1879-002
Nansemond Co. (Suffolk)

Chancery Causes: John Murray & wife vs Henry Austin et al

Prentis

Costs

Clerk . .	$ 15.21
Atty. Gen.	31.50
Sheriff . . .	1.50
	$ 48.21

RECEIVED of

quarter of the within.

Collecto
Count

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Henry Austin and Nancy his wife, Peter B. Prentis Austin and Mary Pauline Austin and Louie Henry Austin the last two, infants under the age of twenty one years

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 1875 *next, to answer a* ~~~ *Bill in Chancery, exhibited against* them *in the said Court by*

John Murray and Catharine L. his wife

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 2 *day of* January *1875, in the* 99th *year of the Commonwealth.*

Teste: W. E. Cohoon ~~~ *Clerk of the Court.*

Executed & copys delivered to Henry Austin
Nancy his wife Peter B Benton trustee
Mary Paulin Austin Sarah Henry Austin
the last two infants under twenty one years of
age

J L Fulgham Sheriff

Ci Co

Pd $1.75

Fee Murray Burgess

$3

Sheriff

Benny extradition 26 Aug
20 Benny Rules 1875

Know all Men by these Presents,

That we, Wilbur J. Kilby and Wallace Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Five Hundred 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 10th day of September in the year one thousand eight hundred and seventy-eight, and in the 103rd year of the Commonwealth. And we hereby waive our Homestead exemption, as to this obligation.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound Wilbur J. Kilby

who has ~~this day qualified before the~~ by a Decree of the Circuit Court of Nansemond County, pronounced on the 15th day of April, 1878, in the Chancery Cause of John Murray and Catharine L. his wife, Plaintiffs, against Henry Austin and Nancy his wife and others, Defendants, been appointed Special Commissioner to sell certain Real Estate in said Cause described, shall faithfully discharge his duties as such Commissioner, under said Decree and all other Decrees he may be required to execute in said Cause,

~~shall faithfully discharge the duties of his said trust~~, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of ~~the Court.~~
Peter B. Prentis.

Wilbur J. Kilby (Seal.)
Wallace Kilby (Seal.)
(Seal.)
(Seal.)
(Seal.)

Wilbur J. Kelby, Sh'l.

Commr'th.

To } Bond

Commonwealth.

Septr: 10th: 1878 Recorded & Filed

At a Circuit Court continued and held for Nansemond County, the 11th: day of April, 1879.

John Murray and Catharine L. his wife. . . Plaintiffs.

against } In Chancery

Henry Austin and Nancy, his wife;
Peter B. Prentis, Truslee, and Mary Pauline
Austin and Louka Henry Austin: the
last two infants under the age of twenty-one years. Defendants.

This Cause came on this day to be again heard on the papers formerly read therein, and on the Report of Special Commissioner, Wilbur J. Kilby, being a Report of sale of Real Estate, made in pursuance of a Decree of this Court, pronounced at the April Term thereof, in the Year 1878, in this Cause, and was argued by Counsel: On Consideration whereof, the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree, that said Commissioner, Wilbur J. Kilby receive of the Clerk of this Court (who will deliver to him and take a receipt of him for) the bond of W. L. Daughtrey, with John F. Penner as Security, for $132 32/100, filed with said Report, and dated the 11th: day of November, 1878, and payable to said Commissioner six months after the date thereof, with interest from date, and that said Commissioner collect the principal of said bond, at its maturity, together with all interest due thereon, and with the proceeds pay first, all unpaid Costs and expenses of this Cause, and then pay to John Murray, the Plaintiff, in this Cause, the sum of $129:53 with interest on $106:04 part thereof, from the first day of March, 1878, till paid, being the debt due to him, as will appear by Commissioner Wilbur J. Kilby's

report thereof, filed in said Cause, on the 19th: day of September, 1878, and the surplus, if any, retain, until the further order of Court; and that said Commissioner take of said John Murray, a receipt for the money which may be paid to him as aforesaid, and file the same with his report, which he will make of his proceedings, under this decree.

And the Court doth further adjudge, order and decree, that the said Commissioner, Wilbur J. Kelly, make to the said W. L. Daughtrey, a Deed, with special warranty, in the usual form, conveying to him, the Real Estate, purchased by him, under Proceedings had in this Cause.

A Copy.

Teste,

Peter B. Prentiss. Clerk

John Murray Legt
vs
Henry Austin Legt: Col:

Copy Decree, & Writ of Sum
1879

xm5

132.32
3.96
136.28

To the Circuit Court of Nansemond County, Virginia:

In pursuance of a decree of said Court pronounced at the April Term thereof in the Year 1879 in a cause in Chancery in said Court depending between John Murray and wife, Plaintiffs and Henry Austin and others, Defendants, a copy of said decree being hereunto annexed; the undersigned, Special Commissioner, respectfully reports to Court that, as directed by said decree, he has received of the Clerk of said Court the Bond of W. L. Daughtrey with John F. Poirier as his security for $132.32 dated the 11th. day of November 1878 and payable six months after the date thereof with interest from date, and that he has collected the principal of said Bond and all interest due thereon and, there being no further costs of said cause to be paid, he has paid the same to said John Murray on account of his claim of $129.53 with interest on $106.04 part thereof from the first day of March 1878, leaving a balance of $2.31 of said claim due and unpaid — all of which will more fully appear by the following statements and annexed vouchers!

No. 1.

Statement of said claim of said John Murray

amt. of said claim	$129 53
Int. from 1st. March 1878 to 1 May 1879 — 1y. 2m.	9 06
Total	$138 59

No. 7.

By amt. of Principal of said Bond of W. L. Daughtrey.	$132 32
" Int. from 11th. Nov. 1878 to 1 May 1879 — 5m. 21ds.	3 96
	$136 28
To paid John Murray in part of his claim above of $138.59 as per said decree & per rect.	$136 28

Your Commissioner further reports to Court that as directed by said decree, he has made to said W. L. Daughtrey a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause.

Respectfully submitted this 14th. day of May 1879.

Wilbur J. Kilby
Commissioner.

1879 May 1st. Received of Wilbur J. Kilby, Commissioner. one hundred and thirty six and 28/100 dollars charged as paid to me in the foregoing Report.

John Murray by Wilbur J. Kilby. Atty.

Murray & wife

vs. } In Chy.

Henry Austin & al.

Report of collection
and payment
14 May 1879

1879. May. 15. th. Filed
C.M.

Mrs Nancy Austin Dr. to
Town of Suffield

1873
Oct 30 1125 Hard Brick @ $12 per M $13 50
6 Loads Sand @ 17 1 02
Grading & Paving 29 yds. 5 80
$19 32
Interest to 11 Nov. 1878 — 3 51
$23 03

1878 Nov. 11th. Received payment of
W. J. Kilby, Comr. R R Smith Sgt. & Collector

Fanny Austen [illegible]
Ape
1952

Mrs Nancy Austin (Suffs.) : District No. 1

1878. To WM. ELEY, Treasurer of Nansemond County.

	Dols.	Cts.
To State Tax on 1 lot ~~acres~~ Land, value $ 400 at 50c on $100.....	2	00
To State Tax on Personal Property, valued $ ~~—~~ at 50c on $100.....		~~—~~
Total State Tax on Land and Property.....	2	~~—~~
To County Levy, 50 per cent. on State Tax.....	1	00
To Parish Levy, 25 per cent. on State Tax.....		50
To County and District School Tax on Property 6¼ cts. on $100.		
State Capitation $1, County Capitation 50 cents.....		
Total Tax on all subjects.....	3	50
December 1st, five per cent. added..... Rebate		7
	$ 3	43
		25
		$ 3.68

RECEIVED PAYMENT, Jno Eley, Treasurer.

F. W. HUNTER, Assessor. } , Deputy.

Mrs. Nancy Austin Suff.

$3.68

Suffolk, Va., Nov 29th 1878

Mr Wilbur J Kilby Comm'r.

To SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

THE HERALD, $1.50 A YEAR. Orders Solicited.

1878				
Oct	23	To Pub: austin Lot for sale 3t.	$ 3	00
"	12	50 Hand Bills of same	1	50
			$ 6	50

Paid
Thos G Law
Orphr.

At a Circuit continued and held for Nansemond County the 15th day of April, 1878.

John Murray and Catharine L. his wife. Plaintiffs.

Against { In Chancery

Henry Austin and Nancy his wife, Peter B. Prentis, Trustee, and Mary Pauline Austin and Louis Henry Austin the last two, infants under the age of twenty-one years. . . . . Defendants.

This Cause came on the day to be again heard on the papers formerly read therein and the Report of John L. Fulghum, Sheriff made in pursuance of a decree of this Court, pronounced in this Cause at the February Term thereof in the year 1875 and was argued by Counsel. On Consideration whereof the Court doth confirm the said Report to which no exception has been filed, and doth adjudge order and decree that Willis J. Kelly, who is hereby appointed a special Commissioner for that purpose proceed to sell at public auction before the Court house door of Nansemond County, Virginia on some Court day, that piece, parcel or lot of real estate, known as the Austin lot, situated in the Town of Suffolk Nansemond County, Virginia, on the East side of Main Street of said Town and bounded on the North by the property of John P. Johnson (formerly that of said John Murray), on the East by a branch, on the South by the lot of Juliana Wood (formerly that of Mrs.

Mary Ridolick), and on the west by said Main Street, being the same lot which was formerly owned by said John Murray and which was conveyed by him and his wife to Peter B. Prentis Trustee, for the benefit of Nancy Austin by deed, dated the 30th day of September 1869 and duly recorded. That said Commissioner proceed to sell said lot of land on a credit of six months, except as to a sufficient part of the purchase-money to pay the expenses of the sale and costs of this suit which he will require in cash and apply in payment of said costs and expenses, and that he take of the purchaser of said lot, a Bond for the residue of said purchase-money with good personal security, payable to himself, said Commissioner, six months after date with interest from date and bearing date on the day of sale, and that said Commissioner retain the title to said property until the further order of Court.

And said Commissioner before proceeding to make said sale will advertise the day of sale and the terms thereof and the property to be sold, once a week for three successive weeks in a newspaper published in the Town of Suffolk Va. and by printed notices posted at various conspicuous places in and about said Town for at least Twenty days previously to said sale. And said Commissioner also before proceeding to make said sale will execute before the Clerk of this Court in his office, a Bond in the penalty of $500 with

good personal security payable to the Common-
wealth of Virginia and conditioned for the faithful
execution of this decree and all other decrees he may be
required to execute in this cause. And make report
to Court of his proceedings under this decree. And
the Court doth further adjudge order and decree
that a Commissioner of this Court take and set-
tle at his office and report to Court an account
of the Claim of said John Murray shewing
the payments, if any, on account thereof and
the balance thereof now due and unpaid.

A Copy.

Teste,

Peter B. Prentis. Clerk.

Costs

Clerk - $15.21

Atty - 31.50

Sh'ff - 1.50

$48.21

Xmas

John. Murray & wife

Vs. } Copy Decree

Henry Austin & wife &c

Sold for 230.25

to W. L. Douglass

Pavement Bill $19.52

Int. from 1 Oct 1875

Printing 6.50

Stamps 1878 3.68

Item do. " .

Auctioneer 5.00

Costs of suit 33.21

Comm. on sale

HOUSE AND LOT

FOR SALE!

On Main Street, Suffolk, Va.

By authority of a decree of the Circuit Court of Nansemond county, Virginia, pronounced at the April term thereof in the year 1878, in a cause in chancery in said court depending between John Murray and others, plaintiffs, and Henry Austin and others, defendants, I shall offer for sale at public auction, before the Courthouse door of said county, on the

11th Day of November, 1878,

(being County Court day), that desirable piece of property known as the

"AUSTIN HOUSE AND LOT,"

situated in the town of Suffolk, Va., on the east side of Main street of said town, north of the Seaboard and Roanoke Railroad, and bounded on the north by the property of John P. Johnson, on the east by a branch, on the south by the property of Juliana Wood, and on the west by said street.

This property for sale is located in a pleasant part of the town of Suffolk for a residence, and parties desiring a good lot to build upon should examine the same. The house on it can be made, with little outlay, a comfortable home for a small family.

TERMS: Enough of the purchase money to pay costs of said suit and expenses of sale will be required in cash, and for the residue the purchaser will give bond with good personal security, waiving benefit of Homestead, and payable 6 months after date, with interest from day of sale. Title will be retained until further order of Court.

WILBUR J. KILBY,

GEO. T. PARKER, Auctioneer. SPECIAL COMMISSIONER.

October 9, 1878. Suffolk Herald Cheap Job Print.

To the Circuit Court of Nansemond County, Virginia.

In pursuance of a decree of said Court pronounced at the April Term thereof, in the year 1878 in a cause in Chancery in said Court depending between John Murray & wife, Plaintiffs, and Henry Austin and others, Defendants: a copy of said decree being hereunto annexed; the undersigned, appointed Special Commissioner for the purposes named in said decree, respectfully reports to Court that on the 9th. day of October 1878, he advertised the real estate described in said decree for sale as directed by said decree and on the 11th. day of November 1878 at public auction before the Court House door of said County, did sell said real estate on the terms and conditions named in said decree, the sale having been previously advertised once a week for three successive weeks in the "Suffolk Herald", a newspaper, published in the Town of Suffolk, Va. and by printed notices posted in and about said Town for twenty days, and that at said sale W. L. Daughtrey became the purchaser of said real estate, he being the highest bidder, at and for the ~~price of~~

(over)

full value thereof, to wit, for $230 25
Of which he paid in cash $97.93.
To paid P. B. Prentis, Clerk's costs, per rect $ 15 21
" " John L. Fulgham, sheriff " 1 50
" " Wilbur J. Kilby, Atty. taxed fee " 31 50
" " Geo. T. Parker auctioneer " 5 00
" " State Taxes for 1878 " 3 68
" " Thos. G. Elam for printing advertisements of sale. " 6 50
" " Ro. R. Smith, Collector of Town of Suffolk in full of bill for pavement in front of the property sold for which it was bound, per rect. - 23 03
" 5 per cent Comn. on $230.25. 11 51 $ 97 93

Balance $ 132 32

To Bond of W. L. Daughtrey with John F. Pinner security dated the 11th. day of November 1878 and payable six months after date with interest from date, filed herewith, for = $ 132 32

Respectfully submitted this 22nd. day of November 1878.

Wilbur J. Kilby
Special Commissioner.

1878 Nov. 22nd, Received of Wilbur J. Kilby Comr. the respective sums of money charged as paid to us in the foregoing Report and set opposite our names as follows:

Peter B. Prentis. Clerk - costs	$	15 21
J. L. Fulgham Sheff		1 50
Wilbur J. Kilby. Atty. taxed fee	$	31 50
Geo L. Parker Auctioneer		5 00

Murray & wife

vs. } Chy.

Henry Austin & al.

Report of Sale

22 Nov. 1878

1878 Nov: 30th: Filed
clk:

1879 May 1st. Received of D. B. Pruty, Clerk of the Circuit Court of Chautauqua County the Bond for $132.32 given by M. L. Daughtry with Henry A. Austin as security, and described in the Report of Referee herein, a copy of which Bond is hereto annexed.

Insurance of a deed to the April Term hereof, 1879, in the matter entitled herein, for execution.

William A. Kelly
Commissioner

At a Circuit Court continued and held for Nansemond County, the 15th. day of April, 1878.

John Murray and Catharine L. his wife . . . Plaintiffs.

Against } In Chancery

Henry Austin and Nancy, his wife, Peter B. Prentis, Trustee, and Mary Pauline Austin and Loula Henry Austin: the last two, infants, under the age of twenty-one years. . . . Defendants.

"And the Court doth further adjudge, order and decree, that a Commissioner of this Court, take and settle at his Office, and report to Court, an account of the claim of said John Murray, shewing the payments, if any, on account thereof, and the balance thereof, now due and unpaid."

Extract.

Teste,

Peter B. Prentis. Clerk

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, Va.

6 August 1878

To John Murray and Catharine L. his wife ——— Plaintiffs,

and Henry Austin and Nancy his wife, Peter B. Prentis, Trustee and Mary Pauline Austin and Lulie H. Austin, the last two infants under the age of twenty-one ——— Defendants.

You are hereby notified that I have fixed upon the 4th day of September next, to take and settle, at my office, the following accounts, to-wit:

An Account of the claim of John Murray against said Henry Austin and wife, shewing the payments on account thereof and the balance thereof now due and unpaid

required to be taken by the decree of Nansemond County Circuit Court, rendered on the day of April 1878 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Wilbur J. Kilby
Comr. in Chancery

1878 August 6th. Service of the within notice is hereby acknowledged

John R Kelly atty. for the Plaintiffs and for the defendants Henry and Nancy Austin

Peter B. Prentis, Trustee

Peter B. Prentis, Guardian ad Litem for the infant defendants

To the Circuit Court of Nansemond County, Virginia.

In pursuance of a decree of said Court pronounced at the April Term thereof in the year 1878 in a cause in Chancery in said Court depending between John Murray and wife, Plaintiffs, and Henry Austin and wife and others, Defendants, an extract from said decree being hereunto annexed; the undersigned, Commissioner in Chancery of said Court, having given notice to the parties to said Cause as will appear by the endorsations on the notice hereunto returned, proceeded on the 4th. day of September 1878, to take and settle at his office an account of the claim of said John Murray against said Henry Austin & wife, shewing the payments, on account thereof and the balance thereof now due and unpaid, as required by said decree, as said extract thereof will shew, and now respectfully reports the result of the proceedings as follows;

An Account of the claim of said John Murray against said Henry Austin and wife.

Account of debt due to said John Murray by said Henry Austin & wife is		$ 106 04
Interest from 5 April 1872 to 1 Mar. 1878 - 5 y. 11 m. 26 ds.	$ 38 12	
Credit paid 1 Mar. 1878	14 63	$ 23 49
Bal. due		$ 129 53

with interest on $106.04 part thereof from 1 March 1878 till paid.

Respectfully submitted this 6th. day of September 1878

Wilbur J. Kilby
Comr. in Chancery

Comrs' fee $8.00

Murray

vs } In Chy.

Austin & als.

Report of debt

6 Sept. 1878

1878. Septr: 19th: Filed.

Clk:

Mr Jno. Murray

1875	To Clerk Nansemond Cir Co	5
Feby	To Sheriff Austin 1st Co 75	$1 75

W E Cochran clk

Murray Jno

$1.75

Prentis

Mr. Jno Murray & Catharine L. his wife

To W. E. COHOON, CLERK

187 4 NANSEMOND Circuit COURT, Dr.

Dec	20 subpa dy v Austin 25 - Co 25		50
	at 10 mod 36 pm 25 bill 15 miles 1 ea		1 86
	ret		35 -
			$2 71
	" Copy deed for exhibit		75 -
			$3 46
			1 75
			$5 21

W E Cohoon

Murray Jno Esqr

$3.46
1.75
5.21

To be charged to
The Hunter Case

THOS. G. ELAM. Largest Circulation of any Paper in Nansemond. Isle of Wight, Southampton and Gates Co's. E. E HATHAWAY.

Suffolk, Va., _____ 187

M A L. Turlgham

To "Suffolk Herald," Dr.

Newspaper and Job Printing Establishment,

WASHINGTON SQUARE, NEAR MAIN ST.

1876

Feb	8	25 Bills Murrays Lot	75
May	13	200 Receipts for Summons	1 50
			2 25

Rec'd Payment
Elam & Hathaway

Mrs Nancy Austin County Suffolk,

1874. *To WM. ELEY, Treasurer of Nansemond County.*

	Dols.	Cts.
To State Tax on 1 ~~40 acres~~ land, value $ 423 at 50 cts. on $100...	2	13
To State Tax on Personal Property, value $ at 50 cts. on $100.....		
Total State Tax.....	2	13
To County Levy, 50 per cent. on State Tax.....	1	7
To Parish Levy, 10 per cent. on State Tax.....		21
To County and District School Tax on Property, 6 cts. on $100.....		26
State and County Capitation Tax.....		
Clerk's fees.....		
Commissioner's fees.....		
Sheriff's Fees.....		
Total Tax on all subjects.....	3	47
December 1st, five per cent. added.....		

RECEIVED PAYMENT, of Wm Eley

Treasurer.

F H Lewis *Collector.*

Mrs Nancy Austin

$3.47
18
$3.85

Mrs Nancy Austin Town of Suffolk,

1875. To WM. ELEY, Treasurer of Nansemond County.

	Dols.	Cts.
To State Tax on 1 [illegible] acres land, value $ 400 at 50 cts. on $100	2	00
To State Tax on Personal Property, value $ at 50 cts. on $100		
Total State Tax on Land and Property	2	00
To County Levy, 50 per cent. on State Tax	1	00
To Parish Levy, 25 per cent. on State Tax		50
To County and District School Tax on Property, 6 cts. on $100 400		24
State Capitation $1, County Capitation 50 cts		
Clerk's Fees		
Commissioner's Fees		
Total Tax on all subjects	3	74
December 1st, five per cent. added		19
	3,	93

RECEIVED PAYMENT

Wm Eley

Treasurer.

Deputy.

Nancy Hanks

3.14
1 2
3 4 3
1

Suffolk.

Mrs Nancy Newsum (widow) District No. 1,

1876. *To WM. ELEY, Treasurer of Nansemond County.*

	Dols.	Cts.
To State Tax on 160 acres Land, value $ 100, at 50 cts. on $100...	2	00
To State Tax on Personal Property, value $, at 50 cts. on $100...		
Total State Tax on Land and Property.....	2	00
To County Levy, 50 per cent. on State Tax.....	1	00
To Parish Levy, 20 per cent. on State Tax..		40
To County and District School Tax on Property 6¼ cts on $100.....		25
State Capitation $1, County Capitation 50 cts.....		
Total Tax on all subjects.....	3	65
December 1st, five per cent. added..		

RECEIVED PAYMENT.

Wm Eley

3.65

, Treasurer.

THOMAS A. HOWELL,
Assessor.

....., Deputy.

Nancy Austen (Trust.

$3.65
18
3.83

13.00
5.6
7.42

Mrs. Nancy Austin's Estate

1876. **To TOWN OF SUFFOLK, Dr.**

1st Feb'y.—To Tax on 4 00 Real Estate, at 33⅓ cts. per $100 valuation,	$ -	1 33
" " " Personal " " " " " " " "		
" Capitation, at 50 cts. each, - - - - - - - - -		
" Dogs, at $1 each, - - - - - - - - -		
	1	33

RECEIVED PAYMENT.

E K Rawls Sergeant.

Mrs Nancy Austins' Trustee

1877. **TO TOWN OF SUFFOLK, DR.**

15th Feb.—To Tax on $ 400 Real Estate at 33⅓c. pr. $100 value.....	1	33
" To Personal Property, at 33⅓c. pr. $100 value.....		
" To Capitation, at 50c.....		
" To Dogs, at $1.00 each.....		
" To School Tax, at 10c pr. $100 value		
	$ 1	73

Received Payment,

F H Rawls

Sergeant.

Nancy Austin Trust

#1.33

1877 Feby 12 Window Glass 60
" Putty 10
" Cutting do Nails 50 1.20

Suffolk, Va., ... 187

M .....

To "Suffolk Herald" Dr.

Newspaper and Job Printing Establishment,

WASHINGTON SQUARE, OVER COMMERCIAL BANK.

Nov 10 adv Murray lot 1 in Times	2 00
25 Hand Bills for same	1 00
	3 00

Rec'd Payment
Elam Campbell

Mrs. Nancy Austin Suffs (Trustee), District No. 1,

1877. *To WM. ELEY, Treasurer of Nansemond County.*

	Dols	Cts.
To State Tax on 1 lot ~~acres~~ Land, value $ 400 at 50c. on $100.....	2	00
To State Tax on Personal Property, value $ at 50c. on $100.....		
Total State Tax on Land and Property.....	2	00
To County Levy, 50 per cent. on State Tax.	1	00
To Parish Levy, 20 per cent. on State Tax.....		80
To County and District School Tax on Property 6¼ cts. on $100.....		25
State Capitation $1, County Capitation 50 cts.....		
Total Tax on all subjects.....	3	75
December 1st. five per cent. added.....		19
	$ 3	94

RECEIVED PAYMENT,

Wm Eley, *Treasurer.*

THOMAS A. HOWELL, *Assessor,*

, *Deputy.*

Mrs. Nancy Austin (Jones

£ 3.7s –

Murray &c.
vs. } Chy.
Austin

Vouchers filed with
Jno. L. Fulgham's
Report
12 April 1878

1878 Mar. 1. Received of John L. Fulgham Sheriff fourteen dollars and sixty three cents in part of claim of $106.04 due Jno. Murray by Nancy Austin – paid under decree of Court.

$14.63

Wilbur J. Kelly
Atts.
for John Murray

At a Circuit Court held for Nansemond County
The 3th: day of February 1875.

John Murray and Catharine L. his wife. Plaintiffs

Against } In Chancery

Henry Austin and Nancy his wife,
Peter B. Prentis, Trustee, and Mary Pauline
Austin and Loula Henry Austin the
last two infants under the age of
twenty-one years. Defendants.

This cause came on this day to be heard on
the Bill Taken for confessed, as to the adult
defendants, on whom process had been duly served
they still failing to appear and plead: on
the answer of the infant defendants, by their
guardian ad litem assigned to defend them
in this suit: general replication thereto and
exhibits filed, and was argued by counsel, on
consideration whereof the Court doth adjudge
order and decree, that John L. Fulgham, Sheriff
of the County of Nansemond do take possession of
the House and Lot in the bill and proceedings
mentioned and rent out the same from year
to year at Public Auction or by private con-
tract, as he may think proper, for the best
price to be obtained therefor and that he do
collect the said rent monthly, and pay out
the net proceeds thereof, after first paying
the costs of this suit, to John Murray, the

Plaintiff until the balance of his debt of $106:04¢ with legal interest thereon from the 27th: day of April 1872 has been paid. And the said John L. Fulgham, Sheriff as aforesaid is directed to make a report of his transactions under this decree to the Court:

A copy,
Teste.

Peter B. Prentis. Clerk

x mil

Mercury 4x7
4 & Harper Decree
Austin Tex

To the Circuit Court of Nansemond County, Virginia:

In pursuance of a decree of said Court pronounced at the February Term thereof in the year 1875 in a cause in Chancery in said Court depending between John Murray and Catharine, his wife, Plaintiffs, and Henry Austin and others, Defendants, a copy of said decree being hereunto annexed; the undersigned, Sheriff of said County, proceeded to take, and did take, possession of the house and lot described and mentioned in the Bill and proceedings in said cause and has undertaken ever since to rent the same to some tenant, from whom he could obtain the highest price; that at times he has been unable to secure any tenant at all; that at others he has been able to secure tenants, from some of whom, on account of their great poverty, he has been able to collect only part of the rent and from others, no part of it; that said house and lot are not desirable, the house

being small, and dilapidated and very much out of order, needing repairs; that none but very few tenants can be secured to occupy a house and lot of its kind; that it is fast depreciating in value and can hardly be rented at all; that the entire rent, that may be secured, is but little more than sufficient to pay the taxes on the house and lot; that, therefore, sufficient money cannot not be had by renting the place out, to reduce the debt due to said John Murray and specified in said decree; that said debt can never be paid by rent of the place, the surplus thereof after payment of taxes and necessary expenses being not sufficient to pay the interest on said debt; that said debt can only be paid by a sale of said property and the application of the proceeds of the sale in payment thereof; that said debt is yet but a little less than $106.04. as specified in said decree, upon which interest is due from 5th. day of April 1872; that the following is a statement

showing the amount of rent received by the undersigned for said house & lot since the same came into his possession, and the disposition thereof which he has and the balance in his hands, & paid to said John Murray in part of said debt:

1876 Dec. 31	By rent for the year 1876,			$ 9	00
1877 Dec. 31	" ditto for the year 1877			33	00
1878 Mar. 1	" ditto to date for 1878			5	00
	To paid taxes for 1874, 1875, 1876 & 1877, per rect	$ 18	36		
	" " for advertising house & lot for rent "	5	25		
	" " Clerk's fees "	5	21		
	" " for repairs on the house "	1	20		
	" 5 per cent comm. on $47.	2	35		
	" Bal. in hands of Jno. L. Fulgham	14.	63		
		$47	00	$47	00
1878 Mar. 1	By Bal. in hands of Jno L. Fulgham, brought on			$ 14	63
	To paid John Murray in part of his claim of $106.04. per said decree.			14	63

The undersigned further reports that he received no rent for the year 1875, as the property had been rented out for that year, before it came into his possession, to a tenant who occupied it all that year and from whom the undersigned was able to collect nothing.

The undersigned further reports

Murray Sufe

vs. Chy.

Austin Tals.

Report of receipt of sent &c by Jno. L. Fulgham Shff.

2 Apl. 1878

1878. apl: 2 nd. Filed.
clk

That Hofeesimple value of said property is $ 350.00 as appears by the Assessors Book.

Respectfully submitted this 2nd. day of April 1878.

John L Fulgham Shff

Murray Wife
vs.
Austin Sal.

This cause came on this day to be again heard on the Papers formerly read herein and on the Report of Special Commissioner, Wilbur J. Kelly, being a Report of sale of real estate, made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1878 in this cause and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that said Commissioner, Wilbur J. Kelly receive of the Clerk of this Court (who is ordered to deliver to him and take a receipt of him for) the Bond of W. L. Daughtrey, with John F. Pannier as security, for $132.32 filed with said Report, and dated the 11th. day of November 1878 and payable to said Commissioner six months after the date thereof with interest from date, and that said Commissioner collect the sum-

cipal of said Bond at its maturity together with all interest due thereon and with the proceeds pay first all unpaid costs and expenses of this cause, and then pay to John Murray the Plaintiff in this cause, the sum of $129.53 with interest on $106.04 part thereof from the first day of March 1878 till paid being the debt due to him as ~~Reported~~ appear by Commissioner Wilbur J. Kilby's Repat thereof filed in said cause on the 19th day of September 1878 and the surplus, if any, retain until the further order of Court, and that said Commissioner take of said John Murray a receipt for the money which may be paid to him as aforesaid and file the same with his Repat which he will make of his proceedings under this decree.

And the Court doth further adjudge, order and decree that the said Commissioner, Wilbur J. Kilby, make to the said W. L. Daughtrey a deed with special warranty in the usual form for conveying to him the real estate purchased by him under pro-

ceedings had ~~in~~ in this cause

Murray
vs. } In chy.
Austin

Nansemond County
Circuit Court
April Term 1879

Decree

To be entered

Geo Bloxom

Entered O.B. No. 1 - p. 435.

Filed

Murray
vs.
Austin & als.

It being suggested to the Court that since the institution of this suit the said Mary Pauline Austin has married one James H. Nelson, on motion of the plaintiffs by counsel it is ordered that his name be inserted in the subsequent proceedings herein and that this cause be hereafter prosecuted in the name of said James H. Nelson and Mary Pauline his wife as two of the parties defendant.

And this cause came on this day to be again heard on the papers formerly read thereon and on the Report of Commissioner, Wilbur J. Kelby, being a Report of the claim of the Plaintiff, John Murray, made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1878, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception is filed and doth order that this cause be, ~~continued~~ and

Murray

vs. 3 chy.

Austin Sals.

Nansemond County

circuit Court

October Term 1878

Decree

To be entered

Geo. Bloxs.

Entered O. B. No 1- p. 405

the same is hereby continued.

Murray & wife,

vs.

Austin & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of John L. Fulgham, Sheriff made in pursuance of a decree of this Court pronounced in this Cause at the February Term thereof in the year 1875 and was argued by counsel. On consideration whereof the court doth confirm the said Report to which no exception has been filed, and doth adjudge order and decree that Wilbur J. Kilby, who is hereby appointed a special Commissioner for that purpose, proceed to sell at public auction before the Courthouse door of Nansemond County, Virginia on some Courtday, that piece, parcel or lot of real estate, known as the Austin Lot, situated in the Town of Suffolk Nansemond County, Virginia, on the East side of Main Street of said Town and bounded on the North by the

property of John P Johnson (formerly that of said John Murray), on the East by a branch, on the South by the lot of Juliana Wood (formerly that of Mrs Mary Riddick), and on the West by said Main Street, being the same lot which was formerly owned by said John Murray and which was conveyed by him and his wife to Peter B Prentis Trustee for the benefit of Nancy Austin by deed, dated the 30th day of September 1869 and duly recorded. That said Commissioner proceed to sell said lot of land on a credit of six months, except as to a sufficient part of the purchase-money to pay the expenses of the sale and costs of this suit which he will require in cash and apply in payment of said costs and expenses, and that he take of the purchaser of said lot, a Bond for the residue of said purchase-money with good personal security, payable to himself, said Commissioner, six months after date with interest from

date and bearing date on the day of sale, and that said Commissioner retain the title to said property until the further order of Court.

And said Commissioner before proceeding to make said sale will advertise the day of sale and the terms thereof and the property to be sold, once a week for three successive weeks in a newspaper published in the Town of Suffolk Va. and by printed Notices posted at various Conspicuous places in and about said Town for at least twenty days previously to said sale. And said Commissioner also before proceeding to make said sale will execute before the Clerk of this Court in his office, a Bond in the penalty of $500 with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause. and make report to Court of his proceedings under this decree. And the Court doth further adjudge

order and decree that a Commissioner of this Court take and settle at his office and report to Court an account of the claim of said John Murray shewing the payments, if any, on account thereof and the balance thereof now due and unpaid.

Murray Surfe
vs.
Austin Lals.

Mississippi County
Circuit Court
April Term 1878

Decree
To be entered

Geo. W. Sloan

Colleted C.B. No. 1 p. 397

John Murray and Catharine L. his wife
against } Rough Decree — Feb: Term 1871 =
Henry Austin and Nancy, his wife,
Peter B. Prentis, Trustee, and
Mary Pauline Austin and Loula
Henry Austin: the last two infants,
under the age of Twenty = one years.

This Cause came on this day to be heard on the Bill
taken for confessed as to the adult defendants, on
whom process had been duly served: they still failing
to appear and plead: on the answer of the
infant defendants, by their guardian ad litem,
assigned to defend them in this suit, general
replication thereto and exhibits filed, and
was argued by Counsel: On consideration whereof
the Court doth adjudge, order and decree, that John
L. Fulgham, Sheriff of the County of Nansemond
do take possession of the House and Lot, in
the Bill and proceedings mentioned, and
rent out the same from year to year, at Public
Auction or by private contract, as he may
think proper, for the best price to be
obtained therefor = and that he do collect the
said rent monthly, and pay out the net
proceeds thereof, after first paying the costs
of this suit, to John Murray, the Plaintiff,
until the balance of his debt of $106:04 with
from the 5th day of June 1872
legal interest thereon, has been paid. And the
said John L. Fulgham, Sheriff as aforesaid,
is directed to make a report of his transactions under the decree

John Murray Esq:

v. Queen
Feb. Term 1875

Henry Austin Esq:
Sale

To be entered.

Geo. Wood.

Entered

Murray & al.
vs.
Austin & al.

This cause came on this day to be again heard on the papers formerly read therein and on the report of Special Commissioner Wilbur J. Kelby, being a Report of the collection and payment of money, made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1879 in this cause and was argued by Counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed 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 thereto, and nothing more remaining to be done therein doth order that this cause be removed from the docket.

Murray wife

vs. } In Chy.

Austin Sal.

Nansemond County
Circuit Court
October Term 1879
Final decree
To be entered.

Geo. T. Sloan, C.C.

Entered O. B. No-1
p. 446

The joint and several answer of Mary Pauline Austin and Louise Henry Austin, infants, under the age of twenty-one years, by Wm. E. Cobbs, their guardian ad litem, assigned to defend them in the suit to a Bill exhibited against them and others, by John Murray and Catharine L. his wife, in the Circuit Court of Nansemond County.

These Respondents say, that they are infants, and ignorant of their rights, in the premises, and hence submit the same to the Court, and pray that no order or decree may be made in the premises, prejudicial to them.

(Signed)
W. E. Cobbs
Guardian ad litem

Murray Lucy

Ext of Answer of Defendant

Austin Lee

Whereas John Murray and Catharine L. his wife, by Deed of Bargain & Sale, dated the 30th day of September 1869, and of record in the Clerk's Office of Nansemond County Court, the 2nd: day of October 1869, did grant unto Peter B. Prentis, Trustee, for the sole and separate use, benefit and advantage of Nancy Austin, wife of Henry Austin, free from the debts, contracts and control of the said Henry Austin, the following Real Estate, situate, lying and being in the lower part of the Town of Suffolk, in the County of Nansemond, to wit: The House and Lot and appurtenances, situated on the East side of Main Street of said Town, and bounded on the North by the other property of the said John Murray: on the East by a branch: on the South by a lot of Mrs: Mary Riddick, and on the West by said Main Street - with power to the said Peter B. Prentis, whenever requested by the said Nancy Austin to sell and convey the same, and with power and authority also to said Nancy Austin, by Will, duly made and executed to dispose of the same: And Whereas the said Nancy Austin hath requested the said Peter B. Prentis to convey the said Real Estate in the manner and upon the terms and conditions hereinafter mentioned: This Deed Therefore made, this 1st: day of March, A.D. 1872, between the said Peter B. Prentis, Trustee as aforesaid, of the one part, and the said Nancy Austin, Henry Austin, Mary Pauline Austin and Loudie Henry Austin (the said Mary Pauline and Loudie Henry Austin, being the Children of the said Nancy and Henry Austin) of the second: Witnesseth, that the said Peter B. Prentis, Trustee, as aforesaid, in consideration of the sum of One Dollar, and by and with the consent of the said Nancy Austin, testified to by her signing and

sealing this Deed, doth grant, with special warranty, the Real Estate hereinbefore mentioned and described, unto the said Nancy Austin, Henry Austin, Mary Pauline Austin and Loulie Henry Austin, to be held, used and enjoyed by them in the following manner: First: To the said Nancy Austin and Henry Austin, for and during the term of each of their natural lived: free from the debts or contracts of the said Henry Austin now existing or hereafter created. Secondly: After the death of the said Nancy Austin and Henry Austin, to pass and descend, in fee-simple to the said Mary Pauline Austin and Loulie Henry Austin, share and share alike, their heirs and assigns forever— provided, however, that if either the said Mary Pauline Austin or Loulie Henry Austin, should die under the age of twenty-one years, the share of such deceased one, shall pass and descend, in fee-simple, to the survivor of them, her heirs and assigns forever.

Witness the following signatures and seals.

Peter B. Prentis Trustee (Seal)

Nancy H. Austin (Seal)

St. Int. Rev. Stamp
P.B.P. 1872. March 1 5¢

In the Clerk's Office of Nansemond County Court, April 3d 1872.
This Deed of Trust was acknowledged by Peter B. Prentis, Trustee, and Nancy H. Austin, and thereupon admitted to record, the requisite Internal Revenue stamps of 5 & 2 Fifty cents being affixed and cancelled.

Teste,

Willis E. Cohoon Clerk.

A Copy: Teste,

W. E. Cohoon clk.

Peter B. Prentiss, Trustee

To Copy Deed

Nancy Austin Fol:

Exhibit

" "

(B)

2

This Deed, made this 30th. day of September A.D. 1869. between John Murray and Catharine L. his wife of the one part, and Peter B. Prentis, Trustee, for Nancy Austin, wife of Henry Austin, of the other part: all, parties of Nansemond County, Virginia, Witnesseth, that the said John Murray and Catharine L. his wife, in consideration of the sum of Four hundred and thirteen dollars (Fifty dollars of which being now paid in cash to the said John Murray, the receipt of which he hereby acknowledges, and Three hundred and sixty-three 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 Nancy Austin, 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, situated on the East side of Main Street of said Town, and bounded on the North by the other property of the said John Murray, on the East, by a branch, on the South, by a lot of Mrs: Mary Riddick, and on the West, by said Main Street: being a part of the property purchased by said John Murray of Washington L. Riddick, assignee of James S. Browne, bankrupt, as will more fully appear by reference to Deed from said Washington L. Riddick to said John Murray: and which said property now sold is to be held by the said Peter B. Prentis, as Trustee for the said Nancy Austin, for her sole and separate use, benefit and advantage, free from the debts, contracts and control of the said Henry Austin, her husband, and with power to the said Peter B. Prentis whenever requested by the said Nancy Austin, to sell and convey the same, and

with power and authority also to said Nancy Austin by Will, duly made and executed to dispose of the same. The said John Murray 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, free from all encumbrances (except as 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 John Murray, shall by virtue hereof, retain a lien upon the said property to secure the payment of the sum of three hundred and sixty-three dollars, the balance of the purchase money aforesaid, to be paid on the 1st: day of January A.D. 1871. with interest from this 30th: day of Sept: 1869.

Witness the following signatures and seals.

John Murray. (Seal)

Catharine L. Murray (Seal)

Peter B. Prentis, (Trustee) (Seal)

50c: int. Rev: Stamp
J. M. 30th Sept: 1869

State of Virginia
Nansemond County, to wit

We, John M. Hall and George W. Singleton, Justices of the Peace for the County aforesaid, in the State of Virginia, do certify, that John Murray and Peter B. Prentis, Trustee, whose names are signed to the foregoing writing, bearing date on the 30th of September 1869, have acknowledged the same before us in our County aforesaid. And we do further certify that Catharine L. Murray, the wife of the

said John Murray, whose name is likewise signed to the foregoing writing, bearing date as aforesaid, personally appeared before us in our County aforesaid, and being examined by us privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said Catharine L. Murray, 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 our hands, this 30th: day of September, A.D, 1869.

Jno. M. Hall J.P.

G.W. Singleton. J.P.

In the Clerk's Office of Nansemond County Court, the 2nd: day of October 1869.

This Deed was received, and with the Certificate written thereon, admitted to record. (The requisite stamps of 50c having been affixed and cancelled.)

Teste,

Peter B. Prentis. D.C.

A Copy:

Teste,

Peter B. Prentis. Clerk

Nansemond Office
May 18th: 1870

John Murray & wife

To } Copy Deed &c

Peter B. Prentis, Trustee
for Nancy Austin, wife
of Henry Austin.

Exhibit

(a)

To the Hon: George Blow, Circuit Court Judge for the County of Nansemond, State of Virginia:

Complaining, respectfully shew unto your Honor, your Complainants, John Murray and Catharine L, his wife: That on the 30th: day of September, A.D. 1869, by their Deed, dated that day and duly recorded on the 2nd: day of October, A.D. 1869, your Complainants in consideration of the sum of $413:00, did convey unto Peter B. Prentis, the Trustee named in said Deed, for the separate use, benefit and advantage of Nancy Austin, and free from the debts, contracts and control of her husband, Henry Austin, certain Real Estate in the Town of Suffolk, in said County and State, described in said Deed as a House and Lot and appurtenances, situated on the East side of Main Street of said Town, and bounded as set forth in said Deed: that a portion of said $413:00 to wit $50:00 was paid in Cash; and that a Lien upon the said property was retained in said Deed to secure the payment of the residue of the said $413, to wit: $363:00, on the 1st: day of Jany: 1871, with interest thereon from the 30th day of September 1869, as will appear by a certified Copy of said Deed, filed herewith as a part of this Bill, and marked ("A")

And your Complainants further represent and shew unto the Court, that on the 1st day of March, A.D. 1872, the said Peter B. Prentis, Trustee as aforesaid, by his Deed, dated that day, in consideration of the sum of One Dollar, and by and with the consent of the said Nancy Austin, as evidenced by her signature to said last mentioned Deed, did convey the said Real Estate, unto the said Nancy and Henry Austin as

to Mary Pauline Austin and Louis Henry Austin, infants, subject to the said lien or Mortgage, to be held, used and enjoyed by the said Nancy and Henry Austin during the term of each of their natural lives, and after their death, respectively, to pass and descend, in fee simple, to the said Mary Pauline and Louis Henry Austin, infants, as aforesaid, as will appear by a certified Copy of said last mentioned Deed filed herewith as a part of this Bill and marked ("B.").

And your Complainants further represent and shew unto the Court, that of the said sum of $363:00, the residue of said purchase money, the following sums have been paid, at the Times mentioned, in the following Statement to wit: On the 1st day of February 1870. $25:50.

On the 1st day of January 1871. $163:72

On the 5th day of April 1872 $105:00

leaving the sum of $106:04c with legal interest thereon from the 5th day of April 1872, till paid, still due, which the said Henry Austin and Nancy Austin refuse to pay.

In Consideration whereof, your Complainants, being without remedy, save in a Court of Equity, pray that the said Henry Austin and Nancy his wife, and Peter B. Reed, Master, and Mary Pauline and Louis Henry Austin may be made parties defendant hereto, and be required to answer on oath the allegations herein set forth: the adults in their proper persons, and the infants by their guardian ad litem to be appointed by them, by the Court: That by a Decree to be entered herein, the said

property may be sold for the highest price attainable, and the rent, and profits applied towards the payment of the said sum of $1060.00 with interest thereon as aforesaid still due and unpaid: or if the rents and profits should not be sufficient within five (5) years to pay said last mentioned sum of money, that a decree may be entered herein, directing a foreclosure of the said lien or mortgage retained in said first mentioned Deed to secure the residue of said purchase money, that the said property may be sold, and the proceeds of the sale applied as above; And that all further and adequate relief may be granted, consistent with equity. And your Complainants, as in duty bound, will ever pray &c.

Peter B. Prentiss Jr. Q.

Peter B. Pendleton Esq

John Murray Esq:

Dr. & Bell

Henry Austin Esq:

(Hanseman's Cir: Co)

Murry wife

v

Chy Notes

Mc Cutchins & al

1875 Jany 2. Procs issued & Jany Rules

" " Rules (1st Monday) Procs retd executed as to adult Bill filed and decree nisi vs all adult dfts; W E Cohoon appt'd gdn ad litem for infants; Ans of Infant dfts filed & cause set for hearing as to them,

1875 Jany last Monday Rules, Bill pc. & cause set for hearing as to adult dfts,

1875 July Term Decree to sell & hearing

" Oct: 13th Continued

1876 Apl: 12th. Continued

" Octo: 12th Continued

1877. Apl: 14th Continued [redacted]

" Octo: 18th. Continued

1878. Apl: 2. Report filed

" " 15th: Decree for Sale

" Sept 10th: Comm'r's Sale's Bond executed & filed

" Sept: 17th Report filed

" Octo: 11th Decree directing cause to be heard hereafter, in term & Release up, as to the parties defts, reserving right to Continue

" Nov: 30th Report of Sale filed

1879. Apl: 11th Decree to collect by notice

" May 14th Report of Collection & payment filed

Chy Notes