixty nine between Nathaniel T. Norfleet and Mary E. his wife, of the one part and Peter B. Prentis, as Trustee for Mrs Hester Mitchell, as hereinafter named, of the other part Witnesseth. that in consideration of the sum of Six Hundred Dollars, to them in hand paid (the receipt whereof is hereby acknowledged) they the said Nathaniel T. Norfleet and Mary E. his wife do grant with general warranty unto the said Peter B. Prentis Trustee for the uses and purposes hereinafter named the following real estate, to wit:- a tract of land in Nansemond County containing one hundred acres more or less, situated about one and a half miles from the Town of Suffolk and on the west side of the road leading from Suffolk to Providence Church and bounded South by the County road leading towards Belson Wrights: West by the swamp, North by Adkins Inman Jr. and the first-named County road, and East by the said first-named County road leading from Suffolk to Providence Church, being part of the land purchased by said Nathaniel T. Norfleet of John R. Kelly, Commissioner under decree of Court (Keeling vs. Keeling &c) In Trust for the sole and separate use of the said Mrs. Hester Mitchell, the wife of Parker Mitchell Sr. and with power to the said Peter B. Prentis, Trustee as aforesaid when directed by said Hester Mitchell in writing, to sell the said land and invest or use the proceeds as she may direct; and to convey the said land to such

persons as she the said Hester Mitchell may by Deed or will duly executed direct and appoint and in default of any such direction or appointment then to her heirs at law, and with power to the said Trustee in the mean time to allow the said land to be occupied & used by said Hester Mitchell without liability on him for rents or other charges

Witness the following signatures and seals

Nath'l. F. Norfleet (Seal)

Mary E. Norfleet (Seal)

In the Clerk's Office of Nansemond County Court the 13th. day of January 1869.

This Deed was acknowledged by Nathaniel F. Norfleet and the feme covert having been examined by me in my office, privily and apart from her husband, and having the Deed aforesaid fully explained to her, acknowledged the same to be her act. declared that she had willingly executed the same, and that she did not wish to retract it, and was thereupon admitted to record (the requisite stamps of $1.00 having been affixed and cancelled)

Teste;

Peter B. Prentis. Clerk.

A Copy.

Teste,

Peter B. Prentis. Clerk

X mo

Nath.l G. Norfleet Exr.

To } Copy Deed

Peter B. Pearles Trustee
for Hester Mitchell.

(B)

This Deed made this 8th. day of August A.D. 1860 between Owen R. Flynn and Martha E his wife of the one part and Peter B. Prentis trustee for Hester Mitchell wife of Parker Mitchell, of the other part, all parties of Nansemond County Virginia. Witnesseth, that the said Owen R Flynn and Martha E his wife, in consideration of the sum of Five hundred Dollars, (one Hundred and twenty five Dollars of which being now paid in cash, to the said Owen R Flynn, the receipt of which he hereby acknowledges, and three hundred and seventy five Dollars, the balance of said sum, being secured by lien as hereinafter mentioned) do grant unto the said Peter B. Prentis as Trustee for the said Hester Mitchell, to be held and used as hereinafter mentioned, the following Real Estate, situate, lying and being in the lower part of the Town of Suffolk, in the County aforesaid. to wit: The House and lot and appurtenances on the Cofs street, running East from the main street and being between the Court House and Clerk's office situated on the North side of said street and being the property on which Christopher Thompson now resides, as will more fully appear by reference to Deed from William B. Whitehead to said Thompson. Also one other lot, adjoining the one above described and situated between it and the East line of the lot on which stands the Clerk's office, as will more fully appear by reference to Deed to said Thompson. In same (the property intended to be conveyed hereby being all that embraced in the Deed of Bargain Sale, from James W Pedin, Trustee to Owen R Flynn, dated and of record in the Clerk's office of Nansemond County Court, the 11th day of June 1859) and which said

property now sold, is to be held by the said Peter B. Prentis as Trustee, for said Hester Mitchell, for her sole and separate use, benefit and advantage, free from the Debts Contracts and Control of said Parker Mitchell, her husband, and with power to said Peter B Prentis, whenever requested by said Hester Mitchell, to sell and convey the same, and with power and authority also to said Hester Mitchell, by Will, duly made and executed, to dispose of the same. The said Owen R Flynn, Covenants that he has the right to convey the said property to the grantee; that he has done no act, to encumber the same; that the grantee shall have quiet possession of the same, on or before the first day of January 1861. free from all incumbrances (Except as is provided for herein). and that they the said parties of the first part, will execute such further assurances of the said property as may be requisite, and it is hereby expressly agreed to, by and between the parties hereto, that the said Owen R. Flynn, shall by virtue hereof retain a lien upon the said property to secure the payment of the sum of three hundred and Seventy five dollars the balance of the purchase money aforesaid, with interest from the 1st day of January 1861. Witness the following signatures and seals.

O. R. Flynn (Seal)

M. E. Flynn. (Seal)

Peter B. Prentis, (Trustee) (Seal)

State of Virginia
Nansemond County to wit. } ss

I John R Kilby a Notary Public for the County of Nansemond, in the State of Virginia, do certify that Martha E Flynn, the wife of Owen R Flynn, whose names are signed to the writing hereto annexed, bearing date on the 8th day of August ad 1860 personally appeared before me, in the County aforesaid and being Examined by me privily and apart from her husband and having the writing aforesaid fully explained to her, she the said Martha E. Flynn acknowledged the said writing to be her act, and declared that she had willingly executed the same, and did not wish to retract it. Given under my hand this 31st day of Octo. 1860.

John R Kilby.
Notary Public

In the Clerk's Office of Nansemond County Court the 5th. day of November 1860.
This Deed, was acknowledged by O. R. Flynn and Peter B Prentis, Trustee, and with the Certificate of the privy Examination of the feme Covert annexed was thereupon admitted to record.

Teste,
Abram J. Norfleet DC

1861. Jany 5th. Rec'd of Peter B. Prentis Trustee for Hester Mitchell Thirty Dollars, on account of the balance ($375) of the Consideration of the within deed. O R. Flynn.

$30:00 1861. Jany 19th. Rec'd fifteen dollars
$15.00 on further Acco. as above. O R. Flynn

$100:00 1861. Dec 30th. Rec'd One Hundred Dollars
on further account as above O R. Flynn

$130:00 1862 May 31st. Rec'd One Hundred & Thirty
Dollars on further acco as above O R Flynn

$157.28 1866 Dec 8th. Rec'd One Hundred and fifty
seven Dollars and twenty eight cents ($157:28)
balance in full on the within deed & I hereby release the lien retained on the within property O R. Flynn.

In the Clerk's office of Nansemond County Court the 31st. day of January 1869.
The foregoing Deed with the Original Certificates thereon, was produced by Peter B. Prentis, Trustee for Hester Mitchell wife of Parker Mitchell, to the Clerk of said Court, and on his application is recorded anew the book in which the same was originally recorded having been destroyed by the burning of the Clerk's office and records, on the 7th day of February 1866.

Teste. W. Peter B. Prentis Clerk
A Copy W. Teste W Peter B. Prentis. Clerk

Xmd

Owen R. Flynn & ux.

To } Copy Deed

Peter B. Prentis, Trustee for Hesler

Mitchell.

"A"

Milkweed

on

Smith Island

(2 Exhibits with

Bice.

Mitchell & al.

v.

Smith & al.

This cause came on this day to be again heard on the papers formerly read herein and on the report of Commissioner Prentis made at the March Term 1873 of Hancock County Court, - to which report there is no exception - and was argued by Counsel.

On consideration whereof, the Court doth confirm the said report ~~and nothing more appearing to be done herein~~ and doth adjudge, order, and decree that the proceedings had in this cause be, and they are hereby declared to be, final and binding between the parties to this suit, and nothing more appearing to be done herein, it is ordered that this cause be removed from the docket of this Court.

Mitchell & al.

v.

Smith & al.

May Circuit Court 1874

Final decree

To be entered

Geo. Blow.

The Answer of Hester Mitchell, under Twenty one years of age, by Peter B Prentis her Guardian ad. litem to a Bill in Chancery Exhibited in Nansemond County Court, by William Parker Mitchell and James J Wilson and Catharine C. his wife, against her and others.

This Respondent says, that the facts, set forth in the said Bill, are all true, so far as she knows or believes. but being under twenty one years of age, and ignorant of her rights, prays, that no order or decree, may be made in the premises inconsistent therewith.

(Signed)

Peter B. Prentis.
Gdn: ad litem

William Parker Mitchell Esq.

vs } ans: of infant Defts

Mariah Smith (Widow) &c.

To the Hon: Theodore S. Garnett, Jr Judge of the ~~Circuit~~ County Court of Nansemond County.

Complaining shew unto the Court your Complainants Wm Parker Mitchell, & James T. Wilson and Catharine V. his wife.

Your Complainants respectfully represent to the Court (and say) that Hester Mitchell died, in said County on the 1st. day of April 1869 intestate, and possessed of the following real estate to wit: in Suffolk, Nansemond Co.

(1st.) The House & Lot, and appurtenances, on the N. Cross street (running East from the main street, and being between the Court House and Clerk's office,) & on the North side of said Cross street, and bounded South by the said Cross street: East by the Lot of Isaiah Tynch: North by the Land of Wm J. Royster & others: and West by a vacant Lot of said Hester Mitchell.

(2d) The vacant Lot, aforesaid, also on the North side of said Cross street, and bounded South by said Cross street: East by the above Lot (1.), North by said Royster & others & West by the Clerk's office Lot — which Last two above lots, were by deed dated the 8th day of August 1860, conveyed & Deed Pruden, Trustee for the sole & separate use of said B. Hester Mitchell by Owen R. Pilgrim & wife and duly recorded. — a copy of which said

deed is filed herewith marked "A"—
(3d) A tract of land in Nansemond County containing one hundred acres, more or less, situated about one and a half miles from the Town of Suffolk, and on the West side of the road leading from Suffolk to Providence Church, and bounded South by the County road leading toward Bolen Heights; West by the Swamp; North by Adam Turner Jr, and the first named County road, and East by the said first named County road leading from Suffolk to Providence Church — which parcel of land was by deed dated 12th January 1869 to Peter B. Pruden, as Trustee for the sole & separate use of said Hester Mitchell & to go at her death to her heirs at law — a copy of which said deed is filed herewith marked "B"—

Your Complainants say that the said parcels of Real estate, on the death of said Hester Mitchell descended & vested to her heirs at law — who are her children & issue and sole, viz: Wm. Parker Mitchell, Mariah Smith (widow); Letitia Jane, wife of John E Wrench; Catharine V. wife of James T. Wilson, and Hester, an Infant only child of Leptha Mitchell a deceased son of said Hester Mitchell, making five shares, — Your Complainants

pray that partition of said real estate may be made among the several heirs of said Hester Mitchell dec'd, aforesaid, if the same can be made conveniently, and if not, that the same may be allotted to any of the parties who will accept it, and pay therefor to the other parties such sum of money as their interest therein may entitle them to; or that the same may be sold (and after paying funeral charges, other debts & deceased) the proceeds divided among the said parties, if the same cannot be conveniently made, and as your Complainants say it cannot be - That an account of funeral expenses & debts due by said dec'd and may be had & taken by this Court of said sales & the consideration thereof and as this Court has jurisdiction to grant adequate relief: To the End Your Complainant prays That the said Mariah Smith (widow,), John E Mitchell & Letitia Jane his wife, and Hester Mitchell, the last a child of Septha Mitchell dec'd, & an Infant, may be made defendants & answer the allegations herein, and that the prayers of your Complainants may be granted (and that all other and further relief may be granted Consistent with Equity &c.

John R. Kelly p. q.

Kelly p. v.

Wm P. Mitchell Sol:

v. } Rice

Smith Sollrs

Wm. Parker Mitchell Pet.

vs } Chy. Notes

Mariah Smith (widow) Def.

1871. Feby. 16th. Summ. in Chy. issued to March Rules 1871.

" March 6th: Bill & Exhibits filed

" " " Conditional Decree vs adult defts:

" " " Peter B. Prentiss appointed guar. ad litem to infant deft: who filed her answer, to which there was a guar. ad litem.

" April 3rd: Conditional Decree confirmed and cause set for hearing, on motion of Complt's Counsel

" " 10th: Decree for Partition

" May 8 Report of Valors filed

" June 12th Decree for Sale

Dec. 1871 Petition & order filed

1872. Mar Cond

" June 11 "

1873 March Term. Decree to collect bonds, matter dismissed as to

Chy. Notes