1876-014
Nansemond Co. (Suffolk)

Chancery Causes: John M. Monell vs Robert E. Monell, Annie F. Pruden, Mills E. Pruden, Issac Monell infant, Mary E. Monell infant

Jno Monell Pltff

vs

R. E. Monell et als Dfts

To the Hon Geo W Brent, Judge of the Circuit Court of Nansemond County.

The undersigned, Special Commissioner appointed under a decree herein on the day of June 1875. to make sale of the land in the proceedings mentioned, reports, that agreeably to the terms of said decree, the said land was offered for sale to the highest bidder at public auction, before the Court House door of Nansemond County on August 9th, that being Court day, and was purchased by Jno Monell at the price of $300.00. The purchaser prefering to pay the whole of the purchase money in cash, your Commissioner received the same and deposited it in the Farmers Bank of Nansemond, as appears by certificate of deposit herewith filed. Your commissioner would further report that a large proportion of the said land is so low and swampy as to be almost valueless, and the remainder is exceedingly poor, and the buildings thereon very old and dilapidated. From all the information within his reach, it is believed that the price obtained is a fair valuation for the said land.

Respectfully submitted.

Jno N. Wright

Special Commissioner.

× One of the defendants, Isaac Monell, has since the filing of this suit become of age.

Jno Mowell - Petft

vs

R E Mowell et als Dfts

Report of Jno H. Wright
Spe Comr.

filed Oct 11th 1875
clk

To the Hon Geo Blow Jr - Judge of the Circuit Court of Nansemond County

The undersigned Commissioners appointed under a decree of the Circuit Court of Nansemond County, pronounced at the February term 1875 to lay off and divide the Real Estate of which Francis Morell died seized, equally between Jno Morell, R. E. Morell, Annie F Pruden, Isaac J. Morell and Mary E. Morell, having due regard to quantity & quality - Respectfully report that they have examined the land in question, which consists of about one hundred and forty four acres, and is so much cut up by swamps, that to divide the same in kind seems impracticable; or if so divided, the respective shares would be so inconveniently located, and small, as not to be of any service to the respective owners. We think the interests of the parties will be promoted by a sale of the land and distribution of the proceeds - We would estimate the annual value of said land at $30.00 and the the fee simple value at $500.00

Respectfully Submitted.

L. N. Copeland
Wm Eley
Thos Parker
Coms

Nansemond County to wit:

This day, personally appeared before me, Geo B. Wright, a Notary Public for the County aforesaid, Jno R. Copeland, Wm Eley & Thos Parker

who severally made oath that they would faithfully perform the duties assigned them under a decree of the Circuit Court of Hancock and Brooke Counties rendered at the February Term thereof, 1875.

Given under my hand this 18th day June 1875.

Jno. Albright
Notary Public.

Geo. Moore - Dft
vs
W. E. Hancock, Adm'r

S. Chancery

Commissioners

Jno Mould Pltff

vs

R. E. Mould et als Dfts

This Cause came on this day to be heard on the Original bill taken for confessed as to the adult defendants, the answer of the infant defendants by R. E. Cohoon, their Guardian, ad litem, and was argued by Counsel -

On Consideration whereof the Court doth order that Jno R. Copeland, Richd Copeland, Elisha L. Ballard, Thos Parker and William Eley, who are hereby appointed Commissioners for the purpose, any three of whom may act, having been first duly sworn, do proceed to lay off and divide the Real Estate in the bill mentioned, having due regard to quantity and quality, between Jno. Mould, R. E. Mould, Annie F. Pruden, Isaac J. Mould and Mary E. Mould, equally - But if the said Commissioners should find it impracticable to divide the said land among the aforesaid parties, & should be of opinion that the interest of the parties would be more promoted by a sale of the said and a distribution of the proceeds of such sale, in such case they will report the facts upon which their opinion is based, to the Court, and also, what in their opinion is the annual and fee simple value of the said land, with any other facts by them deemed pertinent - And in either case they are required to report their proceedings under this Order to the Court.

Jno. Mowell, Pltff

c.s

vs

Ro E. Mowell et als Dfts

In Chancery

Decree &c.

To be entered

Geo. P Blow.

Entered

Jno Morell Pltff

vs.

R E. Morell et als Dfts-

This cause came on this day to be again heard upon the papers formerly read, & upon the report of Jno R. Copeland, Wm Eley and Thomas Tucker three of the Commissioners appointed under a decree of Feb 1875, to which report there is no exception, and was argued by Counsel; On Consideration whereof the Court doth approve and confirm said report, and doth adjudge order and decree that Jno H. Wright, who is appointed Special Commissioner for that purpose, having first executed a bond before the Clerk of this Court with approved security in a penalty of $1000.00 conditioned according to law and advertised the time, place, and terms of sale in the Christian Sun, published in Suffolk Va, once a week for twenty five days, and also posted notice thereof at the Court House door of Nansemond Co, do proceed to sell at public auction in front of the Court House door of Nansemond Co, the Real Estate in the Bill of proceedings mentioned, of which Francis Morell died seized, consisting of a tract of land in Nansemond County, of about One Hundred & forty four acres, and upon the following terms, to wit: One third Cash, one third on a credit of six months and one third on a credit of twelve months from the day of sale. The credit installments to bear interest from the day of sale, taking from the purchaser bonds with good personal security for the deferred payments and the title to be retained until the further order of the Court. And the said

Nansemond Co. Court day.

Mcmillan Pltff -
vs
Mcmillan et als / Chauncey -
Defts

Decree for Pltff -

June Term 1875
To be entered -

Geo. D. Dickson.

Entered

Communication to be received to be heard this proceeding
under this case to the Court.

Jno Monell Pltff

vs

R. E. Monell, Mills Pruden & wife, Isaac J Monell & Eudora Monell, Dfts.

This cause came on this day to be again heard upon the papers formerly read, and the report of Jno H. Wright Special Commissioner, appointed by a decree herein on the day of June 1875, to which report there is no exception, and was argued by Counsel. On consideration whereof, it appearing to the Court by the said report, that Jno Monell, the purchaser of the land in the proceedings mentioned, has paid the whole of said purchase money in cash, the Court approving and confirming the said report, doth adjudge, order and decree that the said Commissioner convey the said land to Jno Monell with special warranty. And it is further ordered that the costs of this suit be paid out of the proceeds of the sale so reported, and out of the remainder the said Jno H. Wright do pay one fifth to Jno Monell, one fifth to Ro E. Monell, one fifth to Mills Pruden and his wife, one fifth to Isaac Monell and one fifth to the legally qualified Indorsee of Eudora Monell, for which several sums the said Commissioner is authorized to check on the said fund in the Farmer's Bank of Hanover and, and that the said Jno H. Wright Special Commissioner report his proceedings under this decree to the Court. And that this cause be continued.

Ira Morrell Pltff

vs

Ro E. Morrell et al Defts

In Chancery

Decree.

To be entered

Dec'd 3 (81)

Oct 1st 1875.

Entered O.B. No 1 - p. 286.

Jno Monell Pltff

vs

R. E. Mauell et als -

This cause came on this day to be heard upon the papers formerly read and the report of Jno H. Wright Special Commissioner of the distribution of the fund in his hands and was argued by Counsel. On Consideration whereof the Court doth approve and confirm the said report and doth further order that this cause be dismissed from the docket

Jas Morrell Pltff
vs
R E Morrell et als
Pltffs
In Chancery.

Decree

To be entered
Geo. Bolton

April Term 1876

Final Decree

Entered
O.B. Vol 1 - p. 299

To the Hon Geo Blow Judge of the Circuit Court of Nansemond County -

Humbly complaining, sheweth unto Your Honor, that Your Orator's Father, Francis Morell, was in his life time seized & possessed of certain Real Estate lying in the County of Nansemond, adjoining the lands of Jno R. Kelly on the West, E Rawls on the North, Mills Pruden on the East and Ballard's Estate on the South, and containing about one hundred & forty four acres; and being so thereof seized & possessed some time in the year 1861 departed this life intestate, leaving a widow, Rebecca A. Morell, Your Orator (Jno Morell) Rs E. Morell, Annie F Pruden (formerly Morell), Isaac J Morell & Mary E. Morell, his only heirs at Law. That since the death of Francis Morell, Your Orator's Father, Rebecca A, the widow of the said Francis, also departed this life some time in the year 18 leaving the children above named as the only heirs at law and distributees of the Estate of the said Francis Morell. And Your Orator further states, that the said Real Estate is not, as he believes susceptible of division in kind among those entitled thereto, and if not, then he desires the same to be sold, and the proceeds distributed amongst the parties in proportion to their respective interests therein.

In tender Consideration whereof & forasmuch as Your Orator is without remedy in the premises, save by the aid of a Court of Equity, where matters of this kind are alone cognizable, Your Orator prays that the said Rs E Morell

Annie F. Pinder (formerly Monell) Miles E. Pinder her husband, Isaac J. Monell & Mary E. Monell (the last two being infants under the age of 21 years) be made parties defendants to this Bill and required to their respective Corporal oaths to answer the same according to the best of their knowledge, belief, as fully & particularly as if the Statements of this Bill were here repeated & the said Defendants thereto Specially interrogated; That a Guardian, ad litem, be assigned the infant defendants, to defend their interests in this Suit, that the said Real Estate be divided among the parties aforementioned if susceptible of division, and Jno Oakes's portion thereof allowed him; and in case the same be indivisible that it be exposed to sale, & the proceeds thereof be distributed among the parties entitled thereto; that proper process may issue, and that such other, further & general relief may be afforded Jno Oakes, as the nature of his case may require, or to Equity may seem meet.

And Jno Oakes will ever pray &c.

Jno Monell.

Wright & Rawls

Sol

Jno Monell - Pltff
vs
R E Monell et al. Defts
} In Chancery

Petition of
Jno Monell

Wright & Rawls
p q -

Jno Morell

vs

Ro E. Morell, Willis E. Linden, Annie F. Linden, Isaac J. Morell and Mary E. Morell.

The answer of Isaac J. Morell & Mary E. Morell, infants under the age of twenty one Years, by W. E. Cohoon their Guardian, ad litem, assigned to defend them in this suit to a bill exhibited exhibited against the said infants & others, by Jno. Morell, in the Circuit Court of Nansemond County.

These Defendants being of tender Years and unable to defend their interests in this Cause, rely & place themselves entirely under the protection of the Court — And having answered these Defendants pray to be hence dismissed & will ever pray &c

W E Cohoon
Guard^n ad litem

Nansemond County, to wit:
This day personally appeared before me, a Notary Public for the County of Nansemond Willis E. Cohoon, whose answer is above written & made oath to the Statements contained therein —
Given under my hand this 14 day of January 1875
Jno Albright
Notary Public —

Jno Monell

vs

R. E. Monell et al.

Answer of defendants
defendants by
N. E. Colvin
Guard ad litem.

Jno. Monell

v. } Chy notes

R. E. Monell vs

1874 Decr 8

Process Issued to Jany Rules 1875-

1875 Jany Rules 6 1st Monday.

Process retd executed on all adult defts.

Bill filed & decree nisi v them, W.E. Cohoon

appd g.m. ad. liten. for Infant defts, Ans of

Infant defts filed & cause set for hearing as to

them,

1875 Jany Rules 6 Last Monday

Bill p.c. & cause set for hearing as to

adult defts,

1875- July Term decree for Divorce

" June Term decree for sale

" Aug: 2nd Bond executed & filed

" Oct: 11. Report filed

" Oct: 11th: Decree to distribute, & make Deed.

1876 Apl: 10th: Report of distribution filed & Empl decree

Clay notes,

Jno Morrell Pltff

vs

Rob E. Morrell, Mills Pruden + wife, Isaac J. Morrell + Edna Morrell Pltffs.

Com Commissioner begs to report that in execution of a decree entered herein at the October term 1875. the costs of suit having been deducted from the proceeds of sale he distributed to the parties entitled thereto as follows: To Jno Morrell $148.10. Jno Morrell Guard. of Edna Morrell $148.10. to Mills Pruden + wife $148.10. to Isaac J Morrell $148.10 and to Robert E. Morrell $148.10 for all of which payments receipts are herewith filed. In further execution of said decree a deed has been made to Jno Morrell the purchaser of the said land.

Respectfully Submitted.

Jno H. Wright

Special Commissioner

Jno Morell
vs
R E. Morell et als
} In Chancery.

Report of Distribution
by Jno 26. Wright.
Spe Com.r

Fild 10th Apl 1876

I hereby certify that the Real Estate of Frank Pinnell Clerk of this County - Oleót. amounting to One hundred & forty - four acres is assessed on the Land book of this County - at $5.00 per acre

Oct 6: 11th: 1875.

Peter B. Prentis

144 5
7 2 0 3
2 1 6 0
4 5 4 0

This certifies that there is to the credit of Jno H. Wright, Commissioner, in the Suit of Jno Merrill vs R. E. Merrill et als, the Sum of $300.00, in the Farmer's Bank of Hammond.

Suffolk Va
Oct 11th 1875

John T. Copeland Esq

$48 10/100

Rec'd of Jno H. Wright Special Commissioner Forty Eight 10/100 Dollars, being my distributive share of the proceeds of land belonging to Francis Monell's Estate and sold under a decree of the Circuit Court of Nansemond County.

Oct 23d 1875
Suffolk Va.

John Monell

$48 11/100

Received of Jno. A. Wright Special Commissioner, Forty-Eight 11/100 Dollars being the distributive share of my wife Annie F. Pendleton in the proceeds of sale of land belonging to Francis Mould's Estate which was sold under a decree of the Circuit Court of Hunterwood County.

Pd for 10 Cts

Oct 23d 1875.

Mills E Pendleton

Received of Jno. H. Wright Special Commissioner, Forty Eight 10/100 Dollars being the distributive share of Eudora Mundell in the proceeds of sale of land belonging to Estate of Francis Mundell sold under decree of the Circuit Court of Nansemond County.

Suffolk Va
Jan 14th 1878

John Jones
Jr.

$48 10/100 –

Received of Wm B. Wright Special Commissioner, Forty Eight 10/100 Dollars, being my distributive share of the proceeds of land belonging to Francis Monell's Estate, sold under a decree of the Circuit Court of Nansemond County.

Suffolk Va
Oct 23d 1875

Isaac J. Monell

$48 10/100

Received of Geo. W. Wright Special Commissioner, Forty Eight 10/100, being my distributive share of the proceeds of land belonging to Frances Howell's Estate, and sold under a decree of the Circuit Court of Nansemond County.

Robert E. Howell.

Suffolk Va
Oct 23d 1875

D. D. Fiske, Printer & Stationer, Portsmouth, Va.

Know all Men by these Presents,

That we, John H. Wright and J. Edwin Wright

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* 2nd day of August *in the year one thousand eight hundred and* seventy-five, *and in the* 100th ~ *year of the Commonwealth.*

and we and each of [redacted] hereby waive the benefit of our homestead exemption, as to this obligation.

The Condition of this Obligation is such, That if the above bound John H. Wright who was by a Decree of the Circuit Court of Nansemond County, pronounced on the 23rd day of June 1875, in the Cause of John Morell, Plaintiff vs Robert E. Morell & others, Defendants, 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 ~~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, Clk.

Jno H Wright. L.S.
J. Edwin Wright L.S.
L.S.
L.S.
L.S.

John H. Wright, Commt

To Z. Bond

Commenced th

Aug: 2 W: 1875 Executed Filed

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Robt E Morrell Annie L. Pruden, Mills E Pruden, Isaac J ~~Pruden~~ Morrell and Mary E Morrell the two last named being infants

to appear at the Clerk's Office of the Circuit *Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in* January *next, to answer a Bill in Chancery, exhibited against them in the said Court by*

Jno. Morrell

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 28th *day of* December *1874, in the* 99 *year of the Commonwealth.*

Teste: W E Cohoon

Clerk of the Court.

Executed & copys delivered to ~~Robt~~ E Monell
Susan H Pruden Mills E Pruden Isaac J Monell
& Mary E Monell

J L Fulgham Shff

Geo. McConnell
vs
Supr Ct
Robt E Monell et al
Co Chancery Rule
1875—

Costs [illegible]

Clerk. Coleman	℔ 5.48
" Prentiss	85-
Atto: Hon	31.50
Shff:	2.50
	℔ 40.33

Corrs re sale 15-.00
advertising 5-.00

Atts fees for
2d Aug. 1875 1/4
ofce - 10 1/2 miles
there was no
Court then. ℔ 2.87

Subpoena & Sale 15-
Mileage 50
Fees 31.
Copy
Subpoena & Sale 15-
Mileage 34
Fees
Copy to be 1.00
Sheff - 11 Ws
℔ 2.50-1

Cash